MINUTES

The Tennessee State Board of Cosmetology held a meeting November 7, 2011 at 9:00 a.m. in Nashville, Tennessee.

The following Board Members were present: Linda Colley, Board Chairman, Nina Coppinger , Vice Chairman, June Huckeby, Muriel Smith, Pearl Walker and Diana Buchanan. Virgilene Lotze and Janet Wormsley were absent.

Others present: Beverly Waller Board Director, Terrance Bond Attorney for the Board and Hazel Buttrey Licensing Technician.

Meeting was called to order by Board Chairman Linda Colley.

Linda Colley, Board Chairman called for roll call.

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

Request for approval of the October 3, 2011 board minutes.

MOTION made by June Huckeby and seconded by Pearl Walker approval of the October 3, 2011 minutes. Motion carried unanimously.

APPEAR BEFORE THE BOARD-

Ashley Kyler, Director of Education for Miller- Motte Technical College and Nicole Trotter Cosmetology Program Director for Miller-Motte Technical College are here today at the request of the Board concerning the approval of changes to the cosmetology clock hour programs which was presented to the Board at the October board meeting. From the information provided it appears additional hours were required in the cosmetology curriculum. Ms. Kyler and Ms. Trotter explained the proposal and stated they were aware that the wording of what was proposed was confusing.

MOTION made by June Huckey and seconded by Nina Coppinger approval of Miller- Motte Technical Colleges changes to the clock hour cosmetology program. Motion carried unanimously.

Farnaz Esmaili is here today at the request of the Board after review of her application for reciprocity of cosmetology license from Iran. The Board had previously requested a breakdown of the 2700 hour curriculum she completed in Iran. She submitted the information to the board office which she advised was obtained by phone.

MOTION made by Nina Coppinger and seconded by Muriel Smith. Applicant will be required to take the cosmetology examination. Motion carried unanimously.

Akberet Asmelash Ghebremicael is here today at the request of the Board. The Board reviewed her application for reciprocity of license from Eritrea at the October board meeting and voted to request her appearance to get clarification as to what was covered in the six (6) months cosmetology training course.

MOTION made by Nina Coppinger and seconded by Muriel Smith to accept 720 hours of instruction completed in Eritrea and applicant will be required to complete an additional 780 hours of instruction and set for the State Board Cosmetology examination. Motion carried unanimously.

Kristin Lynn Cude requested to appear before the Board today concerning her application for reciprocity which was reviewed by the board at the October board meeting. Applicant hours of instruction in cosmetology were obtained thru apprenticeship in a salon. The Board voted to request she submit proof of a 5 year work history as a cosmetologist. Applicant explained to the Board she could only provide proof of a 3 year work history as a cosmetologist and also explain to the Board the apprenticeship program in the State of Missouri. She received instruction in the salon and she was taught from the Milday Cosmetology book.

MOTION made by Nina Coppinger and seconded by Diana Buchanan to approve Applicant to set for the cosmetology examination. Vote: 3 –YEAS / 2-NAYS

COSMETOLOGY SCHOOL APPLICATIONS-

We have received notification from Empire Beauty School that all repairs have been completed at the Brentwood location from the flood. All students and co-workers are back under one roof and life is back to normal at the school.

NO MOTION REQURIED-

Application for change of location for Paul Mitchell the School Knoxville presented at the October board meeting. The change of location has taken place and inspection by the Board Member and Board

Inspector has been conducted. The school was found to be in compliance with all requirements and I 'm requesting the Boards approval to issue school license.

MOTION made by June Huckey and seconded by Muriel Smith to issue school license. Motion carried unanimously.

Notification from Gene Wallace owners of International College of Arts and Beauty located in Chattanooga, Tennessee that the school has closed due to lack of enrollment.

NOT MOTION REQUIRED-

Submitted application, bond and floor plan for a new school of cosmetology to be located at Virginia College School of Business and Health (Knoxville). They are requesting approval of the application and they can begin advertising and recruiting students. As stated in the letter submitted they understand they must provide 20 student enrollment agreements to the Board and pass a final inspection of the school before beginning classes. They hope to provide the twenty (20) student enrollment agreements in early March and anticipated date for the first class is April 4, 2012.

MOTION made by June Huckeby and seconded by Muriel Smith approval of the applications submitted. Motion carried unanimously.

APPLICATIONS FOR EXAMINATION-

Applications for examinations that have felonies from Michelle Flemings, Channing Wright, Charlotte Bell and Meredith Brown. All the required information has been submitted, disclosure from the student and letter of examination recommendation from the school applicant attended.

MOTION made by Diana Buchanan and seconded by Muriel Smith approval of application for examination with signed consent orders. Motion carried unanimously.

APPLICATIONS FOR RECIPROCITY-RE-PRESENT

Application for reciprocity of aesthetician license from Virginia from Robin Ashley Almond. Certification from the Virginia State Board states applicant documenting training and experience acceptable to the Board were eligible to receive an aesthetician license by waiver of the examination. Applicant has submitted documents from American Spirit Institute School of Natural Aesthetics in Virginia stating she completed 600 hours of Professional Aesthetician Training and 600 hours Master Aesthetician Training. Also a break down of the curriculum is listed.

MOTION made by Nina Coppinger and seconded by Diana Buchanan to approve applicant to set for the aesthetician examination. Motion carried unanimously.

Leticia Pava and a gentleman who translated for her appeared before the Board at the October board meeting to discuss her application for reciprocity of cosmetology license at which time the Board requested she submit proof of a work history from Columbia where she obtained her training. She has submitted documentation from the Chamber of Commerce of Barranquilla which list her income in the profession from 2000 to 2010 for review by the Board.

MOTION made by Muriel Smith and seconded by Nina Coppinger to approve applicant to set for the cosmetology examination. Motion carried unanimously.

Application for reciprocity of cosmetology license from Christine Martin reviewed by the Board at the October board meeting. Hours of instruction verified by certification from New Jersey State Board of 1350. She is requesting the Board to review her work history for consideration for licensing.

MOTION made by Muriel Smith and seconded by Nina Coppinger to approve applicant to set for the cosmetology examination. Motion carried unanimously.

Application for reciprocity of cosmetology license from Genet Araya Meles. The Board had requested a break down of the curriculum she completed at Women's Beauty Club Hair Dressing Training program for 800 hours in Ethiopia. She has submitted the requested information for review.

MOTION made by Muriel Smith and seconded by Pearl Walker to request applicant to appear before the Board. Motion carried unanimously.

