MINUTES

The Tennessee State Board of Cosmetology held a meeting May 7, 2012 at 9:00 am in Nashville, Tennessee.

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

Others present were: Beverly Waller, Executive Director, Laura Betty, Staff Attorney, Hosam Williams, Para Legal 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 cosmetology schools in attendance.

MINUTES-

April board meeting minutes will be completed and mailed for approval at the June board meeting.

APPEAR BEFORE THE BOARD-

Leticia Pava requested to appear before the Board today concerning her application for reciprocity and her son-in-law is with her to speak to the Board on her behalf because she does not understand or speak English very well. The Board reviewed Ms. Pava's application for reciprocity of cosmetology license at the March 2011 meeting. After review of the documentation submitted the board voted to accept 792 hours of instruction she completed in Columbia and she would be required to complete 708 hours of instruction and pass the state board cosmetology examination to qualify for license. Ms Pava and her son appeared before the Board at the November 2011 meeting and the Board voted to accept all hours and she was required to set for the cosmetology examination. Work history information was submitted and the Board voted to request Ms. Pava to take the examination. Her son-in-law stated they were under the impression that once the work history was submitted she would get license in Tennessee. Ms. Pava's son-in-law stated he had contacted PSI requesting the examination in Spanish and they advised Tennessee examinations are not administered in Spanish. Attorney for the Board

Laura Betty stated she would contact PSI and look into the possibility of offering examinations in other languages.

MOTION made by June Huckeby and seconded by Muriel Smith the previous vote stands requiring the applicant to set for the state board cosmetology examination. Vote 3-I's and 2-Nays.

Ms. Truong and her husband are here today requesting the Board to reconsider and issue her manicurist license by reciprocity. She completed 400 hours in California in the manicurist curriculum and obtained license. She obtained license in Texas and Arkansas that both require 600 hour. When the Board previously reviewed her application because she had completed 400 hours in the curriculum and did not have a recent and consistent 5 year work history because she took 2 years off work to have a baby the vote was she would be required to set for the state board manicurist examination. Her husband stated because she obtain license in Texas which requires 600 hours and Arkansas Tennessee should grant her license.

MOTION made by June Huckeby and second by Janet Wormsely the Board will stand by the previous motion requiring applicant to set for the manicurist examination. Vote 3-I's 2-Nay's.

Laura Betty introduced the new attorney for the board Rachel Powers.

SEMINAR EXTENSION REQUEST-

Request for extension from the 2011 instructor seminar from Dawn Henderson. Ms. Henderson up graded to instructor status in 2010 license expired 2012 and she has not attended a seminar. Her request states it was a misunderstanding and she thought she needed to attend a seminar during the two years following her first license renewal and then every other year after that. She misunderstood the statement on the website because I checked the website.

MOTION made by Muriel Smith and seconded by June Huckeby to deny the request for extension. Motion carried unanimously.

Request for extension from the 2011 instructor seminar from Ariel Alyssa Brummel. Ms. Brummel up graded to instructor status in 2010 and license expired 03/31/12. She states in her request she moved to Texas in 2011 and did not return to Tennessee until later in the year and she had no opportunity to attend a seminar.

MOTION made by Diana Buchanan seconded by Muriel Smith to deny the request for extension. Motion carried unanimously.

Request for extension from the Terri Crawford for not obtaining the required continuing educational hours and she would like to place her instructor status in inactive. Ms. Crawford's license expired 04/30/12 and her last seminar attendance was in 2009. Her request states she did not attend the seminar in 2011 as required because she was waiting to hear of a teaching position.

MOTION made by Muriel Smith and seconded by Janet Wormsley to deny the extension request. Motion carried unanimously.

Request for extension from Carla Jarman for extension from the 2011 seminar. Request states medical reason and has attached medical documentation.

MOTION made by Diana Buchanan and seconded by Pearl Walker to request additional medical documentation for review. Motion carried unanimously.

Request for extension from Melissa Ann Jones. Her last seminar attendance was 2009 and license does not expire until 2/2013. Last seminar attendance was 2009. She is requesting to go this year.

MOTION made by Pearl Walker and seconded by Muriel Smith approval for applicant to attend seminar in 2012 to obtain the required continuing educational hours. Motion carried unanimously.

Request for extension from Brenda Kearse who up graded to an instructor in 5/2010. License expired 4/2012. She has sent a request with no explanation as to why she did not attend.

MOTION made by Muriel Smith and seconded by Pearl Walker to request additional information or medical documentation for review. Motion carried unanimously.

Request for extension from the 2012 instructor seminar for Shuntele Mason. She has submitted medical documentation for review.

MOTION made by Diana Buchana and seconded by Janet Wormsley approval of the extension request. Motion carried unanimously.

COSMETOLOGY SCHOOL APPLICATIONS-

Application for change of ownership and change of name for Tri County Beauty College of Middle Tennessee to Buchanan Beauty College of Pleasant View, Tennessee.

MOTION made byMuriel Smith and seconded by Janet Wormsley approval of the change of ownership and change of name. Motion carried unanimously.

Notification from Deborah Skipper owner of Shear Majik School of Beauty the school closed April 20, 2012. She was instructed to return school license and also to submit completion/withdrawal forms for students attending.

APPLICATIONS FOR EXAMINATION

The following applicants have submitted applications for examination that have felony convictions and all required information disclosure from the applicant and letter of examination recommendation has been submitted: Rachel Grove, Velencia Davidson, Johnny Miller, Ashley Johnson, Damien Holt, Bridget Hyde, Lateay Miles, Melissa F. Parker, Michael Isaac Jr. and Clemmie Davis.

