



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 December 1, 2014 at 10:00 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".

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

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

MINUTES-

Minutes for the November 3, 2014 board meetings were submitted for changes and/or approval.

Motion made by Patricia Richmond and seconded by Bobby Finger to approve the November 3, 2014 minutes. Motion carried unanimously.

APPEAR BEFORE THE BOARD-

Miller-Motte Technical College, Change on Location

Ms. Brittany Gore appeared before the board. The Miller-Motte Technical College is moving their facility within Chattanooga. The application, fee and floor plan were received by the board office. They would like to be inspected by January 8, 2015.

MOTION made by Patricia Richmond and seconded by Nina Coppinger to approve change in location application pending inspections. Motion carried unanimously.

Torrus Brooks, The Beauty School, New Cosmetology School:

Mr. Torrus Brooks appeared before the board with a new school application for The Beauty School owned by Memphis Institute of Barbering, Inc. The entity owner and person responsible for the school is Torrus Brooks who owns three branches of The Barber School also located in Memphis. Documents presented to the board include the application, bond, floor plan, enrollment agreement, 20 new student applications and the fee have all been received at the board office. The curriculum provided shows the school will teach: cosmetology, instructor, aesthetics and manicurist disciplines. Student applications all have language for barbering course.

MOTION made by Patricia Richmond and seconded by Diane Teffeteller to approve new school application pending a completed inspection by a board member and field inspector. Motion carried unanimously.

Shante Randolph, American University of Barbering Online Barber School:

Ms. Randolph, appeared before the board with a new school application for American University of Barbering Online barber school. Documents presented to the board include the application, educational plan, tuition information, online application for students, enrollment contract, floor plan, and a letter in support of the school from State Representative Harold Love Jr. The floor plan includes 3,392 sq. foot of space in a facility located in Nashville. After much consideration the board asked Ms. Randolph to provide the four items listed below. If they are received in the board office prior to January 15th, the director was given permission to approve the school for an inspection. If the items are not provided exactly as the board required, the school will be required to submit their application again at the February 9, 2015 board meeting.

1. Contract and tenant agreement with Salon Centric Corporate Office
2. Dates for all practical sessions
3. Dates and location for extra credit and makeup hours
4. Online demonstration for board members to test and view the system

MOTION made by Nina Coppinger and seconded by Frank Gambuzza to require four additional items and allow director to approve inspection, or present application again in February 2015. Motion carried unanimously.

APPLICATIONS FOR EXAMINATION -

Application for testing with hours in master barbering from Tennessee for Roberto David Muñiz Feliciano. The hours in question are from three separate closed barber schools. Board records show records of completion submitted for each of the schools totaling 1,500 hours. One of the schools closed always turned in monthly hours reports and the Executive Director was able to speak to the previous owner of that school. After researching his records, no information under the last name of Muñiz was found. The audit of the hours was completed because Mr. Roberto David Muñiz previously submitted an application for reciprocity from Puerto Rico. He was denied a license in October 2013 because that license number belonged to a different person. He attempted to pass the PSI three times between September 2009 and November 2011. Mr. Roberto David appeared before the board to explain his situation. A complete audit would entail retrieving the monthly hour reports from storage and confirm exactly what the board office was provided on behalf of Mr. Muñiz.

Motion made by Nina Coppinger and seconded by Dianne Teffeteller to deny application for examination, have board office do a complete audit of hours and represent findings. Motion carried unanimously.

Application for testing with hours in master barbering from Tennessee for Roberto Daniel Muñiz Feliciano. The hours in question are from three separate closed barber schools. Board records show records of completion submitted for each of the schools totaling 1,500 hours. One of the schools closed always turned in monthly hours reports and the Executive Director was able to speak to the previous owner of that school. After researching his records, no information under the last name of Muñiz was found. The audit was completed because Mr. Roberto Daniel Muñiz is the brother of Roberto David Muñiz and in reviewing records a Connecticut certification was connected to his social security number. The license in Connecticut was issued in October 2013 by reciprocity from Puerto Rico. In assisting The Director with the Connecticut Board to determine the authenticity of the documents, it was determined that the number presented also belongs to someone other than Mr. Muñiz. On November 20, 2014 Mr. Daniel Muñiz passed the PSI theory exam. A complete audit would entail retrieving the monthly hour reports from storage and confirm exactly what the board office was provided on behalf of Mr. Muñiz.

Motion made by Mona Sappenfield and seconded by Patricia Richmond to deny application for examination, have board office do a complete audit of hours and represent findings. Motion carried unanimously.

Applications for examination for Brien Charles, Emilie Doughty, Alexis Garrett, Tavaigner Harrison, Michael Mays, Christopher Richardson, Adrian Thomas, Januari Williams, Rodney Williams, Vincent Harris, Tonya Heady and Robert Johnson. 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 Dianne Teffeteller to approve each application for examination with a signed Agreed Order. Motion carried unanimously.

Application for testing with hours in manicuring from Colombia for Libia Aurora Soler Medina. Translated documentation includes certificate of license for aesthetics of feet and hands.

Recommendation is that the applicant provide additional information showing curriculum and number of hours completed.

Motion made by Amy Tanksley and seconded by Nina Coppinger to approve application for examination. Motion carried unanimously.

MISCELLANEOUS REQUESTS –

Request for approval of school reinstatement application from Sweetings Cosmetology and Braiding Institute. Mrs. Danette Sweetings appeared before the board to answer questions and request to license back for the school located in Antioch. Provided for board review are the application, letter from Mrs. Sweetings, bond, floor plan (which is not to scale), enrollment application, and one application. The school signed and paid the civil penalties associated with the 2014 complaints. One of the complaints alleged dishonorable conduct with regards to one student's benefits with the Department of Veteran Affairs. A separate complaint was opened by a field inspector and board member conducting a routine annual inspection and finding that an unidentified individual was providing services on a client without the supervision of an instructor. The board had concerns with Mrs. Sweetings being the only instructor trying to do it all therefore affecting the students experience and the laws being followed.

MOTION made by Patricia Richmond and seconded by Dianne Teffeteller deny request to reinstate school license until more instructors have been hired. Motion carried unanimously.

Request for approval of a change in ownership for I Nails Salon, located in Memphis, 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 appears before the board. Provided is the signed Consent Order agreeing to the revocation of the shop license by Mr. Johnson Nguyen, current owner of I Nails Salon. Also provided is the revocation of the manicurist and aesthetician licenses for Phuong Ngoc Duong. At the time of the notice of violation, Ms. Duong was the acting shop manager. The new owner of the shop is Nhung Thi Pham and the manager will be Minh Phat Nguyen. The board office is not aware of a relationship between the previous and the new shop owners. Proof of change in the business license has been submitted. Board records

reflect Ms. Nguyen as the previous manager of the shop but she was not the acting manager the day of the violation.

MOTION made by Dianne Teffeteller and seconded by Mona Sappenfield to approve request for change of ownership and require additional inspections be completed annually. Motion carried unanimously.

In compliance with Public Chapter 863 and 818 Gould's Academy, located in Memphis, and Institute of Hair Design, located in Adamsville requested authorization to provide postsecondary education.

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

Request for Waivers:

Request from instructor Audrey Taylor for an extension of her required continuing education hours to 2015. She did not attend the session in 2014 because information about the seminar did not get to her. Ms. Taylor was explained that the seminar providers mail information to instructors but that it is the responsibility of each instructor to decide where and when to attend to be in compliance with the law.

MOTION made by Amy Tanksley and seconded by Frank Gambuzza to approve request. Motion carried unanimously.

Request from instructor Prongue Shen Griffin for an extension of her required continuing education hours to 2015. She was unable to timely complete her 16 hours due to a death in the family. This would be her one time request, if granted, pursuant to Tenn. Code Ann. § 62-4-114(a) (2).

MOTION made by Dianne Teffeteller and seconded by Bobby Finger to approve request. Motion carried unanimously.

Request from instructor Jennifer Hasch to place her instructor license on inactive status. She was unable to obtain the continuing education credits for medical reasons and can provide the documentation if needed. Ms. Hasch sent an email in October 2013 explaining why she was not able to attend the seminar in Chattanooga and was told she had to attend in 2014. Pursuant to Tenn. Code Ann. § 62-4-114(a) (2) and instructor may request this waiver one time.

MOTION made by Patricia Richmond and seconded by Dianne Teffeteller to deny request. Motion carried unanimously.

Request from Kelly Ann Faught for waiver of rule 0440-1-.10 requiring applicant to obtain their original license within six (6) months after passing the examination. Ms. Faught passed her practical examination in December 2013. She needed to have applied for a license in June and ran one month behind. The board office mailed her a letter on August 4, 2014 explaining that she needed to request the board allow an extension. Her letter was received in October but was not included in the November minutes.

MOTION made by Bobby Finger and seconded by Patricia Richmond to approve request. Motion carried unanimously.

APPLICATIONS FOR RECIPROCITY-

The Reciprocity Committee of the State Board of Cosmetology and Barber Examiners met at 9:05 AM on Monday, December 1st to review reciprocity applications and make recommendations to the Board. Attending were Board members Nina Coppinger, Ron Gillihan, and Patricia Richmond. Also present were Roxana Gumucio, Executive Director, Robert Herndon, Attorney for the Board, and Betty Demonbreun, Administrative Assistant. Not in attendance was Yvette Granger.

