



**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 November 4, 2013 at 9:00 a.m. in Nashville, Tennessee.

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

Other present were: Roxana Gumucio, Executive 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 August 5, 2013 and the October 7, 2013 board meetings were submitted for changes and/or approval.

Motion made by Nina Coppinger and seconded by Judy McAllister to approve the August 5, 2013 minutes. Motion carried unanimously.

Motion made by Judy McAllister and seconded by Pearl Walker-Ali to approve the October 7, 2013 minutes after page 17 is corrected. Motion carried unanimously.

NEW BOARD MEMBER-

Ms. Courtney Williams was introduced as new Board member.

APPEAR BEFORE THE BOARD-

Assistant Commissioner, Bill Giannini presented Year End financial information, an update on the new licensing system and Customer-Focused Government.

Mrs. Afsaneh Abdi, Nashville, Tennessee

Mrs. Abdi is appearing before the board to request reciprocity from Michigan. She successfully completed 1,500 hours at Genesis Career College, Tennessee in 2011 as she was instructed to do by the Board in December 2010. At that time the decision was also that she take the Tennessee exams. Mrs. Abdi has taken the Theory exam on four separate occasions and her highest score is 58%. Given that English is her second language and Tennessee does not offer testing in Arabic, she went to Michigan to take the PSI exam. She was able to pass the theory exam and get licensed there with the thought that she could receive reciprocity. This process has created a financial hardship on her family as stated on the letter they provided. Mr. and Mrs. Abdi appear before the Board to ask that her request be reconsidered.

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

Kevin Johnson, Paul Mitchell School - Change in location

A school change in location request has been received from Paul Mitchell, the school. A letter is provided explaining the decision to move the school located in Antioch to Mt. Juliet. Also included is a floor plan, and name of instructors. The new school location will not be ready until the beginning of 2014.

MOTION made by Nina Coppinger and seconded by Pearl Walker-Ali to approve the school change in location application and send an inspector when they are ready to open. Motion carried unanimously.

APPLICATIONS FOR EXAMINATION-

Applications for examination for Ladonya Jones, Charlotte Hite and Athena Cruger who have felonies are submitted for the board's approval. The required information, disclosure from the student and letter of recommendation 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 2012 to 2014 for Anita B. Loy. The letter provided by Ms. Loy's states she reached the Board office repeatedly asking about her status and did not receive the necessary information to timely take her continued education. Her license is otherwise current.

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

INSTRUCTOR REQUEST FOR STATUS CHANGE-

Request to place instructor license in inactive status for Wandra N. Cain. Ms. Cain has paid her fees but failed to complete her required continued education within the two year period. She lives out of State but would like the option to keep her instructor license for the future.

Motion made by Muriel Smith and seconded by June Huckeby to deny the request. Motion carried unanimously.

Request to reinstate instructor license for Paul Berry. Mr. Berry placed his license on retired status in April 2012 and did not attend a continued education seminar for that period. He is over the age of 65 and can reinstate his cosmetology and aesthetician license by paying for the fees, however, his instructor license requires him to attend a seminar prior to reinstatement. Mr. Berry has been offered an instructor job available immediately and is asking that the Board allow him to complete his requirement at by attending the first session offered in February 2014.

Motion made by Rufus Hereford and seconded by Pearl Walker-Ali to approve the request. Motion carried unanimously.

FIELD TRIP REQUESTS-

Field trip request from Empire Beauty School for the Student Salon classes of the Hair Design-School-Memphis-Highland on November 22, 2013 from 10:00 a.m. to 2:00 p.m. to go to Serenity Towers 400 S. Highland. The educational facilitators and educators are Scott/Franklin/Weston. The class curriculum during that week will be Job Search.

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

Field trip request from Empire Beauty School for the Student Salon class of Empire Beauty School Colonial, to go to 5063 Park Ave, Super Cuts Salon on November 12, 2013, from 10:00 to 2:00. The facilitator will be Mrs. Brunette. The class curriculum during that week will be job search. Ms. Brittany Briggs is the educator who will accompany the students on this trip.

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

Field trip request from Fayetteville College of Cosmetology Arts and Sciences to take students to the Ronald McDonald House in Nashville to perform manicuring services for the families that are staying there on November 13, 2013, from 10:00 to 2:00 p.m.

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

Field trip request from Love Beauty School, Inc. to go to Performance Studios in Nashville to purchase theatrical make-up for the Halloween holiday. The field trip is on Wednesday, October 9th, between 9:00 am and 3:00 pm.