Application for reciprocity of cosmetology, aesthetician, instructor and manicurist license from Andrea Denise Mueller from Germany which was reviewed at the October board meeting. The Board requested additional information such as a break down of the subjects in the curriculums and hours of instructions completed in the curriculum in Germany.

MOTION made by Muriel Smith and seconded by June Huckeby to request applicant to appear before the Board. Motion carried unanimously.

APPLICATIONS FOR RECIPROCITY-

Attorney Terrance Bond stated he has thoughts about the Boards approval process for reciprocity applications which he would like to share with Board Members. He advised he has had this discussion with Board Members before but it bears repeating. Mr. Bond stated Cosmetology Reciprocity Law states: The Board may grant a license to applicants who hold a valid license issued by another state or the District of Columbia and has substantially met the qualifications for licensing in Tennessee and he would like to underscore the word substantially not an exact match. Mr. Bond stated in the event an applicant has greater that 50% of hours in a curriculum he thinks the Board should look at that and not require applicant to return to school for additional hours but to test in Tennessee to determine how proficient they are in state law and the profession. This would make the process easier and the new administration is looking at quality of decisions to make sure they are made in view of the law without being unduly restrictive on individuals trying to enter the professions in Tennessee. He would like the Board Members to keep that in mind because he might make such recommendations on applications that will be reviewed. In the event the Board feels an applicant might not have met all qualifications the Board has the decision to require the applicant to take the state board examination. Mr. Bond stated after several questions from Board Members that if an applicant holds a valid license from another state does not have a five (5) year work history and has a shortage of hours in the curriculum required in Tennessee the Board should review the hours to determine if the percentage of hours would be substantial to meet license requirements in Tennessee. Mr. Bond states that reciprocity is a short cut to get license and he feels that is the reason the Legislature stated substantially in the wording for reciprocity requirements. Mr. Bond stated he would not be making any decision for change but it is his responsibility as legal counsel for the Board to bring this to the Board Members attention. Mr. Bond advised the process is being looked at by someone other than himself and it is his duty as legal counsel to make the Board aware. Mr. Bond stated this conversation is a also a result of complaints from applicants that are required to return to school to complete additional hours in curriculums and in several circumstances the complaints have gone beyond the department. Mr. Bond stated it is his responsibility to make sure the Board's decision is tied directly to the law. Mr. Bond suggested that an applicant holding a valid license issued by another state board, no (5) five year work history and hours or short of what is required in the curriculum in Tennessee the board should consider 60% of hours as substantial. Mr. Bond stated he does not make the decisions for the Board and Board Members should do what the majority determines is best.

Board Member Nina Coppinger stated she was not comfortable with making changes to the reciprocity approval process at this time and she would like to make a motion on the current applicatio up for review requiring reciprocity applicant Lacy Kemp to complete one hundred (100) hours of instruction in the esthetics curriculum and pass the state board aesthetician examination. Motion carried unanimously.

Application for reciprocity of cosmetology license from Wisconsin for Kim Luu. Certificaton from the Wisconsin State Board states she received license in that state by endorsement from Vietnam 08/02/2011. Additional documentation from Madison Area/Technical College.

MOTION made Nina Coppinger and seconded by Muriel Smith to approve applicant to set for the cosmetology examination. Motion carried unanimously.

Application for reciprocity of aesthetician license from Kansas from Lacy Kemp. Certification from the Kansas State Board verifies she completed 650 hours of instruction in the curriculum and original date of licensing 09/09/10. No 5 year work history.

MOTION made by Nina Coppinger and seconded by Pearl Walker Applicant will be required to complete 100 hours of instruction in the esthetics curriculum and pass the state board aesthetician examination to qualify for license. Motion carried unanimously.

Application for reciprocity of cosmetology instructor license for Sammy Jones from Mississippi. Certification from the Mississippi State Board verifies 1500 hours of instruction in the cosmetology curriculum and states instructor hours received out of state. She stated she completed her instructor training in the State of Alabama. She was able to obtain a letter from the Alabama State Board stating records show she attended the Master's Institute in 1994 and obtained 750 hours. No instructor examination was indicated.

MOTION made by Muriel Smith and seconded by Diana Buchanan approval of the application for instructor license. Motion carried unanimously.

Application for reciprocity of cosmetology license for Stephanie Baumberger from Florida. Certification verifies 1200 hours in the curriculum and original date of licensing as 03/17/2008 therefore no 5 year work history.

MOTION made by Nina Coppinger and seconded by Muriel Smith Applicant will be required to complete 300 hours of instruction in the cosmetology curriculum and pass the state board examination to qualify for license. Motion carried unanimously.

Application for reciprocity of cosmetology license for Mallory Elizabeth Droke from Florida. Certification from the Florida State Board verifies 1200 hours in the curriculum and original date of licensing as 10/08/2007 therefore no 5 year work history.

MOTION made by Nina Coppinger and seconded by Pearl Walker applicant will be required to complete 300 hours of instruction in the cosmetology curriculum and pass the state board examination to qualify for license. Motion carried unanimously.

Application for reciprocity of cosmetology license from Rebekah Wolfe from Missouri. Certification verifies she completed 3000 hour apprentice hours in the curriculum and her original date of licensing as 03/06/2000. Motion carried unanimously.

MOTION made by Nina Coppinger and seconded by Diana Buchanan to approve applicant for the cosmetology examination. Motion carried unanimously.

Application for reciprocity of manicurist license for Nga Nguyen from Georgia. Certification verifies 525 hours completed in the curriculum and original date of licensing as 08/20/2007 therefore no 5 year work history.

MOTION made by Diana Buchanan and seconded by Nina Coppinger applicant will be required to complete 75 hours of instruction in the curriculum and pass the state board manicurist examination to qualify for license. Motion carried unanimously.

Application for reciprocity of manicurist license for David Bui from the State of Georgia. Certification verifies 525 hours in the curriculum and original date of licensing 12/04/2008.

MOTION made by Diana Buchanan and seconded by Nina Coppinger applicant will be required to complete 75 hours of instruction in the curriculum and pass the state board manicurist examination to qualify for license. Motion carried unanimously.

Application for reciprocity of cosmetology license for Julia Alligood from the State of Georgia. Certification verifies she completed 1325 hours in the curriculum and is licensed as a Hair Designer since 12/18/2009.

MOTION made by Diana Buchanan and seconded by Pearl Walker applicant will be required to complete 175 hours of instruction in the cosmetology curriculum and pass the cosmetology examination to qualify for license. Motion carried unanimously.

