



STATE OF TENNESSEE
DEPARTMENT OF COMMERCE AND INSURANCE
TENNESSEE STATE BOARD OF COSMETOLOGY
500 JAMES ROBERTSON PARKWAY
NASHVILLE, TN 37243
615-741-2515

MINUTES

The Tennessee State Board of Cosmetology Held a meeting December 2, 2013 at 9:00 a.m. in Nashville, Tennessee.

The following members were present: Linda Colley, Chairman, June Hucceby, Muriel Smith, Rufus Hereford, Pearl Walker-Ali, and Judy McAllister. Not in attendance Nina Coppinger and Courtney Williams.

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

The Meeting was called to order by Board Chairman Linda Colley.

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

MINUTES-

Minutes for the November 4, 2013 board meetings were submitted for changes and/or approval.

Motion made by June Hucceby and seconded by Judy McAllister to approve the November 4, 2013 minutes. Motion carried unanimously.

APPEAR BEFORE THE BOARD-

Paula Cook, Tennessee Institute of Cosmetology – Change in School Location

A change in school location has been received from Tennessee Institute of Cosmetology. The school is staying in Morristown, Tennessee. The school is ready for immediate inspection. A floor plan totaling 6,700 square foot is provided. The application and fee have been received by the board office.

Recommendation – To send an inspector and board member to inspect the new school location and complete the licensure approval process.

MOTION made by Rufus Hereford seconded by Judy McAllister to approve the school application. Motion carried unanimously.

Sherry Freeman, Chattanooga College Medical, Dental & Technical Careers - New School Application

A new school application has been received from Chattanooga College Medical, Dental & Technical Careers to be located in Chattanooga, Tennessee. The owner is Carolyn Denise Hill. A surety bond, the floor plan, twenty (20) school applications, school hours, curriculum and the licensure fee have all been received and are provided. The total square footage designated for the cosmetology school is 4,004 square feet and two instructor's resumes are also included.

Recommendation – To send an inspector and board member for completion of opening inspections for new school licensure approval.

MOTION made by Pearl Walker-Ali and seconded by Judy McAllister to approve the school application. Motion carried unanimously.

APPLICATIONS FOR EXAMINATION-

Applications for examination for Steven Bultman, Lucretta Elgin, Courtney Ellis, Latasha Johnson, Jason Kimbrough and Heidi King who have felonies are submitted for the board's approval. The required information, disclosure from the student and letter of recommendation is submitted.

Motion made by Pearl Walker-Ali and seconded by Rufus Hereford to approve Steven Bultman for examination with a signed Agreed Order. Motion carried unanimously.

Motion made by June Huceby and seconded by Muriel Smith to approve Lucretta Elgin for examination with a signed Agreed Order. Motion carried unanimously.

Motion made by Pearl Walker-Ali and seconded by Judy McAllister to approve Courtney Ellis for examination with a signed Agreed Order. Motion carried unanimously.

Motion made by Judy McAllister and seconded by Pearl Walker-Ali to approve Latasha Johnson for examination with a signed Agreed Order. Motion carried unanimously.

Motion made by Judy McAllister and seconded by June Huceby to approve Jason Kimbrough for examination with a signed Agreed Order. Motion carried unanimously.

Motion made by June Huckeby and seconded by Judy McAllister to approve Heidi King for examination with a signed Agreed Order and flag her license file with the Board office. Motion carried unanimously.

MISCELLANEOUS REQUESTS -

Request from Ms. Delicia LaShay Morris-Douglas to sit for the cosmetology instructor exam without taking the 300 required hours. Ms. Morris holds a Master of Arts in Teaching and is a licensed cosmetologist. She provided a copy of her degree from The University of Memphis for your review and an email request explaining her five years' experience as a K-12 teacher. She hopes to qualify to sit for the exam.

Motion made by Rufus Hereford and seconded by Muriel Smith to deny the request and take 300 instructor hours. Motion carried unanimously.

Request by Laura Correa to waive the seven (7) year Law (Tenn. Code Ann. § 62-4-123), which requires a student complete the required courses and number of hours within that time period. Ms. Correa originally enrolled in 2003 and did not complete her hours until June 2013. A letter explaining her situation is provided. The school allowed her to pay the \$800 owed and continue going to school even though the seven years had passed. She is under the impression that she already has a license and that is not the case. The school allowed her to complete her hours and to test. She now needs the Boards permission for her hours and her exams to count so she may be given a license.

Motion made by Pearl Walker-Ali and seconded by Rufus Hereford to approve the request. Motion carried unanimously.

FIELD TRIP REQUESTS-

Field trip request from the Tech class of Empire Beauty School Colonial on 11/08/2013 from 10:00 to 2:00 to visit A Natural Affair Beauty Salon at 2847 Poplar Ave Ste. 103. The educational facilitator is Mrs. Berry Brooks and Jeaneen Smith/Moody is the educator who will accompany the students on this field trip.

MOTION made by Judy McAllister and seconded by Muriel Smith to approve the request. Motion carried unanimously.