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

Field trip request from Love Beauty School, Inc. who is volunteering to provide hair and make-up services with The Manchester Arts and Theater in Manchester, TN during November 2013 and January 2014. We will be working with Spamelot and Stage Door. The Esthetics and Cosmetology students will be helping Nov. 1-3 and Nov 8-10 and in Jan. 2014 17-19 and 24-26.

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

APPLICATIONS FOR RECIPROCITY-

Application for reciprocity of manicurist license from California for Thang M. Chu. . Certification verifies the applicant was licensed by examination and initial date of licensing is in July 2001. Tax returns are provided from 2008 – 2012 but not all of them show proof of work in the industry.

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

MOTION made by Muriel Smith and seconded by June Hucceby to deny recommendation and request additional information be provide for review at the next meeting. Motion carried unanimously.

Application for reciprocity of aesthetician license from Washington for Kristine G. Dunham. Certification obtained from online license verification shows initial date of March, 2011. Name

change documentation is provided along with diploma reflecting 700 hours completed instead of the normal 600 Washington requires.

Recommendation - is that the applicant take the Tennessee examination.

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

Application for reciprocity of cosmetology license from Florida for Tonya Fuller. Certification shows initial date of licensure as August, 2012. Transcript confirms 1,200 hours.

Recommendation - is that the applicant take the Tennessee examination.

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

Application for reciprocity of manicurist license for Kieu My Thi Ho. Certification from California shows initial licensure in March 2013 and Texas shows licensure in September 2007. Tax records provided from 2008 – 2012 all show working in Texas in the industry.

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

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

Application for reciprocity of manicurist license from Florida for Tram Ho. Certification shows initial licensure date of April, 2009 and 500 hours received. Tax records from 2008 – 2012 don't all show work in the industry and she was not licensed for the five years as required.

Recommendation - is that the applicant take the Tennessee examination.

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

Application for reciprocity of manicurist license from Virginia for Uyen Tu Huynh. Certification shows initial license was issued December 2011 with 150 hours.

Recommendation - is that the applicant take the Tennessee examination.

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

Application for reciprocity of cosmetology license for Limary Iselin from Puerto Rico. Certification mailed by applicant along with transcript and other supporting documentation. Records show 1,500 hours and licensure by examination issued in 1995. Board office is able to check authenticity of license numbers with Puerto Rico Auxiliary Secretary online system and it does not match the applicant's information.

Recommendation – is that the applicant be denied reciprocity until proper documentation can be verified.

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

Application for reciprocity of cosmetology license from The Republic of Senegal, West Africa, for Assietou Kouate. Official certification states that applicant was licensed since December 2011. Transcript shows classes received during a three year period.

Recommendation - is that the applicant take the Tennessee examination.

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

Application for reciprocity of manicurist license from Georgia for Tien H. Ly. Certification shows initial licensure in April, 2006 with 525 hours. Tax records from 2008 – 2011 are provided and show work in the industry. By email Ms. Ly stated that she did not work in 2012.

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

MOTION made by Muriel Smith and seconded by June Huckleby to deny recommendation and more information from previous years and additional work history. Motion carried unanimously.

Application for reciprocity of aesthetician license from Florida for Ann Ngo. Certification shows initial licensure in August 2008 with 260 hours. Tax records from 2008 – 2012 do not all show work in the industry and none show work in aesthetics.

Recommendation - is that the applicant take the Tennessee examination.

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

Application for reciprocity of cosmetology license from Puerto Rico for Nakry Ny. Certification mailed by applicant along with transcript and other supporting documentation. Records show 1,500 hours and licensure by examination issued in 1997. Board office is able to check authenticity of license numbers with Puerto Rico Auxiliary Secretary online system and it does not match the applicant's information.

Recommendation – is that the applicant be denied reciprocity until proper documentation can be verified.

MOTION made by June Hucceby and seconded by Muriel Smith to approve recommendation. Motion carried unanimously.

Application for reciprocity of aesthetician license from Nebraska for Cherise Dawn Obermeyer. Certification from verifies licensure by examination and initial date of February, 2012 with 600 hours.

Recommendation - is that the applicant take the Tennessee examination.

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

Application for reciprocity of aesthetician license from New York for Jianning Qi. Certification shows initial licensure by examination taken in Chinese with the practical exam passed in June 2013. New York only requires 600 hours be completed.

Recommendation - is that the applicant take the Tennessee examination.

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

Application for reciprocity of cosmetology license from Florida for Sergio Alberto Rodriguez. Certification reflects 1,000 hours of schooling, licensure by examination and initial date of August, 2011. Also provided is a letter from Salon Euphora stating Mr. Rodriguez worked part-time while in schools and full time from time of licensure until March 2013.