Application for reciprocity of cosmetology license for Lourdes Padilla from Wisconsin. Applicant obtained license in Wisconsin by endorsement from Mexico.

MOTION made by Nina Coppinger and seconded by Muriel Smith applicant will be required to take the state board cosmetology examination. Vote: Five (5) YEAS and One (1) NAYS.

Application for reciprocity of cosmetology license from Australia from Steven Handyside. Statement submitted: In Western Australia qualifications are only received after 48 months of on-the-job and off-the- job training are completed to hairdressing government standards. This equates to 1824 hours per year, which in 48 months equates to 7296 hours. Trade Certification for completion of apprenticeship for the trade of hairdressing submitted. Certificate from Taylor Weir School of Hairdressing submitted also.

MOTION made by Nina Coppinger and seconded by Peal Walker applicant is required to take the state board cosmetology examination. Motion carried unanimously.

Application for reciprocity of aesthetician license for Bronagh Paladino. Certifications submitted states applicant is licensed in New York by Equivalent Experience from Ireland. Applicant is licensed in North Carolina by reciprocity and applicant is licensed in Florida by endorsement. No information submitted for hours of instruction in Ireland.

MOTION made by Nina Coppinger and seconded by Muriel Smith applicant is required to take the state board cosmetology examination. Motion carried unanimously.

Application for reciprocity of cosmetology license from Magdalena Lopez-Valdez from Mexico. Certification submitted from the Georgia State Board verifies she obtained license in Georgia by reciprocity. She has submitted information as to her instruction in the curriculum and break down in the curriculum in the school she attended in Mexico.

MOTION made by Nina Coppinger and seconded by Diana Buchanan applicant is required to take the state board cosmetology examination. Motion carried unanimously.

EXTENSION REQUEST-

Request for extension from Audrey Garcia Lulow. The Board reviewed this extension request at the October meeting and declined the request. The initial physician statement stated she was under the physician care for arthritis for her knee and she was restricted from walking up and down stairs or sitting for prolonged periods of time. The physician statement submitted states due to her condition the pain and instability she is unable to drive.

MOTION made by Nina Coppinger and seconded by Muriel Smith to approve the request for extension. Motion carried unanimously.

MISCELLANEOUS-

Request from Ms. Perkins Continuing Education Coordinator for TSU to set date for the 2012 Instructor Seminar. Dates submitted: August 12-13, 2012 and August 5-6, 2012.

MOTION made by Muriel Smith and seconded by Nina Coppinger to approve dates of August 12-13 for the 2012 instructor seminar. MOTION carried unanimously.

Request from Leslie Renee Shumate approval to take the aesthetician practical examination without turning on the galvanic or high frequency machine due to pregnancy.

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

Request from Erica Shotwell to retain hours she completed in the cosmetology curriculum in high school. She enrolled in the high school curriculum in 2001 and enrolled in the cosmetology curriculum at Paul Mitchell the School Memphis in 2009 to complete hours.

MOTION made by Muriel Smith and seconded by Pearl Walker to request Ms. Shotwell to appear before the Board and also to notify Paul Mitchell the School Memphis. Motion carried unanimously.

Field trip request from Image Maker Cosmetology School. The school would like for cosmetology and aesthetician students be permitted to do hair and makeup for Nossi's photography models. The studio is down the street from the school and has a styling area for hair and makeup. An instructor would take approximately 3-4 students each Tuesday afternoon for approximately 2 hours to the studio. The photography studio would also provide the students with photos of their work each week which would help the student build a styling portfolio. Each week would be a different theme. Nossi would email a picture of the models to be used each week in advance to allow students attending the photo shoot time to plan the style and makeup that would be appropriate for that shoot.

MOTION made by Nina Coppinger and seconded by Muriel Smith to decline the field trip request. Motion carried unanimously.

Request for a mobile pampering party business for girls ages 4-13. This individual is not licensed but has experience as a former Avon and Mary Kay Beauty consultant. Services would be performed in the home it would be mini-pedicures, mini-manicures and mini-facials.

MOTION made by Muriel Smith and seconded by Diana Buchanan to decline this request. Motion carried unanimously.

Follow-up response from Gene Wallace as to the discussion at the October meeting concerning natural hair stylist performing shampoo services in a salon on clients other than clients they are performing natural hair styling service for. The Board stated at the October meeting that natural hair stylist should only perform shampoo services for the clients they are to perform natural hair styling services on. Mr. Wallace states he agrees with Mr. Bond that this is a topic that should require further clarification regarding state rules, and he hope this will be a topic of consideration when the Board reviews the laws and rules for updating.

Notification from the University of Tennessee planning committee with dates for the first meeting for planning the 2012 instructor seminar. The meeting will be held December 12, 2011 at the University of Tennessee Conference Center in Knoxville. After discussion the decision was made that Nina Coppinger Diana Buchanan will attend this meeting.

The Board had received a request from Jean Glick concerning allowing her dog in her shop and she provided a medical document which states her dog is a therapy dog. Therapy dogs are considered service animals.

MOTION made by Nina Coppinger and seconded by Diana Buchanan approval of the request to permit therapy dog in the shop. Motion carried unanimously.

CONSENT ORDERS-

MOTION made by Nina Coppinger and seconded by Muriel Smith approval of consent orders. Motion carried unanimously.

LEGAL REPORT-

MOTION made by Muriel Smith and seconded by June Huckeby approval of legal report. Motion carried unanimously.

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

COSMETOLOGY BOARD
NOVEMBER 2011
CONSENT ORDERS $6000.00

Hair by Toi 1413 Jefferson Street Suite 202 Nashville, TN 37208	Violation issued February 23, 2011 Pd $500.00 on 10-18-2011
Lavergne Nails 5170 Murfreesboro Road LaVergne, TN 37086	Violation issued May 17, 2011 Pd $2000.00 on 10-14-2011
Lynn's Hair Fantasies 231 North Gate Drive Suite 268 McMinnville, TN 37110	Violation issued July 16, 2010 Pd $500.00 on 10-27-2011
Many's Hair and Nail Salon 1625 Bradyville Pike Murfreesboro, TN 37130	Violation issued March 30, 2010 Pd $500.00 on 10-10-2011
Salon du Jour 105 West Hills Drive Lebanon, TN 37087	Violation issued March 1, 2011 Pd $250.00 on 7-18-2011
Sequoyah Nail Spa 4124 Kingston Pike Knoxville, TN 37919	Violation issued October 20, 2010 Pd $ 500.00 on 10-11-2011
Tina's Nails 6045 Stage Road #72 Bartlett, TN 38134	Violation issued March 18, 2011 Pd $750.00 on 10-31-2011

VIP Nails
445 Hwy 46 South
Suite 13
Dickson, TN 37055

Violation issued April 7, 2011
Pd $1000.00 on 11-01-2011

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: **Terrance L. Bond, Assistant General Counsel**

DATE: **November 7, 2011**

SUBJECT: **November Legal Report (FINAL)**

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1. 201102618-1
First License Obtained: 03/10/2008
License Expiration: 02/28/2012
History: 2009014091 – Closed 10/05/2009 $1000.00 CP

September 1, 2011 Notice of Violation alleges that a non-service animal was present in a licensed cosmetology shop.