Field trip request from Empire Beauty School for the Student Salon class of Empire Beauty School Colonial on 12/02/2013 from 1:30 to 3:30 to visit surrounding businesses in the Poplar/Colonial area. The educational facilitator is Carol Sager. This is a marketing based field trip.

MOTION made by Judy McAllister and seconded by Muriel Smith to approve the request. Motion carried unanimously.

Field trip request from Empire Beauty School for the Student Salon class of Empire Beauty School Colonial on 12/03/2013 from 1:30 to 3:30 to visit surrounding businesses in the Poplar/Colonial area. The educational facilitator is Brittany Briggs. This is a marketing based field trip.

MOTION made by Judy McAllister and seconded by Muriel Smith to approve the request. Motion carried unanimously.

Field trip request from Fayetteville College of Cosmetology Arts and Sciences on December 13th, 2013 for the Student Body and Instructors to go to Fayetteville Rehabilitation Center-4140 Thornton Taylor Pkwy, Fayetteville to perform manicuring and styling services to disabled residents.

MOTION made by Judy McAllister and seconded by Muriel Smith to approve the request. Motion carried unanimously.

Field trip request from Georgia Career Institute for ACE and Esthetic classes at Murfreesboro Campus to visit salons, spas, doctor's offices, beauty supply and/or make up stores in the Murfreesboro/Nashville area in November and December 2013.

MOTION made by Judy McAllister and seconded by Pearl Walker-Ali to deny the request pending more information. Motion carried unanimously.

Field trip request from New Concepts School of Cosmetology for the Esthetics class to attend the Christmas Couture Gift Gala on November 14th, 2013 at the Center for Facial Rejuvenation Jarnigan Medical Center, Ste. 204-7268 Jarnigan Rd. in Chattanooga, TN 37421.

MOTION made by Judy McAllister and seconded by Muriel Smith to approve the request. Motion carried unanimously.

Field trip request from Tennessee Career Institute On December 11th to Nashville supply stores such as: Wal-Mart Super Store, Golden Nail Supply, At Nail Supply, Hobby Lobby and Michael's craft store. This is for nail students so they can get items they use in class.

MOTION made by June Huckleby and seconded by Judy McAllister to deny the request. Motion carried unanimously.

Field trip request from Volunteer Beauty, Inc. for permission to take 5 or 6 of my students who are very career oriented and are about to advance to the work force to visit 4 Salon and a Day Spa where it is a possibility they will obtain employment at this upscale environment. The trip is on December 5th, 2013.

MOTION made by Judy McAllister and seconded by Muriel Smith to approve the request. Motion carried unanimously.

Field trip request from Paul Mitchell the School of Murfreesboro to provide Manicures and Hairstyling services at Westmoreland Signature Healthcare on December 16, 2013.

MOTION made by June Huckleby and seconded by Rufus Hereford to approve the request. Motion carried unanimously.

APPLICATIONS FOR RECIPROCITY-

Application for reciprocity of cosmetology license from Colorado and New York for Stephanie J. Arniotis. Certification from Colorado is expired but shows initial date of licensure by examination in 1999 with 1,450 hours received. Certification from New York is active and shows qualification by experience with initial licensure. Provided are three separate letters of recommendation from clients who have used Ms. Arniotis for the past nine years. Also provided is a letter from Ms. Arniotis explaining that she worked as a freelance stylist.

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

MOTION made by Judy McAllister and seconded by Pearl Walker-Ali to approve recommendation. Motion carried unanimously.

Application for reciprocity of cosmetology license from Florida for Tonya Fuller. Ms. Fuller was presented to the Board at the November meeting and the decision was that she take the Tennessee examination. Certification shows initial date of licensure as August, 2012. Transcript confirms 1,200 hours. Additionally she has submitted documentation from Austin Beauty College releasing 300 hours she completed in October 2013. This brings her total number of hours to 1,500 as required in Tennessee.

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

MOTION made by Muriel Smith and seconded by June Huckleby to approve recommendation. Motion carried unanimously.

Application for reciprocity of cosmetology license from Pennsylvania for Megan Hoeksema. Certification shows initial licensure in August 2012 by examination with 1,250 hours.

Recommendation - is that the applicant take the Tennessee examination.

MOTION made by Rufus Hereford and seconded by Muriel Smith to approve recommendation. Motion carried unanimously.

Application for reciprocity of cosmetology license from New York for Genia M Matthews. Certification shows initial licensure date of October 2012 and 1,000 hours received. Provided is a letter from Ms. Matthews explaining that she left the industry but is back and taking classes.

Recommendation - is that the applicant take the Tennessee examination.

MOTION made by Judy McAllister and seconded by Pearl Walker-Ali to approve recommendation. Motion carried unanimously.

Application for reciprocity of cosmetologist license for Maria Mena Echeverria. A translated detailed school transcript is provided showing 1,800 hours completed in 2005.

Recommendation - is that the applicant take the Tennessee examination.

MOTION made by Muriel Smith and seconded by Judy McAllister to approve recommendation. Motion carried unanimously.

