

AUGUST 2012 MINUTES

MINUTES

The Tennessee State Board of Cosmetology Held a meeting August 6, 2012 at 9:00am in Nashville, Tennessee.

The following members were present: Linda Colley, Chairman, Nina Coppinger, Vice Chairman, June Huceby, Muriel Smith, Diana Buchanan, Janet Wormsley and Pearl Walker.

Other present were: Beverly Waller, Executive Director, Rachel Powers, Attorney for the Board, Hosam William, Paralegal and Hazel Buttrey, Licensing Technician.

Meeting was called to order by Board Chairman Linda Colley.

Linda Colley, Board Chairman welcomed everyone to the Board meeting and acknowledged cosmetology schools in attendance.

MINUTES-

Minutes for the June 4, 2012 board meeting submitted for change and/or approval.

MOTION made by June Huceby seconded by Muriel Smith. Motion carried unanimously.

APPEAR BEFORE THE BOARD-

Mona Sappenfield, Memphis, Tennessee.

Ms. Sappenfield discussed the scope of practice for license aesthetician and the bill proposed in the legislation SR94 during the 2012 legislative session. Board Members advised Ms. Sappenfield that the Board is waiting on the Task Force.

Kennetha Holt & Lottie Berry, Nashville, Tennessee.

Ms. Holt request to appear before the board today to discuss the mobile unit salon. Board Members advised Ms. Holt that according to the Cosmetology Act, shops have to be placed on a permanent foundation or otherwise rendered immobile and her request requires a law change.

Emma Mauldin, Nashville, Tennessee.

Ms. Mauldin request to appear before the board to take the cosmetology examination and she received 1300 hours from Florida. The Board Members denied Ms. Mauldin's request and required her to obtain 300 more hours and take the State of Tennessee examination.

COSMETOLOGY SCHOOL-

Application for change of name for Sweetings Cosmetology and Braiding Institute to Sweeting Cosmetology and Braiding Institute L.L.C.

MOTION made by June Huckeby and seconded by Nina Coppinger to approve the application Motion carried unanimously.

Letter from Sweetings Cosmetology and Braiding Institute approval to offer the Instructor Trainee and Junior Instructor at the school.

APPLICATIONS FOR EXAMINATIONS-

Applications for examination for Christin Irby, Sharon Smith, Kimberly Barnes, Thomas Steen, Jennifer Ivy, Keisha Wheeler, James Neal, Carlos Hill, Roganue Watkins and Darrow Williams who have felonies. The required information, disclosure from the student and letter of examination from school attended is submitted.

MOTION made by Nina Coppinger and seconded by Muriel Smith approval of each application for examination with a signed Agreed Order, Motion carried unanimously.

INSTRUCTOR SEMINAR EXTENSION REQUEST-

Request for extension from the 2012 cosmetology instructor seminar for Sharron G. Johnson. She has submitted a statement from her physician.

MOTION made by Nina Coppinger and seconded by Muriel Smith to grant her an extension for one (1) year. Motion carried unanimously.

Request for extension from the 2012 cosmetology instructor seminar for Joann Moore. Ms. Moore was granted an extension in 2010 and was required to attend seminars in 2011 and 2012. She attended in 2011 and has submitted a medical statement with extension request for the 2012 seminar. Request for extension from the 2012 cosmetology instructor seminar.

MOTION made by Nina Coppinger and seconded by Muriel Smith to grant her an extension for one (1) year. Motion carried unanimously.

APPLICATIONS FOR RECIPROCITY-

Application for reciprocity of manicurist license from Georgia for Tonia Myers-Lawson. Certification from the Georgia State Board verifies 525 hours in the manicurist curriculum and initial date of licensing 04/07/06 with no five year work history as a manicurist.

MOTION made by June Huckleby and seconded by Janet Wormsley to take 75 more hours in the manicurist curriculum and set for the state board manicurist examination. Motion carried unanimously.

Application for reciprocity of manicurist license from Georgia for Vi T. Nguyen. Certification from the Georgia State Board verifies 525 hours in the manicurist curriculum and initial date of licensing 04/25/2008. She has submitted a letter from V N Accounting & Tax Services stating she is currently self-employed and they have been handling his accounting and taxes for the past 5 years. Photo attached to the front of the application is for a female.

MOTION made by Nina Coppinger and seconded by Muriel Smith to take 75 more hours in the manicurist curriculum and set for the state board manicurist examination. Motion carried unanimously.

Application for reciprocity of cosmetology license from Massachusetts for Cassie Knox. Certification from the Massachusetts State Board verifies 1000 hours in the curriculum and initial date of licensing 04/16/10.

MOTION made by Nina Coppinger and seconded by Muriel Smith to take 500 more hours in the cosmetology curriculum and set for the state board cosmetology examination. Motion carried unanimously.

Application for reciprocity of cosmetology license from Wisconsin for Minh Chau Van. Certification for licensing from the Wisconsin State Board verifies applicant obtained license in that state by Endorsement from Vietnam.

