



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 November 3, 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 the passing of Mr. Bobby Fingers mother, may she rest in peace.

Roxana Gumucio, Executive Director called roll. The following members were present: Anita Allen, Kelly Barger, Nina Coppinger, Ron Gillihan, Yvette Granger, Patricia Richmond, Mona Sappenfield, Amy Tanksley, and Dianne Teffeteller. Not present were Bobby Finger, Frank Gambuzza and Judy McAllister.

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

### MINUTES-

Minutes for the October 6, 2014 board meetings were submitted for changes and/or approval.

Motion made by Patricia Richmond and seconded by Diane Teffeteller to approve the October 6, 2014 minutes. Motion carried unanimously.

### APPEAR BEFORE THE BOARD-

**Stephanie Brown, The Educator's Success:**

Stephanie Brown presented a request for approval of continuing education seminar to be provided in Memphis. The dates requested are August 23 and 24, September 27 and 28 and October 4 and 5 of 2015. The board reviewed the material and asked questions.

MOTION made by Yvette Granger and seconded by Mona Sappenfield to approve 2015 seminar request to be held in Memphis. Motion carried with seven votes in favor and Mr. Ron Gillihan and Ms. Patricia Richmond against.

### **Reta McDaniel, Reinstatement of Cosmetology School License:**

Collins School of Cosmetology did not renew their school license timely and therefore, pursuant to Tenn. Code Ann. § 62-4 121(d) a new application had to be completed. Ms. Reta McDaniel explained the unforeseen issues the school had and requested the board consider the application, payment of unpaid renewal fees and application fee and necessary paperwork and allow the school to be reinstated. The board asked questions and stated this would be a onetime consideration.

MOTION made by Amy Tanksley and seconded by Nina Coppinger to approve request to reinstate school license. Motion carried unanimously.

### **Zuri Dyon, New Barber School Application**

Ms. Dyon appeared before the board to request approval of new school application for The Master Academy of Barbering, Inc. located in Knoxville, Tennessee. The floor plan showing 3,000 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. They want to be inspected in December and open in January 2015.

MOTION made by Mona Sappenfield and seconded by Yvette Granger to approve new barber school application pending inspections. Motion carried unanimously.

### **Kemisha Muir, request for reconsideration:**

Reconsideration request from Kemisha Muir because she is not able to afford the tuition schools charge for the 360 hours the board stated she needed to take. Ms. Muir applied for reciprocity of her manicurist license from Florida with 240 hours and no examination. She explained her difficulty finding a school that would accept her as well as the financial part and her need to work. She requested to be approved to take both exams and prove that she is qualified.

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

**Shante Randolph, Plans to open Online Barber School:**

Ms. Randolph appeared before the board and shared the concept of an online barber school that she will be applying for in December. The school will be called American University of Barbering Online. She shared the research, the other industries that do this, the schedule, and discussed plans for the space to conduct practical classes in. The board asked questions, shared ideas and the concern that the space currently being considered does not meet the minimum 1,600 square foot for practical lessons.

**APPLICATIONS FOR EXAMINATION-**

Applications for examination for Kimberly Butler, Adrian Cameron, Robert Eaves, Phillip Johnson, Bakary Kassama, Calvin Lowe, Amanda Rock, Daisy Tuner, Carolyn Jackson, Lolita Finch, Aubray Najjar and Roderick Nicholson. 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 Patricia Richmond to approve each application for examination with a signed Agreed Order. Motion carried unanimously.

Application for testing with hours in cosmetology from India for Rupalben Patel. Translated documentation includes transcript stating Ms. Patel completed her education in 2006 with 1,750 hours.

Recommendation is that the applicant take the Tennessee examination.

Motion made by Nina Coppinger and seconded by Diane Teffeteller to approve application for examination. Motion carried unanimously.

Application for testing hours in cosmetology from India for Raginiben Patel. Translated documentation includes transcript stating Ms. Patel completed her education in 2008 with 1,750 hours.

Recommendation is that the applicant take the Tennessee examination.

MOTION made by Mona Sappenfield and seconded by Patricia Richmond to approve application for examination. Motion carried unanimously.

#### **MISCELLANEOUS REQUESTS –**

Request for approval of a change in ownership for Helen Nails, located in Mt. Juliet, Tennessee. Because of the severity of the notice of violation, the change could not be completed until the complaint was resolved and the new owner appeared before the board. Provided is the signed Consent Order agreeing to the revocation of the shop license by Mr. Hung Giang, current owner of Helen Nails. The legal department received paperwork and the \$2,000 payment on Friday. Mr. Giang appeared before the board with legal counsel present to answer questions and explain his situation. The new owner of the shop is Tuyen Giang, brother to the previous shop owner, and the new manager is Ann Giang, sister to the previous shop owner. The board expressed concern about shop being owned by other family members and therefore requested additional inspections be conducted throughout the year. Any new violations may result in revocation of the shop license.

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

Request approval to apply for reinstatement of manicurist license for Hung C. Giang. Provided is the signed Consent Order agreeing to revocation of his license. The legal department received paperwork and the \$2,000 payment on Friday. Mr. Hung was the owner of Helen Nails, located in Mt. Juliet at the time unlicensed activity and attempted bribery was allowed. The Board suggested that he may appear before the board after two (2) years to see if his license can be considered for reinstatement at that time.

MOTION made by Patricia Richmond and seconded by Mona Sappenfield to deny request. Motion carried unanimously.

Request approval to apply for reinstatement of manicurist license for Hoa Thi Kim Doan. Provided is the signed Consent Order agreeing to revocation of her license. The legal department received paperwork and the \$1,000 payment on Friday. Ms. Doan was the manager of Helen Nails, located in Mt. Juliet at the time unlicensed activity was allowed. The Board suggested that she may appear before the board after one (1) year to see if her license can be considered for reinstatement at that time.

MOTION made by Yvette Granger and seconded by Patricia Richmond to deny request. Motion carried unanimously.

Request for waiver of license to do eyelash extensions by Brittany Johnson, a registered nurse and registered by Xtreme Lashes in 2014. Documentation was provided supporting the certificate received. Ms. Johnson was not able to attend the meeting but the shop owner and a colleague appeared before the board to answer questions. Chairman Ron Gillihan recused himself making Kelly Barger Chairman for the vote.

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

The University of Memphis provided information regarding 2015 seminar date, location and material for their session. They requested Sunday and Monday, June 7 and 8, 2015. This year the seminar will be held at the Universities brand new facility located in Collierville. It is much easier to access and has free parking.

MOTION made by Mona Sappenfield and seconded by Kelly Barger to approve 2015 seminar held at University of Memphis Collierville Center on June 7 and 8. Motion carried unanimously.

In compliance with Public Chapter 863 and 818 Southern Institute of Cosmetology, located in Memphis, requested authorization to provide postsecondary education.

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

Buchanan Beauty College of Pleasant View provided a letter from Tammy Irvin, Clinical Director for the Cosmetology school. The request is to have the campus inspected for the addition of an Aesthetics program. They would like to launch the program by January 20, 2015.

MOTION made by Patricia Richmond and seconded by Kelly Barger to approve request pending inspection of the school. Motion carried unanimously.

### **Request for Waivers:**

Request for waiver of continued education class taken after license renewal date. Ms. Samantha Evans, a licensed Cosmetologist Instructor, thought she could use her continued education taken in Illinois to meet her requirements with Tennessee. The board office advised her that it was not allowed and she then attended the last session offered in October. However, her license expired

in August. She has a job waiting for her to start teaching. She is requesting an extension from August 2014 to the class she already attended in October 2014.

MOTION made by Amy Tanksley and seconded by Diane Teffeteller to approve request. Motion carried unanimously.

Request from instructor Judy Sloan for an extension of her required continuing education hours to 2015. She was unable to timely complete her 16 hours due to her husband's surgery. This would be her one time request, if granted, pursuant to Tenn. Code Ann. § 62-4-114(a) (2).

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

Request from instructor Tracy Haire for an extension of her required continuing education hours to 2015. She was unable to timely complete her 16 hours due to medical issues. She provided medical records to explain her situation. This would be her one time request, if granted, pursuant to Tenn. Code Ann. § 62-4-114(a) (2).

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

Request from instructor Patricia Ann Hunt for an extension of her required continuing education hours to 2015. Pursuant to Tenn. Code Ann. § 62-4-114(a) (2) and instructor may request this waiver one time. Ms. Hunt was previously granted an extension in 2013.

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

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

The Reciprocity Committee of the State Board of Cosmetology and Barber Examiners met at 8:10 AM on Monday, November 3<sup>rd</sup> to review reciprocity applications and make recommendations to the Board. Attending were Board members Nina Coppinger, Ron Gillihan, Yvette Granger and Patricia Richmond. Also present were Christopher Whittaker, acting legal counsel for the board, and Roxana Gumucio, Executive Director. Recommendation to make Nina Coppinger chair was presented.

MOTION made by Yvette Granger and seconded by Patricia Richmond to elect Nina Coppinger as Chair of the reciprocity committee. Motion carried unanimously.

The applications reviewed consisted of the following:

Application for reciprocity of aesthetician license from Virginia for Vy Duong. Certification shows initial licensure in April 2007 with 600 hours and waiver of examination. Tax records provided for proof of work experience all state nail technician.

Recommendation - is that the applicant 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 Carol Fillmore. Certification shows initial licensure in June 2012. Ms. Fillmore provided proof of a different license number with Florida that states she was licensed under provisions of chapter 477 which grandfathered in. She states she was licensed in 1980 with 1,500 hours. That license expired in 2009 and Florida issued her a new license number. She could not provide proof of work in the industry.