Application for reciprocity of manicurist license for Phuong Tran. A transcript of school hours from California shows 600 hours completed in July 2013. No certification from California was provided and the online verification is inconclusive because name is fairly common. Certification from Minnesota shows license was revoked. Two letters from employers in California are provided and a personal letter from Mr. Tran are included for review.

Recommendation – is that the applicant be denied reciprocity based on formal enforcement action from Minnesota until further information can be provided.

MOTION made by June Huckleby and seconded by Muriel Smith to approve recommendation. Motion carried unanimously.

Application for reciprocity of manicurist license from Ohio for Chum Yim. Certification states that applicant was licensed since 1998 by examination with 200 school hours. Letter from employer states Ms. Yim has been employed at the same location since March 2000.

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

MOTION made by Muriel Smith and seconded by Pearl Walker-Ali to approve recommendation. Motion carried unanimously.

LEGAL REPORT- STAFF ATTORNEY

PREVIOUS CASES WITH NEW INFORMATION

1. Case No.: L13-COS-RBS-2013012881

First License Obtained: 12/01/2010

License Expiration: 10/31/2014

**Complaint history: 2011023581 &2012003601, closed
08/22/12 w/\$2,000 CP**

This matter was presented to the Board at its August 2013 meeting as follows: *A Notice of Violation issued on May 9th, 2013 alleges that the Respondent, a licensed cosmetology shop, was observed in operation with a personal license not displayed at an employee's workstation in violation of TENN. CODE ANN. § 62-4-113(a)(1) (Display of license); and that two employees were not wearing proper name tags in violation of TENN. COMP. R. & REG. 0440—02—.08(1)(a) [ATTIRE].* Based on this presentation, the Board authorized a formal hearing with authority to settle via Consent Order for a civil penalty of \$250.00 for each of the three distinct rule violations for a total civil penalty of \$750.00. A representative of the Respondent has provided a written statement that the Respondent understands and has corrected the discrepancies and has made it clear that she is “adamant that these violations will not occur again.” However, due to financial difficulty, the Respondent formally requests a reduction in the civil penalty from the current \$750.00 “if at all possible.”

Recommendation: Allowing the remedial measures as mitigating action, consider the violations collectively as a single violation and reduce the approved civil penalty to \$250.00.

Analysis: The Board agrees with this assessment.

Decision: Approved.

2. Case No.: L13-COS-RBS-2013012311

First License Obtained: 10/28/1993

License Expiration: 04/30/2015

Complaint history: L94-COS-RBS-1327, closed 05/08/2006
w/no action; 2005020821, closed
11/08/05 w/Letter of Instruction;
2006000571 closed 04/04/06 w/\$1,000
CP; 2010017531, closed 10/29/10
w/\$1,000; 2012011581, closed
06/08/12 w/L.O.W

This matter was presented to the Board at its October meeting as follows: *A Notice of Violation issued on June 20th, 2013 alleges that the Respondent, a licensed manicure shop, was employing an unlicensed individual who was providing manicure services in violation of TENN. CODE ANN. § 62-4-108 (License required to practice or teach); failed post its inspection report or have a manager present during working hours in violation of TENN. CODE ANN. § 62-4-118 (Operation of a shop); and was equipped to provide waxing services for which the Respondent is not licensed to provide in violation of TENN. CODE ANN. § 62-4-119(2) (Responsibilities of owner and manager of shop). Additionally, the following sanitary violations were observed: There was nail dust on the floor and manicure table tops in violation of TENN. COMP R. & REG. 0440—02—.06(2) & (3) [FACILITIES]; clean towels were not stored in closed containers in violation TENN. COMP R. & REG. of 0440—02—.07(3)(e) [EQUIPMENT]; and several tools and implements were not properly cleaned and stored in disinfected containers in violation of TENN. COMP R. & REG. of 0440—02—.13(2) [SANITATION AND DISINFECTION].* Based on this presentation, the Board approved the matter for a formal hearing with authority to settle by Consent Order for a civil penalty of \$250.00 for each of the six (6) observed violations, for a total civil penalty of \$1,500.00. UPDATE: Board office records indicate that The Respondent shop is now out of business and no longer operating.

Recommendation: Rescind the Consent Order and close the case due to the unavailability of the Respondent; flag the license file for further activity in the event of re-application.

Analysis: The Board agrees with this assessment.

Decision: Approved.

3. Case No.: L13-COS-RBS-2013011821

First License Obtained: 03/19/2012

License Expiration: 03/31/2014

Complaint history: None

This matter was presented to the Board at its October 7th, 2013 meeting as follows: *A Notice of Violation issued on May 22nd, 2013, indicating a warning rather than a citation, alleges that the Respondent, a licensed cosmetology shop, failed to maintain a shop sign visible from the street in violation of TENN. CODE ANN. § 62-4-126 (Identification of school or shop), failed to maintain adequate ventilation in violation of TENN. COMP. R. & REG. 0440—02—.06(1) [FACILITIES] and failed to properly maintain adequate restroom facilities in violation of TENN. COMP. R. & REG. 0440—02—.07(1)(j) [EQUIPMENT]. There is no complaint history for this Respondent.* Based on this presentation, the Board approved a Letter of Warning based on the indication on the Notice of Violation. The matter was closed on October 22nd, 2013. **UPDATE:** The Respondent submits a letter asking that this matter be removed from its licensing file with the Board on the grounds that the Respondent was in dispute with the landlord of the Respondent's space regarding the above-mentioned facility shortcomings that required legal action and resulted in a protracted repair time that went beyond the Respondent's lease agreement.

