



STATE OF TENNESSEE  
DEPARTMENT OF COMMERCE AND INSURANCE  
TENNESSEE STATE BOARD OF COSMETOLOGY  
500 JAMES ROBERTSON PARKWAY  
NASHVILLE, TN 37243  
615-741-2515

## MINUTES

The Tennessee State Board of Cosmetology Held a meeting August 5, 2013 at 9:00 a.m. in Nashville, Tennessee.

The following members were present: Linda Colley, Chairman, Nina Coppinger, Vice Chairman, June Hucceby, Muriel Smith, Rufus Hereford, Pearl Walker-Ali, Judy McAllister and Mona Sappenfield.

Other present were: Roxana Gumucio, Executive Director, Rachel Powers, Program and Policy Director, Robert Herndon, Attorney for the Board, Hosam William, Paralegal and Betty Demonbreun, Administrative Assistant.

The 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 June 24, 2013 board meeting were submitted for changes and/or approval.

Changes requested by the Board members and approval of June minutes to be tabled until the next Board meeting in October 7<sup>th</sup>, 2013.

### NEW BOARD MEMBER-

Ms. Mona Sappenfield was introduced as new Board member. She is the owner and president of Mona Spa and Laser and has been a licensed Aesthetician for over 30 years.

### APPEAR BEFORE THE BOARD-

#### **Rhoda Smith, K.I. Academy – Update School Application**

A school application has been received from K.I. Academy to be located in Henderson, Tennessee. The owner is Rhoda Smith. A surety bond, the floor plan, twenty (20) school

applications and the licensure fee have been received and all are provided. The owner has decided to charge for the program and a full agreement is included. Also, the school will start out simple and possibly add Aesthetics and natural hair in the future. She has hired more instructors as suggested. Ms. Smith previously appeared before the Board in June and the Board requested she provide the additional information submitted today in order for the Board to consider her application for approval.

Recommendation – To send an inspector and board member for completion of opening inspections for new school licensure approval.

MOTION made by Nina Coppinger seconded by Pearl Walker-Ali to approve the school application. Motion carried unanimously.

### **Misty Pina, Sweetwater Institute of Cosmetology – New School**

A school application has been received from Sweetwater Institute of Cosmetology to be located in Sweetwater, Tennessee. The owner is Misty Pina. A surety bond, the floor plan, twenty (20) school applications, school hours, curriculum and the licensure fee have all been received and all are provided. The floor plan was confusing and not to scale.

Recommendation – To resubmit a detailed floor plan and then send inspector and board member.

MOTION made by Pearl Walker-Ali seconded by Judy McAllister to resubmit a complete floor plan to scale. MOTION made by Mona Sappenfield and seconded by Pearl Walker-Ali to give Roxana Gumucio the authority to review and approve floor plan and send inspectors once requirements are met. Both Motions carried unanimously.

### **Virginia Lewis, Jenny Lea Academy of Cosmetology – School Expansion**

A school expansion request has been received from Jenny Lea Academy of Cosmetology located in Johnson City, Tennessee. A letter is provided explaining the need for more space to better serve the students. Also included is a floor plan, and several photos of the new area. The inspector had a chance to view the new space and sent in a map showing the parking lot, old building and new building.

Recommendation – Send an inspector to complete the inspection of the new area.

MOTION made by Rufus Hereford seconded by Mona Sappenfield to approve the school application. Motion carried unanimously.

### **State Representative Antonio Parkinson – Senate Bill B109**

Representative Parkinson explained the process that Senate Bill 39 took and explained his thoughts on Cosmetology industry moving forward.

## **SCHOOL APPLICATIONS-**

A school name change request has been received from Institute of Hair Design to change their name to Institute of Hair Design, Inc.

Recommendation – To accept request for name change.

MOTION made by Nina Coppinger seconded by Judy McAllister to approve the school application. Motion carried unanimously.

## **APPLICATIONS FOR EXAMINATION-**

Applications for examination for Karen Moyers, and Demetria Vann who have felonies are submitted for the board's approval. 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 to approve each application for examination with a signed Agreed Order. Motion carried unanimously.

## **INSTRUCTOR SEMINAR EXTENSION REQUEST-**

Request to extend continuing education from 2011 to 2013 for Katrina Gary because she got married and was living in Michigan. If approved she will take continuing education as soon as it is available.

Motion made by Muriel Smith and seconded by Nina Coppinger to approve the request and that she attend seminar by October. Motion carried unanimously.

## **FIELD TRIP REQUESTS-**

Field trip request from Buchanan Beauty College for permission to take students on July 30, 2013, to visit Joi de Vie Salon.

MOTION made by June Huckeby and seconded by Judy McAllister to approve the request. Motion carried unanimously.

Field trip request from Coffee County Beauty for permission to take students to hear motivation speaker Cherie Jobe on July 23, 2013. Ms. Jobe is a cosmetologist, motivational speaker and writer.

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

Field trip request from Empire Beauty Schools for permission to take the Senior Salon class of Memphis on July 15, 2013, outside of school from Noon to 4:00 pm. They will have facilitator Eric Johnson cover State Board/State Law.

MOTION made by Rufus Hereford and seconded by Muriel Smith to approve the request. Motion carried unanimously.

Field trip request from Empire Beauty Schools for permission to take several different classes on marketing based trips. Students will gain additional knowledge and know-how relating to the subject matters taught throughout their time as a student; learning how to promote themselves as a stylist as well as gaining interpersonal skills. The following dates and times are requested: \*August 12 from 10 - 1:00 pm to surrounding businesses in the Poplar/Colonial area, facilitator will be Carol Sager; \*August 14 from 10:00 am to 1:00 pm with facilitator Brittany Briggs; \*August 16 from 10:00 am to 1:00 pm with educator Angel Dillard; \*September 3rd from Noon - 3:00 pm with educators Carol Sager, Angela Dillard, and Jeaneen Smith.

MOTION made by Muriel Smith and seconded by Pearl Walker-Ali to approve the request. Motion carried unanimously.

Field trip request from Genesis Career College for permission to visit and participate in the following events: Lebanon Campus-Heartside nursing home in Lebanon (polishing of nails) once a month year round; Providence place nursing home in Mt. Juliet (polishing of nails) once a month year round; Prospect for disabled persons (basic haircuts, polishing of nails) once a month year round; Lebanon High School Plays in the spring and fall (Make-up and hair for performances); Fashion shows Winfree Bryant once a year in May; Back to school bash at Lebanon High School August 3 from 10:00 to 2:00 (back to school haircuts for Elementary and High school students; Heartland Christine (polishing nails) once a month year round; McKindree Village (polishing nails) once a month year round. All of these students will be accompanied by licensed instructors at these events.

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

Request from Georgia Career Institute to take students to Broadway hair and nails on July 23, 2013 from 9:00 am to 3:30pm. Also, for trip to a nail show in Gatlinburg, TN on August 25th & 26th, 2013. We would be leaving the school around 5:00 pm on the 24th and returning at 3:30 pm on the 26th.

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

Field trip request from Georgia Career Institute to take classes on two different dates: August 7, and August 13, 2013 to Beauty Supply and Pigtail and Crewcuts. This trip will benefit students helping them realize the potential salons that are available upon graduation.

MOTION made by Nina Coppinger and seconded by Judy McAllister to approve the request.  
Motion carried unanimously.

Field trip request from Georgia Career Institute to take class to Broadway Hair Salon in Cookeville, TN and to State Beauty and Cosmo Prof on August 9, 2013 from 9:00 am to 3:00 pm.

MOTION made by Judy McAllister and seconded by Muriel Smith to approve the request.  
Motion carried unanimously.

Field trip request from Gould's Academy to tour and meet managers and owners of various spas and med-spa in the Memphis area on August 20th, 2013 from 8:30 to 2:30. Great learning experience for students as they conclude chapter on the Business of Skin Care and Career Planning.

MOTION made by Mona Sappenfield and seconded by Muriel Smith to approve the request.  
Motion carried unanimously.

Field trip request from Madison University of Beauty for Bill Perry to take students to Atlanta, GA to a hair show.

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

Field trip request from Paul Mitchell School of Nashville and Murfreesboro Campus to provide hair and make-up services for the event "A King and His Princess", a father/daughter dance at the National Dance Club in Murfreesboro on Saturday September 7th, 2013. An Instructor will accompany the group.

MOTION made by Mona Sappenfield and seconded by June Huckleby to approve the request.  
Motion carried unanimously.

Field trip request from Remington College Nashville Campus to take students on a monthly trip to the Martha O'Bryan Center in Nashville to perform haircuts on the children in the community. This provides students with an opportunity to give back to the community. The start date is July 26th, 2013.

MOTION made by Mona Sappenfield and seconded by Muriel Smith to approve the request.  
Motion carried unanimously.

Field trip request from Tennessee Career Institute to take students to the nail tech event of the Smokies on August 25th & 26th, 2013.

MOTION made by Mona Sappenfield and seconded by Pearl Walker-Ali to approve the request. Motion carried unanimously.

Field trip request from Tennessee School of Beauty to take students on salon visits the third Thursday of the month. They will have the opportunity to speak with salon owners/managers to gain knowledge concerning career choices.

MOTION made by Mona Sappenfield and seconded by Muriel Smith to approve the request. Motion carried unanimously.

Field trip request from Virginia College, in Knoxville, to take students on the last Saturday of each month to local salons, spas, nail shops, and beauty supply stores in the area. The objective is for students to gain insight into what future employers are looking for, how to dress, how they will be compensated, and much more.

MOTION made by Mona Sappenfield and seconded by June Hucceby to approve the request. Motion carried unanimously.

Field trip request from West Tennessee Business College to attend Naturals In The City Hair & Wellness Expo in Memphis, TN on July 27-28 2013.

MOTION made by Muriel Smith and seconded by Mona Sappenfield to approve the request. Motion carried unanimously.

#### **APPLICATIONS FOR RECIPROCIITY-**

Application for reciprocity of aesthetician license from Texas for Thuy Lieu Bayiha. Certification from Texas verifies testing and licensure in 2008 with 750 hours, but the transcript provided only accounts for 600 hours in manicuring, not aesthetics. A print out from the TDLR, Texas Department of Licensing and Regulation website displays, 750 hours with a different school, National Beauty College.

Recommendation – approval.

MOTION made by Rufus Hereford and seconded by Muriel Smith to deny recommendation and request transcript from school for further review. Motion carried unanimously.

Application for reciprocity of aesthetician license from Texas, for Hoa T. Cao. Certification from Texas verifies testing and licensure. Transcript confirms 750 hours and initial date of licensing in 2012.

