



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

MINUTES

The State Board of Cosmetology and Barber Examiners held a meeting October 6, 2014 at 9:00 a.m. in Nashville, Tennessee.

The Meeting was called to order by Chairman Ron Gillihan.

Ron Gillihan, Board Chairman welcomed everyone to the Board meeting.

Ron Gillihan, Chairman called for "Pledge of Allegiance".

Ron Gillihan, Board Chairman invited everyone to observe a moment of silence in honor of J.B. Loring, may he rest in peace.

Roxana Gumucio, Executive Director called roll. The following members were present: Anita Allen, Kelly Barger, Nina Coppinger, Bobby Finger, Frank Gambuzza, Ron Gillihan, Yvette Granger, Judy McAllister, Patricia Richmond, Mona Sappenfield, Amy Tanksley, and Dianne Teffeteller.

Others present were: Roxana Gumucio, Executive Director, Robert Herndon, Attorney for the Board, and Betty Demonbreun, Administrative Assistant.

MINUTES-

Minutes for the August 25, 2014 board meetings were submitted for changes and/or approval.

Motion made by Patricia Richmond and seconded by Kelly Barger to approve the August 25, 2014 minutes. Motion carried unanimously.

APPEAR BEFORE THE BOARD-

Denise Lawrence, Commerce and Insurance Legislative Liaison:

Denise Lawrence and Mary Beth Gribble appeared before the board. Ms. Lawrence advised the board that Senator Bell is requesting the board make recommendations for standardizations of

the code. We will email a spreadsheet to review over the next month and possible changes for board members to review and discuss at the next two board meetings.

Damon Romano, Department of Labor:

Mr. Romano presented information regarding Open Records Act and Public Meetings Act. The focus was regarding the public meetings act better known as the Tennessee Sunshine Law.

2015 Seminar approvals:

Information regarding 2015 seminar dates, locations and material for the sessions was provided for the board to review by the groups that help 2014 seminars. Each of the groups submitted the list of attendees and evaluations as required by code after each session help. The evaluations are numerous therefore they are scanned and available at the board office for review upon request. All evaluations are favorable. The University of Memphis will provide their information in November. Their coordinator is retiring in June so they requested one additional month.

- Dr. Bill Nichols appeared on behalf of The University of Tennessee Outreach and continuing education. They requested Sunday and Monday, July 12 and July 13, 2015.

MOTION made by Patricia Richmond and seconded by Frank Gambuzza to approve 2015 seminar held at UT Conference Outreach on July 12 and 13. Motion carried unanimously.

- Ms. Ciara Gordon appeared on behalf of ExpertEase Consulting. She requested Saturday and Sunday session for the following dates and locations:

April 11 and 12, Memphis

June 13 and 14, Nashville

August 15 and 16, Pigeon Forge

October 17 and 18, Chattanooga

MOTION made by Nina Coppinger and seconded by Judy McAllister to approve 2015 seminars held by ExpertEase as requested. Motion carried unanimously.

- Tennessee State University, Nashville Campus is requesting Sunday and Monday, August 2 and August 3, 2015.

MOTION made by Dianne Teffeteller and seconded by Bobby Finger to approve 2015 seminar held at TSU on August 2 and August 3. Motion carried unanimously.

Ms. Tanksley requested that the seminar agendas be added to the online information posted on the website for instructors to see what the sessions offer.

Ciara Gordon, request for reconsideration:

Reconsideration request from instructor Ciara Gordon to approve credit of 16 hours of continued education by allowing the seminar hours to count as their continued education. Letter provided makes the request for her license as well as any other staff that ExperTease Consulting might use for the seminars.

MOTION made by Nina Coppinger and seconded by Kelly Barger to deny request. Motion carried unanimously.

Ms. Gordon asked for an extension to complete the 16 hours during 2015.

MOTION made by Nina Coppinger and seconded by Patricia Richmond to approve the request. Motion carried unanimously.

Lynn Thomas, PSI Cosmetology Client Service Manager:

Ms. Thomas appeared before the board to provide an update on passing rates, the addition of Spanish and Vietnamese testing, how PSI will be able to participate with the newly approved continuing education seminars and to answer questions.

Demetria Ervin, Studio 75 Hair Academy:

Ms Ervin appeared before the board to request approval of new school application for Studio 75 Hair Academy located in Millington, Tennessee. A bond, floor plan showing 3,136 square feet, enrollment agreement, curriculum and school hours of operation are all provided. The application and fee have been received. School must be inspected by board member and field inspector before it may open.

MOTION made by Patricia Richmond and seconded by Mona Sappenfield to approve recommendation. Motion carried unanimously.

Kleber Molina and Sandra Overton, EduMed Partners, LLC:

Mr. Molina and Ms. Overton are co-owners and appeared before the board to request approval of new school application for EduMed Partners, LLC., located in Goodlettsville, Tennessee. A bond, floor plan showing 2,520 square feet, enrollment agreement, curriculum and school hours of operation are all provided. The application and fee have been received. School must be inspected by board member and field inspector before it may open. Owners will notify the board when they are ready to be inspected.

MOTION made by Patricia Richmond and seconded by Dianne Teffeteller to approve recommendation. Motion carried unanimously.

Request for Amendment:

Ms. Adrienne Kelley appeared before the board to request consideration, at a future date, to Rule 0440-2-.06 (4) Facilities. Her request is specifically to remove “massage therapy” from the list of rooms that must be separated by walls from the rest of the shop. The board asked questions and explained that nothing could be done at this time.

APPLICATIONS FOR EXAMINATION-

Mr. Marius Easley appeared before the board to request consideration to his application for examination for a master barber license. Mr. Easley’s license was revoked on March 21, 2014, because it was obtained by fraudulent means. He appeared to answer board questions and explain his situation. His educational hours were completed in Tennessee in 2001.

Motion made by Frank Gambuzza and seconded by Patricia Richmond to approve application for examination. Motion carried unanimously.

Applications for examination for Rachelle Bartlett, Sheeteah Blair, Brittany Bolds, Stanley Crume, Darlene Fahl, Jilian Gaines, Lisa Hunnicutt, Charde Joseph, Montez McCray, Dashara Mumphrey, Suda Phomphanh, Lacy Roderick, Audrey King, Victor Powell and Kelly Daniels. All applicants have felonies; their applications to take the Tennessee examination 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 Frank Gambuzza to approve each application for examination with a signed Agreed Order. Motion carried unanimously.

Ms. Yanging Li appeared before the board to request consideration to her application for examination for a cosmetology license. Ms. Li has a license in Ontario, Canada which appears have been issued in January 2012. Educational information states 1,500 hours completed by January 2005. She has also stated completing 2,000 hours of apprenticeship and an additional five years of work history.

Recommendation is that the applicant take the Tennessee examination.

Motion made by Mona Sappenfield and seconded by Kelly Barger to approve recommendation. Motion carried unanimously.

Application for testing with hours in cosmetology from El Salvador for Sophia Arriola. Translated documentation includes transcript stating Ms. Arriola completed her education in 2000 with 1,800 hours.

Recommendation is that the applicant take the Tennessee examination.

Motion made by Amy Tanksley and seconded by Yvette Granger to approve application for examination. Motion carried unanimously.

Application for testing hours in cosmetology from Ukraine for Iuliia Carpenter. Documentation provided includes transcript, Certificate from Department of Education and letter with timeline of education and work experience. The education information covers 2001 through June 2004 and total 1,558 hours completed.

Recommendation is that the applicant take the Tennessee examination.

MOTION made by Judy McAllister and seconded by Dianne Teffeteller that the application remain pending. Motion carried unanimously.

MISCELLANEOUS REQUESTS –

Request by Mr. Carlos Palmer for waiver of Rule 0200-1-.11 (1) (a) (6) which states that a new application for examination shall be submitted if the master barber has been expired for more than three (3) years. Mr. Palmer appeared before the board to answer questions regarding his situation due to post traumatic stress disorder.

MOTION made by Frank Gambuzza and seconded by Bobby Finger to require applicant pass the law exam and then be approved. Motion carried unanimously.

Request for approval of a change in ownership for Apple Nails, located in Hixson, Tennessee. The shop had an open complaint at the time Ms. Sydney Huynh applied to change ownership. Because of the severity of the notice of violation, the change could not be completed until the complaint was resolved. Provided was the signed Consent Order agreeing to the revocation of the shop license by Mr. Peter Nguyen, current owner of Apple Nails and proof of payment for the amount the board requested. Ms. Huynh appeared before the board to answer questions and explain her situation. She will be the new owner and manager if approved.

MOTION made by Patricia Richmond and seconded by Mona Sappenfield to approve the settlement and ratify the Consent Order of the former Apple Nails & Pedispa #34657.

MOTION made by Judy McAllister and seconded by Anita Allen to approve request. Motion carried by all except Ron Gillihan, Frank Gambuzza and Amy Tanksley, who voted against.

In compliance with Public Chapter 863 and 818 the following schools request authorization to provide postsecondary education: Tennessee Academy of Cosmetology I and II, located in Memphis; International Barber & Style College, located in Nashville; Fayetteville College of Cosmetology Arts & Sciences, located in Fayetteville and Image Maker, Inc., located in Hendersonville.

MOTION made by Nina Coppinger and seconded by Amy Tanksley to approve the board office to send letters authorizing postsecondary education to each of the schools listed above. Motion carried unanimously.

Paul Mitchell the School, Nashville – School Change of Name

A school change of name request has been received from Paul Mitchell the School, LLC. An application and fee have been received showing the new school name as Paul Mitchell the School Nashville. No inspection of the school is needed.

MOTION made by Mona Sappenfield and seconded by Bobby Finger to approve request. Motion carried unanimously.

APPLICATIONS FOR RECIPROCITY-

Application for reciprocity of aesthetician license from New York for Erica Abdo. Certification shows initial licensure in April 2012 with 600 hours by examination. Also provided is a letter regarding her work experience. Ms. Abdo does not meet the minimum requirements for reciprocity.

Recommendation - is that the applicant complete 150 additional hours and take the Tennessee examination.

MOTION made by Nina Coppinger and seconded by Patricia Richmond to approve recommendation. Motion carried unanimously.

Application for reciprocity of master barber license from Alabama for Daphene Brawner. Certification shows initial licensure in April 2014 by reciprocity and no examination. Alabama

board regulations consider work experience as reciprocity and equivalent to 3,000 apprenticeship hours. A letter provided states she worked in the industry between 2008 and 2014.

Recommendation - is that the applicant take the Tennessee Examination.

MOTION made by Judy McAllister and seconded by Frank Gambuzza to approve recommendation. Motion carried unanimously.

Application for reciprocity of cosmetology license from Florida for Katelyn Brogdon. Certification shows initial licensure in 2007 with 1,200 hours and no practical examination. Letters provided state work in the industry between 2007 – 2010 and a few months in 2014 which does not reflect the last five consecutive years.

Recommendation - is that the applicant take the Practical Tennessee Examination.

MOTION made by Amy Tanksley and seconded by Nina Coppinger to approve recommendation. Motion carried unanimously.

Application for reciprocity of cosmetology license from Florida for Julie Anne Coleman. Certification shows initial licensure in May 2012 with 1,200 hours and no practical examination.

Recommendation – is that the applicant complete 300 additional hours and take the Tennessee examination.

MOTION made by Patricia Richmond and seconded by Kelly Barger to approve recommendation. Motion carried unanimously.

Application for reciprocity of manicurist license from Arkansas for Thi Xuan Do. Certification shows initial licensure in August 2014 with 600 hours accepted from Tennessee and examination completed. None of the hours could be verified on State approved monthly hours report. The board office is still waiting on a response from the school.

Recommendation - is to send investigator to review files and determine correct number of hours obtained.

MOTION made by Mona Sappenfield and seconded by Patricia Richmond to approve recommendation. Motion carried unanimously.

Application for reciprocity of manicurist license from Arkansas for Dat Tan Le. Certification shows initial licensure in July 2014 with 600 hours accepted from Tennessee and examination completed. Hours could be verified on State approved monthly hours report. The board office is still waiting on a response from the school.

Recommendation - is to send investigator to review files and determine correct number of hours obtained.

MOTION made by Patricia Richmond and seconded by Nina Coppinger to approve recommendation. Motion carried unanimously.

Application for reciprocity of cosmetology license from Florida for Ryan Eddie. Certification shows initial licensure in November 2009 with 1,200 hours and no practical examination. Letter from school states they require 1,500 and that they were completed in September 2009.

Recommendation - is that the applicant take the Practical Tennessee Examination.

MOTION made by Nina Coppinger and seconded by Dianne Teffeteller to approve recommendation. Motion carried unanimously.

Application for reciprocity of aesthetician license from Ohio and Colorado for Gina Galbraith. Certification from Ohio confirms her license was issued in 2013 by examination. Managing estheticians require 750 hours. Colorado certification confirms her license was issued in November 2012 by examination with 20 credits.

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

MOTION made by Mona Sappenfield and seconded by Kelly Barger to approve recommendation. Motion carried unanimously.

Application for reciprocity of cosmetology license from Florida for Melanie Glasford. Certification shows initial licensure in 1995 with 1,200 hours and no practical examination. Letter of recommendation shows work in the industry since 2009.

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

MOTION made by Kelly Barger and seconded by Patricia Richmond to approve recommendation. Motion carried unanimously.

Application for reciprocity of cosmetology license from Texas for Rodolfo Hernandez. Certification reflects initial date of licensure in November 2013 by reciprocity from Mexico. Transcript shows 1,540 hours.

Recommendation - is that the applicant take the Tennessee examination.

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

Application for reciprocity of manicurist license from Florida for Nghi Thi Hoang. Certification reflects full specialist license with 500 hours, and initial date of January 2008 with no examination. She has provided tax records for 2009 – 2013 showing work in the industry.

Recommendation - is that the applicant take the Tennessee examination.

MOTION made by Patricia Richmond and seconded by Frank Gambuzza to approve recommendation. Motion carried unanimously.

Application for reciprocity of manicurist license from North Carolina for Thu Tuyet Hoang. Certification shows initial licensure in May 2009 with 303 hours by examination. Additional documents provided include resume and letters of recommendation going back to 2002.

Recommendation - is that the applicant complete 297 additional hours and take the Tennessee examination or provide proof of work in the industry.

MOTION made by Kelly Barger and seconded by Patricia Richmond to approve recommendation. Motion carried unanimously.

Application for reciprocity of cosmetologist license from Florida for Theresa Jeffres. Request is for reconsideration of previously presented information at the August 25, 2014 meeting. Certification shows initial licensure in 1999 and no practical examination. Ms. Jeffres provided a letter states she owns a salon in Pensacola starting in 2007 until November of 2014.

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

MOTION made by Mona Sappenfield and seconded by Yvette Granger to approve recommendation. Motion carried unanimously.

Application for reciprocity of cosmetologist license from North Carolina for Lana Jacobs. Certification shows initial licensure in 1990 with 1,249 hours by examination. Ms. Jacobs does not have a transcript to show the additional hours listed on the application. She provided letter of employment for 2000 through 2004 and one regarding how long she has been licensed but nothing for the last five consecutive years.

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

MOTION made by Frank Gambuzza and seconded by Yvette Granger to approve recommendation. Motion carried unanimously.

Application for reciprocity of manicurist license from California for Khanh Le. Certification shows initial licensure in January 2002 by examination with 400 hours. Mr. Le provided tax records between 2009 – 2013 showing work in the industry in most of the years. He has also been working as a receptionist in Tennessee going back and forth between the two states.

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

MOTION made by Dianne Teffeteller and seconded by Patricia Richmond to approve recommendation. Motion carried unanimously.

Request for approval of manicurist license from California for Lien Thi Le. Certification shows initial licensure in July 2003 by examination with 400 hours required in California. Ms. Le does not have records of work in the industry for the last five years.

Recommendation - is that the applicant take the Tennessee examination.

MOTION made by Amy Tanksley and seconded by Dianne Teffeteller to approve recommendation. Motion carried unanimously.

Application for reciprocity of aesthetician license from Colorado for Katherine Lee. Certification shows initial licensure in November 2013 by examination with 20 credits or 600 hours.

Recommendation - is that the applicant complete 150 additional hours and take the Tennessee examination.

MOTION made by Patricia Richmond and seconded by Kelly Barger to approve recommendation. Motion carried unanimously.

Application for reciprocity of manicurist license from California for Tran Luong. Certification shows initial licensure in September 2013 by examination with 400 hours required in California.

Recommendation - is that the applicant complete 200 additional hours and take the Tennessee examination.

MOTION made by Frank Gambuzza and seconded by Bobby Finger to approve recommendation. Motion carried unanimously.

Application for reciprocity of cosmetology license from Michigan for Amany Moawad. Request is for reconsideration of previously presented information at the August 25, 2014 meeting. Certification shows initial date of licensure in April 2011 with 1,500 hours accepted by reciprocity from Egypt. Ms. Moawad provided bill of sale from shop she owned in Michigan and a letter from her school in Egypt regarding her experience and education.

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

MOTION made by Frank Gambuzza and seconded by Mona Sappenfield to approve recommendation. Motion carried unanimously.

Request for approval of cosmetology license from Connecticut for Huong Nguyen. Certification shows initial licensure in April 2014 by written examination and no practical given.

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

MOTION made by Amy Tanksley and seconded by Nina Coppinger to approve recommendation. Motion carried unanimously.

Application for reciprocity of manicurist license from Florida for Peter Nguyen. Certification from Florida shows initial date of licensure in April 2014 with 240 hours and no examination.

Recommendation - is that the applicant complete 360 additional hours and take the Tennessee examination.

MOTION made by Patricia Richmond and seconded by Yvette Granger to approve recommendation. Motion carried unanimously.

Application for reciprocity of aesthetics license from New York for Jianning Qi. Request is for reconsideration of previously presented information at the November 4, 2013 meeting. Certification shows initial date of licensure in January 2013 with 600 hours by examination. Ms. Qi provided a letter from Spa in New York showing work experience of fifteen months.

Recommendation - is that the applicant take the Tennessee examination to honor what was decided in 2013.

MOTION made by Nina Coppinger and seconded by Dianne Teffeteller to approve recommendation. Motion carried unanimously.

Application for reciprocity of aesthetician license from New Jersey for Erika Pareja. Certification shows initial date of licensure in November 2012 with 300 hours by examination. Transcript from school shows 600 hours completed. Also provided are letters of recommendation between 2010 and 2014; however she was not licensed until 2012.

Recommendation - is that the applicant complete 150 additional hours and take the Tennessee examination.

MOTION made by Nina Coppinger and seconded by Patricia Richmond to approve recommendation. Motion carried unanimously.

Application for reciprocity of manicurist license from Florida for Yanet Rodriguez. Certification from Florida shows initial date of licensure in August 2009 with 240 hours and no examination. Ms. Rodriguez provided a letter regarding her work in the industry since 2009.

Recommendation - is that the applicant take the Tennessee examination.

MOTION made by Mona Sappenfield and seconded by Frank Gambuzza to approve recommendation. Motion carried unanimously.

Application for reciprocity of cosmetology license from West Virginia for Leslea Russey. Certification from West Virginia shows initial date of licensure in January 2009. She was originally licensed in Florida in 1995 with 1,200 hours and no practical examination. Ms. Russey provided letters regarding work experience as well as a shop license in West Virginia.

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

MOTION made by Mona Sappenfield and seconded by Frank Gambuzza requiring applicant pass the law exam. Motion carried unanimously.

Application for reciprocity of master barber license from Pennsylvania for Kevin Smith. Certification shows initial date of licensure in May 2013 with 1,250 hours by examination. Mr. Smith also holds a license in Mississippi since June 2012.

Recommendation - is that the applicant complete 250 additional hours and take the Tennessee examination.

MOTION made by Mona Sappenfield and seconded by Patricia Richmond to approve recommendation. Motion carried unanimously.

Application for reciprocity of cosmetology license from Florida for Shauna Spears. Certification shows initial date of licensure in May 2014 with 1,200 hours and no practical examination. Ms. Spears hours were obtained in Tennessee. An audit of her information revealed that she attended one school between January 2005 and February 2006 for a total of 1,259 hours. Pursuant to Tenn. Code Ann. § 62-4-123 a student shall complete hours within seven years which she did not. A second school accepted her in March 2014 where she obtained 242 hours. That school should have followed the code and started her hours at zero.

Recommendation - is that the applicant complete 1,258 additional hours and take the Tennessee examination.

MOTION made by Nina Coppinger and seconded by Patricia Richmond to approve recommendation. Motion carried unanimously.

Application for reciprocity of cosmetology license from Florida for Camilla Strecker. Certification shows initial date of licensure in April 2003 with 1,200 hours and no practical examination. Transcript provided shows 1,800 hours received in 2002 and letter from employer states work in the industry between 2003 to current. The exception is for being deployed between 2008 – 2010.

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

MOTION made by Amy Tanksley and seconded by Dianne Teffeteller to approve recommendation. Motion carried unanimously.

Application for reciprocity of manicurist license from Georgia for Chinh Trung Tran. Certification shows initial date of licensure in March 2009 with 320 hours by examination. Mr. Tran provided tax records between 2008 – 2013 showing work in the industry. The application states hours of education obtained in Tennessee in 1994 at a school the board does not show any record of. No certification was ever sent to Georgia.

Recommendation - is that the applicant provide proof of education for reconsideration.

MOTION made by Nina Coppinger and seconded by Patricia Richmond to approve recommendation. Motion carried unanimously.

Application for reciprocity of manicurist license from Florida for Duc Van Tran. Certification shows initial date of licensure in March 2004 with 240 hours and no examination. Tax records are provided from 2009 – 2013 showing work in the industry and a home address in Alabama.

Recommendation - is that the applicant take the Tennessee examination.

MOTION made by Patricia Richmond and seconded by Amy Tanksley to approve recommendation. Motion carried unanimously.

Application for reciprocity of manicurist license from Florida for Mang Tran. Certification shows initial date of licensure in November 2003 with 240 hours and no examination. Tax records are provided from 2009 – 2013 showing work in the industry and a home address in Alabama.