Recommendation: Uphold the Board's previous ruling due to the fact that the Board has no statutory authority to expunge a disciplinary record.

Analysis: The Board agrees with this assessment.

Decision: Approved.

4. Case No.: L13-COS-RBS-2013011891

First License Obtained: 11/22/2005

License Expiration: 06/30/2014

Complaint history: None

This matter was presented to the Board at its October 7th, 2013 meeting as follows: *A Notice of Violation issued on May 29th, 2013 alleges that the Respondent, a licensed shop, failed to display all individual licenses in violation of TENN. CODE ANN. § 62-4-108 (License required to practice or teach) and failed to ensure that all employees were wearing proper name tags in violation of TENN. COMP. R. & REG. 0440—02—.08(2) [ATTIRE]. There is no complaint history for this Respondent.* Based on this presentation, the Board approved the matter for a formal hearing with authority to settle by Consent Order for a civil penalty of \$250.00 for each of the two (2) observed violations, for a total civil penalty of \$500.00. **UPDATE:** The Respondent has provided a letter explaining that the Respondent shop's management is since trained its employees on the importance of adhering to all of the Board's law and rules and has now provided mountings for all stations to display licenses to avoid future violations; additionally, the Respondent requests a reduction in the assessed civil penalty.

Recommendation: At its discretion, the Board may consider the remedial measures and lack of prior complaint history to rescind the previous Consent Order and authorize a formal hearing with a reduced settlement offer of \$250.00.

Analysis: The Board agrees with this assessment.

Decision: Approved.

NEW CASES

1. Case No.: L13-COS-RBS-2013015241

First License Obtained: 01/05/2001

License Expiration: 11/30/2014

Complaint history: None

A Notice of Violation issued on July 5th, 2013 alleges that the Respondent, a licensed shop, violated the Board's sanitary rules. There is no inspection report accompanying the Notice of Violation to indicate which rules was violated or to establish what score was assigned to the Respondent shop.

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

Analysis: The Board agrees with this assessment.

Decision: Approved.

2. Case No.: L13-COS-RBS-2013014491

First License Obtained: 10/15/1998

License Expiration: 09/30/2014

Complaint history: None

A Notice of Violation issued on July 5th, 2013 alleges that the Respondent, a licensed shop, violated the Board's licensing and sanitary rules. There is no inspection report, or other supporting documentation, accompanying the Notice of Violation to indicate which rules was violated or to establish what score was assigned to the Respondent shop.

Recommendation: Authorize a Letter of Warning and close the case.

Analysis: The Board agrees with this assessment.

Decision: Approved.

3. Case No.: L13-COS-RBS-2013015231

First License Obtained: 06/09/2011

License Expiration: 05/31/2015

Complaint history: 2012018731, Closed 10/31/12
w/\$500.00 CP.

A Notice of Violation issued on June 27th, 2013 alleges that the Respondent, a licensed shop, violated the Board's rules and sanitary standards. There is no inspection report, or other supporting documentation, accompanying the Notice of Violation to indicate which rules was violated or to establish what score was assigned to the Respondent shop.

Recommendation: Authorize a Letter of Warning and close the case.

Analysis: The Board agrees with this assessment.

Decision: Approved.

4. Case No.: L13-COS-RBS-2013016071

First License Obtained: 11/02/2012

License Expiration: 09/30/2014

Complaint history: None

A Notice of Violation issued on July 12th, 2013 alleges that the Respondent, a licensed shop, violated the Board's rules and sanitary standards. There is no inspection report, or other supporting documentation, accompanying the Notice of Violation to indicate which rules was violated or to establish what score was assigned to the Respondent shop.

Recommendation: Authorize a Letter of Warning and close the case

Analysis: The Board agrees with this assessment.

Decision: Approved.

5. Case No.: L13-COS-RBS-2013016041

First License Obtained: 06/14/2010

License Expiration: 05/31/2012

Complaint history: None

A Notice of Violation issued on July 12th, 2013 alleges that the Respondent, a licensed shop, violated the Board's rules and sanitary standards. There is no inspection report, or other supporting documentation, accompanying the Notice of Violation to indicate which rules was violated or to establish what score was assigned to the Respondent shop.

Recommendation: Authorize a Letter of Warning and close the case.

Analysis: The Board agrees with this assessment.

Decision: Approved.

6. Case No.: L13-COS-RBS-2013016031

First License Obtained: 06/12/2013

License Expiration: 05/31/2015

Complaint history: None

A Notice of Violation issued on July 12th, 2013 alleges that the Respondent, a licensed shop, violated the Board's rules and sanitary standards. There is no inspection report, or other supporting documentation, accompanying the Notice of Violation to indicate which rules was violated or to establish what score was assigned to the Respondent shop.