Recommendation - is that the applicant be approved for a reciprocal aesthetician license.

MOTION made by Mona Sappenfield and seconded by Muriel Smith to grant reciprocity recommendation. Motion carried unanimously.

Application for reciprocity of manicurist license from Indiana for Marita Mechelle Coleman. Certification verifies 450 hours of instruction in the manicurist curriculum and initial date of licensing in 2003. She has submitted tax returns from 2008 – 2012 to verify her five year work history. Ms. Coleman presented her reciprocity application at the June meeting and was told to take the Tennessee examination. At that time she did not have tax forms for 2008 that showed she worked as a manicurist for a complete five (5) years.

Recommendation - is that the applicant be approved for a reciprocal manicurist license.

MOTION made by Pearl Walker-Ali and seconded by Judy McAllister to grant reciprocity recommendation. Motion carried unanimously.

Application for reciprocity of manicurist license from California for The Tan Do Dang. Certification verifies 400 hours of instruction in the manicurist curriculum and initial date of licensing in 2007. Tax return information provided for 2008 – 2012 showing income from manicuring.

Recommendation - is that the applicant be approved for a reciprocal manicurist license.

MOTION made by Muriel Smith and seconded by Pearl Walker-Ali to grant reciprocity recommendation. Motion carried unanimously.

Application for reciprocity of manicurist license from Texas for Phuong Muon Dip. Certification does not state if an examination was taken but shows and initial date of licensing in 2013. Transcript from Atlantic Beauty School in Texas shows enrollment in 2010 and a total of 602 hours are provided per Ms. Waller's request in January 2011.

Recommendation - is that the applicant take the Tennessee examination.

MOTION made by Nina Coppinger and seconded by Muriel Smith to grant reciprocity recommendation. Motion carried unanimously.

Application for reciprocity of manicurist license for Danvy Thymy Dong from Pennsylvania. Certification verifies the applicant was licensed by examination with 200 hours and initial date of

licensing in 2006. Work history letter is provided from owner of shop stating start date as February 2008 through present. Tax returns for 2008 – 2012 provided but unable to verify that income is from manicuring. Also provided is a copy of applicants Alabama license. Ms. Dong's application was presented at the June meeting and was requested to take the Tennessee examination.

Recommendation - Approval

MOTION made by Judy McAllister and seconded by Pearl Walker-Ali to grant reciprocity recommendation. Motion carried unanimously.

Application for reciprocity of manicurist license for Hoang Minh Dong from Texas. Certification verifies the applicant completed 600 hours and initial date of licensing is in 2012, but does not state if an examination was taken.

Recommendation – Approval.

MOTION made by Muriel Smith and seconded by Nina Coppinger to grant reciprocity recommendation. Motion carried unanimously.

Application for reciprocity of aesthetician license for Roni Rae Ely from Nebraska. Certification verifies the applicant was licensed by examination with 600 hours and initial date of licensing in 2011.

Recommendation - is that the applicant take the Tennessee examination.

MOTION made by Nina Coppinger and seconded by Judy McAllister to grant reciprocity recommendation. Motion carried unanimously.

Application for reciprocity of manicurist license for Roni Rae Ely from Nebraska. Certification verifies the applicant was licensed by examination with 300 hours and initial date of licensing in 2012.

Recommendation - is that the applicant take the Tennessee examination.

MOTION made by Nina Coppinger and seconded by Muriel Smith to grant reciprocity recommendation. Motion carried unanimously.



Application for reciprocity of aesthetician license from Florida for Rachel Hannah Gitlin with 260 hours in the curriculum with initial licensing in 2013 and no state board examination completed. Letter of recommendation provided.

Recommendation - is that the applicant take the Tennessee examination.

MOTION made by Nina Coppinger and seconded by Judy McAllister to grant reciprocity recommendation. Motion carried unanimously.

Application for reciprocity of manicurist license from Massachusetts for Tuong Hoai Ha. That certification verifies 100 hours and initial licensing in 2001 by examination. Certification from Georgia is by reciprocity and shows licensing in 2005 with an expiration in 2011 and Massachusetts certification shows an expiration date of 2007. Tax returns are provided for years 2008 - 2012 and name change document is provided.

Recommendation - is that the applicant provide proof of current active licensure in order to receive reciprocal approval from the board office.

MOTION made by Nina Coppinger and seconded by Judy McAllister to grant reciprocity recommendation. Motion carried unanimously.

Application for reciprocity of cosmetologist license from Texas for Tevin Da'Shun Hill. Certification verifies initial date of licensing in 2012 by examination. School transcript provided.

Recommendation - is that the applicant be approved for reciprocity.

MOTION made by Muriel Smith and seconded by Mona Sappenfield to grant reciprocity recommendation. Motion carried unanimously.

Application for reciprocity of aesthetician license from Washington for My Phuong Thi Huynh. Certification verifies licensing by examination in 2006 with 600 hours. Applicant was administratively approved for a manicuring license via Washington reciprocity.

Recommendation - is that the applicant take the Tennessee esthetics examination.

MOTION made by Nina Coppinger and seconded by Judy McAllister to grant reciprocity recommendation. Motion carried unanimously.

Application for reciprocity of manicurist license from Florida for Ninh Huynh. Certification verifies license was issued in 2007 with 240 hours. Tax records provided for 2008 – 2010 in

Florida and 2011 and 2012 in Georgia, but no license information was provided for Georgia. Also tax returns don't all show nature of work.

Recommendation - is that the applicant take the Tennessee examination.

MOTION made by Muriel Smith and seconded by Pearl Walker-Ali to grant reciprocity recommendation. Motion carried unanimously.

Application for reciprocity of manicurist license from Texas for Victoria T. Huynh. Certification verifies initial date of licensing in 1992 with 600 hours. Transcript provided from Enstyle Beauty Academy showing a start date of 4/2/2012 and completion on 7/31/2012 for 600 manicuring hours. These dates do not match certification from Texas.

Recommendation - is that the applicant take the Tennessee examination.

MOTION made by Judy McAllister and seconded by Pearl Walker-Ali to grant reciprocity recommendation. Motion carried unanimously.

Application for reciprocity of cosmetologist license from Pennsylvania for Johan Jean Kapulka. Certification from Pennsylvania is through reciprocity with 1,000 hours earned in New Jersey and 1,250 required by that State per a certified letter dated in 2001. Initial date of licensing is in 2007. Tax returns are provided from 2008 – 2012 confirming work in the cosmetology field.

Recommendation - Approval.

MOTION made by Pearl Walker-Ali and seconded by Mona Sappenfield to grant reciprocity recommendation. Motion carried unanimously.

Application for reciprocity of manicurist license from Georgia for Christine Krause. Certification verifies 1,050 apprentice hours for Nail Technician. Licensing was by examination issued in March 2013 and expiring in August 2013. Previous certification from 2002 – 2004 also provided which verifies 1,050 hours as apprentice for Nail Technician Apprentice. Application states she completed 3,000 apprenticeship hours in 2006. Apprenticeship hour letter is also provided by the Georgia state board office.

Recommendation - Approval.

MOTION made by Mona Sappenfield and seconded by Muriel Smith to grant reciprocity recommendation. Motion carried unanimously.

Application for reciprocity of manicurist license from Pennsylvania for Dung T. Le. Certification verifies 200 hours and initial date of licensing in 1999 by examination. A letter from the owner of Top Nails salon is provided stating Ms. Le was employed part time since 1999.

Recommendation - is that the applicant take the Tennessee examination.

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

Application for reciprocity of manicurist license from Texas for Linh Van Le. Certification verifies 600 hours from Beauty Models (previously Universal Beauty College) in Texas and passage of a written and practical examination in 2013. Board office records indicate Universal Beauty College sold hours to various applicants and later had its school license revoked by the Texas Board, this school later reopened as Beauty Models. The applicant has attached his transcript for verification.

Recommendation - Approval.

MOTION made by Nina Coppinger and seconded by Judy McAllister to grant reciprocity recommendation. Motion carried unanimously.

Application for reciprocity of aesthetician license from Washington for Thu Ho Luong. Certification verifies 600 hours for esthetician and licensing in 2004 and 600 hours for manicurist with licensing in 2000. A notarized letter is provided as verification that Ms. Luong has been working as an aesthetician since 2004. Washington Board office disciplinary action records indicate Anthony's Beauty School sold hours to various applicants and its license is currently revoked by the Board. The Washington Board office was contacted to aid in verification of this individual's licensure and the contact advised the office records show the individual is licensed and passed the requisite examinations, but the applicant's hours were not vetted.

Recommendation - is that the applicant take the Tennessee examination.

MOTION made by Nina Coppinger and seconded by Judy McAllister to grant reciprocity recommendation. Motion carried unanimously.

Application for reciprocity of manicurist license from Florida for Kim Kim Luu. Documentation provided does not show what applicant is applying for; the assumption is that she would like a manicurist license. Certification verifies applicant completed 500 hours and has a full specialist

license since 2012 in Florida. A letter is provided from Apex Nails stating employment between 2007 and 2013, however Ms. Luu was not licensed during those years.

Recommendation - is that the applicant take the Tennessee manicurist examination.

MOTION made by Judy McAllister and seconded by Pearl Walker-Ali to grant reciprocity recommendation. Motion carried unanimously.

Application for reciprocity of cosmetologist license from North Carolina for Filiberto G. Moncada with 2,035 hours from Honduras. This application was previously presented to the Board during the February 2013 Board meeting and the decision was that he take the Tennessee examination and previously in the August 2012 meeting. His current license with North Carolina shows initial licensing in 2003 and is currently active.

Recommendation - is that the applicant take the Tennessee examination.

MOTION made by Nina Coppinger and seconded by Judy McAllister to grant reciprocity recommendation. Motion carried unanimously.

Application for reciprocity of manicurist license from Texas for Cung The Nguyen. Certification verifies initial date of licensing in 2013 with 600 hours. Transcript provided from Enstyle Beauty Academy confirms 600 hours.

Recommendation - Approval.

MOTION made by Mona Sappenfield and seconded by Muriel Smith to grant reciprocity recommendation. Motion carried unanimously.

Application for reciprocity of manicurist license from Texas for Dao T. Nguyen. Certification verifies initial date of licensing in 2012 by examination. Transcript provided from Angel Beauty Academy confirms 600 hours.

Recommendation - Approval.

MOTION made by Nina Coppinger and seconded by Mona Sappenfield to grant reciprocity recommendation. Motion carried unanimously.