MOTION made by Nina Coppinger and seconded by Janet Wormsley to set for the state board cosmetology examination. Motion carried unanimously.

Application for reciprocity of aesthetician license from Indiana for Latia Pryor. Certification verifies 600 hours of instruction in the esthetics curriculum and initial date of licensing is 06/13/11.

MOTION made by June Huckleby and seconded by Nina Coppinger to take 50 more hours in the aesthetician curriculum and set for the state board examination. Motion carried unanimously.

Application for reciprocity of aesthetician license from Florida for Sandy Pham. Applicant holds a manicurist license in Tennessee which was issued 07/16/10 by reciprocity from Texas. Certification from the Florida State Board verifies 260 hours as required for Facial Specialist in Florida, not state board examination and initial date of licensing as 11/30/11.

MOTION made by Nina Coppinger and seconded by Muriel Smith to take 490 more hours in the aesthetician curriculum and set for the state board examination. Motion carried unanimously.

Application for reciprocity of cosmetology license from Florida for Sheron Wingo. Certification from the Florida State Board verifies 1200 hours in the curriculum. She has submitted a letter from her employer verifying she was employed from May 1986 to July 1991 as a hair stylist at Ahead of Hair in Jacksonville, Florida.

MOTION made by Nina Coppinger and seconded by Janet Wormsley to take 300 more hours in cosmetology curriculum and set for the state board cosmetology examination. Motion carried unanimously.

Application for reciprocity of cosmetology license from Florida for Renaila Gillins. Certification from the Florida State Board verifies 1200 hours in the curriculum and initial date of licensing 12/02/09.

MOTION made by Nina Coppinger and seconded Muriel Smith to take 300 more hours in the cosmetology curriculum and set for the state board cosmetology examination. Motion carried unanimously.

Application for reciprocity of cosmetology license from Florida for Kimberly Coss. Certification from the Florida State Board verifies 1200 hours in the curriculum and initial date of licensing 06/14/90. She submitted to letter for employment as a cosmetologist. First letter state she was hired at Supercuts in Florida 03/20109 and currently employed. Second letter states she was employed with Style Hair Designs as cosmetologist from February 1991 to December 1994.

MOTION made by Nina Coppinger and seconded by June Huckleby to take 300 more hours in the cosmetology curriculum and set for the state board cosmetology examination. Motion carried unanimously.

Application for reciprocity of Natural Hair Styling license from North Carolina. Applicant completed 1600 hours in the cosmetology curriculum in California. 11/17/2011. Applicant did not obtain a cosmetology license in California. Applicant was permitted to use her cosmetology hours to set for the Natural Hair Care Specialist North Carolina and obtain that license 05/31/12 in North Carolina.

MOTION made by Diana Buchanan and seconded by Muriel Smith to accept reciprocity application. Motion carried unanimously.

Application for reciprocity of aesthetician license from Florida for Michelle Cox. Certification from the Florida State Board verifies 260 hours in the facial specialist curriculum and initial date of licensing as 06/21/06 no examination required. Applicant has submitted certificates of completions for courses she completed at Florida College of Natural Health She has submitted a certificate from Florida College of Natural Health stating she has completed the educational requirements for a degree of Associate Science in Natural Health -Concentration in Paramedical Skin Care.

MOTION made by Nina Coppinger and seconded by Diana Buchanan to take 490 more hours in the aesthetician curriculum and set for the state board aesthetician examination. Motion carried unanimously.

Application for reciprocity of manicurist license from California for Paris Ngo and application for aesthetician license from California. Certification from the California State Board verifies 400 hours in the manicurist curriculum and initial date of licensing 09/06 and 600 hours in the aesthetician curriculum and initial date of licensing 11/7/07. Applicant has submitted proof of a five year work history 2007-2011 in Nails and Spas. She also submitted proof of name change.

MOTION made by Muriel Smith and seconded by Nina Coppinger to accept aesthetician and manicurist reciprocity applications. Motion carried unanimously.

Application for reciprocity of manicurist license from Washington for Hong Ann Thi Duong. Certification from the State of Washington verifies applicant completed 500 hours in the manicurist curriculum and initial date of license 11/5/1993. Applicant has submitted proof of 5 year work as manicurist for 2007, 2009, 2010 and 2011. No work history as a manicurist for 2008.

MOTION made by Muriel Smith and seconded by June Hucceby to set for the state board manicurist examination. Motion carried unanimously.

Application for reciprocity of cosmetology license from New Jersey for Dawn Snyder. Certification from the New Jersey State Board verifies 1024 hours in the curriculum and initial date of licensing as 03/19/88. For proof of work history she has submitted W-2 form for 2007,

2008, and 2009. She has submitted letters from 3 clients which she states she did hair in her home and in a friend's salon.

MOTION made by Nina Coppinger and seconded by June Huckleby to obtain more information. Motion carried unanimously.

