MINUTES

The Tennessee State Board of Cosmetology Held a meeting April 2, 2012 at 9:00am in Nashville, Tennessee.

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

Others present were: Beverly Waller, Executive Director, Laura Betty, Attorney Hosam Williams, Paralegal 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-

Minutes for the March 6, 2012 board meeting submitted for change and or approval.

MOTION made by June Huckeby and seconded by Janet Wormsley approval of the March 6, 2012 minutes.. Motion carried unanimously.

APPEAR BEFORE THE BOARD-.

Representatives from Virginia College were present to explain the electronic signature process for the 20 applications they have submitted for approval to have the Knoxville location inspected for approval to open. The new school application, fee, floor plan and bond was submitted and approved by the Board at the November meeting with the understanding the 20 enrollment agreements would be submitted and presented to the Board and if approved the school would receive inspection with approval to open if in compliance with all requirements. Representatives explained to Board Members the electronic signature process for students to enroll and establish a file is an approved

process now used by schools for enrolling students. Board Member Nina Coppinger stated she was familiar with the process and it is acceptable for verification of enrollment.

MOTION made by Nina Coppinger and seconded by Diana Buchanan approval of the 20 enrollment agreements submitted and the school to be inspected by Board Member and Board Inspector for approval to open. Motion carried unanimously.

APPLICATIONS FOR EXAMINATIONS

Presentation of applications for examination from Kenesha M. Lowe, Shannon Chambers and Andrea Stipanak submitted for review. Applicants have felonies and the required information, disclosure from the student and letter of examination from school attended has been received.

MOTION made by Nina Coppinger and seconded by Muriel Smith approval of applications with signed agreed orders. Motion carried unanimously.

APPLICATIONS FOR RECIPROCITY

Application for reciprocity of aesthetician license from Gail M. Fatato's certification from the New York State Board verifies 600 hours of instruction in the esthetician curriculum and original date of licensing 03/09 therefore no 5 year work history.

MOTION made by Nina Coppinger and seconded by Diana Buchanan applicant will be required to complete 150 hours of instruction in the esthetician curriculum and pass the state board aesthetician examination. Motion carried unanimously.

Application for reciprocity of cosmetology license from Young Mi Ho from Korea. She has submitted documentation from Masan Beauty Academy in Korea which provides a break down in the curriculum for the 1800 hours at the school and a certificate of career.

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

Application for reciprocity of cosmetology license from Kasha Jo. Ledford. Certification from the North Carolina State Board verifies 1200 hours of instruction in the cosmetology curriculum and original date of licensing as 07/24/08 therefore no 5 year work history.

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

Application for reciprocity of cosmetology license from Kimberly Anne Deesee. Certification from the Florida State Board verifies 1200 hours in the curriculum and original date of licensing 06/15/11.

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

Application for reciprocity of cosmetology license from Riane Cook. Certification of licensing from the Florida State Board verifies 1200 hours in the curriculum and original date of licensing 05/13/09.

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

Application for reciprocity of aesthetician license from Penielle White. Certification of licensing verifies original date of licensing as 03/16/2004 and applicant stated her hours of instruction 2000 were apprentice hours and she does not have a 5 year work history.

MOTION made by Nina Coppinger and seconded by Diana Buchanan approval of the application for reciprocity. Motion carried unanimously.

Application for reciprocity of manicurist license for Van Pham. Certification from the California State Board verifies 400 hours in the curriculum and original date of licensing as 05/2011.

MOTION made by Nina Coppinger and seconded by Muriel Smith applicant will be required to complete 200 hours in the manicurist curriculum and pass the state board manicurist examination. Motion carried unanimously.

Application for reciprocity of manicurist license for Son Pham. Certification from the California State Board verifies 400 hours in the curriculum and original date of licensing 05/2011.

MOTION made by Nina Coppinger seconded by Muriel Smith applicant will be required to complete 200 hours in the manicurist curriculum and pass the state board manicurist examination. Motion carried unanimously.