Recommendation: Authorize a Letter of Warning and close the case.

Analysis: The Board agrees with this assessment.

Decision: Approved.

7. Case No.: L13-COS-RBS-2013016021

First License Obtained: 02/05/2013

License Expiration: 01/31/2015

Complaint history: **None**

A Notice of Violation issued on July 10th, 2013 alleges that the Respondent, an unlicensed shop, is operating without first obtaining the required individual and shop licenses in violation of TENN. CODE ANN. §§ 62-4-108 (License required to practice or teach) and 62-4-118(a) (Operation of a shop). Specifically, the Respondent owner has stated to the inspector that he has recently bought the shop from the previous owner(s). However, the Respondent has not filed the required applications for a change of ownership or an application for a new shop.

Recommendation: Authorize a formal hearing with authority to settle the matter with a Consent Order for a civil penalty of \$250.00 for each of the two identified violations for a total civil penalty of \$500.00.

Analysis: The Board agrees with this assessment.

Decision: Approved.

8. Case No.: L13-COS-RBS-2013014551

First License Obtained: **N/A**

License Expiration: **N/A**

Complaint history: **None**

A Notice of Violation issued on July 12th, 2013 alleges that the Respondent, an unlicensed shop, is operating without first obtaining all required individual and shop licenses in violation of TENN. CODE ANN. §§ 62-4-108 (License required to practice or teach) and 62-4-118(a) (Operation of a shop). The only licensed individual in the shop was not a manager and did not know where the shop license, if any, was located. The complaint file contains a letter from the Board offices dated July 24th, 2013 directing the shop to Cease and Desist all unlicensed activity, which was returned unclaimed on August 21st, 2013.

Recommendation: Authorize a formal hearing with authority to settle the matter with a Consent Order for a civil penalty of \$250.00 for each of the two identified violations for a total civil penalty of \$500.00.

Analysis: The Board agrees with this assessment.

Decision: Approved.

9. Case No.: L13-COS-RBS-2013016541

First License Obtained: 05/08/2007

License Expiration: 04/30/2015

Complaint history: None

A Notice of Violation issued on August 9th, 2013 alleges that the Respondent, an unlicensed shop, is operating without first obtaining all required individual and shop licenses in violation of TENN. CODE ANN. §§ 62-4-108 (License required to practice or teach) and 62-4-118(a) (Operation of a shop). At the time of the inspection, the shop license has expired as of April 30th, 2013, and at least two individual licenses had expired at the end of April and June of 2013.

Recommendation: Authorize a formal hearing with authority to settle the matter with a Consent Order for a civil penalty of \$250.00 for each of the two identified violations for a total civil penalty of \$500.00.

Analysis: The Board agrees with this assessment.

Decision: Approved.

10. Case No.: L13-COS-RBS-2013016531

First License Obtained: 03/02/2006

License Expiration: 05/31/2014

Complaint history: 2009004951, closed 05/22/09 w/\$2000

CP

A Notice of Violation issued on August 9th, 2013 alleges that the Respondent, a licensed shop, is operating without first obtaining all required individual licenses in violation of TENN. CODE ANN. §§ 62-4-108 (License required to practice or teach). At the time of the inspection, the shop was employing at least three persons without a valid license.

Recommendation: Authorize a formal hearing with authority to settle the matter with a Consent Order for a civil penalty of \$250.00 for each of the three identified violations for a total civil penalty of \$750.00.

Analysis: The Board agrees with this assessment.

Decision: Approved.

11. Case No.: L13-COS-RBS-2013016521

First License Obtained: 08/15/2008

License Expiration: 08/31/2014

Complaint history: None

A Notice of Violation issued on July 23rd, 2013 alleges that the Respondent, a licensed shop, is operating without first obtaining all required individual licenses in violation of TENN. CODE ANN. §§ 62-4-108 (License required to practice or teach). At the time of the inspection, the shop was employing at least two persons without a valid license.

Recommendation: Authorize a formal hearing with authority to settle the matter with a Consent Order for a civil penalty of \$250.00 for each of the two identified violations for a total civil penalty of \$500.00.

Analysis: The Board agrees with this assessment.

Decision: Approved.

12. Case No.: L13-COS-RBS-2013016271

First License Obtained: 05/21/2007

License Expiration: 12/31/2014

Complaint history: None

A Notice of Violation issued on July 18th, 2013 alleges that the Respondent, an unlicensed shop, is operating without first obtaining all required individual and shop licenses in violation of TENN. CODE ANN. §§ 62-4-108 (License required to practice or teach) and 62-4-118(a) (Operation of a shop). At the time of the inspection, the shop license has expired as of December 31st, 2012 without renewal, and at least one individual licenses was working whose license had expired.

Recommendation: Authorize a formal hearing with authority to settle the matter with a Consent Order for a civil penalty of \$250.00 for each of the two identified violations for a total civil penalty of \$500.00.

Analysis: The Board agrees with this assessment.

Decision: Approved.