Application for reciprocity of cosmetology license from North Carolina for Filiberto Moncada. Certification from the North Carolina State Board verifies applicant received license in North Carolina by reciprocity. Applicant has submitted the translated copy of his Cosmetology Diploma from the Republic of Honduras which was the documentation he submitted to the North Carolina State Board.

MOTION made by Nina Coppinger and seconded by Muriel Smith to set for the state board examination. Motion carried unanimously.

Application for reciprocity of manicurist license from California for Amando Tran. The Board previously reviewed Mr. Tran's application the April Board meeting and applicant was required to complete and additional 200 hours in the manicurist curriculum and set for the state board manicurist. Applicant has submitted requesting the Board to review his application again.

MOTION made by June Huckleby and seconded by Muriel Smith to concur with the board's previous decision. Motion carried unanimously.

Application for reciprocity of cosmetology license from El Salvador for Carolina Aguilar. She has submitted a copy of her cosmetology diploma. She has submitted a document stating she completed 1650 hours.

MOTION made by Nina Coppinger and seconded by Janet Wormsley to set for the state board cosmetology examination. Motion carried unanimously.

Application for reciprocity of manicurist license from Uzbekistan for Shakhlo Karaman. Applicant has submitted her diploma and supporting educational information for review.

MOTION made by June Huckleby and seconded by Nina Coppinger to set for the state board manicurist examination. Motion carried unanimously.

Application for reciprocity of aesthetician license from England for Diane Kaloyiron from England. Applicant has submitted diploma and several certificates of training no breakdown of hours.

MOTION made by Nina Coppinger and seconded by Muriel Smith to request more information. Motion carried unanimously.

Application for reciprocity of cosmetology license from Nicaragua for Luz Marina Martinez. Applicant has submitted documentation stating she completed 1800 hours in the curriculum.

MOTION made by Nina Coppinger and seconded by Muriel Smith to appear before the board. Motion carried unanimously.

Documentation submitted from Kalifatou Conte from the Republic Guindea stating she successfully achieved her final apprenticeship examination from 2000 to 2003 and graduated with honors.

MOTION made by Nina Coppinger and seconded by Janet Wormsley to appear before the board. Motion carried unanimously.

Skip documentation Houngpaseuth Phanthavong- documentation not complete.

MISCELLANEOUS-

Extension request for Princess M. Sanders to keep her 592 hours of instruction in the cosmetology curriculum she obtained from 07/11/2005 to 02//20/2006, stating that she was taken care of her dad during his medical conditions.

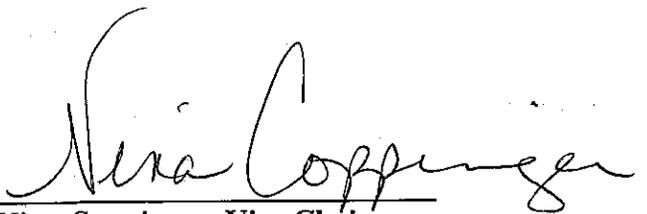
MOTION made by June Huckleby and seconded by Nina Coppinger to provide medical records and/or documentation before the board. Motion carried unanimously.

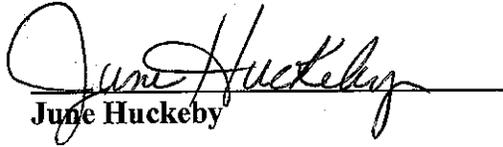
OTHER BUSINESS-

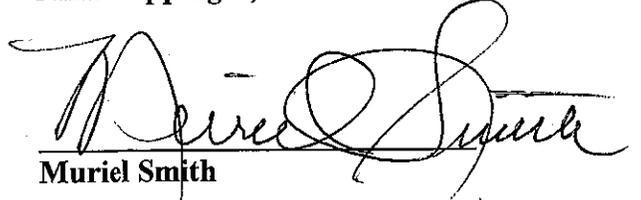
Propose meeting calendar for the 2013- No change from previous years-

COSMETOLOGY CONSENT ORDERS- AUGUST 2012-


Linda Colley, Chairman


Nina Coppinger, Vice Chairman


June Huckleby


Muriel Smith


Janet Wormsley


Pearl Walker





STATE OF TENNESSEE
DEPARTMENT OF COMMERCE AND INSURANCE
OFFICE OF LEGAL COUNSEL
500 JAMES ROBERTSON PARKWAY
NASHVILLE, TENNESSEE 37243
TELEPHONE (615) 741-3072 FACSIMILE (615) 532-4750

TO: Tennessee State Board of Cosmetology
FROM: Rachel L. Powers, Assistant General Counsel
DATE: August 6, 2012
SUBJECT: August Legal Report

RE-PRESENTED MATTERS:

Area inspectors advise that the following cosmetology shops are now closed for business:

1. 200902068-1
2. 200900966-1
3. 200900997-1
4. 200901491-1
5. 200900141-1
6. 201001731-1
7. 201002456-1
8. 201001691-1
9. 201200185-1
10. 201200225-1
11. 201003462-1
12. 201102574-1
13. 201100069-1
14. 201100780-1
15. 201102468-1
16. 201102483-1
17. 201102585-1

Recommendation: Close and flag the files.