The applications reviewed consisted of the following:

Application for reciprocity of manicurist license from California for Jessica Dupuis. Certification shows initial licensure in June 2009 with 400 hours by examination. Ms. Dupuis also has a Kentucky license but that certification was not received as of the date the presentation was prepared. She does not have the full five years' work experience and being a military spouse she has had to move repeatedly. Ms. Dupuis appeared before the committee to answer their questions.

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

MOTION made by Ron Gillihan and seconded by Patricia Richmond to approve recommendation upon receipt of certification from Kentucky State Board. Motion carried unanimously.

Application for reciprocity of cosmetology license from New Jersey for Stacey Palmieri. Certification shows initial licensure in July 2006 with 1,200 hours by examination. Ms. Palmieri

appeared before the board to explain that she is a military spouse and has had to move regularly. This has prevented her from having the tax records for the last five consecutive years. She explained that she has worked on base and been active in the industry for longer than the five required years.

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

MOTION made by Ron Gillihan and seconded by Patricia Richmond to approve recommendation. Motion carried unanimously.

Application for reciprocity of manicurist license from California for Thu Thia Dang. Certification shows initial licensure in June 2004 with 400 hours by examination. Tax records provided are for 2006, 2007, 2011 – 2013 show proof of work experience all state nail technician.

Recommendation - is that the applicant provide transcript from school reflecting 600 as stated on the application.

MOTION made by Ron Gillihan and seconded by Patricia Richmond to approve recommendation. Motion carried unanimously.

Application for reciprocity of cosmetology instructor license from North Carolina for Hayley Gregory. Certification shows initial licensure in June 2007 as a cosmetologist and 2012 as an instructor by examination for both licenses. Ms. Hayley provided a letter stating she worked as an apprentice for six months in 2006 to complete her hours. Also provided is a letter from employer stating she worked as an instructor since 2009.

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

MOTION made by Ron Gillihan and seconded by Patricia Richmond to approve recommendation. Motion carried unanimously.

Application for reciprocity of aesthetician license from Florida for Bach Nhu. Certification shows initial licensure in May 2003 as a full specialist with 500 hours and no examination. Tax records show work in the industry from 2009 – 2013 however they state Nail Tech so there is no clear indication that experience is in the aesthetics discipline.

Recommendation – is that the applicant take the Tennessee Examination.

MOTION made by Patricia Richmond and seconded by Ron Gillihan to deny recommendation. The Board requested that the remaining 250 hours be completed before testing. Motion carried unanimously.

Reconsideration for reciprocity of cosmetology license from North Carolina for Cynthia Place. Certification shows initial licensure in January 1977 with 1,200 hours by examination. Ms. Place was previously presented to the board at the April 7, 2014 board meeting. The decision was that she provides additional information to prove experience in the industry. A letter submitted by Ms. Place states she is a military spouse, has moved 19 times and would like to retire in Tennessee. She had a license in Tennessee between 2000 and 2004. Board records indicate she was approved to test in Tennessee and obtained her license with hours from North Carolina but tested in Tennessee.

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

MOTION made by Patricia Richmond and seconded by Ron Gillihan to approve recommendation. Motion carried unanimously.

At the October 6, 2014 board meeting the board approved for an investigator to visit a school and review the files of three applicants: Thi Xuan Do, Dat Tan Le, Van My Thi Tran and Nga Nguyen, who applied shortly after the board meeting but was in the same situation was also added to the list. After several delays, the school owner met with the investigator on October 27th. The full investigation concluded that the school does not maintain adequate records of student's hours. The owner's explanation is that "after a student graduates, there is no place to keep the records". Board monthly hour reports did not reflected hours for the four students that the investigation looked into. The investigator could not find proof that any of the applicants completed the 600 hours and only one individual had some hours logged. All four licensees have an active license in Arkansas. A follow-up letter advising Arkansas of the State's decision needs to be done sent by the board office.

MOTION made by Ron Gillihan and seconded by Patricia Richmond to deny reciprocity and send a letter to Arkansas State Board. Motion carried unanimously.

Application for reciprocity of master barber license from Mississippi for Larry Andrews. Mr. Andrews appeared before the full board to explain the circumstance behind his Tennessee master barber license #17687 having been revoked on February 2, 2014. Mr. Andrews signed the Consent Order and paid the civil penalty associated with that complaint. His license was revoked for use of fraudulent documents. Letter from school in Mississippi states he completed the program in June 2014. Certification shows initial licensure in October 2014 by examination. The

board asked many questions and Chief Counsel Anthony Glandorf, who was the assigned litigating attorney for the case, explained the events and outcome of the case.

Motion made by Mona Sappenfield and seconded by Bobby Finger to approve application for reciprocity. Motion carried unanimously.

LEGAL REPORT- STAFF ATTORNEY

The Complaint Committee of the State Board of Cosmetology and Barber Examiners met at 8:07 AM on Monday, December 1st to review the allegations of **94** complaints and make recommendations to the Board. Attending were board members, Bobby Finger, Frank Gambuzza, Amy Tanksley and Dianne Teffeteller. Recommendation to make Dianne Teffeteller Chair and Amy Tanksley Vice Chair, was presented.

MOTION made by Amy Tanksley and seconded by Frank Gambuzza to elect Dianne Teffeteller as Chair of the complaint committee. Motion carried unanimously.

Lois Bryant, owner of Pyramid Beauty and Barber School appeared before the complaint committee. The school had two separate complaints alleging inaccurate records kept for student hours. One of these complaints had additional allegations from the Veteran's Administration also regarding inaccurate reporting of hours, unprofessional, immoral or dishonorable conduct. The board approved to suspend the schools license indefinitely until a reporting system is presented, reviewed and found to be adequate for the school to continue operations. Ms. Bryant answered questions.

MOTION made by Amy Tanksley and seconded by Frank Gambuzza for approval of the reporting system presented and require the inspector go more than once a year to inspect the school. Motion carried unanimously.

The complaints reviewed consisted of the following:

PREVIOUS CASES WITH NEW INFORMATION

1. Case No.: L12-COS-RBS-201203761

First License Obtained: 04/05/2007

License Expiration: 03/31/2015

office records indicate that the shop license in question was renewed on October 31st, 2014.

Decision: Committee discussion about reducing the civil penalty to \$500.00 for each of the two instances of unlicensed conduct in consideration of the circumstances, but include a shop inspection within thirty (30) days.

3. Case No.: L12-COS-RBS-2012025031

First License Obtained: 12/01/1994

License Expiration: 05/31/2013

Complaint history: None

The Board previously authorized a formal hearing against the Respondent for unlicensed activity. After the necessary time had passed without response, the matter progressed to litigation. As the matter moved through legal, it has been verified that a new shop owner has submitted an application for change of ownership to the Board and the current shop license is now closed, and as such, disciplinary activity has been terminated.

Decision: Close the case and flag the file for further activity in the event that the Respondent attempts to obtain a license.

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

First License Obtained: 05/24/2004

License Expiration: 05/3/2016

Complaint history: None

This matter was presented to the Board at its August 2014 meeting as follows: *A Notice of Violation issued on May 20th, 2014 alleges that, during a lawful inspection, the area inspector observed the owner of the Respondent's shop cutting a client's hair while his personal license was expired in violation of TENN. CODE ANN. § 62-3-107 [Registration required for barbering]. Board office records indicate that the license in question was renewed on May 23rd, 2014. Based on this presentation the Board authorized a formal hearing with authority to settle the matter with a Consent Order for a civil penalty of \$1,000.00 for providing regulated services without a license. UPDATE: The Respondent*

has sent in a written statement stating that he was not aware that his license was expired and that he had moved to a new address and the mail was not forwarded to him and was not intentionally cutting hair without a license. The Respondent further states that, upon notifying that his license was expired, he immediately renewed it, and that he has been in business for 30 years without a violation. The Respondent is simply requesting a reconsideration of the Board's decision.

Decision: Rescind the previous consent order and authorize a formal hearing with authority to settle with a consent order for a civil penalty of \$500.00 the for instance of unlicensed conduct in consideration of the circumstances.

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

First License Obtained: 08/25/1986

License Expiration: 06/30/2015

Complaint history: None

This matter was presented to the Board at its August 2014 meeting as follows: *A Notice of Violation issued on May 20th, 2014 alleges that, during a lawful inspection, the area inspector observed the Respondent, a licensed master barber (also owner of a shop) cutting a client's hair while his personal license was expired in violation of TENN. CODE ANN. § 62-3-107 [Registration required for barbering]. Board office records indicate that the license in question was renewed on May 23rd, 2014. Based on this presentation the Board authorized a formal hearing with authority to settle the matter with a Consent Order for a civil penalty of \$1,000.00 for providing regulated services without a license.*

UPDATE: The Respondent has sent in a writing statement stating that he was not aware that his license was expired and that he had moved to a new address and the mail was not forwarded to him and was not intentionally cutting hair without a license. The Respondent further states that, upon notifying that his license was expired, he immediately renewed it, and that he has been in business for 30 years without a violation. The Respondent is requesting a reconsideration of the Board's decision.

Decision: Rescind the previous consent order and authorize a formal hearing with authority to settle with a consent order for a civil penalty of \$500.00 the for instance of unlicensed conduct in consideration of the circumstances.

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

First License Obtained: **04/06/2006**

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

Complaint history: **None**

This matter was presented to the Board at its August 2014 meeting as follows: A Notice of Violation issued on June 13th, 2014 alleges that the Respondent, a licensed manicurist, was working on an expired license in violation of TENN. CODE ANN. § 62-4-108 (License required to practice or teach). Board office records indicate the licensee's license was renewed on June 14th, 2014. *Based on this presentation the Board authorized 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.* UPDATE: The Respondent has sent in a writing statement stating that she overlooked the renewal date, and upon notifying of the expired license, she immediately renewed her license on online on the same day of the inspection.