MOTION made by Muriel Smith and seconded by June Huckeby approval of applications for examinations with signed agreed orders. Motion carried unanimously.

RECIPROCITY APPLICATIONS-

Application for reciprocity of cosmetology license for Phuong Tran from Vietnam. Applicant holds a license issued by the Illinois State Board issued 10/25/2011 by endorsement from Vietnam.

MOTION made by Muriel Smith and seconded by Janet Wormsley approval for applicant to set for the state board cosmetology examination. Motion carried unanimously.

Application for reciprocity of cosmetology license for Theodore Tippmann from England. Certificate states he completed 30 weeks Toni & Guy Beginners Course at London Academy. Applicant holds a license in the State of Florida issued 03/04/2005.

MOTION made by Diana Buchanan and seconded by Janet Wormsley to request proof of a 5 year work history as a cosmetologist or applicant can set for the state board cosmetology examination. Motion carried unanimously.

Application for reciprocity of manicurist license from Georgia for Thanh Troung Phan. Original date of license 09/27/2004 – 525 hours in the curriculum. He has submitted tax documentation for work history for 2010 and 2011. He submitted a letter from his former employer, his mother stating during his year of working in the salon he was not paid a salary she paid all his bills, spending and college tuition. This practice continued until he graduated from college. That was to explain why he could not provide proof of a 5 year work history.

MOTION made by Muriel Smith and seconded by Janet Wormsley requiring applicant to set for the state board manicurist examination. Vote was 3-I's and 2-Nay's.

Application for reciprocity of manicurist license from the State of Nevada for Lisa Ann Alexander. Certification verifies she completed 500.25 hours in the curriculum and original date of license as 07/19/1993 with no five year work history.

MOTION made by Diana Buchanan and seconded by Janet Wormsley applicant is required to complete 100 hours in the curriculum and set for the state board manicurist examination.. Motion carried unanimously.

Application for reciprocity of cosmetology license for Ellen Cook from Florida. She initially received her license in Pennsylvania with completion of 1200 hours in the curriculum. She currently holds a license issued by the Florida State Board. She does not have a five year work history.

MOTION made by Muriel Smith and seconded by June Huckeby approval of the application for reciprocity. Motion carried unanimously.

Application for reciprocity of manicurist license from Ohio for Schressa Carol Ward. Certification verifies 200 hours in the curriculum and she does not have a five year work history.

MOTION made by Diana Buchanan and seconded by Janet Wormsley applicant will be required to complete 400 hours in the manicurist curriculum and set for the state board manicurist examination. Motion carried unanimously.

Application for reciprocity of cosmetology license from Florida for Lennie Marie Schiefer. Certification verifies 1200 hours in the curriculum. The five year work history submitted states for 2006 and 2007 her occupation was cosmetology-student. Occupation as a cosmetologist is for 2008, 2009 and 2010.

MOTION made by Diana Buchanan and seconded by Pearl Walker applicant will be required to complete 300 hours in the cosmetology curriculum and set for the state board cosmetology examination. Motion carried unanimously.

Application for reciprocity of cosmetology instructor license for Jodi Mead from Pennsylvania. Certification verifies 1250 hours in the cosmetology curriculum and 163 hours in the instructor curriculum and no five year work history.

MOTION made by June Huckeby and seconded by Muriel Smith applicant will be required to complete 250 hours in the cosmetology curriculum and set for the state board cosmetology examination. Applicant will be required to complete 137 hours of instruction in the cosmetology instruction curriculum and set for the state board cosmetology instructor examination. Motion carried unanimously.

Application for reciprocity of manicurist license from the State of Washington for Sydney Huynh. Certification verifies 400 hours in the curriculum and original date of license as 05/15/2006 and no five year work history.

MOTION made by Muriel Smith and seconded by Pearl Walker applicant will be required to complete 200 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 Cristina Devine. Certification verifies 1000 in the curriculum and her original date of license as 04/16/11.

MOTION made by Muriel Smith and seconded by Janet Wormsley applicant will be required to complete 500 hours in the curriculum and set for the state board cosmetology examination. Motion carried unanimously.

Application for reciprocity of cosmetology license from Florida for Emma Ann Mauldin. Certification verifies 1200 hours in the curriculum and original date of licensing as 07/02/2008.

MOTION made by Muriel Smith and seconded by Janet Wormsley applicant will be required to complete 300 hours in the cosmetology curriculum and set for the state board cosmetology examination. Motion carried unanimously.

Application for reciprocity of esthetician license for Jinmi Bradbury. Applicant completed 600 hours in the esthetics curriculum in New York and obtained license in New York and also she submitted a certification from the State of Florida as a Facial Specialist.

MOTION made by Muriel Smith and seconded by Diana Buchanan applicant will be required to complete 150 hours of instruction and set for the state board aesthetician examination. Motion carried unanimously.

Application for reciprocity of cosmetology license from Florida for Brittany Langford. Certification verifies 1200 hours in the curriculum and original date of licensing 07/27/11.

MOTION made by Diana Buchanan and seconded by Janet Wormsley applicant will be required to complete 300 hours in the curriculum and set for the state board cosmetology examination..Motion carried unanimously.

Application for reciprocity of cosmetology license from Gayatriben Nathabbai Patel from Illinois. The application was tabled at the last meeting pending certification of licensing from the Illinois State Board of Cosmetology. Licensing certification from the Illinois State Board verifies she received her license in Illinois by endorsement from India. No hours of instruction provided from the diploma from India.

MOTION made by June Huckeby and seconded by Muriel Smith approval for applicant to set for the state board cosmetology examiatnion. Motion carried unanimously.