- 18. 201002941-1
- 19. 201100531-1

The above-referenced shops are now under new ownership.

Recommendation: Close and flag.

- 20. 201100781-1

Upon further review and consultation with litigation counsel, it is the opinion of counsel that the above-referenced case should be closed without further action due to insufficient evidence of any violation of the Tennessee Cosmetology Act of 1986.

Recommendation: Close with no further action.

REGULAR REPORT:

- 21. 201201559-1
First License Obtained: 07/14/2010
License Expiration: 06/30/2012
History: No Prior Complaints

A June 19, 2012 Notice of Violation alleges an area inspector observed two work stations which were unsanitary with hair in the drawers and clippers and trimmers improperly stored. Further the cosmetologist working was not wearing a name tag. The area inspector also stated this shop was given two previous verbal warnings about the issues.

Recommendation: Authorize formal hearing with authority to settle by Consent Order with payment of a \$500.00 civil penalty with a CEASE and DESIST advisory notice.

- 22. 201201209-1
First License Obtained: 12/02/2010
License Expiration: 10/31/2012
History: No Prior Complaints

A May 23, 2012 consumer complaint alleges a nail technician severely cut the Complainant's right heel during a pedicure service at the Respondent shop. Further, the Complainant contacted the shop to report the incident and was asked to go back to the shop to see her foot. The Complainant returned to the shop and was offered a free manicure. The Complainant also states her foot was getting worse and had to go to the emergency room for treatment. After the Complainant notified the Respondent that she had an infection in the tissue of her heel she was told by the Respondent's shop manager that he contacted his insurance company to see how to

file a claim. Furthermore, the complainant called the shop on later date and was told that the insurance company would only be responsible for the medical expenses. The Respondent shop was served with a notice of the complaint to respond, but failed to do so.

Recommendation: Close with a letter of warning and flag.

23. **201200850-1**
First License Obtained: 03/06/2000
License Expiration: 03/31/2014
History: No Prior Complaints

A March 30, 2012 complaint alleges the Respondent shop employed unlicensed cosmetologists and aestheticians. No answer to the complaint has been received from the Respondent as of the date of this report. The board office requested an inspector to visit the Respondent shop for further investigation, but the inspector reported no unlicensed activity.

Recommendation: Close with no action.

24. **201201298-1**
First License Obtained: 11/03/2009
License Expiration: 09/30/2012
History: No Prior Complaints

A March 26, 2012 consumer complaint alleges the consumer was badly cut while receiving a manicure at the Respondent shop and asked for disinfectant, to which the response from the manicurist was no, they do not have any. The manicurist also told the consumer she was only bleeding because her skin was dry. No answer to the complaint has been received from the Respondent as of the date of this report.

Recommendation: Close with a letter of warning relative to failure to respond and to sanitation requirements.

25. **201201562-1**
First License Obtained: 12/19/2008
License Expiration: 12/31/2012
History: 200901078-1 Closed w/no action 12/09/09
200902295-1 Closed w/\$1,000.00 CP Satisfied
201201016-1 Closed w/\$750.00 CP Satisfied

A June 20, 2012 Notice of Violation alleges the Respondent shop employed an unlicensed individual to perform pedicures. The owner admitted to the inspector that the individual was unlicensed and apologized.

Recommendation: Authorize a formal hearing with authority to settle by Consent Order with a payment of \$1,250.00 civil penalty.

26. **201201640-1**
First License Obtained: 04/05/2001
License Expiration: 04/30/2013
History: 200502142-1 Closed 02/06/06 w/\$500.00 CP Satisfied
201200224-1 Closed 05/14/12 w/L.O.W

A May 15, 2012 Notice of Violation does not provide sufficiently detailed information to determine whether a violation of the Tennessee Cosmetology Act of 1986 was observed at inspection time.

Recommendation: Close with no action.

27. **201201560-1**
First License Obtained: 08/05/1999
License Expiration: 04/30/2014
History: 201000126-1 Closed 06/15/10 w/\$1,000.00 CP Satisfied

A June 20, 2012 Notice of Violation alleges the area inspector observed ten (10) manicure stations had nail dust on them; five (5) manicure tables had dirty drill bits, which were improperly stored and un-sanitized; on three (3) stations the nail dusters were improperly stored; and a hot wax machine was found in the shop without any licensed cosmetologist present.

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

28. **201201584-1**
First License Obtained: 03/02/2012
License Expiration: 01/31/2014
History: 201200919-1 Closed 06/07/12 w/ letter of warning (relative to sanitation)

A May 15, 2012 Notice of Violation alleges an area inspector observed an individual threading an individual's eyebrows and holds neither an aesthetics license or a cosmetology license.

