



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 March 4, 2013 at 10:00 a.m. in Nashville, Tennessee.

The following members were present: Linda Colley, Chairman, Nina Coppinger, Vice Chairman, June Huckleby, Muriel Smith, Rufus Hereford, and Judy McAllister.

Other present were: 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 February 4, 2013 board meeting submitted for recommended changes and/or approval at the April 1, 2013 meeting.

APPEAR BEFORE THE BOARD

Kevin Johnson – Paul Mitchell School

Mr. Johnson is presenting an application for a barbering program within the existing cosmetology school. A letter, floor plan and application are attached. Mr. Johnson is requesting the board's approval.

Motion by Nina Coppinger and seconded by June Huckleby to approve Paul Mitchell's request to for the barbering program to be allowed within the existing cosmetology school upon approval of the Barber Board. Motion carried unanimously.

Robin E. Wilson – Master Educators – CE Seminar

Ms. Wilson is presenting information for the board's approval of a continuing education seminar. Seminar information, dates, and resumes of instructors are provided.

Motion by Muriel Smith and seconded by June Huckleby to table this continuing education seminar request until the next board meeting. Motion carried unanimously.

Terri Hoffman – Reciprocity Applicant

Ms. Hoffman is requesting the board's reconsideration of her reciprocal cosmetology application from North Carolina. She has been licensed since 1985 and has 1200 hours of education from New York. Tax returns and booth rental information is provided and Ms. Hoffman states her licensure has been active for twenty-eight (28) years.

Motion by Nina Coppinger and seconded by Rufus Hereford to approve the reciprocity application. Motion carried unanimously.

Robert Mick

Mr. Mick is requesting the board's reconsideration of his continuing education attendance for the year 2012 and reinstatement of instructor status. His continuing education information is provided.

Motion by Nina Coppinger and seconded by Rufus Hereford to approve request and require Mr. Mick to attend the June 2013 Seminar.

Motion by June Huckleby and seconded by Nina Coppinger to reinstate the instructor status back on Mr. Mick's license. Motion carried unanimously.

SCHOOL APPLICATIONS

Remington College – Nashville Campus

An application has been received from Remington College – Nashville Campus, located in Nashville, Tennessee, for change of name of the school. The new name will be Remington College.

Motion by June Huckleby and seconded by Muriel Smith to approve the application. Motion carried unanimously.

Remington College – Memphis Campus

An application has been received from Remington College – Memphis Campus, located in Memphis, Tennessee, for change of name of the school. The new name will be Remington College.

Motion by Rufus Hereford and seconded by Judy McAllister to approve the application. Motion carried unanimously.

Rasco Radiant Academy of Cosmetology

An application has been received from Rasco Radiant Academy of Cosmetology, to be located at 1830 Highway 51, Covington, Tennessee for a new school of cosmetology. The school has provided the application payment, floor plan, and surety bond. The floor plan does not specify square footage and no enrollment agreements have been provided. This school will need to be inspected by a board member and an inspector after the approval of the board. The inspector will be Melissa Hutson. The board member for this area will be Pearl Walker.

Motion by Nina Coppinger and seconded by Muriel Smith to table the application for a new school until further information has been provided relative to the students enrolled, the student enrollment applications and the school floor plan. Upon receipt of this information, the application will be represented to the Board for consideration and the Board's approval. The Board suggests that an appearance upon representation in order to answer any questions the Board may have relative to the application and supporting documentation. Motion carried unanimously.

APPLICATIONS FOR EXAMINATION

Applications for examination for Joshua Barbee, Machel Green, Candeous Neal, Janna Nichols, Tabitha Trice, and Tonia Myers 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 to 2013 for Delois Thorton because she was out of the country during the 2011 continuing education seminar. Her continuing education due date was 2011.

Motion by Nina Coppinger and seconded by Judy McAllister to deny the request. Motion carried unanimously.

Request from Betty Idema to put her license into inactive status for due to illness. A doctor's note is provided. Her continuing education due date was 2011, the board previously extended it to 2012.

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

APPLICATIONS FOR RECIPROCITY

Katherine Allison and Melissa Ewing's applications were presented to the reciprocity committee and the reciprocity committee recommended the reciprocal applications be approved for licensure by the Tennessee Board of Cosmetology.

The following applicant's reciprocity applications: Reina Bell, Tomas Castro-Martinez, Tu Trinh Dong, Melissa Ewing (aesthetician), Deangella Lockett, Kevin Nguyen, Ngoc Bich Thi Nguyen, Andy Pham, Tu Thanh Phu, DeNova Sixto, Hien Ton and Long Nguyen, were presented to the reciprocity committee and the reciprocity committee recommended the applicants take the Tennessee examination.

Minh Chau, Hien Nguyen and Denese Reed's reciprocity applications were presented to the reciprocity committee and the reciprocity committee recommended the applicants be submitted to the full Board for review and consideration.

All applicant recommendations made by the reciprocity committee for approval, testing and Board review were presented to the board.