Recommendation - is that the applicant take the Tennessee examination.

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

Application for reciprocity of manicurist license from Arkansas for Van My Thi Tran. Certification shows initial date of licensure in July 2014 with hours accepted from Tennessee and examination completed. None of the hours could be verified on State approved monthly hours report. The board office is still waiting on a response from the school.

Recommendation - is to send investigator to review files and determine correct number of hours obtained.

MOTION made by Mona Sappenfield and seconded by Yvette Granger to approve recommendation. Motion carried unanimously.

Application for reciprocity of aesthetician license from Florida for Truc Vo. Certification shows initial date of licensure in April 2008 as a full specialist with 500 hours and no examination. Her license in Minnesota is only for manicuring. Letter of employment from shop in Florida states Ms. Vo has been providing both aesthetics and manicuring in Florida since 2008 and 1099's confirm that information.

Recommendation - is that the applicant take the Tennessee examination.

MOTION made by Patricia Richmond and seconded by Frank Gambuzza to approve recommendation. Motion carried unanimously.

Application for reciprocity of aesthetics license from Florida for Cali Wicks. Certification shows initial date of licensure in January 2013 with 260 hours and no examination. Her hours were obtained at a school in Tennessee and the board was able to confirm all 750 hours between 2011 and 2012.

Recommendation - is that the applicant take the Tennessee examination.

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

Application for reciprocity of master barber license from Michigan for Nabil Aryan. Certification shows initial date of licensure in July 2014 by examination with 1,800 hours approved from Egypt. Translated certificate states 2,000 hours received in November 2009.

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

MOTION made by Patricia Richmond and seconded by Mona Sappenfield to approve recommendation. Motion carried unanimously.

Application for reciprocity of cosmetology license from New Jersey for Amber Carpenter. Certification shows initial date of licensure in May 2014 with 1,200 hours by examination.

Recommendation - is that the applicant complete 300 additional hours and take the Tennessee examination.

MOTION made by Nina Coppinger and seconded by Frank Gambuzza to approve recommendation. Motion carried unanimously.

Application for reciprocity of cosmetology license from Florida for Ethan Tapp. Certification shows initial date of licensure in June 2014 with 1,200 hours and no practical examination. Transcript provided shows 1,608 hours completed.

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

MOTION made by Amy Tanksley and seconded by Mona Sappenfield to approve recommendation. Motion carried unanimously.

Application for reciprocity of cosmetology license from Florida for Cassidy Wade. Certification shows initial date of licensure in August 2014 with 1,200 hours and no practical examination. Transcript provided shows 1,604 hours completed.

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

MOTION made by Frank Gambuzza and seconded by Patricia Richmond to approve recommendation. Motion carried unanimously.

LEGAL REPORT- STAFF ATTORNEY

COSMETOLOGY CASES

PREVIOUS CASES WITH NEW INFORMATION

1. Case No.: L14-COS-RBS-2014001701

First License Obtained: 07/08/2005

License Expiration: 06/30/2015

Complaint history: None

This case was previously presented at the May 2014 Board meeting as follows: *A Notice of Violation issued on January 15th, 2014 alleges that the Respondent, a licensed manicurist/ skin care shop, did not have a sink for manicure or skin care services and that there were products with no labels, all in violation of TENN. COMP. R. & REG. 0440—2—.07 [EQUIPMENT]. Additionally, the area inspector found that the lighting was inadequate in violation of TENN. COMP. R. & REG. 0440—2—.06 [FACILITIES].* Based on this presentation, the Board approved a recommendation to authorize a formal hearing with authority to settle the matter with a Consent Order for a civil penalty of \$250.00 for each of the three identified violations for a total civil penalty of \$750.00. **UPDATE:** The Board offices received communications from the Respondent that the lack of labels on containers was immediately remedied. However, the Respondent rents the property and has communicated with the landlord to address the sink and lighting problems. Ultimately, lighting adequate to operate a business within its occupancy classification is a matter of local codes compliance and cannot be judged by the Board. This Respondent has operated for over twenty years without a violation and has been approved multiple times for operation without a complaint.

Recommendation: Rescind the previous Consent Order and close the matter with a Letter of Warning to obtain the proper sink requirement before the shop's next annual inspection.

Decision: Approved.

2. Case No.: L12-COS-RBS-2012007571

First License Obtained: 01/27/1993

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

Complaint history: **2009001381, case number closed and information combined with this case.**

This complaint was presented to the Board in 2012 after the information in a previous complaint was combined with this matter. The Board approved a settlement offer based on the Respondent shop operating after its license had expired. After the necessary time had passed without response, the matter progressed to litigation. Over the course of this activity, it has been verified that the Respondent is no longer operating, and disciplinary activity has been terminated.

Recommendation: Close the matter with no action and flag the shop's license file so that the Board may consider this matter should the Respondent attempt to apply for a license in the future.

Decision: Approved.

3. Case No.: L14-COS-RBS-2014005431

First License Obtained: **01/27/1994**

License Expiration: **05/31/2016**

Complaint history: **None**

This case was previously presented at the June 2014 Board meeting as follows: *A Notice of Violation issued on March 20th, 2014 alleges that the Respondent, a licensed cosmetology shop, did not have its grade inspection sheet posted in a conspicuous place in violation of TENN. COMP. R. & REG. 0440—2—.05(2) [INSPECTIONS]; that there was no manager present in violation of TENN. CODE ANN. § 62-4-118(b)(1) (Operation of a shop) and TENN. COMP. R. & REG. 0440—2—.03(2) [RESPONSIBILITY FOR COMPLIANCE]; and that there were two stylists with invalid licenses posted in violation of TENN. CODE ANN. § 62-4-119 [Responsibilities of owner and manager of shop].* Based on this presentation, the Board approved a recommendation to authorize a formal hearing with authority to settle the matter with a Consent Order for a civil penalty of \$3,250.00. UPDATE: The Respondent has submitted a written explanation and photographs (the "response") to counter the allegations on the Notice of Violation. The response does not provide sufficient proof that the Respondent was not in violation at the time of the inspection.

Recommendation: Uphold the previously authorized formal hearing and Consent Order with settlement offer.

Decision: Approved.

4. Case No.: L10-COS-RBS-2010019581

First License Obtained: 06/24/2009

License Expiration: 05/31/2011

Complaint history: None

This matter involves a Respondent to which this license formerly applied, but the Respondent has now been approved for and is operating a new shop under a new license number. As far as this matter is concerning, the Board previously authorized a formal hearing against the Respondent for unlicensed activity and relocating the Respondent's shop without submitting an application for change of location. Further investigation of this matter revealed that the Respondent was issued at least two (2) Notices of Violation, one at which the Respondent's shop is no longer operating and is now closed, and the other Notice of Violation was issued by an inspector who is now retired and may not be available to testify at a formal hearing.

Recommendation: Close this matter with no action.

Decision: Approved.

5. Case No.: L11-COS-RBS-2011025801

First License Obtained: 06/24/2009

License Expiration: 05/31/2011

Complaint history: 2008019781, closed w/Letter of Warning; 2013008281, closed w/\$500.00 civil penalty paid via Consent Order

The Board previously authorized a formal hearing with authority to settle by a Consent Order against the Respondent for unlicensed activity. A Consent Order was sent to Respondent, but no response was received. After the necessary time had passed without response, the matter progressed to litigation. Over the course of this activity, it

has been verified that the Respondent is no longer operating, and disciplinary activity has been terminated.

Recommendation: Close the matter with no action and flag the shop's license file so that the Board may consider this matter should the Respondent attempt to apply for a license in the future.

Decision: Approved.

6. Case No.: L13-COS-RBS-2013024501

First License Obtained: 10/28/2010

License Expiration: 09/30/2014

Complaint history: None

This case was originally presented on the March 3rd, 2014 as follows: *A Notice of Violation issued on December 4th, 2013 alleges that the Respondent, a licensed cosmetology shop, did not have either the shop owner or a manager on duty in violation of TENN. CODE ANN. § 62-4-118 [Operation of a shop]; tools and implements were left out and not covered in violation of TENN. COMP. R. & REG. 0440—2—.13(5) [SANITATION AND DISINFECTION]; both clean and soiled towels were not in containers at all and containers with products were not properly labeled, all in violation of TENN. COMP. R. & REG. 0440—2—.07 [EQUIPMENT]; and there is a build-up of dust and dirt on the walls and exposed surfaces in violation of TENN. COMP. R. & REG. 0440—2—.06(2) [FACILITIES].* Based on this presentation, the Board approved a recommendation to authorize a formal hearing with authority to settle the matter with a Consent Order for a civil penalty of \$250.00 for each of the four identified violations for a total civil penalty of \$1,000.00. UPDATE: This matter has progressed to litigation, and in the course of discovery it has been determined that the Respondent has vacated the premises and another business is now operating in that space. No attempted contact through any means has been successful.

Recommendation: Close the case and flag the license file with the option to take further disciplinary action should a license renewal be attempted.

Decision: Approved.

7. Case No.: L13-COS-RBS-2013014101

Case No.: L14-COS-RBS-2014001801

First License Obtained: N/A

License Expiration: N/A

Complaint history: None

The Board previously authorized closure of this matter at its June 2014 meeting because Respondent is no longer operating and accepted the amount of civil penalty paid. UPDATED: Shortly after the closure of the case, the Respondent has sent in the remaining payment on the civil penalty to settle the matter.

Recommendation: Upheld the previous Board's decision and accept the remaining amount paid on the civil penalty as satisfactory and close the matter as authorized.

Decision: Approved.

CONSUMER COMPLAINTS

1. Case No.: L14-COS-RBS-2014007311

First License Obtained: 09/10/2009

License Expiration: 09/01/2014

Complaint history: 2010028691, closed w/Letter of Warning; 2011025561, closed w/\$1,000 civil penalty paid via Consent Order

The complaint alleges that the Respondent, a licensed cosmetology school, has been falsifying student hours in order to receive payment from a third party. Further allegations claim that the Respondent is not actually instructing students, but is using the floor space as a salon. This Respondent has been disciplined in the past for the same allegations, and the Respondent has been warned by a former Board member and a field inspector about this same activity. This kind of activity could constitute willful contempt of the Board's law and rules in the form of fraud in procuring a license (in that the Respondent is not actually operating as a school) and immoral or dishonorable conduct, both in violation of TENN. CODE ANN. § 62-4-127(b) (Inspections – Cause for suspension, revocation, or for denial of license).

Recommendation: Authorize a formal hearing with authority to settle the matter with a Consent Order for revocation of Respondent's license to operate as a cosmetology school and a civil penalty of \$1,000.00.

Decision: Approved.

2. Case No.: L14-COS-RBS-2014011051

First License Obtained: 09/10/2009

License Expiration: 09/01/2014

Complaint history: 2010028691, closed w/Letter of Warning; 2011025561, closed w/\$1,000 civil penalty paid via Consent Order

This is a companion complaint to the above matter involving the same Respondent and the same allegations.

Recommendation: Authorize a formal hearing with authority to settle the matter with a Consent Order for revocation of Respondent's license to operate as a cosmetology school and a civil penalty of \$1,000.00.

Decision: Approved.

3. Case No.: L14-COS-RBS-2014007531

First License Obtained: 03/18/1994

License Expiration: 09/01/2014

Complaint history: 2002075021, 2005009111, 2006034011, all Dismissed; 2012011531, close w/Letter of Warning and refer complaint to outside agency; 2013022791, close w/Letter of Warning

The complaint alleges that the Respondent, a licensed cosmetology school, has failed to produce requested documents to students and has repeatedly failed to maintain the required minimum sanitary standards in violation of TENN. COMP. R. & REG. 0440—02 [SANITARY RULES]. There are further complaints pending against this Respondent.

Recommendation: Authorize a formal hearing with authority to settle the matter with a Consent Order for revocation of Respondent's license to operate as a cosmetology school and a civil penalty of \$1,000.00.

Decision: Approved.

4. Case No.: L14-COS-RBS-2014007611

5. Case No.: L14-COS-RBS-2014008201

6. Case No.: L14-COS-RBS-2014008741

7. Case No.: L14-COS-RBS-2014009221

First License Obtained: 04/18/1995

License Expiration: 09/01/2014

**Complaint history: 2008018591, closed w/no action;
2009018041, closed w/\$1,000 civil
penalty paid via Consent Order;
2012002711, closed w/Letter of
Warning; 2014007051, closed for lack of
evidence for discipline**

These four cases relate to the same situation and involve four Complainants. The complaints allege that the Respondent, a licensed cosmetology school, conducted itself in an unprofessional manner and, in the fourth case, did not properly provide instruction or maintain adequate equipment. In the first case, accusations are made regarding various school practices including allowing students to graduate early, falsifying hours and failing to provide necessary materials for class work. The second complaint comes from a former student of six years in the past, now licensed, who complains of an inadequate educational experience. The third complaint is similar in that it alleges inadequate teaching techniques. The final complaint alleges similar situations. In all cases, the Respondent provides documentation to counter the allegations. Additionally, the facility has been inspected recently and was not found to be in violation of any of the Board's applicable law and rules.

Recommendation: Close the cases with a Letter of Caution to maintain clear communication with students to avoid any conflict and misunderstandings.

Decision: Approved.

8. Case No.: L14-COS-RBS-2014006581

First License Obtained: 02/07/2013

License Expiration: 01/31/2015

Complaint history: None

The complaint alleges that the Respondent, a licensed shop, is or has employed an unlicensed individual as a shampooing technician and/or styling technician in violation of TENN. CODE ANN. § 62-4-119. The unlicensed individual in question is employed by the Respondent as a receptionist, and the Complainant is a former employee who was terminated for cause. During the last inspection, while the receptionist was on duty and the Complainant was still in the Respondent's employ, no mention of the Complainant's knowledge of this issue was made to the inspector. The Respondent submits a written statement that the receptionist has no client service duties and that the Complainant has used other media to express displeasure about being terminated. There is no complaint history for this Respondent.

Recommendation: Close the case for lack of probable cause for discipline with the option to revisit the matter should new, relevant information arise.

Decision: Approved.

9. Case No.: L14-COS-RBS-2014007631

First License Obtained: 11/02/2012

License Expiration: 09/30/2014

Complaint history: None

The complaint alleges that the Respondent, a licensed shop, has allowed an unlicensed person to provide manicure services in violation of TENN. CODE ANN. § 62-4-119. The individual who supposedly attempted to provide these services is a high school student and the daughter of the owner. This person allegedly told the Complainant that she learned how to do nails by growing up in a nail salon. There is no indication that any regulated services were provided. The Respondent provides a written statement that the daughter was not authorized to offer any services, and that, when present after school, the daughter's responsibilities are to greet customers and escort them to the appropriate service provider. There is no complaint history for this Respondent.

Recommendation: Close the case for lack of probable cause for discipline with the option to revisit the matter should new, relevant information arise.

Decision: Approved.

10. Case No.: L14-COS-RBS-2014008811

First License Obtained: 02/14/2006

License Expiration: 04/30/2016

Complaint history: None

The complaint alleges that the Respondent, a licensed aesthetics instructor, is providing regulated services outside of a licensed shop or school in violation of TENN. CODE ANN. 62-4-125(d)(2). In a written statement, the Respondent admits to providing *gratis* services on friends and family using near-expired products left from a time when the Respondent worked in a shop so as to dispose of them. Knowing nothing else, this activity does not fall under a legitimate exemption from practicing only in a licensed shop or school. As of June 1st, 2014, the Respondent had completed setting up a licensed shop and was awaiting a state inspection to open, which would negate any need to provide services outside of a licensed facility. There is no complaint history for this Respondent.

Recommendation: Close the case with a Letter of Warning and a CEASE AND DESIST order against providing regulated services outside a licensed shop or school without a legal exemption.

Decision: Approved.

11. Case No.: L14-COS-RBS-2014007561

First License Obtained: N/A

License Expiration: N/A

Complaint history: None

The complaint alleges that the Respondent, an unlicensed individual, has provided regulated services without first obtaining a license in violation of TENN. CODE ANN. 62-4-108 (License required to practice or teach). In this case, the complaint alleges that, as

a result of this unlicensed activity, the Complainant was harmed. The complaint materials indicate that there have been numerous instances of this conduct, and that the Respondent advertises these services although the Respondent does not falsely claim to be licensed.

Recommendation: Authorize a formal hearing with authority to settle the matter with a Consent Order for a civil penalty of \$1,000.00.

Decision: Approved.

12. Case No.: L14-COS-RBS-2014008211

First License Obtained: 07/21/2009

License Expiration: 09/01/2014

**Complaint history: 2010029531, closed w/no action;
2011008451, closed w/no action**

The complaint alleges that the Respondent, a licensed cosmetology school, allowed a student to provide a haircut on a member of the public when the student was not adequately instructed or properly supervised. The Complainant alleges that this activity constitutes unprofessional behavior on the Respondent school's part in potential violation of TENN. CODE ANN. 62-4-127(b)(1). The Respondent school did not charge for the services provided upon hearing the Complainant's dissatisfaction. There is no significant complaint history for this Respondent.

Recommendation: Close the case with a Letter of Caution to properly manage services provided by students and to maintain open communication with the public being served.

Decision: Approved.

13. Case No.: L14-COS-RBS-2014005311

First License Obtained:

License Expiration:

**Complaint history: 2013002991, closed w/Letter of
Warning; 2013003941, closed w/\$500**

**civil penalty paid via Consent Order;
2013022311, closed w/\$1,000 civil
penalty paid via Consent Order**

The complaint alleges that the Respondent, a licensed cosmetology shop, is liable for passing an infection to a client through improper sanitary practices which, if true, would potentially violate TENN. CODE ANN. 62-4-127(b)(9) by failing to make sure all of the Board's sanitary rules are correctly enforced. There has been a history of violations against this Respondent.

Recommendation: Close the matter with a Letter of Warning to comply with all sanitary rules and authorize a re-inspection within a month to ensure compliance.

Decision: Approved.

14. Case No.: L14-COS-RBS-2014005991

First License Obtained: 02/28/1979

License Expiration: 08/31/2015

Complaint history: None

The complaint alleges that the Respondent, a licensed individual, was providing regulated services beyond the expiration date of the Respondent's license. The Respondent has renewed the license effective April 10th, 2014. There is no indication from the complaint materials that the Respondent provided these services during the time that the license was expired. There is no complaint history for this Respondent.

Recommendation: Close the matter with a Letter of Warning against continuing to provide regulated services beyond a license's expiration date.

Decision: Approved.

15. Case No.: L14-COS-RBS-2014006001

First License Obtained:

License Expiration:

**Complaint history: 2006025711, closed w/\$3,000 civil
penalty paid via Consent Order;**

2006034421, closed w/Letter of Warning; 2009005301, closed w/\$2,000 civil penalty paid via Consent Order; 2011025761, closed w/\$1,000 civil penalty paid via Consent Order

The complaint alleges that the Respondent, a licensed cosmetology shop, is liable for passing an infection to a client through improper sanitary practices which, if true, would potentially violate TENN. CODE ANN. 62-4-127(b)(9) by failing to make sure all of the Board's sanitary rules are correctly enforced. There has been a history of violations against this Respondent.

Recommendation: Close the matter with a Letter of Warning to comply with all sanitary rules and authorize a re-inspection within a month to ensure compliance.

Decision: Approved.

16. Case No.: L14-COS-RBS-2014006471

First License Obtained: 02/11/2002

License Expiration: 01/31/2016

Complaint history: None

The complaint alleges that the Respondent, a licensed cosmetology shop, is liable for injuring a client through improper sanitary practices which, if true, would potentially violate TENN. CODE ANN. 62-4-127(b)(9) by failing to make sure all of the Board's sanitary rules are correctly enforced. There is no complaint history for this Respondent.

Recommendation: Close the matter with a Letter of Warning to comply with all sanitary rules.

Decision: Approved.

17. Case No.: L14-COS-RBS-2014009211

First License Obtained: 05/16/2012

License Expiration: 09/01/2014

Complaint history: 2012025231, closed w/no action

The complaint alleges that the Respondent, a licensed cosmetology school, failed to provide proper education to allow the Complainant to pass the professional examination after three attempts. The Respondent has provided free tutoring opportunities to assist. Also, the Respondent has had to remove the Complainant from its premises on several occasions and has had difficulty in general in dealing with the Complainant.

Recommendation: Dismiss the complaint for lack of disciplinary grounds.

Decision: Approved.

18. Case No.: L14-COS-RBS-2014010101

First License Obtained: 04/19/2013

License Expiration: 04/30/2015

Complaint history: None

The complaint alleges that the Respondent, a licensed cosmetology shop, committed unprofessional conduct by failing to produce the requested results for the provided services and for making inappropriate comments to the customer which, if true, could potentially violate TENN. CODE ANN. 62-4-127(b)(2). The Respondent made attempts to correct the coloring project, but time constraints, imposed by the customer, prevented a complete remedy. A written statement from the Respondent's owner offers and apology for any failure to provide the required results, but also denies any verbal misconduct and claims misunderstanding. There is no complaint history for this Respondent.

Recommendation: Close the matter with a Letter of Warning to improve communications between service providers and clients.

Decision: Approved.

19. Case No.: L14-COS-RBS-2014010151

First License Obtained: 04/18/2013

License Expiration: 03/31/2015

Complaint history: None

The complaint alleges that the Respondent, a licensed cosmetology shop, committed unprofessional conduct by causing injury to the customer while providing pedicure services as well as failing to follow proper sanitary procedures which, if true, could potentially violate TENN. CODE ANN. 62-4-127(b)(2) and (b)(9). A written statement from the Respondent's owner states that the alleged cuts on the ankle area are outside the treatment area and not part of the procedure. Also, the Respondent provides information on how sanitary rules are followed and provides photo evidence. Lastly, the Respondent provides a letter from a client receiving services at the time of the Complainant's discussion with the Respondent a few days later, and this client notes that there has never been a problem for well over a year in her experiences. There is no complaint history for this Respondent.

Recommendation: Dismiss the complaint for lack of disciplinary grounds.

Decision: Approved.