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

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

First License Obtained: **01/07/1993**

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

Complaint history: **None**

This matter (related to item #2 of this report) was presented to the Board at its August 2014 meeting as follows: *A Notice of Violation issued on May 13th, 2014 alleges that the Respondent, a cosmetologist and presumably the shop manager, was operating a shop while its license was expired and while her personal license was also expired all in violation of TENN. CODE ANN. §§ 62-4-108 [License required to practice or teach] and 62-4-119 [Responsibilities of owner and manager of a shop]. Based on this presentation the Board authorized an immediate CEASE AND DESIST order and a formal hearing with authority to settle with a Consent Order for a civil penalty of \$1,000.00 for each of the two instance of unlicensed conduct for a total civil penalty of \$2,000.00.* UPDATE: the Respondent has sent in a written statement stating that she held a cosmetology for over 20 years and never had a violation. The Respondent also states that she did not realize of her license was expired and thought she renewed it right before she changed her address, and such, requesting a dismissal or reduction of the civil penalty. Board

office records indicate that the Respondent's license was renewed on October 31st, 2014.

Decision: 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 \$500.00 for each of the two instances of unlicensed conduct in consideration of the circumstances, but include a shop inspection within thirty (30) days.

8. Case No.: L14-BAR-RBS-2014017101

[Electronic file]

First License Obtained: 08/13/2008

License Expiration: 08/31/2014

Complaint history: None

The Board previously approved a settlement offer for a civil penalty of \$1,000 against the Respondent (who was listed on the Notice of Violation as a shop manager) for allowing an unlicensed individual to provide regulated services without a license.

UPDATE: The Respondent has subsequently stated in writing that he was not the manager of the shop, that the owner of the shop listed him as the manager, and that he did not know that he was going to be responsible for the shop's conduct.

Decision: 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

NEW COSMETOLOGY CASES

CONSUMER COMPLAINTS

1. Case No.: L14-COS-RBS-2014010081

First License Obtained: 02/26/2007

License Expiration: 03/31/2015

Complaint history: None

The complaint alleges that the Respondent, a licensed shop, engaged in unprofessional conduct by not maintaining a sanitary establishment in violation of the Board's sanitary rules. The Complainant is a rejected applicant for employment at the Respondent shop and makes these allegations. There is no further evidence of any violations.

Decision: Close the case with a Letter of Caution and dispatch an inspector within thirty (30) days to ensure compliance.

2. Case No.: L14-COS-RBS-2014011461

First License Obtained: 12/11/2009

License Expiration: 12/31/2015

**Complaint history: 2011026361, closed w/no action;
2013013381, closed w/Letter of Warning**

The complaint alleges that the Respondent, a licensed manicure shop, engaged in unprofessional activity by allegedly allowing unlicensed activity and failing to maintain a sanitary establishment. The Complainant is a former employee of the Respondent shop and also claims that, upon terminating the Complainant's employment, failed to return the Complainant's personal license for the purpose of using it at a new location.

Decision: Close the case with a Letter of Warning and dispatch an inspector within thirty (30) days to ensure compliance.

3. Case No.: L14-COS-RBS-2014011471

First License Obtained: 02/12/2013

License Expiration: 09/30/2016

Complaint history: None

The complaint alleges that the Respondent, a licensed manicure shop, committed unprofessional acts in providing regulated services. The Complainant customer alleges that an employee of the Respondent shop injured the Complainant, and subsequently the injury worsened to the point of requiring medical care. The Complainant provides medical records as proof of treatment. Otherwise, there is no evidence that the Respondent's employee was the direct cause of any worsening condition.

Decision: Close the case with a Letter of Warning and dispatch an inspector within thirty (30) days to ensure that all sanitary rules are being complied with.

4. Case No.: L14-COS-RBS-2014012671

First License Obtained: 09/17/2013

License Expiration: 06/30/2015

Complaint history: None

The complaint alleges that the Respondent, a cosmetology shop, committed misconduct by permitting unlicensed persons to provide regulated services on its premises. The Complainant is a former employee and also alleges that cosmetic vendors were being allowed to charge for doing applications.

Decision: Close the case with a Letter of Caution and dispatch an inspector within thirty (30) days to ensure that all authorities are being complied with.

5. Case No.: L14-COS-RBS-2014016441

First License Obtained: 10/02/2002

License Expiration: 04/30/2016

Complaint history: None

The complaint alleges that the Respondent, a licensed manicure shop, committed unprofessional acts in providing regulated services. The Complainant customer alleges that an employee of the Respondent shop injured the Complainant, and subsequently the injury worsened to the point of requiring medical care. Otherwise, there is no evidence that the Respondent's employee was the direct cause of any worsening condition.

Decision: Close the case with a Letter of Warning and dispatch an inspector within thirty (30) days to ensure that all sanitary rules are being complied with.

6. Case No.: L14-COS-RBS-2014016731

First License Obtained: 09/16/2009
License Expiration: 09/01/2015
Complaint history: 2009024791, closed w/no action;
2009025961, closed and flagged;
2012000141, closed w/no action

The complaint alleges that the Respondent, a licensed cosmetology school, committed misconduct by allowing a student to provide hair services that resulted in injury to the Complainant. When the Complainant confronted the Respondent about this, the Respondent allegedly asserted that the Complainant had signed a waiver releasing the Respondent from liability. In reply, the Respondent has provided a written statement that the Complainant visited the school, was given a chemical treatment, and that a few days later the Complainant returned to address the fact that the Complainant had discovered some hair breakage as a result of the treatment. The Respondent confirmed this, and offered a free reconstructive treatment plan, which the Complainant accepted. A few days later, the Complainant returned for a second free reconstructive treatment. The document signed is described as a chemical release waiver. Currently, the Complainant is pursuing litigation against the Respondent.

Decision: Close the case with a request that the Respondent notify the Board if the civil case is dropped or of the outcome reaches a verdict.

7. Case No.: L14-COS-RBS-2014018951

First License Obtained: 03/21/1994
License Expiration: 09/01/2015
Complaint history: Violation issued 10/10/1995, closed w/\$100 civil penalty paid via Consent Order; 7833; 7834; 8774, all dismissed; 200005439, closed; 2001023671; 2003133271; 2004178681; 2005028891; 2005043581; 2006009571; 2006044591; 2007058091; 2008004781; 2008014531, all dismissed; 2008022451; 2008022881; 2008025331; 2009000011; 2009012441; 2009013951, all closed w/no action; 2009014581, dismissed; 2009018661;

2009019171, closed w/no action; 2009019781, closed w/ Letter of Warning; 2009020081; 2009020171; 2010014711; 2011029841; 2011029991, all closed w/no action; 2012004731, closed – case opened under wrong profession code; 2012010231; 2012023171; 2013004041, all closed w/no action; 2013004101, closed w/Letter of Warning; 2013006041, closed for lack of probable cause for discipline ; 2013007001, closed for lack of disciplinary grounds; 201300891, closed and flagged w/the option to reconsider if new information arises; 2013013771, closed and flagged for lack of probable cause for discipline; 2013019391, closed for lack disciplinary grounds w/the option to reconsider if new information arises; 2014003071, closed due to contract dispute issues outside the Board’s authority

The complaint alleges that the Respondent, a licensed cosmetology school, is using unlicensed instructors, and that the owner of the school has violated HIPAA regulations by attempting to obtain an employee’s medical information. The Complainant also alleges that the Respondent participating in illegal financial aid activity. In reply, the Respondent states that: The instructor in question on the day in question was actually the Complainant, who was licensed and working as an instructor at the Respondent school until she was terminated. The allegation of violating health record laws results from the Respondent school trying to verify a doctor’s note submitted by the Complainant that advised “light duty,” and the Respondent contacted the doctor’s office to find out what “light duty” was, and instead found that the Complainant never visited the doctor that day and the note was not real. The Respondent attaches a copy of a letter sent to the Complainant explaining this and asking for a real doctor’s excuse note that can be verified. Lastly, the Respondent states that as an instructor, the Complainant would have no knowledge of financial aid procedures or whether they are correct or not. Further, the Respondent is regularly audited by a third party to ensure that financial guidelines are being followed with the Department of Education.

Importantly, a visiting Board member observed junior instructors teaching at the Respondent school without supervision.

Decision: Issue a CEASE AND DESIST order against utilizing unsupervised junior instructors or any otherwise unauthorized teachers and authorize a formal hearing with authority to settle the matter with a consent order for a civil penalty of \$1,000.00.

8. Case No.: L14-COS-RBS-2014024551

First License Obtained: 01/03/1990

License Expiration: 09/30/2015

Complaint history: None

The complaint alleges unethical activity in connection with encounters between the Complainant and the Respondent relative to a car purchase, which have no relation to the Board's law and rules.

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

9. Case No.: L14-COS-RBS-2014017341

First License Obtained: N/A

License Expiration: N/A

Complaint history: None

The complaint alleges unlicensed activity resulting in injury to the Complainant's relative. There is no indication that the Respondent had done anything that requires a license. The Respondent's written reply provides that the most that the Respondent has done is do ponytails on the little girls of friends and family for nothing.

Decision Close the case for lack of probable cause for discipline.