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

MOTION made by Patricia Richmond and seconded by Nina Coppinger to deny recommendation. Board requested written confirmation from Florida regarding examination and hours or to the contrary the applicant must take the Tennessee examination. Motion carried unanimously.

Application for reciprocity of cosmetology license from Iowa for Amanda Howe. Certification shows initial licensure in 2007 with 2,100 hours and no practical examination.

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

MOTION made by Patricia Richmond and seconded by Nina Coppinger to deny recommendation. Board requested five year work history or to the contrary the applicant must take the Tennessee practical exam. Motion carried unanimously.

Application for reciprocity of cosmetology license from Connecticut for Chelsea Keenan. Certification shows initial licensure in August 2011 with 1,500 hours and no practical examination. Connecticut also accepts applicants with a minimum of 8<sup>th</sup> grade education.

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

MOTION made by Nina Coppinger and seconded by Yvette Granger to approve recommendation. Motion carried unanimously.

Application for reciprocity of manicurist license from Georgia for Khanh Van Kinh. Certification shows initial licensure in February 2002 with 525 hours. Mr. Kinh was unable to provide transcript from school and state board only keeps school records for a limited time. He provided tax records from 2009 – 2013 but work industry could not be confirmed. A letter from Tax & Accounting firm states they did his tax returns as a manicurist since 2005.

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

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

Application for reciprocity of master barber license from Alabama for Taree Mitchell. Certification shows initial licensure in August 2014 with 1,000 hours and appears to not have taken the State exams.

Recommendation - is that the applicant complete 500 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 manicurist license from Georgia for Hong-Yen Thi Nguyen. Certification shows initial licensure in October 2009 with 525 hours by examination. Because Georgia also certifies hours from apprenticeship and had a grandfathering period, the board office asks for the school transcripts to confirm actual number of hours received. Ms. Nguyen attempted to get the transcript but Georgia only keeps them for five year. She was able to provide tax records that show proof of work in the industry from 2009 - 2013.

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

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

Application for reciprocity of master barber license from Oklahoma for Amy Lee Sanders. Certification shows initial licensure in February 2002 with 3,000 hours in apprenticeship training by examination.

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



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 Ashley Satto. Certification shows initial licensure in December 2009 with 1,200 hours and no practical examination. Letter of recommendation shows work in the industry since 2009.

Recommendation - is that the applicant take the practical test.

MOTION made by Yvette Granger and seconded by Nina Coppinger to approve recommendation. Motion carried unanimously.

Application for reciprocity of aesthetician license from Minnesota for Phuoc Tran. Certification reflects initial date of licensure in May 2012 by reciprocity from Texas. Certification from Texas shows initial date of licensure in June 2006 and certification of hours list Bessemer Beauty College with 750 hours. That school is not under investigation and the hours were obtained over eight years ago.

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

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 Delores Flowers. Certification reflects initial date of licensure in June 2014 by reciprocity. Certification of apprentice hours states she completed 1,888 hours between 2004 and 2007. Reciprocity means she completed the apprenticeship program and would have been allowed to work with the apprenticeship license. Ms. Flowers provided a letter explaining her experience.

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

MOTION made by Patricia Richmond and seconded by Nina Coppinger to deny recommendation and require applicant take the Tennessee examination. Motion carried unanimously.

The committee meeting adjourned at 8:50 AM.

As a whole, the board discussed the recommendations that the committee had for the three items listed below to be approved by the Executive Director and only the unique cases be presented to the reciprocity committee. They are:

1. All applicants must have passed the theory and practical exam to meet reciprocity requirements. Given that the practical exam is not required in several States, the

Executive Director will send a letter explaining that the applicant must pass the exam in order to be granted a license.

2. Apprenticeship hours are acceptable and treated the same as traditional number of hours as long as all other requirements are met.
3. Applicants missing hours are to be sent a letter by the Executive Director requiring the additional hours in order to substantially meet minimum requirements and take the Tennessee examination. The board office will mail a letter to all private schools to determine those that accept students requiring partial hours to complete the curriculum. This list will be sent to applicants to assist with their search.

MOTION made by Mona Sappenfield and seconded by Diane Teffeteller to approve all three committee recommendations. Motion carried unanimously.

The Texas Department of Licensing and Regulations has concluded the investigation of United Beauty College. They have found no evidence that the school was in violation of the Texas Cosmetology School Law or Rules. The board voted at its February 3, 2014 meeting to temporarily suspend reciprocal license applications from Texas. Applicants have been approved to test if the school is not under investigation. Based on the recent information received about United Beauty College, the request is made for those applicants who attended that school to be approved to take the Tennessee examination.

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

A request was presented to the board for reconsideration of testing applicant Ms. Huong Ngoc Thi To. Due to new online submission process to PSI, the board office must resubmit her information. Georgia only keeps school information for five years. Board originally approved her to test in 2006.

MOTION made by Patricia Richmond and seconded by Nina Coppinger to approve request for applicant to continue testing for manicurist license. Motion carried unanimously.

## **LEGAL REPORT- STAFF ATTORNEY**

The Complaint Committee of the State Board of Cosmetology and Barber Examiners met at 8:00 AM on Monday, November 3<sup>rd</sup> to review the allegations of 76 complaints and make recommendations to the Board. Attending were Board members Amy Tanksley (barber shop owner) and Dianne Teffeteller (cosmetology instructor). Absent were Board members Frank Gambuzza (master barber) and Bobby Finger (master barber). Because two members were absent, the election of chairperson was not held, but Amy Tanksley was appointed as acting-chair and opened the meeting. The complaints reviewed consisted of the following:

## **COSMETOLOGY CASES**

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

**1. Case No.: L14-COS-RBS-2014009791**

**First License Obtained: 01/24/2005**

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

**Complaint history: None**

This case was previously presented to the Board at its August 2014 meeting where the Board approved a recommendation to *settle the matter with a Consent Order for a civil penalty of \$1,000 as a result of a Notice of Violation issued against a manager of a shop for operating such shop while its license was expired in violation of TENN. CODE ANN. § 62-4-118(a) [Operation of a shop].* UPDATE: further investigation of this matter revealed that the renewal fees for the shop license in question were timely remitted to the Board to reinstate such license and it is now in a good standing. There was no indication that regulated services were being provided at the time of the inspection and there is no prior complaint history for this Respondent.

**Accepted Recommendation: Close the case with a Letter of Warning.**

**2. Case No.: L14-COS-RBS-2014009841**

**3. Case No.: L14-COS-RBS-2014009851**

**4. Case No.: L14-COS-RBS-2014014281**

**5. Case No.: L14-COS-RBS-2014014291**

The above-referenced cases were presented to the Board at its August 2014 meeting where the Board approved a recommendation to settle the matters with a Consent Order for a civil penalty of \$1,000 for each of the above-referenced Respondents. Further investigation of these matters revealed that upon being notified the Respondents immediately renewed the licenses in question online during the inspection time and/or on the same date of such inspection. In light of the Respondents prompt compliance with the Board, a Letter of Warning is recommended.

**Recommendation: Close the cases with a Letter of Warning.**

**Decision: Approved.**

**6. Case No.: L14-COS-RBS-2014009331**

**First License Obtained:** 12/19/1988

**License Expiration:** 11/30/2015

**Complaint history:** None

This matter was presented to the Board at its August 2014 meeting as follows: *A Notice of Violation issued on May 8<sup>th</sup>, 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 30<sup>th</sup>, 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. 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 \$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. UPDATE: The Respondent has provided a written request for reconsideration due to unmanageable personal circumstances, and upon further review the Respondent's license was renewed within two weeks of the inspection.*

Recommendation: Rescind the previous Consent Order and authorize a formal hearing with authority to settle the matter for a Consent Order with a reduced civil penalty of \$250.00 for each of the three identified sanitary violations and a Letter of Warning for the instance of unlicensed practice which was quickly corrected.

**Decision: Approved.**

**RECIPROCITY CASE PRESENTED TO CLOSE**

**1. Case No.: L14-COS-RBS-2013019141**

**First License Obtained:**           **03/22/2004**

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

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

The Board previously referred the above-referenced case to litigation based upon an allegation of fraud in obtaining a license through reciprocity. Further investigation of this matter revealed that the license was found to be properly obtained. As such, a Dismissal is recommended.

Recommendation: Dismiss the case with no action.

**Decision: Approved.**

### **CONSUMER COMPLAINTS**

**1. Case No.: L14-COS-RBS-2014011341**

**First License Obtained:**           **08/06/2014**

**License Expiration:**           **08/31/2016**

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

This complaint alleges that the Respondent, an unlicensed individual, was providing or offering to provide regulate services without first obtaining a license in potential violation of TENN. CODE ANN. § 62-4-108 (License required to practice or teach). This is evidenced by the Complainant providing a written statement to that effect and reciting that the Respondent was advertising regulated services for profit. The Complainant failed to provide any proof of these advertisements, nor is there any further indication that the Respondent actually provided any regulated services. The Respondent is now properly licensed.

Recommendation: Authorize a CEASE AND DESIST order and close the case with a Letter of Warning.

**Decision: Approved.**

### **NOTICE OF VIOLATION CASES**

**1. Case No.: L14-COS-RBS-2014011381**

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

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

**Complaint history: None**

A Notice of Violation issued on May 30<sup>th</sup>, 2014 alleges that the Respondent, a licensed cosmetology shop, failed to ensure that its owner possess a valid cosmetology license. Specifically, the owner's license was expired as of October 31<sup>st</sup>, 2013 and the Respondent failed to renew it 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 3<sup>rd</sup>, 2014. Because the Respondent appears to have no prior disciplinary history and there was no indication that regulated services were being provided at the time of the inspection, a Letter of Warning is recommended.

Recommendation: Close the case with a Letter of Warning.