SHOP APPLICATIONS-

New shop application for Geneses Hair Design is presented to the Board for approval. This shop received a civil penalty, defaulted on payment arrangements which resulted in revocation of shop license. Balance of the civil penalty has been paid and application for new shop license submitted for board approval.

MOTION made by Muriel Smith and seconded by Pearl Walker approval of the application for a shop license. Motion carried unanimously.

New shop application for Sue's Cuts Unlimited presented for Board approval. This shop received a civil penalty, defaulted on payment arrangements which resulted in revocation of shop license. Balance of civil penalty has been paid and application for new shop license submitted for board approval.

MOTION made by Pearl Walker and seconded by Janet Wormsley approval of the application for a shop license. Motion carried unanimously.

New shop application for Venetian Nail Spa (2 locations) presented to the Board for approval. Both shops received civil penalties, defaulted on payment arrangements which resulted in revocation of shop license. Balance of civil penalty has been paid and application for new shop license submitted for board approval.

MOTION made by June Huckeby and seconded by Muriel Smith approval of the application for a shop license. Motion carried unanimously.

MISCELLANEOUS-

Clarification from Roosters Men Grooming Salon – "Would the practice to completely buzz a customer's head and then shave the head with a safety razor fall under the scope of practice of cosmetology"

MOTION made by Muriel Smith and seconded by June Huckeby to present this request to the Barber Board for their opinion.

ADDITIONAL-

Application for reciprocity of cosmetology license for Nancy White from Florida. Certification of license received from the Alabama State Board where she holds a valid license.

MOTION made by June Huckeby and seconded by Muriel Smith approval for applicant to set for the state board cosmetology examination. Motion carried unanimously.

Reciprocity application for Imari Thompson from Florida. Certification of license from the Virginia State Board where she received license in that state by endorsement of Cosmetology license from Florida which requires 1200 hours and her initial date of licensing 10/2/2010

MOTION made by made by June Huckeby and seconded by Muriel Smith approval for applicant to set for the state board cosmetology examination. Motion carried unanimously.

Application for reciprocity of cosmetology license for Salvador Benavides from Illinois. Applicant received license in Illinois by endorsement from Mexico on 03/02/2012.

MOTION made June Huckeby and seconded by Muriel Smith approval for applicant to set for the state board cosmetology examination. Motion carried unanimously.

Application for reciprocity of cosmetology license for Nadia Kamel. Ms. Kamel previously placed an application for reciprocity with the Tennessee State Board February 2008 and after reviewing her educational documentation the Board voted she would be required to take the state board examination. The certification we have is from the Michigan State Board and she obtained that cosmetology license 02/16/2012 and it also give the expiration date as 08/31/2012. Request the Board to decline application until verification of information can be submitted.

MOTION made by June Huckeby and seconded by Muriel Smith to deny the application and request clarification of dates on certification. Motion carried unanimously.

Two applications for examination approval that have felonies- Suzanne Douglas has submit all the request information. Request approval of Krystal Evans after the requested information is received.

MOTION made by June Huckeby and seconded by Muriel Smith approval of applications for examination with signed agreed order. Motion carried unanimously.

Request from Marcus Andrew Williams for approval to retain high school hours completed in the cosmetology curriculum that are expired.

MOTION made by June Huckeby and seconded by Pearl Walker to request additional information from the school applicant attended Pyramid Beauty School.

Request for clarification of placing a foot bath detoxification business in a salon. It would be a separate business called " 2 FEET AT A TIME". The business would be placed in a separate room in the salon. Footbaths area an alternative health treatment and no specific results are guaranteed. The steps are as follows:

1) There is a warming belt that the customer puts around their waist that is also attached to the machine intended to increase their blood flow as a natural response to the warmth.

2) The customer places their fee in a pan of warm water that is attached by an array to the footbath machine.
3) A machine operator turns on the machine to the proper settings adding sea salt to control the conductivity of the water. The amount of sea salt added depends on amp readings on the machine.
4) As time passes toxins show up in the water that left the body from the bottom of the feet.
5) Once the process is complete the client and I review the water and compare it to a color chart. Then the customer removes their fee from the water and cleans their feet with baby wipes and paper towels.

MOTION made by Pearl Walker and seconded by June Huckeby the Board does not regulate this business and it would fall under the requirements for tanning bed, massage therapy and etc. when located in a salon: SEPARATE ROOM HARD WALLS.

LEGAL REPORT-

MOTION made by Muriel Smith and seconded by June Huckeby to accept consent orders. Motion carried unanimously.

STATE OF TENNESSEE
DEPARTMENT OF COMMERCE AND INSURANCE
OFFICE OF LEGAL COUNSEL
500 JAMES ROBERTSON PARKWAY
NASHVILLE, TENNESSEE 37243
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TO: **Tennessee State Board of Cosmetology**

FROM: **Laura Betty, Chief Counsel for Regulatory Boards**

DATE: **May 7, 2012**

SUBJECT: **May Legal Report**

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1. 201101933-1 (RE-PRESENT)
First License Obtained: 04/10/1978
License Expiration: 06/30/2010
History: No Prior Complaints

A consumer complaint alleges that the Complainant and her family contracted Norwegian scabies as a result of receiving services from a licensed cosmetologist. The Complainant alleges that the Respondent knowingly gave service to the family while infected with the disease. The complaint that was sent to the Respondent was returned and we do not have a good address to contact the Respondent. The owner of the shop where complainant worked has stated that the Respondent was not an employee of the shop and she no longer works at the shop. The Respondent's license expired 6/30/10 and she has not renewed it.

Previous Recommendation at the 11/2011 Board Meeting: 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.

Recommendation: Close and flag Respondent's licensing file for this matter to be re-opened if Respondent attempts to renew her license or if any other complaints are received on her.