10. Case No.: L14-COS-RBS-2014017631

First License Obtained: 11/07/2013

License Expiration: 10/31/2015

Complaint history: 2014003541, close via Consent Order and payment of \$250 civil penalty

The complaint alleges that the Respondent shop provided regulated services while the premises were in an unsanitary condition. The Complaint submits that the chairs used for eyelash application were unclean, as were all the sheets and pillowcases utilized for this purpose. The Respondent provides a written account of how the Complainant was not satisfied with the services provided and filed this complaint in retaliation. The response also explains the procedure followed by all aestheticians in providing services for clients and invites the opportunity to demonstrate knowledge of the Board's sanitary rules.

Decision: Close the case with a Letter of Warning (because of the previous violation) and dispatch an inspector within thirty (30) days to ensure that the Respondent shop is in compliance with all sanitary rules.

11. Case No.: L14-COS-RBS-2014017661

First License Obtained: 01/17/2003

License Expiration: 06/30/2016

Complaint history: 2005019201, closed via Consent Order and payment of \$500 civil penalty

The complaint alleges that the Respondent is providing regulated manicure services without properly following the Board's sanitary rules. According to the Complainant, some tools are evidently being used on multiple clients without being properly cleaned and sanitized. Additionally, the Complainant alleges that the Respondent's employees are using only hand soap rather than proper sanitizing solutions. The Respondent did not reply to the complaint, yet received the green card indicating certified receipt was returned to this office.

Decision: Close the case with a Letter of Warning (because of the previous violation) and dispatch an inspector within thirty (30) days to ensure that the Respondent shop is in compliance with all sanitary rules.

12. Case No.: L14-COS-RBS-2014017671

First License Obtained: **08/26/2009**

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

Complaint history: **None**

The complaint alleges that the Respondent shop was providing manicure services without properly cleaning all instruments between each client. For example, the Complainant alleges that although pedicure tools seemed to be placed in disinfectant, other implements were simply rinsed off and left to dry on a towel or sill. The Complainant also states that a sterilization machine was present but not being used. The Respondent has provided a written reply explaining its sterilization techniques. The Respondent admits to air-drying tools, but this is to ensure that they are completely dry before being placed in the UV machine to prevent them from rusting. The Respondent also states that the tools are now dried in an area away from the public to avoid any possibility of contamination while they are drying.

Decision: Close the case and dispatch an inspector within thirty (30) days to ensure that the Respondent shop is in compliance with all sanitary rules.

13. Case No.: L14-COS-RBS-2014018051

First License Obtained: **03/22/2011**

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

Complaint history: **2013023091, closed via Consent Order and payment of \$750 civil penalty**

The complaint alleges that the Respondent caused an infection as a result of providing pedicure services to the Complainant. From the documentation, an infection could have resulted from an allergic reaction to chemicals being used on the towels, but this does not indicate that procedures were not properly followed. The Respondent has submitted a written statement to the Complainant and committed to making sure any allergies are addressed before services are provided.

Decision: Close the case with a Letter of Warning (because of the previous violation) and dispatch an inspector within thirty (30) days to ensure that the Respondent shop is in compliance with all sanitary rules.

14. Case No.: L14-COS-RBS-2014018881

First License Obtained: **01/10/2002**

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

Complaint history: **None**

The complaint alleges that the Respondent, a licensed manicure shop, committed unprofessional acts in providing regulated services. The Complainant alleges that her child has contracted an infection from an unsanitary manicure tools during services received at the Respondent shop. The Respondent has provided a written reply explaining its sterilization techniques, and states that the tools remain in an autoclave for 24 hours before they are being used on clients. The Respondent also states that bacteria can be found on dirty pillows, bed sheets, and playgrounds. The Complainant did not provide any evidence that the Respondent's tools were the direct cause of the infection.

Decision: Close the case and dispatch an inspector within thirty (30) days to ensure that the Respondent shop is in compliance with all sanitary rules.

COMPLAINT OPENED ADMINISTRATIVELY

1. Case No.: L14-COS-RBS-2014015261

First License Obtained: **09/27/2001**

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

Complaint history: **None**

The complaint alleges that the Respondent, a cosmetology shop, failed to comply with its annual inspection. After some attempts to contact the Respondent, a certified letter was returned from the US Post Office marked "vacant." The Respondent's shop license is long expired with no attempts to renew it.

Decision: Close the case and dispatch an inspector within thirty (30) days to determine whether the shop is still operating.

NOTICE OF VIOLATION CASES

1. Case No.: L14-COS-RBS-2014016661

First License Obtained: 02/10/2014

License Expiration: 01/31/2014

Complaint history: None

A Notice of Violation issued on July 11th, 2014 alleges that the Respondent, during a lawful inspection at a licensed manicure shop, the area inspector found a hot wax machine which was covered up by a pillow in the Respondent's shop. The inspector also found drill bit left out on the work station and clean towels which were improperly stored.

Decision: Issue a CEASE AND DESIST order against offering unauthorized services and authorize a formal hearing with authority to settle the matter with consent order for a civil penalty of \$250.00 for each of the two identified violations for a total civil penalty of \$500.00.

2. Case No.: L14-COS-RBS-2014016471

First License Obtained: 05/31/2012

License Expiration: 05/31/2016

Complaint history: None

A Notice of Violation issued on July 8th, 2014 alleges that the Respondent, a licensed manicurist (also owner and manager of a licensed manicure shop), failed to ensure that his or her shop was in compliance with the Board's laws and rules. Specifically, the area inspector observed an employee trying to conceal a hot wax machine in the shop's fridge, and also observed all tools and an aesthetician table necessary to perform waxing services. The inspector states that the shop did not have any clients requesting waxing services at the time of the inspection.

Decision: Issue a CEASE AND DESIST order against offering unauthorized services 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 ensure that the managed shop was in compliance with the Board's law and rules.

3. Case No.: L14-COS-RBS-2014016461

First License Obtained: 04/26/2013

License Expiration: 04/30/2015

Complaint history: 2014003261, closed via Consent Order and payment of \$250 civil penalty

A Notice of Violation issued on July 8th, 2014 alleges that the Respondent, during a lawful inspection at a licensed manicure shop, the area inspector observed an employee trying to conceal a hot wax machine in the shop's fridge, and also observed all tools and an aesthetician table necessary to perform waxing services. The inspector states that the shop did not have any clients requesting waxing services at the time of the inspection. Board office records indicate that the Respondent was previously disciplined for having the same waxing tools in the shop.

Decision: Authorize a formal hearing with authority to settle the matter with a consent order for a civil penalty of \$500.00 for repeatedly exhibiting intentions to offer unauthorized services.

4. Case No.: L14-COS-RBS-2014016491

First License Obtained: 06/25/1992

License Expiration: 12/31/2016

Complaint history: None

A Notice of Violation issued on July 9th, 2014 alleges that the Respondent, a licensed cosmetologist (also owner and manager of a licensed cosmetology shop), was allowing an employee to provide regulated services with an expired license. Further, according to the Notice, the area inspector observed dirty brushes with hair kept in clean drawer. Board office records indicate that the employee's license was renewed on July 11, 2014.

Decision: 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.

5. Case No.: L14-COS-RBS-2014016481

First License Obtained: **11/14/2012**

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

Complaint history: **None**

A Notice of Violation issued on July 9th, 2014 alleges that the Respondent, a licensed cosmetology shop, was allowing an employee to provide regulated services with an expired license. Further, according to the Notice, the area inspector observed dirty brushes with hair kept in clean drawer. Board office records indicate that the employee's license was renewed on July 11th, 2014.

Decision: 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.

6. Case No.: L14-COS-RBS-2014016671

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

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

Complaint history: **None**

A Notice of Violation issued on July 11th, 2014 alleges that the Respondent, a licensed manicurist (also manager of a licensed manicure shop), failed to ensure that his or her shop was in compliance with the Board's laws and rules. Specifically, the area inspector found a hot wax machine which was covered up by a pillow in the shop. On that day, the inspector also found drill bit left out on the work station and clean towels which were improperly stored.

Decision: Issue a CEASE AND DESIST order against offering unauthorized services 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 ensure that the managed shop was in compliance with the Board's law and rules and civil penalty of \$250.00 for each of the two identified violations for a total civil penalty of \$750.00.

7. Case No.: L14-COS-RBS-2014015791

First License Obtained: **03/18/2009**

License Expiration: 03/31/2015

Complaint history: 2012007601, Formal Charges Authorized

A Notice of Violation issued on July 3rd, 2014 alleges that the Respondent, a licensed manicure shop, was allowing an individual to provide a manicure service to a client without possessing a valid license issued by the Board.

Decision: Combine this matter with the one currently in litigation and authorize a formal hearing with authority to settle with a new consent order for a civil penalty of \$1,000.00.

8. Case No.: L14-COS-RBS-2014015861

First License Obtained: 04/29/2008

License Expiration: 04/30/2016

Complaint history: None

A Notice of Violation issued on July 3rd, 2014 alleges that the Respondent, a licensed cosmetologist (also owner and manager of a licensed manicure shop), was allowing an individual to provide pedicure services to a client without possessing a valid license issued by the Board. Further, according to the Notice, the area inspector observed an individual in the Respondent's shop throwing a hot wax machine and all its tools in a bucket and then ran out the back door.

Decision: Issue a CEASE AND DESIST order against offering unauthorized services 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 ensure that the managed shop was in compliance with the Board's law and rules and civil penalty of \$250.00 allowing unlicensed activity for a total civil penalty of \$500.00.