MOTION made by Rufus Hereford and second by Judy McAllister to approve the reciprocity committee's recommendations for approval and testing. Motion carried unanimously.

Minh Chau's reciprocity application was presented to the board in February 2013 and the board voted he pass the manicurist examination as he had a gap in work history and his certification only verified 525 hours. The applicant has provided a letter requesting the board reconsider as well as employment verification and a transcript which verifies 600 hours of instruction in the manicurist curriculum

Recommendation by Rachel Powers that the board reconsider the new information provided and the applicant be approved for reciprocity.

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

Application for reciprocity of manicurist license from Georgia for Hien Nguyen. Certification verifies 1065 hours in apprentice training in a salon in Georgia prior to becoming licensed and initial date of licensing in 2011. A transcript is provided which verifies this information as well as tax returns which detail work history in the industry.

Recommendation by Rachel Powers that the applicant take the Tennessee manicurist 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 Ohio for Denese Reed. Certification verifies 1500 hours and initial date of licensing in 2001, but licensure expiration on January 31, 2013.

Recommendation by Rachel Powers is that the applicant be approved for reciprocity.

MOTION made by Nina Coppinger and seconded by Rufus Hereford to grant reciprocity if the applicant can show the licensure is brought current in the reciprocal state. Motion carried unanimously.

MISCELLANEOUS REQUESTS

The University of Memphis has made a request to have their 2013 Teacher's Seminar approved. The seminar presenters, subjects and date are provided. The seminar is to be held at the University of Memphis June 9 - 10, 2013.

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

Field trip request from Austin's Beauty College for permission to take students on a Field trip to attend the Fashion Focus Hair Show on March 24th & 25th at the Nashville Convention Center

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

Field trip request from Buchanan Beauty College and the Coffee County Beauty for permission to take students on a field trip to attend the Fashion Focus Hair Show on March 24th & 25th at the Nashville Convention Center.

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

Field trip request from Empire Beauty School for permission to take students on a Field trip on February 16-18, 2013 to Bonner Brothers Hair Show in Atlanta, Georgia.

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

Field trip request from Image Maker Beauty Institute for permission to take students on a field trip to Fashion Focus Hair Show on March 24th & 25th at the Nashville Convention Center. The students will be attending approximately 7 hours both days.

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

Field trip request from Georgia Career Institute for permission to take our students to travel to GCI Murfreesboro Campus on March 4, 2013, for training class on "It Works" product. Also we have another field trip on Thursday April 11, 2013 to the same campus for esthetics training on "Pevonia product".

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

Field trip request from Sandra L. Clark for permission to take our students to learn about color formulation and re-launch of Igora Royal to Epiphany Salon and Day Spa 330 Frazier Ct. Chattanooga, TN 37405 and the time will be from 10:00 am to 1:00 pm.

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

Field trip request from Volunteer Beauty Academy for permission to take our students to attend the Fashion Focus Hair Show on March 24 & 25, 2013 in Nashville.

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

Field trip request from TN Career Institute for permission to take our students to the Image skincare product launch at Marriott Hotel in Franklin on March 14, 2013 from 6-8pm.

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

Field trip request from TN Career Institute For permission to take our students to the Cosmo professional HEIL Hair show at Nashville Convention Center March 24th and 25th 2013.

Motion by Muriel Smith and seconded by June Hucceby to approve the request. Motion carried unanimously.

Field trip request from TN Career Institute for permission for our students to travel to GCI Murfreesboro Campus on March 4, 2013, for training class on It Works" product. Also we have another field trip on Thursday April 11, 2013 to the same campus for esthetics training on "Pevonia product"

Motion by Muriel Smith and seconded by June Hucceby to approve the request. Motion carried unanimously.

Field trip request from Vatterott Career College for permission to take our students to the Hair Biz Catwalk Student Competition and Fashion Show on March 25, 2013.

Motion by Judy McAllister and seconded by Rufus Hereford to approve the request. Motion carried unanimously.

Field trip request from Vatterott Career College for permission to take students on a Field trip on February 16-18, 2013 to Bonner Brothers Hair Show in Atlanta, Georgia.

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

Field trip request from Jenny Lea Academy of Cosmetology for permission for two senior students to go to the Austin Springs Salon and Spa in the Carnegie Hotel in Johnson City on March 5, 2013 to learn about salon business, success and service essentials for their careers.

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

Request from Gina Wade for approval of CEA continuing education classes. Class information is provided.

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

LEGAL REPORT- STAFF ATTORNEY

PREVIOUS CASE WITH NEW INFORMATION

1. Case No.: L11-COS-RBS-2011030621

This matter was presented at the February 6, 2012 board meeting as follows: *A September 22, 2011 Notice of Violation alleges that one (1) licensed manicurist was observed practicing manicuring on a client while her license was expired and had been expired since August 30, 2010. As of September 29, 2011, the license was renewed. The inspector also observed that the floors in the shop were unclean.* Based on this information, the Board decided to authorize formal hearing with authority to settle by Consent Order with a payment of a \$500.00 civil penalty.