20. Case No.: L14-COS-RBS-2014004511

First License Obtained: 08/07/2003

License Expiration: 04/30/2015

Complaint history: None

The complaint alleges that the Respondent, a licensed cosmetology shop, committed unprofessional conduct by causing injury to the customer while providing manicure services which, if true, could potentially violate TENN. CODE ANN. 62-4-127(b)(2). Specifically, the Complainant describes that the Respondent's service providers failed to listen to the Complainant's requests and failed to cease services when requested. The Respondent has not answered the complaint.

Recommendation: Close the matter with a Letter of Warning to improve client relations and maintain the option to revisit the matter if new, relevant information arises.

Decision: Approved.

21. Case No.: L14-COS-RBS-2014010141

First License Obtained: 08/31/2006

License Expiration: 08/31/2014

Complaint history: None

The complaint alleges that the Respondent, a licensed individual, committed unprofessional conduct by failing to provide services that were satisfactory to the customer which, if true, could potentially violate TENN. CODE ANN. 62-4-127(b)(2) if serious enough to indicate incompetence. Specifically, the Complainant received a hair treatment that was perceived as being ineffective and was refused a refund when it was demanded from the Respondent. The Respondent provides a written statement recounting the events and states that additional services were offered for free to attempt to get satisfaction, but that a refund was against policy. The Complainant never sought the additional free services. There is no complaint history for this Respondent.

Recommendation: Dismiss the complaint for lack of disciplinary grounds.

Decision: Approved.

22. Case No.: L14-COS-RBS-2014010111

First License Obtained: 10/31/1995

License Expiration: 07/31/2014

Complaint history: None

The complaint alleges that the Respondent, a licensed cosmetology shop, allowed an employee to attempt to provide hair styling services after placing a cape containing clippings from a previous client on the Complainant in violation of TENN. COMP. R. & REG. 0440—02—.13(1)(b) [SANITATION AND DISINFECTION]. In a written answer, the Respondent does not deny the incident and apologizes for it and shows an awareness of the applicable administrative rule prohibiting this activity. There is no complaint history for this Respondent, which has been in business for almost twenty years.

Recommendation: Close the case with a Letter of Caution to observe all of the Board's law and rules as required.

Decision: Approved.

NOTICE OF VIOLATION CASES

1. Case No.: L14-COS-RBS-2014005671

First License Obtained: 10/24/2006

License Expiration: 10/31/2014

Complaint history: None

A Notice of Violation issued on March 20th, 2014 alleges that the Respondent, a licensed cosmetology shop, did not have a manager present during its operation and at the inspection time in violation of TENN. CODE ANN. § 62-4-118(b)(1) [Operation of a shop] and TENN. COMP. R. & REG. 0440—2—.03(2) [RESPONSIBILITY FOR COMPLIANCE]. The area inspector states that the Respondent's shop owner (also the manager) was absent at the inspection time and her cosmetology license was expired as of November 30, 2013 in potential violation of TENN. CODE ANN. § 62-4-108 [License required to practice or teach]. Board office records indicate that the license in question has been now renewed.

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

Decision: Approved.

2. Case No.: L14-COS-RBS-2014005681

First License Obtained: 04/13/2012

License Expiration: 03/31/2014

Complaint history: None

A Notice of Violation issued on March 13th, 2014 alleges that the owner of a cosmetology shop, licensed at the time of inspection, was shampooing a client's hair while his license was expired in violation of TENN. CODE ANN. §§ 62-4-108 [License required to practice or teach] and 62-4-119(1)(3) [Responsibilities of owner and manager of a shop], and also that the shop was allowing a licensed master barber to provide a weaving and/or braiding service to a client in violation of TENN. CODE ANN. § 62-4-119(1)(3). The inspector states that the shop does not have a dual licensure. This facility has not attempted to renew its license and is currently unlicensed.

Recommendation: Authorize and immediate CEASE AND DESIST order and a formal hearing with authority to settle the matter with a Consent Order for a civil penalty of \$1,000.00 for each instance of unlicensed activity, for a total civil penalty of \$2,000.00.

Decision: Approved.

3. Case No.: L14-COS-RBS-2014005721

First License Obtained: 08/30/2012

License Expiration: 07/31/2014

Complaint history: None

A Notice of Violation issued on March 26th, 2014 alleges that the Respondent, a licensed cosmetology shop at the time of inspection, was allowing its owner to provide services to a client without displaying a valid license in violation of TENN. CODE ANN. §§ 62-4-108 (License required to practice or teach) and 62-4-119 [Responsibilities of owner and manager of a shop]. Further, according to the Notice, the area inspector observed that there were no covered containers for trash, that a wet sterilizer was not being cleaned in violation of TENN. COMP. R. & REG. 0440—2—.07(1)(d)-(f) [EQUIPMENT] and that name tags were not being worn in violation of TENN. COMP. R. & REG. 0440—2—.08(1)(a) [ATTIRE]. The inspector also observed tools which were not properly cleaned and sanitized in violation of TENN. COMP. R. & REG. 0440—2—.13 [SANITATION AND DISINFECTION]. This facility has not attempted to renew its license and is currently unlicensed.

Recommendation: Authorize and immediate CEASE AND DESIST order and a formal hearing with authority to settle the matter with a Consent Order for a civil penalty of \$1,000.00 for each instance of unlicensed activity, for a total civil penalty of \$2,000.00.

Decision: Approved.

4. Case No.: L14-COS-RBS-2014005811

First License Obtained: 09/30/1994

License Expiration: 09/30/2012

Complaint history: None

This unlicensed cosmetology shop was inspected on March 26th, 2014, and had it been licensed, would have allegedly been allowing a stylist to practice in the shop without possessing a valid shop license in violation of TENN. CODE ANN. § 62-4-118(a). Additionally, the area inspector observed an uncovered trash container in violation of TENN. COMP. R. & REG. 0440—2—.07(1)(d) [EQUIPMENT], and that exposed surfaces were not cleaned in violation of TENN. COMP. R. & REG. 0440—2—.06(2) [FACILITIES].

Recommendation: Authorize an immediate CEASE AND DESIST order and a formal hearing with authority to settle the matter with a Consent Order for a civil penalty of \$1,000.00 for each of the almost two years of unlicensed conduct, for a total civil penalty of \$2,000.00.

Decision: Approved.

5. Case No.: L14-COS-RBS-2014006261

First License Obtained: 01/23/2014

License Expiration: 12/31/2015

Complaint history: None

A Notice of Violation issued on April 8th, 2014 alleges that the Respondent, a licensed manicure shop, was allowing two (2) individuals to provide services to clients without possessing a valid Board-issued license in violation of TENN. CODE ANN. §§ 62-4-108 (License required to practice or teach) and 62-4-119 [Responsibilities of owner and manager of a shop]. The area inspector states that the owner of the Respondent's shop was not wearing a name tag in violation of TENN. COMP. R. & REG. 0440—2—.08(1)(a) [ATTIRE].

Recommendation: Authorize a formal hearing with authority to settle the matter with a \$1,000.00 civil penalty for each of the two instances of unlicensed practice and for the owner responsibility violation, and a civil penalty of \$250.00 for the name tag violation for a total civil penalty of \$2,250.00.

Decision: Approved.

6. Case No.: L14-COS-RBS-2014005891

First License Obtained: 09/11/2012

License Expiration: **07/31/2016**

Complaint history: **2013023401, closed w/\$250 civil penalty paid via Consent Order**

A Notice of Violation issued on April 1st, 2014 alleges that the Respondent, a licensed manicure shop, was offering waxing services not allowed by shop license whereas the area inspector observed a wax machine in a separate room in the shop in potential violation of TENN. CODE ANN. § 62-4-119 [Responsibilities of owner and manager of a shop]; this machine was no being actively utilized. Further, according to the Notice, the area inspector observed a fish aquarium containing live fish in the Respondent's shop in violation of TENN. COMP. R. & REG. 0440—2—.10(1) [ANIMALS]; and also observed several sanitation violations, including an uncovered trash container in violation of TENN. COMP. R. & REG. 0440—2—.07 [EQUIPMENT], foot bath was not properly cleaned and nail tools were improperly stored and sanitized all in violation of TENN. COMP. R. & REG. 0440—2—.13 [SANITATION AND DISINFECTION].

Recommendation: Authorize a formal hearing with authority to settle the matter with a Consent Order containing a Letter of Warning against offering unauthorized services, and civil penalty of \$250.00 for each of the three observed violations for a total civil penalty of \$750.00.

Decision: Approved.

7. Case No.: L14-COS-RBS-2014006411

First License Obtained: **06/28/2012**

License Expiration: **06/30/2016**

Complaint history: **2013013831, closed w/\$250 civil penalty paid via Consent Order**

A Notice of Violation issued on April 9th, 2014 alleges that the Respondent, a licensed manicurist/skin care shop, was allowing an individual to provide manicure services to a client in the Respondent's shop without possessing a valid Board-issued license in violation of TENN. CODE ANN. §§ 62-4-108 (License required to practice or teach) and 62-4-119 [Responsibilities of owner and manager of a shop].

Recommendation: Authorize an immediate CEASE AND DESIST against employing unlicensed persons and a formal hearing with authority to settle the matter with a Consent Order for a civil penalty of \$1,000.00.

Decision: Approved.

8. Case No.: L14-COS-RBS-2014006711

First License Obtained: 04/30/2010

License Expiration: 03/31/2016

Complaint history: None

A Notice of Violation issued on April 8th, 2014 alleges that the area inspector observed the owner of the Respondent's shop (a licensed manicurist) servicing a client's eyelash in violation of TENN. CODE ANN. § 62-4-119 [Responsibilities of owner and manager of a shop], and also observed an individual providing a manicure service to a client without possessing a valid Board-issued license in violation of TENN. CODE ANN. §§ 62-4-108 (License required to practice or teach) and 62-4-119 [Responsibilities of owner and manager of a shop]. Further, according to the Notice, the area inspector states that no one had a name tag in violation of TENN. COMP. R. & REG. 0440—2—.08(1)(a) [ATTIRE], and that there was a trash container without a cover and both dirty and clean towels were improperly stored along with containers without labels all in violation of TENN. COMP. R. & REG. 0440—2—.07 [EQUIPMENT], and also observed dirty tools on work stations in violation of TENN. COMP. R. & REG. 0440—2—.13 [SANITATION AND DISINFECTION].

Recommendation: Authorize an immediate CEASE AND DESIST against employing unlicensed persons and a formal hearing with authority to settle the matter with a Consent Order for a civil penalty of \$1,000.00 for the instance of unlicensed practice and a civil penalty of \$250.00 for each of the four identified violations for a total civil penalty of \$2,000.00.

Decision: Approved.

9. Case No.: L14-COS-RBS-2014006801

First License Obtained: 05/01/2014

License Expiration: 04/30/2016

Complaint history: None

A Notice of Violation issued on April 10th, 2014 alleges that the Respondent, a cosmetology shop, was operating same without first obtaining a valid Board-issued shop license in violation of TENN. CODE ANN. § 62-4-118(a) [Operation of a shop]. Board office records indicate that the Respondent was issued a shop license on May 1, 2014.

Recommendation: Close the case with a Letter of Warning.

Decision: Approved.

10. Case No.: L14-COS-RBS-2014006821

First License Obtained: 03/19/2012

License Expiration: 01/31/2016

Complaint history: None

A Notice of Violation issued on April 9th, 2014 alleges that the Respondent, a licensed manicure/ skin care shop, was allowing an individual to provide pedicure services to a client in the Respondent's shop without possessing a valid Board-issued license in violation of TENN. CODE ANN. §§ 62-4-108 (License required to practice or teach) and 62-4-119 [Responsibilities of owner and manager of a shop]. Additionally, the area inspector states that the shop did not have proper ventilation in violation of TENN. COMP. R. & REG. 0440—2—.06 [FACILITIES] nor does have a skin care sink in the work area in violation of TENN. COMP. R. & REG. 0440—2—.07 [EQUIPMENT], and also observed several containers of products without labels in violation of TENN. COMP. R. & REG. 0440—2—.07 [EQUIPMENT].

Recommendation: Authorize an immediate CEASE AND DESIST against employing unlicensed persons and a formal hearing with authority to settle the matter with a Consent Order for a civil penalty of \$1,000.00 for the instance of unlicensed practice and a civil penalty of \$250.00 for each of the four identified violations for a total civil penalty of \$2,000.00.

Decision: Approved.

11. Case No.: L14-COS-RBS-2014006861

First License Obtained: 04/05/2006

License Expiration: 02/28/2011

Complaint history: None

This unlicensed manicure shop was inspected on April 9th, 2014, and had it been licensed, would have allegedly been allowing two (2) individuals to practice on clients while the shop did not have a valid Board-issued license in violation of TENN. CODE ANN. § 62-4-118(a) [Operation of a shop]. Additionally, the area inspector stated that there was an individual with an expired license, in potential violation of TENN. CODE ANN. § 62-4-108 [License required to practice or teach].

Recommendation: Authorize an immediate CEASE AND DESIST against unlicensed activity and a formal hearing with authority to settle the matter with a Consent Order for a civil penalty of \$1,000.00 for each of the two instances of unlicensed practice for a total civil penalty of \$2,000.00.

Decision: Approved.

12. Case No.: L14-COS-RBS-2014007021

First License Obtained: 12/16/2013

License Expiration: 10/31/2015

Complaint history: None

A Notice of Violation issued on April 15th, 2014 alleges that the area inspector observed an individual working on a client's acrylic nail and then went out the back door – the shop manager advised the inspector that the individual has an aesthetician license in violation of TENN. CODE ANN. § 62-4-119 [Responsibilities of owner and manager of a shop]. Further, according to the Notice, the Respondent's shop failed to ensure all personal licenses were posted at the work stations in violation of Tenn. Code Ann. § 62-4-119 [Responsibilities of owner and manager of a shop], and that there was fish on the front station in violation of TENN. COMP. R. & REG. 0440—2—.10(1) [ANIMALS]; and also found a used wax stick which was improperly stored in violation of TENN. COMP. R. & REG. 0440—2—.13 [SANITATION AND DISINFECTION].

Authorize an immediate CEASE AND DESIST against unauthorized practice and a formal hearing with authority to settle the matter with a Consent Order for a civil penalty of \$1,000.00 for the instance of providing services not authorized by license and a civil penalty of \$250.00 for each of the three identified violations for a total civil penalty of \$1,750.00.

Decision: Approved.

13. Case No.: L14-COS-RBS-2014007091

First License Obtained: 09/29/2000

License Expiration: 06/30/2015

Complaint history: None

A Notice of Violation issued on April 9th, 2014 alleges that the area inspector observed a hot wax machine in a licensed manicure shop in potential violation of TENN. CODE ANN. § 62-4-119 [Responsibilities of owner and manager of a shop] if it was being used, and that the shop's manager was not wearing an identification tag in violation of TENN. COMP. R. & REG. 0440—2—.08(1)(a) [ATTIRE]. Additionally, the area inspector found that the shop did not have a blood spill kit in violation of TENN. COMP. R. & REG. 0440—2—.07 [EQUIPMENT]; and also did not have a hospital grade disinfectant for cleaning and found neck dusters and dirty files and buffers which were improperly all in violation of TENN. COMP. R. & REG. 0440—2—.13 [SANITATION AND DISINFECTION].

Recommendation: Authorize a formal hearing with authority to settle the matter with a Consent Order containing a Letter of Warning against offering unauthorized services, and civil penalty of \$250.00 for each of the three observed violations for a total civil penalty of \$750.00.

Decision: Approved.

14. Case No.: L14-COS-RBS-2014007131

First License Obtained: 06/23/2011

License Expiration: 06/30/2013

Complaint history: None

A Notice of Violation issued on April 11th, 2014 alleges that the Respondent, a manicure shop, was open and no customers were present at the inspection time, but its shop license was expired as of June 30, 2013 in violation of TENN. CODE ANN. § 62-4-118(a) [Operation of a shop]. Because the Respondent appears to have no prior disciplinary history and because there were no evidence of unlicensed practice or other violations noted by the inspector at the time of inspection, a Letter of Warning is recommended.

Recommendation: Close the matter with an immediate CEASE AND DESIST order and a Letter of Warning against unlicensed activity.

Decision: Approved.

15. Case No.: L14-COS-RBS-2014007141

First License Obtained: 09/13/2013

License Expiration: 08/31/2015

Complaint history: None

A Notice of Violation issued on April 10th, 2014 alleges that the Respondent, a licensed cosmetology shop, was allowing two (2) cosmetologists to provide services to the public on expired licenses in violation of TENN. CODE ANN. §§ 62-4-108 (License required to practice or teach) and 62-4-119 [Responsibilities of owner and manager of a shop], and also was allowing a master barber to cut a client's hair without the shop being a dual licensed in violation of TENN. CODE ANN. § 62-4-119 [Responsibilities of owner and manager of a shop].

Authorize an immediate CEASE AND DESIST against unauthorized practice and a formal hearing with authority to settle the matter with a Consent Order for a civil penalty of \$1,000.00 for each of the instances of unlicensed conduct and the instance of providing services not authorized by license for a total civil penalty of \$3,000.00.

Decision: Approved.

16. Case No.: L14-COS-RBS-2014005541

First License Obtained: N/A

License Expiration: N/A

Complaint history: None

A Notice of Violation issued on March 21st, 2014 alleges that, during a lawful inspection at a licensed shop, the area inspector observed the Respondent providing pedicure services without possessing a valid Board-issued license in violation of TENN. CODE ANN. § 62-4-108 [License required to practice or teach].

Authorize an immediate CEASE AND DESIST against unlicensed practice and a formal hearing with authority to settle the matter with a Consent Order for a civil penalty of \$1,000.00.

Decision: Approved.

17. Case No.: L14-COS-RBS-2014005551

First License Obtained: N/A

License Expiration: N/A

Complaint history: None

A Notice of Violation issued on March 21st, 2014 alleges that, during a lawful inspection at a licensed shop, the area inspector observed the Respondent providing pedicure services without possessing a valid Board-issued license in violation of TENN. CODE ANN. § 62-4-108 [License required to practice or teach].

Authorize an immediate CEASE AND DESIST against unlicensed practice and a formal hearing with authority to settle the matter with a Consent Order for a civil penalty of \$1,000.00.

Decision: Approved.

18. Case No.: L14-COS-RBS-2014004801

First License Obtained: 08/28/2002

License Expiration: 08/31/2014

Complaint history: None

A Notice of Violation issued on March 8th, 2014 alleges that the Respondent, who is the owner and manager of a licensed shop, was allowing an unlicensed individual to practice in such shop without a valid Board-issued license in violation of TENN. CODE ANN. § 62-4-119 [Responsibilities of owner and manager of a shop], and also that Respondent was not wearing a name tag in violation of TENN. COMP. R. & REG. 0440—2—.08(1)(a) [ATTIRE].

Authorize an immediate CEASE AND DESIST against allowing unlicensed activity and a formal hearing with authority to settle the matter with a Consent Order for a civil

penalty of \$1,000.00 for the instance of unlicensed conduct and a civil penalty of \$250.00 for the instance of failing to wear a name tag for a total civil penalty of \$1,250.00.

Decision: Approved.

19. Case No.: L14-COS-RBS-2014004781

First License Obtained: N/A

License Expiration: N/A

Complaint history: None

A Notice of Violation issued on March 8th, 2014 alleges that, during a lawful inspection at a licensed shop, the area inspector observed the Respondent working on a client without possessing a valid Board-issued license in violation of TENN. CODE ANN. § 62-4-108 [License required to practice or teach].

Authorize an immediate CEASE AND DESIST against unlicensed practice and a formal hearing with authority to settle the matter with a Consent Order for a civil penalty of \$1,000.00.

Decision: Approved.

20. Case No.: L14-COS-RBS-2014005441

First License Obtained: N/A

License Expiration: N/A

Complaint history: None

A Notice of Violation issued on March 19th, 2014 alleges that, during a lawful inspection at a licensed shop, the area inspector observed the Respondent servicing a client without possessing a valid Board-issued license in violation of TENN. CODE ANN. § 62-4-108 [License required to practice or teach].

Authorize an immediate CEASE AND DESIST against unlicensed practice and a formal hearing with authority to settle the matter with a Consent Order for a civil penalty of \$1,000.00.

Decision: Approved.

21. Case No.: L14-COS-RBS-2014005461

First License Obtained: N/A

License Expiration: N/A

Complaint history: None

A Notice of Violation issued on March 19th, 2014 alleges that, during a lawful inspection at a licensed shop, the area inspector observed the Respondent servicing a client without possessing a valid Board-issued license in violation of TENN. CODE ANN. § 62-4-108 [License required to practice or teach].

Authorize an immediate CEASE AND DESIST against unlicensed practice and a formal hearing with authority to settle the matter with a Consent Order for a civil penalty of \$1,000.00.

Decision: Approved.

22. Case No.: L14-COS-RBS-20140055331

First License Obtained: 08/27/2008

License Expiration: 08/31/2014

Complaint history: None

A Notice of Violation issued on March 21st, 2014 alleges that the Respondent, who is the owner and the manager of a shop, was allowing two (2) individuals to provide manicure and/or pedicure services to clients without possessing a valid Board-issued license in violation of TENN. CODE ANN. § 62-4-119 [Responsibilities of owner and manager of a shop].

Authorize an immediate CEASE AND DESIST against allowing unlicensed activity and a formal hearing with authority to settle the matter with a Consent Order for a civil penalty of \$1,000.00 for each of the two instances of unlicensed conduct for a total civil penalty of \$2,000.00.

Decision: Approved.