**Decision: Approved.**

**2. Case No.: L14-COS-RBS-2014011391**

**First License Obtained: 10/23/1995**

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

**Complaint history: None**

A Notice of Violation issued on May 30<sup>th</sup>, 2014 alleges that the Respondent, a licensed cosmetologist, failed to renew her license prior the expiration date; specifically, the Respondent's license was expired as October 31, 2013 in potential violation of TENN. CODE ANN. § 62-4-108 (License required to practice or teach). Board office records indicate that the owner's license was renewed on June 3, 2014. Because the Respondent appears to have no prior disciplinary history and there was no indication that regulated services were being provided at the time of the inspection, a Letter of Warning is recommended.

Recommendation: Close the case with a Letter of Warning.

**Decision: Approved.**

**3. Case No.: L14-COS-RBS-201401210**

**First License Obtained: 03/02/2012**

**License Expiration: 01/31/2016**

**Complaint history: None**

A Notice of Violation issued on June 4<sup>th</sup>, 2014 alleges that, during a lawful inspection, the area inspector found that the Respondent's shop license expired as January 31, 2014 in potential violation of TENN. CODE ANN. § 62-4-118(a) (Operation of the shop). Immediately upon being notified that the shop's license was expired, the Respondent took all necessary steps to reinstate its shop license to good standing, and such license was renewed on June 9<sup>th</sup>, 2014. Because the Respondent appears to have no prior disciplinary history and there was no indication that regulated services were being provided at the time of the inspection, a Letter of Warning is recommended.

Recommendation: Close the case with a Letter of Warning.

**Decision: Approved.**

**4. Case No.: L14-COS-RBS-201401211**

**First License Obtained: 02/03/2014**

**License Expiration: 02/29/2016**

**Complaint history: None**

A Notice of Violation issued on June 4<sup>th</sup>, 2014 alleges that, during a lawful inspection, the area inspector found that the Respondent, a licensed cosmetologist manager of a shop, was operating such shop while its license was expired as January 31, 2014 in potential violation of Tenn. Code Ann. § 62-4-119(3) [Responsibilities of owner and manager of a shop]. Board office records indicate that the license in question was renewed on June 9<sup>th</sup>, 2014. Because the Respondent appears to have no prior disciplinary history and there was no indication that regulated services were being provided at the time of the inspection, a Letter of Warning is recommended.

Recommendation: Close the case with a Letter of Warning.

**Decision: Approved.**

**5. Case No.: L14-COS-RBS-2014012131**

**First License Obtained: 03/22/1999**

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

**Complaint history: None**

A Notice of Violation issued on June 4<sup>th</sup>, 2014 alleges that, during a lawful inspection, the area inspector found that the Respondent, a manicurist (also owner and manager of the shop), was performing a manicure on client in her shop without possessing 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). The Respondent's personal license expired on March 31<sup>st</sup>, 2013.

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-COS-RBS-2014012121**

**First License Obtained: 08/19/1994**

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

**Complaint history: 1070, closed with no action**

A Notice of Violation issued on June 4<sup>th</sup>, 2014 alleges that, during a lawful inspection, the area inspector found that the Respondent, a licensed manicure shop, was allowing its owner and manager perform a manicure service on client in the shop without possessing 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).

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-COS-RBS-2014011791**



**First License Obtained:**           **05/19/1999**

**License Expiration:**               **09/30/2016**

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

A Notice of Violation issued on June 4<sup>th</sup>, 2014 alleges that the Respondent, a licensed cosmetology shop, was allowing a registrant to provide regulated services on a suspended license and also found that the Respondent's shop owner license was expired as of September 30<sup>th</sup>, 2014, 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). Further, according to the Notice, the inspector noted that identification tags were not being worn in violation of TENN. COMP. R. & REG. 0440—2—.08(1)(a) [ATTIRE], and also noted a possible violation of TENN. COMP. R. & REG. 0440—2—.10 [ANIMALS], but did not provide sufficient facts and/or evidence to support the animal rule violation allegation. Board office records indicate that both licenses in question are now in a good standing.

Recommendation: Authorize a formal hearing with authority to settle the matter with a Consent Order for a civil penalty of \$250.00 for the personal operation on a suspended license and \$250.00 for the name tag violation for a total civil penalty of \$500.00; include a Letter of Warning for failing to timely renew the Respondent shop license.

**Decision: Approved.**

**8. Case No.: L14-COS-RBS-201401181**

**First License Obtained:**           **08/17/1999**

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

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

A Notice of Violation issued on June 4<sup>th</sup>, 2014 alleges that the Respondent, a licensed cosmetologist (also a shop owner), was allowing a registrant to provide services on a suspended license and that the Respondent's 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]. Further, according to the Notice, the inspector noted that the required identification tag was not being worn 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 Consent Order for a civil penalty of \$250.00 for the personal operation on a suspended license and \$250.00 for the name tag violation for a total civil penalty of \$500.00.

**Decision: Approved.**

**9. Case No.: L14-COS-RBS-2014011821**

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

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

**Complaint history: None**

A Notice of Violation issued on June 4<sup>th</sup>, 2014 alleges that the Respondent, a licensed cosmetologist, was working on a client while her license was suspended in violation of TENN. CODE ANN. § 62-4-108 (License required to practice or teach). Further, according to the Notice, the inspector noted that the required identification tag was not being worn in violation of TENN. COMP. R. & REG. 0440—2—.08(1)(a) [ATTIRE]. Board office records indicate that the Respondent's license is now in a good standing.

Recommendation: Authorize a formal hearing with authority to settle the matter with a Consent Order for a civil penalty of \$250.00 for the personal operation on a suspended license and \$250.00 for the name tag violation for a total civil penalty of \$500.00.

**Decision: Approved.**

**10. Case No.: L14-COS-RBS-2014011861**

**First License Obtained: 12/11/2013**

**License Expiration: 11/30/2015**

**Complaint history: None**

A Notice of Violation issued on June 3<sup>rd</sup>, 2014 alleges that the Respondent, a licensed cosmetology shop, was allowing a licensed master barber to provide hair services in the shop without possessing a valid 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].

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

**Decision: Approved.**

**11. Case No.: L14-COS-RBS-2014011871**

**First License Obtained: 01/25/2013**

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

**Complaint history: None**

A Notice of Violation issued on June 3<sup>rd</sup>, 2014 alleges that the Respondent, a registered cosmetologist and manager of a shop, was not present during the operation of such shop in violation of TENN. COMP. R. & REG. 0440—2—.03(2) [RESPONSIBILITY FOR COMPLIANCE]. Further, according the Notice, the inspector noted that the shop was offering services not authorized by its license in violation of TENN. CODE ANN. § 62-4-119(2) [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.**

**12. Case No.: L14-COS-RBS-2014012171**

**First License Obtained: 03/23/2011**

**License Expiration: 06/30/2015**

**Complaint history: None**

A Notice of Violation issued on June 5<sup>th</sup>, 2014 alleges that the Respondent, a licensed manicure shop, was allowing at least one (1) individual to provide regulated services without a 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 inspector noted that the required identification tags were not being worn in violation of TENN. COMP. R. & REG. 0440—2—.08(1)(a) [ATTIRE]. Additionally, the inspector found tools and implements which were not

properly cleaned in violation of TENN. COMP. R. & REG. 0440—2—.13 [SANITATION AND DISINFECTION] and found an uncovered trash container and containers for cosmetic products which were not properly labeled all in violation of TENN. COMP. R. & REG. 0440—2—.07 [EQUIPMENT].

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 a civil penalty of \$250.00 for each of the other three identified violations for a total civil penalty of \$1,750.00.

**Decision: Approved.**

**13. Case No.: L14-COS-RBS-2014012181**

**First License Obtained: 03/24/2008**

**License Expiration: 03/31/2016**

**Complaint history: None**

A Notice of Violation issued on June 5<sup>th</sup>, 2014 alleges that the Respondent, a licensed manicurist (also the owner of a shop), was allowing at least one (1) individual to provide services without a 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 inspector noted that the identification tag was not being worn 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 Consent Order for a civil penalty of \$1,000 for the instance of unlicensed activity and a civil penalty of \$250.00 for the other identified violation for a total civil penalty of \$1,250.00.

**Decision: Approved.**

**14. Case No.: L14-COS-RBS-2014012191**

**First License Obtained: N/A**

**License Expiration: N/A**

**Complaint history: None**

A Notice of Violation issued on June 5<sup>th</sup>, 2014 alleges that, during a lawful inspection, the area inspector found that the Respondent did not have a valid license to provide regulated services to the public in violation of TENN. CODE ANN. § 62-4-108 (License required to practice or teach)

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.**

**15. Case No.: L14-COS-RBS-2014011931**

**First License Obtained: 03/01/2013**

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

**Complaint history: None**

A Notice of Violation issued on June 6<sup>th</sup>, 2014 alleges that the Respondent, a licensed cosmetologist, was not wearing the required identification 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 Consent Order for a civil penalty of \$250.00 for the identified violation.

**Decision: Approved.**

**16. Case No.: L14-COS-RBS-2014011831**

**First License Obtained: 11/01/1995**

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

**Complaint history: 2007053101, closed by Consent Order and payment of \$1,000 civil penalty**

A Notice of Violation issued on June 6<sup>th</sup>, 2014 alleges that the Respondent, a licensed cosmetology shop, was allowing an individual to provide regulated services whom she who could not provide proof of her identity and/or produce a valid license but that she was using someone else's 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, the inspector found three (3) licensees that did not have identification tags on 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 Consent Order for a civil penalty of \$1,000 for the instance of unlicensed activity and a civil penalty of \$250.00 for the other three identified violations for a total civil penalty of \$1,750.00.