Recommendation: Close with a letter of warning.

2. 201102600-1
First License Obtained: 06/28/1996
License Expiration: 05/31/2012
History: No Prior Complaints

July 1, 2011 Notice of Violation alleges that a licensed manicurist was observed providing a waxing service to a client in a licensed manicure shop.

Recommendation: Close with a letter of warning.

3. **201102598-1**
First License Obtained: 05/14/2009
License Expiration: 08/31/2013
History: No Prior Complaints

August 3, 2011 Notice of Violation alleges that an unlicensed individual was observed providing manicuring services to a client in a licensed manicure shop. According to the inspector, the owner of the shop indicated that the individual held a manicurist license in Maryland and had filed an application for licensure by reciprocity in Tennessee. As of the date of this summary, no record of a reciprocity application could be found for the individual identified in the Notice.

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

4. **201102633-1**
First License Obtained: 05/22/1995
License Expiration: 05/31/2013
History: No Prior Complaints

August 25, 2011 Notice of Violation alleges that a non-service animal was found a licensed cosmetology shop. In addition, the owner's cosmetologist license was not displayed in the shop (although it was valid) and the shop license was expired and had been expired since May 31, 2011. The owner was providing shampoo service to a client at inspection time.

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

5. **201102630-1**
First License Obtained: 06/25/2009
License Expiration: 06/30/2011
History: No Prior Complaints

August 25, 2011 Notice of Violation alleges that a licensed cosmetology shop was observed operating while its license was expired and had been expired since June 30, 2011. The shop license remains expired as of the date of this summary.

Recommendation: Authorize formal hearing with authority to settle by Consent Order, payment of a $500.00 civil penalty and instructions to CEASE and DESIST operation of an unlicensed shop.

6. **201102628-1**
First License Obtained: 03/28/1996
License Expiration: 03/31/2012
History: No Prior Complaints

August 25, 2011 Notice of Violation alleges that a licensed cosmetology was being operated in an unsanitary condition. According to the inspector, the shop was "dirty throughout". In addition, the inspector alleges that valid cosmetologist licenses were not displayed at one (1) or more work stations in the shop and that the last inspection sheet was not displayed in the shop.

Recommendation: Close with a letter of warning.

7. **201102627-1**
First License Obtained: 08/07/2003
License Expiration: 07/31/2013
History: 2008007801 – Closed 02/04/2011 $1000.00 CP

August 24, 2011 Notice of Violation alleges that an individual who indicates that he holds a manicurist license was observed practicing manicuring in a licensed manicure shop. According to the individual, he did not have any forms of identification on his person while at the shop that would establish both his identity and licensure status.

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

8. **201102626-1**
First License Obtained: 11/01/1995
License Expiration: 06/30/2011
History:

August 25, 2011 Notice of Violation reports that a licensed cosmetology shop was open for business while its license was expired and had been expired since June 30, 2011. According to the inspector, no individuals were observed practicing cosmetology during the inspection. The shop license remains delinquent as of the date of this summary.

Recommendation: Close with a letter of warning.

9. 201102625-1
First License Obtained: 12/17/2008
License Expiration: 12/31/2012
History: 200802732 – Closed LOW 02-02-2009

August 26, 2011 Notice of Violation does not provide sufficient information to determine whether a violation of the Cosmetology Act was observed during the inspection of a licensed cosmetology shop.

Recommendation: Close with no action.

10. 201102624-1
First License Obtained: 10/09/2006
License Expiration: 08/31/2013
History: No Prior Complaints

August 24, 2011 Notice of Violation, which was issued during a change of ownership inspection, alleged that the new owner of a licensed manicure shop, who does not hold a manicurist license, was observed practicing manicuring on a client in the shop. The inspector also noted the presence of nail dust and tips on the floor of the manicure salon and that one (1) or more nail dusters that had been previously used on a client or clients were not stored as required after service.

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

11. 201102623-1
First License Obtained: 08/08/1997
License Expiration: 09/30/2013
History: No Prior Complaints

September 1, 2011 Notice of Violation alleges that two (2) licensed cosmetologists in a licensed cosmetology shop failed to wear identification tags in the shop—according to the inspector, neither of the licensees were engaged in practice at inspection time. The inspector also noted that dirty towels were not stored as required, an expired cosmetologist license was displayed in the shop, combs/tools were not completely submerged in barbicide, trash cans were uncovered and that clipped hair was present in tool drawers.

Recommendation: Close with a letter of warning.

12. 201102621-1

First License Obtained: 01/16/2002
License Expiration: 12/31/2012
History: No Prior Complaints

September 2, 2011 Notice of Violation alleges that two (2) unlicensed individuals were practicing cosmetology in a licensed cosmetology shop. Counsel for the shop owner states that one (1) of such individuals was removing excess hair product from the client's face with a towel during the inspection and that the other individual was providing license-required services in order to assist another employee who could not service the client due to a scheduling conflict. Counsel states that both of the individuals are licensed/trained in other jurisdictions to perform the services they were performing, and that such individuals will not be performing services in the shop again until and unless they become licensed by the Tennessee state board. Counsel requests leniency against the shop owner.

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

13. 201102620-1
First License Obtained: 06/26/2007
License Expiration: 06/30/2011
History: No Prior Complaints

A September 1, 2011 Notice of Violation alleges that the owner of a licensed cosmetology shop relocated the shop and was observed operating same at the new location without first obtaining an inspection of the new location. At inspection time, one (1) licensed cosmetologist was observed practicing cosmetology on a client in the shop. The shop license was also expired at inspection time and had been expired since June 30, 2011. As of the date of this summary, the shop license remains delinquent.

Recommendation: Authorize formal hearing with authority to settle by Consent Order and payment of a $500.00 civil penalty with instructions to CEASE and DESIST operating the shop until a valid shop license is obtained.