13. Case No.: L13-COS-RBS-2013016961

First License Obtained: 07/20/1995

License Expiration: 05/31/2014

Complaint history: 2011026091, closed 12/01/11 w/\$500
CP

A Notice of Violation issued on August 28th, 2013 alleges that the Respondent, a licensed shop, violated the Board's rules and sanitary standards. There is no inspection report accompanying the Notice of Violation to indicate which rules was violated or to establish what score was assigned to the Respondent shop.

Recommendation: Authorize a Letter of Warning and close the case.

Analysis: The Board agrees with this assessment.

Decision: Approved.

14. Case No.: L13-COS-RBS-2013016951

First License Obtained: 10/23/1993

License Expiration: 07/31/2014

Complaint history: None

A Notice of Violation issued on August 28th, 2013 alleges that the Respondent, a licensed shop, violated the Board's rules and sanitary standards. There is no inspection report accompanying the Notice of Violation to indicate which rules was violated or to establish what score was assigned to the Respondent shop.

Recommendation: Authorize a Letter of Warning and close the case.

Analysis: The Board agrees with this assessment.

Decision: Approved.

15. Case No.: L13-COS-RBS-2013016991

First License Obtained: 09/14/2012

License Expiration: 08/31/2014

Complaint history:

A Notice of Violation issued on August 13th, 2013 alleges that the Respondent, a licensed shop, is operating without first obtaining all required individual licenses in violation of TENN. CODE

ANN. §§ 62-4-108 (License required to practice or teach). At the time of the inspection, at least one individual licenses was working whose license had recently expired.

Recommendation: Authorize a Letter of Warning and close the case.

Analysis: The Board agrees with this assessment.

Decision: Approved.

16. Case No.: L13-COS-RBS-2013016981

First License Obtained: 11/15/1993

License Expiration: 04/30/2014

**Complaint history: L94-COS-RBS-994, L94-COS-RBS-1008
and L94-COS-RBS-1017 closed w/no
action 05/08/06; L96-COS-RBS-7245
Dismissed 05/06/96; L07-COS-RBS-
2007083371, closed 11/27/07
w/\$250.00 CP pd; L13-COS-RBS-
2013003031, closed 07/03/13 w/LO.W.**

A Notice of Violation issued on August 14th, 2013 alleges that the Respondent, a licensed shop, is operating without first obtaining all required individual licenses in violation of TENN. CODE ANN. §§ 62-4-108 (License required to practice or teach). At the time of the inspection, at least one individual licenses was working whose license had recently expired, but the Board office confirmed that the renewed one had already been mailed to the Respondent shop.

Recommendation: Close the case.

Analysis: The Board agrees with this assessment.

Decision: Approved.

17. Case No.: L13-COS-RBS-2013014101

First License Obtained: N/A

License Expiration: N/A

Complaint history: None

A Notice of Violation issued on June 7th, 2013 alleges that the Respondent, an unlicensed shop, is operating without first obtaining all required individual and shop licenses in violation of TENN. CODE ANN. §§ 62-4-108 (License required to practice or teach) and 62-4-118(a) (Operation of a shop). At the time of the inspection, there were no licensed individuals in the Respondent shop. The complaint file contains a letter from the Board offices dated July 18th, 2013 directing the shop to Cease and Desist all unlicensed activity, which was returned unclaimed on August 6th, 2013.

Recommendation: Authorize a formal hearing with authority to settle the matter with a Consent Order for a civil penalty of \$250.00 for each of the two identified violations for a total civil penalty of \$500.00.

Analysis: The Board agrees with this assessment.

Decision: Approved.

18. Case No.: L13-COS-RBS-201314641

First License Obtained: N/A

License Expiration: N/A

Complaint history: None

A Notice of Violation issued on June 21st, 2013 alleges that the Respondent, an unlicensed individual, is operating without first obtaining a required individual license in violation of TENN. CODE ANN. §§ 62-4-108 (License required to practice or teach). At the time of the inspection, the alleged activity was being conducted at the Respondent's residence. The complaint file contains a letter from the Board offices dated July 24th, 2013 directing the shop to Cease and Desist all unlicensed activity, which was received by the Respondent, and there is no indication that there has been any subsequent activity since receiving the certified letter.

Recommendation: Authorize a Letter of Warning and close the case.

Analysis: The Board agrees with this assessment.

Decision: Approved.

19. Case No.: L13-COS-RBS-2013014111

First License Obtained: N/A

License Expiration: N/A

Complaint history: **None**

A Notice of Violation issued on June 21st, 2013 alleges that the Respondent, an unlicensed shop, is operating without first obtaining a required shop license in violation of TENN. CODE ANN. §§ 62-4-118(a) (Operation of a shop). At the time of the inspection, there were no licensed individuals in the Respondent shop, and the shop manager conveyed to the inspector that all applicable licenses will be obtained. The complaint file contains a letter from the Board offices dated July 18th, 2013 directing the shop to Cease and Desist all unlicensed activity, which was received by the Respondent, and there is no indication that there has been any subsequent activity since receiving the certified letter.

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

Analysis: The Board agrees with this assessment.

Decision: Approved.