Application for reciprocity of manicurist license for Tocarra Blake-Zoppe. Certification from the Virginia State Board verifies 150 hours of instruction in the curriculum and original date of licensing 05/28/1999 and she advised she does not have a 5 year work history as a manicurist.

MOTION made by Nina Coppinger and seconded by Diana Buchanan applicant will be required to complete 450 hours of instruction in the manicurist curriculum and pass the state board manicurist examination. Motion carried unanimously.

Application for reciprocity of manicurist license for Amando Tran. Certification from the California State Board verifies 400 hours of instruction in the curriculum and original date of licensing as 10/1996. The work history he has submitted for Board review is 2005 schedule C Profit or Loss from Business for two nail salons, bank statement 2006 for Beautiful Nails and copies of other checks for Beautiful Nail Salon dates of 2006.

MOTION made by Nina Coppinger and seconded by Diana Buchanan applicant will be required to complete 200 hours of instruction in the manicurist curriculum and pass the state board manicurist examination. Motion carried unanimously.

Application for reciprocity of cosmetology license for Jenny Romero. Certification from the Florida State Board verifies 1200 hours of instruction in the curriculum and original date of licensing 01/2012.

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

Application for reciprocity of natural hair stylist license from Texas for Mariama Jeng. Certification from the Texas State Board verifies 35 hours of instruction and original date of licensing as 12/2010.

MOTION made by Nina Coppinger and seconded by Diana Buchanan applicant will be required to complete 265 hours in the natural hair stylist curriculum and pass the state board examination. Motion carried unanimously.

Application for reciprocity of manicurist license from California for Phuc Anh Tran. Certification from the California State Board verifies 400 hours in the curriculum and original date of licensing 07/2010.

MOTION made by Diana Buchanan and seconded by Nina Coppinger applicant will be required to complete 200 hours in the manicurist curriculum and pass the state board manicurist examination. Motion carried unanimously.

Application for reciprocity of cosmetology license from Wisconsin for Chinh Troung. Certification from the Wisconsin State Board verifies Ms. Troung received license in Wisconsin (combined license Barber/Cosmo) by endorsement from Vietnam 06/07/11.

MOTION made by Diana Buchanan and seconded by Nina Coppinger approval of the application. Motion carried unanimously.

Application for reciprocity of aesthetician license from Michigan for Kelsey Ramsbottom. Certification from the Michigan State Board verifies 400 hours in the curriculum and original date of licensing as 12/2007.

MOTION made by Nina Coppinger and seconded by Diana Buchanan applicant will be required to complete 350 hours in the esthetics curriculum and pass the state board aesthetician examination. Motion carried unanimously.

Application for reciprocity of aesthetician license from Indiana for Marita Coleman. Certification from the Indiana State Board list original date of licensing as 01/20/12. Indiana requires 700 hours of instruction in the curriculum.

MOTION made by June Huckeby and seconded by Muriel Smith applicant will be required to set for the state board aesthetician examination. Motion carried unanimously.

COSMETOLOGY SCHOOL APPLICATION-

Application for new school of cosmetology at Chattanooga College presented for review. The application, fee, floor plan, letter of credit, hours of operation, course curriculum, resumes and license of the 2 cosmetology instructors are submitted. Also a letter advising the accrediting body will not allow the school to advertise which is necessary for the school to obtain the 20 enrollment agreements unless the submitted documents are approved. The request is to receive approval from the Board of the application and additional documentation which will allow the school to advertise. The school is aware the 20 enrollment agreements must be submitted to the Board for review and the school inspected for approval to open and obtain license.

MOTION made by Diana Buchanan and seconded by Muriel Smith approval of the application and supporting documents. Motion carried unanimously.

MISCELLANEOUS

Board office received a letter from a proposed hair straightner kiosk owner for presentation to the Board. The kiosk will be located in the mall and sell hair tools such as flat irons, curlers, hair dryers, hair extensions and hair care products (shampoo, conditioner, hair mask, etc.). They provide instruction to the customer on how to use the product they do not demonstrate on the entire head and the demonstration is at no charge. The request is to receive approval from the Board to provide hands on demonstration to the customers at the kiosk.