2. **201200243-1**
First License Obtained: 06/05/2003
License Expiration: 05/31/2013
History: 201000098-1 Closed 07/09/10 w/$1,000.00 CP Satisfied

A November 17, 2011 Notice of Violation alleges a licensed cosmetology shop has moved to the location next door without first submitting an application for change of location. The inspector noted that the manager of the shop was observed servicing a customer and that another licensee's license was also posted. According to the board licensing records, an application for change of location was submitted on 04/20/12 and such application is currently pending.

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

3. **201200224-1**
First License Obtained: 04/05/2001
License Expiration: 04/30/2013
History: 200502142-1, Closed 02/06/2006 w/$500.00 CP Satisfied

A January 4, 2012 Notice of Violation alleges that in this licensed cosmetology shop, the shampoo bowl has been disconnected from the water lines and drain and the cosmetology station has been moved to the front window and is being used as a display unit. The wax table was moved to the back of the shop, but was still useable. The inspector also reports that the owner of the shop (a licensed cosmetologist) had a nail client at inspection time.

Recommendation: Board to discuss

<u>Final Action by Board</u>: Close with a letter of warning with regard to violations and advise that they may want to change their shop license from a cosmetology shop to a manicure shop if they no longer want to do hair and request area inspector to perform a follow-up inspection.

4. **2012004671**
First License Obtained: 10/18/2006
License Expiration: 10/31/2012
History: 200604017-1, Closed 12/28/2008 w/ L.O.W
200801148-1, Closed 02/05/2010 w/$1,000.00 CP Satisfied
200901983-1, Closed 02/11/2010 w/1,500.00 CP Satisfied
201002537-1, Closed 12/06/2010 w/3,000.00 CP Satisfied
201102577-1, Closed 11/15/2011 w/4,000.00 CP Satisfied

A February 3, 2012 Notice of Violation issued to a licensed manicure shop alleges that five (5) individuals were observed providing services to clients and two (2) of those individuals were

unlicensed. The area inspector observed one unlicensed individual performing a pedicure and another unlicensed individual performing a manicure.

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

5. 201102983-1
First License Obtained: 05/12/2008
License Expiration: 04/30/2014
History: No Prior Complaints

A consumer complaint filed on July 15, 2011 alleges that the Complainant visited Respondent shop for a pedicure service and the pedicurist used a rock-like (pumice stone) to remove callouses during the service. The Complainant states that after receiving the pedicure her right foot was tender and she noticed a blister on her foot. She went back to the shop and requested a refund, but was denied. The licensee who performed the service at the Respondent shop sent a response stating that she did not use any inappropriate treatment methods, products, or materials during the pedicure, that the Complainant did not express any discomfort or concerns during the service and was happy and satisfied upon departure. Further, the pedicurist states that the Complainant came into the shop on a later day to demand a refund and that she and the Respondent shop owner looked at the Complainant's foot and did not see a blister.

Recommendation: Close with no action.

6. 201200124-1
First License Obtained: 08/16/2011
License Expiration: 07/31/2013
History: No Prior Complaints

A consumer complaint filed on December 16, 2011 alleges that the Complainant is a graduate from a licensed cosmetology school and she visited the Respondent shop for waxing services and eyebrow threading services. The Complainant states that the individual who performed the waxing service double dipped the waxing tool into the wax product and used an improper technique while waxing. The Complainant further states that she observed same improper sanitation at another location of the Respondent. The Complainant further alleges that some individuals providing services at Respondent shop are not licensed, and Complainant provided some first names, but no full names. An attorney filed a response on behalf of Respondent shop stating that when confronted by the owner of Respondent shop, the individual in question admitted to the Complainant's allegations despite knowing these were sanitation violations. The response states that the individual is no longer working with the Respondent shop. The Respondent shop denies directing the employee to perform services in this manner. The Respondent shop admits that five of its employees performing eyebrow threading services do not have aesthetician licenses, but will diligently work towards remedying that situation.

Recommendation: Issue a Letter of Warning and close.

7. **201200426-1**
   First License Obtained: 07/03/1991
   License Expiration: 02/28/2013
   History: No Prior Complaints

A consumer complaint filed on February 2, 2012 alleges that the Complainant visited the Respondent on several occasions and was unhappy with a permanent treatment she received. The Complainant states that the perm she received burned her hair and caused it to fall out. Complainant returned to Respondent after she discovered the problem and Respondent gave Complainant an oil treatment and a gift certificate and attempted to give Complainant a refund of one-half the cost of the permanent and other hair services, both of which Complainant refused. Complainant states that she had to buy a wig to wear, had her hear cut and highlighted by another cosmetologist and that she should be compensated for her cost. Respondent sent a lengthy response to the complaint stating that the Complainant was advised she must maintain and care for her very dry hair in a proper fashion and that she gave Complainant specific instructions on how to do so, which Complainant refused to follow. She further attempted to remedy the issue with the Complainant by giving her a gift certificate and the other efforts as described by Complainant. The Respondent maintains that she performed all services in a proper manner as requested by the Complainant.

Recommendation: Close with no further action.

8. **201200645-1**
   First License Obtained: 10/23/2008
   License Expiration: 10/31/2012
   History: 200902680-1 Closed 03/10/2010 combine w/Case #201000040-1
   (Notice of Shop License Revocation has been issued 04/27/12)

A consumer complaint forwarded to the board office from the Division of Consumer Affairs on February 29, 2012, alleges the Complainant received the worst manicure ever. The Complainant states the Respondent cut his cuticles, pushed them back with her own nails (instead of using a tool) and further alleges the Respondent had no license on display, but mentions seeing two displayed licenses for twenty (20) stations. As of the date of this summary, the Respondent shop has not filed a response to the complaint.