**Decision: Approved.**

**17. Case No.: L14-COS-RBS-2014011841**

**First License Obtained: 11/09/1995**

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

**Complaint history: None**

A Notice of Violation issued on June 6<sup>th</sup>, 2014 alleges that the Respondent, a licensed cosmetologist (also the owner and manager of the shop in which the Respondent operates), was allowing an individual to provide regulated services who could not provide proof of her identity and/or produce a valid license but that she was using someone else's 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, the inspector found that the Respondent failed to ensure that three (3) licensees were wearing the identification tags 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 Consent Order for a civil penalty of \$1,000 for the instance of unlicensed activity and a civil penalty of \$250.00 for the other three identified violations for a total civil penalty of \$1,750.00.

**Decision: Approved.**

**18. Case No.: L14-COS-RBS-2014011851**

**First License Obtained: 11/10/1998**

**License Expiration: 11/30/2014**

**Complaint history:                      None**

A June 6<sup>th</sup>, 2014 Notice of Violation related to item #16 above was issued to the licensee who presumably was not present during the inspection time but someone else identified herself as the Respondent. The file contains insufficient evidence to conclusively prove that the Respondent was present at the shop and/or committed any violation of the Board's laws and rules at the inspection time, or indeed has anything at all to do with the incident. As such, a closure of this complaint is recommended.

Recommendation: Dismiss the case for lack of disciplinary grounds.

**Decision: Approved.**

**19. Case No.: L14-COS-RBS-2014012631**

**First License Obtained:                      02/06/2004**

**License Expiration:                              01/31/2016**

**Complaint history:                              None**

A Notice of Violation issued on June 5<sup>th</sup>, 2014 alleges that the Respondent, a licensed cosmetology shop, did not have a manager present during its operation in violation of TENN. CODE ANN. §§ 62-4-118(b)(1) [Operation of a shop] and 62-4-119 (Responsibilities of owner and manager of a shop), and that the Respondent failed to ensure that all of the employees have the required identification tag on in violation of TENN. COMP. R. & REG. 0440—2—.08(1)(a) [ATTIRE]. Further, according to the Notice, the inspector found that the Respondent has inadequate wet sterilizer in violation of TENN. COMP. R. & REG. 0440—2—.07 [EQUIPMENT], and also found tools which were not properly cleaned 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 four identified violations for a total civil penalty of \$1,000.00.

**Decision: Approved.**

**20. Case No.: L14-COS-RBS-2014012851**

**First License Obtained:                      N/A**

**License Expiration:** N/A

**Complaint history:** None

A Notice of Violation issued on June 12<sup>th</sup>, 2014 alleges that the Respondent, unlicensed shop, was allowing four (4) unlicensed individuals to provide regulated services to the public without possessing a valid shop license issued by the Board in violation of TENN. CODE ANN. § 62-4-118(a) [Operation of a shop]. Board office records indicate that the Respondent submitted an application to license the shop, but that the application is still pending.

Recommendation: Authorize a formal hearing with authority to settle the matter with a Consent Order for a civil penalty of \$1,000.00 for operating an unlicensed shop and a civil penalty of \$1,000.00 for allowing unlicensed activity in that shop for a total civil penalty of \$2,000.00.

**Decision: Approved.**

**21. Case No.: L14-COS-RBS-201401871**

**First License Obtained:** 08/19/2008

**License Expiration:** 08/31/2016

**Complaint history:** None

A Notice of Violation issued on June 12<sup>th</sup>, 2014 alleges that the Respondent, a licensed manicurist (also listed as manager in the shop's license application in item 20 above), was allowing four (4) unlicensed individuals to provide regulated services to the public without possessing a valid shop license issued by the Board in violation of TENN. CODE ANN. § 62-4-118(a) [Operation of a shop].

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.**

**22. Case No.: L14-COS-RBS-2014012881**

**First License Obtained:** N/A

**License Expiration:** N/A



**Complaint history:                      None**

A Notice of Violation issued on June 12<sup>th</sup>, 2014 alleges that, during a lawful inspection, the area inspector observed the Respondent, an unlicensed individual, providing a manicure service to a client in an unlicensed shop in violation of TENN. CODE ANN. § 62-4-108 (License required to practice or teach). Further, according to the Notice, the inspector stated that the Respondent did not have a driver's license and that the Respondent proceeded to leave the shop. Because of the lack of positive identification of the Respondent, a CEASE and DESIST order to be sent to the shop's address is recommended.

Recommendation: Authorize a CEASE AND DESIST order and close the case.

**Decision: Approved.**

**23. Case No.: L14-COS-RBS-2014012831**

**First License Obtained:                      09/09/2009**

**License Expiration:                              09/30/2015**

**Complaint history:                              None**

A Notice of Violation issued on June 12<sup>th</sup>, 2014 alleges that, during a lawful inspection, the area inspector observed that the Respondent, a licensed cosmetologist (also owner and manager of a shop, failed to ensure that the shop's license and inspection sheet were displayed in violation of TENN. CODE ANN. § 62-4-118(a) [Operation of a shop] and TENN. COMP. R. & REG. 0440—2—.05(2) [INSPECTIONS]. Further, according to the Notice, the area inspector observed one (1) stylist working without displaying a license in the shop and two (2) stylists did not have their identification tags on 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.**

**24. Case No.: L14-COS-RBS-2014012821**

**First License Obtained:                      03/19/2009**

**License Expiration:**

**04/30/2015**

**Complaint history:**

**2010019331, closed w/Letter of Warning; 2013007471, closed by Consent Order and payment of \$250 civil penalty**

A Notice of Violation issued on June 12<sup>th</sup>, 2014 alleges that, during a lawful inspection, the area inspector observed that the Respondent, a licensed cosmetology shop, did not have its license or inspection sheet displayed in violation of TENN. CODE ANN. § 62-4-118(a) [Operation of a shop] and TENN. COMP. R. & REG. 0440—2—.05(2) [INSPECTIONS]. Further, according to the Notice, the area inspector observed one (1) stylist working without displaying a license in the shop and two (2) stylists did not have their identification tags on 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.**

**25. Case No.: L14-COS-RBS-2014012911**

**First License Obtained:**

**09/30/2008**

**License Expiration:**

**09/30/2016**

**Complaint history:**

**None**

A Notice of Violation issued on June 12<sup>th</sup>, 2014 alleges that, during a lawful inspection, the area inspector found that Respondent's shop license posted was expired in violation of TENN. CODE ANN. § 62-4-118(a) [Operation of a shop]. The inspector states that there was only one stylist working on a client at the inspection time while no manager was present in violation of Tenn. Comp. R. & Reg. 0440—2—.03(2) [RESPONSIBILITY FOR COMPLIANCE].

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

**Decision: Approved.**

**26. Case No.: L14-COS-RBS-2014012901**

**First License Obtained: 12/11/1984**

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

**Complaint history: None**

A Notice of Violation issued on June 13<sup>th</sup>, 2014 alleges that the Respondent, a licensed cosmetologist/aesthetician (also manager of a shop), failed to ensure that the shop was operating with a valid license; specifically, the area inspector found that the shop's license was expired as of January 31<sup>st</sup>, 2014 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 an unclean shampoo bowl and uncovered trash containers all in violation of TENN. COMP. R. & REG. 0440—2—.07 [EQUIPMENT]. The Notice also alleges that proper sanitation techniques not practiced after each use, but failed to provide sufficiently detailed information to conclusively prove the rule violation allegation. Board office records indicate that the shop license was immediately renewed on June 14<sup>th</sup>, 2014 and it is now in a good standing. Because the Respondent appears to have no prior disciplinary history for the past 30 years and there was no indication that regulated services were being provided at the time of the inspection, a Letter of Warning is recommended.

Recommendation: Close the case with a Letter of Warning.

**Decision: Approved.**

**27. Case No.: L14-COS-RBS-2014011911**

**First License Obtained: 07/12/1996**

**License Expiration: 01/31/2016**

**Complaint history: None**

A Notice of Violation issued on June 6<sup>th</sup>, 2014 alleges that the Respondent, a licensed cosmetologist (also owner and manager of a shop), was not wearing an identification 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 Consent Order for a civil penalty of \$250.00.

**Decision: Approved.**

**28. Case No.: L14-COS-RBS-2014012891**

**First License Obtained: 01/16/2002**

**License Expiration: 01/31/2016**

**Complaint history: None**

A Notice of Violation issued on June 13<sup>th</sup>, 2014 alleges that the Respondent, a licensed cosmetology shop, failed to ensure that the shop was operating with a valid license; specifically, the area inspector found that the shop's license was expired as of January 31, 2014 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 an unclean shampoo bowl and uncovered trash containers all in violation of TENN. COMP. R. & REG. 0440—2—.07 [EQUIPMENT]. The Notice also alleges that proper sanitation techniques not practiced after each use, but failed to provide sufficiently detailed information to conclusively prove such rule violation allegation. Board office records indicate that the shop license was immediately renewed on June 14<sup>th</sup>, 2014 and it is now in a good standing. Because the Respondent appears to have no prior disciplinary history for the past 14 years and there was no indication that regulated services were being provided at the time of the inspection, a Letter of Warning is recommended.

Recommendation: Close the case with a Letter of Warning.

**Decision: Approved.**

**29. Case No.: L14-COS-RBS-201405551**

**First License Obtained: 03/17/2006**

**License Expiration: 03/31/2016**

**Complaint history: None**

A Notice of Violation issued on June 20<sup>th</sup>, 2014 alleges that, during a lawful inspection, the area inspector found that the Respondent's license was expired as of March 31, 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 24<sup>th</sup>, 2014 and it is now in a good standing. Because the Respondent appears to have no prior disciplinary history and there was no indication that regulated services were being provided at the time of the inspection, a Letter of Warning is recommended.