23. Case No.: L14-COS-RBS-2014006131

First License Obtained: 02/10/2006

License Expiration: 02/28/2016

Complaint history: None

A Notice of Violation issued on April 1st, 2014 alleges that the Respondent, a licensed manicurist shop manager, failed to ensure that the shop is in compliance with the Board's laws and rules; specifically, the area inspector observed a wax machine in the shop in violation of TENN. CODE ANN. § 62-4-119 [Responsibilities of owner and manager of a shop], although it was not in use. During the inspection, the area inspector observed a fish aquarium containing live fish in the shop in violation of TENN. COMP. R. & REG. 0440—2—.10(1) [ANIMALS]; and also observed several sanitation violations in that shop, including an uncovered trash container in violation of TENN. COMP. R. & REG. 0440—2—.07 [EQUIPMENT], foot bath not properly cleaned and nail tools were improperly stored and sanitized all in violation of TENN. COMP. R. & REG. 0440—2—.13 [SANITATION AND DISINFECTION].

Recommendation: Authorize a formal hearing with authority to settle the matter with a Consent Order containing a Letter of Warning against offering unauthorized services, and civil penalty of \$250.00 for each of the three observed violations for a total civil penalty of \$750.00.

Decision: Approved.

24. Case No.: L14-COS-RBS-2014007161

First License Obtained: 04/13/2012

License Expiration: 03/31/2016

Complaint history: 2013008321, closed w/\$500.00 civil penalty paid via Consent Order

A Notice of Violation issued on April 8th, 2014 alleges that the Respondent, a licensed cosmetology shop, was open for business without a cosmetologist manager present during its operation in violation of TENN. CODE ANN. §62-4-119(3) [Responsibilities of owner and manager of a shop] and Tenn. Comp. R. & Reg. 0440—2—.03(2). The area

inspector also observed three (3) work stations set up with no licenses posted at the work stations.

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

Decision: Approved.

25. Case No.: L14-COS-RBS-2014007251

First License Obtained: 12/03/1999

License Expiration: 09/30/2015

Complaint history: 2011023721, close w/no action

A Notice of Violation issued on March 25th, 2014 alleges that the Respondent, a licensed cosmetology shop, was open for business and two (2) clients were under the dryer while the Respondent's shop license was expired and had been expired since September 30, 2013 in violation of TENN. CODE ANN. § 62-4-118(a) [Operation of a shop]. Board office records indicate that the shop's license was renewed on April 14, 2014.

Recommendation: Authorize a formal hearing with authority to settle the matter with a Consent Order containing a Letter of Warning against unlicensed practice, and civil penalty of \$1,000.00.

Decision: Approved.

26. Case No.: L14-COS-RBS-2014007271

First License Obtained: 08/13/2010

License Expiration: 07/31/2016

Complaint history: 2012007551, closed w/\$250.00 civil penalty paid via Consent Order

A Notice of Violation issued on April 8th, 2014 alleges that, during a lawful inspection at a licensed manicure shop, the area inspector observed an individual jumping up from the pedicure station wherein he was performing a service and exiting the shop in potential violation of TENN. CODE ANN. §62-4-119(1)(3) [Responsibilities of owner and

manager of a shop]. Further, according to the Notice, the inspector found that no one in the shop was wearing an identification tag in violation of TENN. COMP. R. & REG. 0440—2—.08(1)(a) [ATTIRE]; and also observed a station area set up for waxing with a hot wax and tools in violation of TENN. CODE ANN. §62-4-119(2) [Responsibilities of owner and manager of a shop]. Additionally, the inspector observed a bed and someone was sleeping in violation of TENN. CODE ANN. §62-4-125(d)(1) [HYGIENE]; and also observed several sanitation violations, including trash containers with no covers, nail dust everywhere and dirty tools and implements at each work station all in violation of TENN. COMP. R. & REG. 0440—2—.07 [EQUIPMENT] and 0440—2—.13 [SANITATION AND DISINFECTION]. Furthermore, the area inspector states that the manager of the Respondent's shop tried to put money in his pocket in attempt to bribe him in violation of TENN. CODE ANN. § 62-4-127(b)(2) [Inspections – Cause for suspension, revocation, or for denial of license].

Recommendation: Authorize a formal hearing with authority to settle the matter with a Consent Order for revocation of Respondent's license to operate as a shop due to multiple serious violations and a civil penalty of \$1,000.00.

Decision: Approved.

27. Case No.: L14-COS-RBS-2014007351

First License Obtained: 05/28/1992

License Expiration: 10/31/2015

Complaint history: Violation issued on 04/07/04 Paid \$100.00 civil penalty; 2005016511, closed w/\$200 civil penalty paid via Consent Order

A Notice of Violation issued on April 16th, 2014 alleges that the Respondent, a licensed cosmetology shop, did not have its shop license displayed in violation of TENN. CODE ANN. § 62-4-118(a) [Operation of a shop]. The area inspector also observed a stylist practicing on a client while her license was expired in violation of TENN. CODE ANN. §§ 62-4-108 (License required to practice or teach) and 62-4-119 [Responsibilities of owner and manager of a shop]. Further, according to the Notice, the area inspector found that the shop did not have a manager present in violation of TENN. CODE ANN. §62-4-119(3) [Responsibilities of owner and manager of a shop] and Tenn. Comp. R. & Reg. 0440—2—.03(2). Additionally, the area inspector observed tools which were improperly stored in violation of TENN. COMP. R. & REG. 0440—2—.13 [SANITATION AND

DISINFECTION], and that the shop has inadequate ventilation in violation of TENN. COMP. R. & REG. 0440—2—.06(1) [FACILITIES].

Recommendation: Authorize an immediate CEASE AND DESIST against unlicensed practice and a formal hearing with authority to settle the matter with a Consent Order for a civil penalty of \$1,000.00 for the instance of unlicensed conduct and civil penalty of \$250.00 for each of the other three observed violations for a total civil penalty of \$1,750.00.

Decision: Approved.

28. Case No.: L14-COS-RBS-2014007381

First License Obtained: 10/25/2012

License Expiration: 09/30/2014

Complaint history: None

A Notice of Violation issued on April 15th, 2014 alleges that, during a lawful inspection at a licensed manicurist/skin care shop, the area inspector observed the owner of the Respondent's shop (holds a dual manicurist and aesthetician licenses) practicing a manicure on a client but her aesthetician license was expired. The area inspector observed an expired license posted in the shop in violation of TENN. CODE ANN. § 62-4-119 [Responsibilities of owner and manager of a shop]. Board office records indicate that the shop owner's aesthetician license has been now renewed. It appears that the Respondent's shop owner was practicing manicuring with a valid manicurist license at the inspection time. Because the Respondent appears to have no prior disciplinary history with the Board, a Letter of Warning is recommended.

Recommendation: Close the case with a Letter of Warning.

Decision: Approved.

29. Case No.: L14-COS-RBS-2014007401

First License Obtained: 03/02/2012

License Expiration: 01/31/2016

Complaint history: None

A Notice of Violation issued on April 15th, 2014 alleges that, during a lawful inspection at a licensed manicurist/skin care shop, the area inspector found that the Respondent's shop owner was not present at the inspection time but her license was expired. A licensed manicurist at that shop called the owner who advised that she sold the shop to that licensed manicurist. The manicurist advised that she submitted a change of ownership application to the Board a week prior to the inspection. Board office records indicate a shop license application was received on April 17th, 2014 and such application was approved on April 28th, 2014. It appears that the new shop owner submitted the change of ownership application within the thirty (30) days grace period as required by TENN. CODE ANN. §62-4-118(f)(1) (Operation of a shop). The inspector states that a wax machine was hot and ready to use. Board office records indicate that the shop has a valid manicurist/skin care shop license to provide waxing services. The area inspector states that no manager was present in violation of TENN. CODE ANN. §62-4-119(3) [Responsibilities of owner and manager of a shop] and Tenn. Comp. R. & Reg. 0440—02—.03(2), and that no name tags were not being worn in violation of TENN. COMP. R. & REG. 0440—02—.08(1)(a) [ATTIRE]. Because the Respondent appears to have no prior disciplinary history with the Board, and is now under a new ownership, a Letter of Warning is recommended.

Recommendation: Close the case with a Letter of Warning.

Decision: Approved.

30. Case No.: L14-COS-RBS-2014007411

First License Obtained: 12/13/2012

License Expiration: 11/30/2014

Complaint history: None

A Notice of Violation issued on April 15th, 2014 alleges that the Respondent, a licensed cosmetology shop, did not have its shop license displayed in violation of TENN. CODE ANN. § 62-4-118(a) [Operation of a shop]. The area inspector found that the shop did not have a manager present in violation of TENN. CODE ANN. §§62-4-118(b)(1) and 62-4-119(3) [Responsibilities of owner and manager of a shop] and Tenn. Comp. R. & Reg. 0440—2—.03(2).

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

Decision: Approved.

31. Case No.: L14-COS-RBS-2014007421

First License Obtained: 11/16/2012

License Expiration: 09/30/2014

Complaint history: None

A Notice of Violation issued on April 15th, 2014 alleges that the Respondent, a licensed manicure shop, failed to ensure that all employees are wearing the required name tag in violation of TENN. CODE ANN. §62-4-119(3) [Responsibilities of owner and manager of a shop]. Further, according to the Notice, the area inspector observed nail dust everywhere, dirty buffers and files, and an unclean foot bath all in violation of TENN. COMP. R. & REG. 0440—2—.13 [SANITATION AND DISINFECTION], and also observed a trash container without cover in violation of TENN. COMP. R. & REG. 0440—2—.07 [EQUIPMENT]; and that the shop has inadequate ventilation in violation of TENN. COMP. R. & REG. 0440—2—.06(1) [FACILITIES].

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

Decision: Approved.

32. Case No.: L14-COS-RBS-2014007641

First License Obtained: 10/14/1998

License Expiration: 08/31/2014

Complaint history: 2012002211, closed w/\$500 civil penalty paid via Consent Order; 2012023731, closed w/Letter of Warning; 2013017811, closed w/\$500 civil penalty paid via Consent Order

A Notice of Violation issued on April 15th, 2014 alleges that the Respondent, a licensed cosmetology shop, did not have a licensed manager present during its operation and at the inspection time in violation of TENN. CODE ANN. §§62-4-118(b)(1) and 62-4-119(3)

34. Case No.: L14-COS-RBS-2014007661

First License Obtained: 04/22/2013

License Expiration: 03/31/2015

Complaint history: None

A Notice of Violation issued on April 15th, 2014 alleges that the Respondent, a licensed manicure shop, failed to ensure that all employees were wearing the required name tag in violation of TENN. CODE ANN. §62-4-119(3) [Responsibilities of owner and manager of a shop]. The area inspector observed tools which were improperly cleaned and/or sanitized in violation of TENN. COMP. R. & REG. 0440—2—.13 [SANITATION AND DISINFECTION]. Further, according to the Notice, the area inspector observed towels which were improperly stored in violation of TENN. COMP. R. & REG. 0440—2—.07 [EQUIPMENT]; and also found a wax machine that was hidden in the pedicure area in potential violation of TENN. CODE ANN. §62-4-119(3) [Responsibilities of owner and manager of a shop].

Recommendation: Authorize a formal hearing with authority to settle the matter with a Consent Order containing a Letter of Warning against providing unauthorized services and a civil penalty of \$250.00 for each of the three observed violations for a total civil penalty of \$750.00.

Decision: Approved.

35. Case No.: L14-COS-RBS-2014006441

First License Obtained: 11/19/1999

License Expiration: 11/30/2015

Complaint history: None

A Notice of Violation issued on April 9th, 2014 alleges that the Respondent, a licensed manicurist (who is an owner of a licensed shop), was allowing an unlicensed individual to remove nail polish from a client in her shop in violation of TENN. CODE ANN. §62-4-119(1)-(3) [Responsibilities of owner and manager of a shop].

Recommendation: Authorize an immediate CEASE AND DESIST against unlicensed activity and authorize a formal hearing with authority to settle the matter with a civil penalty of \$1,000.00.

Decision: Approved.

36. Case No.: L14-COS-RBS-2014006451

First License Obtained: **08/31/2004**

License Expiration: **08/31/2014**

Complaint history: **None**

A Notice of Violation issued on April 9th, 2014 alleges that the Respondent, a licensed manicurist (who is an owner of a licensed shop), was allowing two (2) unlicensed individuals to provide services in his shop in violation of TENN. CODE ANN. §62-4-119(1)-(3) [Responsibilities of owner and manager of a shop].

Recommendation: Authorize an immediate CEASE AND DESIST against unlicensed activity and authorize a formal hearing with authority to settle the matter with a civil penalty of \$1,000.00 for each instance of unlicensed practice for a total civil penalty of \$2,000.00.

Decision: Approved.

37. Case No.: L14-COS-RBS-2014006461

First License Obtained: **N/A**

License Expiration: **N/A**

Complaint history:

A Notice of Violation issued on April 9th, 2014 alleges that, during a lawful inspection at a licensed manicure shop, the area inspector observed that the Respondent ran out the back of such shop in potential violation of TENN. CODE ANN. § 62-4-108 [License required to practice or teach]. There is no indication that regulated services were actually being provided at the time of inspection.

Recommendation: Authorize an immediate CEASE AND DESIST against unlicensed activity, deliverable to the employing shop.

Decision: Approved.

38. Case No.: L14-COS-RBS-2014006681

First License Obtained: N/A

License Expiration: N/A

Complaint history: None

A Notice of Violation issued on April 8th, 2014 alleges that, during a lawful inspection at a licensed manicure shop, the area inspector observed that the Respondent was practicing a manicure on a client without possessing a valid Board-issued license in violation of TENN. CODE ANN. § 62-4-108 [License required to practice or teach].

Recommendation: Authorize an immediate CEASE AND DESIST against unlicensed activity and authorize a formal hearing with authority to settle the matter with a civil penalty of \$1,000.00.

Decision: Approved.

39. Case No.: L14-COS-RBS-2014006721

First License Obtained: 10/30/2013

License Expiration: 10/31/2015

Complaint history: None

A Notice of Violation issued on April 8th, 2014 alleges that the Respondent, a licensed cosmetologist (who is also a manager of a licensed cosmetology shop), was performing an eyelash service on a client without wearing an identification tag in violation of TENN. COMP. R. & REG. 0440—2—.08(1)(a) [ATTIRE]. Further, according to the Notice, the area inspector found that there was an unlicensed individual practicing on a client at the inspection time in violation of TENN. CODE ANN. §62-4-119(1)-(3) [Responsibilities of owner and manager of a shop].

Recommendation: Authorize an immediate CEASE AND DESIST against unlicensed activity and authorize a formal hearing with authority to settle the matter with a civil penalty of \$1,000.00 for the instance of unlicensed activity and a civil penalty of \$250.00 for failing to ensure that name tags are worn for a total civil penalty of \$1,250.00.

Decision: Approved.

40. Case No.: L14-COS-RBS-2014006841

First License Obtained: 08/18/2013

License Expiration: 08/31/2015

Complaint history: None

First License Obtained: 01/19/2012

License Expiration: 01/31/2016

Complaint history: None

A Notice of Violation issued on April 8th, 2014 alleges that the Respondent, a licensed manicurist and aesthetician (who is also a manager for a licensed manicure shop), tried to bribe the area inspector by attempting to put money into his pocket during a shop inspection in violation of TENN. CODE ANN. § 62-4-127(b)(2) [Inspections – Cause for suspension, revocation, or for denial of license]. According to the Notice, the area inspector observed an individual jumping up the pedicure station wherein he was performing a service and exited the shop in potential violation of TENN. CODE ANN. §62-4-119(1)-(3) [Responsibilities of owner and manager of a shop], and that no one in the shop was wearing an identification tag and also observed a station area set up for waxing with a hot wax and tools all in violation of TENN. CODE ANN. §62-4-119(2) [Responsibilities of owner and manager of a shop]. Additionally, the inspector observed a bed and someone was sleeping in violation of TENN. CODE ANN. §62-4-125(d)(1) [HYGIENE]; and also observed several sanitation violations, including trash containers with no covers, nail dust everywhere and dirty tools and implements at each work station all in violation of TENN. COMP. R. & REG. 0440—2—.07 [EQUIPMENT] and 0440—2—.13 [SANITATION AND DISINFECTION].

Recommendation: Authorize a formal hearing with authority to settle the matter with a Consent Order for revocation of both of Respondent’s licenses to provide regulated services due to multiple serious violations and a civil penalty of \$1,000.00.

Decision: Approved.

41. Case No.: L14-COS-RBS-2014007031

First License Obtained: **03/24/1995**

License Expiration: **05/31/2015**

Complaint history: **None**

A Notice of Violation issued on April 15th, 2014 alleges that the Respondent, a licensed manicurist manager, was allowing a licensed aesthetician to perform a manicure service without possessing a manicurist license issued by the Board in violation of TENN. CODE ANN. § 62-4-119 [Responsibilities of owner and manager of a shop].

Recommendation: Authorize an immediate CEASE AND DESIST against providing unauthorized services and authorize a formal hearing with authority to settle the matter with a civil penalty of \$1,000.00 for the instance of unlicensed activity.

Decision: Approved.

42. Case No.: L14-COS-RBS-2014007041

First License Obtained: **08/02/2012**

License Expiration: **08/31/2014**

Complaint history: **None**

A Notice of Violation issued on April 15th, 2014 alleges that the Respondent, a licensed aesthetician, was performing a manicure service without possessing a manicurist license issued by the Board in violation of TENN. CODE ANN. § 62-4-108 [License required to practice or teach].

Recommendation: Authorize an immediate CEASE AND DESIST against providing unauthorized services and authorize a formal hearing with authority to settle the matter with a civil penalty of \$1,000.00 for the instance of unlicensed activity.

Decision: Approved.

43. Case No.: L14-COS-RBS-2014007361

First License Obtained: **10/06/1983**

License Expiration: **04/30/2013**

Complaint history: None

A Notice of Violation issued on April 16th, 2014 alleges that the Respondent, a licensed cosmetologist/aesthetician, was practicing on a client's hair while her license was expired in violation of TENN. CODE ANN. § 62-4-108.

Recommendation: Authorize an immediate CEASE AND DESIST against unlicensed activity and authorize a formal hearing with authority to settle the matter with a civil penalty of \$1,000.00.

Decision: Approved.

44. Case No.: L14-COS-RBS-2014007391

First License Obtained: 12/15/2011

License Expiration: 12/31/2015

Complaint history: None

A Notice of Violation issued on April 15th, 2014 alleges that, during a lawful inspection at a licensed manicurist/skin care shop, the area inspector found that the Respondent (who is the owner of that shop) was not present at the inspection time but her license was expired. It appears that no services were provided at the inspection time. Further, during the course of the inspection, a licensed manicurist at the shop called the Respondent who advised that she sold the shop to that manicurist. The manicurist advised that she submitted a change of ownership application to the Board a week prior to the inspection. Board office records indicate a shop license application was received on April 17, 2014 and such application was approved on April 28, 2014. It appears that the new shop owner submitted the change of ownership application within the thirty (30) days grace period required pursuant to TENN. CODE ANN. §62-4-118(f)(1). The inspector states that a wax machine was hot and ready to use. Board office records indicate that the shop has a valid manicurist/skin care shop license to provide waxing services. The area inspector states that no manager was present in violation of TENN. CODE ANN. §62-4-119(3) [Responsibilities of owner and manager of a shop] and Tenn. Comp. R. & Reg. 0440—2—.03(2), and that no name tags were not being worn in violation of TENN. COMP. R. & REG. 0440—2—.08(1)(a) [ATTIRE]. Because the Respondent appears to have no prior disciplinary history with the Board, and is no longer the owner of the shop, a Letter of Warning is recommended.

Recommendation: Close the matter with a Letter of Warning.

Decision: Approved.

45. Case No.: L14-COS-RBS-2014007671

First License Obtained: 02/03/1995

License Expiration: 02/28/2015

Complaint history: None

A Notice of Violation issued on April 23rd, 2014 alleges that, during a lawful inspection, the area inspector found that the Respondent, a licensed manicurist manager of a shop, failed to ensure the shop's tools and towels were properly stored, and that all employees were wearing name tags, and also found that there was a wax machine hidden in the pedicure area all in violation of TENN. CODE ANN. § 62-4-119 [Responsibilities of owner and manager of a shop].

Recommendation: Authorize a formal hearing with authority to settle with a Consent Order containing a Letter of Warning against providing unauthorized services and an offer to settle the matter for a civil penalty of \$250.00 for each of the two identified violations for a total civil penalty of \$500.00

Decision: Approved.

46. Case No.: L14-COS-RBS-2014008631

First License Obtained: 04/06/1995

License Expiration: 04/30/2015

Complaint history: None

A Notice of Violation issued on April 23rd, 2014 alleges that the Respondent, a licensed manicurist (who is a shop manager), was performing a shampooing service on a client without possessing a valid shampooing license issued by the Board in violation of Tenn. Code Ann. § 62-4-110(e). The area inspector states that the Respondent did not provide a personal I.D. to establish her identity. There is no complaint history for this Respondent, who has been licensed for almost twenty years.

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

Decision: Approved.

47. Case No.: L14-COS-RBS-2014008661

First License Obtained: 09/30/1994

License Expiration: 06/30/2015

Complaint history: 2013024561, closed w/\$500.00 civil penalty paid via Consent Order

A Notice of Violation issued on April 23rd, 2014 alleges that the Respondent, a licensed manicure shop, was allowing an individual to practice manicure on a client without possessing a valid Board-issued license in violation of TENN. CODE ANN. § 62-4-119 [Responsibilities of owner and manager of a shop]. Further, according to the Notice, the area inspector observed several products without labels in the Respondent's shop in violation of TENN. COMP. R. & REG. 0440—2—.07 [EQUIPMENT], and that the Respondent's shop current inspection sheet was not posted in a conspicuous place as required by TENN. COMP. R. & REG. 0440—2—.05(2) [INSPECTIONS].

Recommendation: Authorize an immediate CEASE AND DESIST against unlicensed activity and authorize a formal hearing with authority to settle the matter with a civil penalty of \$1,000.00 for the instance of unlicensed activity and a civil penalty of \$250.00 for each of the other two violations for a total civil penalty of \$1,500.00.

Decision: Approved.