9. Case No.: L14-COS-RBS-2014015851

First License Obtained: 08/15/2012

License Expiration: 07/31/2016

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

12. Case No.: L14-COS-RBS-2014015871

First License Obtained: 12/06/2013

License Expiration: 11/30/2015

Complaint history: None

A Notice of Violation issued on July 2nd, 2014 alleges that the Respondent, a licensed manicure shop, was allowing an individual to work on a photocopy of his license. It appears that the individual's original license was not posted as required by law. According to the accompanying inspection sheet, there were no manager present and no covered container for soiled towels in the shop.

Decision: 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.

13. Case No.: L14-COS-RBS-2014015901

First License Obtained: 10/06/1999

License Expiration: 09/30/2016

Complaint history: 2014004621, closed w/Letter of Warning

A Notice of Violation issued on July 3rd, 2014 alleges that the Respondent, a licensed cosmetology shop, was allowing two licensees to provide services while the Respondent's license was expired. The inspector states that the shop was allowing services not authorized by shop license, but the Notice does not provide sufficiently detailed information as what services were provided. The Respondent has sent in a copy of a personal check for proof of his renewal payment along with a written statement stating that he had paid for his renewal on time but the check did not get deposited in a timely manner. The Respondent further states that he should not have a late fee on his account because the check was mailed in time to renew to which prevented him from posting a current license.

Decision: Close the case with a Letter of Warning.

14. Case No.: L14-COS-RBS-2014015911

First License Obtained: 11/27/2001

License Expiration: 11/30/2015

Complaint history: None

A Notice of Violation issued on July 3rd, 2014 alleges that the Respondent, a licensed cosmetologist (also owner and manager of a shop), was allowing two licensees to provide services while the Respondent's license was expired. The inspector states that the shop was allowing services not authorized by shop license, but the Notice does not provide sufficiently detailed information as what services were provided. The Respondent has sent in a copy of a personal check for proof of his renewal payment along with a written statement stating that he had paid for his renewal on time but the check did not get deposited in a timely manner. The Respondent further states that he should not have a late fee on his account because the check was mailed in time to renew to which prevented him from posting a current license.

Decision: Close the case with a Letter of Warning.

15. Case No.: L14-COS-RBS-2014015461

First License Obtained: N/A

License Expiration: N/A

Complaint history: None

A Notice of Violation issued on June 25th, 2014 alleges that the Respondent, an unlicensed individual, was providing regulated services to the public in a licensed shop without possessing a valid license issued by the Board.

Decision: Issue a CEASE AND DESIST order and authorize a formal hearing with authority to settle the matter with a consent order for a civil penalty of \$1,000.00.

16. Case No.: L14-COS-RBS-2014015781

First License Obtained: 10/12/2010

License Expiration: 10/31/2016

Complaint history: None

A Notice of Violation issued on July 1st, 2014 alleges that the Respondent, a licensed manicurist (also manager of a licensed shop), was allowing two (2) employees to provide regulated services without possessing a valid license issued by the Board. The inspector states that the employees in question ran out the back door.

Decision: Issue a CEASE AND DESIST order and authorize a formal hearing with authority to settle the matter with a consent order for a civil penalty of \$1,000.00 for each of the two instances of unlicensed activity for a total civil penalty of \$2,000.00.

17. Case No.: L14-COS-RBS-2014015761

First License Obtained: 06/17/2011

License Expiration: 08/31/2016

Complaint history: 2011024721, closed via Consent Order and payment of \$500 civil penalty

A Notice of Violation issued on July 1st, 2014 alleges that the Respondent, a licensed manicure shop, was allowing two (2) employees to provide regulated services without possessing a valid license issued by the Board. The inspector states that the employees in question ran out the back door.

Decision: Issue a CEASE AND DESIST order and authorize a formal hearing with authority to settle the matter with a consent order for a civil penalty of \$1,000.00 for each of the two instances of unlicensed activity for a total civil penalty of \$2,000.00.

18. Case No.: L14-COS-RBS-2014015821

First License Obtained: N/A

License Expiration: N/A

Complaint history: None

A Notice of Violation issued on July 3rd, 2014 alleges that, during a lawful inspection at a licensed shop, the area inspector observed the Respondent providing manicure services to a client without possessing a valid license issued by the Board.

Decision: Issue a CEASE AND DESIST order and authorize a formal hearing with authority to settle the matter with a consent order for a civil penalty of \$1,000.00.

19. Case No.: L14-COS-RBS-2014015811

First License Obtained: 05/20/2014

License Expiration: 05/31/2016

Complaint history: None

A Notice of Violation issued on July 3rd, 2014 alleges that the Respondent, a licensed cosmetologist (also manager of a licensed shop), was allowing an individual to provide manicure services to a client without possessing a valid license issued by the Board.

Decision Issue a CEASE AND DESIST order and authorize a formal hearing with authority to settle for a civil penalty of \$1,000.00.

20. Case No.: L14-COS-RBS-2014016691

First License Obtained: 09/01/2005

License Expiration: 09/30/2015

Complaint history: None

A Notice of Violation issued on July 11th, 2014 alleges that the Respondent, a licensed manicurist (also owner and manager of a licensed shop), was allowing two (2) individuals to provide manicure services to clients without possessing a valid license issued by the Board. According to the Notice, the inspector states that the individuals in questions ran out the back door.

Decision: Issue a CEASE AND DESIST order and authorize a formal hearing with authority to settle the matter for a civil penalty of \$250.00 for failing to ensure that the shop was managed in compliance with the Board's law and

rules and \$1,000.00 for each of the two instances of unlicensed activity for a total civil penalty of \$2,250.00.

21. Case No.: L14-COS-RBS-2014016681

First License Obtained: 09/21/2011

License Expiration: 09/30/2015

**Complaint history: 2011032291, closed w/no action;
2011032341, closed via Consent Order
and payment of \$1,000 civil penalty;
2014000661, closed via Consent Order
and payment of \$500 civil penalty**

A Notice of Violation issued on July 11th, 2014 alleges that the Respondent, a licensed manicurist/skin care shop, was allowing two (2) individuals to provide manicure services to clients without possessing a valid license issued by the Board. According to the Notice, the inspector states that the individuals in questions ran out the back door.

Decision: Issue a CEASE AND DESIST order and authorize a formal hearing with authority to settle the matter with a consent order for a civil penalty of \$1,000.00 for each of the two instances of unlicensed activity for a total civil penalty of \$2,000.00.

22. Case No.: L14-COS-RBS-2014016921

First License Obtained: 04/23/2008

License Expiration: 04/30/2016

Complaint history: None

A Notice of Violation issued on July 15th, 2014 alleges that the Respondent, a licensed manicure shop, was allowing seven employees to work on clients without wearing an identification tag. Further, according to the Notice, the area inspector found several sanitation violations; including, dirty buffers and files which were improperly stored, trash containers without covers, towels were improperly stored, and several containers without labels.

Decision: 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 five identified violations for a total civil penalty of \$1,250.00.

23. Case No.: L14-COS-RBS-2014016971

First License Obtained: 11/09/2007

License Expiration: 11/30/2015

Complaint history: None

A Notice of Violation issued on July 15th, 2014 alleges that the Respondent, a licensed cosmetologist, was operating a shop without first obtaining a valid license issued by the Board.

Decision: Issue a CEASE AND DESIST order and authorize a formal hearing with authority to settle the matter with a consent order for a civil penalty of \$1,000.00.

24. Case No.: L14-COS-RBS-2014016981

First License Obtained: 02/13/1998

License Expiration: 04/30/2015

Complaint history: 2005033211, closed via Consent Order and payment of \$1,000 civil penalty

A Notice of Violation issued on July 16th, 2014 alleges that the Respondent, a licensed manicure shop, was allowing an aesthetician to provide skin care services in the shop which are not authorized by the Respondent's license.

Decision: Issue a CEASE AND DESIST order and authorize a formal hearing with authority to settle the matter with a consent order for a civil penalty of \$1,000.00.

25. Case No.: L14-COS-RBS-2014016991

First License Obtained: 10/24/2003

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

Complaint history: **None**

A Notice of Violation issued on July 16th, 2014 alleges that the Respondent, a licensed manicurist (also owner/manager of a licensed manicure shop), was allowing an aesthetician to provide skin care services in the shop which are not authorized by the Respondent's shop license.

Decision: Authorize a formal hearing with authority to settle the matter with a consent order for a civil penalty of \$250.00 for failing to ensure that the shop complies with all of the Board's law and rules.

26. Case No.: L14-COS-RBS-201401701

First License Obtained: **N/A**

License Expiration: **N/A**

Complaint history: **None**

A Notice of Violation issued on July 16th, 2014 alleges that the Respondent, an unlicensed individual, was providing a manicure service to a client without possessing a valid license issued by the Board.

Decision: Issue a CEASE AND DESIST order and authorize a formal hearing with authority to settle the matter with a consent order for a civil penalty of \$1,000.00.

27. Case No.: L14-COS-RBS-2014017121

First License Obtained: **04/05/2012**

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

Complaint history: **None**

A Notice of Violation issued on July 16th, 2014 alleges that the Respondent, a licensed manicurist (also owner and manager of a licensed shop), was allowing an individual to provide a manicure service to a client without possessing a valid license issued by the Board.

Decision: Authorize a formal hearing with authority to settle the matter with a consent order for a civil penalty of \$250.00 for failing to ensure that the shop complies with all of the Board's law and rules.

28. Case No.: L14-COS-RBS-2014017131

First License Obtained: 07/18/2013

License Expiration: 06/30/2015

Complaint history: None

A Notice of Violation issued on July 16th, 2014 alleges that the Respondent, a licensed manicure shop, was allowing an individual to provide a manicure service to a client without possessing a valid license issued by the Board.