Application for reciprocity of manicurist license from Texas for Hieu Kim Nguyen. Certification verifies initial date of licensing in 2013. Transcript provided from Atlantic Beauty School confirms 600 hours.

Recommendation - Approval.

MOTION made by Muriel Smith and seconded by Mona Sappenfield to grant reciprocity recommendation. Motion carried unanimously.

Application for reciprocity of manicurist license from Nebraska for Kevin Nguyen. Certification from Nebraska verifies 300 hours of training and licensing by examination in 2002 with expiration in 2009. Certification from Colorado, also by examination, shows active license issued in 2008. Notarized letter from Top-Q-Nails & Spa states Mr. Nguyen was the shop manager in 2007. Notarized letter from Regal Nails Salon states employment between 2009 and 2013.

Recommendation - Approval.

MOTION made by Mona Sappenfield and seconded by Pearl Walker-Ali to grant reciprocity recommendation. Motion carried unanimously.

Application for reciprocity of cosmetologist license from Texas for Kieu Thi Nguyen. Certification verifies initial date of licensing by examination in 2000 with 1,500 hours. Transcript from High School does not show required number of hours, but does show cosmetology courses taken in 11<sup>th</sup> and 12<sup>th</sup> grade.

Recommendation - Approval.

MOTION made by Mona Sappenfield and seconded by Muriel Smith to grant reciprocity recommendation. Motion carried unanimously.

Application for reciprocity of manicurist license from Florida for Lien Nguyen. Certification from Florida verifies initial license in 2008 and 240 hours. Certification from Alabama only details reciprocity from Florida with simply a certification of 240 hours, but is unclear as to actual licensure. Tax records for 2008 and 2009 from Alabama show income while working as Nail Technician. Tax returns from 2010 – 2012 show a residence in Tennessee and work as a Nail Technician but applicant does not have a license to practice in Tennessee.

Recommendation - is that the applicant take the Tennessee examination.

MOTION made by Nina Coppinger and seconded by Muriel Smith to grant reciprocity recommendation. Motion carried unanimously.

Application for reciprocity of manicurist license from Texas for Lynh Nguyen. Certification verifies 600 hours and initial date of licensure in 2012. Transcript from Angel Beauty Academy confirms 600 hours.

Recommendation - Approval.

MOTION made by Muriel Smith and seconded by Judy McAllister to grant reciprocity recommendation. Motion carried unanimously.

Application for reciprocity of manicurist license from Texas for Phu Michael Nguyen. Certification verifies 600 hours and initial date of licensure in 2013. Transcript from Angel Beauty Academy confirms 600 hours.

Recommendation - Approval.

MOTION made by Pearl Walker-Ali and seconded by Mona Sappenfield to grant reciprocity recommendation. Motion carried unanimously.

Application for reciprocity of manicurist license from Washington for Tung Thanh Nguyen. Certification from Missouri shows licensing by reciprocity issued in 2007 by examination. HOA's Beauty School is revoked per disciplinary action information provided by the Washington board office where application received educational hours. Tax records for 2007 – 2011 show income from Nail Tech field. No tax return for 2012 provided.

Recommendation - is that the applicant take the Tennessee examination.

MOTION made by Mona Sappenfield and seconded by Judy McAllister to grant reciprocity recommendation. Motion carried unanimously.

Application for reciprocity of manicurist license from California for Vuong Minh Nguyen. Certification verifies licensing in 2005 by examination with an expiration of 7/31/2013. Transcript from San Diego Beauty College verifies 405 hours received. Alabama tax returns provided from 2008 – 2012 but none show proof of work in the industry and no Alabama certification is provided.

Recommendation - is that the applicant take the Tennessee examination.

MOTION made by Nina Coppinger and seconded by Judy McAllister to grant reciprocity recommendation. Motion carried unanimously.

Application for reciprocity of manicurist license from Texas for Vy T. Nguyen. Certification verifies 600 hours and initial date of licensure in 2013. Transcript from Pacific Beauty Academy shows only 300 hours completed, but state certification shows all 600 hours received.

Recommendation - is that the applicant take the Tennessee examination.

MOTION made by Judy McAllister and seconded by Pearl Walker-Ali to grant reciprocity recommendation. Motion carried unanimously.

Application for reciprocity of manicurist license from Texas for Wendy Nguyen. Certification verifies 600 hours and initial date of licensure in 2012. Transcript from Beauty Models confirms 600 hours. Board office records indicate Beauty Models (previously Universal Beauty College) in Texas sold hours to various applicants and later had its school license revoked by the Texas Board, this school later reopened as Beauty Models.

Recommendation - Approval.

MOTION made by Mona Sappenfield and seconded by Muriel Smith to grant reciprocity recommendation. Motion carried unanimously.

Application for reciprocity of manicurist license from New York for Deo T. Phan. Certification from New York provides applicant received license in 2007 as Nail Specialist by equivalent experience. There is no evidence of completion or passage of any examination. Tax records are provided from 2009 – 2012 showing income in his field but for only four years consecutive years.

Recommendation - is that the applicant take the Tennessee examination.

MOTION made by Nina Coppinger and seconded by Muriel Smith to grant reciprocity recommendation. Motion carried unanimously.

Application for reciprocity of cosmetologist license from Florida for Simone Annette Sample. Certification verifies 1,200 hours of schooling received and initial date of licensure by examination in 2011.

Recommendation - is that the applicant take the Tennessee examination.

MOTION made by Nina Coppinger and seconded by Judy McAllister to grant reciprocity recommendation. Motion carried unanimously.

Application for reciprocity of manicurist license from Georgia for Dung T. Than. Georgia certification verifies current active licensure by examination since 1994 as Nail Technician with 320 hours. Kentucky certification through reciprocity verifies licensure in 1996 by examination and expiration in June 2013.

Recommendation – is that the applicant take the Tennessee examination.

MOTION made by Judy McAllister and seconded by Pearl Walker-Ali to grant reciprocity recommendation. Motion carried unanimously.

Application for reciprocity of aesthetician license from Texas for Kelly Hanh Tran. Certification verifies 750 hours and initial date of licensure in 2011. Transcript from Executive Beauty Academy verifies 750 hours received.

Recommendation – Approval.

MOTION made by Mona Sappenfield and seconded by Muriel Smith to grant reciprocity recommendation. Motion carried unanimously.

Application for reciprocity of aesthetician license from Texas for Laura Chon Tran. Certification verifies 750 hours and initial date of licensure in 2012 by examination. Transcript from BN Career Institute verifies 750 hours received.

.Recommendation – Approval.

MOTION made by Mona Sappenfield and seconded by Pearl Walker-Ali to grant reciprocity recommendation. Motion carried unanimously.

Application for reciprocity of aesthetics license from Texas for Thuy Tien Thi Tran. Certification verifies 750 hours and initial date of licensure in 2013. Transcript from Angel Beauty Academy verifies 750 hours received.

Recommendation – Approval.

MOTION made by Muriel Smith and seconded by Mona Sappenfield to grant reciprocity recommendation. Motion carried unanimously.



Application for reciprocity of cosmetologist license for Anna Mai Tu. Certification verifies 1,500 hours and initial date of licensure in 2013. Transcript from BN Career Institute confirms 1,507 hours received.

Recommendation – Approval.

MOTION made by Muriel Smith and seconded by Mona Sappenfield to grant reciprocity recommendation. Motion carried unanimously.

Application for reciprocity of manicurist license from Texas for Hue Vo. Certification verifies 600 hours and initial date of licensure in 2013. Transcript from Atlantic Beauty School shows 600 hours on transcript and 512.85 on certificate.

Recommendation – – is that the applicant take the Tennessee examination

MOTION made by Nina Coppinger and seconded by Judy McAllister to grant reciprocity recommendation. Motion carried unanimously.

Application for reciprocity of cosmetologist license from Puerto Rico for Tuyet T. Bush. Certification mailed by applicant along with transcript for school hours and other supporting documentation. Board office is unable to verify authenticity of documents provided by applicant with Puerto Rico Auxiliary Secretary. Records show 1,500 hours and licensure by examination issued in 2000. Generally all licensure certification information is received directly from the reciprocal state and in this instance and several others from Puerto Rico verification cannot be obtained.

Recommendation – is that the applicant take the Tennessee examination or have licensing office in Puerto Rico send Board all appropriate documentation directly in sealed envelope.

MOTION made by Nina Coppinger and seconded by Judy McAllister to grant reciprocity recommendation. Motion carried unanimously.

Application for reciprocity of cosmetologist license from Puerto Rico for Thut Thanh Moran. Certification mailed by applicant along with transcript for school hours and other supporting documentation. Board office is unable to verify authenticity of documents provided by applicant with Puerto Rico Auxiliary Secretary. Records show 1,500 hours and licensure by examination

issued in 2004. Generally all licensure certification information is received directly from the reciprocal state and in this instance and several others from Puerto Rico verification cannot be obtained.

Recommendation – is that the applicant take the Tennessee examination or have licensing office in Puerto Rico send Board all appropriate documentation directly in sealed envelope.

MOTION made by Nina Coppinger and seconded by Judy McAllister to grant reciprocity recommendation. Motion carried unanimously.

Application for reciprocity of manicurist license from Puerto Rico for Huong Dang Nguyen. Certification mailed by applicant along with transcript for school hours and other supporting documentation. Board office is unable to verify authenticity of documents provided by applicant with Puerto Rico Auxiliary Secretary. Records show 720 hours and licensure by examination issued in 2005. Generally all licensure certification information is received directly from the reciprocal state and in this instance and several others from Puerto Rico verification cannot be obtained.

Recommendation – is that the applicant take the Tennessee examination or have licensing office in Puerto Rico send Board all appropriate documentation directly in sealed envelope.

MOTION made by Mona Sappenfield and seconded by Muriel Smith to grant reciprocity recommendation. Motion carried unanimously.

Application for reciprocity of cosmetologist license from Puerto Rico for Jenny Nguyen. Certification mailed by applicant along with transcript for school hours and other supporting documentation. Board office is unable to verify authenticity of documents provided by applicant with Puerto Rico Auxiliary Secretary. Records show 1,500 hours and licensure by examination issued in 1993. Generally all licensure certification information is received directly from the reciprocal state and in this instance and several others from Puerto Rico verification cannot be obtained.

Recommendation – is that the applicant take the Tennessee examination or have licensing office in Puerto Rico send Board all appropriate documentation directly in sealed envelope.