Recommendation: Close the case with a Letter of Warning.

**Decision: Approved.**

**30. Case No.: L14-COS-RBS-2014015541**

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

**License Expiration: 11/30/2014**

**Complaint history: None**

A Notice of Violation issued on June 20<sup>th</sup>, 2014 alleges that, during a lawful inspection at the Respondent's cosmetology shop, the area inspector found an employee's license expired as of March 31<sup>st</sup>, 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 24<sup>th</sup>, 2014 and it is now in a good standing. Because the Respondent appears to have no prior disciplinary history and there was no indication that regulated services were being provided at the time of the inspection, a Letter of Warning is recommended.

Recommendation: Close the case with a Letter of Warning.

**Decision: Approved.**

**31. Case No.: L14-COS-RBS-2014015561**

**First License Obtained: 04/02/2012**

**License Expiration: 03/31/2016**

**Complaint history: None**

A Notice of Violation issued on June 25<sup>th</sup>, 2014 alleges that, during a lawful inspection, the area inspector found several sanitation violations in the Respondent's shop, including towels which improperly stored in violation of TENN. COMP. R. & REG. 0440—2—.07 [EQUIPMENT], tools which improperly stored and/or sanitized in violation of TENN. COMP. R. & REG. 0440—2—.13 [SANITATION AND DISINFECTION], and exposed surfaces which were improperly cleaned in violation of TENN. COMP. R. & REG. 0440—2—.06(2) [FACILITIES], and further that name tags were not being worn 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 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.**

**32. Case No.: L14-COS-RBS-2014015621**

**First License Obtained: 05/30/2012**

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

**Complaint history: None**

A Notice of Violation issued on June 26<sup>th</sup>, 2014 alleges that the Respondent, a licensed cosmetology shop, was allowing two stylists to provide regulated services on clients while its license was expired in violation of TENN. CODE ANN. § 62-4-118(a) [Operation of a shop], and that the shop did not have a sign posted in violation of TENN. CODE ANN. § 62-4-126 [SIGNS]. Board office records indicate that the license in question was renewed on June 28<sup>th</sup>, 2014 and it is now in a good standing. There is no complaint history for this Respondent.

Recommendation: Close the case with a Letter of Warning.

**Decision: Approved.**

**33. Case No.: L14-COS-RBS-2014014471**

**First License Obtained: 08/07/2012**

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

**Complaint history: None**

A Notice of Violation issued on June 13<sup>th</sup>, 2014 alleges that the Respondent shop, failed to ensure that its tools were properly stored in violation of TENN. COMP. R. & REG. 0440—2—.13 [SANITATION AND DISINFECTION]. The inspector states that the owner left the shop during the inspection and no one licensed in the shop to perform services. There was no indication that regulated services were being provided at the time of the inspection.

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

**Decision: Approved.**

**34. Case No.: L14-COS-RBS-2014014461**

**First License Obtained: 04/17/2012**

**License Expiration: 04/30/2016**

**Complaint history: None**

A Notice of Violation issued on June 13<sup>th</sup>, 2014 alleges that the Respondent, a licensed manicurist (also a manager of a shop), failed to ensure all of the shop's employees were wearing an identification tag in violation of TENN. COMP. R. & REG. 0440—2—.08(1)(a) [ATTIRE]. Further, according to the Notice, there was nail dust in the shop in violation of TENN. COMP. R. & REG. 0440—2—.06(2) [FACILITIES], and that there was a hot wax machine on with all waxing tools to perform waxing services in violation of TENN. CODE ANN. § 62-4-119 [Responsibilities of owner and manager of a shop]. There is no evidence that waxing services were actually being provided, at least at the time of the inspection.

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, along with a CEASE AND DESIST order against providing unauthorized services.

**Decision: Approved.**

**35. Case No.: L14-COS-RBS-2014014521**

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

**License Expiration: 10/31/2016**

**Complaint history: None**

A Notice of Violation issued on June 13<sup>th</sup>, 2014 alleges that, during a lawful inspection, the area inspector found a wax machine in the shop. However, according to the Notice,

the owner of the shop told the inspector that the worker who performs waxing is on vacation. The inspector noted several rule violations allegation, including identification tags not being worn in violation of TENN. COMP. R. & REG. 0440—2—.08(1)(a) [ATTIRE], no covered container for soiled towels in violation of TENN. COMP. R. & REG. 0440—2—.07 [EQUIPMENT], and further noted rule 0440—2—.13 [SANITATION AND DISINFECTION]. The complaint materials contain insufficient facts and/or evidence to prove the rule violations noted. There was no indication that regulated services were being provided at the time of the inspection, and 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 for each of the two identified violations for a total civil penalty of \$500.00, along with a CEASE AND DESIST order against providing unauthorized services.

**Decision: Approved.**

**36. Case No.: L14-COS-RBS-2014014511**

**First License Obtained: 08/21/2008**

**License Expiration: 08/31/2016**

**Complaint history: None**

A Notice of Violation issued on June 20<sup>th</sup>, 2014 alleges that the Respondent, a licensed cosmetologist (also owner and manager of a shop), was operating the shop while its license was expired in violation of TENN. CODE ANN. § 62-4-118(a) [Operation of a shop]. Immediately upon being notified that the shop's license was expired, the Respondent took all necessary steps to reinstate the shop license to good standing, and it was renewed on June 21<sup>st</sup>, 2014.

Recommendation: Close the case with a Letter of Warning.

**Decision: Approved.**

**37. Case No.: L14-COS-RBS-2014014491**

**First License Obtained: 05/24/2012**

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



**Complaint history:                      None**

A Notice of Violation issued on June 20<sup>th</sup>, 2014 alleges that the Respondent, a licensed cosmetology shop, was operating such shop while its license was expired in violation of TENN. CODE ANN. § 62-4-118(a) [Operation of a shop]. Immediately upon being notified that the shop's license was expired, the Respondent took all necessary steps to reinstate its license to good standing, and it was renewed on June 21<sup>st</sup>, 2014.

Recommendation: Close the case with a Letter of Warning.

**Decision: Approved.**

**38. Case No.: L14-COS-RBS-2014014451**

**First License Obtained:                      05/25/2010**

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

**Complaint history:                              2011008841, closed by Consent Order  
and payment of \$500 civil penalty;  
2012021461, closed w/Letter of Warning**

A Notice of Violation issued on June 13<sup>th</sup>, 2014 alleges that the Respondent, a licensed manicure shop, failed to ensure all of its employees were wearing an identification tag in violation of TENN. COMP. R. & REG. 0440—2—.08(1)(a) [ATTIRE]. Further, according to the Notice, there was nail dust in the shop in violation of TENN. COMP. R. & REG. 0440—2—.06(2) [FACILITIES], and that there was a hot wax machine on with all waxing tools to perform waxing services in violation of TENN. CODE ANN. § 62-4-119 [Responsibilities of owner and manager of a shop]. There is no indication that regulated waxing services were being provided at the time of inspection.

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, along with a CEASE AND DESIST order against providing unauthorized services.

**Decision: Approved.**

**39. Case No.: L14-COS-RBS-2014012581**

**First License Obtained:                      06/21/2007**

**License Expiration: 06/30/2015**

**Complaint history: None**

A Notice of Violation issued on June 11<sup>th</sup>, 2014 alleges that the Respondent, a licensed cosmetologist and manager of a shop, failed to ensure that all of the Board's law and rules were complied with; specifically the previous inspection sheet was not displayed in violation of TENN. CODE ANN. §§ 62-4-118 (Operation of a shop) and 62-4-119 (Responsibilities of owner and manager of a shop), the shop's wet sanitizer was not clean under the Board's minimum standards in violation of TENN. COMP. R. & REG. 0440—2—.07 [EQUIPMENT], and that the shop had unclean tools, brushes, combs and tool drawers 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 penalty of \$750.00.

**Decision: Approved.**

**40. Case No.: L14-COS-RBS-2014012571**

**First License Obtained: 07/24/1992**

**License Expiration: 11/30/2015**

**Complaint history: 2006038661, dismissed; 2007065391, closed w/Letter of Warning**

A Notice of Violation issued on June 11<sup>th</sup>, 2014 alleges that the Respondent, a licensed cosmetology shop, failed to display the previous inspection report in violation of TENN. CODE ANN. §§ 62-4-118 (Operation of a shop). Additionally, the shop's wet sanitizer was not clean under the Board's minimum standards in violation of TENN. COMP. R. & REG. 0440—2—.07 [EQUIPMENT] and that the shop had unclean tools, brushes, combs and tool drawers 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 penalty of \$750.00.

**Decision: Approved.**

**41. Case No.: L14-COS-RBS-2014012561**

**First License Obtained: 03/19/1999**

**License Expiration: 08/31/2016**

**Complaint history: None**

A Notice of Violation issued on June 11<sup>th</sup>, 2014 alleges that the Respondent, a licensed cosmetology shop, failed to display the previous inspection report in violation of TENN. CODE ANN. §§ 62-4-118 (Operation 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.

**Decision: Approved.**

**42. Case No.: L14-COS-RBS-2014012501**

**Shop license closed – ownership change approved for a new license**

**First License Obtained: 10/23/2008**

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

**Complaint history: 2010024511, dismissed**

A Notice of Violation issued on June 10<sup>th</sup>, 2014 alleges that, during a lawful inspection, the area inspector found that the Respondent, a former cosmetology shop, was allowing three (3) unlicensed individuals to provide regulated services without a license in violation of TENN. CODE ANN. 62-4-108 (License required to practice or teach). Board office records indicate that an application for change of ownership was received on June 13<sup>th</sup>, 2014 and the application was approved on June 27<sup>th</sup>, 2014, and that the Respondent's license is now closed.