Decision: Issue a CEASE AND DESIST order and authorize a formal hearing with authority to settle the matter with a consent order for a civil penalty of \$1,000.00.

29. Case No.: L14-COS-RBS-2014017141

First License Obtained: 03/28/2000

License Expiration: 03/31/2016

Complaint history: None

A Notice of Violation issued on July 16th, 2014 alleges that the Respondent, a dual licensed manicurist and aesthetician (also manager of a licensed manicure shop), was providing skin care services on the premises which are not authorized by the shop license.

Decision: Authorize a formal hearing with authority to settle the matter with a consent order for a civil penalty of \$250.00 for failing to ensure that the shop complies with all of the Board's law and rules.

30. Case No.: L14-COS-RBS-2014017501

First License Obtained: 06/12/2009

License Expiration: 06/30/2015

Complaint history: None

A Notice of Violation issued on July 22nd, 2014 alleges that the Respondent, a licensed cosmetologist, was operating a shop without first obtaining a valid license issued by the Board. According to the Notice, the owner states that she will no longer be at this location as she moving to another shop.

Decision: Issue a CEASE AND DESIST order and authorize a formal hearing with authority to settle the matter with a consent order for a civil penalty of \$1,000.00.

31. Case No.: L14-COS-RBS-2014017531

First License Obtained: 07/27/1990

License Expiration: 10/31/2014

Complaint history: None

A Notice of Violation issued on July 22nd, 2014 alleges that the Respondent, a licensed instructor/cosmetologist, was operating a shop without first obtaining a valid license issued by the Board.

Decision: Issue a CEASE AND DESIST order and authorize a formal hearing with authority to settle the matter with a consent order for a civil penalty of \$1,000.00.

32. Case No.: L14-COS-RBS-2014017561

First License Obtained: 10/29/2003

License Expiration: 01/31/2016

**Complaint history: 2008011381, dismissal w/no action;
2012003741, closed w/\$500 via Consent Order and payment of \$500 civil penalty;
2012025301, closed via Consent Order and payment of \$500 civil penalty;**

**2013013061, closed w/Letter of
Warning**

A Notice of Violation issued on July 23rd, 2014 alleges that the Respondent, a licensed cosmetology shop, was allowing a licensee to work on a client without wearing an identification tag and without posting her license at the work station.

Decision: 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.

33. Case No.: L14-COS-RBS-2014017571

First License Obtained: 08/10/2007

License Expiration: 08/31/2015

Complaint history: None

A Notice of Violation issued on July 23rd, 2014 alleges that the Respondent, a licensed cosmetologist, was working on a client without wearing an identification tag and without posting her license at the work station.

Decision: 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.

34. Case No.: L14-COS-RBS-2014018321

First License Obtained: N/A

License Expiration: N/A

Complaint history: None

A Notice of Violation issued on July 31st, 2014 alleges that the Respondent, an unlicensed individual, was working on a client's acrylic nails without possessing a valid license issued by the Board.

Decision: Issue a CEASE AND DESIST order and authorize a formal hearing with authority to settle the matter with a consent order for a civil penalty of \$1,000.00.

35. Case No.: L14-COS-RBS-2014017751

First License Obtained: 07/25/2014

License Expiration: 07/31/2016

Complaint history: None

A Notice of Violation issued on July 24th, 2014 alleges that the Respondent, a licensed cosmetology shop, was open for business prior to passing the required inspection and obtaining a license. Board office records indicate that the Respondent has passed such inspection and the Respondent's license was issued on July 25th, 2014, which is the following day from the date of the inspection. The inspector who issued this Notice of Violation is no longer employed with the department and may not be available to testify at a formal hearing.

Decision: Close the case with a Letter of Warning and dispatch an inspector within thirty (30) days to ensure that the Respondent is in compliance with the Board's law and rules.

36. Case No.: L14-COS-RBS-2014017761

First License Obtained: 06/09/2014

License Expiration: 06/30/2016

Complaint history: None

A Notice of Violation issued on July 24th, 2014 alleges that the Respondent, a licensed cosmetologist, was operating a shop that was not inspected and approved by the Board. Board office records indicate that the shop in question has passed the inspection and was issued a license on July 25th, 2014, which is the following day from the date of the inspection. The inspector who issued this Notice of Violation is no longer employed with the department and may not be available to testify at a formal hearing.

Decision: Close the case with a Letter of Warning and dispatch an inspector within thirty (30) days to ensure that the Respondent is in compliance with the Board's law and rules.

37. Case No.: L14-COS-RBS-2014017771

First License Obtained: 11/20/2013

License Expiration: 11/30/2015

Complaint history: None

A Notice of Violation issued on July 24th, 2014 alleges that the Respondent, a licensed cosmetologist (also manager of a shop), was allowing a licensee to provide regulated services in a shop that was not inspected and approved. Board office records indicate that the shop in question has passed the inspection and was issued a license on July 25th, 2014, which is the following day from the date of the inspection. The inspector who issued this Notice of Violation is no longer employed with the department and may not be available to testify at a formal hearing.

Decision: Close the case with a Letter of Warning and dispatch an inspector within thirty (30) days to ensure that the Respondent is in compliance with the Board's law and rules.

38. Case No.: L14-COS-RBS-2014017861

First License Obtained: 01/16/2002

License Expiration: 12/31/2015

Complaint history: None

A Notice of Violation issued on July 25th, 2014 alleges that the Respondent, a licensed cosmetology shop, has a manicure station to allow a licensed manicurist to work in the shop, but there was no sink (with hot and cold water) for the manicurist to use. It appears that the Respondent holds a valid cosmetology shop license. Pursuant to the Board rule 0440—2—.07(1) [EQUIPMENT], the shop is only required to be equipped with at least: (a) one (1) shampoo bowl with hot and cold running water in work area and chair. The complaint file contains insufficient evidence that the Respondent violated this rule or any other rule relating to the requirements of a cosmetology shop.

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

39. Case No.: L14-COS-RBS-2014017871

First License Obtained: 09/12/1986

License Expiration: 01/31/2015

Complaint history: None

A Notice of Violation issued on July 25th, 2014 alleges that the Respondent, a licensed cosmetologist/aesthetician (also owner and manager of a shop), that the shop has a manicure station to allow a licensed manicurist to work in the shop, but there was no sink (with hot and cold water) for the manicurist to use. It appears that the Respondent holds a valid cosmetology shop license. Pursuant to the Board rule 0440—2—.07(1) [EQUIPMENT], the shop is only required to be equipped with at least: (a) one (1) shampoo bowl with hot and cold running water in work area and chair. The complaint file contains insufficient evidence that the Respondent violated this rule or any other rule relating to the requirements of a cosmetology shop.

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

40. Case No.: L14-COS-RBS-2014018201

First License Obtained: 12/12/2012

License Expiration: 11/30/2016

Complaint history: 2011026161 & 2012002311, closed via Consent Order and payment of \$2,000 civil penalty

A Notice of Violation issued on July 25th, 2014 alleges that the Respondent, a licensed cosmetology shop, did not have its inspection sheet displayed as required by law. Further, according to the Notice, the area inspector found that identification tags were not being worn, tools were not properly stored, and trash containers were not covered.

Decision: 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.

41. Case No.: L14-COS-RBS-2014016501

First License Obtained: 03/14/1990

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

Complaint history: **None**

A Notice of Violation issued on July 9th, 2014 alleges that the Respondent, a licensed cosmetologist, was working on a client's hair on an expired license. Board office records indicate that the Respondent's license was renewed on July 11th, 2014.

Decision: Close the case with a Letter of Warning.

42. Case No.: L14-COS-RBS-2014018331

First License Obtained: **09/25/2006**

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

Complaint history: **None**

A Notice of Violation issued on July 31st, 2014 alleges that the Respondent, a licensed manicurist (also the owner and manager of a shop), was allowing an unlicensed individual to provide regulated services to the public. Further, according to the Notice, the Respondent failed to ensure that the shop has a licensed manager present, and also that the Respondent was allowing a manicurist to provide services without wearing the required name tag.

Decision: 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.

43. Case No.: L14-COS-RBS-2014018341

First License Obtained: **10/21/1999**

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

Complaint history: **20040192181, closed via Consent Order and payment of \$500.00 civil penalty; 2006025721, closed via Consent Order and payment of \$500.00 civil penalty; 2010030021, closed via Consent Order and payment of \$1,000 civil penalty**

A Notice of Violation issued on July 31st, 2014 alleges that the Respondent, a licensed manicure shop, was allowing an unlicensed individual to provide regulated services to the public. Further, according to the Notice, the Respondent failed to ensure that the shop has a licensed manager present, and also that the Respondent was allowing a manicurist to provide services without wearing the required name tag.

Decision: 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.

44. Case No.: L14-COS-RBS-2014018441

First License Obtained: 06/01/2012

License Expiration: 05/31/2016

Complaint history: None

A Notice of Violation issued on July 31st, 2014 alleges that the Respondent, a licensed cosmetology shop, was operating on an expired license; specifically, the shop license was expired as of May 31st, 2014. Additionally, the Respondent's shop owner was working on an expired license. Board office records indicate that both licenses were renewed on August 5th, 2014.

Decision: Close the matter with a Letter of Warning.

45. Case No.: L14-COS-RBS-2014018411

First License Obtained: 04/13/2006

License Expiration: 04/30/2016

Complaint history: None

A Notice of Violation issued on July 31st, 2014 alleges that the Respondent, a licensed manicurist (also owner of a shop), was operating his shop with an expired license, and also was working on an expired manicurist license. Board office records indicate that both licenses were renewed on August 5, 2014.