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

Application for reciprocity of cosmetologist license from Puerto Rico for Tram Thi Thu Nguyen. Certification mailed by applicant along with transcript for school hours and other supporting documentation. Board office is unable to verify authenticity of documents provided by applicant with Puerto Rico Auxiliary Secretary. Records show 1,500 hours and licensure by examination issued in 2005. Generally all licensure certification information is received directly from the reciprocal state and in this instance and several others from Puerto Rico verification cannot be obtained.

Recommendation – is that the applicant take the Tennessee examination or have licensing office in Puerto Rico send Board all appropriate documentation directly in sealed envelope.

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

Application for reciprocity of cosmetologist license from Puerto Rico for Kieu Thi Thu Pham. Certification mailed by applicant along with transcript for school hours and other supporting documentation. Board office is unable to verify authenticity of documents provided by applicant with Puerto Rico Auxiliary Secretary. Records show 1,500 hours and licensure by examination issued in 2007. Generally all licensure certification information is received directly from the reciprocal state and in this instance and several others from Puerto Rico verification cannot be obtained.

Recommendation – is that the applicant take the Tennessee examination or have licensing office in Puerto Rico send Board all appropriate documentation directly in sealed envelope.

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

Application for reciprocity of cosmetologist license from Puerto Rico for Hong T. Phan. Certification mailed by applicant along with transcript for school hours and other supporting documentation. Board office is unable to verify authenticity of documents provided by applicant with Puerto Rico Auxiliary Secretary. Records show 1,500 hours and licensure by examination issued in 1997. Generally all licensure certification information is received directly from the reciprocal state and in this instance and several others from Puerto Rico verification cannot be obtained.

Recommendation – is that the applicant take the Tennessee examination or have licensing office in Puerto Rico send Board all appropriate documentation directly in sealed envelope.

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

Application for reciprocity of cosmetologist license from Puerto Rico for Sheila Adreina Gutierrez Ramos. Certification mailed by applicant along with transcript for school hours and other supporting documentation. Board office is unable to verify authenticity of documents provided by applicant with Puerto Rico Auxiliary Secretary. Records show 1,500 hours and licensure by examination issued in 2006. Generally all licensure certification information is received directly from the reciprocal state and in this instance and several others from Puerto Rico verification cannot be obtained.

Recommendation – is that the applicant take the Tennessee examination or have licensing office in Puerto Rico send Board all appropriate documentation directly in sealed envelope.

MOTION made by Nina Coppinger and seconded by Pearl Walker-Ali to grant/deny reciprocity recommendation. Motion carried unanimously.

Application for reciprocity of cosmetologist license from Puerto Rico for Trang N. Tran. Certification mailed by applicant along with transcript for school hours and other supporting documentation. Board office is unable to verify authenticity of documents provided by applicant with Puerto Rico Auxiliary Secretary. Records show 1,500 hours and licensure by examination issued in 2003. Generally all licensure certification information is received directly from the reciprocal state and in this instance and several others from Puerto Rico verification cannot be obtained.

Recommendation – is that the applicant take the Tennessee examination or have licensing office in Puerto Rico send Board all appropriate documentation directly in sealed envelope.

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

Application for reciprocity of manicurist license from Texas for Anh Tuan Le. Certification verifies initial date of licensing in 2011 with 600 hours. Transcript provided from Universal Beauty College confirm 600 manicuring hours. Ms. Le's Tennessee license was revoked by formal hearing. Texas has certified non-licensure and to date they show a discrepancy in the Social Security Number provided by Ms. Le.

Recommendation - is that the applicant contact Texas and rectify the issue with her social security number as it relates to her license with Texas.

MOTION made by Mona Sappenfield and seconded by Pearl Walker-Ali to grant/deny reciprocity recommendation. Motion carried unanimously.

Application for reciprocity of manicurist license from Puerto Rico for Thu V. Le. Certification mailed by applicant along with transcript for school hours and other supporting documentation. Board office is unable to verify authenticity of documents provided by applicant with Puerto Rico Auxiliary Secretary. Records show 720 hours and licensure by examination issued in 2006. Generally all licensure certification information is received directly from the reciprocal state and in this instance and several others from Puerto Rico verification cannot be obtained.

Recommendation – is that the applicant take the Tennessee examination or have licensing office in Puerto Rico send Board all appropriate documentation directly in sealed envelope.

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

Application for reciprocity of manicurist license from Texas, for Khoa Ngoc Nguyen. Certification from Texas verifies testing and licensure issued in 2012. Transcript from Enstyle Beauty Academy confirms 600 hours.

Recommendation - Approval.

MOTION made by Mona Sappenfield and seconded by Muriel Smith to grant reciprocity recommendation. Motion carried unanimously.

Application for reciprocity of manicurist license from Missouri for Tinh Thanh Nguyen. Certification from Washington was issued in 1998 by examination and certification shows it as cancelled in 2000. Certification from Missouri by reciprocity issued in 1999. HOA's Beauty School is revoked per disciplinary action information provided by the Washington board office where applicant received educational hours. Tax records for 2007 – 2012 show income from Nail Tech field.

Recommendation - is that the applicant take the Tennessee examination.

MOTION made by Judy McAllister and seconded by Mona Sappenfield to grant reciprocity recommendation. Motion carried unanimously.

Application for reciprocity of manicurist license from Texas for Thuy Lieu Bayiha. Certification from Texas shows licensure issued in 2012. Transcript from Top Beauty College confirms 600 hours.

Recommendation - Approval.

MOTION made by Nina Coppinger and seconded by Judy McAllister to grant reciprocity recommendation. Motion carried unanimously.

Application for reciprocity of manicurist license from Florida for Anne Dang. Florida certification verifies current active licensure by reciprocity since 2009. Georgia certification for Nail Technician by examination confirms 525 hours in 2009 and expired in 2011.

Recommendation - is that the applicant take the Tennessee examination.

MOTION made by Mona Sappenfield and seconded by Muriel Smith to grant reciprocity recommendation. Motion carried unanimously.

Application for reciprocity of aesthetician license from California for Joanne Dutremble. Certification verifies licensure by examination issued in 2013 with 600 hours.

Recommendation - is that the applicant take the Tennessee examination.

MOTION made by Nina Coppinger and seconded by Judy McAllister to grant reciprocity recommendation. Motion carried unanimously.

Application for reciprocity of cosmetologist license from Georgia for Maria Guadalupe Espindola. Certification verifies licensure reciprocity issued in 2010. A letter from Rival Beauty Academy in Mexico states 1,200 hours completed. Ms. Espindola previously applied for reciprocity and went before the Board in November 2010. She was advised to appear at the next meeting and provide proof of hours completed in Mexico.

Recommendation - is that the applicant take the Tennessee examination.

MOTION made by Nina Coppinger and seconded by Judy McAllister to grant reciprocity recommendation. Motion carried unanimously.

Application for reciprocity of cosmetologist license from Texas for Albert Garcia. Certification verifies initial date of licensing in 2012 with 1,500 hours. Transcript from Texas Beauty College shows 1,618 hours.

Recommendation - Approval.

MOTION made by Mona Sappenfield and seconded by Muriel Smith to grant reciprocity recommendation. Motion carried unanimously.

Application for reciprocity of cosmetologist license from Hawaii for Chantillie Tadako Kiyota. Certification verifies licensing by examination issued in 2006 with 1,800 hours. Transcript from Honolulu Community College confirms the hours but shows a start date in 2007 through 2008. Upon Board request of clarification, a second certificate was mailed with the same licensing year.

Recommendation - is that the applicant take the Tennessee examination.

MOTION made by Muriel Smith and seconded by Mona Sappenfield to grant reciprocity recommendation. Motion carried unanimously.

Application for reciprocity of manicurist license from Texas for Lan T. Le. Certification from Texas shows licensure issued in 2013. Transcript from Pacific Beauty Academy confirms 600 hours.

Recommendation - Approval.

MOTION made by Nina Coppinger and seconded by Judy McAllister to grant reciprocity recommendation. Motion carried unanimously.

Application for reciprocity of manicurist license from Texas for Nga T. Pham. Certification from Texas shows licensure issued in 2013 by examination. Transcript from Pacific Beauty Academy confirms 600 hours.

Recommendation - Approval.

MOTION made by Nina Coppinger and seconded by Muriel Smith to grant reciprocity recommendation. Motion carried unanimously.

Application for reciprocity of manicurist license from Texas for Cuong Huu Tran. Certification from Texas shows licensure issued in 2013 by examination. Transcript from Georgia Beauty School confirms 603 hours received and Georgia only required 525.

Recommendation - Approval.

MOTION made by Mona Sappenfield and seconded by Muriel Smith to grant reciprocity recommendation. Motion carried unanimously.

Application for reciprocity of aesthetician license from Florida for Loretta Lynn Leda. Certification shows licensure issued in 2010 with 260 hours. Letter from applicant says 750 hours were completed but only 260 could be confirmed by transcript. Ms. Leda went before the Board in October 2012 and she was denied reciprocity and instructed to complete 490 hours of instruction in the aesthetician curriculum and pass the State exam.

Recommendation - Deny reciprocity.

MOTION made by Mona Sappenfield and seconded by Muriel Smith to deny reciprocity. Motion carried unanimously.

## **LEGAL REPORT- STAFF ATTORNEY**

### **PREVIOUS CASES WITH NEW INFORMATION**

**1. Case No.: L09-COS-RBS-2009022631**

**First License Obtained: Not applicable**

**License Expiration: Not applicable**

**Complaint history: Not applicable**

This matter was last presented to the Board at its April 4<sup>th</sup>, 2011 meeting and approved for a settlement offer via Consent Order of five hundred dollars (\$500.00); this was based on a finding of probable cause that the Respondent, cosmetology shop, did not display the shop license, that the manager's professional license had expired and the some of the employees were not wearing proper name tags. In the intervening time, the Respondent has ceased to exist due to change of location and ownership, making any disciplinary action impossible.

Recommendation: Close the case because the Respondent no longer exists.

**Analysis: The Board agrees with this assessment.**

**Decision: Approved.**

**2. Case No.: L09-COS-RBS-2009021911**



**First License Obtained:**           **06/20/2007**

**License Expiration:**           **06/30/2013**

**Complaint history:**           **None**

The Board previously authorized formal hearing with authority to settle by Consent Order revoking the Respondent's manicurist license for allegedly obtaining the education hours in Texas by purchasing them a former licensed school of cosmetology in that state. Additionally, a formal hearing was set, however, due to service of process issues, the case was continued with a final outcome of dismissal. Further investigation of this matter revealed that the Respondent is currently incarcerated by the United States Immigration Services, and it is unknown when the Respondent will be released. Board office records indicate that the Respondent's license had been expired since June 30, 2013. It is the opinion of the Board's litigation counsel that this complaint be closed and flagged.