Recommendation - is that the applicant take the Tennessee examination.

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

Application for reciprocity of cosmetology license from Puerto Rico for Jacqueline Swift. Certification mailed by applicant along with transcript and other supporting documentation. Records show 1,500 hours and licensure by examination issued in 1996. Board office is able to check authenticity of license numbers with Puerto Rico Auxiliary Secretary online system and it does not match the applicant's information.

Recommendation – is that the applicant be denied reciprocity until proper documentation can be verified.

MOTION made by Judy McAllister and seconded by Rufus Hereford to approve recommendation. Motion carried unanimously.

Application for reciprocity of natural hair stylist license from Florida for Ndeye Fatou Toure. Certification from Florida verifies licensure by examination and initial date of January, 2007 with 160 hours. Tax records were provided to the Board office that support work in the industry. An approval letter was mail in September because she seemed to meet all the work experience and the Director could approve the application. In the audit process of the application it was discovered that the address on her tax files was in Tennessee. Ms. Toure has provided a letter explaining her situation.

Recommendation – no recommendation is made so Board can review request and supporting documents.

MOTION made by Pearl Walker-Ali and seconded by Rufus Hereford to have applicant take the Tennessee examination. Motion carried unanimously.

Application for reciprocity of cosmetology documentation from Columbia, South America, for Ludolfia Silva Turner. Documentation provided shows Ms. Turner completed 240 hours in the field of Cosmetology but there is no way to compare the hours to the requirements for reciprocity. Also, Columbia does not certify licenses.

Recommendation - is that the applicant continue her schooling until she meets the 1,500 hour requirement and take the Tennessee examination.

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

Application for reciprocity of cosmetology license from Puerto Rico for Amanda Yang. Certification mailed by applicant along with transcript and other supporting documentation. Records show 1,500 hours and licensure by examination issued in 1998. Board office is able to check authenticity of license numbers with Puerto Rico Auxiliary Secretary online system and it does not match the applicant's information.

Recommendation – is that the applicant be denied reciprocity until proper documentation can be verified.

MOTION made by Judy McAllister and seconded by Nina Coppinger to approve recommendation. 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 4th, 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 12th, 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 4th, 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 15th, 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 4th, 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 6th, 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 10th, 2010, and a follow-up attempt to settle the matter was attempted with a Consent Order dated July 3rd, 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 6th, 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 20th, 2012. Subsequently, the Respondent shop was approved for a change of ownership on May 23rd, 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 3rd, 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 11th, 2011. Subsequently, the Respondent shop was approved for a change of ownership on November 2nd, 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 4th, 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 3rd, 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 4th, 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 3rd, 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 2nd, 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 18th, 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 6th, 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 14th, 2012. After attempts at contacting

the Respondent through various methods, a follow-up letter was sent on January 7th, 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 25th, 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 29th, 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 19th, 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 24th, 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 24th, 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 24th, 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 5th, 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 29th, 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 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 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 21st, 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 23rd, 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 23rd, 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 9th, 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 30th, 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 9th, 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 9th, 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 9th, 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 3rd, 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 13th, 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 30th 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 _____ and seconded by _____ approval of the legal report. Motion carried unanimously

COSMETOLOGY CONSENT ORDERS- October 2013- Totaling \$2,500.00

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


OTHER BUSINESS-

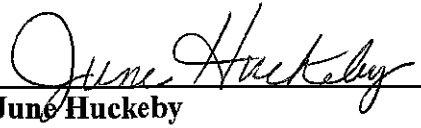
Update on Rule Making Process:

Robert Herndon, legal counsel for the Board, presented information about the Rule making process. The timeline and next steps in the process were discussed.

Motion to adjourn

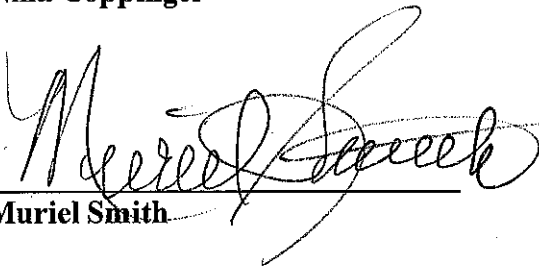
MOTION to adjourn made by Courtney Williams and seconded by Pearl Walker-Ali. Motion carried unanimously.



Linda Colley, Chairman


June Huckleby

Nina Coppinger


Pearl Walker-Ali


Muriel Smith


Judy McAllister


Rufus Hereford

Courtney Williams