UPDATE: a Consent Order was sent to the Respondent shop and later returned unclaimed. Further investigation of this matter revealed that one of the Respondent shop owners held no license issued by the board and the other co-owner filed a Bankruptcy (Chapter 13), a copy of the Notice of Bankruptcy Commencement was sent to the office of legal counsel from the United States Bankruptcy Court. According to the area inspector, the shop is now closed for business. It is the opinion of the board's litigation counsel that pursuing formal action in this matter is not feasible.

Recommendation: Rescind the previous Consent Order, close the complaint and flag the Respondent shop's licensing file.

Analysis: The Board agrees with this assessment.

Decision: Approved.

NEW CASES

1. Case No.: L13-COS-RBS-2012019721

The complaint alleges that the Respondent, a licensed cosmetology shop, provided unprofessional weaving services in the preparation of the Complainant's hairpiece in violation of Tenn. Code Ann. § 62-4-127(b)(2). The Respondent offered a refund to the Complainant after having discussed the matter with the Respondent. No allegation of sanitary violations was made. There is no response to these allegations in the file.

Recommendation: Approve a letter of warning against the Respondent for failing to respond to the complaint.

Analysis: The Board agrees with this assessment.

Decision: Approved.

2. Case No.: L13-COS-RBS-2013003841

A January 30, 2013 Notice of Violation alleges the area inspector observed an expired license posted in a licensed cosmetology shop in violation of Tenn. Code Ann. § 62-4-108 [License required to practice or teach]. The inspector also observed dirty color bowls, tint brushes and towels in the sink and states that tools and implements were unclean and improperly stored at the work station all in violation of administrative rule Tenn. Comp. R. and Reg. 0440—02—.13(2) [SANITATION AND DISINFECTION]. The inspector also states that the break/color prep. room was dirty with trash & other items in improper places in violation of Tenn. Comp. R. and Reg. 0440—02—.06(2).

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

Analysis: The Board agrees with this assessment.

Decision: Approved.

3. Case No.: L13-COS-RBS-2012021461

The complaint alleges that the Respondent, a licensed cosmetology shop, provided unprofessional facial waxing services by causing skin burns to the Complainant's

eyebrow and lip areas in violation of Tenn. Code Ann. § 62-4-127(b)(2). After hearing the client's complaint, the Respondent refused a refund request, citing that the service was provided properly and the alleged burns must have been caused by another source. No allegation of sanitary violations was made. There is no response to these allegations in the file.

Recommendation: Approve a letter of warning against the Respondent for failing to respond to the complaint.

Analysis: The Board agrees with this assessment.

Decision: Approved.

4. Case No.: L13-COS-RBS-2013003201

A February 6, 2013 Notice of Violation alleges that the area inspector observed a licensed manicurist was not wearing an identification tag in a licensed manicure shop in violation of administrative rule Tenn. Comp. R. & Reg. 0440—02—.08(1)(a) [ATTIRE]. The inspector states that a rack of clean tools for clients to use was not in a closed container in violation of administrative rule Tenn. Comp. R. & Reg. 0440—02—.07(3)(e) [EQUIPMENT] and further states that all licenses were posted on the front of the shop in violation of Tenn. Code Ann. § 62-4-113(a)(1) [Display of license].

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

Analysis: The Board agrees with this assessment.

Decision: Approved.

5. Case No.: L13-COS-RBS-2013003221

A January 15, 2013 Notice of Violation alleges that the area inspector found a nail liquid with a label contained methyl methacrylate (MMA) in a licensed manicure shop in violation of administrative rule Tenn. Comp. R. & Reg. 0440—02.17(1) [PROHIBITED HAZARDOUS SUBSTANCES AND USE OF PRODUCTS].

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

Analysis: The Board agrees with this assessment.

Decision: Approved.

6. Case No.: L13-COS-RBS-2012022331

The complaint alleges that the Respondent, a licensed cosmetology shop, provided unprofessional pedicure services by failing to use proper care and causing discomfort and minor injury to the Complainant in violation of Tenn. Code Ann. § 62-4-127(b)(2). After hearing the client's complaint, the Respondent refused a refund request. No allegation of sanitary violations was made. There is no response to these allegations in the file.

Recommendation: Approve a letter of warning against the Respondent for failing to respond to the complaint.

Analysis: The Board agrees with this assessment.

Decision: Approved.

7. Case No.: L13-COS-RBS-2013002221

A January 8, 2013 Notice of Violation alleges that the area inspector observed an individual practicing on a client without a valid board-issued cosmetology license in violation of Tenn. Code Ann. § 62-4-108 [License required to practice or teach] in a licensed cosmetology shop. The inspector states that no manager was present in the shop in violation of administrative rule Tenn. Comp. R. & Reg. 0440—02—.03(2) [RESPONSIBILITY FOR COMPLIANCE].

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

Analysis: The Board agrees with this assessment.

Decision: Approved.