14. 201102619-1
First License Obtained: 12/09/1998
License Expiration: 01/31/2012
History: No Prior Complaints

August 31, 2011 Notice of Violation alleges that a cosmetologist whose license was expired and had been expired since May 31, 2011 was observed practicing cosmetology on a client in a licensed cosmetology shop. The individual has since renewed her license.

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

15. 201102465-1
First License Obtained: 04/23/2009
License Expiration: 12/31/2011
History: No Prior Complaints

May 25, 2011 Notice of Violation alleges that an unlicensed individual was found practicing manicuring in a licensed manicure shop. The inspector also reports finding nail dust in drawers where manicuring tools were kept.

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

16. 201102464-1
First License Obtained: 05/25/1993
License Expiration: 05/31/2013
History: No Prior Complaints

May 20, 2011 Notice of Violation alleges that a licensed cosmetologist was observed practicing in a licensed cosmetology shop while her license was expired and had been expired since July 31, 2010. The license is now valid.

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

17. 201102463-1
First License Obtained: 05/18/2001
License Expiration: 04/30/2013
History: No Prior Complaints

May 20, 2011 Notice of Violation alleges that a licensed cosmetologist was observed practicing cosmetology in a licensed cosmetology shop while both her license and the shop license were expired and had been expired since February 28 and April 30, 2011, respectively. Both the cosmetologist's and the shop license are now valid.

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

18. 201102457-1
First License Obtained: 03/07/1997

License Expiration: 02/28/2013
History: No Prior Complaints

The Department license roster indicates that this licensed cosmetology shop, which was issued a Notice of Violation on May 6, 2011 relative to the display of a shop license, is now closed for business.

Recommendation: Close and flag.

19. 201102454-1
First License Obtained: 09/22/2006
License Expiration: 09/30/2012
History: No Prior Complaints

May 6, 2011 Notice of Violation alleges that the owner of a licensed cosmetology shop kept a non-service animal in the shop. According to the inspector, the owner states that the animal is a NSAR service animal.

Recommendation: Close with a letter advising the Respondent that she should provide documentation of the animal's status or CEASE and DESIST keeping the animal in the shop.

20. 201102588-1
First License Obtained: 10/24/2003
License Expiration: 06/30/2012
History: 200801139-1 (Combined with above case)

A Notice of Violation issued April 16, 2008 alleged that, during an inspection of a licensed manicure shop, the inspector observed one (1) licensed barber technician performing manicuring services in the shop, one (1) individual who held a manicurist license issued by the District of Columbia, pedicure tubs and chairs were not properly sanitized after use and that one (1) licensed manicurist failed to wear an identification tag while engaged in practice in the shop.

Another Notice of Violation issued May 25, 2011 alleged that this licensed manicure shop was open for business while its shop license was expired and had been expired since June 30, 2010. The inspector reports that no services were being performed during the inspection. As of the date of this summary, the shop license is valid.

Recommendation: Authorize formal hearing with authority to settle by Consent Order and payment of a $1,500.00 civil penalty.

21. 201102587-1
First License Obtained: 05/05/2008
License Expiration: 12/31/2012
History: 20100023771 (Combined with above case)

Notices of Violation issued May 28, 2010 and May 26, 2011 allege that the owner of a licensed cosmetology shop relocated her shop on two (2) occasions without first obtaining inspections of the new locations. The shop owner indicates that she relocated the shops out of necessity—according to the shop owner, an associate of a former family member hired an individual to harm her; she fears that making her address public record will compromise her safety.

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

22. 201102554-1
First License Obtained: 02/08/1999
License Expiration: 03/31/2012
History: No Prior Complaints

April 1, 2011 Notice of Violation alleges that a wax machine, along with all implements needed to perform a waxing service, was found in a licensed manicure shop. The shop owner states the items were for an employee's personal use. In addition, the Notice alleges that several implements were not stored in closed containers and that unsanitized drill bits were left out after use.

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

23. 201102552-1
First License Obtained: 08/03/2001
License Expiration: 06/30/2007
History: 2005023431 - Closed 08/16/2005 $300.00 CP

April 1, 2011 Notice of Violation alleges that two (2) licensed cosmetologists were observed practicing on client in a cosmetology shop where the license for such shop was expired and had been expired since June 30, 2007. The shop license remains expired as of the date of this summary.

NOTE: This item was deferred until the December 2011 meeting – the Board requested additional information relative to past inspections.

Recommendation: Authorize formal hearing with authority to settle by Consent Order and payment of $500.00 and instructions to CEASE and DESIST operating the shop until the license is made valid.

24. 201102571-1
First License Obtained: 08/10/1992
License Expiration: 09/30/2011
History: No Prior Complaints

April 28, 2011 Notice of Violation alleges that a cosmetologist was observed practicing on a client in a cosmetology shop while both her personal license and the shop license were expired and had been expired since November 30, 2010 and September 30, 2011, respectively. According to the inspector, the owner states that she intends to close her shops and discontinue practicing cosmetology.

Recommendation: Authorize formal hearing with authority to settle by Consent Order of suspension for both her shop license and personal license until both the shop and personal license renewal fees (plus any applicable late renewal penalties) are paid.

25. 201102603-1
First License Obtained: 12/01/1994
License Expiration: 04/30/2013
History: 201002393-1 Closed $1000.00 CP

July 19, 2011 Notice of Violation alleges that five (5) licensed manicurists failed to wear identification tags while practicing manicuring in a licensed manicure shop. The inspector verified the licensure status of each of the individuals performing services.

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

26. 201102613-1
First License Obtained: 08/13/2008
License Expiration: 08/31/2012
History: No Prior Complaints

August 3, 2011 Notice of Violation alleges that two (2) unlicensed individuals were observed practicing manicuring in a licensed manicure shop. In addition, the inspector alleges that individuals performing services in the shop were reusing buffers and files on shop clients and that the floors in the shop were unclean.

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

27. 201102612-1
First License Obtained: 03/08/2011
License Expiration: 08/31/2013
History: No Prior Complaints

August 16, 2011 Notice of Violation alleges that one (1) unlicensed individual was observed practicing manicuring in a licensed manicure shop.