48. Case No.: L14-COS-RBS-2014008671

First License Obtained: 02/12/2014

License Expiration: 02/29/2016

Complaint history: None

A Notice of Violation issued on April 23rd, 2014 alleges that the Respondent, a licensed cosmetologist shop manager, was allowing an individual to practice manicure on a client without possessing a valid Board-issued license in violation of TENN. CODE ANN. § 62-4-119 [Responsibilities of owner and manager of a shop]. Further, according to the Notice, the area inspector observed several products without labels and also found that the Respondent's shop current inspection sheet was not posted in a conspicuous place

in the Respondent's shop all in violation of TENN. COMP. R. & REG. 0440—2—.03(1) [Responsibility for Compliance].

Recommendation: Authorize an immediate CEASE AND DESIST against unlicensed activity and authorize a formal hearing with authority to settle the matter with a civil penalty of \$1,000.00 for the instance of unlicensed activity and a civil penalty of \$250.00 for each of the other two violations for a total civil penalty of \$1,500.00.

Decision: Approved.

49. Case No.: L14-COS-RBS-2014008641

First License Obtained: 08/05/1988

License Expiration: 04/30/2015

Complaint history: 201201663, closed with no action

A Notice of Violation issued on April 23rd, 2014 alleges that the area inspector observed that the Respondent, a licensed cosmetology shop, was very dirty and that a stylist was practicing on a client whom she walked out as soon as he entered the shop. Further, the area inspector observed a manicurist practicing on a client's hair and a copy of an expired license posted in the Respondent's shop all in violation of TENN. CODE ANN. § 62-4-119 [Responsibilities of owner and manager of a shop]. Additionally, the area inspector states that no one in the Respondent's shop had a name tag on in violation of TENN. COMP. R. & REG. 0440—2—.08(1)(a) [ATTIRE]; and further found several sanitation violations; including no covers for clean and dirty towels, trash containers without covers, tools and implements were improperly stored and sanitized, and that there containers without labels all in violation of Chapter 0440-02 of the Board's sanitary rules.

Recommendation: Authorize an immediate CEASE AND DESIST against unauthorized activity and authorize a formal hearing with authority to settle the matter with a civil penalty of \$1,000.00 for the instance of unauthorized activity and a civil penalty of \$250.00 for each of the other two violations for a total civil penalty of \$1,500.00.

Decision: Approved.

50. Case No.: L14-COS-RBS-2014008651

First License Obtained: 09/08/1975

License Expiration: 02/28/2015

Complaint history: None

A Notice of Violation issued on April 23rd, 2014 alleges that the area inspector observed that the Respondent, owner and manager of a licensed cosmetology shop, was allowing a manicurist to practice on a client's hair and also that there was a copy of an expired license posted in the shop and that the licenses were posted on the side of a drink machine all in violation of TENN. CODE ANN. § 62-4-119 [Responsibilities of owner and manager of a shop]. Additionally, the area inspector states that during the inspection no one in the shop had a name tag on in violation of TENN. COMP. R. & REG. 0440—2—.08(1)(a) [ATTIRE]; and further found several sanitation violations; including no covers for clean and dirty towels, trash containers without covers, tools and implements were improperly stored and sanitized, and that there were containers without labels all in violation of Chapter 0440—02 of the Board's sanitary rules.

Recommendation: Authorize an immediate CEASE AND DESIST against unlicensed and unauthorized activity and authorize a formal hearing with authority to settle the matter with a civil penalty of \$1,000.00 for the instance of unlicensed activity and a civil penalty of \$250.00 for each of the other two violations for a total civil penalty of \$1,500.00.

Decision: Approved.

51. Case No.: L14-COS-RBS-2014008721

First License Obtained: 01/09/1998

License Expiration: 06/30/2016

Complaint history: 2013024611, closed w/\$500.00 civil

A Notice of Violation issued on April 23rd, 2014 alleges that the Respondent, a licensed manicure shop, failed to post its grade score inspection sheet as required by TENN. COMP. R. & REG. 0440—2—.05(2) [INSPECTIONS]. In response, the owner of the Respondent's shop has submitted a written explanation that the inspection sheet was posted until a technician from a cable company came into the shop to install a cable and an internet services on a day prior to the inspection and knocked out the inspection sheet's frame. The owner further stated that on the day of the inspection they were in the process of renovating the shop where they were busy cleaning up and that they

show the broken frame to the area inspector and posted the inspection sheet as requested by the inspector.

Recommendation: Close the matter with a Letter of Warning.

Decision: Approved.

52. Case No.: L14-COS-RBS-2014008971

First License Obtained: 01/18/1965

License Expiration: 01/30/2015

Complaint history: None

A Notice of Violation issued on May 6th, 2014 alleges that the Respondent, a licensed cosmetologist/aesthetician manager of a shop, failed to ensure that the shop's towels were properly stored in violation of TENN. CODE ANN. §62-4-119 [Responsibilities of owner and manager of a shop]. The Notice also alleges that an individual has a passing score and did not have a receipt for license or money order posted. The Notice does not have sufficiently detailed information to determine whether or not the individual in question was practicing at the time of the inspection. There is no complaint history for this Respondent, who has been operating without incident for almost fifty years.

Recommendation: Close the matter with a Letter of Caution.

Decision: Approved.

53. Case No.: L14-COS-RBS-2014008981

First License Obtained: 04/20/2011

License Expiration: 03/31/2015

Complaint history: None

A Notice of Violation issued on May 6th, 2014 alleges that the Respondent, a licensed cosmetology shop, failed to ensure that its towels were properly stored in violation of TENN. COMP. R. & REG. 0440—2—.07 [EQUIPMENT]. The Notice also alleges that an individual in the Respondent's shop has a passing score and did not have a receipt for license or money order posted. The Notice does not have sufficiently detailed

information to determine whether or not the individual in question was practicing at the time of the inspection. There is no complaint history for this Respondent.

Recommendation: Close the matter with a Letter of Warning.

Decision: Approved.

54. Case No.: L14-COS-RBS-2014008991

First License Obtained: 06/24/1988

License Expiration: 12/31/2015

Complaint history: None

A Notice of Violation issued on May 5th, 2014 alleges that the Respondent, a licensed cosmetology shop, was allowing its owner (who is also the manager) to work in the Respondent's shop on an expired license in violation of TENN. CODE ANN. §§ 62-4-108 [License required to practice or teach] and 62-4-119(1)-(3) [Responsibilities of owner and manager of a shop]. Board office records indicate that the license in question has been renewed on May 6, 2014. The complaint file does not indicate the regulated services were being provided at the time of inspection, and there is no complaint history for this Respondent.

Recommendation: Close the case with a Letter of Warning against unlicensed activity.

Decision: Approved.

55. Case No.: L14-COS-RBS-2014009011

First License Obtained: 10/30/2006

License Expiration: 10/31/2014

Complaint history: 2008023601, closed w/\$1,000 civil penalty paid via Consent Order

A Notice of Violation issued on May 5th, 2014 alleges that the Respondent, a licensed manicure shop, failed to ensure that all used nail files were properly stored in violation of TENN. COMP. R. & REG. 0440—2—.13 [SANITATION AND DISINFECTION]. Further, according to the Notice, the area inspector observed two (2) individuals without wearing name tags in violation of TENN. COMP. R. & REG. 0440—2—.08(1)(a) [ATTIRE];

and also found nail clippers on the floor in violation of TENN. COMP. R. & REG. 0440—2—.13 [SANITATION AND DISINFECTION].

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

Decision: Approved.

56. Case No.: L14-COS-RBS-2014009031

First License Obtained: 03/15/2006

License Expiration: 03/31/2016

Complaint history: None

A Notice of Violation issued on May 1st, 2014 alleges that the Respondent, a licensed cosmetologist shop manager, was operating a shop while its license was not displayed in violation of TENN. CODE ANN. § 62-4-119 [Responsibilities of owner and manager of a shop]. There is no complaint history for this Respondent.

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

Decision: Approved.

57. Case No.: L14-COS-RBS-2014009401

First License Obtained: 10/07/1999

License Expiration: 10/31/2015

Complaint history: None

A Notice of Violation issued on May 8th, 2014 alleges that the area inspector found that the Respondent's cosmetologist license was expired as of October 31, 2013 in potential violation of TENN. CODE ANN. § 62-4-108 [License required to practice or teach] and that her shop license was also expired as March 31st, 2014 in violation of TENN. CODE ANN. § 62-4-119 [Responsibilities of owner and manager of a shop]. The area inspector stated that the Respondent was not working at the inspection time. Further, according to the Notice, the area inspector found that there was no covered container for soiled towels

and no covers for trash containers all in violation of TENN. COMP. R. & REG. 0440—2—.07 [EQUIPMENT]. Board office records indicate that both licenses have been now renewed. There is no indication that regulated services were provided during the period of expiration and there is no complaint history for this Respondent, who has been operating for fifteen years without incident.

Recommendation: Close the matter with a Letter of Warning.

Decision: Approved.

58. Case No.: L14-COS-RBS-2014009371

First License Obtained: 09/17/2002

License Expiration: 09/30/2014

Complaint history: None

A Notice of Violation issued on May 8th, 2014 alleges that the Respondent, a licensed cosmetologist shop manager, was operating a shop while its license was expired in violation of TENN. CODE ANN. § 62-4-119 [Responsibilities of owner and manager of a shop]. Further, according to the Notice, the area inspector found that there was no covered container for soiled towels and no covers for trash containers all in violation of TENN. COMP. R. & REG. 0440—2—.07 [EQUIPMENT]. Board office records indicate that the shop license has been now renewed. The complaint file does not indicate that any regulated services were being provided during the period of expiration, and there is no complaint history for this Respondent that has been operating without incident for twelve years.

Recommendation: Close the matter with a Letter of Warning.

Decision: Approved.

59. Case No.: L14-COS-RBS-2014009411

First License Obtained: 08/19/1993

License Expiration: 03/31/2016

Complaint history: None

A Notice of Violation issued on May 8th, 2014 alleges that the area inspector found that the Respondent's shop license was expired as of March 31st, 2014 in potential violation of TENN. CODE ANN. § 62-4-118(a) [Operation of a shop], and that the license of the Respondent's shop owner was also expired as October 31st, 2013 in potential violation of TENN. CODE ANN. § 62-4-108 [License required to practice or teach]. According to the Notice, no regulated services were being provided at the inspection time. Additionally, the area inspector found that there was no covered container for soiled towels and no covers for trash containers all in violation of TENN. COMP. R. & REG. 0440—2—.07 [EQUIPMENT]. Board office records indicate that both licenses have been now renewed. There is no complaint history for this Respondent that has been operating for over twenty years without incident.

Recommendation: Close the matter with a Letter of Warning.

Decision: Approved.

60. Case No.: L14-COS-RBS-2014009331

First License Obtained: 12/19/1988

License Expiration: 11/30/2015

Complaint history: None

A Notice of Violation issued on May 8th, 2014 alleges that the Respondent, a licensed cosmetology shop, was open for business and its owner was working on a client while the Respondent's shop license was expired as of November 30th, 2013 in violation of TENN. CODE ANN. § 62-4-118(a) [Operation of a shop]. Further, according to the Notice, there were no covered containers for clean and dirty towels in violation of TENN. COMP. R. & REG. 0440—2—.07 [EQUIPMENT], and that name tag was not being worn in violation of TENN. COMP. R. & REG. 0440—2—.08(1)(a) [ATTIRE]; and also that wet sanitizer was not properly cleaned in violation of TENN. COMP. R. & REG. 0440—2—.13 [SANITATION AND DISINFECTION]. The Respondent's shop license is now active.

Recommendation: Authorize a formal hearing with authority to settle the matter with a Consent Order for a civil penalty of \$1,000.00 for providing regulated services during a period of license expiration and \$250.00 for each of the other three identified violations for a total civil penalty of \$1,750.00.

Decision: Approved.

61. Case No.: L14-COS-RBS-2014009241

First License Obtained: 06/04/2009

License Expiration: 05/31/2015

Complaint history: None

A Notice of Violation issued on May 9th, 2014 alleges that the Respondent, a licensed cosmetology shop, relocated its shop location prior to 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]. There is no indication that regulated services were being provided during the lapse in licensure and there is no complaint history for this Respondent.

Recommendation: Close the matter with a Letter of Warning.

Decision: Approved.

62. Case No.: L14-COS-RBS-2014009451

First License Obtained: 07/24/2012

License Expiration: 07/31/2016

Complaint history: None

A Notice of Violation issued on May 9th, 2014 alleges that the Respondent, a licensed cosmetologist shop manager, was allowing at least two (2) unlicensed individuals to provide cosmetology and/or manicure services at a licensed shop in violation of TENN. CODE ANN. § 62-4-119 [Responsibilities of owner and manager of a shop]. Additionally, the area inspector states that name tags were not being worn in violation of TENN. COMP. R. & REG. 0440—2—.08(1)(a) [ATTIRE]; and that the Respondent failed to ensure that the shop has an adequate and cleaned wet sanitizers on work stations in violation of TENN. COMP. R. & REG. 0440—2—.07(1)(f) [EQUIPMENT]. Furthermore, the area inspector has provided a copy of an expired license for a licensee and stated that a valid license was not displayed in violation of TENN. CODE ANN. § 62-4-119 [Responsibilities of owner and manager of a shop].

Recommendation: Authorize an immediate CEASE AND DESIST against unlicensed practice and authorize a formal hearing with authority to settle the matter with a Consent Order for a civil penalty of \$1,000.00 for each of the two known instances of

unlicensed conduct and \$250.00 for each of the other three violations for a total civil penalty of \$2,750.00.

Decision: Approved.

63. Case No.: L14-COS-RBS-2014009461

First License Obtained: 08/11/2011

License Expiration: 08/31/2015

Complaint history: None

A Notice of Violation issued on May 9th, 2014 alleges that the Respondent, a licensed cosmetologist, was working on a client in a licensed shop while her license was expired as of August 31st, 2013 in violation of TENN. CODE ANN. § 62-4-108 [License required to practice or teach]. Further, the area inspector states Respondent left the shop but noted that no name tag was being worn in violation of TENN. COMP. R. & REG. 0440—2—.08(1)(a) [ATTIRE]; and that tools were not properly sanitized and stored and that wet sanitizer was not properly cleaned all in violation of TENN. COMP. R. & REG. 0440—2—.13 [SANITATION AND DISINFECTION]. Board office records indicate that the Respondent's license was renewed on May 10th, 2014.

Recommendation: Authorize a formal hearing with authority to settle the matter with a Consent Order for a civil penalty of \$1,000.00 for the instance of unlicensed conduct and \$250.00 for each of the other two violations for a total civil penalty of \$1,500.00.

Decision: Approved.

64. Case No.: L14-COS-RBS-2014009481

First License Obtained: N/A

License Expiration: N/A

Complaint history: None

A Notice of Violation issued on May 9th, 2014 alleges that the Respondent, an unlicensed individual, was working on a client in a licensed shop in violation of TENN. CODE ANN. § 62-4-108 [License required to practice or teach]. The Notice does not

provide a valid mailing address for Respondent other than the address of the shop provided in the complaint file.

Recommendation: Authorize an immediate CEASE AND DESIST against unlicensed activity and a formal hearing with authority to settle the matter with a Consent Order for a civil penalty of \$1,000.00 for the instance of unlicensed conduct, deliverable to the employing shop.

Decision: Approved.

65. Case No.: L14-COS-RBS-2014009491

First License Obtained: 01/04/1993

License Expiration: 08/31/2015

Complaint history: None

A Notice of Violation issued on May 9th, 2014 alleges that the area inspector observed an expired license displayed at a licensed shop in potential violation of TENN. CODE ANN. § 62-4-108 [License required to practice or teach]. According to the Notice, it appears that the Respondent was not present at the inspection time. Board office records indicate that the Respondent's license was renewed on September 2nd, 2013 and such license expires on August 31st, 2015. There is no complaint history for this Respondent.

Recommendation: Dismiss the case for lack of grounds for discipline.

Decision: Approved.

66. Case No.: L14-COS-RBS-2014009501

First License Obtained: N/A

License Expiration: N/A

Complaint history: None

A Notice of Violation issued on May 8th, 2014 alleges that the area inspector observed the Respondent, an unlicensed individual working on a client in a licensed shop in violation of TENN. CODE ANN. § 62-4-108 [License required to practice or teach].

Recommendation: Authorize an immediate CEASE AND DESIST against unlicensed activity and a formal hearing with authority to settle the matter with a Consent Order for a civil penalty of \$1,000.00 for the instance of unlicensed conduct, deliverable to the employing shop.

Decision: Approved.

67. Case No.: L14-COS-RBS-2014009431

First License Obtained: 12/12/2012

License Expiration: 11/30/2014

Complaint history: None

A Notice of Violation issued on May 9th, 2014 alleges that the Respondent, a licensed cosmetology shop, was allowing at least two (2) unlicensed individuals to provide cosmetology and/or manicure services in violation of TENN. CODE ANN. § 62-4-119 [Responsibilities of owner and manager of a shop]. Additionally, the area inspector states that name tags were not being worn in violation of TENN. COMP. R. & REG. 0440—2—.08(1)(a) [ATTIRE]; and that the Respondent's shop has inadequate wet sanitizers on work stations in violation of TENN. COMP. R. & REG. 0440—2—.07(1)(f) [EQUIPMENT]. Furthermore, the area inspector has submitted a copy of an expired license for a licensee and stated that a valid license was not displayed at the Respondent's shop in violation of TENN. CODE ANN. § 62-4-119 [Responsibilities of owner and manager of a shop].

Recommendation: Authorize an immediate CEASE AND DESIST against unlicensed activity and a formal hearing with authority to settle the matter with a Consent Order for a civil penalty of \$1,000.00 for each of the two instances of unlicensed conduct and \$250.00 for each of the other three violations for a total civil penalty of \$2,750.00.

Decision: Approved.

68. Case No.: L14-COS-RBS-2014009531

First License Obtained: N/A

License Expiration: N/A

Complaint history: None

A Notice of Violation issued on May 2nd, 2014 alleges that the Respondent, an unlicensed individual, was working on a client in a licensed shop in violation of TENN. CODE ANN. § 62-4-108 [License required to practice or teach].

Recommendation: Authorize an immediate CEASE AND DESIST against unlicensed activity and a formal hearing with authority to settle the matter with a Consent Order for a civil penalty of \$1,000.00 for the instance of unlicensed conduct, deliverable to the employing shop.

Decision: Approved.

69. Case No.: L14-COS-RBS-2014009651

First License Obtained: 02/01/1980

License Expiration: 08/31/2014

Complaint history: None

A Notice of Violation issued on May 8th, 2014 alleges that the Respondent, a licensed cosmetologist/aesthetician (who is also a shop owner), was working on a client at her shop without wearing an identification tag in violation of TENN. COMP. R. & REG. 0440—2—.08(1)(a) [ATTIRE]. Further, according to the Notice, there was no covered container for dirty and clean towels and that wet sanitizer not properly cleaned all in violation of TENN. COMP. R. & REG. 0440—2—.07 [EQUIPMENT]. This shop has been operating for over thirty years without a complaint.

Recommendation: Close the matter with a Letter of Caution.

Decision: Approved.

70. Case No.: L14-COS-RBS-2014009801

First License Obtained: 10/03/2006

License Expiration: 04/30/2016

Complaint history: None

A Notice of Violation issued on May 13th, 2014 alleges that the Respondent, a licensed cosmetology shop, did not have a valid shop license during its operation and at the inspection time in violation of TENN. CODE ANN. § 62-4-118(a) [Operation of a shop].

Board office records indicate that the Respondent's license was renewed on May 19th, 2014. There is no indication that there were actually any regulated services being provided during the period of expiration, and there is no complaint history for this Respondent.

Recommendation: Close the matter with a Letter of Warning.

Decision: Approved.

71. Case No.: L14-COS-RBS-2014009821

First License Obtained: 07/22/2010

License Expiration: 04/30/2016

Complaint history: None

A Notice of Violation issued on May 13th, 2014 alleges that the area inspector observed the owner of the Respondent's shop working on a client without wearing an identification tag in violation of TENN. COMP. R. & REG. 0440—2—.08(1)(a) [ATTIRE] and while the Respondent's shop license was expired as of April 30th, 2014 in violation of TENN. CODE ANN. § 62-4-118(a) [Operation of a shop]. Further, the area inspector observed several sanitation violations; including an unclean shampoo bowl and no cover container for trash and that pedicure bowl was not in sanitary condition in violation of Chapter 0440—02 of the Board's sanitary rules. Board office records indicate that the Respondent's license was renewed on May 19th, 2014.

Recommendation: Authorize a formal hearing with authority to settle the matter with a Consent Order for a civil penalty of \$1,000 for the instance of unlicensed activity and \$250.00 for each of the other two violations for a total civil penalty of \$1,500.

Decision: Approved.

72. Case No.: L14-COS-RBS-2014009831

First License Obtained: 11/23/2005

License Expiration: 11/30/2015

Complaint history: None

A Notice of Violation issued on May 13th, 2014 alleges that the area inspector observed the Respondent, a licensed cosmetologist (who is also owner of a shop), working on a client in her shop without wearing an identification tag in violation of TENN. COMP. R. & REG. 0440—2—.08(1)(a) [ATTIRE] and while the shop license was expired as of April 30th, 2014 in violation of TENN. CODE ANN. § 62-4-118(a) [Operation of a shop]. Further, the area inspector observed several sanitation violations in such shop; including an unclean shampoo bowl and no cover container for trash and that pedicure bowl was not in sanitary condition in violation of Chapter 0440—02 of the Board’s sanitary rules. Board office records indicate that the shop license was renewed on May 19th, 2014.

Recommendation: Authorize a formal hearing with authority to settle the matter with a Consent Order for a civil penalty of \$1,000 for the instance of unlicensed activity and \$250.00 for each of the other two violations for a total civil penalty of \$1,500.

Decision: Approved.

73. Case No.: L14-COS-RBS-2014009841

First License Obtained: 09/03/2008

License Expiration: 08/31/2014

Complaint history: None

A Notice of Violation issued on May 14th, 2014 alleges that the area inspector observed the owner of the Respondent’s shop working on a client with an expired cosmetology license in violation of TENN. CODE ANN. §§ 62-4-108 (License required to practice or teach) and 62-4-119 [Responsibilities of owner and manager of a shop]. Board office records indicate that the license in question was renewed on May 15th, 2014.