Decision: Close the matter with a Letter of Warning.

46. Case No.: L14-COS-RBS-2014018431

First License Obtained: 03/02/2006

License Expiration: 03/31/2016

Complaint history: None

A Notice of Violation issued on July 31st, 2014 alleges that the Respondent, a licensed cosmetologist (also manager of a shop), was operating the shop with an expired license; specifically, the shop license was expired as of May 31, 2014. Further, according to the Notice, the Respondent was allowing the shop owner to work on an expired license. Board office records indicate that both licenses in questions were renewed on August 5th, 2014.

Decision: Close the matter with a Letter of Warning.

47. Case No.: L14-COS-RBS-2014018551

First License Obtained: 11/07/2013

License Expiration: 10/31/2015

Complaint history: None

A Notice of Violation issued on August 1st, 2014 alleges that the Respondent, a licensed cosmetology shop, did not have its license displayed and also there was no manager present in the shop. The inspector who issued this Notice of Violation is no longer employed with the department and may not be available to testify at a formal hearing.

Decision: Close the case with a Letter of Warning and dispatch an inspector within thirty (30) days to ensure that the Respondent is in compliance with the Board's law and rules.

48. Case No.: L14-COS-RBS-2014018561

First License Obtained: 02/05/2013

License Expiration: 12/31/2014

Complaint history: None

A Notice of Violation issued on August 1st, 2014 alleges that the Respondent, a licensed cosmetology shop, was allowing two (2) individuals to provide regulated services without possessing a valid license issued by the Board. The inspector states the stylists were not wearing identification tags. The inspector who issued this Notice of Violation is no longer employed with the department and may not be available to testify at a formal hearing.

Decision: Close the case with a Letter of Warning and dispatch an inspector within thirty (30) days to ensure that the Respondent is in compliance with the Board's law and rules.

49. Case No.: L14-COS-RBS-2014018571

First License Obtained: N/A

License Expiration: N/A

Complaint history: None

A Notice of Violation issued on August 1st, 2014 alleges that the Respondent, an unlicensed individual, was providing regulated services without a valid license issued by the Board. The inspector who issued this Notice of Violation is no longer employed with the department and may not be available to testify at a formal hearing.

Decision: Close the case with a Letter of Warning and dispatch an inspector within thirty (30) days to ensure that the Respondent is in compliance with the Board's law and rules.

50. Case No.: L14-COS-RBS-201401861

First License Obtained: N/A

License Expiration: N/A

Complaint history: None

A Notice of Violation issued on August 1st, 2014 alleges that the Respondent, an unlicensed individual, was providing regulated services without a valid license issued by the Board. The inspector who issued this Notice of Violation is no longer employed with the department and may not be available to testify at a formal hearing.

Decision: Close the case with a Letter of Warning and dispatch an inspector within thirty (30) days to ensure that the Respondent is in compliance with the Board's law and rules.

51. Case No.: L14-COS-RBS-2014018621

First License Obtained: 08/05/2011

License Expiration: 08/31/2015

Complaint history: None

A Notice of Violation issued on August 1st, 2014 alleges that the Respondent, a licensed cosmetologist (also a manager of a licensed shop), was allowing two (2) individuals to provide regulated services without a valid license issued by the Board. The inspector who issued this Notice of Violation is no longer employed with the department and may not be available to testify at a formal hearing.

Decision: Close the case with a Letter of Warning and dispatch an inspector within thirty (30) days to ensure that the Respondent is in compliance with the Board's law and rules.

52. Case No.: L14-COS-RBS-2014018641

First License Obtained: 01/28/1994

License Expiration: 04/30/2015

Complaint history: None

A Notice of Violation issued on August 1st, 2014 alleges that, during a lawful inspection, the area inspector found the license for the Respondent's shop owner and manager was expired as of May 31st, 2011. According to the Notice, the owner stated that she did not receive her renewal notice and was not aware of her license being expired. Additionally, the inspector found that there was no covered container for soiled towels. There was no indication that regulated services were being provided at the time of the inspection.

Decision: Authorize a formal hearing with authority to settle the matter with a consent order for a civil penalty of \$250.00 for the unlicensed

owner/manager and a civil penalty of \$250.00 for the sanitary violation for a total civil penalty of \$500.00.

53. Case No.: L14-COS-RBS-2014018651

First License Obtained: 09/08/1975

License Expiration: 05/31/2011

Complaint history: None

A Notice of Violation issued on August 1st, 2014 alleges that, during a lawful inspection, the area inspector found the Respondent, the owner and manager of the shop, had a license expired as of May 31st, 2011. According to the Notice, the Respondent stated that she did not receive her renewal notice and was not aware of her license being expired. Additionally, the inspector found that there was no covered container for soiled towels. There was no indication that regulated services were being provided at the time of the inspection.

Decision: Issue a CEASE AND DESIST order against providing regulated services on an expired license and authorize a formal hearing with authority to settle the matter with a consent order for a civil penalty of \$1,000.00 for the unlicensed owner/manager and a civil penalty of \$250.00 for the sanitary violation for a total civil penalty of \$1,250.00.

54. Case No.: L14-COS-RBS-2014018661

First License Obtained: 06/10/2011

License Expiration: 03/31/2016

Complaint history: None

A Notice of Violation issued on July 31st, 2014 alleges that the Respondent, a licensed manicure shop, was allowing two (2) unlicensed individuals to provide regulated services to clients in the shop. The inspector stated that identification tags were not being worn. Further, according to the Notice, the area inspector found several sanitation violations, including inadequate wet sterilizer, and no covered container for soiled and clean towels.

Decision: Issue a CEASE AND DESIST order against utilizing unlicensed individuals and 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 six the observed violations for a total civil penalty of \$1,500.00.

55. Case No.: L14-COS-RBS-2014018671

First License Obtained: 03/12/2012

License Expiration: 03/31/2016

Complaint history: None

A Notice of Violation issued on July 31st, 2014 alleges that the Respondent, a licensed manicurist (also owner of licensed shop), was allowing two (2) unlicensed individuals to provide regulated services to clients in the shop. The inspector stated that identification tags were not being worn. Further, according to the Notice, the area inspector found several sanitation violations, including inadequate wet sterilizer, and no covered container for soiled and clean towels.

Decision: Issue a CEASE AND DESIST order against utilizing unlicensed individuals and 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 six the observed violations for a total civil penalty of \$1,500.00.

56. Case No.: L14-COS-RBS-2014018721

First License Obtained: N/A

License Expiration: N/A

Complaint history: None

A Notice of Violation issued on July 31st, 2014 alleges that the Respondent, an unlicensed individual, was providing regulated services to a client in a licensed shop.

Decision: Issue a CEASE AND DESIST order and authorize a formal hearing with authority to settle the matter with a consent order for a civil penalty of \$1,000.00.

57. Case No.: L14-COS-RBS-2014018731

First License Obtained: N/A

License Expiration: N/A

Complaint history: None

A Notice of Violation issued on July 31st, 2014 alleges that the Respondent, an unlicensed individual, was providing regulated services to a client in a licensed shop.

Decision: Issue a CEASE AND DESIST order and authorize a formal hearing with authority to settle the matter with a consent order for a civil penalty of \$1,000.00.

58. Case No.: L14-COS-RBS-2014018731

First License Obtained: N/A

License Expiration: N/A

Complaint history: None

A Notice of Violation issued on July 31st, 2014 alleges that the Respondent, an unlicensed individual, was providing regulated services to a client in a licensed shop.

Decision: Issue a CEASE AND DESIST order and authorize a formal hearing with authority to settle the matter with a consent order for a civil penalty of \$1,000.00.

59. Case No.: L14-COS-RBS-2014018741

First License Obtained: 06/04/2013

License Expiration: 05/31/2015

Complaint history: None

A Notice of Violation issued on August 1st, 2014 alleges that the Respondent, a licensed manicure shop, was allowing an unlicensed individual to provide regulated services to a client in the shop. The inspector stated that identification tags were not being worn. Further, according to the Notice, the area inspector found tools and implements which were improperly cleaned and/or stored, and trash containers were uncovered.

Decision: Issue a CEASE AND DESIST order against utilizing unlicensed individuals and 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 the observed violations for a total civil penalty of \$1,000.00.

60. Case No.: L14-COS-RBS-2014018931

First License Obtained: 03/15/1994

License Expiration: 03/31/2016

Complaint history: None

A Notice of Violation issued on August 5th, 2014 alleges that the Respondent, a licensed manicurist (also owner and manager of a shop), was working on a client's nails with an expired license, which expired March 31st, 2014. The inspector states that the Respondent renewed his license online at the time of the inspection.

Decision: Close the case with a Letter of Warning.

61. Case No.: L14-COS-RBS-2014018941

First License Obtained: 06/23/2003

License Expiration: 03/31/2015

Complaint history: None

A Notice of Violation issued on August 5th, 2014 alleges that the Respondent, a licensed manicure shop, was allowing its owner (also the manager of the shop) to work on a client's nails with an expired license, which expired March 31st, 2014. The inspector states that the Respondent's shop owner renewed his license online at the time of the inspection.

Decision: Close the case with a Letter of Warning.

62. Case No.: L14-COS-RBS-2014019461

First License Obtained: 07/06/1989

License Expiration: 03/31/2012

First License Obtained: 03/29/2011
License Expiration: 03/28/2015
Complaint history: 2012016351, closed and flagged;
2014002001, dismissed w/no action

The complaint alleges that the Respondent, a licensed barber school, was operating on an expired license since March 28th, 2014. The Respondent has sent in a copy of its renewal payment receipts dated July 11th, 2014. Board office records indicate that the Respondent's license was renewed on July 14th, 2014.