20. Case No.: L13-COS-RBS-2013014121

First License Obtained: **N/A**

License Expiration: **N/A**

Complaint history: **None**

A Notice of Violation issued on June 19th, 2013 alleges that the Respondent, an unlicensed shop, is operating without first obtaining a required shop license in violation of TENN. CODE ANN. §§ 62-4-118(a) (Operation of a shop). At the time of the inspection, there were no licensed individuals in the Respondent shop. The complaint file contains a letter from the Board offices dated July 18th, 2013 directing the shop to Cease and Desist all unlicensed activity, which was received by the Respondent, and there is no indication that there has been any subsequent activity since receiving the certified letter.

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

Analysis: The Board agrees with this assessment.

Decision: Approved.

21. Case No.: L13-COS-RBS-2013014141

First License Obtained: N/A

License Expiration: N/A

Complaint history: None

A Notice of Violation issued on June 18th, 2013 alleges that the Respondent, an unlicensed shop, is operating without first obtaining a required shop license in violation of TENN. CODE ANN. §§ 62-4-118(a) (Operation of a shop). At the time of the inspection, there were no licensed individuals in the Respondent shop. The complaint file contains a letter from the Board offices dated July 18th, 2013 directing the shop to Cease and Desist all unlicensed activity, which was received by the Respondent, and there is no indication that there has been any subsequent activity since receiving the certified letter.

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

Analysis: The Board agrees with this assessment.

Decision: Approved.

22. Case No.: L13-COS-RBS-2013014181

First License Obtained: N/A

License Expiration: N/A

Complaint history: None

A Notice of Violation issued on June 25th, 2013 alleges that the Respondent, an unlicensed shop, is operating without first obtaining a required shop license in violation of TENN. CODE ANN. §§ 62-4-118(a) (Operation of a shop). At the time of the inspection, there were no customers present in the Respondent shop. The complaint file contains a letter from the Board offices dated July 19th, 2013 directing the shop to Cease and Desist all unlicensed activity, which was received by the Respondent, and there is no indication that there has been any subsequent activity since receiving the certified letter.

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

Analysis: The Board agrees with this assessment.

Decision: Approved.

23. Case No.: L13-COS-RBS-2013014521

First License Obtained: N/A

License Expiration: N/A

Complaint history: None

A Notice of Violation issued on July 9th, 2013 alleges that the Respondent, an unlicensed shop, is operating without first obtaining a required shop license in violation of TENN. CODE ANN. §§ 62-4-118(a) (Operation of a shop). At the time of the inspection, there were no licensed individuals in the Respondent shop. The complaint file contains a letter from the Board offices dated July 24th, 2013 directing the shop to Cease and Desist all unlicensed activity, which was received by the Respondent, and there is no indication that there has been any subsequent activity since receiving the certified letter.

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

Analysis: The Board agrees with this assessment.

Decision: Approved.

24. Case No.: L13-COS-RBS-2013014531

First License Obtained: N/A

License Expiration: N/A

Complaint history: None

A Notice of Violation issued on July 9th, 2013 alleges that the Respondent, an unlicensed shop, is operating without first obtaining a required shop license in violation of TENN. CODE ANN. §§ 62-4-118(a) (Operation of a shop). At the time of the inspection, there were no licensed individuals in the Respondent shop. The complaint file contains a letter from the Board offices dated July 24th, 2013 directing the shop to Cease and Desist all unlicensed activity, which was received by the Respondent, and there is no indication that there has been any subsequent activity since receiving the certified letter.

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

Analysis: The Board agrees with this assessment.

Decision: Approved.

25. Case No.: L13-COS-RBS-2013014621

First License Obtained: 06/30/1987

License Expiration: 02/28/2014

Complaint history: 2005021671, closed w/no action;
2006036901, closed w/ no action

A Notice of Violation issued on July 9th, 2013 alleges that the Respondent, a licensed shop, is operating a mobile manicure shop under the Respondent shop's properly issued license in violation of TENN. CODE ANN. §§ 62-4-125(d)(2) (Health and safety rules and regulations) and TENN. COMP REGS. 0440—02—.07(7) [EQUIPMENT]. The Respondent shop was never open upon inspection, but an advertisement at the Respondent shop supports this allegation. The complaint file contains a letter from the Board offices dated July 24th, 2013 directing the shop to Cease and Desist all unlicensed activity, which was received by the Respondent, and there is no indication that there has been any subsequent activity since receiving the certified letter.

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

Analysis: The Board agrees with this assessment.

Decision: Approved.

26. Case No.: L13-COS-RBS-2013017251

First License Obtained: N/A

License Expiration: N/A

Complaint history: None

A Notice of Violation issued on August 29th, 2013 alleges that the Respondent, an unlicensed shop, is operating without first obtaining a required shop license in violation of TENN. CODE ANN. §§ 62-4-118(a) (Operation of a shop). At the time of the inspection, there were no licensed individuals in the Respondent shop.

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

Analysis: The Board agrees with this assessment.

Decision: Approved.