Recommendation: Authorize a formal hearing with authority to settle the matter with a Consent Order for a civil penalty of \$1,000 for the instance of unlicensed activity.

Decision: Approved.

74. Case No.: L14-COS-RBS-2014009851

First License Obtained: 04/18/2002

License Expiration: 04/30/2016

Complaint history: None

A Notice of Violation issued on May 14th, 2014 alleges that the area inspector observed the Respondent, a licensed cosmetologist (also owner of a shop) working on a client with an expired cosmetology license in violation of TENN. CODE ANN. §§ 62-4-108 (License required to practice or teach) and 62-4-119 [Responsibilities of owner and manager of a shop]. Board office records indicate that the license in question was renewed on May 15th, 2014.

Recommendation: Authorize a formal hearing with authority to settle the matter with a Consent Order for a civil penalty of \$1,000 for the instance of unlicensed activity.

Decision: Approved.

75. Case No.: L14-COS-RBS-2014009791

First License Obtained: 01/24/2005

License Expiration: 01/31/2015

Complaint history: None

A Notice of Violation issued on May 13th, 2014 alleges that the Respondent, a licensed cosmetologist shop manager, was operating a shop while its license was expired in violation of TENN. CODE ANN. § 62-4-118(a) [Operation of a shop]. Board office records indicate that the Respondent's license was renewed on May 19th, 2014.

Recommendation: Authorize a formal hearing with authority to settle the matter with a Consent Order for a civil penalty of \$1,000 for the instance of unlicensed activity.

Decision: Approved.

76. Case No.: L14-COS-RBS-2014009771

First License Obtained: 10/23/1995

License Expiration: 10/31/2015

Complaint history: None

A Notice of Violation issued on May 13th, 2014 alleges that the Respondent, a licensed manicurist, was practicing on a client but could not provide proof of her identity. The

complaint file contains insufficient evidence to conclusively prove that the individual observed practicing is unlicensed nor does provide the name of this person who's presumably "unlicensed" to prove that she was not the Respondent to whom the Notice was issued. As such, a Letter of Warning is recommended.

Recommendation: Close the matter with a Letter of Warning.

Decision: Approved.

77. Case No.: L14-COS-RBS-2014009761

First License Obtained: 03/30/2000

License Expiration: 03/31/2016

Complaint history: None

A Notice of Violation issued on May 13th, 2014 alleges that the Respondent, a licensed manicurist manager of a shop, was not wearing an identification tag in violation of TENN. COMP. R. & REG. 0440—2—.08(1)(a) [ATTIRE]. Further, according to the Notice, the Respondent failed to ensure that the shop's clean and dirty towels were covered, that all of its products were labeled, and that the shop's grade score inspection sheet was posted, all in violation of TENN. CODE ANN. § 62-4-119 [Responsibilities of owner and manager of a shop]. The Notice also states the same allegation relative to the individual without a license as described in item 76 above.

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

Decision: Approved.

78. Case No.: L14-COS-RBS-2014009741

First License Obtained: 02/08/2012

License Expiration: 01/31/2016

Complaint history: 2013006001, closed with a Letter of Warning

A Notice of Violation issued on May 13th, 2014 alleges that the area inspector observed the owner and manager of a licensed manicure shop were not wearing an identification tags in violation of TENN. COMP. R. & REG. 0440—2—.08(1)(a) [ATTIRE]. Further, according to the Notice, the Respondent's shop failed to ensure that it's clean and dirty towels were covered, that all of its products were labeled, and that the Respondent's grade score inspection sheet was posted, all in violation of TENN. CODE ANN. § 62-4-119 [Responsibilities of owner and manager of a shop]. The Notice also states the same allegation relative to the individual without a license as described in item 76 above.

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

Decision: Approved.

79. Case No.: L14-COS-RBS-2014009751

First License Obtained: 03/06/1996

License Expiration: 03/31/2016

Complaint history: None

A Notice of Violation issued on May 13th, 2014 alleges that hat the Respondent, a licensed manicurist (who is also an owner of a shop), was not wearing an identification tag in violation of TENN. COMP. R. & REG. 0440—2—.08(1)(a) [ATTIRE]. Further, according to the Notice, the Respondent failed to ensure that the shop's clean and dirty towels were covered, that all of its products were labeled, and that the shop's grade score inspection sheet was posted, all in violation of TENN. CODE ANN. § 62-4-119 [Responsibilities of owner and manager of a shop]. The Notice also states the same allegation described in item 76 above.

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

Decision: Approved.

80. Case No.: L14-COS-RBS-2014009291

First License Obtained:

License Expiration:

Complaint history:

2007061581, dismissed; 2008018621, closed w/\$500 civil penalty paid via Consent Order; 2009017821, closed w/no action; 2010017771, closed w/\$500 civil penalty paid via Consent Order; 2010028611, closed w/no action

A Notice of Violation issued on June 7th, 2014 alleges that, during a lawful inspection at a licensed cosmetology school, the area inspector observed several sanitation violations; including, trash at the back door with no covers in violation of TENN. COMP. R. & REG. 0440—2—.14 [TRASH CONTAINERS], no wet sterilizer at the work stations in violation of TENN. COMP. R. & REG. 0440—1—.01(g), students were not wearing a uniform in violation of TENN. COMP. R. & REG. 0440—2—.08(2) [ATTIRE], students' kits were not properly clean in violation of TENN. COMP. R. & REG. 0440—2—.13(2) [SANITATION AND DISINFECTION], shampoo bowls need repairing in violation of TENN. COMP. R. & REG. 0440—2—.13(11) [SANITATION AND DISINFECTION]. Further, according to the Notice, the area inspector found that the Respondent has inadequate lighting and exposed surfaces were not cleaned all in violation of TENN. COMP. R. & REG. 0440—2—.06 [FACILITIES], and also observed an inspection sheet posted that was completed by the Board member, but the inspection sheet completed by the area inspector was not posted in violation of TENN. COMP. R. & REG. 0440—2—.05 [INSPECTIONS].

Recommendation: Authorize a formal hearing with authority to settle with a Consent Order for a civil penalty of \$250.00 for each of the seven violated authorities for a total civil penalty of \$1,750.00.

Decision: Approved.

81. Case No.: L14-COS-RBS-2014010251

First License Obtained: 01/07/1993

License Expiration: 03/31/2013

Complaint history: None

A Notice of Violation issued on May 13th, 2014 alleges that the Respondent, a cosmetologist and presumably the shop manager, was operating a shop while its license

was expired and while her personal license was also expired all in violation of TENN. CODE ANN. §§ 62-4-108 [License required to practice or teach] and 62-4-119 [Responsibilities of owner and manager of a shop].

Recommendation: Authorize an immediate CEASE AND DESIST order and a formal hearing with authority to settle with a Consent Order for a civil penalty of \$1,000.00 for each of the two instance of unlicensed conduct for a total civil penalty of \$2,000.00.

Decision: Approved.

82. Case No.: L14-COS-RBS-2014010241

First License Obtained: 04/27/2004

License Expiration: 04/30/2014

Complaint history: None

A Notice of Violation issued on May 13th, 2014 alleges that the Respondent, a cosmetology shop, was operating while its shop license was expired in violation of TENN. CODE ANN. § 62-4-118(a) [Operation of a shop], and also was allowing its manager to engage in cosmetology activity on an expired license in violation of TENN. CODE ANN. §§ 62-4-108 [License required to practice or teach] and 62-4-119 [Responsibilities of owner and manager of a shop].

Recommendation: Authorize an immediate CEASE AND DESIST order and a formal hearing with authority to settle with a Consent Order for a civil penalty of \$1,000.00 for each of the two instance of unlicensed conduct for a total civil penalty of \$2,000.00.

Decision: Approved.

83. Case No.: L14-COS-RBS-2014010261

First License Obtained: 07/25/2013

License Expiration: 05/31/2015

Complaint history: None

A Notice of Violation issued on May 15th, 2014 alleges that the area inspector observed an individual performing a pedicure service at a licensed manicure shop whereas she advised that no manager was present and later left the shop through the back door all

in violation of TENN. CODE ANN. § 62-4-119 [Responsibilities of owner and manager of a shop].

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

Decision: Approved.

84. Case No.: L14-COS-RBS-2014010271

First License Obtained: 10/29/2003

License Expiration: 10/31/2013

Complaint history: None

A Notice of Violation issued on May 15th, 2014 alleges that the Respondent, the owner of the above shop in item #83, was allowing an unlicensed individual to perform cosmetology related services and while no manager was present in his/her shop all in violation of TENN. CODE ANN. § 62-4-119 [Responsibilities of owner and manager of a shop].

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

Decision: Approved.

85. Case No.: L14-COS-RBS-2014010281

First License Obtained: 07/15/1988

License Expiration: 07/31/2015

Complaint history: None

A Notice of Violation issued on May 15th, 2014 alleges that, during a lawful inspection at a licensed cosmetology shop, the area inspector found that the Respondent's owner license was expired as of September 30, 2013 in potential violation of TENN. CODE ANN. § 62-4-108 [License required to practice or teach]. The Notice does not indicate that cosmetology services were being performed at the time of the inspection. Board office records indicate that the license in question has been now renewed. The Respondent shop has operated for over twenty-five years without a complaint.

Recommendation: Close the case with a Letter of Warning.

Decision: Approved.

86. Case No.: L14-COS-RBS-2014010291

First License Obtained: 04/20/1990

License Expiration: 09/30/2015

Complaint history: None

A Notice of Violation issued on May 15th, 2014 alleges that, during a lawful inspection at a licensed cosmetology shop, the area inspector found that the Respondent's cosmetologist license was expired as of September 30th, 2013 in potential violation of TENN. CODE ANN. § 62-4-108 [License required to practice or teach]. The Notice does not indicate that cosmetology services were being performed at the time of the inspection. Board office records indicate that the license in question has been now renewed. The Respondent shop has operated for almost twenty-five years without a complaint.

Recommendation: Close the case with a Letter of Warning.

Decision: Approved.

87. Case No.: L14-COS-RBS-2014010491

First License Obtained:

License Expiration:

Complaint history: Violation issued on 09/06/96 paid \$100 via Consent Order; violation issued on 02/05/1998 paid \$300 via Consent Order; violation issued on 01/26/99 paid \$500 via Consent Order; violation issued on 03-26-99 paid \$500 via Consent Order; violation issued on 05/03/2000 paid \$500 via Consent Order; violation issued on 08/31/01 paid \$4,100 via Consent Order with a probation period for two (2) years; 2001024561,

**dismissed; 2008022551, closed
w/\$1,200 paid via Agreed Order;**

A Notice of Violation issued on May 20th, 2014 alleges that, during a lawful inspection at a licensed manicure shop, the area inspector observed two (2) expired licenses posted in the Respondent's shop and that one licensee was working on a pocket license all in violation of TENN. CODE ANN. § 62-4-119 [Responsibilities of owner and manager of a shop]. Further, according to the Notice, the area inspector observed drill bits left on drill with nail dust which was not sanitized or stored in violation of TENN. COMP. R. & REG. 0440—2—.06 [FACILITIES], that there was no closed container for clean and dirty towels in violation of TENN. COMP. R. & REG. 0440—2—.07 [EQUIPMENT], and that files and buffers which were improperly stored in violation of TENN. COMP. R. & REG. 0440—2—.13 [SANITATION AND DISINFECTION], and further observed a licensee working on a client's nails without wearing an identification tag – the inspector states that the licensee did stop and put on the name tag after he saw him in violation of TENN. COMP. R. & REG. 0440—2—.08(1)(a) [ATTIRE].

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

Decision: Approved.

88. Case No.: L14-COS-RBS-2014010501

First License Obtained: 06/19/1997

License Expiration: 06/30/2015

Complaint history: None

A Notice of Violation issued on May 20th, 2014 alleges that, the Respondent, owner and manager of a licensed manicure shop, was allowing a licensee to work on pocket license and also failed to ensure that all licenses posted were valid in violation of TENN. CODE ANN. § 62-4-119 [Responsibilities of owner and manager of a shop]. Further, according to the Notice, the area inspector observed drill bits left on drill with nail dust which was not sanitized or stored in violation of TENN. COMP. R. & REG. 0440—2—.06 [FACILITIES], that there was no closed container for clean and dirty towels in violation of TENN. COMP. R. & REG. 0440—2—.07 [EQUIPMENT], and that files and buffers were improperly stored in violation of TENN. COMP. R. & REG. 0440—2—.13 [SANITATION AND DISINFECTION].

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

Decision: Approved.

89. Case No.: L14-COS-RBS-2014010531

First License Obtained: 05/19/2010

License Expiration: 05/31/2016

Complaint history: None

A Notice of Violation issued on May 20th, 2014 alleges that the Respondent, a licensed cosmetology, was working at a licensed shop on a pocket license; specifically, no wall license was posted for Respondent at such shop in violation of TENN. CODE ANN. § 62-4-113(a)(1). There is no complaint history for this Respondent.

Recommendation: Close the matter with a Letter of Warning.

Decision: Approved.

90. Case No.: L14-COS-RBS-2014010581

First License Obtained: 06/20/2007

License Expiration: 03/31/2015

Complaint history: None

A Notice of Violation issued on May 20th, 2014 alleges that the Respondent, a licensed cosmetology shop, was open for business with no manager was present in violation of TENN. CODE ANN. § 62-4-118(b)(1) [Operation of a shop] and TENN. COMP. R. & REG. 0440—2—.03(2) [RESPONSIBILITY FOR COMPLIANCE]. The Notice also alleges that the Respondent's shop license was not displayed in violation of TENN. CODE ANN. § 62-4-118(a) [Operation of a shop].

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

Decision: Approved.

91. Case No.: L14-COS-RBS-2014010591

First License Obtained: 10/29/2007

License Expiration: 10/31/2015

Complaint history: None

A Notice of Violation issued on May 20th, 2014 alleges that, during a lawful inspection at a licensed cosmetology shop, the area inspector observed that there was no shop sign posted outside the Respondent's shop in violation of TENN. CODE ANN. § 62-4-126 [IDENTIFICATION; SIGNS], and that the Respondent's grade score inspection sheet was not posted in violation of TENN. COMP. R. & REG. 0440—2—.05(2) [INSPECTIONS], and that there was no separate entrance between the shop and the living area in violation of TENN. CODE ANN. § 62-4-125(b)(2) [Health and safety rules and regulations].

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

Decision: Approved.

92. Case No.: L14-COS-RBS-2014010421

First License Obtained: 03/31/2008

License Expiration: 03/31/2016

Complaint history: None

A Notice of Violation issued on May 16th, 2014 alleges that, during a lawful inspection at a licensed cosmetology shop, the area inspector found that the Respondent's cosmetologist license was expired as of March 31st, 2014 in potential violation of TENN. CODE ANN. § 62-4-108 [License required to practice or teach]. The complaint file contains an inspection report noted that Respondent was not present (and therefore was not performing cosmetology services) at the time of the inspection. Board office records indicate that the Respondent's license was renewed on May 17th, 2014. There is no complaint history for this Respondent.

Recommendation: Close the matter with a Letter of Warning.

Decision: Approved.

93. Case No.: L14-COS-RBS-2014010411

First License Obtained: 05/15/2013

License Expiration: 05/31/2015

Complaint history: None

A Notice of Violation issued on May 16th, 2014 alleges that, during a lawful inspection at the Respondent's cosmetology shop, the area inspector found that the Respondent's owner cosmetologist license was expired as of March 31st, 2014 in potential violation of TENN. CODE ANN. § 62-4-108 [License required to practice or teach]. The complaint file contains an inspection report noted that the Respondent's shop owner was not present (and therefore was not performing cosmetology services) at the time of the inspection. Board office records indicate that the license in question was renewed on May 17th, 2014. There is no complaint history for this Respondent.

Recommendation: Close the matter with a Letter of Warning.

Decision: Approved.

94. Case No.: L14-COS-RBS-2014010471

First License Obtained: N/A

License Expiration: N/A

Complaint history: None

A Notice of Violation issued on May 20th, 2014 alleges that the Respondent, an unlicensed individual, was cutting a client's hair in an unlicensed shop in violation of TENN. CODE ANN. § 62-4-108 [License required to practice or teach].

Recommendation: Authorize and immediate CEASE AND DESIST order and a formal hearing with authority to settle the matter with a Consent Order with a civil penalty of \$1,000.00.

Decision: Approved.

95. Case No.: L14-COS-RBS-2014010461

First License Obtained: N/A

License Expiration: N/A

Complaint history: None

A Notice of Violation issued on May 20th, 2014 alleges that, during a lawful inspection, the area inspector observed that the Respondent's shop was open for business and an unlicensed individual was cutting a client's hair in the shop without possessing a valid Board-issued shop license in violation of TENN. CODE ANN. § 62-4-118(a) [Operation of a shop].

Recommendation: Authorize and immediate CEASE AND DESIST order and a formal hearing with authority to settle the matter with a Consent Order with a civil penalty of \$1,000.00.

Decision: Approved.

96. Case No.: L14-COS-RBS-2014010321

First License Obtained: 09/18/1979

License Expiration: 10/31/2015

Complaint history:

A Notice of Violation issued on May 14th, 2014 alleges that, during a lawful inspection, the area inspector observed that a licensee, who is also a co-owner of the Respondent's shop, working on a client's hair while the Respondent's shop license was expired as October 31st, 2013 in violation of TENN. CODE ANN. § 62-4-118(a) [Operation of a shop]. Board office records indicate that the shop license in question was renewed on May 15th, 2014. There does not appear to be a complaint history for this Respondent, who has been operating for thirty-five years without incident.

Recommendation: Close the matter with a Letter of Warning.

Decision: Approved.

97. Case No.: L14-COS-RBS-2014010331

First License Obtained: 12/18/1995

License Expiration: 06/30/2016

Complaint history: None

A Notice of Violation issued on May 14th, 2014 alleges that the Respondent, a manager and a co-owner of a cosmetology shop, was operating such shop while its license was expired in violation of TENN. CODE ANN. § 62-4-119 [Responsibilities of owner and manager of a shop]. Board office records indicate that the shop license in question was renewed on May 15th, 2014. There is no indication that regulated services were actually being provided at the time of the inspection, and there is no complaint history for this Respondent that has operated for almost twenty years without incident.

Recommendation: Close the matter with a Letter of Warning.

Decision: Approved.

98. Case No.: L14-COS-RBS-2014010621

First License Obtained: 03/23/2011

License Expiration: 03/31/2013

Complaint history: 2012008511, Formal Charges Authorized

A Notice of Violation issued on May 22nd, 2014 alleges that the Respondent, a manicure shop, was open for business whereas the owner of the Respondent's shop was performing a nail service on a client while the Respondent's shop license was expired as of March 31st, 2013. The former Board of Cosmetology had previously authorized a formal hearing against Respondent for violations of the Cosmetology Act and/or rules.

Recommendation: Combine this matter with the existing one that is approved for a formal hearing.

Decision: Approved.

99. Case No.: L14-COS-RBS-2014010611

First License Obtained: **07/07/2000**

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

Complaint history: **None**

A Notice of Violation issued on May 22nd, 2014 alleges that the Respondent, an owner and a manager of a manicure shop, was operating her shop while its license was expired in violation of TENN. CODE ANN. § 62-4-119 [Responsibilities of owner and manager of a shop]. The complaint materials indicate that regulated services were being provided during the time of expiration.

Recommendation: Authorize and immediate CEASE AND DESIST order against unlicensed activity and a formal hearing with authority to settle the matter with a Consent Order with a civil penalty of \$1,000.00.

Decision: Approved.

100. Case No.: L14-COS-RBS-2014010631

First License Obtained: **06/05/2013**

License Expiration: **05/31/2015**

Complaint history: **None**

A Notice of Violation issued on May 21st, 2014 alleges that the Respondent, a licensed manicure shop, did not have a finger bowl for each work station as required by TENN. COMP. R. & REG. 0440—2—.07(3)(i) [EQUIPMENT], and that tools were not properly cleaned in violation of TENN. COMP. R. & REG. 0440—2—.13 [SANITATION AND DISINFECTION]. Further, according to the Notice, the area inspector found that the Respondent was allowing services not authorized by the shop's license such as waxing in violation of TENN. CODE ANN. § 62-4-119 [Responsibilities of owner and manager of a shop], and that the Respondent failed to ensure that there was a covered container for cotton balls and swabs for each work station and also observed a container at the work station which was not properly labeled all in violation of TENN. COMP. R. & REG. 0440—2—.07(3) [EQUIPMENT], and further found that three licensed manicurist were not wearing their name tags in violation of TENN. COMP. R. & REG. 0440—2—.08(1)(a) [ATTIRE].

Recommendation: Authorize and immediate CEASE AND DESIST order against unauthorized activity and a formal hearing with authority to settle the matter with a

Consent Order with a civil penalty of \$1,000.00 for the instance of unauthorized activity and a civil penalty of \$250.00 for each of the other four identified violations for a total civil penalty of \$2,000.00.

Decision: Approved.

101. Case No.: L14-COS-RBS-2014010641

First License Obtained: 08/21/2013

License Expiration: 08/31/2015

Complaint history: None

A Notice of Violation issued on May 21st, 2014 alleges that the Respondent, who is the owner and manager of a licensed manicure shop, failed to ensure that such shop has a finger bowl at each work station as required by TENN. COMP. R. & REG. 0440—2—.07(3)(i) [EQUIPMENT], and failed to ensure that tools were properly cleaned in violation of TENN. COMP. R. & REG. 0440—2—.13 [SANITATION AND DISINFECTION]. Further, according to the Notice, the area inspector found that the Respondent was allowing services not authorized by shop license such as waxing in violation of TENN. CODE ANN. § 62-4-119 [Responsibilities of owner and manager of a shop], and that the Respondent failed to ensure that there was a covered container for cotton balls and swabs per work station and also observed a container at the work station which was not properly labeled as required by TENN. COMP. R. & REG. 0440—2—.07(3) [EQUIPMENT], and further found that three licensed manicurist were not wearing their name tags in violation of TENN. COMP. R. & REG. 0440—2—.08(1)(a) [ATTIRE].