8. Case No.: L13-COS-RBS-2012022351

The complaint alleges that the Respondent, an unlicensed cosmetology shop, is continuing to operate after its license has long since expired in violation of Tenn. Code Ann. § 62-4-118(a) (Operation of a shop). The Complainant does not offer any actual evidence that the Respondent is currently operating, nor has a response been received from this complaint.

Recommendation: Close the case for lack of probable cause for discipline and instruct an inspector to determine the Respondent's current operational status.

Analysis: The Board agrees with this assessment.

Decision: Approved.

9. Case No.: L13-COS-RBS-2013002241

A January 9, 2013 NOV alleges that area inspector observed the owner of the shop with a client while his cosmetology license was expired (10/31/2012) in violation of Tenn. Code Ann. § 62-4-108 [License required to practice or teach] and without wearing an ID tag in violation of Tenn. Comp. R. & Reg. 0440—02—.08(1)(a) [ATTIRE]. The inspector further states that five (5) licensed cosmetologists were providing cosmetology services to clients without wearing ID tags in violation of Tenn. Comp. R. & Reg. 0440—02—.08(1)(a) [ATTIRE]. Additionally, the inspector found dirty hair brushers in a drawer at the workstation and clippers were improperly stored in violation of Tenn. Comp. R. & Reg. 0440—02—.13 [SANITATION AND DISINFECTION]. Board office records indicate that the owner's license was renewed on 01/10/2013.

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

Analysis: The Board agrees with this assessment.

Decision: Approved.

10. Case No.: L13-COS-RBS-2012024691

The complaint alleges that the Respondent, a licensed cosmetologist, provided unprofessional hair styling services by improperly using products on the Complainant's hair in violation of Tenn. Code Ann. § 62-4-127(b)(2). The Respondent has apologized, but the Complainant has not indicated in the complaint materials that a refund was requested. No allegation of sanitary violations was made. There is no response to these allegations in the file.

Recommendation: Approve a letter of warning against the Respondent for failing to respond to the complaint.

Analysis: The Board agrees with this assessment.

Decision: Approved.

11. Case No.: L13-COS-RBS-2013002271

A January 10, 2013 Notice of Violation alleges that the area inspector observed four (4) stylists were servicing clients while the shop license was expired on 08/31/12 in violation of Tenn. Code Ann. § 62-4-118(a) [Operation of a shop], and that one of the stylists was practicing with an expired license in violation of Tenn. Code Ann. § 62-4-108

[License required to practice or teach]. Additionally, the inspector states that the stylist did not have a name tag on in violation of administrative rule Tenn. Comp. R. & Reg. 0440—02—.08(1)(a) [ATTIRE], and that several dirty tools and implements were improperly stored in violation of administrative rule Tenn. Comp. R. & Reg. 0440—02—.13 [SANITATION AND DISINFECTION]. Board office records indicate that the shop license was renewed on 01/12/13 and the cosmetologist's license was renewed on 01/23/13.

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

Analysis: The Board agrees with this assessment.

Decision: Approved.

12. Case No.: L13-COS-RBS-2012025251

The complaint alleges the Respondent, a licensed cosmetology shop, was employing unlicensed individuals to provide cosmological services in violation of Tenn. Code Ann. § 62-4-108 (License required to practice or teach). The Respondents have provided copies of the licenses of all indicated personnel. These licenses are active and current.

Recommendation: Dismiss the case for lack of probable cause for discipline.

Analysis: The Board agrees with this assessment.

Decision: Approved.

13. Case No.: L13-COS-RBS-2012026051

The complaint alleges the Respondent, an unlicensed individual, is providing cosmological services in violation of Tenn. Code Ann. § 62-4-108 (License required to practice or teach). There is no evidence of this allegation contained in the complaint file. The Complainant admits that she has not contacted the Respondent or the business owner to verify these allegations.

Recommendation: Close the case for lack of probable cause for discipline.

Analysis: The Board agrees with this assessment.

Decision: Approved.

14. Case No.: L13-COS-RBS-2013002281

A January 11, 2013 NOV states that the shop license and the latest inspection sheet were not visible in a licensed cosmetology shop in violation of Tenn. Code Ann. § 62-4-

118(a) [Operation of a shop]. The inspector states that the manager and the owner licenses were both expired in violation of Tenn. Code Ann § 62-4-108 [License required to practice or teach]. The inspector further states that several work stations with a lot of hair on the floor in violation of administrative rule Tenn. Comp. R. & Reg. 0440—02—.06(2) [FACILITIES]. The owner's license was renewed on 03/22/2012 and the manager's license was renewed on 12/13/2012, prior to the issued NOV.

Recommendation: Close the case with a letter of warning.

Analysis: The Board agrees with this assessment.

Decision: Approved.