27. Case No.: L13-COS-RBS-2013017261

First License Obtained: N/A

License Expiration: N/A

Complaint history: None

A Notice of Violation issued on August 29th, 2013 alleges that the Respondent, an unlicensed shop, is operating without first obtaining a required shop license in violation of TENN. CODE ANN. §§ 62-4-118(a) (Operation of a shop). At the time of the inspection, there were no licensed individuals in the Respondent shop.

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

Analysis: The Board agrees with this assessment.

Decision: Approved.

28. Case No.: L13-COS-RBS-2013023621

First License Obtained: 11/08/2008

License Expiration: 11/3/2014

Complaint history: None

The Board has been made aware that the Respondent, a licensed cosmetologist has been charged with sexual assault in the course of providing cosmetology services that, if found to be true, would constitute unprofessional, immoral and/or dishonorable conduct in violation of TENN. CODE ANN. § 62-4-127(b)(2).

Recommendation: Authorize a summary suspension based on the criminal charges followed by an informal conference within 7 days.

Analysis: The Board was presented with three options: 1. Allow the complaint to be processed as normal. 2. Authorize negotiation for a voluntary de-activation of the Respondent's privileges pending the outcome of the criminal proceedings. 3. Approve for a summary suspension.

Decision: Approved for a summary suspension.

RECIPROCITY CASE PRESENTED TO CLOSE

1. Case No.: L13-COS-RBS-2013017061

First License Obtained:

License Expiration: 04/30/2014

Complaint history: None

The above-referenced Respondent (a licensed manicurist) was investigated for reciprocity issue and the license was found to be properly issued; it is presented with a recommendation to close the case.

Decision: Approved.

2. Case No.: L13-COS-RBS-2013017061

First License Obtained: 11/29/2011

License Expiration: 11/30/2013

Complaint history: None

The above-referenced Respondent (a licensed cosmetologist) was investigated for reciprocity issue and the license expired on 11/30/2013; it is presented with a recommendation to close the case and flag the file for further activity if a renewal is attempted.

Decision: Approved.

RECIPROCITY CASES PRESENTED FOR DISCIPLINARY ACTION

1. Case No.: L13-COS-RBS-20130109991

First License Obtained: 08/02/2012

License Expiration: 08/31/2014

Complaint history: None

2. **Case No.: L13-COS-RBS-2013019141**

First License Obtained: 06/05/2009

License Expiration: 06/30/2015

Complaint history: None

3. **Case No.: L13-COS-RBS-2013019971**

First License Obtained: 11/01/2011

License Expiration: 11/30/2015

Complaint history: None

An administrative Board office complaint has been filed against the above-referenced Respondents alleging fraud in obtaining licenses through reciprocity.

Recommendation: Refer the cases to Litigation with authorization for a formal hearing to seek license revocation for all 3 of the above-referenced Respondents.

Analysis: The Board agrees with this assessment.

Decision: Approved.

COSMETOLOGY CONSENT ORDERS- November 2013- Totaling \$1,500.00

MOTION made by June Huckeby and seconded by Muriel Smith for approval of all consent orders. Motion carried unanimously.

OTHER BUSINESS-

Notice of Rulemaking: Robert Herndon, Legal Counsel for the Board, explained the timeline for the draft Rules and requested an approval of the document to continue the process.

MOTION made by Rufus Hereford and seconded by Pearl Walker-Ali for approval of the Notice of Rulemaking Hearing. Motion carried unanimously.

Regulatory Flexibility Act: Robert Herndon, Legal Counsel for the Board, explained the methods of reducing the impact of Rules on small business, covered the seven questions and requested an approval of the document to continue the process.

MOTION made by June Huceby and seconded by Muriel Smith for approval of all consent orders. Motion carried unanimously.

Continuing Education Seminar Approval Request: Milady's Career Institute presents the 2014 seminar information for Sunday August 10 and Monday, August 11, 2014 to be held at Tennessee State University in Nashville, Tennessee. Provided is the brochure with details for the seminar.

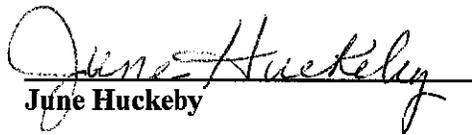
The other two seminar programs will be presented at the next two Board meetings for review.

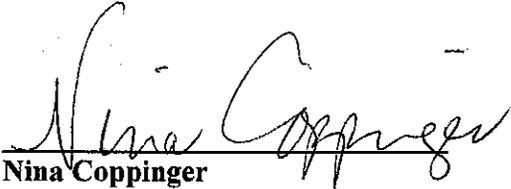
MOTION made by Pearl Walker-Ali and seconded by June Huceby for approval of the 2014 continuing education instructors seminar. Motion carried unanimously.

Motion to adjourn

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

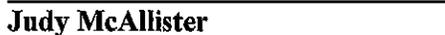

Linda Colley, Chairman

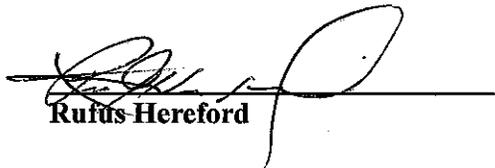

June Huceby


Nina Coppinger


Pearl Walker-Ali


Muriel Smith


Judy McAllister


Rufus Hereford