Recommendation: Authorize and immediate CEASE AND DESIST order against unauthorized activity and a formal hearing with authority to settle the matter with a Consent Order with a civil penalty of \$1,000.00 for the instance of unauthorized activity and a civil penalty of \$250.00 for each of the other four identified violations for a total civil penalty of \$2,000.00.

Decision: Approved.

102. Case No.: L14-COS-RBS-2014007371

First License Obtained: 08/26/2009

License Expiration: 08/31/2015

Complaint history: None

A Notice of Violation issued on April 15th, 2014 alleges that the Respondent, a licensed manicurist and aesthetician (who is also the owner and manager of a manicurist/skincare shop), was practicing a manicure on a client but her aesthetician license was expired. Further investigation of this matter revealed that the Respondent was practicing manicuring with a valid manicurist license at the time of the inspection. Board office records indicate that the Respondent's aesthetician license has been now renewed. Because the Respondent appears to have no prior disciplinary history with the Board, a Letter of Warning is recommended.

Recommendation: Close the matter with a Letter of Warning against providing unauthorized services.

Decision: Approved.

103. Case No.: L14-COS-RBS-2014015401

First License Obtained: 10/16/2013

License Expiration: 09/30/2015

Complaint history: None

A Notice of Violation issued on June 20th, 2014 alleges that the Respondent, a licensed manicurist/skincare shop, was allowing two (2) individuals to provide services in the Respondent's shop without possessing a valid license issued by the Board in violation of TENN. CODE ANN. §§ 62-4-108 [License required to practice or teach] and 62-4-119(1)-(3) [Responsibilities of owner and manager of a shop]. The complaint file contains a signed affidavit by the owner of the Respondent's shop admitting to employing two (2) unlicensed individuals and attempting to bribe the Board's representative with money to overlook the license status of those unlicensed individuals found during the inspection in violation of TENN. CODE ANN. § 62-4-127(b)(2) [Inspections – Cause for suspension, revocation, or for denial of license].

Recommendation: Authorize an immediate CEASE AND DESIST order against unlicensed conduct and a formal hearing with authority to settle the matter with a Consent Order for revocation of the shop license and a civil penalty of \$1,000.00 for each of the two identified violations for a total civil penalty of \$2,000.00.

Decision: Approved.

104. Case No.: L14-COS-RBS-2014015411

First License Obtained: 09/11/1996

License Expiration: 09/30/2014

Complaint history: None

A Notice of Violation issued on June 20th, 2014 alleges that the Respondent, a licensed manicurist (who is also the owner of the aforementioned shop in item #105), was employing two (2) individuals to provide pedicure services without possessing a valid license issued by the Board in violation of TENN. CODE ANN. §§ 62-4-108 [License required to practice or teach] and 62-4-119(1)-(3) [Responsibilities of owner and manager of a shop]. The complaint file contains a signed affidavit by the Respondent admitting to employing two (2) unlicensed individuals and attempting to bribe the Board's representative with money to overlook the license status of those unlicensed individuals found practicing during the inspection in violation of TENN. CODE ANN. § 62-4-127(b)(2) [Inspections – Cause for suspension, revocation, or for denial of license].

Recommendation: Authorize an immediate CEASE AND DESIST order against unlicensed conduct and a formal hearing with authority to settle the matter with a Consent Order for revocation of license and a civil penalty of \$1,000.00 for each of the two identified violations for a total civil penalty of \$2,000.00.

Decision: Approved.

105. Case No.: L14-COS-RBS-2014015421

First License Obtained: 01/22/2013

License Expiration: 01/31/2015

Complaint history: None

A Notice of Violation issued on June 20th, 2014 alleges that the Respondent, a licensed manicurist, was allowing two (2) unlicensed individuals to provide pedicure services while managing the above shop in item #105 in violation of TENN. CODE ANN. §§ 62-4-108 [License required to practice or teach] and 62-4-119(1)-(3) [Responsibilities of owner and manager of a shop]. The complaint file contains a signed affidavit by the Respondent admitting to the unlicensed activity as described above in item #105 in

violation of TENN. CODE ANN. § 62-4-127(b)(2) [Inspections – Cause for suspension, revocation, or for denial of license].

Recommendation: Authorize an immediate CEASE AND DESIST order against unlicensed conduct and a formal hearing with authority to settle the matter with a Consent Order for revocation of license and a civil penalty of \$1,000.00.

Decision: Approved.

106. Case No.: L14-COS-RBS-2014014111

First License Obtained: 07/03/2013

License Expiration: 06/30/2016

Complaint history: None

A Notice of Violation issued on June 13th, 2014 alleges that, during a lawful inspection at a skincare shop, the area inspector found that the Respondent had relocated its shop to a new location without 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]. On that day, the area inspector observed the owner of the Respondent's shop working on a client applying eyelashes without wearing a name tag in violation of TENN. COMP. R. & REG. 0440—2—.08(1)(a) [ATTIRE]. Board office records indicate that an application for change of location was submitted to the Board on June 20th, 2014 and such application was approved on July 3rd, 2014.

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

Decision: Approved.

107. Case No.: L14-COS-RBS-2014014181

First License Obtained: 02/22/1988

License Expiration: 03/31/2016

Complaint history: None

A Notice of Violation issued on June 17th, 2014 alleges that, during a lawful inspection at a licensed cosmetology shop, the area inspector found that the Respondent's cosmetology license was expired as of March 31st, 2014 in potential violation of TENN. CODE ANN. § 62-4-108 [License required to practice or teach]. Board office records indicate that the Respondent's license was renewed on June 20th, 2014. The complaint file contains insufficient facts and insufficient evidence to determine whether or not the Respondent was practicing at the inspection time. As such, a Letter of Warning is recommended.

Recommendation: Close the matter with a Letter of Warning.

Decision: Approved.

108. Case No.: L14-COS-RBS-2014014361

First License Obtained: **02/22/2012**

License Expiration: **02/28/2016**

Complaint history: **None**

A Notice of Violation issued on June 18th, 2014 alleges that the Respondent, a licensed cosmetologist shop manager, failed to ensure that all employees' licenses were valid; specifically, the area inspector found a licensee's license was expired as of December 31st, 2013 in potential in violation of TENN. CODE ANN. § 62-4-119(1)(3) [Responsibilities of owner and manager of a shop]. Board office records indicate that the licensee's license was renewed on June 20th, 2014. The complaint file contains insufficient facts and insufficient evidence to determine whether or not the licensee in question was practicing at the time of the inspection. As such, a Letter of Warning is recommended.

Recommendation: Close the matter with a Letter of Warning.

Decision: Approved.

109. Case No.: L14-COS-RBS-2014014351

First License Obtained: **11/02/2011**

License Expiration: **10/31/2015**

Complaint history: **None**

A Notice of Violation issued on June 18th, 2014 alleges that the Respondent, a licensed cosmetology shop, failed to ensure that all employees' licenses are valid; specifically, the area inspector found a licensee's license was expired as of December 31st, 2013 in potential violation of TENN. CODE ANN. § 62-4-119(1)-(3) [Responsibilities of owner and manager of a shop]. Board office records indicate that the licensee's license was renewed on June 20th, 2014. The complaint file contains insufficient facts and insufficient evidence to determine whether or not the licensee in question was practicing at the time of inspection. As such, a Letter of Warning is recommended.

Recommendation: Close the matter with a Letter of Warning.

Decision: Approved.

110. Case No.: L14-COS-RBS-2014014371

First License Obtained: 01/02/1998

License Expiration: 12/31/2015

Complaint history: None

A Notice of Violation issued on June 18th, 2014 alleges that the Respondent's cosmetology license was expired as of December 31st, 2013 in potential violation of TENN. CODE ANN. § 62-4-108 [License required to practice or teach]. Board office records indicate that the licensee's license was renewed on June 20th, 2014. The complaint file contains insufficient facts and insufficient evidence to determine whether or not the Respondent was practicing at the time of the inspection. As such, a Letter of Warning is recommended.

Recommendation: Close the matter with a Letter of Warning.

Decision: Approved.

111. Case No.: L14-COS-RBS-2014014171

First License Obtained: 10/16/2013

License Expiration: 09/30/2015

Complaint history: None

A Notice of Violation issued on June 17th, 2014 alleges that, during a lawful inspection at a licensed cosmetology shop, the area inspector found that the cosmetology license of the Respondent's owner and manager was expired as of March 31st, 2014 in potential violation of TENN. CODE ANN. § 62-4-108 [License required to practice or teach]. Board office records indicate that the license in question was renewed on June 20th, 2014. The complaint file contains insufficient facts and insufficient evidence to determine whether or not the licensee was practicing at the time of the inspection. As such, a Letter of Warning is recommended.

Recommendation: Close the matter with a Letter of Warning.

Decision: Approved.

112. Case No.: L14-COS-RBS-2014014221

First License Obtained: 10/22/2008

License Expiration: 10/31/2014

Complaint history: None

A Notice of Violation issued on June 17th, 2014 alleges that, during a lawful inspection at a licensed manicure shop, the area inspector observed the Respondent working on a pedicure customer without wearing a name tag in violation of TENN. COMP. R. & REG. 0440—2—.08(1)(a) [ATTIRE].

Recommendation: Close the matter with a Letter of Warning.

Decision: Approved.

113. Case No.: L14-COS-RBS-2014014211

First License Obtained: 10/13/2008

License Expiration: 10/31/2014

Complaint history: None

A Notice of Violation issued on June 17th, 2014 alleges that, during a lawful inspection at a licensed manicure shop, the area inspector observed the Respondent working on a pedicure customer on a pocket license in violation of TENN. CODE ANN. § 62-4-113(a)(1)

and without wearing a name tag in violation of TENN. COMP. R. & REG. 0440—2—.08(1)(a) [ATTIRE].

Recommendation: Close the matter with a Letter of Warning.

Decision: Approved.

114. Case No.: L14-COS-RBS-2014014201

First License Obtained: 07/01/1997

License Expiration: 06/30/2015

Complaint history: None

A Notice of Violation issued on June 17th, 2014 alleges that the Respondent, a licensed manicurist manager of a shop, was working on a pedicure customer without wearing a name tag in violation of TENN. COMP. R. & REG. 0440—2—.08(1)(a) [ATTIRE], and also was allowing three (3) others to work without ID tags, including one working on a pocket license all in violation of TENN. CODE ANN. § 62-4-119(3) [Responsibilities of owner and manager of a shop].

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

Decision: Approved.

115. Case No.: L14-COS-RBS-2014014241

First License Obtained: 03/28/2012

License Expiration: 03/31/2016

Complaint history: None

A Notice of Violation issued on June 17th, 2014 alleges that, during a lawful inspection at a licensed manicure shop, the area inspector observed the Respondent working on a pedicure customer without wearing a name tag in violation of TENN. COMP. R. & REG. 0440—2—.08(1)(a) [ATTIRE].

Recommendation: Close the matter with a Letter of Warning.

Decision: Approved.

116. Case No.: L14-COS-RBS-2014014191

First License Obtained: **04/25/2013**

License Expiration: **04/30/2015**

Complaint history: **None**

A Notice of Violation issued on June 17th, 2014 alleges that the Respondent, a licensed manicure shop, was allowing four (4) licensees to work on clients without wearing a name tag, including one working on a pocket license all in violation of TENN. CODE ANN. § 62-4-119(3) [Responsibilities of owner and manager of a shop].

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

Decision: Approved.

117. Case No.: L14-COS-RBS-2014014271

First License Obtained: **01/05/2011**

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

Complaint history: **None**

A Notice of Violation issued on June 13th, 2014 alleges that the Respondent, owner and manager of a licensed manicure shop, was allowing an individual to work on an expired license in violation of TENN. CODE ANN. § 62-4-119(1)-(3) [Responsibilities of owner and manager of a shop]. Further, according to the Notice, the area inspector observed five (5) people not wearing their name tags and found that two (2) work stations which were unclean all in violation of TENN. CODE ANN. § 62-4-119(3) [Responsibilities of owner and manager of a shop]. Board office records indicate the licensee's license was renewed on June 14, 2014.

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

Decision: Approved.

118. Case No.: L14-COS-RBS-2014014261

First License Obtained:

License Expiration:

Complaint history: 2012003981, closed w/\$500 civil penalty paid via Consent Order; 2012017631, closed w/\$500 civil penalty paid via Consent Order; 2013013801, closed w/\$750 civil penalty paid via Consent Order

A Notice of Violation issued on June 13th, 2014 alleges that the Respondent, a licensed manicure shop, was allowing an individual to work on an expired license in violation of TENN. CODE ANN. § 62-4-119(1)-(3) [Responsibilities of owner and manager of a shop]. Further, according to the Notice, the area inspector observed five (5) people not wearing their name tags and found that two (2) work stations which were unclean all in violation of TENN. CODE ANN. § 62-4-119(3) [Responsibilities of owner and manager of a shop]. Board office records indicate the licensee's license was renewed on June 14th, 2014.

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

Decision: Approved.

119. Case No.: L14-COS-RBS-2014014381

First License Obtained: 04/06/2006

License Expiration: 04/30/2016

Complaint history: None

A Notice of Violation issued on June 13th, 2014 alleges that the Respondent, a licensed manicurist, was working on an expired license in violation of TENN. CODE ANN. § 62-4-

108 [License required to practice or teach]. Board office records indicate the licensee's license was renewed on June 14th, 2014.

Recommendation: Authorize a formal hearing with authority to settle the matter with a Consent Order for a civil penalty of \$1,000.00 for the instance of unlicensed practice.

Decision: Approved.

120. Case No.: L14-COS-RBS-2014014281

First License Obtained: 04/22/2013

License Expiration: 02/28/2015

Complaint history: None

A Notice of Violation issued on June 18th, 2014 alleges that, during a lawful inspection at a manicure shop, the area inspector observed the owner and manager of the Respondent's shop working on an expired license in violation of TENN. CODE ANN. § 62-4-119(1)-(3) [Responsibilities of owner and manager of a shop]. Board office records indicate the license in question was renewed on June 19th, 2014.

Recommendation: Authorize a formal hearing with authority to settle the matter with a Consent Order for a civil penalty of \$1,000.00 for the instance of unlicensed practice.

Decision: Approved.

121. Case No.: L14-COS-RBS-2014014291

First License Obtained: 05/23/1996

License Expiration: 05/31/2016

Complaint history: None

A Notice of Violation issued on June 18th, 2014 alleges that, during a lawful inspection at a manicure shop, the area inspector found the Respondent working on an expired license in violation of TENN. CODE ANN. §§ 62-4-108 [License required to practice or teach] and 62-4-119(1)-(3) [Responsibilities of owner and manager of a shop]. Board office records indicate the license in question was renewed on June 19th, 2014.

Recommendation: Authorize a formal hearing with authority to settle the matter with a Consent Order for a civil penalty of \$1,000.00 for the instance of unlicensed practice.

Decision: Approved.

COMPLAINTS OPENED ADMINISTRATIVELY

1. Case No.: L14-COS-RBS-2014011581

First License Obtained: 07/17/2006

License Expiration: 07/31/2016

Complaint history: 2013022711, closed w/Letter of Warning

This complaint alleges that the Respondent, a licensed cosmetologist (who is also an owner of a licensed cosmetology and manicure shop), failed to ensure that his shop was operating in compliance with the Board's laws and rules; specifically, pursuant to a lawful inspection, the area inspector found that the Respondent's shop did not have a licensed manager present during the operation of such shop and also observed containers for cosmetic products which were not properly labeled in the shop all in violation of TENN. CODE ANN. § 62-4-119(3) [Responsibilities of owner and manager of a shop]. This inspection is a follow-up to a recent inspection in order to determine if the violations are continuing. Board records indicate that this Respondent owns two shops, of which this is one. This shop has been assessed substantial civil penalties over the last few years, yet the shop continues to violate the Board's law and rules upon each inspection.

Recommendation: Authorize a formal hearing with authority to settle the matter with a Consent Order for revocation of Respondent's license and a civil penalty of \$1,000.00 for failing to assure that the shop is in compliance with the Board's law and rules.

Decision: Approved.

2. Case No.: L14-COS-RBS-2014016321

First License Obtained: 04/23/2012

License Expiration: 04/30/2014

Complaint history: None

This complaint alleges that the Respondent, a licensed manicurist (who is also owner of a licensed manicurist/skin care shop), failed to ensure that his shop was operating in compliance with the Board's laws and rules; specifically, pursuant to a lawful inspection, the area inspector observed an unlicensed individual providing manicure and services in the Respondent's shop in two different occasions in violation of TENN. CODE ANN. § 62-4-119 (1)-(3) [Responsibilities of owner and manager of shop]. During the course of the shop's inspection, it was alleged that an individual from the Respondent's shop attempted to bribe the inspector in violation of TENN. CODE ANN. § 62-4-127(b) [Inspections – Cause for suspension, revocation, or for denial of license]. Board office records indicate that the Respondent has not renewed his manicurist license since April 30, 2014.

Recommendation: Authorize a formal hearing with authority to settle the matter with a Consent Order for revocation of Respondent's right to renew his license and a civil penalty of \$1,000.00.

Decision: Approved.

3. Case No.: L14-COS-RBS-2014010021

First License Obtained: 09/20/1995

License Expiration: 09/30/2015

Complaint history: None

This complaint alleges that the Respondent, a licensed manicurist (also owner of a licensed cosmetology shop), committed conduct that violates the Board's laws; specifically, the Respondent testified during a formal hearing that he bought licenses for two of his relatives in violation of TENN. CODE ANN. § 62-4-127(b)(2) [Inspections – Cause for suspension, revocation, or for denial of license]. As a mitigating circumstance, this Respondent aided the Board with his testimony in seeking revocation of an individual(s) who allegedly sold licenses.

Recommendation: Authorize a formal hearing with authority to settle the matter with a Consent Order for \$250.00.

Decision: Approved.

4. Case No.: L14-COS-RBS-2014010031

First License Obtained: 06/08/2005

License Expiration: 05/31/2015

Complaint history: 2005037321, closed w/\$500.00 civil penalty paid via Consent Order; 2010025421, closed w/\$2,000 civil penalty paid via Consent Order

This complaint was opened against the Respondent, a licensed cosmetology shop, owned by the above-mentioned Respondent in item # 3 of this section. The complaint materials do not indicate that the shop committed any violation of the Board's laws or rules.

Recommendation: Dismiss the matter for lack of disciplinary grounds.

Decision: Approved.

BARBER CASES

PREVIOUS CASES WITH NEW INFORMATION

1. Case No.: L13-BAR-RBS-2013025101

First License Obtained: 04/22/2010

License Expiration: 02/28/2015

Complaint history: 2013002341, closed with a Letter of Warning; 2013016251, dismissed

The Board previously authorized a formal hearing with authority to settle by a Consent Order against the Respondent for unlicensed activity. A Consent Order was sent to Respondent, but no response was received. After the necessary time had passed without response, the matter progressed to litigation. Over the course of this activity, it has been verified that the Respondent is now out of business and is no longer operating, and disciplinary activity has been terminated.

Recommendation: Close the matter with no action and flag the shop's license file so that the Board may consider this matter should the Respondent attempt to apply for a license in the future.

Decision: Approved.

2. Case No.: L14-BAR-RBS-2014008711

First License Obtained: 04/06/1998

License Expiration: 04/30/2016

Complaint history: None

This case was previously presented at the May 2014 Board meeting as follows: *the Notice of Violation alleges that, pursuant to a lawful inspection, the area inspector observed the Respondent managing a shop open for business to the public while allowing an unlicensed individual to cut a client's hair. The inspector further observed uncovered trash and towel containers and one or more unclean exposed surfaces in the shop being managed by the Respondent. Based on this presentation, the Board approved a recommendation to authorize a formal hearing with authority to settle the matter with a Consent Order for a civil penalty of \$250.00.* UPDATE: Further investigation of this matter revealed that the area inspector noted that there was no manager present during the inspection of that shop. The complaint materials show that the Respondent was not listed in the Notice of Violation or the inspection report as the manager nor was the Respondent listed as such in the Board's records. As such, dismissal of this complaint is recommended.

Recommendation: Dismiss the matter for lack of disciplinary grounds.

Decision: Approved.

RECIPROCITY CASES PRESENTED TO CLOSE

1. Case No.: L14-BAR-RBS-2014009611

First License Obtained: 08/09/2004

License Expiration: 08/31/2014

Complaint history: None

This matter was previously presented to the Board at its June 2014 meeting where the Board authorized settlement for voluntary revocation of the Respondent's license. Shortly after that meeting, the Board received certified documents from the state of Mississippi certifying that the Respondent completed 1500 education hours in the barber curriculum and passed the Mississippi barber examination. As such, the Respondent's license was properly issued.

Recommendation: Close the matter with no further action.

Decision: Approved.

2. Case No.: L14-BAR-RBS-2014009441

First License Obtained: 12/21/2001

License Expiration: 12/31/2015

Complaint history: None

This matter was previously presented to the Board at its June 2014 meeting where the Board authorized settlement for voluntary revocation of the Respondent's license for allegedly obtaining a license by fraud. Further investigation of this matter revealed that the Respondent's license was approved fourteen (14) years ago by a former board director who interpreted the Respondent's application documentation as qualification under the statute. Additional review of the complaint file revealed that the license was grant without any attempt on the Respondent's part to obtain such license by fraudulent means or misrepresentation.

Recommendation: Close the matter with no further action.

Decision: Approved.