15. Case No.: L13-COS-RBS-2013002291

A January 17, 2013 NOV alleges that the area inspector observed a licensed aesthetician was adding eye lash extensions to a client without wearing an ID tag in violation of Tenn. Comp. R. & Reg. 0440—02—.08(1)(a) [ATTIRE] and while the shop license was expired as of 11/30/2012 in violation of Tenn. Code Ann. § 62-4-118(a) [Operation of a shop]. The inspector states that the licensee's license was not posted in violation of Tenn. Code Ann. § 62-4-113 (a)(1) [Display of license], and further found the owner's personal brushes were dirty and stored in closed container with her clean tools in violation of Tenn. Comp. R. & Reg. 0440—02—.13 [SANITATION AND DISINFECTION]. The shop license was renewed on 02/04/2013.

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

Analysis: The Board agrees with this assessment.

Decision: Approved.

16. Case No.: L13-COS-RBS-2013000151

The complaint alleges that the Respondent, a business offering cosmetology services without a shop license in violation of Tenn. Code Ann. § 62-4-118(a) (Operation of a shop), is also utilizing unlicensed individuals to provide these services in violation of Tenn. Code Ann. § 62-4-108 (License required to practice or teach). The Complainant does not offer any actual evidence that the Respondent is currently operating, nor has a response been received from this complaint. The facility seems to be located either within or adjacent to a private residence so far has been inaccessible for inspection.

Recommendation: Authorize a "cease and desist" order, a letter of warning against operating an unlicensed cosmetology shop and employing unlicensed individuals to provide services, and obtain a proper inspection of the facility.

Analysis: The Board agrees with this assessment.

Decision: Approved.

17. Case No.: L13-COS-RBS-2013000161

The complaint alleges that the Respondent, a business offering primarily barbering services, is also alleged to possibly be offering cosmological services without a shop license in violation of Tenn. Code Ann. § 62-4-118(a) (Operation of a shop). The Complainant does not offer any actual evidence that the Respondent is currently operating, nor has a response been received from this complaint. The facility has been observed by an inspector but not entered or reviewed to determine the exact activity, although the Respondent is aware that a Board inspector has been advised of the alleged activity but so far been inaccessible for inspection.

Recommendation: Authorize a "cease and desist" order, a letter of warning against operating an unlicensed cosmetology shop and employing unlicensed individuals to provide services, and obtain a proper inspection of the facility.

Analysis: The Board agrees with this assessment.

Decision: Approved.

18. Case No.: L13-COS-RBS-2013002301

A January 18, 2013 Notice of Violation alleges that the owner of the shop relocated such shop without first submitting an application for change of location and passing the required inspection in violation of Tenn. Code Ann. § 62-4-118(d) [Operation of a shop]. The inspector states that, during the inspection, a licensed cosmetologist came in and started to work in her first client and that a master barber was cutting a client's hair – this shop is a dual license salon, according to the inspector. Board office records indicate that an application for change of location was received on 01/29/2013 and such application was approved on 02/25/2013.

Recommendation: Close the case with a letter of warning.

Analysis: The Board agrees with this assessment.

Decision: Approved.

19. Case No.: L13-COS-RBS-2013002311

A January 18, 2013 Notice of Violation alleges that the area inspector observed a couch and hammock in the rear of the shop and that it appears someone was sleeping in the

shop in a licensed manicure shop in violation of Tenn. Code Ann. § 62-4-125(d)(1) [Health and safety rules and regulations]. The inspector also observed a non-service dog in the shop in violation of administrative rule Tenn. Comp. R. & Reg. 0440—02—.10(1) [ANIMALS].

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

Analysis: The Board agrees with this assessment.

Decision: Approved.

20. Case No.: L13-COS-RBS-2012026031

The complaint alleges that the Respondent, a licensed cosmetology shop, was employing an unlicensed individual to provide manicure services in violation of Tenn. Code Ann. § 62-4-108 (License required to practice or teach); this is supposedly evidenced by the Complainant noticing a different person's license posted than the individual providing the services. The license posted belonged to a former employee, terminated for cause some time prior to the incident. The Respondent answers through counsel that the Complainant is an associate of the terminated employee, that the actual employee providing services is properly licensed, and that no inappropriate licenses are posted in the shop. There is no evidence in the file to refute these assertions.

Recommendation: Close the case for lack of probable cause for discipline.

Analysis: The Board agrees with this assessment.

Decision: Approved.

21. Case No.: L13-COS-RBS-2012025221

The complaint alleges that the Respondent, a licensed cosmetology school, provided unprofessional and possibly dishonorable instruction to the Complainant student in preparing the Complainant for the Board's licensing examination in violation of Tenn. Code Ann. § 62-4-127(b)(2). This allegation arises from the fact that the Complainant has special concerns in a learning environment that is unrelated to intelligence. The Respondent school answers that it has met with the Complainant and has provided services free of charge to prepare the Complainant for the examination and has made every effort to ensure satisfaction, which the Complainant accepted.

Recommendation: Close the case for lack of probable cause for discipline.

Analysis: The Board agrees with this assessment.

Decision: Approved.