Recommendation: Issue a CEASE and DESIST advisory notice with a request for the inspector to follow up in thirty (30) days.

29. **201201637-1**
First License Obtained: 08/22/2007
License Expiration: 06/30/2013
History: No Prior Complaints

A May 15, 2012 Notice of Violation alleges the area inspector observed an altered manicurist license posted in efforts to extend the expiration date from 6/30/11 to 6/30/14. The inspector

sent the altered license to the Board office. Board office records indicate the individual's license was renewed on 5/18/12.

Recommendation: Authorize a formal hearing with authority to settle by Consent Order with payment of a \$750.00 civil penalty with a CEASE and DESIST advisory notice regarding permitting individuals with altered or expired licenses to practice in the shop.

30. 201200853-1
First License Obtained: 04/26/2012
License Expiration: 03/31/2014
History: No Prior Complaints

A March 23, 2012 Notice of Violation alleges the shop changed location without completion of a proper application to the Board office. Board office records indicate the shop has closed since the Notice and the inspector confirmed the shop cited closed for business.

Recommendation: Close and flag.

31. 201201153-1
First License Obtained: 03/18/1994
License Expiration: 09/01/2012
History: No Prior Disciplinary Action

A consumer complaint was received from the Tennessee Department of Consumer Affairs on May 11, 2012 against the Respondent school. The complainant, a disabled person, states she regularly receives pedicure services at the Respondent school. The complainant alleges the building is not ADA compliant and that the pedicure chairs are on a platform that is dangerous and unstable. No answer to the complaint has been received from the Respondent school as of the date of this report.

Recommendation: Close and send letter of warning relative to failure to respond. Refer the complaint information to the Tennessee Human Rights Commission.

32. 201201563-1
First License Obtained: 09/11/2002
License Expiration: 03/31/2013
History: No Prior Complaints

A June 23, 2012 Notice of Violation alleges the area inspector observed three (3) unlicensed individuals performing cosmetology services in the Respondent shop. The owner of the shop admitted the individuals were unlicensed.

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

- 33. 201201331-1**
First License Obtained: 11/29/2005
License Expiration: 12/31/2013
History: No Prior Complaints

A May 29, 2012 consumer complaint alleges that the Respondent shop employs an unlicensed cosmetologist. The complainant alleges she asked about his work history while receiving a service at the Respondent shop and her cosmetologist advised the individual was unlicensed. A response to the complaint from the Respondent shop states the individual in question is a licensed cosmetologist and further provides the individual's licensing information. The Respondent also states the complaint's statements are false.

Recommendation: Close with no further action.

- 34. 201201148-1**
First License Obtained: 11/02/2011
License Expiration: 09/30/2013
History: No Prior Complaints

A May 4, 2012 consumer complaint alleges the employee at the Respondent shop did not remove the dirty gloves that he used on the previous customer and attempted to use the same gloves on her for a pedicure even after she asked him to get clean gloves. The complainant left the Respondent shop without receiving the pedicure due to the lack of sanitation at the Respondent shop. No answer to the complaint has been received from the Respondent shop as of the date of this report.

Recommendation: Close with a letter of warning relative to sanitation.

- 35. 201201334-1**
First License Obtained: 09/1/2007
License Expiration: 03/31/2014
History: 200800770-1 Closed 05/16/08 w/\$1,250.00 civil penalty Satisfied

A May 30, 2012 consumer complaint alleges the manicure she received at the Respondent shop was awful and completely unsatisfactory due to un-matching nail colors. A response to the complaint from the Respondent states the complainant picked the color of her nails and further was advised since she received the original solar nails from a different shop that there may be color differences.

Recommendation: Close with no action.

- 36. 201201561-1**
First License Obtained: 10/25/2006
License Expiration: 06/23/2013
History: 200705658-1 Closed 10/02/07 w/\$500.00 CP Satisfied

200902296-1 Closed 06/01/11 w/\$1,500.00 CP Satisfied
201102579-1 Formal Charges Authorized

A June 20, 2012 Notice of Violation does not provide sufficiently detailed information to determine whether a violation of the Tennessee Cosmetology Act of 1986 was observed at inspection time.

Recommendation: Close with no action.

- 37. 201201566-1**
First License Obtained: 03/20/1996
License Expiration: 02/24/2012
History: 200501027-1 Closed w/ no action
200601500-1 Closed 10/02/06 w/\$500.00 CP Satisfied

An April 17, 2012 Notice of Violation alleges that the two practicing cosmetologist's license were expired at inspection time. Board office records indicate that both licensees paid the renewal fees after the Notice of Violation was issued.