Recommendation: Close the complaint and flag the Respondent's license file with the option to reconsider if new, relevant information arises, and that any new application for licensure or renewal from the Respondent must be approved by the Board.

**Analysis: The Board agrees with this assessment.**

**Decision: Approved.**

**3. Case No.: L13-COS-RBS-2013009111**

**First License Obtained:**           **10/05/1995**

**License Expiration:**           **01/31/2015**

**Complaint history:**           **Violation issued 03/12/98, closed w/\$500.00 CP; violation issued 06/04/98, closed w/\$1,000 CP; L02-COS-RBS-2002089841, Dismissed 08/08/02; L08-COS-RBS-2008014761, Dismissed 02/07/11.**

This matter was presented to the Board at its the July 2013 meeting as follows: *A Notice of Violation issued April 25, 2013 alleges that the Respondent, a licensed manicure shop, was operating with unlicensed persons providing services in violation of TENN. CODE ANN. § 62-4-108 (License required to practice or teach); was in possession*

*of waxing equipment despite that the Respondent was only licensed to provide manicuring services in violation of TENN. CODE ANN. § 62-4-119(2) (licensees may only provide services for which they/it possess a proper license); failed to properly label all products in violation of TENN. COMP. R. & REG. 0440—02—.07(3) [EQUIPMENT]; failed to ensure that all employees were wearing proper name tags in violation of TENN. COMP. R. & REG. 0440—02—.08(1) [ATTIRE]; and had the washer and dryer improperly placed next to a sink in violation of TENN. COMP. R. & REG. 0440—02—.09(1)(a) [LAUNDRY WORK].* Based on this information, the Board decided to authorize a formal hearing with authority to settle by Consent Order for a civil penalty of \$1,250.00. UPDATE: Legal received a letter from Respondent dated July 12<sup>th</sup>, 2013 in which a request is made for the Board to propose a reduced civil penalty to settle the case. The reasons given were that although the washer and dryer have been in their original position since they were first installed, the sink next to the laundry appliances has been relocated according to the inspector's instructions. The Respondent is asking for a reduced civil penalty citing that all the violations have been now corrected.

Recommendation: Maintain the decision to approve a formal hearing with authority to settle through a consent order with a reduced civil penalty of \$1,000.00 in recognition of the Respondent's apparent attempts to comply.

**Analysis: The Board agrees with this assessment.**

**Decision: Approved.**

**4. Case No.: L10-COS-RBS-2010017411**

**First License Obtained: 02/26/2007**

**License Expiration: 02/28/2015**

**Complaint history: None**

This matter was last presented to the Board at its meeting on October 4<sup>th</sup>, 2010 as follows: *March 31, 2010 Notice of Violation alleges that liquid methylmethacrylate (MMA) was found in a licensed manicure shop. No prior history indicated. Recommendation: Authorize formal hearing with authority to settle by Consent Order and payment of a \$500.00 civil penalty.* From this presentation, a Consent Order was approved to settle the matter with a one thousand dollar civil penalty and was dated October 15<sup>th</sup>, 2010. UPDATE: The case eventually made its way to litigation, and in the intervening time the inspector who issued the Notice of Violation has retired and become unavailable as a witness.

Recommendation: Rescind the previous Consent Order and approve a Letter of Warning to close the case.

**Analysis: The Board agrees with this assessment.**

**Decision: Approved.**

**5. Case No.: L10-COS-RBS-2010023611**

**First License Obtained: 06/14/2010**

**License Expiration: 05/31/2012**

**Complaint history: None**

This matter was last presented to the Board at its meeting on October 4<sup>th</sup>, 2010 as follows: *April 22, 2010 Notice of Violation states one (1) individual was practicing cosmetology in a licensed shop without her license displayed, and, the shop did not have its license posted. No Prior history indicated. Recommendation: Close with a LETTER of WARNING.* Based on this recommendation, the Board voted to authorize a formal hearing with authority to settle by Consent Order and a civil penalty of \$500.00. **UPDATE:** In the intervening time, the Respondent has ceased operations; this is verified by the area inspector.

Recommendation: Rescind the previous Consent Order and close the case.

**Analysis: The Board agrees with this assessment.**

**Decision: Approved.**

**6. Case No.: L10-COS-RBS-2010029451**

**First License Obtained: N/A**

**License Expiration: N/A**

**Complaint history: None**

This matter was last presented to the Board at its meeting on December 6<sup>th</sup>, 2010 as follows: *July 22, 2010 Notice of Violation alleges that an unlicensed individual was found practicing cosmetology in an unlicensed cosmetology shop. The shop owner has*

*now applied for a license. Recommendation: Authorize formal hearing with authority to settle by Consent Order and payment of a \$1,000.00 civil penalty. From this presentation, a Consent Order was approved to settle the matter with a one thousand dollar civil penalty and was dated December 10<sup>th</sup>, 2010, and a follow-up attempt to settle the matter was attempted with a Consent Order dated July 3<sup>rd</sup>, 2012. UPDATE: The case eventually made its way to litigation, and in the intervening time the shop application for licensure has been expired with no attempt to reapply; additionally, the Notice of Violation does not provide identifications for alleged practicing individuals, nor does it state the type of services being offered.*

Recommendation: Rescind the previous Consent Order and approve a Letter of Warning to close the case.

**Analysis: The Board agrees with this assessment.**

**Decision: Approved.**

**7. Case No.: L11-COS-RBS-2011024151**

**First License Obtained: 05/24/2011**

**License Expiration: 04/30/2014**

**Complaint History: None**

This matter was last presented to the Board at its meeting on December 6<sup>th</sup>, 2010 as follows: *A March 23, 2011 Notice of Violation alleges that three (3) licensed cosmetologists were present in an unlicensed shop. According to the Notice, the individuals were not engaged in practice at inspection time. The shop is now licensed.*

*Recommendation: Authorize formal hearing with authority to settle by Consent Order and payment of a \$500.00 civil penalty. This recommendation was accepted, and a Consent order was sent dated January 20<sup>th</sup>, 2012. Subsequently, the Respondent shop was approved for a change of ownership on May 23<sup>rd</sup>, 2012. A review of the Notice of Violation is insufficient in that it states that there are three individuals present at the time of the inspection, but no statement is made that these persons were actually providing services at the time of the inspection. Board office records indicate that the shop is now under new ownership with no complaint history.*

Recommendation: Rescind the previous Consent Order and close the case for lack of disciplinary grounds.

**Analysis: The Board agrees with this assessment.**

**Decision: Approved.**

**8. Case No.: L11-COS-RBS-2011025791**

**First License Obtained: 10/25/2006**

**License Expiration: 10/31/2013**

**Complaint History: 2007056581, closed 10/02/07 w/\$500 CP; 2009022961, closed 06/01/11 w/\$1,500 CP; 2012015611, closed 08/07/12 w/ no action; 2012017121, closed 10/04/12 w/L.O.W**

This matter was last presented to the Board at its meeting on October 3<sup>rd</sup>, 2011 as follows: *A Notice of Violation issued June 8, 2011 alleges that a licensed cosmetology shop was open for business while its license was expired and had been expired since October 31, 2010. The inspector also noted that used drill bits and nail dusters were sanitized and stored after use as required. The shop has previously been cited for licensing and sanitation-related issues. Recommendation: Authorize a formal hearing with authority to settle by Consent Order and payment of a \$1,000.00 civil penalty.* This recommendation was accepted, and a Consent order was sent dated October 11<sup>th</sup>, 2011. Subsequently, the Respondent shop was approved for a change of ownership on November 2<sup>nd</sup>, 2011.

Recommendation: Rescind the previous Consent Order and close the case with a Letter of Warning to the new ownership/management.

**Analysis: The Board agrees with this assessment.**

**Decision: Approved.**

**9. Case No.: L11-COS-RBS-2011005351**

**First License Obtained: 04/04/2007**

**License Expiration: 02/28/2015**

**Complaint History: 2009019491 - \$1,000 Unlicensed Operator performing pedicure**

This matter was last presented to the Board at its meeting on April 4<sup>th</sup>, 2011 as follows: *A December 16, 2010 Notice of Violation alleges that a wax machine, which was*

*powered on and ready for use, along with used wax applicators, were found in a licensed manicure shop. The owner of the shop, who is a licensed manicurist, states in response to the Notice that he attempted to license the shop as a full service cosmetology shop in order to permit waxing services, but the copy of the shop licensure application that the owner submitted was incomplete and listed him as the manager of the shop. Recommendation: Authorize formal hearing with authority to settle by Consent Order and payment of a \$750.00 civil penalty. Based on this approval, a Consent Order was mailed on June 3<sup>rd</sup>, 2011. A review of the complaint record shows that the timeline of the Respondent's application for a skin care shop predated that Notice of Violation, despite the need to resubmit due to lack of notarization, and that in all the time since the Notice of Violation was issued there has been no complaint activity relative to practice outside of authorized discipline.*

Recommendation: Rescind the previous Consent Order and close the case with a Letter of Warning with a CEASE and DESIST notice until properly licensed to provide all services offered.

**Analysis: The Board agrees with this assessment.**

**Decision: Approved.**

**10. Case No.: L11-COS-RBS-2011006831**

**First License Obtained: 09/15/2006**

**License Expiration: 09/30/2012**

**Complaint History: No Prior Complaints**

This matter was last presented to the Board at its meeting on April 4<sup>th</sup>, 2011 as follows: *A January 14, 2011 Notice of Violation alleges that a licensed cosmetologist was practicing cosmetology on a client in a licensed cosmetology shop where the license was expired. According to the departmental license roster, the shop license remains delinquent. 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 the shop until the license is made valid. Based on this approval, a Consent Order was mailed on June 3<sup>rd</sup>, 2011. Current Board records indicate that the Respondent shop is no longer operating.*

Recommendation: Rescind the previous Consent Order and close the case.

**Analysis: The Board agrees with this assessment.**

**Decision: Approved.**

**11. Case No.: L11-COS-RBS-2011007611**

**First License Obtained: 03/22/1993**

**License Expiration: 06/30/2013**

**Complaint History: 2006004591 – Closed 5/2/07 \$250 CP  
2006004761 – Closed 5/1/06 \$250 CP  
2012001871 – Closed 4/4/12 w/L.O.W**

This matter was last presented to the Board at its meeting on May 2<sup>nd</sup>, 2011 as follows: *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.* Based on this approval, a Consent Order was mailed on June 18<sup>th</sup>, 2011. Following this, many attempts were made to contact the Respondent owner, without success. Recent records indicate that the Respondent shop is now operating under new ownership with no further subsequent complaint activity.