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.**

**43. Case No.: L14-COS-RBS-2014012471**

**First License Obtained:**           **04/25/1969**

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

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

A Notice of Violation issued on June 11<sup>th</sup>, 2014 alleges that, during a lawful inspection, the area inspector found that the Respondent, a licensed cosmetology shop, has inadequate wet sanitizer and an uncovered trash container all in violation of TENN. COMP. R. & REG. 0440—2—.07 [EQUIPMENT], dirty tools in violation of TENN. COMP. R. & REG. 0440—2—.13[SANITATION AND DISINFECTION], and that identification tags were not being worn in violation of TENN. COMP. R. & REG. 0440—2—.08(1)(a) [ATTIRE]. A mitigation factor is that the Respondent has had no complaint history in all of its 45 years of operation.

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

**Decision: Approved.**

**44. Case No.: L14-COS-RBS-2014012541**

**First License Obtained:**           **N/A**

**License Expiration:**               **N/A**

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

A Notice of Violation issued on June 10<sup>th</sup>, 2014 alleges that, during a lawful inspection, the area inspector found that the Respondent, an unlicensed individual, providing a pedicure service to a client without a license in violation of TENN. CODE ANN. 62-4-108 (License required to practice or teach).

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.**

**45. Case No.: L14-COS-RBS-2014012531**

**First License Obtained:**           **N/A**

**License Expiration:** N/A

**Complaint history:** None

A Notice of Violation issued on June 10<sup>th</sup>, 2014 alleges that, during a lawful inspection, the area inspector found that the Respondent, an unlicensed individual, providing a manicure service to a client without a license in violation of TENN. CODE ANN. 62-4-108 (License required to practice or teach).

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.**

**46. Case No.: L14-COS-RBS-2014012521**

**First License Obtained:** N/A

**License Expiration:** N/A

**Complaint history:** None

A Notice of Violation issued on June 10<sup>th</sup>, 2014 alleges that, during a lawful inspection, the area inspector found that the Respondent, an unlicensed individual, was working without a license in violation of TENN. CODE ANN. 62-4-108 (License required to practice or teach).

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.**

**47. Case No.: L14-COS-RBS-2014012511**

**First License Obtained:** 05/16/2011

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

**Complaint history:** None

A Notice of Violation issued on June 10<sup>th</sup>, 2014 alleges that, during a lawful inspection, the area inspector found that the Respondent, a former owner of the cosmetology shop in item #42 above, was allowing three (3) unlicensed individuals to provide regulated

services without a 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).

Recommendation: 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 three instances of unlicensed activity for a total civil penalty of \$3,000.00.

**Decision: Approved.**

**48. Case No.: L14-COS-RBS-2014015081**

**First License Obtained: 06/28/1995**

**License Expiration: 11/30/2016**

**Complaint history: None**

A Notice of Violation issued on June 24<sup>th</sup>, 2014 alleges that the Respondent, a licensed manicure shop, was allowing an unlicensed individual to provide a manicure service to a client 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).

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.**

**49. Case No.: L14-COS-RBS-2014015101**

**First License Obtained: 04/16/2008**

**License Expiration: 04/30/2016**

**Complaint history: None**

A Notice of Violation issued on June 24<sup>th</sup>, 2014 alleges that the Respondent, a licensed manicurist (also owner and manager of a shop), was allowing an unlicensed individual to provide a manicure service to a client 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).

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.**

**50. Case No.: L14-COS-RBS-2014015111**

**First License Obtained:** N/A

**License Expiration:** N/A

**Complaint history:** None

A Notice of Violation issued on June 24<sup>th</sup>, 2014 alleges that, during a lawful inspection, the area inspector found that the Respondent, an unlicensed individual, was working without a license in violation of TENN. CODE ANN. 62-4-108 (License required to practice or teach).

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.**

**51. Case No.: L14-COS-RBS-2014015501**

**First License Obtained:** 12/20/2002

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

**Complaint history:** None

A Notice of Violation issued on June 24<sup>th</sup>, 2014 alleges that, during a lawful inspection, the area inspector found that the Respondent, a licensed cosmetology shop, was allowing an individual to provide regulated services on an expired cosmetology 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]. Further, according to the Notice, the area inspector observed towels with no covers in violation of TENN. COMP. R. & REG. 0440—2—.07 [EQUIPMENT] and unclean floors in violation of TENN. COMP. R. & REG. 0440—2—.06 [FACILITIES].

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 activity and

a civil penalty of \$250.00 for each of the two sanitary violations for a total civil penalty of \$1,500.00.

**Decision: Approved.**

**52. Case No.: L14-COS-RBS-2014015491**

**First License Obtained: 12/12/1990**

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

**Complaint history: None**

A Notice of Violation issued on June 24<sup>th</sup>, 2014 alleges that, during a lawful inspection, the area inspector found that the Respondent, a licensed cosmetologist, was practicing on an expired license at the time of the inspection in violation of TENN. CODE ANN. 62-4-108 (License required to practice or teach). Board office records indicate that the Respondent remitted her renewal fees on April 10<sup>th</sup>, 2013 but did not remit the late renewal fee until July 10<sup>th</sup>, 2014, and such license is now in a good standing.

Recommendation: Close the matter with a Letter of Warning.

**Decision: Approved.**

**53. Case No.: L14-COS-RBS-2014015721**

**First License Obtained: 01/11/2006**

**License Expiration: 01/31/2016**

**Complaint history: None**

A Notice of Violation issued on June 27<sup>th</sup>, 2014 alleges that, during a lawful inspection, the area inspector found that the Respondent, a licensed manicurist manager of a shop, was allowing at least one (1) individual to provide regulated services without possessing a valid 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]. Further, according to the Notice, the area inspector observed four (4) individuals practicing on clients wherein no one had a name tag on in violation of TENN. COMP. R. & REG. 0440—2—.08(1)(a) [ATTIRE]. The inspector also found no covered container for soiled towels and containers for cosmetic products which were not properly labeled all



in violation of TENN. COMP. R. & REG. 0440—2—.07 [EQUIPMENT], and tools which were not properly cleaned 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 \$1,000.00 for the instance of unlicensed activity and a civil penalty of \$250.00 for each of the three sanitary violations for a total civil penalty of \$1,750.00.

**Decision: Approved.**

**54. Case No.: L14-COS-RBS-2014015731**

**First License Obtained:** N/A

**License Expiration:** N/A

**Complaint history:** None

A Notice of Violation issued on June 27<sup>th</sup>, 2014 alleges that, during a lawful inspection at licensed shop, the area inspector found that the Respondent, an unlicensed individual, was practicing on a client without possessing a valid license in violation of TENN. CODE ANN. 62-4-108 (License required to practice or teach).

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.**

**55. Case No.: L14-COS-RBS-2014015751**

**First License Obtained:** 08/05/2003

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

**Complaint history:** None

A Notice of Violation issued on June 27<sup>th</sup>, 2014 alleges that, during a lawful inspection, the area inspector found that the Respondent, a licensed cosmetologist (also owner and manager of a shop), did not have the shop's license or her personal license displayed in the shop in violation of TENN. CODE ANN. § 62-4-119(1) [Responsibilities of owner and manager of a shop], and that the shop has inadequate wet sterilizer as required by

TENN. COMP. R. & REG. 0440—2—.07 [EQUIPMENT]. According to the Notice, the Respondent stated that she had someone cleaning the shop who took both licenses with her.

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 sanitary violations for a total civil penalty of \$500.00.

**Decision: Approved.**

**56. Case No.: L14-COS-RBS-2014015741**

**First License Obtained: 07/09/1986**

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

**Complaint history: None**

A Notice of Violation issued on June 27<sup>th</sup>, 2014 alleges that, during a lawful inspection, the area inspector found that the Respondent, a licensed cosmetology shop, did not have its license or the owner's personal license displayed in the shop in violation of TENN. CODE ANN. § 62-4-119(1) [Responsibilities of owner and manager of a shop], and has inadequate wet sterilizer as required by TENN. COMP. R. & REG. 0440—2—.07 [EQUIPMENT]. According to the Notice, the Respondent stated that she had someone cleaning the shop who took both licenses with her.

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 sanitary violations for a total civil penalty of \$500.00.

**Decision: Approved.**

**57. Case No.: L14-COS-RBS-2014015661**

**First License Obtained: 05/28/2003**

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

**Complaint history: 2005021661, closed by Consent Order and payment of \$1,000 civil penalty**

A Notice of Violation issued on June 20<sup>th</sup>, 2014 alleges that, during a lawful inspection, the area inspector found that the Respondent, a licensed cosmetology shop, allowing a licensed cosmetologist to provide services while the shop's license was expired in violation of TENN. CODE ANN. § 62-4-118(a) [Operation of a shop]. The inspector states that an operator's license was not displayed. The Notice does did not provide sufficiently detailed information as to whose license was not displayed.

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.**

**58. Case No.: L14-COS-RBS-2014015671**

**First License Obtained: 10/24/2002**

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

**Complaint history: None**

A Notice of Violation issued on June 20<sup>th</sup>, 2014 alleges that, during a lawful inspection, the area inspector found that the Respondent, a licensed cosmetologist (also manager of a shop), was providing services while the shop's license was expired in violation of TENN. CODE ANN. § 62-4-118(a) [Operation of a shop]. The inspector states that an operator's license was not displayed. The Notice does did not provide sufficiently detailed information as to whose license was not displayed.