Recommendation: Close with a letter of warning.

9. **201200021-1**
   First License Obtained: 05/25/1993
   License Expiration: 10/31/2013
   History: 201102464-1, Closed 12/21/2011 w/$500.00 CP satisfied (Exp. Personal Lic)

A consumer complaint filed on September 26, 2011 alleges that the Complainant visited the Respondent shop for blond highlights and left with brown and orange hair, which later fell out in sections. The Complainant further states she had to buy extensions to remedy the problem and that the shop would not refund any money for the poor services performed because she went to a different shop to have the issues remedied. A response to the complaint received from the Respondent states that the Complainant left happy, but later made frantic threatening calls. The Respondent shop owner felt endangered enough to call the police department and request that officers come to the shop in order to intervene if the Complainant returned per her threats.

Recommendation: Close with no further action.

10. 201103180-1
First License Obtained: 03/16/2011
License Expiration: 03/31/2013
History: No Prior Complaints

The Respondent holds an active Tennessee manicurist license by reciprocity from Arkansas. The Respondent obtained her Arkansas license by examination and obtained her hours through a cosmetology school in Texas. This complaint was opened on December 9, 2011 after the board office received a copy of a July 28, 2011 Notice of Violation from the Texas Department of Licensing and Regulation (TDLR) alleging that Respondent purchased classroom hours from a Texas cosmetology school without attending the classes and reported those hours toward her cosmetology education to the TDLR in violation of Texas laws. The complaint and Notice were sent to the Respondent and there has been no response. In following up with the TDLR, the board office obtained a copy of a Default Order entered on November 7, 2011 which provides that the Respondent acted as a part of a scheme orchestrated by a Texas cosmetology school and purchased classroom hours without attending the classes and reported those hours toward her cosmetology education to the TDLR. The Default Order entered against the Respondent in Texas assessed penalties in the amount of $5,000. In an Agreed Order, the Texas cosmetology school admitted that they granted hours to students who did not attend classes or live in Texas.

Recommendation: Authorize formal hearing with authority to settle by Consent Order with a voluntary revocation.

11. 201200107-1
First License Obtained: 10/11/2007
License Expiration: 09/30/2013
History: No Prior Complaints

A consumer complaint filed on November 3, 2011 alleges that the Complainant visited the Respondent shop, a licensed cosmetology shop, for lash extensions, which left her vision blurry and her eyes severely irritated. The Complainant states that she expressed concern about her

discomfort, but was told to "get out" and is now requesting action by the board for the Respondent's inappropriate conduct. A response to the complaint received from the Respondent shop states that the Complainant was never told to "get out". The Respondent shop states that the Complainant returned to the shop a few days after and she had removed the lashes herself, but no irritation was shown. The Respondent shop owner denies any wrongdoing.

Recommendation: Close with no further action.

12. 201200688-1
First License Obtained: 07/15/2010
License Expiration: 02/28/2014
History: No Prior Complaints

A February 22, 2012 Notice of Violation alleges that the owner of a licensed cosmetology shop moved the shop to a new location without filing an application for a change of location. According to the inspector, a hot wax machine was set up on the aesthetics room and another one at the front of the salon. No services were being provided at the inspection time and no customers were present. Board office records indicate that an application for change of location was filed on 02/29/12 and such application was approved on 04/02/12.

Recommendation: Close with a letter of warning.

13. 201200111-1
First License Obtained: 04/0/2008
License Expiration: 04/30/2014
History: 200802252-1, Closed 11/13/2008 w/ L.O.W.
201002538-1, Closed 11/16/2010 w/$4,000.00 CP Satisfied

A consumer complaint filed on November 11, 2011 alleges that the Complainant sent her daughter to visit the Respondent shop to get acrylic nails and she returned with cuts on her fingers and infections shortly thereafter. The Complainant visited the shop and asked for refund and the Respondent shop employee's response was - no you are not the state board. The Complainant, who is a cosmetology licensee, further states the Respondent shop employees were not wearing name tags and did not have their licenses displayed per state requirements and further states that she believes the Respondent shop has unlicensed employees. Respondent shop submitted a response stating that the Complainant's accusations are unfounded and that Respondent shop is in compliance with all sanitization requirements, license requirements and other state laws to which the Complainant references in her complaint.

Recommendation: Close with a letter of warning and request area inspector to visit the shop.

14. 201200422-1

First License Obtained: 09/17/1987
License Expiration: 06/30/2012
History: No Prior Complaints

A consumer complaint filed on January 27, 2012 alleges that two days after receiving a bleach treatment from Respondent shop's employee, when she washed her hair Complainant's hair began falling out in places. The Complainant visited another licensee who suggested that the bleach used was too strong and caused Complainant's hair to fall out. Complainant states that she received verbal acknowledgement from both the Respondent shop owner and the employee of the hair issues, including a refund for the service. A response to the complaint received from the Respondent shop admits and acknowledges the issues complained of from the Complainant are likely from over processing and further states that the employee at issue has been reprimanded. The Respondent shop owner further advises this is the first issue she has had in 43 years.

Recommendation: Close with no action.

15. 201200112-1
First License Obtained: 08/06/2002
License Expiration: 06/30/2013
History: No Prior Complaints

A consumer complaint filed on November 16, 2011 alleges that an employee of the Respondent shop overcharged the Complainant for poor services received after Complainant made numerous visits to attempt to remedy the wrong color applied to the Complainant's hair. The Complainant is requesting a full refund and believes the Respondent shop owner should refund her money if the stylist who performed the services does not. The Complainant further states she had to contact the Board to obtain the license number because it was not clearly displayed. The stylist at Respondent shop provided a lengthy response to the complaint in which she states that the services were performed accurately and were charged properly. The stylist also sent a picture of her license on display and noted that her license number is also on her name tag.