MOTION made by Diana Buchanan and seconded by Muriel Smith demonstrations should not be performed on customers and suggest manakins used for demonstrations. Motion carried unanimously.

Request for field trip approval from Paul Mitchell-Charity Event- Project Homeless-students performing services at the Tennessee State Fair Grounds March 28, 2012.

MOTION made by Diana Buchanan and seconded by Nina Coppinger approval of the field trip request but please advise the school field trip request are to receive prior approval. Motion carried unanimously.

Dates and supporting information for the 2012 Cosmetology Instructor Seminars.

ADDITIONAL RECIPROCITY APPLICATIONS-

Application for licensing as an aesthetician from Gayatriben Patel from India. She has submitted documentation from the Hairline Beauty Care and Training Institute with a breakdown of the 2000 hours she completed. She is license in Illinois which she states she received by endorsement from India in 2011. We have not received the certification of licensing from the Illinois State Board.

MOTION made by Diana Buchanan and seconded by Muriel Smith to table the application until the certification of license from the Illinois State Board is received. Motion carried unanimously.

Application for reciprocity of cosmetology license from Puerto Rico from Tam Bui. She has submitted her diploma and a breakdown of the curriculum for the 1500 hours completed in the cosmetology school in Puerto Rico.

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

Documentation submitted from Mo Youzhen from China. Translated documentation is a certificate in hairdressing and certificates of professional qualifications.

MOTION 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 from Germany for Caroline Norris. Breakdown of the curriculum for barbering and cosmetology list classroom hours 1248 and practical hours 6240. She submitted her Apprenticeship Graduation Diploma and states she passed the Apprenticeship Examination in hair dressing. Certification states applicant underwent an apprenticeship for hairdresser from September 7, 1993 to July 31, 1996 and graduated from the State Vocational School 1 Ansbach.

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

Request from Eun Kyung Hansen who has a manicurist license in Tennessee and qualified for license by completing hours at Queen City Beauty College and passing the state board manicurist examination is now requesting the board to now issue her a cosmetology license by endorsement from Korea. She has submitted a letter and documentation for review by the Board.

MOTION made by June Huckeby and seconded by Diana Buchanan to deny the applicant's request to receive cosmetology license in Tennessee. Motion carried unanimously.

Request for clarification: Enrollment in the 300 hour instructor curriculum to be completed within 6 months is no exceptions. Have an applicant for the instructor examination who exceed the 6 months time period for completion. Applicant who enrolled at the Trezevant CTC and the school closes during the summer months which cause the applicant to enroll March 29-June 6 (closed for summer) September 17-October 26.

MOTION made by Muriel Smith and seconded by Nina Coppinger to accept the hours submitted for this applicant. Motion carried unanimously.

Consent Orders-

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

Legal Report-

MOTION made by Nina Coppinger and seconded by June Huckeby approval of legal report. Motion carried unanimously.

COSMETOLOGY
APRIL 2012
CONSENT ORDERS $2000.00

Diva Nails
401 south Mt. Juliet Road
#305
Mt. Juliet, TN 37122

Violation issued December 8, 2011
Pd $500.00 on 04-22-2012

Fashion Nail II
9230 Chimmeyrock
Cordova, TN 38016

Violation issued September 15, 2011
Pd $1500.00 on 03-14-2012

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

TO: **Tennessee State Board of Cosmetology**

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

DATE: **April 2, 2012**

SUBJECT: **April Legal Report**

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1. 201200223-1
First License Obtained: 06/24/2009
License Expiration: 05/31/2013
History: No Prior Complaints

A January 4, 2012 Notice of Violation alleges that an unlicensed individual was providing a manicure service on a client in a licensed manicure shop — according to the area inspector, the individual could not provide any form of identification that would establish her identity or licensure status.