22. Case No.: L13-COS-RBS-2013002331

A January 24, 2013 Notice of Violation states that the owner of the shop, a licensed manicurist, operated a full service cosmetology shop without a valid shop license in violation of Tenn. Code Ann. § 62-4-118(a) [Operation of a shop]. Board office records indicated that the shop has been now closed, according to the inspector.

Recommendation: Close the case with a letter of warning.

Analysis: The Board agrees with this assessment.

Decision: Approved.

23. Case No.: L13-COS-RBS-2013002371

A January 23, 2013 Notice of Violation alleges that the area inspector found a hot wax machine set up with all tools necessary to perform waxing services in violation of Tenn. Code Ann. § 62-4-102(12) [Manicure shop] in a licensed manicure shop. The inspector also observed dirty tools were improperly stored, uncovered trash container and several unclean buffers and files were left out uncovered at the work station all in violation of administrative rule Tenn. Comp. R. & Reg. 0440—02—.13 [SANITATION AND DISINFECTION].

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

Analysis: The Board agrees with this assessment.

Decision: Approved.

24. Case No.: L13-COS-RBS-2013000131

The complaint alleges that the Respondent, a licensed cosmetology shop, is providing services without following all sanitary guidelines as prescribed in administrative rule chapter 0440—02 [SANITARY RULES]. There is no inspection report to corroborate these allegations. The Respondent answers that the allegations presented by the Complainant are untrue and that the shop is managed in compliance with all applicable law and rules.

Recommendation: Close the case with a Letter of Warning against failing to follow all required sanitary rules and order an inspection within thirty days to confirm that all sanitary expectations are being met.

Analysis: The Board agrees with this assessment.

Decision: Approved.

25. Case No.: L13-COS-RBS-2013002381

A January 24, 2013 Notice of Violation alleges that the area inspector found a hot wax machine set up with all tools necessary to perform waxing services in violation of Tenn. Code Ann. § 62-4-102(12) [Manicure shop] in a licensed manicure shop. The inspector also observed dirty manicure and pedicure work stations with nail pieces, nail dust and dirty buffers and files in the drawer at the work station in violation of administrative rule Tenn. Comp. R. & Reg. 0440—02—.13 [SANITATION AND DISINFECTION].

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

Analysis: The Board agrees with this assessment.

Decision: Approved.

26. Case No.: L13-COS-RBS-2013001721

A December 6, 2012 Notice of Violation alleges that the area inspector observed an individual servicing a client's eye lashes in the rear corner of a licensed manicure shop in violation of Tenn. Code Ann. § 62-4-102(12) [Manicure shop]. The inspector also observed dirty files and buffers at the work station and towels were improperly stored in violation of administrative rule Tenn. Comp. R. & Reg. 0440—02—.13 [SANITATION AND DISINFECTION].

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

Analysis: The Board agrees with this assessment.

Decision: Approved.

27. Case No.: L13-COS-RBS-2013000121

The complaint alleges that a manicurist at the Respondent shop provided unprofessional eye brow and chin waxing services by causing stubble on the Complainant's chin. The Complainant states that the shop should not provide any waxing services since it is not licensed to do skincare services. A response was received from the owner of the Respondent shop stating that, the Complainant came to her shop and only purchased a

gift card for a Christmas present and then returned in a few hours asking for a refund in which she denied due to the store's policy. The Respondent states the Complainant became very indignant and threatened to ruin and shut down her business, so she issued her a refund, a copy of its receipt is submitted with the response. The Respondent further denies providing any service to the Complainant.

Recommendation: Close for lack of probable cause for discipline with instructions for the area inspector to conduct an inspection.

Analysis: The Board agrees with this assessment.

Decision: Approved.

28. Case No.: L13-COS-RBS-2013001571

A December 13, 2013 Notice of Violation alleges that the area inspector observed three (3) manicurists working on customers nails and toes and found a hot wax machine with all tools necessary to perform waxing services in a licensed cosmetology shop all in violation of Tenn. Code Ann § 62-2-102(4) [Cosmetology shop]. The inspector states that no manager (a licensed cosmetologist) was present in the shop in violation of administrative rule Tenn. Comp. R. & Reg. 0440—02—.03(2) [RESPONSIBILITY FOR COMPLIANCE].

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

Analysis: The Board agrees with this assessment.

Decision: Approved.

29. Case No: L13-COS-RBS-2013003771

A January 3, 2013 Notice of Violation does not provide sufficiently detailed information to determine whether a violation of the Cosmetology Act was observed during the inspection.

Recommendation: Close the case for lack of probable cause for discipline.

Analysis: The Board agrees with this assessment.

Decision: Approved.

30. Case No.: L13-COS-RBS-2013001581

A December 13, 2012 Notice of Violation alleges that the owner of a licensed manicurist/skincare shop relocated such shop without first submitting an application for change of location and passing the required inspection in violation of Tenn. Code Ann § 62-4-118(d) [Operation of a shop]. The inspector states that the owner of the shop was working on a client at the time of the inspection. Board office records indicate that an application for change of location was received on 12/21/2012 and such application was approved on 01/29/2013.