Recommendation: Close with no further action.

16. 201200421-1
First License Obtained: 12/21/2011
License Expiration: 12/31/2013
History: No Prior Complaints

A consumer complaint filed on January 27, 2012 alleges that Complainant's daughter's cuticles were injured during a manicure at the Respondent shop. The Complainant later went to Respondent shop to request a refund, but was not offered the full refund or any remedy and left. Respondent shop sent a response to the complaint stating that they asked the Complainant to

return with her daughter so they could see her nails and assess the situation. The owners of Respondent shop further stated that the Complainant never returned with her daughter and did not provide any contact information in order to follow up.

Recommendation: Close with no further action.

17. 201200423-1
First License Obtained: 03/19/2001
License Expiration: 08/31/2013
History: No Prior Complaints

A consumer complaint filed on January 19, 2012 alleges that Complainant visited Respondent shop for a pedicure and about two weeks afterward she started having a pain in her toe. Complainant asserts that the tool used during her pedicure was not sterile and caused a severe infection in her toe which led to numerous doctor visits, extreme discomfort and pain. The Respondent shop's owner submitted a response to the complaint stating that they were not aware of the complaint until they received it from the Board office and they are and remain in compliance with Tennessee sanitation and sterilization regulations.

Recommendation: Close with no further action.

18. 201200856-1
First License Obtained: 04/0/2008
License Expiration: 04/30/2014
History: 200802252-1, Closed 11/13/2008 w/ L.O.W.
201002538-1, Closed 11/16/2010 w/$4,000.00 CP Satisfied

A March 28, 2012 Notice of Violation alleges that the inspector observed a customer who appeared as if she had just received an eyebrow wax and he observed tools and oil that are used to clean residue wax off the skin. The individual who was suspected of performing the service left the shop before the area inspector could get the individual's name and license information. The shop owner denied any knowledge of the individual or the service. Further, drill bits which were previously used in service were left dirty, nail dusters were improperly stored and floors were not swept up after a nail service.

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

19. 201200178-1
First License Obtained: 03/21/1994
License Expiration: 09/01/2012
History: No Prior Disciplinary Action

A consumer complaint filed on November 7, 2011 against Respondent, a licensed cosmetology

school, alleges that the Complainant was treated rudely and was charged for services (twists) that the students were not taught at Respondent school, but that they learned on the streets or at home. Complainant alleges that no client should be subject to unprofessional, rude and outrageous conduct such as displayed by Respondent school and that Respondent school should not be allowed to charge for services they are not teaching. Respondent school submitted a response denying any wrongdoing and explaining that Complainant became upset when Respondent school had to reschedule Complainant's appointment. Respondent school further stated that their staff does have the ability to teach, supervise and critique the service referenced in the complaint (twists) and that their students are taught the proper way to perform each service that is provided to customers.

Recommendation: Close with no further action.

20. 201200246-1
First License Obtained: 02/23/2012
License Expiration: 10/31/2013
History: No Prior Complaints

A January 24, 2012 Notice of Violation alleges that while in Respondent shop, a licensed full service cosmetology shop, the area inspector spoke with an unidentified individual who was wearing a name tag that did not belong to her, drill bits were left out in the open and improperly stored, the floors and manicure stations were not cleaned and had nails tips on them and a shampoo bowl was hanging off the wall with no water line attached to the bowl.

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

21. 201200242-1
First License Obtained: 08/06/2007
License Expiration: 11/30/2013
History: 200901404-1 Closed 08/27/2009 w/$1,000.00 CP Satisfied

A November 17, 2011 Notice of Violation alleges that the owner of Respondent shop relocated the shop without first submitting an application for a change of location. According to the area inspector, two (2) unidentified individuals were providing services at inspection time. Board office records indicate that an application for change of location was received on 11/17/2011 and such application was approved on 12/20/2011. No additional Notices of Violation have been issued.

Recommendation: Close with a letter of warning.

22. 201200222-1
First License Obtained: 12/07/2005

License Expiration: 12/31/2013
History: No Prior Complaints

A January 4, 2012 Notice of Violation alleges that the area inspector observed that the Respondent shop owner was in a closed room with a client in this licensed manicurist/skin care shop. During the course of the inspection, the inspector spoke with an employee of Respondent shop and also spoke with the customer who had been in the closed room with the owner, both of whom indicated that the owner, was performing skin care services in the closed room. According to the board licensing records, the shop owner does not have an aesthetician license. The area inspector did not observe any skin care services being provided by the owner and the owner denied performing any such services.

Recommendation: Close with a letter of warning and CEASE and DESIST advisory notice.

23. 201200758-1
First License Obtained: 08/09/2007
License Expiration: 05/31/2013
History: No Prior Complaints

A March 2, 2012 Notice of Violation alleges that the area inspector observed an unlicensed individual performing a manicuring service 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.

24. 201200673-1
First License Obtained: 08/19/1993
License Expiration: 09/30/2012
History: No Prior Complaints

A February 7, 2012 Notice of Violation alleges that a licensed cosmetologist was observed styling a client's hair in a licensed full service cosmetology shop without a shop manager present at inspection time. The inspector observed three (3) expired cosmetology licenses posted, but those licensees were not present, and the inspector observed a student school certification posted at a work station, but the student was not present. Board office records indicate that the licenses in question have been now renewed, but the student remains unlicensed, as of the date of this summary.