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

2. 201200464-1
First license Obtained: 09/26/2005
License Expiration: 09/30/2013
History: 200801504-1 Closed 08/22/08 w/$2,000.00 CP Satisfied

A February 3, 2012 Notice of Violation alleges that an individual was observed using a drill to apply acrylics to client's nails in a licensed manicure shop. When asked for identification, the individual did not have any and when asked for his social security number, he provided the social security number of another licensee and immediately left the shop. The owner of the shop states that he does not know anything about the individual expect that he came into his the shop with an I.D. tag and current license. According to the area inspector, the license in question was later picked up and returned to the Board

office.

Recommendation: Authorize formal hearing with authority to settle by Consent Order and payment of not less than a $500.00 civil penalty.

3. 201200193-1
First license Obtained: 07/22/2005
License Expiration: 07/31/2011
History: No Prior Complaints

A September 27, 2011 Notice of Violation alleges that an individual was cutting a client's hair in a licensed cosmetology shop while the shop license was expired and had been expired since July 31, 2011. The shop does have a dual licensure; however, it appears that the cosmetology shop license was expired at inspection time. As of the date of this summary, cosmetology shop license remains expired.

Recommendation: Close with a letter of warning.

4. 201200183-1 (License Expiration: 06/30/2013)
201200465-1 (License Expiration: 09/30/2012)
201200253-1 (License Expiration: 06/30/2012)
201200199-1 (License Expiration: 03/31/2012)
201200207-1 (License Expiration: 08/31/2012)
201200200-1 (License Expiration: 12/31/2012)
201200201-1 (License Expiration: 01/31/2014)
201200204-1 (License Expiration: 01/31/2014)
201200213-1 (License Expiration: 06/30/2013)
201200215-1 (License Expiration: 04/30/2013)
201200229-1 (License Expiration: 06/30/2012)
201200240-1 (License Expiration: 04/30/2013)
History: No Prior Disciplinary Action

The above-referenced shops were issued Notices of Violation all of which allege that an expired shop license and/or an expired cosmetology license was posted in the shops. According to the Board office licensing records, in each case the appropriate documents have been filed and fees paid and all licenses have been made current.

Recommendation: Close with a letter of warning.

5. 201200241-1
First license Obtained: 01/27/1997
License Expiration: 03/31/2011
History: No Prior Complaints

An October 26, 2011 Notice of Violation alleges that the owner of the shop (who also a licensed manicurist) was performing a manicure on a client while the shop license was expired and had been

expired since March 31, 2011. As of the date of this summary, shop license remains expired.

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

6. 201200185-1
History: No Prior Complaints

A September 1, 2011 Notice of Violation alleges that a licensed cosmetologist was found practicing on a client in an unlicensed shop. As of the date of this summary, the owner of the shop has not filed an application to license the shop.

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

7. 201200203-1
First License Obtained: N/A
License Expiration: N/A
History: No Prior Complaints

An October 21, 2011 Notice of Violation does not provide sufficient information to determine whether a violation of the Cosmetology Act was observed at inspection time.

Recommendation: Close with no action.

8. 201200228-1
First License Obtained: 12/01/1994
License Expiration: 03/31/2013
History: 201102605-1 resolved with $500.00 CO

A January 6, 2011 Notice of Violation alleges that an individual was found practicing on a client in a licensed cosmetology shop without wearing an identification tag. According to the inspector, the individual stated that he left his I.D. tag at home.

Recommendation: Close with a letter of warning.

<u>Board Amended Recommendation as follows</u>: Authorize formal hearing with authority to settle by Consent Order and payment of a $250.00 civil penalty.

9. 201103186-1
First License Obtained: 05/10/2001
License Expiration: 01/31/2014

History: Consent Order 01/15/02 w/$7,000.00 CP Satisfied
20050336-1, 200503336-1, 200600519-1 closed 02/06/2007 w/$500.00 Satisfied
201100209-1, Closed 12/28/11 w/$3,500.00 Satisfied

A consumer complaint filed on October 18, 2011 alleges that the consumer visited the shop to get pedicure and manicure services and that she was not satisfied with the service she received. The owner of the shop was served with a notice of the complaint and asked to respond, but failed to do so. Board office records indicate that the shop is now under new ownership.