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.**

**59. Case No.: L14-COS-RBS-2014015691**

**First License Obtained: 06/11/1973**

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

**Complaint history: None**

A Notice of Violation issued on June 26<sup>th</sup>, 2014 alleges that, during a lawful inspection, the area inspector found that the Respondent, a licensed cosmetologist/aesthetician

(also owner and manager of a shop), failed to ensure that the shop's license was displayed in violation of TENN. CODE ANN. § 62-4-118(a) [Operation of a shop]. Further, according to the Notice, the area inspector observed several sanitation violations in such shop, including exposed surfaces and floors were not properly cleaned in violation of TENN. COMP. R. & REG. 0440—2—.06 [FACILITIES], and dirty combs, brushes and wet sterilizers 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 for a civil penalty of \$250.00 for each of the three sanitary violations for a total civil penalty of \$750.00.

**Decision: Approved.**

**60. Case No.: L14-COS-RBS-2014015681**

**First License Obtained: 03/26/1991**

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

**Complaint history: None**

A Notice of Violation issued on June 26<sup>th</sup>, 2014 alleges that, during a lawful inspection, the area inspector found that the Respondent, a licensed cosmetology shop, did not have its license displayed in violation of TENN. CODE ANN. § 62-4-118(a) [Operation of a shop]. Further, according to the Notice, the area inspector observed several sanitation violations, including exposed surfaces and floors were not properly cleaned in violation of TENN. COMP. R. & REG. 0440—2—.06 [FACILITIES], and dirty combs, brushes and wet sterilizers 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 for a civil penalty of \$250.00 for each of the three sanitary violations for a total civil penalty of \$750.00.

**Decision: Approved.**

**61. Case No.: L14-COS-RBS-2014015711**

**First License Obtained: 03/17/2014**

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

**Complaint history: None**

A Notice of Violation issued on June 27<sup>th</sup>, 2014 alleges that, during a lawful inspection, the area inspector found that the Respondent, a licensed manicure shop, was allowing at least one (1) individual to provide regulated services without possessing a valid 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]. Further, according to the Notice, the area inspector observed four (4) individuals practicing on clients wherein no one had a name tag on in violation of TENN. COMP. R. & REG. 0440—2—.08(1)(a) [ATTIRE]. The inspector also found no covered container for soiled towels and containers for cosmetic products which were not properly labeled all in violation of TENN. COMP. R. & REG. 0440—2—.07 [EQUIPMENT], and tools which were not properly cleaned in violation of TENN. COMP. R. & REG. 0440—2—.13 [SANITATION AND DISINFECTION]. Additionally, the inspector states that there was a wax machine with tools set up in the shop. However, there is no indication that waxing services were being provided at the time of the inspection.

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 activity and a civil penalty of \$250.00 for each of the three sanitary violations for a total civil penalty of \$1,750.00.

**Decision: Approved.**

**62. Case No.: L14-COS-RBS-2014015441**

**First License Obtained: 11/26/2013**

**License Expiration: 11/30/2015**

**Complaint history: None**

A Notice of Violation issued on June 25<sup>th</sup>, 2014 alleges that, during a lawful inspection, the area inspector found that the Respondent, a licensed manicure shop, was allowing an unlicensed individual to provide regulated services without a 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].

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.**

**63. Case No.: L14-COS-RBS-2014015451**

**First License Obtained:** 11/09/2010

**License Expiration:** 11/30/2014

**Complaint history:** None

A Notice of Violation issued on June 25<sup>th</sup>, 2014 alleges that, during a lawful inspection, the area inspector found that the Respondent, a licensed manicurist (also named on the Notice as the acting manager for the above shop in item #62), was allowing an unlicensed individual to provide regulated services without a 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].

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.**

**64. Case No.: L14-COS-RBS-2014015471**

**First License Obtained:** 09/09/2005

**License Expiration:** 03/31/2016

**Complaint history:** None

A Notice of Violation issued on June 24<sup>th</sup>, 2014 alleges that, during a lawful inspection, the area inspector found that the Respondent, a licensed cosmetology shop, was allowing an individual (mentioned above in item #52) to practice on an expired license in violation of TENN. CODE ANN. 62-4-108 (License required to practice or teach). Board office records indicate that the license in question has now been renewed.

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.**

**65. Case No.: L14-COS-RBS-2014015481**

**First License Obtained: 08/09/2005**

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

**Complaint history: None**

A Notice of Violation issued on June 24<sup>th</sup>, 2014 alleges that, during a lawful inspection, the area inspector found that the Respondent, a licensed cosmetologist (also owner and manager of a shop), was allowing an individual (mentioned above in item #52) to practice on an expired license in violation of TENN. CODE ANN. 62-4-108 (License required to practice or teach). Further, according to the Notice, the owner/manager was not present at the time of the inspection in violation of Tenn. Code Ann. § 62-4-119(3) [Responsibilities of owner and manager of a shop]. Board office records indicate that the license in question has been now renewed.

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 and a civil penalty of \$250.00 for the other observed violation for a total civil penalty of \$1,250.00.

**Decision: Approved.**

**COMPLAINT OPENED ADMINISTRATIVELY**

**66. Case No.: L14-COS-RBS-2014019051**

**[ELECTRONIC FILE]**

**First License Obtained: 05/02/2005**

**License Expiration: 09/01/2015**

**Complaint history: 2005018931, closed w/\$500 civil penalty paid via Consent Order; 2005035781, dismissed; 2007072131, closed w/no action; 2008012361, dismissed; 2008014551, closed w/no action; 2008021771, closed w/Letter of Warning; 2008026791, closed w/Letter**

**of Warning; 2009010121, dismissed;  
2014003171, Formal Charges Authorized**

The complaint alleges that the Respondent, a licensed cosmetology school, committed misconduct by failing to timely submit monthly hours report to the Board in violation of TENN. CODE ANN. §§ 62-4-122(h)(1), (2) (Students) and 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 an indefinite period of license suspension to be lifted when a reporting system is submitted that is satisfactory to the Board; no instruction activity of any kind is to be undertaken during the suspension period.

**Decision: Approved.**

**BARBER CASES**

**PREVIOUS CASES WITH NEW INFORMATION**

**1. Case No.: L11-BAR-RBS-2011008471**

**Case No.: L12-BAR-RBS-2012024871**

**First License Obtained: 03/31/2011**

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

**Complaint history: None**

The Board previously combined the above-referenced cases and approved a settlement offer based on the Respondent shop was open for business without possessing a valid shop license. After the necessary time had passed without response, the matter progressed to litigation. Upon further review and investigation of this matter, it has been confirmed 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.**

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

**First License Obtained: 11/24/2004**

**License Expiration: 11/30/2014**

**Complaint history: None**

This matter was previously presented to the Board at its August 2014 meeting as follows: *A Notice of Violation issued on July 11<sup>th</sup>, 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]. 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 \$1,000.00. UPDATE:* Further investigation of this matter revealed that the Respondent does hold a valid license but the license that was posted at the time of the inspection was expired. Immediately upon being notified, the Respondent took all steps necessary with the Board and obtained a duplicate license.

Recommendation: Rescind the previous Consent Order and authorize a formal hearing with authority to settle the matter with a Consent Order for a civil penalty of \$250.00 for failing to display the proper license.

**Decision: Approved.**

**3. Case No.: L14-BAR-RBS-2014016751**

**Case No. L14-BAR-RBS-2014017101 [Electronic file]**

**First License Obtained: 08/13/2008**

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

**Complaint history: None**

The above-referenced cases were previously presented to the Board at its August 2014 meeting as follows: *A Notice of Violation issued on July 11<sup>th</sup>, 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 17<sup>th</sup>, 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]. 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 \$1,000.00. Update: The Respondent has sent in a written response stating that he was not aware that the owner of the shop made him the shop manager, and that he is no longer working for that shop. Board office records indicate that the Respondent was not registered with the Board as the manager for such shop. Because the Respondent was not present in the shop during the July 11<sup>th</sup>, 2014 inspection, a closure of case No. L14-BAR-RBS-2014016751 is recommended. However, the Respondent was present in the shop during the July 17<sup>th</sup>, 2014 inspection.*

Recommendation: Close the first case for lack of evidence for discipline and uphold the Board's previous decision to authorize a formal hearing with authority to settle the matter with a Consent Order for a civil penalty of \$1,000.00 for case No. L14-BAR-RBS-2014017101.

**Decision: Approved.**

### **RECIPROCITY CASES PRESENTED FOR DISCIPLINARY ACTION**

**1. Case No.: L14-BAR-RBS-2014004341**

**First License Obtained: 09/02/2012**

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

**Complaint history: None**

The above-referenced Respondent, a master barber/instructor, was investigated for reciprocity issues. A 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 or by any other method of licensure.

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.

**Decision: Approved.**

### **CONSUMER COMPLAINTS**

**1. Case No.: L14-BAR-RBS-2014020351**

**[Electronic file]**

**First License Obtained: 12/19/2001**

**License Expiration: 04/28/2015**

**Complaint history: 2008010341, closed by Consent Order and payment of \$1,000 civil penalty; 2008021471, closed by Consent Order and payment of \$1,000 civil penalty; 2009010101, closed w/Letter of Warning; 2011029331, closed w/Letter of Warning; 2012012751, closed w/Letter of Warning; 2012017091, closed w/no action; 2012018501, closed w/no action**

The complaint alleges that the Respondent, a licensed barber school, committed misconduct in conducting its refund policy relative to the Complainant former student. Specifically, the Complainant submits that the Respondent did not refund the paid tuition at that time that the Complainant withdrew from the Respondent school. The Respondent has provided a written statement that all refund policies were agreed to by the Complainant at the time of enrollment and that all outstanding refunds have been paid. There is no evidence that this has not happened or that the Respondent has not complied with the agreed refund policy.

Recommendation: Close the case with a Letter of Warning.