Recommendation: Authorize formal hearing with authority to settle by Consent Order and payment of a $500.00 civil penalty, and instructions to CEASE and DESIST permitting persons with expired licenses and/or students to practice in the shop until valid cosmetology licenses are renewed and/or obtained.

25. 201200466-1
First License Obtained: 10/13/2003
License Expiration: 09/30/2013
History: 200503077-1 Closed 10/03/05 Dismissal w/ no action
200603600-1 Closed 02/05/07 w/$500.00 CP Satisfied

A February 10, 2012 Notice of Violation alleges that in a licensed manicure shop the area inspector observed that files, buffers and drill bits which were previously used were not sanitized and stored, several manicure tables were not cleaned and had nail dust on them and a new (unopened) waxing kit was present in the back of the shop. The owner stated that it belonged to another cosmetology shop.

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

Final Action by Board: Authorize formal hearing with authority to settle by Consent Order with payment of a $500.00 civil penalty.

26. 201200280-1
First License Obtained: 10/11/20011
License Expiration: 09/30/2013
History: No Prior Complaints

A January 13, 2012 Notice of Violation alleges that the area inspector observed a licensed cosmetologist in a dually licensed cosmetology and barber shop shaving a man's face with a razor and performing a hair line with a razor. The inspector advised the barber who was present at inspection time that he was the only one who could perform this service.

Recommendation: Close with a letter of warning.

27. 201200249-1
First License Obtained: 02/22/2011
License Expiration: 02/28/2013
History: 201100882-1 (authorized for formal charges)

A November 18, 2011 Notice of Violation alleges that an unlicensed individual was observed providing services in a licensed cosmetology shop.

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

28. 201200755-1
First License Obtained: 08/13/2010
License Expiration: 07/31/2012
History: No Prior Complaints

A February 29, 2012 Notice of Violation alleges that in a licensed manicure shop the area inspector observed an individual performing a manicure who did not have proof that his license had been renewed and a dog was present inside the shop.

Recommendation: Close with a letter of warning.

<u>Final Action by Board</u>: Authorize formal hearing with authority to settle by Consent Order with payment of a $250.00 civil penalty.

29. 201200756-1
First License Obtained: 07/22/2005
License Expiration: 09/30/2013
History: 200708389-1 Closed 11/05/07 w/L.O.W.
200801201-1 Closed 08/28/08 w/$2,000.00 CP Satisfied
201002948-1 Closed w/no action 12/06/2010

A March 2, 2012 Notice of Violation alleges that the area inspector observed an unlicensed individual providing services to a client in a licensed manicure shop. The inspector questioned the shop owner about the individual and the owner of the shop admitted being aware the individual was unlicensed, but was trying to help him enroll in school.

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

<u>Final Action by Board</u>: Authorize formal hearing with authority to settle by Consent Order with payment of a $1,000.00 civil penalty.

30. 201200759-1
First License Obtained: 08/01/2000
License Expiration: 10/31/2013
History: 200503334-1 & 200705672-1 Closed 05/07/07 w/$2,000.00 CP Satisfied
200060419-1 Closed 02/05/07 w/$1,000.00 CP Satisfied
200706967-1 Closed 10/01/07 w/$1,000.00 CP Satisfied
200800784-1 Closed 03/23/09 w/$1,000.00 CP Satisfied
200900595-1 Closed 03/24/10 w/$1,800.00 CP Satisfied

A March 14, 2012 Notice of Violation alleges that when the area inspector was performing the

annual inspection of this licensed manicure shop he observed the following: 1) an unidentified individual who was performing a pedicure ran out the back door when the inspector arrived, 2) used drill bits were left on every station, not cleaned or properly stored, 3) the current grade sheet was not posted, 4) an individual who admitted to being unlicensed was providing a pedicure service on a customer and 5) a bowl half full of wax was found in the back of the shop.

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

31. 201200684-1
First License Obtained: 05/31/2007
License Expiration: 05/31/2013
History: No Prior Complaints

A February 28, 2012 Notice of Violation alleges that no manager or owner was present in a licensed full service cosmetology shop while the shop was open for business and an unidentified individual was present, but no clients were in the shop at inspection time. The inspector further observed that there were tint bowls and brushes with color left in a shampoo bowl.

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

32. 201200685-1
First License Obtained: 05/02/2000
License Expiration: 03/31/2014
History: No Prior Complaints

A February 29, 2012 Notice of Violation alleges that the area inspector observed the shop owner, who is a cosmetology student, attempting to perform a pedicure on a customer in this licensed manicure shop and a licensed nail technician was not wearing an identification tag. Board office records indicate that an application for change of ownership was received on 02/28/12 and such application was approved on 04/12/12, and the shop is now under a new ownership. No additional Notices of Violation have been received since this one.

Recommendation: Close and request the inspector to perform a follow-up inspection.

33. 201200753-1
First License Obtained: 04/02/2012
License Expiration: 04/30/2014
History: No Prior Complaints

A February 23, 2012 Notice of Violation alleges that this cosmetology shop was open with no shop license. There were no customers in the shop at the time of the inspection. The shop owner

stated that the shop had been open since May 2011 and this was the first time she had owned a shop. Board office records indicate that on 02/28/12 a cosmetology shop application was received and the shop license was approved on 4/02/12.

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

34. 201200754-1
First License Obtained: 04/13/2012
License Expiration: 03/31/2014
History: No Prior Complaints

A February 23, 2012 Notice of Violation alleges that a barber tech was observed performing acrylic nails on a client in an unlicensed shop. According to the area inspector, it is believed that the former shop owner closed the shop for business and the new owner began operating at the same location without applying for a new shop license. Board office records indicate that on 03/14/12 the new owner submitted an application for a full service cosmetology shop license and the application was approved on 04/13/12.