Recommendation: Rescind the previous Consent Order and close the case with authority to reconsider the matter if new, relevant information arises.

**Decision: Approved.**

**12. Case No.: L11-COS-RBS-2012015831**

**First License Obtained: 03/27/1997**

**License Expiration: 09/30/2013**

**Complaint History: 2003167581 Closed w/no action  
05/08/06  
2005002501 Closed w/no action  
05/03/07  
2005024021 Dismissal w/no action  
05/07/07  
2005024031 Dismissal w/no action  
05/07/07**

**2005024041 Dismissal w/no action  
05/07/07**

**2009022611 Forwarded for Collection**

This matter was last presented to the Board at its meeting on August 6<sup>th</sup>, 2012 as follows: *A May 10, 2012 Notice of Violation alleges an area inspector observed a manicurist practicing with an expired license (10/1/11); the shop license expired 9/30/11; no licenses were posted at work stations; and dirty files and buffers on work stations. According to the Board licensing records, the shop license was renewed 5/11/12. Recommendation: Authorize a formal hearing with authority to settle by Consent Order with a payment of \$2,000.00 civil penalty.* Based on the Board's approval, a Consent Order was sent on August 14<sup>th</sup>, 2012. After attempts at contacting the Respondent through various methods, a follow-up letter was sent on January 7<sup>th</sup>, 2013, which was again met with no response. Because the inspector who issued the Notice of Violation is now retired and unavailable as a witness, there is insufficient evidence for formal proceedings;

**Recommendation: Rescind the previous Consent Order and close the case with a Letter of Warning.**

**Analysis: The Board agrees with this assessment.**

**Decision: Approved.**

### **NEW CASES**

**1. Case No.: L13-COS-RBS-2013009121**

**First License Obtained: 03/28/1996**

**License Expiration: 03/31/2014**

**Complaint history: L11-COS-RBS-2011026281, closed with a  
Letter of Warning**

A Notice of Violation issued on April 25<sup>th</sup>, 2013 alleges that the Respondent, a licensed cosmetology shop, failed to properly display each individual license in violation of TENN. CODE ANN. § 62-4-113(1) (Display of license); failed to maintain a clean facility by exhibiting dirty floors and exposed surfaces in violation of TENN. COMP. R. & REG. 0440—02—.06(3) [FACILITIES]; and failed to ensure that each licensed employee was wearing a proper name tag in violation of TENN. COMP. R. & REG. 0440—02—.08(1)(a) [ATTIRE].



Recommendation: Authorize a formal hearing with authority to settle via Consent Order for a civil penalty of \$250.00 for each of the three distinct violations, for a total civil penalty of \$750.00.

**Analysis: The Board agrees with this assessment.**

**Decision: Approved.**

**2. Case No.: L13-COS-RBS-2013011911**

**First License Obtained: 03/14/2012**

**License Expiration: 03/31/2014**

**Complaint history: None**

A Notice of Violation issued on April 29<sup>th</sup>, 2013 alleges that the Respondent, a licensed cosmetology shop, failed to properly display each individual license in violation of TENN. CODE ANN. § 62-4-113(1) (Display of license) and failed to ensure that each licensed employee was wearing a proper name tag in violation of TENN. COMP. R. & REG. 0440—02—.08(1)(a) [ATTIRE]. There is no complaint history for this Respondent.

Recommendation: Authorize a formal hearing with authority to settle via Consent Order for a civil penalty of \$250.00 for each of the two distinct violations, for a total civil penalty of \$500.00.

**Analysis: The Board agrees with this assessment.**

**Decision: Approved.**

**3. Case No.: L13-COS-RBS-2013009051**

**First License Obtained: 12/21/2010**

**License Expiration: 09/30/2014**

**Complaint history: None**

A Notice of Violation issued on April 19<sup>th</sup>, 2013 alleges that the Respondent, a licensed manicurist and skin care shop, failed to properly display each individual license in violation of TENN. CODE ANN. § 62-4-113(1) (Display of license); failed to maintain a

clean facility by exhibiting dirty floors and exposed surfaces in violation of TENN. COMP. R. & REG. 0440—02—.06(3) [FACILITIES]; failed to properly label all products in violation of TENN. COMP. R. & REG. 0440—02—.07(2) and (3) [EQUIPMENT]; failed to ensure that each licensed employee was wearing a proper name tag in violation of TENN. COMP. R. & REG. 0440—02—.08(1)(a) [ATTIRE]; failed to locate the washer and dryer in an appropriate location out of the public area in violation of TENN. COMP. R. & REG. 0440—02—.09(a)(1) [LAUNDRY WORK]; and failed to keep all tools and implements properly sanitized and stored in violation of TENN. COMP. R. & REG. 0440—02—.13(2) [SANITATION AND DISINFECTION]. There is no complaint history for this Respondent.

Recommendation: Authorize a formal hearing with authority to settle via Consent Order for a civil penalty of \$250.00 for each of the five distinct violations, for a total civil penalty of \$1,250.00.

**Analysis: The Board agrees with this assessment.**

**Decision: Approved.**

**4. Case No.: L13-COS-RBS-2013009071**

**First License Obtained: 04/16/2007**

**License Expiration: 07/31/2014**

**Complaint history: None**

A Notice of Violation issued on April 24<sup>th</sup>, 2013 alleges that the Respondent, a licensed cosmetology shop, failed to keep all tools and implements properly sanitized and stored in violation of TENN. COMP. R. & REG. 0440—02—.13(2) [SANITATION AND DISINFECTION]; this was the case in multiple locations throughout the Respondent shop. There is no complaint history for this Respondent.

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

**Analysis: The Board agrees with this assessment.**

**Decision: Approved.**

**5. Case No.: L13-COS-RBS-2013009081**

**First License Obtained: 12/02/2010**

**License Expiration: 10/31/2014**

**Complaint history: None**

A Notice of Violation issued on April 24<sup>th</sup>, 2013 alleges that the Respondent, a licensed cosmetology shop, failed to ensure that each licensed employee was wearing a proper name tag in violation of TENN. COMP. R. & REG. 0440—02—.08(1)(a) [ATTIRE] and failed to keep all tools and implements properly sanitized and stored in violation of TENN. COMP. R. & REG. 0440—02—.13(2) [SANITATION AND DISINFECTION]. There is no complaint history for this Respondent.

Recommendation: Authorize a formal hearing with authority to settle via Consent Order for a civil penalty of \$250.00 for each of the two distinct violations, for a total civil penalty of \$500.00.

**Analysis: The Board agrees with this assessment.**

**Decision: Approved.**

**6. Case No.: L13-COS-RBS-2013010371**

**First License Obtained: 03/18/1994**

**License Expiration: 09/01/2013**

**Complaint history: Two disciplines, L09-COS-RBS-2009018891, closed 11/29/10 w/\$1,000 CP; L10-COS-RBS-201001441, closed 11/16/10 w/\$500.00 CP**

This consumer complaint alleges that the Respondent, a licensed cosmetology school, acted in an unprofessional way toward an enrollee. Specifically, the Respondent school would not release the Complainant's grades and demanded tuition payment for services received, asserting that the Complainant received credit for completing all required hours but that the hours credited were not paid for in total. The Respondent assures that the Complainant, termed a "delinquent graduate," will receive the grades and certificates of completion upon full payment. There is insufficient probable cause in the complaint file to justify formal discipline as this matter appears to be a contract dispute between the two private parties and not a licensing issue.

Recommendation: Close and flag the Respondent's license file with the option to reconsider if new, relevant information arises.

**Analysis: The Board agrees with this assessment.**

**Decision: Approved.**

**7. Case No.: L13-COS-RBS-2013010321**

**First License Obtained: 01/16/2009**

**License Expiration: 01/31/2015**

**Complaint history: None**

This consumer complaint alleges that the Respondent, a licensed cosmetologist, acted in an unprofessional and perhaps dishonorable way in providing hair extension services for the Complainant in possible violation of TENN. CODE ANN. § 62-4-127(b)(2) (Cause for suspension, revocation, or for denial of license). Specifically, the matter involves alleged misrepresentation of the identification and quality of a product and the subsequent charging of a product that is not genuinely provided and the failure of the product to behave as expected. The complaint file provides information that some legal activity has occurred in the parties' efforts to resolve the disagreement. No final finding of fault has been reached as of this date on which to base formal discipline. There is no complaint history for this Respondent.

Recommendation: Close the complaint with the option to reconsider if new, relevant information arises.

**Analysis: The Board agrees with this assessment.**

**Decision: Approved.**

**8. Case No.: L13-COS-RBS-2013011531**

**First License Obtained: 07/11/2007**

**License Expiration: 04/30/2014**

**Complaint history: 2008011451, closed 11/14/08 w/\$2,000 CP**

This consumer complaint alleges that the Respondent shop conducted services in an unprofessional manner in providing pedicure services for the Complainant in possible violation of TENN. CODE ANN. § 62-4-127(b)(2) (Cause for suspension, revocation, or for denial of license). Specifically, the Complainant alleges that the services provided for a pedicure caused injury that requires medical treatment. The file does not indicate that the services provided were the sole or even significant reason for the injury, and the Respondent maintains that the injury pre-existed in that the services may have at the least aggravated it.

Recommendation: Close the complaint with the option to reconsider if new, relevant information arises.

**Analysis: The Board agrees with this assessment.**

**Decision: Approved.**

**9. Case No.: L13-COS-RBS-2013011391**

**First License Obtained: 08/09/2007**

**License Expiration: 05/31/2013**

**Complaint history: 2012007581, closed 06/22/12 w/\$500 CP**

This consumer complaint alleges that the Respondent shop conducted services in an unprofessional manner in providing waxing services for the Complainant in possible violation of TENN. CODE ANN. § 62-4-127(b)(2) (Cause for suspension, revocation, or for denial of license). Specifically, the Complainant alleges that the services provided for an eyebrow waxing caused a sore and accompanying infection that requires medical treatment. The file does not indicate that the sterilization of the utensils were the sole or even significant reason for the injury, and the Respondent maintains that the injury did not exist before and was not caused by the shop's sterilization techniques.

Recommendation: Close the complaint with the option to reconsider if new, relevant information arises.