RECIPROCITY CASES PRESENTED FOR DISCIPLINARY ACTION

3. Case No.: L14-BAR-RBS-2014001411

First License Obtained: 06/12/2013

License Expiration:

06/30/2015

Complaint history:

This matter was previously presented at the March 2014 Board meeting as follows: *The Respondent obtained his master barber license on the basis of reciprocity from Puerto Rico. During an audit of reciprocal licenses, the Board was unable to confirm the Respondent's claimed licensure from the Puerto Rico authorities. To date, the Respondent has failed to respond to the complaint and has not complied with the Board's request to provide accurate, complete documentation to confirm his eligibility for reciprocal licensure. Based on this presentation the Board authorized settlement by a consent order for the voluntary suspension of the Respondent's license. UPDATE: the Board has now received documentation from the Puerto Rico Barber Board certifying that the Respondent does not have a barber license in Puerto Rico.*

Recommendation: Rescind the previous settlement offer and authorize a formal hearing with authority to settle the matter by a Consent Order in which the Respondent agrees to the voluntary revocation of his license and payment of a \$ 1,000.00 civil penalty, provided that if Respondent responds to the Board's settlement offer within thirty (30) days, agrees to a voluntary revocation of his license, and requests a waiver of the civil penalty shall be allowed to settle his complaint with a voluntary revocation Consent Order containing no civil penalty.

Decision: Approved.

4. Case No.: L14-BAR-RBS-2014010651

First License Obtained:

10/21/2005

License Expiration:

10/31/2013

Complaint history:

None

The above-referenced complaint alleges that the Respondent unlawfully obtained his license via reciprocity on the basis of military service and/or on the basis of licensure from another state without possessing the proper qualifications to be eligible for licensure by reciprocity. Letter was sent requesting that the Respondent provide documentation to show that he possessed the proper qualifications for licensure by reciprocity. The information available to date appears to confirm that the Respondent did not possess the proper qualifications to be eligible for licensure by reciprocity, and that Respondent could not prove eligibility for licensure by reciprocity, and as such, that

Respondent obtained his license unlawfully.

Recommendation: Authorize a formal hearing with authority to settle the matter by a Consent Order in which the Respondent agrees to the voluntary revocation of his license and payment of a \$ 1,000.00 civil penalty, provided that if Respondent responds to the Board's settlement offer within thirty (30) days, agrees to a voluntary revocation of his license, and requests a waiver of the civil penalty shall be allowed to settle his complaint with a voluntary revocation Consent Order containing no civil penalty.

Decision: Approved.

CONSUMER COMPLAINTS

1. Case No.: L14-BAR-RBS-2014015651

First License Obtained: 11/02/2011

License Expiration: 10/31/2015

Complaint history: None

The complaint alleges that the Respondent, a licensed barber shop, is serving and/or allowing alcoholic beverages to be served on its shop which, if true, would potentially violate TENN. COMP. R. & REG. 0200-1-.17 [ALCOHOLIC BEVERAGES]. In a written statement, the owner of the Respondent's shop denied such allegation and stated that he is being accused by next door tenant who wants to shut down his business and that people outside the shop may put such beverages on the trash cans, and therefore, he cannot control. The Respondent's shop owner further states that he does drink beer when the shop is closed and locked. The complaint materials do not indicate that the alcoholic beverages are being sold and/or distributed during regulated services are being performed, and there is no complaint history for this Respondent.

Recommendation: Close the matter with a Letter of Warning advising the Respondent that the sale or distribution of alcoholic beverages is prohibited, and that drinking during working hours could constitutes a violation of Tenn. Code Ann. § 62-3-121(5)-(6).

Decision: Approved.

NOTICE OF VIOLATION CASES

1. Case No.: L14-BAR-RBS-2014016701

First License Obtained: 12/06/2013

License Expiration: 11/30/2015

Complaint history: None

A Notice of Violation issued on July 11th, 2014 alleges that, during a lawful inspection at a licensed barber shop, the area inspector observed an individual working on a client without possessing a valid master barber license issued by the Board and a master barber who posted an expired license and all in violation of TENN. CODE ANN. § 62-3-107 [Registration required for barbering]. Further, according to the Notice, the area inspector observed a license that was laminated in violation of TENN. COMP. R. & REG. 0200-1-.05(2) [Posting of Licenses], and also found that the Respondent's shop did not have a manager present in violation of Tenn. Code Ann. § 62-3-109(c) [Shop registration, styling, supervision and management], and that trash containers were not covered and clean towels were not in enclosed storage all in violation of TENN. COMP. R. & REG. 0200-1-.07 [Equipment]

Recommendation: Authorize a formal hearing with authority to settle the matter with a Consent Order for revocation of the Respondent's license and a civil penalty of \$1,000.00.

Decision: Approved.

2. Case No.: L14-BAR-RBS-2014016711

First License Obtained: 11/24/2004

License Expiration: 11/30/2014

Complaint history: None

A Notice of Violation issued on July 11th, 2014 alleges that the Respondent, a licensed master barber, did not possess a valid license displayed in a licensed barber shop in violation of TENN. CODE ANN. § 62-3-107 [Registration required for barbering].

Recommendation: Authorize a formal hearing with authority to settle the matter with a Consent Order for a civil penalty of \$1,000.00.

Decision: Approved.

3. Case No.: L14-BAR-RBS-2014016721

First License Obtained: N/A

License Expiration: N/A

Complaint history: None

A Notice of Violation issued on July 11th, 2014 alleges that, during a lawful inspection a license barber shop, the Respondent was practicing barbering without possessing a valid license in violation of TENN. CODE ANN. § 62-3-107 [Registration required for barbering].

Recommendation: Authorize a formal hearing with authority to settle the matter with a Consent Order for a civil penalty of \$1,000.00.

Decision: Approved.

4. Case No.: L14-BAR-RBS-2014016741

Case No.: L14-BAR-RBS-2014017091

First License Obtained: 12/26/2012

License Expiration: 11/30/2014

Complaint history: None

A Notice of Violation issued on July 11th, 2014 alleges that the Respondent, a licensed barber shop, was allowing two (2) individuals to practice barbering on clients without possessing a valid license issued by the Board in violation of TENN. CODE ANN. § 62-3-107 [Registration required for barbering], and that the Respondent's shop did not have a manager present in violation of TENN. CODE ANN. § 62-3-109(c) [Shop registration, styling, supervision and management].

Subsequently, during a lawful inspection on July 17th, 2014, the Respondent was issued another Notice of Violation alleges that the area inspector observed two (2) individuals

practicing barbering on clients without possessing a valid license issued by the Board in violation of TENN. CODE ANN. § 62-3-107 [Registration required for barbering].

Recommendation: Authorize a formal hearing with authority to settle the matter with a Consent Order for revocation of the Respondent's license and a civil penalty of \$1,000.00.

Decision: Approved.

5. Case No.: L14-BAR-RBS-2014016751

Case No. L14-BAR-RBS-2014017101

First License Obtained: 08/13/2008

License Expiration: 08/31/2014

Complaint history: None

A Notice of Violation issued on July 11th, 2014 alleges that the Respondent, a licensed master barber (who is also the listed manager for a licensed shop), was allowing two (2) individuals to practice barbering on clients without possessing a valid license issued by the Board in violation of TENN. CODE ANN. § 62-3-107 [Registration required for barbering]. According to the Notice, the Respondent was not present at the time of the inspection.

Subsequently, during a lawful follow-up inspection on July 17th, 2014, the Respondent was issued another Notice of Violation that alleges that the area inspector observed two (2) individuals practicing barbering on clients without possessing a valid license issued by the Board in violation of TENN. CODE ANN. § 62-3-107 [Registration required for barbering].

Recommendation: Authorize a formal hearing with authority to settle the matter with a Consent Order for a civil penalty of \$1,000.00.

Decision: Approved.

6. Case No.: L14-BAR-RBS-2014016761

First License Obtained: N/A

License Expiration: N/A

Complaint history: None

A Notice of Violation issued on July 11th, 2014 alleges that the Respondent, an unlicensed individual, was practicing barbering without possessing a valid master barber license in violation of TENN. CODE ANN. § 62-3-107 [Registration required for barbering].

Recommendation: Authorize a formal hearing with authority to settle the matter with a Consent Order for a civil penalty of \$1,000.00.

Decision: Approved.

7. Case No.: L14-BAR-RBS-2014016771

First License Obtained: N/A

License Expiration: N/A

Complaint history: None

A Notice of Violation issued on July 11th, 2014 alleges that the Respondent, an unlicensed individual, was practicing barbering without possessing a valid master barber license in violation of TENN. CODE ANN. § 62-3-107 [Registration required for barbering].

Recommendation: Authorize a formal hearing with authority to settle the matter with a Consent Order for a civil penalty of \$1,000.00.

Decision: Approved.

8. Case No.: L14-BAR-RBS-2014009341

First License Obtained: 09/29/2003

License Expiration: 09/28/2014

Complaint history: None

A Notice of Violation issued on May 8th, 2014 alleges that, during a lawful inspection at a licensed barber school, the area inspector found that the Respondent's school only had four (4) shampoo bowls and one (1) manicure table, and trash containers without covers all in violation of TENN. COMP. R. & REG. 0200-1-.01 [Requirement for School License]. Additionally, the area inspector found that the Respondent's school did not

have a manager during its operation and at the inspection time in violation of TENN. COMP. R. & REG. 0200-03-.14(2) [Responsibility for Compliance]

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

Decision: Approved.

9. Case No.: L14-BAR-RBS-2014009271

First License Obtained: 03/08/2012

License Expiration: 02/28/2014

Complaint history: None

A Notice of Violation issued on May 8th, 2014 alleges that, during a lawful inspection, the area inspector observed the Respondent's shop open for business with no customers present with an expired license, in potential violation of TENN. CODE ANN. § 62-3-109(a) [Shop registration, styling, supervision and management]. There is no indication that regulated services were being provided at the time of the inspection.

Recommendation: Close the matter with a Letter of Warning against providing regulated services without a valid license.

Decision: Approved.

10. Case No.: L14-BAR-RBS-2014010551

First License Obtained: 10/04/2005

License Expiration: 09/30/2013

Complaint history: 2010034761, dismissed and flagged

A Notice of Violation issued on May 20th, 2014 alleges that, during a lawful inspection, the area inspector observed at least two (2) unlicensed barbers sitting at their work stations, one barber had a client in his chair and was finishing the client's haircut in violation of TENN. CODE ANN. § 62-3-107 [Registration required for barbering], and while the Respondent's shop license was expired as of September 30th, 2013 in violation of

TENN. CODE ANN. § 62-3-109(a) [Shop registration, styling, supervision and management].

Recommendation: Authorize a formal hearing with authority to settle the matter with a Consent Order for a civil penalty of \$1,000.00 for providing regulated services without a license and \$1,000.00 for operating an unlicensed shop for a total civil penalty of \$2,000.00.

Decision: Approved.

11. Case No.: L14-BAR-RBS-2014010401

First License Obtained: 07/05/1995

License Expiration: 07/31/2016

Complaint history: None

A Notice of Violation issued on May 16th, 2014 alleges that, during a lawful inspection, the area inspector observed the Respondent's shop open for business with an expired license in potential violation of TENN. CODE ANN. § 62-3-109(a) [Shop registration, styling, supervision and management]. There is no indication that regulated services were being provided at the time of the inspection. Board office records indicate that the Respondent's shop license has been now renewed, and there is no complaint history for this Respondent.

Recommendation: Close the matter with a Letter of Warning against providing regulated services without a valid license.

Decision: Approved.

12. Case No.: L14-BAR-RBS-2014010441

First License Obtained: 05/24/2004

License Expiration: 05/3/2016

Complaint history: None

A Notice of Violation issued on May 20th, 2014 alleges that, during a lawful inspection, the area inspector observed the owner of the Respondent's shop cutting a client's hair while his personal license was expired in violation of TENN. CODE ANN. § 62-3-107

[Registration required for barbering]. Board office records indicate that the license in question was renewed on May 23rd, 2014.

Recommendation: Authorize a formal hearing with authority to settle the matter with a Consent Order for a civil penalty of \$1,000.00 for providing regulated services without a license.

Decision: Approved.

13. Case No.: L14-BAR-RBS-2014010451

First License Obtained: 08/25/1986

License Expiration: 06/30/2015

Complaint history: None

A Notice of Violation issued on May 20th, 2014 alleges that, during a lawful inspection, the area inspector observed the Respondent, a licensed master barber (also owner of a shop) cutting a client's hair while his personal license was expired in violation of TENN. CODE ANN. § 62-3-107 [Registration required for barbering]. Board office records indicate that the license in question was renewed on May 23rd, 2014.

Recommendation: Authorize a formal hearing with authority to settle the matter with a Consent Order for a civil penalty of \$1,000.00 for providing regulated services without a license.

Decision: Approved.

14. Case No.: L14-BAR-RBS-2014010361

First License Obtained: 08/12/2002

License Expiration: 10/31/2015

Complaint history: None

A Notice of Violation issued on May 15th, 2014 alleges that, during a lawful inspection, the area inspector observed several sanitation violations, including trash containers without covers in violation of TENN. COMP. R. & REG. 0200-1-.07 [EQUIPMENT AND LOCATION REQUIREMENT FOR BARBER SHOPS], hair on the floor in violation of TENN. COMP. R. & REG. 0200-3.03 [LOCATION].

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

Decision: Approved.

15. Case No.: L14-BAR-RBS-2014010661

First License Obtained: 05/06/2011

License Expiration: 04/30/2015

Complaint history: None

A Notice of Violation issued on May 23rd, 2014 alleges that the Respondent, a licensed barber shop, was allowing an individual to cut a client's hair without possessing a valid master barber license in violation of TENN. CODE ANN. § 62-3-107 [Registration required for barbering].

Recommendation: Authorize a formal hearing with authority to settle the matter with a Consent Order for a civil penalty of \$1,000.00 for providing regulated services without a license.

Decision: Approved.

16. Case No.: L14-BAR-RBS-2014010681

First License Obtained: 02/23/2011

License Expiration: 02/28/2015

Complaint history: None

A Notice of Violation issued on May 23rd, 2014 alleges that the Respondent, a licensed master barber (also an owner and a manager of a licensed shop), was allowing an individual to cut a client's hair without possessing a valid master barber license in violation of TENN. CODE ANN. § 62-3-107 [Registration required for barbering].

Recommendation: Authorize a formal hearing with authority to settle the matter with a Consent Order for a civil penalty of \$1,000.00 for providing regulated services without a license.

Decision: Approved.

17. Case No.: L14-BAR-RBS-2014011201

First License Obtained: 06/27/2005

License Expiration: 06/30/2013

Complaint history: None

A Notice of Violation issued on May 28th, 2014 alleges that the Respondent, a barber shop, was open for business whereas a master barber was cutting a client's hair while the Respondent's shop license was expired as of June 30th, 2013 in violation of TENN. CODE ANN. § 62-3-109(a) [Shop registration, styling, supervision and management] and while no manager was present while regulated services were provided in violation of TENN. CODE ANN. § 62-3-109(c) [Shop registration, styling, supervision and management].

Recommendation: Authorize a formal hearing with authority to settle the matter with a Consent Order for a civil penalty of \$1,000.00 for providing regulated services without a license and a civil penalty of \$250.00 for failing to ensure a manger was present during operation of the shop.

Decision: Approved.

18. Case No.: L14-BAR-RBS-2014011261

First License Obtained: 05/13/1997

License Expiration: 05/31/2015

Complaint history: None

A Notice of Violation issued on May 28th, 2014 alleges that the Respondent, a licensed master barber (also an owner and a manager of a licensed shop), was operating his shop while its license was expired as of June 30th, 2013 in violation of TENN. CODE ANN. § 62-3-109(a) [Shop registration, styling, supervision and management] and while no manager was present during regulated services were provided in violation of TENN. CODE ANN. § 62-3-109(c) [Shop registration, styling, supervision and management].

Recommendation: Authorize a formal hearing with authority to settle the matter with a Consent Order for a civil penalty of \$1,000.00 for providing regulated services without a license and a civil penalty of \$250.00 for failing to ensure a manger was present during operation of the shop.

Decision: Approved.

19. Case No.: L14-BAR-RBS-2014015831

First License Obtained: N/A

License Expiration: N/A

Complaint history: 2012012721 & 2013018771 (Formal Charges Authorized)

A Notice of Violation issued on July 3rd, 2014 alleges that the area inspector observed the Respondent, an unlicensed individual, sweeping hair off the side walk of the street. The Respondent admits to cutting hair on the street in violation of TENN. CODE ANN. §§ 62-3-107 [Registration required for barbering] and 62-3-109(d) [Shop registration, styling, supervision and management]. Further, the Respondent states that he is homeless and this is what he does for a living.

The Board previously authorized a formal hearing against Respondent for the same violations.

Recommendation: Authorize a formal hearing with authority to settle the matter with a Consent Order for a civil penalty of \$1,000.00.

Decision: Approved.

COSMETOLOGY CONSENT ORDERS- September- Totaling \$8,650.00

MOTION made by Kelly Barger and seconded by Judy McAllister for approval of all consent orders. Motion carried unanimously.

AGREED CITATIONS – Paid in September \$3,000.00

MOTION made by Nina Coppinger and seconded by Frank Gambuzza for approval Agreed Citations paid and close the complaints. Motion carried unanimously.

AGREED CITATIONS – Letters of warning

The following case numbers were sent letters of warnings as part of the agreed citation process:

201402224

201402225

201402232

201402265

201402268

201402269

201402270

201402416

201402418

201402457

MOTION made by Nina Coppinger and seconded by Patricia Richmond for approval of the letters and to close the complaints Motion carried unanimously.

NEW BUSINESS

Creation of Committees:

As previously discussed during the August board meeting there is a need to review some of the board business by creating committees to specifically review and/or decide on those matters. This would shorten and make the board meetings more efficient, ensure the information is reviewed with more detail and allow for better consistency with decisions. The Director and Legal counsel for the board asked for volunteers for a complaint and a reciprocity committee. In the near future a Rule making committee would also need to be created. Effective November 3rd the two committees listed below will meet before the general meeting from 8:00 – 9:00 AM.

Complaint Committee: Bobby Finger, Frank Gambuzza, Amy Tanksley, Diane Teffeteller and Legal Counsel for the board, Robert Herndon.

Reciprocity Committee: Nina Coppiner, Yvette Granger, Ron Gillihan, Patricia Richmond and Executive Director, Roxana Gumucio.

Gift Certificates:

To assist the Division of Consumer Affairs, the board office plans to send an email using the notification system to inform its subscribers that the Tennessee Consumer Protection Act of 1977 prohibits the sale of gift certificates with an expiration date of less than two years. The board was shown the information that would be sent.

Monthly Hours Report:

The State board approved monthly hours report hasn't been updated since 1996. The Director asked for permission to revise the form and have it available on Excel for schools to use either option. The form will receive minor changes and be signed traditionally in ink or electronically by the instructor submitting the form. Making it available in Excel allows schools to add formulas, continue from month to month, and even dump data from other automated time

tracking systems into the spreadsheet. If approved, the new form will be presented for approval at the next meeting.

Correcting Mistakes:

The Board office on occasions finds mistakes to the minutes that are typographical in nature or incorrect information stated on the record. The Executive Director asked for permission or guidance on making the changes to reflect the correct word or information as long as there is no impact to the outcome of the request or presentation. This would preserve the integrity of the minutes.

MOTION made by Nina Coppinger and seconded by Patricia Richmond to approve request. Motion carried unanimously.

Public Chapter 881:

Every Board and Commission has been tasked with presenting a plan to develop an apprenticeship program or explain why it would not fit that particular profession. The Director for the board has been working on some of the questions that need to be addressed and asked for the boards experience and insight on such a program. The Barber Examiners Board had apprenticeship between 1951 and 1986. Historical information was discussed as well as concerns.

The Director presented a total of eleven (11) forms previously revised and approved by the separate boards. The board asked questions.

MOTION made by Patricia Richmond and seconded by Dianne Teffeteller to approve usage of all forms presented. Motion carried unanimously.

Change of Ownership for Shops:

Ms. Gumucio explained that the board receives many shop application requests pertaining to a change of ownership. Currently the application does not ask for proof of the business license change. After consideration of the process and potential problems, the board agreed to have that form changed and that the submission must include proof that the business license has been changed.

MOTION made by Patricia Richmond and seconded by Nina Coppinger to approve shop application form change. Motion carried unanimously.

Board Status Updates:

During the month of September the board opened 92 complaints, 55 of those received agreed citations and closed 75. There were a total of 775 open complaint cases.

Revised Forms:

The Director presented a total of eleven (11) forms previously revised and approved by the separate boards. They were reviewed and no questions or revisions were recommended.

MOTION made by Patricia Richmond and seconded by Dianne Teffeteller to approve usage of all forms presented. Motion carried unanimously.

Additional Questions:

There will be a City Wide Barber meeting that will be held in Memphis with the board member Bobby Finger being there to speak to the public and the students from the schools that are interested in coming to the meeting. He will be answering open questions and speaking about the rules of the board. Mr. Finger asked for the board's approval to represent the board at this meeting.

MOTION made by Dianne Teffeteller and seconded by Frank Gambuzza to approve the request. Motion carried unanimously.

Mr. Bobby Finger opened discussions about sanitation and the concern about Ebola affecting the industry. Board members discussed best practices.

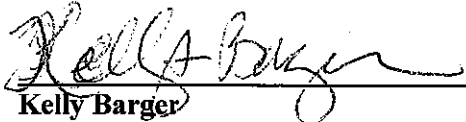
Motion to adjourn

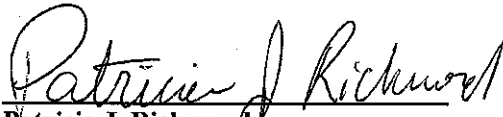
MOTION to adjourn made by Nina Coppinger and seconded by Frank Gambuzza. Motion carried unanimously.



Dianne Teffeteller


Nina Coppinger


Judy McAllister


Kelly Barger

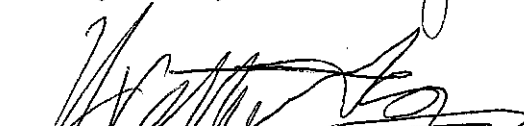

Patricia J. Richmond


Mona Sappenfield

Frank Gambuzza


Amy Tanksley


Anita Allen


Yvette Granger


Ron R. Gillihan

Bobby N. Finger