Recommendation: Close with a letter of warning.

35. 201200757-1
First License Obtained: 01/27/1993
License Expiration: 07/31/2012
History: 200900138-1 (formal charges authorized)
201102549-1 Closed w/no action 10/10/2011

A March 2, 2012 Notice of Violation alleges that a licensed cosmetologist was in the process of cutting a client's hair while no shop manager or owner was present in a licensed full service cosmetology shop.

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

36. 201200676-1
First License Obtained: 01/15/2009
License Expiration: 12/31/2012
History: No Prior Complaints

A February 24, 2012 Notice of Violation alleges that the area inspector observed that the inspection sheet was not posted and there were two (2) unidentified individuals, alleged to be unlicensed, who were performing services on clients.

Recommendation: Close with a letter of warning.

37. 201200683-1
First License Obtained: 10/06/2004
License Expiration: 10/31/2012
History: 200707049-1 Closed 08/06/07 w/L.O.W
200900561-1 Closed 05/26/09 w/$2,000.00 CP Satisfied

A February 28, 2012 Notice of Violation alleges that the area inspector observed a licensed full service cosmetology shop open for business with no owner or manager present and an unidentified man, alleged to be unlicensed, was observed cutting a customer's hair.

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

38. 201200760-1
First License Obtained: 03/18/2009
License Expiration: 03/31/2013
History: No Prior Complaints

A March 14, 2012 Notice of Violation alleges that the area inspector observed nail dusters were improperly stored on six (6) stations and drills and drill bits were not cleaned or properly stored at three (3) stations in a licensed manicure shop.

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

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

39. 201102635-1
First License Obtained: 09/10/2010
License Expiration: 04/30/2013
History: No Prior Complaints

An August 18, 2011 Notice of Violation alleges that an unlicensed individual was performing a pedicure in a licensed manicure shop; however, in a follow up inspection on November 8, 2011, the shop received a Grade score of 96 and there were no unlicensed individuals. Conversations with litigation counsel indicate that there may be proof problems with this case.

Recommendation: Close with no action.

40. 201102998-1
First License Obtained: N/A
License Expiration: N/A
History: No Prior Complaints

A consumer complaint filed on August 18, 2011 alleges that the Respondent has been operating a "full-service hair salon" in her apartment without a shop license since January 2011. In addition, the Complainant alleges that the Respondent does not follow the state laws regarding sanitation or signage. No response to the Complaint has been received as of the date of this summary. Board records indicate the Respondent does not have a cosmetology license or a shop license.

Recommendation: Issue a CEASE and DESIST advisory notice.

41. 201103183-1
First License Obtained: 04/15/2011
License Expiration: 04/30/2013
History: No Prior Complaints

A complaint opened by the Board office on September 20, 2011, alleges that the Respondent, a licensed manicurist, has copied his license and given and/or sold it to individuals on more than one occasion.

Recommendation: Authorize formal hearing.

42. 201200270-1
First License Obtained: 04/26/1995
License Expiration: 04/30/2013
History: No Prior Complaints

A January 14, 2012 consumer complaint alleges the Respondent, a licensed cosmetologist, was performing services while under the influence. The Complainant is the owner of the shop where the Respondent works and submitted the complaint to the Board on behalf of the client who reported the incident. The Respondent submitted a response stating that at the time of the incident, she had just started taking a new medication to which she had a bad reaction. The Respondent further stated that immediately after the incident, she returned to her doctor who then regulated her medication. Further, the Respondent states her work is now normal (in the same shop) and no other reactions have occurred since the one incident.

Recommendation: Close with no further action.

43. 201100068-1
First License Obtained: 08/23/2005
License Expiration: 08/31/2011

History: 200900509-1 Closed 07/01/2009 w/$2,000.00 CP Satisfied

The above-referenced shop was previously cited for providing cosmetology services while personal license was expired. According to the area inspector, this shop is now closed.

Recommendation: Close and flag.

44. 201200225-1
First License Obtained: 8/23/2005
License Expiration: 08/31/2011
History: 200900509-1 Closed 07/01/2009 w/$2,000.00 CP Satisfied

A January 5, 2012 Notice of Violation alleges that the area inspector went to inspect a licensed full service cosmetology shop and found a sign stating that the shop had moved with the new location address. The area inspector went to the new location and found that the shop was open. In addition, the area inspector observed that the shop license, which was not displayed, was expired and had been expired since 8/31/11, no grade sheet was posted, an unlicensed person was performing services in the salon and there was no sign visible from the road. As of this summary, no application for a change of location has been submitted nor has any change of ownership documentation been submitted.

Recommendation: Authorize formal hearing with authority to settle by Consent Order with payment of a $2,000.00 civil penalty, and instructions to CEASE and DESIST operating without a shop license.

45. 201200233-1 (Expired Applicant)
201200231-1
First License Obtained: N/A
License Expiration: N/A
History: 201102616-1 Formal Charges Authorized (combine with the above cases)

A December 9, 2011 Notice of Violation states that an unlicensed individual is cutting hair at an unlicensed salon. The inspector indicated that neither the shop owner nor the individual have applied for a license.

A January 26, 2012 Notice of Violation states that an unlicensed individual is practicing in an unlicensed salon with her Texas license displayed. The salon is open for business and four (4) other people were servicing customers who did not have licenses.

Board office records indicate that owner of the shop submitted an application for cosmetology license by reciprocity from Texas on 11/22/11 and such application was approved on 12/21/2011.

The Board has previously authorized formal hearing with authority to settle with a payment of $500.00 civil penalty for unlicensed shop.

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