Decision: Authorize a formal hearing with authority to settle the matter with a consent order for a civil penalty of \$1,000.00.

NOTICE OF VIOLATION CASES

1. Case No.: L14-BAR-RBS-2014015511

First License Obtained: 12/06/2000
License Expiration: 12/31/2014
Complaint history: None

A Notice of Violation issued on June 24th, 2014 alleges that the Respondent, a licensed master barber (also owner and manager of a shop), was allowing an unlicensed individual to provide regulated services in the shop.

Decision: Authorize a formal hearing with authority to settle the matter with a consent order for a civil penalty of \$250.00.

2. Case No.: L14-BAR-RBS-2014015571

First License Obtained: 03/21/2001
License Expiration: 05/31/2015
Complaint history: None

A Notice of Violation issued on June 24th, 2014 alleges that, during a lawful inspection at the Respondent's barber shop, the area inspector found several sanitation violations, including unclean work stations and mirrors and an inadequate wet sterilizer. Further, according to the Notice, no manager was present in the shop.

Decision: 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.

3. Case No.: L14-BAR-RBS-2014015631

First License Obtained: 02/05/2013

License Expiration: 01/31/2015

Complaint history: None

A Notice of Violation issued on June 26th, 2014 alleges that, during a lawful inspection at the Respondent's barber shop, the area inspector found barbers who could not produce an I.D., whereupon they then left the shop. The Notice does not provide sufficiently detailed information that regulated services were being provided at the time of the inspection.

Decision: Issue a CEASE AND DESIST order against employing unlicensed individuals to provide regulated services and close the case with a Letter of Warning.

4. Case No.: L14-BAR-RBS-2014015141

First License Obtained: 09/08/2011

License Expiration: 07/31/2016

Complaint history: None

A Notice of Violation issued on June 26th, 2014 alleges that the Respondent, a licensed barber shop, was allowing an individual to work on an expired license. Further, according to the Notice, the area inspector found that the Respondent did not have a licensed shop manager present in the shop. Board office records indicate that the license in question was renewed on August 4th, 2014.

Decision: 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.

5. Case No.: L14-BAR-RBS-2014015121

First License Obtained: 05/01/2009

License Expiration: 05/31/2015

Complaint history: None

A Notice of Violation issued on June 26th, 2014 alleges that the Respondent, a licensed master barber, was practicing on an expired license. Board office records indicate that the Respondent's license was renewed on August 4th, 2014.

Decision: Authorize a formal hearing with authority to settle the matter with a consent order for a civil penalty of \$1,000.00.

6. Case No.: L14-BAR-RBS-2014015131

First License Obtained: 10/12/2011

License Expiration: 10/31/2015

Complaint history: None

A Notice of Violation issued on June 26th, 2014 alleges that the Respondent, a licensed master barber (also listed in the Notice as manager for a licensed shop), was allowing an individual to work on an expired license. According to the Notice, the Respondent was not present during the inspection. Board office records indicate that the Respondent is not the registered manager for the shop. As such, a Letter of Warning is recommended.

Decision: Close the case with a Letter of Warning.

7. Case No.: L14-BAR-RBS-2014015531

First License Obtained: 12/16/1993

License Expiration: 07/31/2015

Complaint history: None

A Notice of Violation issued on June 26th, 2014 alleges that the Respondent, a licensed master barber, was practicing barbering on an expired license.

Decision: Authorize a formal hearing with authority to settle the matter with a consent order for a civil penalty of \$1,000.00.

The meeting adjourned at 9:00 AM.

MOTION made by Frank Gambuzza and seconded by Amy Tanksley for approval of the Legal Report as amended. Motion carried unanimously.

Request for Attorney General's Opinion re: Legality of Proposed Changes to T.C.A. § 62-3-101, *et seq.*

The former Barber Examiners Board submitted a letter to the Office of the Attorney General asking whether the Board has authority to interpret the barber statute to promulgate a rule allowing barber licensees to perform pedicures. The letter was presented for the current board to review and decide if this is still an opinion they would like to receive.

MOTION made by Frank Gambuzza and seconded by Bobby Finger for opinion to still be requested from Attorney General. Motion carried unanimously.

COSMETOLOGY CONSENT ORDERS- October and November- Totaling \$41,450.00

MOTION made by Amy Tanksley and seconded by Dianne Teffeteller for approval of all consent orders. Motion carried unanimously.

AGREED CITATIONS – Paid in October \$6,000.00

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

AGREED CITATIONS – Letters of warning

The following 12 case numbers were sent letters of warnings as part of the agreed citation process:

- 201402896
- 201402920
- 201402396

201402900
201402394
201402897
201402919
201402397
201402918
201402948
201402904
201402906

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

NEW BUSINESS

Cosmetology Schools pending inspections:

The inspection of Cosmetology schools is moving along however at 20 schools are still pending. Each board member that can inspect schools received their list at the August board meeting. With the holidays and busy schedules, the executive director asked if the remainder pending inspections could be completed before the February board meeting.

Barber Apprenticeship proposal:

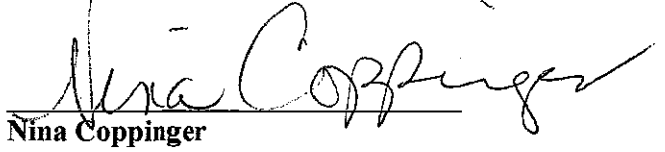
The apprenticeship program for the barber board was discussed at the October 3, 2014 board meeting. Public Chapter 881 asked each board and commission to present a plan to develop an apprenticeship program or explain why it would not fit that particular profession. The proposed plan based on the law for the cosmetology program, was presented to the board. Questions and concerns were discussed.

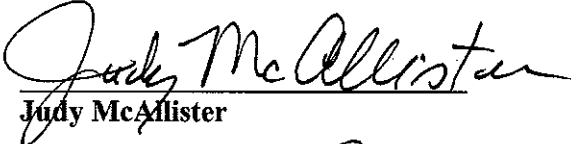
MOTION made by Patricia Richmond and seconded by Mona Sappenfield to approve the plan. Motion carried unanimously.

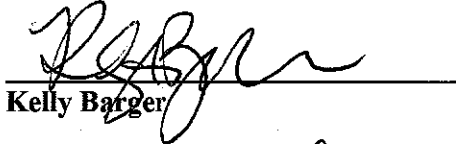
Motion to adjourn

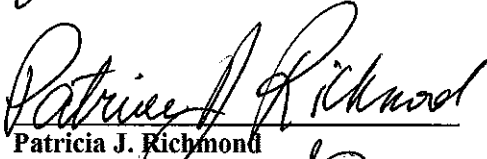
MOTION to adjourn made by Patricia Richmond and seconded by Mona Sappenfield. Motion carried unanimously.

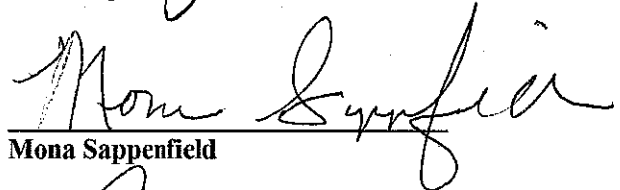

Dianne Teffeteller

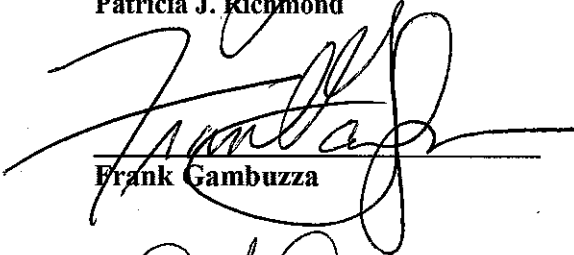

Nina Coppinger

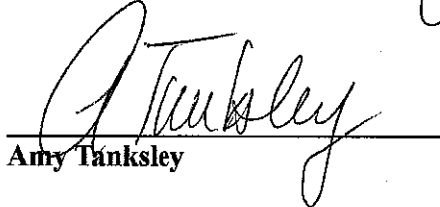

Judy McAllister

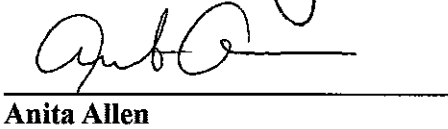

Kelly Barger

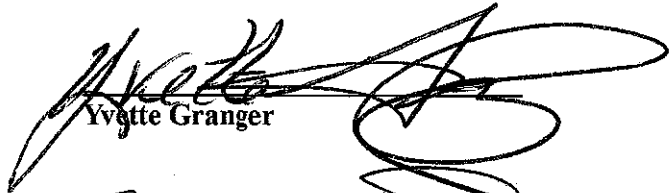

Patricia J. Richmond


Mona Sappenfield

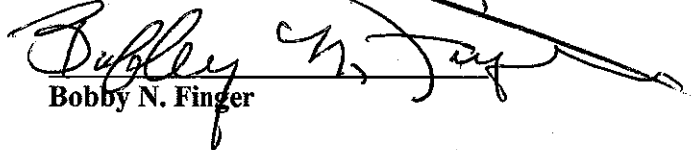

Frank Gambuzza


Amy Tanksley


Anita Allen


Yvette Granger


Ron R. Gillihan


Bobby N. Finger