**Analysis: The Board agrees with this assessment.**

**Decision: Approved.**

**10. Case No.: L13-COS-RBS-2013010381**

**First License Obtained: 12/01/1994**

**License Expiration: 04/30/2014**

**Complaint history: None**

This consumer complaint alleges that the Respondent, a licensed cosmetology shop, employs unlicensed individuals to provide services in possible violation of TENN. CODE ANN. § 62-4-108 (License required to practice or teach). There is no inspection to support this allegation, nor has there ever been a past inspection report to indicate this activity. There is no complaint history for this Respondent.

Recommendation: Close the complaint with the option to reconsider if new, relevant information arises.

**Analysis: The Board agrees with this assessment.**

**Decision: Approved.**

**11. Case No.: L13-COS-RBS-2013011061**

**First License Obtained: 03/11/2013**

**License Expiration: 03/31/2015**

**Complaint history:**

This consumer complaint alleges that the Respondent, a licensee, employed an individual to provide services for which the person was not licensed in possible violation of TENN. CODE ANN. § 62-4-108 (License required to practice or teach). In a written reply, the Respondent admits that she holds an aesthetician license and was "training" on a customer by providing manicuring services on the consumer Complainant.

Recommendation: Close the complaint with a Letter of Warning.

**Analysis: The Board agrees with this assessment.**

**Decision: Approved.**

**12. Case No.: L13-COS-RBS-2013009091**

**First License Obtained: 02/06/2012**

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

**Complaint history: None**

A Notice of Violation issued on April 24<sup>th</sup>, 2013 alleges that the Respondent, a licensed manicure shop, failed to have a licensed manager in supervision of the shop in violation of TENN. CODE ANN. § 62-4-118(b)(2) (Operation of a shop); failed to maintain the sanitizer in correct working order in violation of TENN. COMP. R. & REG. 0440—02—.07(3) and (5) [EQUIPMENT]; and failed to keep all tools and implements properly sanitized and stored in violation of TENN. COMP. R. & REG. 0440—02—.13(2) [SANITATION AND DISINFECTION]. There is no complaint history for this Respondent.

Recommendation: Authorize a formal hearing with authority to settle via Consent Order for a civil penalty of \$250.00 for each of the three distinct violations, for a total civil penalty of \$750.00.

**Analysis: The Board agrees with this assessment.**

**Decision: Approved.**

**13. Case No.: L13-COS-RBS-2013006981**

**First License Obtained: 01/22/2002**

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

**Complaint history: None**

This consumer complaint alleges that the Respondent, a licensed cosmetology shop, employed unlicensed individuals to provide services for in possible violation of TENN. CODE ANN. § 62-4-108 (License required to practice or teach). There is no inspection to support this allegation, nor has there ever been a past inspection report to indicate this activity.

Recommendation: Close the complaint with the option to reconsider if new, relevant information arises.

**Analysis: The Board agrees with this assessment.**

**Decision: Approved.**

**14. Case No.: L13-COS-RBS-2013009021**

**First License Obtained: 01/29/2007**

**License Expiration: 08/31/2015**

**Complaint history: 2010034501, closed 03/04/11 w/\$500 CP**

A Notice of Violation issued on April 5<sup>th</sup>, 2013 alleges that the Respondent, a licensed manicure shop, is employing at least two unlicensed individuals to provide services in violation of TENN. CODE ANN. § 62-4-108 (License required to practice or teach). There is no complaint history for this Respondent.

Recommendation: Authorize a formal hearing with authority to settle via Consent Order for a civil penalty of \$250.00 for each of the two instances of observed unlicensed conduct, for a total civil penalty of \$500.00.

**Analysis: The Board agrees with this assessment.**

**Decision: Approved.**

**15. Case No.: L13-COS-RBS-2013010671**

**Case No.: L13-COS-RBS-2013013111**

**First License Obtained: 11/12/2008**

**License Expiration: 10/31/2014**

**Complaint history: None**

A Notice of Violation issued on April 29<sup>th</sup>, 2013 alleges that the Respondent, a licensed cosmetology shop, failed to ensure all employees were wearing a proper name tag in violation of TENN. COMP. R. & REG. 0440—02—.08(1)(a) [ATTIRE]; and failed to keep all tools and implements properly sanitized and stored, nor were the foots baths being properly cleaned with the correct disinfectant in violation of TENN. COMP. R. & REG. 0440—02—.13(2) and (6) [SANITATION AND DISINFECTION]. There is no complaint history for this Respondent.

Recommendation: Authorize a formal hearing with authority to settle via Consent Order for a civil penalty of \$250.00 for each of the three distinct rule violations, for a total civil penalty of \$750.00; the second case is a duplicate.



**Analysis: The Board agrees with this assessment.**

**Decision: Approved, and for closure of the second case with no action)**

**16. Case No.: L13-COS-RBS-2013010941**

**First License Obtained: 04/10/2008**

**License Expiration: 07/31/2014**

**Complaint history: 2008022521, closed 11/13/08 w/L.O.W;  
2010025381, closed 11/30/10 w/\$4,000  
CP;**

**2012001111, closed 5/11/12 w/L.O.W;  
2012008561, closed w/\$500 CP**

A Notice of Violation issued on April 21<sup>st</sup>, 2013 alleges that the Respondent, a licensed cosmetology shop, is employing at least one unlicensed individual to provide manicure services in violation of TENN. CODE ANN. § 62-4-108 (License required to practice).

Recommendation: Authorize a formal hearing with authority to settle via Consent Order for a civil penalty of \$250.00 for the instance of observed unlicensed activity.

**Analysis: The Board agrees with this assessment.**

**Decision: Approved.**

**17. Case No.: L13-COS-RBS-2013011831**

**First License Obtained: N/A**

**License Expiration: N/A**

**Complaint history: None**

A Notice of Violation issued on May 23<sup>rd</sup>, 2013 alleges that the Respondent, a licensed cosmetology shop, utilized an unlicensed individual to provide hair cutting services for a client in violation of TENN. CODE ANN. § 62-4-108 (License required to practice or teach).

Recommendation: Authorize a formal hearing with authority to settle via Consent Order for a civil penalty of \$250.00 for the instance of observed unlicensed activity.

**Analysis: The Board agrees with this assessment.**

**Decision: Approved.**

**18. Case No.: L13-COS-RBS-2013011851**

**Case No.: L13-COS-RBS-2013011852**

**First License Obtained: N/A**

**License Expiration: N/A**

**Complaint history: 2013001831, closed 4/12/13 w/CEASE and DESIST notice**

A Notice of Violation issued on May 23<sup>rd</sup>, 2013 alleges that the Respondent, an unlicensed business, is providing services to the public without first obtaining all the required shop and individual licenses in violation of TENN. CODE ANN. § 62-4-108 (License required to practice or teach).

Recommendation: Approve a CEASE and DESIST order and authorize a formal hearing with authority to settle via Consent Order for a civil penalty of \$250.00 for the observed unlicensed activity of both a shop and at least one individual practicing, for a total civil penalty of \$500.00.

**Analysis: The Board agrees with this assessment.**

**Decision: Approved.**

**19. Case No.: L13-COS-RBS-2013012891**

**First License Obtained: 12/19/2008**

**License Expiration: 12/31/2014**

**Complaint history: 2009010781, closed 12/09/09 w/ no action; 2009022951, closed 12/02/10 w/\$1,000 CP; 2012010161, closed w/\$750 CP; 2012015621, closed 9/18/12 closed w/\$1,250 CP**

A Notice of Violation issued on May 9<sup>th</sup>, 2013 alleges that the Respondent, a licensed cosmetology shop, failed to keep all tools and implements properly sanitized and stored, nor were the foot baths being properly cleaned with the correct disinfectant in violation of TENN. COMP. R. & REG. 0440—02—.13(2) and (6) [SANITATION AND DISINFECTION]. There is no complaint history for this Respondent.

Recommendation: Authorize a formal hearing with authority to settle via Consent Order for a civil penalty of \$250.00 for each of the two distinct rule violations, for a total civil penalty of \$500.00.

**Analysis: The Board agrees with this assessment.**

**Decision: Approved.**

**20. Case No.: L13-COS-RBS-2013011871**

**Case No.: L13-COS-RBS-2013011872**

**First License Obtained: N/A**

**License Expiration: N/A**

**Complaint history: None**

A Notice of Violation issued on May 30<sup>th</sup>, 2013 alleges that the Respondent submitted an application for licensure as cosmetology shop, but is employing at least two individual without proper licenses in violation of TENN. CODE ANN. § 62-4-108 (License required to practice or teach).

Recommendation: Authorize a formal hearing with authority to settle via Consent Order for a civil penalty of \$250.00 for the two observed unlicensed employees for a total civil penalty of \$500.00.

**Analysis: The Board agrees with this assessment.**

**Decision: Approved.**

**21. Case No.: L13-COS-RBS-2013012901**

**First License Obtained: 04/27/2010**

**License Expiration: 03/31/2013**

**Complaint history:                      None**

A Notice of Violation issued on May 9<sup>th</sup>, 2013 alleges that the Respondent, a licensed cosmetology shop, failed to ensure all employees were wearing a proper name tag in violation of TENN. COMP. R. & REG. 0440—02—.08(1)(a) [ATTIRE]; failed to keep all tools and implements properly sanitized and stored, nor were the clean towels separated from the dirty towels in violation of TENN. COMP. R. & REG. 0440—02—.13(2) and (7) [SANITATION AND DISINFECTION]; and failed to ensure that all trash containers were properly closed in violation of TENN. COMP. R. & REG. 0440—02—.14(1) [TRASH CONTAINERS]. There is no complaint history for this Respondent.

Recommendation: Authorize a formal hearing with authority to settle via Consent Order for a civil penalty of \$250.00 for each of the four distinct rule violations for a total civil penalty of \$1,000.00.

**Analysis: The Board agrees with this assessment.**

**Decision: Approved.**

**22. Case No.: L13-COS-RBS-2013012881**

**First License Obtained:                      12/01/2010**

**License Expiration:                              10/31/2014**

**Complaint history:                              2011023581 &2012003601, closed  
08/22/12 w/\$2,000 CP**

A Notice of Violation issued on May 9<sup>th</sup>, 2013 alleges that the Respondent, a licensed cosmetology shop, was observed in operation with a personal license not displayed at an employee's workstation in violation of TENN. CODE ANN. § 62-4-113(a)(1) (Display of license); and that two employees were not wearing proper name tags in violation of TENN. COMP. R. & REG. 0440—02—.08(1)(a) [ATTIRE].

Recommendation: Authorize a formal hearing with authority to settle via Consent Order for a civil penalty of \$250.00 for each of the three distinct rule violations for a total civil penalty of \$750.00.