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

28. 201102610-1
First License Obtained: 07/30/2003
License Expiration: 06/30/2012
History: 2010024551 – Closed 11/01/2010 $1000.00 CP (waxing)
2011025501 (Combined with above case)

Notices of Violation issued March 15 and June 2, 2011 allege that the owner of a licensed manicure shop continues to perform and/or advertise waxing services in his licensed manicure shop. According to the inspector, during the March 15th inspection, an employee of the shop removed from the wall of the shop and discarded a price list for waxing services after he entered and during the June 2, 2011, an employee of the shop picked up a wax machine (which was hot to the touch) that was in the shop, carried it outside the shop and locked it in a vehicle after the inspector entered the shop. According to the inspector, several items, including the floors and tub drains in the shop, were left in an unsanitary condition after use.

Recommendation: Authorize formal hearing with authority to settle by Consent Order and payment of a $3,000.00 civil penalty.

29. 201102609-1
First License Obtained: 07/20/1995
License Expiration: 05/31/2012
History: No prior Complaints

June 23, 2011 Notice of Violation alleges that one (1) licensed manicurist in a licensed manicure shop was performing waxing services on a client in the shop. In addition, no owner or manager was present during in the inspection.

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

30. 201102608-1
First License Obtained: 09/30/1992
License Expiration: 01/31/2012
History: Notice of Violation 11/06/00 Closed $300.00 CP
Notice of Violation 07/03/01 Closed $300.00 CP

A Notice of Violation, issued during a July 28, 2011 inspection, does not set forth sufficient information to determine whether a violation of the Cosmetology Act was observed during the inspection.

Recommendation: Close and flag.

31. 201102604-1
First License Obtained: 11/20/1996
License Expiration: 11/30/2012
History: NOV. 01/30/97 Closed $1000.00 CP
NOV. 02/08/97 Closed $1000.00 CP
NOV. 05/20/98 Closed $500.00 CP
NOV. 06/08/00 Closed $1000.00 CP

July 22, 2011 Notice of Violation alleges that the owner of a licensed cosmetology failed to conspicuously display the shop license.

Recommendation: Close with a letter of warning.

32. 201102602-1

First License Obtained: 12/14/2006
License Expiration: 12/31/2011
History: No Prior Complaint

July 26, 2011 Notice of Violation alleges that one (1) unlicensed individual was observed practicing manicuring in a licensed manicure shop.

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

33. 201102498-1
First License Obtained: 08/27/2008
License Expiration: 08/31/2012
History: No Prior Complaints

August 9, 2011 Notice of Violation alleges that two (2) sea monkey aquariums (which appeared to have mold present on the surface of the water in the aquariums) were found in a licensed cosmetology shop.

Recommendation: Close with a letter of warning.

34. 201102496-1
First License Obtained: 01/25/2011
License Expiration: 08/31/2013
History: No Prior Complaints

August 9, 2011 Notice of Violation alleges that the owner of a licensed cosmetology shop relocated the shop and began operating same at the new location without first obtaining an inspection of the new location. An application for change of location now appears to be pending.

Recommendation: Close with a letter of warning.

35. 201102495-1
First License Obtained: 10/24/2003
License Expiration: 11/30/2012
History: No Prior Complaints

June 30, 2011 Notice of Violation alleges that four (4) licensed cosmetologists were observed practicing on clients in a licensed cosmetology shop while the shop license was

expired and had been expired since November 30, 2010. As of the date of this summary, the shop license is valid.

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

36. 201102495-1
First License Obtained: 08/27/2010
License Expiration: 08/31/2012
History: No Prior Complaints

August 3, 2011 Notice of Violation alleges that a licensed cosmetology shop was open for business (no clients were present, according to the inspector) while no licensed cosmetologist was present -- only a licensed barber was present in the shop.

Recommendation: Close with a letter of warning.

37. 201102493-1
First License Obtained: 04/27/1988
License Expiration: 05/31/2013
History: No Prior Complaints

July 12, 2011 Notice of Violation alleges that a licensed cosmetology shop was open for business (with one licensed cosmetologist practicing on a client therein) while the shop license was expired and had been expired since May 31, 2011. The shop is license is valid as of the date of this summary.

Recommendation: Close with a letter of warning.

38. 201102492-1
First License Obtained: 12/03/2008
License Expiration: 07/31/2013
History: No Prior Complaints

July 29, 2011 Notice of Violation alleges that an individual was observed practicing manicuring in a licensed manicure shop. According to the inspector, the individual walked out after he walked into the shop. Additionally, the inspector alleges that two (2) individuals in the shop failed to wear identification tags while practicing manicuring and that nail files and buffers were not properly sanitized after use. The inspector also reports that nail dust was "everywhere" in the shop.

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

39. 201102491-1
First License Obtained: 12/17/2002
License Expiration: 07/31/2013
History: No Prior Complaints

A Notice of Violation issued July 29, 2011 does not provide sufficient information to determine whether a violation of the Cosmetology Act was observed during the inspection.

Recommendation: Close with no action.

40. 201102490-1
First License Obtained: 10/28/2010
License Expiration: 09/30/2012
History: No Prior Complaints

July 26, 2011 Notice of Violation alleges that a non-service animal was present in a licensed cosmetology shop. According to the owner of the shop, who met with me and the Executive Director concerning the Notice, the animal is present in the shop for therapeutic and medical purposes.

Recommendation: Close with a letter advising the shop owner to provide documentation of the animal's status or remove the animal from the shop.

41. 201102489-1
First License Obtained: 05/13/2010
License Expiration: 03/21/2012
History: No Prior Complaints

July 21, 2011 Notice of Violation alleges that a licensed cosmetology shop failed to display its license. Other violations are alleged; however, the Notice provides insufficient information to determine whether the other alleged violations were observed at inspection time.

Recommendation: Close with a letter of warning re: failure to display license.

42. 201102488-1
First License Obtained: 11/06/2009
License Expiration: 07/31/2013
History: No Prior Complaints

July 20, 2011 Notice of Violation does not provide sufficient information to determine whether a violation of the Cosmetology Act was observed during the inspection.

Recommendation: Close with no action.

43. 201102487-1
First License Obtained: 07/26/2002
License Expiration: 07/31/2012
History: No Prior Complaints

July 1, 2011 Notice of Violation does not provide sufficient information to determine whether a violation of the Cosmetology Act was observed during the inspection.

Recommendation: Close with no action.

44. 201102486-1
First License Obtained: 06/04/2009
License Expiration: 05/31/2013
History: No Prior Complaints

July 6, 2011 Notice of Violation alleges that no licensed manager was present while a licensed cosmetology shop was open for business and providing services to clients.

Recommendation: Close with a letter of warning.

45. 201102486-1
First License Obtained: 09/23/2009
License Expiration: 08/31/2011
History: No Prior Complaints

August 25, 2011 Notice of Violation alleges that a licensee in a licensed skin care shop failed to display her license at or near her work station.