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

- 38. 201201333-1**
First License Obtained: 11/06/2009
License Expiration: 07/31/2013
History: 201102488-1 Closed w/no action 01/05/2012

A complaint received on June 7, 2012 from the Tennessee Department of Consumer Affairs alleges the Respondent cosmetologist burned the complainant's head with relaxer and was unhappy with the manner in which the Respondent cosmetologist treated her after the service. A response to the complaint from the Respondent cosmetologist states the complainant has a history of psychological issues and was performing the services as a favor to a mutual friend. The response further states that the complainant expressed no unhappiness with the service until days later at a social event where both ladies were present. The Respondent states the complaint is unfounded.

Recommendation: Close with no action.

- 39. 201201568-1**
First License Obtained: 04/15/2009
License Expiration: 03/31/2013
History: No Prior Complaints

A May 9, 2012 Notice of Violation alleges the area inspector observed a cosmetologist practicing in the Respondent shop with an expired license. Board office records indicate that the licensee in question is now current.

Recommendation: Close with letter of warning.

40. **201201152-1**
 First License Obtained: 02/02/2009
 License Expiration: 06/30/2014
 History: No Prior Disciplinary Action

A May 11, 2012 consumer complaint received from the Tennessee Department of Consumer Affairs alleges that a manicurist at the Respondent shop hurt her and cut her while performing both a manicure and pedicure. The complainant alleges the individual is unlicensed. The answer received from the Respondent shop advised she did not employ any individuals named in the complaint and advised it may have been the prior owner's employees as she recently purchased the shop.

Recommendation: Close with no action.

41. **201201569-1**
 First License Obtained: 06/25/2009
 License Expiration: 06/30/2013
 History: No Prior Complaints

A May 10, 2012 Notice of Violation alleges the area inspector observed two (2) unlicensed individuals performing pedicures on clients without the proper board issued licenses upon inspection of the Respondent shop. Board office records indicate a manicurist license was issued to one of the individuals 7/11/12.

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

42. **201201206-1**
 First License Obtained: 02/04/2010
 License Expiration: 06/30/2013
 History: No Prior Complaints

A May 19, 2012 consumer complaint received from the Tennessee Department of Consumer Affairs alleges the Respondent shop nail technician did not sanitize the foot bath, the pedicure implements or wear gloves during the service. Once the complainant realized that all customers receiving pedicures were not being serviced with sanitized tools, she attempted to leave prior to the service being finalized. When trying to exit, the nail technician blocked her path and advised she must pay regardless of completion of the services and would not let her out until payment was received in full. A response from the Respondent shop states the pedicure was completed in

full (except polish) prior to the complainant making any negative statements and that she did require the complainant to pay prior to leaving. The response further states all past inspections have been 100%.

Recommendation: Closure with no action.

43. **201201297-1**
First License Obtained: 01/14/2010
License Expiration: 12/31/2011
History: No Prior Complaints

A March 28, 2012 consumer complaint alleges the Complainant visited the Respondent shop for a hair service wherein she sat under a dryer for four (4) hours and lost patches of her hair when the stylist attempted to remove a quick weave with glue remover. No response to complaint has been received from the Respondent as of this day of this report. Board office records indicate that the Respondent shop license expired 12/31/2011.

Recommendation: Issue a CEASE and DESIST advisory notice with a request for the inspector to follow up in thirty (30) days.

44. **201201583-1**
First License Obtained: 03/27/1997
License Expiration: 09/30/2013
History: 200316758-1 Closed w/no action 05/08/06
200500250-1 Closed w/no action 05/03/07
200502402-1 Dismissal w/no action 05/07/07
200502403-1 Dismissal w/no action 05/07/07
200502404-1 Dismissal w/no action 05/07/07
200902261-1 Formal Charges Authorized (Paid \$1,000 on a \$2,000 CO)

A May 10, 2012 Notice of Violation alleges an area inspector observed a manicurist practicing with an expired license (10/1/11); the shop license expired 9/30/11; no licenses were posted at work stations; and dirty files and buffers on work stations. According to the Board licensing records, the shop license was renewed 5/11/12.

Recommendation: Authorize a formal hearing with authority to settle by Consent Order with a payment of \$2,000.00 civil penalty.

45. **201201155-1**
First License Obtained: 02/02/2009
License Expiration: 06/30/2014
History: No Prior Disciplinary Action

A May 17, 2012 consumer complaint received from the Tennessee Department of Consumer Affairs alleges that a manicurist at the Respondent shop is unlicensed and further overcharged her for the services provided. No answer to the complaint has been received from the Respondent shop as of the date of this report.

Recommendation: Close with no action.

46. **201201567-1**
First License Obtained: 11/02/2011
License Expiration: 10/31/2013
History: No Prior Complaints

An April 13, 2012 Notice of Violation alleges the area inspector observed an unlicensed individual performing services on customers in the Respondent shop during the inspection. Board office records indicate the individual does not hold a cosmetology license and no license application has been received as of the date of this report.

Recommendation: Authorize formal hearing with authority to settle by Consent Order with payment of a \$500.00 civil penalty with a CEASE and DESIST advisory notice.