**Analysis: The Board agrees with this assessment.**

**Decision: Approved.**

**23. Case No.: L13-COS-RBS-2013011921**

**First License Obtained:** N/A

**License Expiration:** N/A

**Complaint history:** None

A Notice of Violation issued on May 9<sup>th</sup>, 2013 alleges that the Respondent, an unlicensed business, is providing services to the public without first obtaining all the required shop and individual licenses in violation of TENN. CODE ANN. § 62-4-108 (License required to practice or teach).

Recommendation: Approve a CEASE and DESIST order and authorize a formal hearing with authority to settle via Consent Order for a civil penalty of \$250.00 for the observed unlicensed activity of both a shop and its employment of at least one individual practicing, for a total civil penalty of \$500.00.

**Analysis: The Board agrees with this assessment.**

**Decision: Approved.**

**24. Case No.: L13-COS-RBS-2013011931**

**First License Obtained:** 05/10/2007

**License Expiration:** 05/31/2012

**Complaint history:** None

A Notice of Violation issued on May 3<sup>rd</sup>, 2013 alleges that the Respondent, a cosmetology shop, operated the shop while its license had been expired since May 31, 2012 in violation of TENN. CODE ANN. § 62-4-118(a) (Operation of a shop). The inspector states that shop owner was weaving a licensee's hair whose license was expired. There is no complaint history for this Respondent.

Recommendation: Authorize a CEASE and DESIST Order and a Letter of Warning against practicing with an expired shop license.

**Analysis: The Board agrees with this assessment.**

**Decision: Approved.**

**25. Case No.: L13-COS-RBS-2013013401**

**First License Obtained: 02/07/2012**

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

**Complaint history: None**

This consumer complaint alleges that the Respondent establishment, a licensed cosmetology shop, employed a licensed master barber to provide cosmetology services. An inspector visited the Respondent shop and confirmed this and that there is no exemption available to the barber since the Respondent shop did not have a barber shop license at the time of the inspection. A Notice of Violation issued on June 13<sup>th</sup>, 2013 for this violation of TENN. CODE ANN. § 62-4-118(a) (Operation of a shop). The shop is currently a licensed barber shop as of July 30<sup>th</sup> 2013. There is no complaint history for this Respondent.

Recommendation: Authorize a formal hearing with authority to settle via Consent Order for a civil penalty of \$250.00 for the observed instance of practice while unlicensed or exempt.

**Analysis: The Board agrees with this assessment.**

**Decision: Approved.**

**RECIPROCITY CASES PRESENTED TO CLOSE**

The following cases were investigated for reciprocity issues and were found to be properly awarded licenses; they are presented with a recommendation to close the cases.

**1. Case No.: L13-COS-RBS-2013009961**

**First License Obtained: 09/13/2011**

**License Expiration: 09/30/2013**

**Complaint history: None**

**2. Case No.: L13-COS-RBS-2013009971**

**First License Obtained: 11/29/2011**

**License Expiration: 11/30/2013**

**Complaint history: None**

**3. Case No.: L13-COS-RBS-2013009981**

**First License Obtained: 09/15/2011**

**License Expiration: 09/30/2013**

**Complaint history: None**

**4. Case No.: L13-COS-RBS-2013010051**

**First License Obtained: 11/29/2011**

**License Expiration: 11/30/2013**

**Complaint history: None**

**5. Case No.: L13-COS-RBS-2013009991**

**First License Obtained: 10/06/2011**

**License Expiration: 10/31/2013**

**Complaint history: None**

**6. Case No.: L13-COS-RBS-2013010001**

**First License Obtained: 09/02/2011**

**License Expiration: 09/30/2013**

**Complaint history: None**

**Collective Decision for the 6 cases above: Approved.**

**RECIPROCITY CASES PRESENTED FOR DISCIPLINARY ACTION**

1. Case No.: L13-COS-RBS-2013010251

**First License Obtained:** 09/16/2011

**License Expiration:** 09/30/2013

**Complaint history:** None

2. Case No.: L13-COS-RBS-2013007391

**First License Obtained:** 09/22/2011

**License Expiration:** 09/30/2013

**Complaint history:** None

3. Case No.: L13-COS-RBS-2013010091

**First License Obtained:** 01/13/2012

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

**Complaint history:** None

4. Case No.: L13-COS-RBS-2013010131

**First License Obtained:** 11/21/2011

**License Expiration:** 11/30/2013

**Complaint history:** None



**5. Case No.: L13-COS-RBS- 2013010141**

**First License Obtained: 01/04/2012**

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

**Complaint history: None**

**6. Case No.: L13-COS-RBS-2013010231**

**First License Obtained: 02/02/2012**

**License Expiration: 02/28/2014**

**Complaint history: None**

**7. Case No.: L13-COS-RBS-2013010191**

**First License Obtained: 12/27/2011**

**License Expiration: 12/31/2013**

**Complaint history: 2013010281, closed w/no action  
06/26/13**

**8. Case No.: L13-COS-RBS- 2013010211**

**First License Obtained: 10/26/2011**

**License Expiration: 10/31/2013**

**Complaint history: None**

An administrative Board office complaint has been filed against the above-referenced Respondents (licensees) alleging fraud in obtaining licenses through reciprocity. Upon review of the Board office records, a letter was sent to each of the above Respondents requesting certifications of licensure from the reciprocal states or proof of education and licensure records. To date, no responses to the requests on the above cases have been received. Further, Board litigation counsel contacted each state from where the Respondents allegedly obtained the certifications of licensure and/or hours of education in order to review the possibility of administrative mistakes. All responses requested

from the reciprocal states have been received – each of which certifies that, a license search was made for each Respondent listed and no records were found that indicate any Respondent is currently licensed or has ever been licensed with such states. A second letter was then sent to each Respondent notifying them of the initiation of a Board office complaint, which included the additional information provided by each state and once again requested a response. No responses to the complaints have been received from the Respondents as of this date.

Recommendation: Authorize a formal hearing to seek license revocation for all 8 of the above-referenced cases.

**Analysis: The Board agrees with this assessment.**

**Decision: Approved.**

### **RECIPROCITY CASE PRESENTED FOR OTHER DISCIPLINARY ACTION**

**9. Case No.: L13-COS-RBS-2013010061**

**First License Obtained: 01/09/2012**

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

**Complaint history: None**

An administrative Board office complaint has been filed against the above-referenced Respondent (aesthetician licensee) alleging fraud in obtaining a license through reciprocity. Upon review of the Board office records, a letter was sent to both Respondent and the reciprocal state requesting certifications of licensure or proof of education and licensure records. A response from the reciprocal state indicated that the Respondent has no record of licensure in that state. Further, the Respondent contacted the Board litigation counsel who explained to the Respondent that we were unable to confirm that she had a valid reciprocal state license – the Respondent verbally admitted that she received her aesthetician license unlawfully and that she is no longer providing aesthetics services. This Respondent is willing to enter into a voluntary license revocation.

Recommendation: Authorize formal hearing with authority to settle by Consent Order for License Revocation.

**Analysis: The Board agrees with this assessment.**

**Decision: Approved.**

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

**COSMETOLOGY CONSENT ORDERS- August 2013- Totaling \$7,750.00**

MOTION made by Nina Coppinger and seconded by Pearl Walker Ali for approval of all consent orders. Motion carried unanimously.

**OTHER BUSINESS-**

**All Board Members encouraged to sign up for Notify email updates**

Board staff continues to encourage callers to sign up and we would like all Board members, if you have not already done so to please sign up for email notification.

**PSI Online School Application Process:**

Training dates are posted on website; Psi will confirm exact location and times. Knoxville is scheduled for September 16, Memphis September 17 and Nashville September 18. The training will be two or three hours long and at the end of the day to accommodate schools and instructors. Both Rachel and Roxana will be involved in the training.

**2013 School Renewal and remote inspection of six schools**

All schools have been sent renewal information; many have already completed all aspects of the renewal. We will do an audit next week to see those still pending. Six schools, located in East Tennessee, were mailed letters explaining that we would do a remote audit of their records. Ten students re randomly selected for the audit.

**Inspector training scheduled for 9/30/13**

This year's inspector training will be on September 30<sup>th</sup> to include technology updates, best practices for Notices of Violation, and an opportunity to connect with each other. If you have anything you would like us to share with the inspectors please email me the information by mid-September.

**Knoxville CE Seminar July 21<sup>st</sup> & 22<sup>nd</sup>**

I attended the seminar in Knoxville on Sunday, July 21 and was very impressed. There were over 145 cosmetology instructors and school administrators. Their questions were great.

**Additional Questions:**

Nina Coppinger asked when contract with PSI would expire. Discussion was had about NIC offered test and other languages. Pearl Walker-Ali asked if we could review adding other languages to test option so more individuals test in Tennessee and get them to work sooner. Also, if two contracts for testing was a possibility. Additional information will be provided at next meeting.

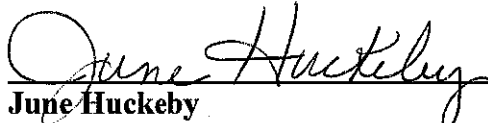
The floor was open for public comments regarding Senate Bill 109, also known as Public Chapter 447. Mr. Michael Martin provided commentary in opposition of the Bill.

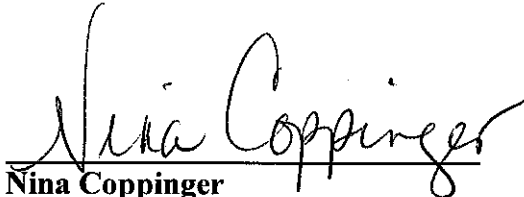
Mona Sappenfield recognized members of TAPS (Tennessee Association of Professional Stylist) who traveled from Memphis.

**Motion to adjourn**


MOTION to adjourn made by Nina Coppinger and seconded by Rufus Hereford. Motion carried unanimously.

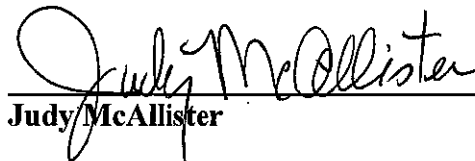
  
Linda Colley, Chairman

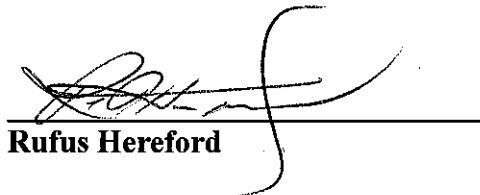
  
June Huckleby

  
Nina Coppinger

  
Pearl Walker-Ali

  
Muriel Smith

  
Judy McAllister

  
Rufus Hereford

  
Mona Sappenfield