Recommendation: Close with a letter of warning.

46. 201102367-1
First License Obtained: 06/30/2010
License Expiration: 06/30/2012
History: No Prior Complaints

Notices of Violation issued April 30, 2011 and August 25, 2011 allege that two (2) unlicensed individual were observed practicing aesthetics in a licensed skin care shop.

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

47. 201102485-1
First License Obtained: 03/04/2009
License Expiration: 02/28/2013
History: No Prior Complaints

June 24, 2011 Notice of Violation alleges that one (1) licensed cosmetologist was observed practicing on a client in a licensed cosmetology shop while the shop license was expired and had been expired since February 28, 2011. The shop license is now valid.

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

48. 201102483-1
First License Obtained: 05/31/2001
License Expiration: 08/31/2012
History: No Prior Complaints

June 21, 2011 Notice of Violation alleges that two (2) licensed cosmetologists were observed practicing on clients in a licensed cosmetology shop while their licenses were expired and had been expired since August 31, 2010 and March 31, 2011. As of the date of this summary, both licenses are valid.

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

49. 201102482-1
First License Obtained: 10/31/2008
License Expiration: 04/30/2013
History: No Prior Complaints

June 3, 2011 Notice of Violation alleges that a licensed manicure shop was open for business while the shop license was expired and had been expired since April 30, 2011. The Notice also alleges unlicensed activity, but the Notice does not provide sufficient information to determine whether such violations were observed at inspection time.

Recommendation: Close with a letter of warning.

50. 201102481-1
First License Obtained: 05/05/2008
License Expiration: 04/30/2012
History: No Prior Complaints

June 6, 2011 Notice of Violation alleges that one (1) unlicensed individual was observed practicing manicuring in a licensed manicure shop. The Notice also alleges that one (1) drawer in the shop was full of nail clippings and unsanitized tools.

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

51. 201102480-1
First License Obtained: 12/07/2006
License Expiration: 11/30/2012
History: No Prior Complaints

June 2, 2011 Notice of Violation alleges that a licensed cosmetology shop was open for business and one (1) licensed cosmetologist was practicing on a client therein while the shop license was expired and had been expired since November 30, 2010. As of the date of this summary, the shop license is valid.

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

52. 201102476-1
First License Obtained: 10/07/1996
License Expiration: 09/30/2012
History: No Prior Complaints

June 2, 2011 Notice of Violation alleges that a licensed cosmetology shop was open for business and at least one (1) licensed cosmetologist was practicing on a client therein while the shop license was expired and had been expired since September 30, 2010. As of the date of this summary, the shop license is valid.

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

53. 201102472-1
First License Obtained: 06/07/2011
License Expiration: 08/31/2012
History: No Prior Complaints

August 9, 2011 Notice of Violation alleges that a licensed aesthetician was found practicing eyebrow waxing on a client in a licensed manicure shop.

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

54. 201102468-1
First License Obtained: 06/09/2009
License Expiration: 05/31/2011
History: No Prior Complaints

May 26, 2011 Notice of Violation alleges that the owner of a licensed cosmetology shop relocated the shop and began operating same at the new location without first obtaining an inspection of such location. In addition, the owner was observed practicing on a client at such location while both her personal license and the shop license were expired and had been expired since April 30, 2011 and May 31, 2011, respectively. As of the date of this summary, the owner's cosmetology license is valid.

Recommendation: Authorize formal hearing with authority to settle by Consent Order and payment of a $500.00 civil penalty plus instructions to CEASE and DESIST operating a shop at the new location until such location has received an inspection and approval to open.

55. 201102470-1
First License Obtained: 05/18/2009

License Expiration: 05/31/2011
History: No Prior Complaints

May 26, 2011 Notice of Violation alleges that a licensed cosmetologist was present in a licensed cosmetology shop while her cosmetology license was expired and had been expired since March 31, 2011. As of the date of this summary, the licensee's license is valid.

Recommendation: Close with a letter of warning.

56. 201003274-1
First License Obtained: 06/29/1992
License Expiration: 04/30/2012
History: No Prior Complaints

A consumer complaint alleges the consumer received an extremely dissatisfactory color and highlight service during a visit to a licensed cosmetology shop. According to the consumer, the licensed cosmetologist who performed the service indicated that she could perform the service the consumer requested (hair trim, short-medium layering, hair thinning, color from light-medium brown to auburn red with blond highlights); however, at the conclusion of the service, the consumer's hair appeared orange, requiring the stylist to attempt a color correction, which was also unsuccessful, according to the consumer. The consumer further alleges that the stylist also failed to perform the other requested services. The day following the service, the consumer contacted the manager of the shop and requested a refund—the manager declined a refund, but offered to correct the service, which the consumer refused. Upon review of the Milady Standard Textbook relative to color, it appears that an extensive consultation with a color client before attempting a color service, is recommended. A copy of the complaint and request for a response were mailed to the shop; however, the Board office has no record of a response to the complaint.

Recommendation: Close with a letter of warning re: failure to respond to a complaint.

57. 201101942-1
First License Obtained: 05/19/2009
License Expiration: 03/31/2013
History: No Prior Complaints

A consumer complaint alleges that an unlicensed individual performed a pedicure service on the consumer at a licensed manicure shop. According to the consumer, she became concerned due to the length of the service (nearly one hour) and the apparent skill level of the individual, which, in her opinion, did not match that of a skilled manicurist. After her service, she asked the owner of the shop to display the license for the individual, to which he allegedly replied that the individual's license was in Mexico. The consumer provided a copy of a business card allegedly provided to her by the shop owner on which appear the name of the owner and the name of the individual who performed her service. According to departmental licensing records, the individual does not hold a valid manicurist license in Tennessee. The owner of the shop denies the allegations.

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

58. 201102616-1
First License Obtained: N/A
License Expiration: N/A
History: No Prior Complaints

August 9, 2011 Notice of Violation alleges that an unlicensed individual was practicing cosmetology on a client in an unlicensed shop. As of the date of this summary, a shop license application is now pending.

Recommendation: Authorize formal hearing with authority to settle by Consent Order, payment of a $500.00 civil penalty, and instructions to CEASE and DESIST operating and comply with the Cosmetology Act.

59. 201102573-1 (RE-PRESENT)
First License Obtained:
License Expiration: 11/30/2012
History:

A Notice of Violation issued April 8, 2011 alleges that the new owner of a licensed cosmetology shop failed to obtain a new license to operate the shop within thirty (30) days of the ownership change. In addition, the Notice alleges that three (3) unlicensed individuals were observed practicing manicuring in the shop, a hot wax machine and waxing implements were found in the shop, two (2) dogs were found in the shop and drill bits which had previously been used were left in an unsanitary condition.