Recommendation: Close the case with a letter of warning.

Analysis: The Board agrees with this assessment.

Decision: Approved.

31. Case No.: L13-COS-RBS-2013001881

A December 28, 2012 Notice of Violation alleges that the area inspector observed an individual was practicing on a client's pedicure without a valid board-issued license in a licensed manicure in violation of Tenn. Code Ann § 62-4-108 [License required to practice or teach]. The inspector also found a wax machine with all tools necessary to perform wax services in the rear of the shop in violation of Tenn. Code Ann § 62-4-102(12) ["Manicure shop"]; and towels and tools were improperly stored in violation of administrative rule Tenn. Comp. R. & Reg. 0440—02—.13 [SANITATION AND DISINFECTION]. Further, the inspector states that no one in the shop was wearing an identification tag in violation of administrative rule Tenn. Comp. R. & Reg. 0440—02—.08(1)(a) [ATTIRE].

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

Analysis: The Board agrees with this assessment.

Decision: Approved.

32. Case No.: L13-COS-RBS-2013001941

A January 7, 2013 Notice of Violation alleges that the area inspector observed an individual doing a manicure on a client without a valid license in a licensed manicure shop in violation of Tenn. Code Ann § 62-4-108 [License required to practice or teach]. A response to the Notice of Violation was received from the manager of the shop stating that, during the inspection, he was interviewing the individual in question (who finished her school) for a job and a part of the interview is to polish one of the clients nail for free – the individual in question submitted a letter stating that the service was

free of charge. The response requesting that the Board reconsiders the Notice to a letter of warning.

Recommendation: Approve closure with a letter of warning and a CEASE and DESIST instruction against permitting individuals to practice in the shop without a valid license.

Analysis: The Board agrees with this assessment.

Decision: Approved.

33. Case No.: L13-COS-RBS-2013001851

A December 21, 2012 Notice of Violation reports that the area inspector observed unlicensed individual was performing acrylic nail service in violation of Tenn. Code Ann. § 62-4-108 [License required to practice or teach] and with an expired shop license in violation of Tenn. Code Ann. § 62-4-118(a) [Operation of a shop]. The inspector states that the manager/owner was not present in the shop in violation of administrative rule Tenn. Comp. R. & Reg. 0440—02—.03(2) [RESPONSIBILITY FOR COMPLIANCE].

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

Analysis: The Board agrees with this assessment.

Decision: Approved.

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

COSMETOLOGY CONSENT ORDERS- MARCH 2013- Totaling \$2,250.00

MOTION made by June Huckleby and seconded by Nina Coppinger for approval of all consent orders. Motion carried unanimously.

OTHER BUSINESS

Muriel Smith turned in a resignation from the reciprocity committee. Board members discussed a replacement for her and Judy McAlister volunteered to serve as the new reciprocity committee member.

MOTION TO ADJOURN

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



STATE OF TENNESSEE
DEPARTMENT OF COMMERCE AND INSURANCE
TENNESSEE STATE BOARD OF COSMETOLOGY
500 JAMES ROBERTSON PARKWAY
NASHVILLE, TN 37243
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RECIPROCITY COMMITTEE MEETING MINUTES

The Tennessee State Board of Cosmetology held a reciprocity committee meeting March 4, 2012 at 8:30 a.m. in Nashville, Tennessee.

The following members were present: Nina Coppinger and Muriel Smith.

Other present were: Rob Herndon, Attorney for the Board, Rachel L. Powers, Program and Policy Director for Regulatory Boards, Hosam William, Paralegal and Betty Demonbreun, Administrative Assistant.

Meeting was called to order by Nina Coppinger, the Committee Chairman.

Nina Coppinger, Committee Chairman welcomed everyone to the meeting and acknowledged visitors in attendance.

Rachel Powers passed out the February 2013 Reciprocity Committee Meeting Minutes for the members to review and approve at the next meeting.

Rachel Powers passed out the current reciprocity application form and information relative to the other states reciprocal hours for the various licenses in the cosmetology fields for the committee's discussion.

APPLICATIONS FOR RECIPROCITY

Application for reciprocity of cosmetologist license from Puerto Rico for Katherine Allison. Certification verifies 1500 hours of instruction in the cosmetologist curriculum and initial date of licensing in 1991. A transcript and licensure information are provided as well.

Recommendation by Rachel Powers is that the applicant be approved for reciprocity.

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

Application for reciprocity of cosmetologist license from San Miguel El Salvador for Reina Bell. Certification verifies 1800 hours of instruction in the cosmetologist curriculum and initial date of licensing in 2003. A transcript and work verification letters are provided as well.

Recommendation by Rachel Powers is that the applicant be approved for reciprocity.

MOTION made by Muriel Smith and seconded by Nina Coppinger to require the reciprocity applicant take the Tennessee examination. Motion carried unanimously.

Application for reciprocity of cosmetologist license from Michoacan, Mexico for Tomas Castro-Martinez. Certification verifies 1700 hours of instruction in the cosmetologist curriculum and initial date of licensing in 2001. A transcript is provided and translated as well.