**Decision: Approved.**

**2. Case No.: L14-BAR-RBS-2014018971**

**[Electronic file]**

**First License Obtained: 04/03/2000**

**License Expiration: 04/02/2015**

**Complaint history: 2009022031, closed w/Letter of Warning; 2010009401, closed w/Letter of Warning; 2010015871, dismissed w/no action; 2010020781, dismissed w/ no action; 2012002681, closed w/ no action;**

The complaint alleges that the Respondent, a licensed barber school, participated in unprofessional conduct by allowing the faculty to socialize with the student body. Other than the Complainant's statement that this is a problem, there is no other evidence that any inappropriate behavior occurred or is occurring. At any rate, the matter is concerned with issues that are not relevant to maintaining minimum requirements for licensure.

Recommendation: Close the case for lack of evidence of disciplinary grounds.

**Decision: Approved.**

**COMBINED MATTERS**

**1. Case No.: L14-BAR-RBS-2014019041 [ELECTRONIC FILE]**

**Case No.: L14-BAR-RBS-2014018211 [ELECTRONIC FILE]**

**First License Obtained: 09/27/2002**

**License Expiration: 09/26/2015**

**Complaint history: 2003169821 dismissed; 200317300, closed by Agreed Order; 2004188051,**

**dismissed; 2005011351, closed by Consent Order and payment of \$5,000; 2006021801, 2006024771, 200639701 and 2006039721: closed w/no action; 2007072151, 2007086991: closed and flagged; 2008006581, closed w/no action; 2008006591, 2009006861: closed and flagged; 2010033591, closed by Consent Order and payment of \$500 civil penalty; 2011029341, closed w/no action**

Complaint No.: L14-BAR-RBS-2014019041: This complaint alleges that the Respondent, a licensed barber school, committed misconduct by failing to timely submit monthly hours report to the Board in violation of TENN. COMP. R AND REG. 0200—1—.02(4)(d) [CURRICULUM], and TENN. CODE ANN. § 62-3-121(6) and (7) (Ground for refusal, suspension or revocation of certificate).

Complaint No.: L14-BAR-RBS-201401821: This complaint arose as a result of the Notice of Violation issued on July 30<sup>th</sup>, 2014 alleges that, during a lawful inspection, the area inspector found that the Respondent was allowing three (3) students to provide haircut services to clients in the Respondent's school *with no instructor present with the students. However, according to the Notice, there was an instructor present in the Respondent's school with two other students in a class room* (there is no authority in the barber law or rules that forbids this). Additionally, the area inspector found that there was an expired instructor's license posted in violation of TENN. CODE ANN. § 62-3-107 (Registration). Further according to the Notice, the inspector observed several sanitation violations, including unclean floor and exposed surfaces not kept clean all in violation of TENN. COMP. R AND REG. 0200—3-.03(1) [LOCATION], several work stations were unclean and chairs were busted and in unsanitary condition all in violation of TENN. COMP. R AND REG. 0200—3-.07(1) [FURNISHINGS AND EQUIPMENT], and trash containers without covers and inadequate dry and/or wet sterilizer all in violation of TENN. COMP. R AND REG. 0200—1—.07 [EQUIPMENT FOR BARBER SHOP].

Recommendation: Authorize a formal hearing with authority to settle the matter with a Consent Order for an indefinite period of license suspension to be lifted when a reporting system is submitted that is satisfactory to the Board; no instruction activity of any kind is to be undertaken during the suspension period. The Consent Order will also contain a civil penalty of \$250.00 for each of the four identified sanitary violations for a total civil penalty of \$1,000.00

**Decision: Approved.**

**NOTICE OF VIOLATION CASES**

**1. Case No.: L14-BAR-RBS-2014012661**

**First License Obtained: 12/03/2009**

**License Expiration: 12/31/2015**

**Complaint history: None**

A Notice of Violation issued on June 11<sup>th</sup>, 2014 alleges that, during a lawful inspection, the area inspector found that the Respondent, a licensed master barber (also manager of a shop), was allowing an individual to practice on an expired license in violation of TENN. CODE ANN. § 62-3-107 (Registration).

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.**

**2. Case No.: L14-BAR-RBS-2014012641**

**First License Obtained: 05/26/2010**

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

**Complaint history: None**

A Notice of Violation issued on June 11<sup>th</sup>, 2014 alleges that, during a lawful inspection, the area inspector found that the Respondent, a licensed barber shop, was allowing an individual to practice on an expired license in violation of TENN. CODE ANN. § 62-3-107 [REGISTRATION].

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-2014012011**

**First License Obtained: 07/17/2007**

**License Expiration: 06/30/2015**

**Complaint history: None**

A Notice of Violation issued on June 5<sup>th</sup>, 2014 alleges that, during a lawful inspection, the area inspector found that the Respondent, a licensed barber shop, was allowing a licensed cosmetologist to cut a client's hair with a clipper without possessing a valid master barber license in violation of TENN. CODE ANN. § 62-3-107 (Registration). Further, according to the Notice, the shop did not have a licensed master barber manager present in violation of TENN. CODE ANN. § 62-3-109(c) (Shops).

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 activity and a civil penalty of \$250.00 for failing to have a manager present during operation for a total civil penalty of \$1,250.00.

**Decision: Approved.**

**4. Case No.: L14-BAR-RBS-2014012021**

**First License Obtained: 09/03/1996**

**License Expiration: 08/31/2016**

**Complaint history: None**

A Notice of Violation issued on June 5<sup>th</sup>, 2014 alleges that, during a lawful inspection, the area inspector found that the Respondent, a licensed master barber (also owner and manager of a shop), was allowing a licensed cosmetologist to cut a client's hair with a clipper without possessing a valid master barber license in violation of TENN. CODE ANN. § 62-3-107 (Registration). Further, according to the Notice, the inspector found that there was no hot water at the shampoo bowl in violation of TENN. COMP. R AND REG. 0200—1—.07 [EQUIPMENT FOR BARBER SHOP].

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 activity and a civil penalty of \$250.00 for the sanitary violation for a total civil penalty of \$1,250.00.

**Decision: Approved.**

**5. Case No.: L14-BAR-RBS-2014014481**

**First License Obtained: 08/06/1997**

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

**Complaint history: None**

A Notice of Violation issued on June 20<sup>th</sup>, 2014 alleges that, during a lawful inspection, the area inspector found that the Respondent's barber shop license was expired as of April 30<sup>th</sup>, 2013 in potential violation of TENN. CODE ANN. § 62-3-109(a) (Shops). Because the Respondent appears to have no prior disciplinary history and there was no indication that regulated services were being provided at the time of the inspection, a Letter of Warning is recommended.

Recommendation: Close the matter with a Letter of Warning.

**Decision: Approved.**

The meeting adjourned at 8:50 AM.

**COSMETOLOGY CONSENT ORDERS- September- Totaling \$24,200.00**

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

**AGREED CITATIONS – Paid in September \$13,500.00**

MOTION made by Patricia Richmond and seconded by Mona Sappenfield for approval Agreed Citations paid and close the complaints. Motion carried unanimously.

**AGREED CITATIONS – Letters of warning**

The following 23 case numbers were sent letters of warnings as part of the agreed citation process:

201402495  
201402557  
201402556  
201402560  
201402558  
201402593  
201402583  
201402581



201402591  
201402580  
201402592  
201402615  
201402612  
201402604  
201402616  
201402687  
201402689  
201402690  
201402696  
201402700  
201402695  
201402697  
201402701

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

## **NEW BUSINESS**

### **Monthly Hours Report:**

The Executive Director presented a revised monthly hours report for school to use when submitting their school hours. The version will be available in excel as well as PDF. The last four digits of student's information is all that will be required so reports can be emailed without possibility of private identity information being compromised. Also, the board members agreed to not require notarization taken of the form since it only testifies to the individual signing the document.

MOTION made by Patricia Richmond and seconded by Mona Sappenfield to approve usage of updated form and excel version. Motion carried unanimously.

### **Notice of Rule Making Hearing:**

The board office will send email notifications to everyone signed up to receive both cosmetology and Barber examiners updates. The email will link them to the Secretary of States website and to view the draft version of the rules for each profession. All questions, concerns and suggestions are to be submitted to the board office in writing. Legal counsel for the board, Robert Herndon, requested the meeting be set for January 5<sup>th</sup> 2015 at 9:00 AM because there is no board meeting that month.

MOTION made by Patricia Richmond and seconded by Diane Teffeteller approving request for rule making hearing to be set. Motion carried unanimously.

**Additional Questions:**


Mr. Ryan Hurd, with Shear Academy in Crossville, and Ms. Lindsey Johnson, with Empire Beauty School in Brentwood both spoke regarding their schools process for accepting students who have hours pending in order to graduate.

**Motion to adjourn**

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

  
Dianne Teffeteller

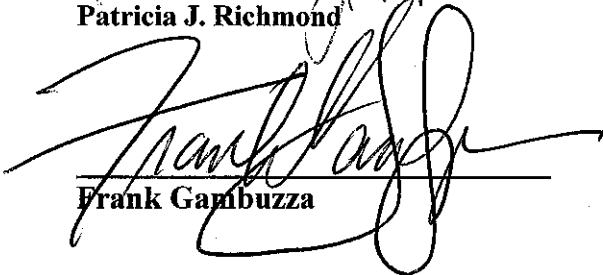
  
Nina Coppinger

  
Judy McAllister


\_\_\_\_\_  
Kelly Barger

  
Patricia J. Richmond

  
Mona Sappenfield


  
Frank Gambuzza

  
Amy Tanksley

  
Anita Allen

\_\_\_\_\_  
Yvette Granger

  
Ron R. Gillihan

  
Bobby N. Finger