47. **201201644-1**
First License Obtained: 05/10/1985
License Expiration: 04/30/2013
History: No Prior Complaints

A June 1, 2012 Notice of Violation does not provide sufficiently detailed information to determine whether a violation of the Tennessee Cosmetology Act of 1986 was observed at inspection time.

Recommendation: Close with no action.

48. **201201647-1**
First License Obtained: 12/06/2010
License Expiration: 11/30/2012
History: 201103059-1 Closed 03/06/12 w/\$1,000 CP Satisfied
201200923-1 Closed 07/12/12 w/\$500.00 CP Satisfied; and
Probation for Two Years Entered 7/9/12

A May 30, 2012 Notice of Violation alleges an unlicensed individual was performing pedicure services on a customer during the inspection and another individual was practicing, but stated to the inspector that he sent his reciprocity application to the Board office. According to the Board licensing records, no applications have been received for either individual as of this date.

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

- 49. 201201645-1**
First License Obtained: 02/02/2010
License Expiration: 01/31/2014
History: No Prior Complaints

A June 2, 2012 Notice of Violation alleges the area inspector observed an unlicensed individual working on a client at the spa chair in a licensed manicure shop. Further, the inspector talked to the individual and found that he has a license from Texas and applied for a Tennessee license by reciprocity. Board office records indicate the individual became a licensed manicurist by reciprocity on 7/23/12. A letter was received in response to the Notice of Violation from the shop owner stating she was interviewing the individual for a manicurist position and was testing him with a regular client when the inspector arrived. Further, the owner of the shop states that this is their first violation and asked to receive a warning since the individual had already applied to the Board office.

Recommendation: Issue a CEASE and DESIST advisory notice with a request for the inspector to follow up in thirty (30) days.

- 50. 201201638-1**
First License Obtained: 08/23/1996
License Expiration: 08/31/2013
History: No Prior Complaints

A May 15, 2012, Notice of Violation alleges the area inspector observed an unlicensed individual performing a manicure service on a client. The Respondent shop manager begged the inspector to let her off.

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

- 51. 201201651-1**
First License Obtained: 02/02/2009
License Expiration: 06/30/2014
History: No Prior Disciplinary Action

A June 12, 2012 Notice of Violation alleges the area inspector observed an individual performing a manicure on a client in a licensed manicure shop. Further, the inspector asked the individual for her licensure status who stated she was licensed in North Carolina, but not in Tennessee. Board licensing records indicate a reciprocity approval letter was issued to the individual 6/8/12 and she was licensed 6/27/12.

Recommendation: Close with a letter of warning.

52. 201201642-1
First License Obtained: 11/08/1996
License Expiration: 08/31/2013
History: No Prior Complaints

A May 18, 2012 Notice of Violation alleges that the owner of a licensed manicure shop was observed practicing an eyebrow wax on a client at the inspection time.

Recommendation: Authorize a formal hearing with authority to settle by Consent Order with a payment of a \$500.00 civil penalty and a CEASE and DESIST advisory notice.

53. 201201663-1
First License Obtained: 08/05/1988
License Expiration: 04/30/2013
History: The current owner has no prior complaints

A July 18, 2012 Notice of Violation does not provide sufficiently detailed information to determine whether a violation of the Tennessee Cosmetology Act of 1986 was observed at inspection time.

Recommendation: Close with no action.

54. 201201641-1
First License Obtained: 07/22/2010
License Expiration: 06/30/2012
History: No Prior Complaints

A May 17, 2012 Notice of Violation alleges the area inspector observed the operator of the shop who is a licensed cosmetologist shampooing a client while her personal license was expired. Board office records indicate that such license was renewed on 5/24/12. Board office records further indicate the shop license expired 6/30/12 and no application to renew the shop license has been received as of the date of this report.

Recommendation: Issue a CEASE and DESIST advisory notice with a request for the inspector to follow up in thirty (30) days.

55. 201201649-1
First License Obtained: 10/15/1992
License Expiration: 08/31/2013
History: No Prior Complaints

A June 6, 2012 Notice of Violation alleges the area inspector observed five individuals practicing without wearing the proper identification tags, a few of which did not have their licenses posted at their work stations; three stations had dirty hair brushes stored improperly.

The area inspector further advised the shop has received several verbal warnings about these violations.

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

56. 201201662-1
First License Obtained: 09/11/2007
License Expiration: 08/31/2013
History: No Prior Complaints

A July 12, 2012 Notice of Violation does not provide sufficiently detailed information to determine whether a violation of the Tennessee Cosmetology Act of 1986 was observed at inspection time.

Recommendation: Close with no action.

57. 201201660-1
First License Obtained: 11/25/2003
License Expiration: 02/28/2014
History: No Prior Complaints

A July 12, 2012 Notice of Violation alleges an area inspector observed three (3) individuals performing pedicure and manicure services in a licensed manicure shop without valid cosmetology licenses. Further, the area inspector found a licensed cosmetologist who was in the process of finishing a pedicure, but had no license posted at the shop and was not wearing a name tag. Board office records indicate one of the individuals has submitted an application for licensure and such application is pending as of the date of this report.