Recommendation: Note the complaint in the licensing file and close.

10. 201200011-1
First License Obtained: 08/10/2010
License Expiration: 07/31/2012
History: No Prior Complaints

A consumer complaint filed on December 20, 2011 alleges that the consumer received a pedicure in a licensed cosmetology shop and the technician who did the pedicure cut the consumer's cuticle in his right big toe, which resulted in an infection. Further, the consumer states that she did not see any barbicide containers on stations nor were tools taken from sterile wrapping; however, she did see that the shop received a score of 98. The Respondent was served with a notice of the complaint and asked to respond, but failed to do so.

Recommendation: Close with a letter warning and flag.

11. 201200149-1
First License Obtained: 06/04/2009
License Expiration: 05/31/2011
History: No Prior Complaints

A March 18, 2011 Notice of Violation alleges that six (6) individuals were providing hair braiding services to clients. According to the area inspector, it is believed that the owner of the shop has moved out of state and the shop is being operated under a new owner. Board office records indicate that the new owner has not filed an application to license the shop and that the shop license remains expired, as of the date of this summary.

Recommendation: Issue a CEASE and DESIST advisory notice.

12. 201200275-1
First license Obtained: N/A
License Expired: N/A
History: No Prior Complaints

A November 10, 2011 Notice of Violation alleges that a shop was open for business, but had no customers at inspection time. The only person present was a master barber and the shop had a valid

barber shop license. An expired cosmetology license was posted at an empty work station; however, Board office records indicate that the license at issue has been renewed. The shop does not have dual licensure, but the Notice does not provide sufficient information to determine whether a violation of the Cosmetology Act was observed at the inspection.

Recommendation: Close with no action.

13. 201200251-1
First License Obtained: 03/14/2008
License Expiration: 03/31/2014
History: No Prior Complaints

A November 22, 2011 Notice of Violation alleges that one unidentified individual was observed performing a manicure on a client in a licensed manicure shop. That individual did not have a manicurist or cosmetology license to perform such services.

Recommendation: Issue a letter of warning

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

14. 201200187-1
First License Obtained: 03/22/1993
License Expiration: 06/30/2013
History: 201100761-1 Under review by legal (Unlicensed personal)

A September 12, 2011 Notice of Violation alleges that a licensed cosmetology shop was open for business while its shop license was expired since June 30, 2011. Further, the shop owner's personal license expired on July 31, 2011. No services were being provided at inspection time. According to the Board licensing records, both licenses have been now renewed.

Recommendation: Close with a letter warning.

15. 201200189-1
First License Obtained: N/A
License Expiration: N/A
History: No Prior Complaints

A September 14, 2011 Notice of Violation alleges that the area inspector observed a work station set up at the rear of this shop, which has no valid board-issued shop license. In the rear of the shop an unlicensed individual was offering threading services and eye lash extensions. No services were being provided at the time of the inspection.

Recommendation: Issue a CEASE and DESIST advisory notice.

16. 201200190-1
First License Obtained: 07/13/2001
License Expiration: 09/28/2013
History: 20090092-1 Closed 02/04/10 w/ L.O.W

A September 20, 2011 Notice of Violation alleges that a licensed cosmetology shop was open for business while its shop license was expired and had been expired since June 30, 2011. Board office records indicate that the shop license is now renewed.

Recommendation: Close with a letter of warning.

17. 201200192-1
First License Obtained: 11/18/2004
License Expiration: 11/30/2010
History: 200501152-1 Closed 07/05/05 w/ L.O.W

A September 27, 2011 Notice of Violation alleges that the owner of an out of business shop has moved with no forwarding address. The Notice of Violation does not provide sufficient information to determine whether a violation of the Cosmetology Act was observed at the inspection.

Recommendation: Close with no action.

18. 201200397-1
First License Obtained: N/A
License Expiration: N/A
History: No Prior Complaints

A December 13, 2011 Notice of Violation alleges that a copy of a cosmetologist's license was posted at a work station in a licensed barber shop. No services were provided at inspection time. The notice does not provide sufficient information to determine whether a violation of the Cosmetology Act was observed at the inspection time.