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

60. 201001751-1 (RE-PRESENT)
First License Obtained:
License Expiration: 09/30/2012
History: No prior complaints.

March 24, 2010 Notice of Violation alleges that one (1) individual was practicing cosmetology in a licensed shop without her license displayed. The Notice also alleges that various tools and implements not in use were not stored as required.

Recommendation: Close with a letter of warning.

61. 201002465-1 (RE-PRESENT)
First License Obtained:
License Expiration: 09/01/2011
History: No prior history indicated

June 22, 2010 Notice of Violation regarding a cosmetology school states none of the instructor's licenses are posted, and there was no instructor for natural hair courses. Students were eating in the classroom, were not wearing uniforms, some did not have kits and the shampoo area was unsanitary.

Recommendation: Close with a letter of warning.

62. 201001137-1 (RE-PRESENT)

The Board previously authorized the issuance of CEASE and DESIST advisory notice upon review of allegations that an individual was allegedly performing cosmetology services for customers or other person in a bank. Counsel has diligently searched for, but been unable to locate, address or licensing information for the individual.

Recommendation: Close and flag.

63. 201003582-1

A Notice received from the Texas Department of Licensing and Regulation ("Texas Department") states that the Respondent, who has applied to receive a Tennessee manicurist license by reciprocity from the state of Texas, fraudulently obtained hours of instruction and reported such hours to the Texas Department in order to obtain a license. The Respondent entered into an Agreed Order with the Texas revoking her license and agreeing to pay a $2,500.00 civil penalty.

Recommendation: Deny the license application.

64. 201101933-1

A consumer complaint alleges that the consumer and her family contracted Norwegian scabies after receiving service from a licensed cosmetologist who knowingly gave service to the family while infected with the disease. The stylist did not file a response to the complaint; however, the owner of the shop indicates that the stylist only rented space from her, that she was not an employee of the shop, that the stylist failed to disclose her condition while she rented space in the shop and that the stylist no longer services clients in the shop.

Recommendation: Request that the stylist submit to a medical examination and/or provide records pertinent to her health status during the time the consumer received service. If records/examination indicate that the stylist is currently contagious, enter a summary suspension Order. If records indicate that the stylist is not currently contagious or infected, but was during the time the consumer received service, Authorize formal hearing with authority to settle by Consent Order of License Revocation.

65. 200802661-1

The above-referenced complaint does not allege a violation of the Cosmetology Act.

Recommendation: Close with no action.

66. 201003470-1

November 5, 2010 Notice of Violation alleges that a skin care shop was opened for business before received the required inspection. A license to operate the shop was issued less than thirty (30) days following the issuance of the Notice.

Recommendation: Close with a letter of warning.

67. 201100780-1

A consumer complaint alleges that the consumer was injured after a licensed cosmetologist applied hair dye to her eyelashes during an eyelash tinting procedure. The licensee denies using hair color on the consumer's eyes, stating that she used last tint on

the consumer's eyes and that the product might have oxidized prior to use, which required her to apply the product a second time to the consumer's eyes. In contrast to the licensee's statement, the receptionist for the shop made an entry on the consumer's account record the day the consumer received services indicating that the licensee did use hair dye on the consumer's eyes because she could not locate the last tint product.

Recommendation: Authorize formal hearing against both the shop owner and the licensed cosmetologist, with authority to settle by Consent Order and payment of a $1,000.00 civil penalty.

68. 201100859-1

A consumer complaint alleges that the consumer's ten year-old daughter sustained chemical burns after her visit to a licensed cosmetology shop where the cosmetologist applied a chemical relaxer to her hair and then advised the child not to wash her hair for forty-eight (48) hours following the service due to the adverse reaction. The consumer states that she attempted to contact the cosmetologist on two (2) occasions to discuss her concerns regarding the service with the cosmetologist—the consumer alleges that the licensee never responded to her requests. A request for response to the consumer's complaint was mailed to the licensee—there is no record of a response in the Board office.

Recommendation: Close with a strong letter of warning.

69. 201100845-1

A complaint filed by the mother of a former student at a licensed cosmetology school alleges that the school failed to provide her and the student sufficient information concerning the student's outstanding fee balance after the student elected to withdraw from the school. According to the mother, this is due to a dispute between the student and an instructor at the school, who the mother alleges treated the student in a racially discriminatory fashion, including intentionally damaging the student's hair during a color demonstration after the student complained to school administrative personnel that she was not learning from the instructor. The school disputes the mother's allegations, stating that, according to its business records and its discussions with both students and instructors with knowledge of the situation, the student's concerns about the instructor's teaching methods were allayed quickly after the student complained and that the student appeared satisfied with her color service immediately after receiving it. According to the school, multiple members of the school's administrative staff spoke with the student and her parents concerning the withdrawal process and the student's outstanding balance—the school alleges that these conversations were often contentious and did not result in a mutually agreeable resolution. The school states that, in an effort to appease the mother and student, it has agreed to adjust the student's remaining balance to zero. The Board office has not received any additional information from the student or her mother concerning the dispute with the school.

Recommendation: Close with no action.

70. 201101939-1

A former student at a licensed cosmetology school alleges that she was wrongfully terminated from the school and that the school is stealing from the state of Tennessee and the federal government by refusing to issue her financial aid credits and continuing to charge her for supplies she never received. The school states that the student was terminated due to exceeding the number of permitted absences from school without first obtaining approval for a leave of absence. Further, the school states that the student was credited all monies which were due her pursuant to her contract with the school after proper procedure had been followed. The school provided extensive documentation supporting its determination to terminate the student for excessive absenteeism. In addition, the school provided a detailed accounting of all charges borne by the student for attendance, supplies, etc. and also provided acknowledgement sheets signed by the student showing which supplies which issued to the student and the total costs of such supplies.

Recommendation: Close with no action.

71. 201002961-1

The Board previously authorized a formal hearing with authority to settle by Consent Order and payment of a $2,000.00 civil penalty on allegations that the owner of a licensed manicure shop failed to properly sanitize one (1) or more pedispa chairs in the shop and that dirty files and buffers were left at work stations in the shop. Counsel for the shop owner has indicated that the shop owner would like to settle the violation but requests a reduction in the civil penalty to $750.00, which is commensurate with his ability to pay.

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