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

58. 201201656-1
First License Obtained: 06/07/1995
License Expiration: 04/30/2014
History: 201100335-1 Closed 08/17/11 w/L.O.W.

A July 10, 2012 Notice of Violation alleges an area inspector observed a shop open for business with a license which expired 4/30/2012. Board office records indicate that the shop license was renewed 7/16/12.

Recommendation: Close with a letter of warning.

59. 201201654-1
First License Obtained: 12/08/2006
License Expiration: 09/01/2012
History: 200705475-1 Dismissal w/no action 06/04/07
200706471-1 Closed w/L.O.W 08/08/07
200901899-1 Closed w/no action 03/04/10
200902014-1 Closed w/no action 12/06/10
200902240-1 Closed w/no action 03/04/10
201000926-1 Closed w/no action 10/11/10
201001610-1 Closed w/no action 08/02/10

A July 5, 2012 Notice of Violation alleges the inspector observed upon inspection of the Respondent school an invalid instructor's license which expired 4/30/11. Board office records indicate the instructor's license was renewed 7/12/12.

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

60. 201201683-1
First License Obtained: 12/08/2011
License Expiration: 11/30/2013
History: No Prior Complaints

A July 26, 2012 Notice of Violation alleges the area inspector observed a cosmetologist performing cosmetology services on a client with an expired license. Board office records indicate the license has not been renewed as of the date of this report.

Recommendation: Issue a CEASE and DESIST advisory notice with a request for the inspector to follow up in thirty (30) days if no renewal has been received.

61. 201201726-1
First License Obtained: 04/29/2010
License Expiration: 02/17/2012
History: No Prior Complaints

A July 31, 2012 Notice of Violation alleges the area inspector observed an individual with a California manicure license performing a pedicure service on a client in a licensed cosmetology shop. Board office records indicate the individual holds neither a cosmetology nor a manicurist license. The area inspector advised the individual of the licensure requirements for Tennessee and he promised to comply.

Recommendation: Issue a CEASE and DESIST advisory notice with a request for the inspector to follow up in thirty (30) days if no application has been received.

- 62. 201201652-1**
First License Obtained: 09/23/2009
License Expiration: 09/30/2013
History: No Prior Complaints

A July 5, 2012 Notice of Violation alleges the area inspector observed an unlicensed individual performing a manicure service in the Respondent shop and a licensed cosmetologist was performing services without wearing the proper identification tag. Board office records indicate the individual in question has not applied for licensure as of the date of this report.

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

- 63. 201201692-1**
First Licensed Obtained: 07/30/2003
License Expiration: 05/31/2013
History: 200501087-1 Dismissal w/no action 08/07/06
200900987-1 Closed 04/06/10 w/\$1,500.00 CP Satisfied

A July 27, 2012 Notice of Violation does not provide sufficiently detailed information to determine whether a violation of the Tennessee Cosmetology Act of 1986 was observed at inspection time.

Recommendation: Close with no action.

- 64. 201201648-1**
First License Obtained: 11/12/2009
License Expiration: 11/30/2013
History: No Prior Complaints

A May 30, 2012 Notice of Violation alleges the area inspector observed no shop license, grade sheet or personal licenses posted. The inspector contacted the Board office and was advised the shop license was expired during the inspection. Further the area inspector states the owner was working on a client without wearing the proper identification tag. Board office records indicate the shop license has now been renewed.

Recommendation: Issue a CEASE and DESIST advisory notice with a request for the inspector to follow up in thirty (30) days.

65. 201201725-1
First License Obtained: 04/05/2010
License Expiration: 02/28/2012
History: No Prior Complaints

A July 31, 2012 Notice of Violation alleges the area inspector observed a licensed cosmetologist (who is also the owner and the manager of the shop) cutting a client's hair with an expired cosmetology license and further found the shop license had expired 2/28/12. Board office records indicate no applications to renew the licenses have been received as of this day of this report.

Recommendation: Issue a CEASE and DESIST advisory notice with a request for the inspector to follow up in thirty (30) days if no renewal has been received.

66. 201201650-1
First License Obtained: 03/27/2000
License Expiration: 03/31/2013
History: No Prior Complaints

A July 3, 2012 Notice of Violation alleges the area inspector observed dirty floors, no identification tags being worn and unsanitary tools, which were improperly stored.

Recommendation: Close with a letter of warning.

67. 201201570-1
First License Obtained: 10/03/2007
License Expiration: 02/28/2013
History: 201201166-1 Closed 06/28/12 w/\$500.00 CP Satisfied

A May 11, 2012 Notice of Violation alleges the area inspector observed an individual was performing pedicure services in the Respondent shop without a license.

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