Recommendation: Close with no action.

19. 201200241-1
First License Obtained: 04/17/2008
License Expiration: 04/30/2012
History: No Prior Complaints

A November 16, 2011 Notice of Violation alleges that the shop was open for business while it shop license was expired. Additionally, neither the shop license nor the Grade inspection sheet was posted at inspection time. The inspector reports that the shop owner's personal license was expired since August 31, 2010. Board office records indicate that both licenses have been renewed.

Recommendation: Close with a letter of warning.

20. 201200419-1
First License Obtained: 10/26/2011
License Expiration: 10/31/2013
History: No Prior Complaints

A complaint filed on January 25, 2012 by the owner of a licensed cosmetology shop and the former employer of the Respondent (a licensed cosmetologist) alleges that the Respondent abandoned her schedule and duties with his shop and that the Respondent was performing cosmetology services out of her home in violation of the Cosmetology Act. The Respondent responded that she never performed any services at her house and also stated that she is now negotiating with another salon to pursue her career.

Recommendation: Close with no action.

21. 201200234-1
First License Obtained: 09/06/2002
License Expiration: 01/31/2013
History: No Prior Complaints

A November 9, 2011 Notice of Violation alleges that an unidentified individual was found performing a pedicure on a consumer in a licensed cosmetology shop, but the individual had no Board issued license displayed.

Recommendation: Close with a letter of warning.

22. 201200254-1
First License Obtained: 04/09/1984
License Expiration: 12/31/2012
History: 200604448-1 Closed 03/20/2007 w/ L.O.W
200800554-1 Closed 01/28/11 w/ $2,000.00 CP

A December 14, 2011 Notice of Violation alleges that the area inspector observed a licensed cosmetologist's expired license posted in a licensed cosmetology shop. The cosmetologist's license expired on December 31, 2012, but the licensee was absent at inspection time. Board office records indicate that the cosmetologist's license has been renewed. Notice does not provide sufficient information to determine whether a violation of the Cosmetology Act was observed at the inspection.

Recommendation: Close with no action.

23. 201200107-1
First License Obtained: 10/11/2007
License Expiration: 09/30/2013
History: No Prior Complaints

A February 3, 2012 Notice of Violation alleges that five (5) individuals were found providing services on clients. The area inspector observed one unlicensed individual performing a pedicure on a consumer and another unlicensed individual performing a manicure on a consumer.

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

24. 201200420-1
First License Obtained: N/A
License Expiration: N/A
History: No Prior Complaints

A consumer complaint filed on January 30, 2012 alleges that the consumer was dissatisfied with the hair service she received from the Respondent. The consumer alleges that the Respondent does not have a Board issued cosmetology license. The Respondent denies the allegations, stating that she does not know the consumer and such allegations are unfounded. According to the Board licensing records, the Respondent does not have a Board issued cosmetology license.

Recommendation: Close with a CEASE and DESIST advisory notice.

25. 201200279-1
First License Obtained: 03/07/2012
License Expiration: 01/31/2014
History: No Prior Complaints

A January 13, 2012 Notice of Violation alleges that a licensed cosmetologist was servicing a client while the shop license was pending and before the cosmetology shop was properly opened. The area inspector observed that four stations were set up and operable during the inspection. Board office records indicate that the shop is now licensed.

Recommendation: Close with a letter of warning.

26. 201200238-1
First License Obtained: 03/26/1993
License Expiration: 07/31/2013
History: No Prior Complaints

A November 15, 2011 Notice of Violation alleges that a licensed cosmetologist was found styling a client's hair while her license had been expired since September 30, 2011. According to the area inspector, an expired license for the shop manager was displayed at a work station and the shop

manager was not present at inspection time. Board office records indicate that both licenses have been now renewed.