Recommendation by Rachel Powers is that the applicant take the Tennessee examination.

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

Minh Chau's application was presented to the board in February and the board voted he pass the manicurist examination as he had a gap in work history and his certification only verified 525 hours. He has provided a letter requesting the board reconsider as well as employment verification and a transcript which verifies 600 hours of instruction in the manicurist curriculum

Recommendation by Rachel Powers is that the board reconsider the application based on the new information provided and that the applicant be approved for reciprocity.

MOTION made by Nina Coppinger and seconded by Muriel Smith to present the application for reciprocity to the full board for review and a decision. Motion carried unanimously.

Application for reciprocity of manicurist license from California for Tu Trinh Dong. Certification verifies 350 hours of instruction in the manicurist curriculum from California, a current Alabama Master Manicurist license attained by reciprocity. A letter is provided from the applicant as well.

Recommendation by Rachel Powers is that the applicant take the Tennessee manicurist examination.

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

Application for reciprocity of aesthetician and cosmetology license from Oregon for Melissa Ewing. Certification verifies 2300 hours of instruction in the cosmetology and aesthetics

curriculums and initial date of licensing in 2013. A transcript and other information is provided relative to Oregon licensing.

Recommendation by Rachel Powers is that the applicant be approved for reciprocity for an aesthetics and cosmetology license.

MOTION made by Muriel Smith and seconded by Nina Coppinger to grant reciprocity for her cosmetology license and recommendation was made that she would be required to take the aesthetician examination. Motion carried unanimously.

Application for reciprocity of manicurist license from Michigan for Deangella Lockett. Certification verifies 400 hours of instruction in the manicurist curriculum and initial date of licensing in 1993. A letter related to employment verification is provided.

Recommendation by Rachel Powers is that the applicant take the Tennessee manicurist examination.

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

Application for reciprocity of manicurist license from Georgia for Hien Nguyen. Certification verifies 1065 hours in apprentice training in a salon in Georgia prior to becoming licensed and initial date of licensing in 2011. A transcript is provided which verifies this information as well as tax returns which detail work history in the industry.

Recommendation by Rachel Powers is that the applicant take the Tennessee manicurist examination.

MOTION made by Nina Coppinger and seconded by Muriel Smith to present the application for reciprocity to the full board for review and a decision. Motion carried unanimously.

Application for reciprocity of manicurist license from Florida for Kevin Nguyen. Certification verifies 240 hours of instruction in the manicurist curriculum and initial date of licensing in 2006. W-2's are provided but are inconclusive proof of work history in the industry.

Recommendation by Rachel Powers is that the applicant take the Tennessee manicurist examination.

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

Application for reciprocity of aesthetician license from California for Ngoc Bich Thi Nguyen. Certification verifies 600 hours of instruction in the aesthetician curriculum and initial date of licensing in 2008. Applicant is currently licensed in Alabama.

Recommendation by Rachel Powers is that the applicant take the Tennessee aesthetician 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 Mississippi for Andy Pham. Certification verifies the applicant was licensed by reciprocity initial date of licensing in 1993. The applicant currently holds 350 hours of instruction in the manicurist curriculum from a Nationwide Beauty in Tennessee.

Recommendation by Rachel Powers is that the applicant take the Tennessee manicurist examination.

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

Application for reciprocity of cosmetologist license from Sydney, Australia, for Tu Thanh Phu. Certification verifies 2400 hours of instruction in the cosmetologist curriculum and initial date of licensing in 2007. A transcript is provided.

Recommendation by Rachel Powers is that the applicant take the Tennessee cosmetology 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 California for DeNova Sixto. Certification verifies 600 hours of instruction in the aesthetician curriculum and initial date of licensing in 2000. Work history letters are provided as well.

Recommendation by Rachel Powers is that the applicant take the Tennessee aesthetician 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 California for Hien Ton. Certification verifies 350 hours of instruction in the manicurist curriculum and initial date of licensing in 1998. The applicant is currently licensed in Alabama as a manicurist.

Recommendation by Rachel Powers is that the applicant take the Tennessee manicurist examination.

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

Application for reciprocity of manicurist license from Florida for Long Nguyen. Certification verifies 500 hours as a full specialist and initial date of licensing in 2003. Tax returns from 2001, 2010 and 2009 display work in the industry, but returns provided for 2008 and 2007 are insufficient.

Recommendation by Rachel Powers is that the applicant take the Tennessee manicurist examination.

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

Application for reciprocity of cosmetologist license from Ohio for Denese Reed. Certification verifies 1500 hours and initial date of licensing in 2001, but licensure expiration on January 31, 2013.

Recommendation by Rachel Powers is that the applicant be approved for reciprocity.

MOTION made by Nina Coppinger and seconded by Muriel Smith to present the application for reciprocity to the full board for review and a decision. Motion carried unanimously.

ADJOURNMENT-

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

Nina Coppinger

Pearl Walker-Ali

Muriel Smith