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

27. 201200118-1
First License Obtained: 08/16/2005
License Expiration: 08/31/2013
History: 200602801-1, Closed 08/07/06 w/ L.O.W
200902070-1, Closed 11/30/10 w/$1,000.00 CP Satisfied

A consumer complaint filed on December 7, 2011 alleges that on or about March 4, 2011 the consumer visited a licensed cosmetology shop for a manicure. An individual, who had his name written on a torn piece of paper pinned to his shirt, performed her manicure and while drilling her nail, he allowed the drill bit to slip causing the consumer's finger to bleed. The individual sprayed the drill bit and her finger with a solution and put the drill bit back into the case. Additionally, the consumer states that the individual got nervous and knocked several items off the table onto the floor and picked them up to reuse them on her. The owner of the shop responded that the employee who did the consumer's manicure is a certified nail tech, and the owner stated that she would not let anyone do a customer's nails without a license. She further stated that they work very hard to keep the shop clean.

Recommendation: Close with a letter of warning.

28. 201200122-1
First License Obtained: 08/16/2005
License Expiration: 08/31/2013
History: 200602801-1 Closed 08/07/06 w/ L.O.W
200902070-1 Closed 11/30/10 w/$1000 CP Satisfied

A consumer complaint filed on December 7, 2011 alleges that the consumer visited a licensed cosmetology shop for a pedicure, but she was not satisfied with the service because the individual who performed the pedicure did not clean under her nails and did not trim the cuticles. The consumer also states that she did not believe the nail tech knew about sanitation and safety, and she observed nail clippings on the floor. The owner of the shop was served with a notice of the complaint and asked to respond, but failed to do so.

Recommendation: Close with a letter of warning and flag – have the inspector to inspect the shop relative to sanitation.

29. 201200210-1
First License Obtained: 07/02/1991
License Expiration: 05/31/2012
History: No Prior Complaints

An October 25, 2011 Notice of Violation alleges that a licensed cosmetology shop was open for

business while its shop license was expired and had been expired since May 31, 2010. According to the Notice, no one was working at inspection time. According to the Board licensing records, shop license has been now renewed.

Recommendation: Close with a letter of warning.

30. 201200287-1
First Licensed Obtained: N/A
License Expiration: N/A
History: No Prior Complaints

A January 27, 2012 Notice of Violation alleges that the owner of a formerly licensed cosmetology shop has moved the shop to a new location without submitting the proper paperwork for a relocation. According to the Notice, at the time of the inspection one (1) individual was observed performing services on a consumer and the shop owner was performing a manicure on a consumer. According to the Board licensing records, the owner of the shop has now submitted an application to license the new location and such application is pending, as of this date.

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

31. 201200202-1
First License Obtained: 06/01/2011
License Expiration: 10/31/2013
History: No Prior Complaints

An October 18, 2011 Notice of Violation alleges that the owner of a licensed cosmetology shop located in a shopping mall moved the shop to a new location within the same shopping mall without submitting an application for a change of location. The inspector observed a licensed cosmetologist cutting a client's hair at inspection time. According to Board office records, an application for a change of location was received on October 14, 2011; and such application was approved on November 21, 2011.

Recommendation: Close with a letter of warning.

32. 201200211-1
First License Obtained: 03/11/2005
License Expiration: 03/31/2013
History: No Prior Disciplinary Action

An October 25, 2011 Notice of Violation alleges that three (3) unlicensed individuals were observed performing braiding services on consumers in a licensed cosmetology shop.

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

33. 201200250-1
First License Obtained: 09/08/2010
License Expiration: 08/31/2012
History: No Prior Complaints

A November 22, 2011 Notice of Violation alleges that an unlicensed individual was observed performing a pedicure on a client in a licensed cosmetology shop.

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

34. 201200015-1
First License Obtained: 01/17/2008
License Expiration: 0131/2014
History: No Prior Complaints

A consumer complaint filed on November 30, 2011 against a licensed cosmetologist alleges that the consumer's hair was falling out after a perm service she received from a licensed cosmetologist. The Respondent states that the consumer scheduled an appointment to get a relaxer and a rinse. The Respondent states that she shampooed the Complainant's hair 4 times, twice with neutralizing shampoo and twice with a conditioning shampoo, which she then followed with a conditioner and the rinse (which the Complainant brought with her). The Respondent states that she always checks the drain for hair, and no hair was in the drain, and the Complainant was satisfied and paid and left. Respondent further states that she met with the Complainant on a later date after the Complainant called her to complain about losing hair at which time the Respondent shampooed Complainant's hair with repair therapy shampoo and reconstructing conditioner and saw that no hair was coming out.

Recommendation: Close with no action.

35. 201200012-1
First License Obtained: 03/15/1994
License Expiration: 09/01/2012
History: No Prior Disciplinary Action

A complaint filed on December 15, 2011 by a student enrolled at licensed cosmetology school alleges that she is not receiving the education that she is paying for, that there are not enough teachers for the number of students and that the students are left alone much of the time. The school owner denies the allegations, stating that the student has had class at least one to two hours each day for theory, and that if the instructor is absent, the instructor will spend an extra hour on the next day to be sure that the theory was taught. Further, the school owner states that after the theory class, the students are instructed to practice their practical skills on customers, mannequins or other students who volunteer for services. The owner states that the school has at least one (1) instructor for every 20 students at the school at all times.

Recommendation: Close with no action.

36. 201200014-1
First License Obtained: 09/16/2009
License Expiration: 09/01/2012
History: No Prior Disciplinary Action

A complaint filed on December 4, 2011 by a former student at a licensed cosmetology school alleges that while at the school, the Complainant was required to perform services for public clients at no charge and allowed tips only and that she was manipulated by her instructor to give the instructor portions of her tips and also to perform services on the instructor's daughter at no charge. The Complainant further alleges that the instructor was coercing other students to give her money, to do favors and to give her prescription drugs. The Complainant alleges that when she refused to comply, the instructor had her terminated. The school's executive director denies all allegations, stating that after receiving the complaint, the school conducted an internal investigation of the allegations and found no reason to believe that there was any inappropriate conduct by the instructor or other staff of the school. The director explained that the Complainant was terminated because she attempted to overcharge a school salon guest for a sew-in extensions service. The school charges $21.00 dollars for this service, but the student charged the school salon guest $150.00 for the service and paid the school $21.00 taking the remainder of the money for herself. A statement from the overcharged salon guest was attached to the school's response confirming the incident.

Recommendation: Close with no further action.

37. 201200018-1
First License Obtained: 09/16/2009
License Expiration: 09/01/2012
History: No Prior Complaints

A complaint filed on October 15, 2011 by a former student against a licensed cosmetology school alleges that she withdrew from the school in 2010 and subsequently tried to enroll in another school, but was informed by the new school that she had no hours from the previous school. The school which the student originally attended has since been purchased by another school. The purchasing school was served with a notice of the complaint and asked to respond, but failed to do so.

Recommendation: Close with a letter warning and flag.

38. 201200114-1
First License Obtained: 03/18/1994
License Expiration: 09/01/2012
History: No Prior Complaints

A consumer complaint filed on November 30, 2011 against a licensed cosmetology school alleges that upon enrolling in Respondent cosmetology school, the Complainant was informed that she had to pay a $100 registration fee. The Complainant states that some issues came up and she does not know when or if she will be able to attend the school and asked for a refund of the registration fee, but was informed that it is non-refundable. Complainant alleges that the school misled her by not making it

clear that the registration fee was non-refundable.

Recommendation: Close with no further action.

39. 201101933-1 (RE-PRESENT)
First License Obtained: N/A
License Expiration: N/A
History: No Prior Complaints

This consumer complaint was made against the Board of Cosmetology rather than against a licensee, and as such, it is not appropriate for it to be heard by the Board, but rather it should be handled in a separate administrative process.

Recommendation: Close with no further action by the Board.

40. 201200364-1
First License Obtained: 03/21/1994
License Expiration: 09/01/2012
History: 200503552-1 & 200601440-1, Closed 4/02/2007 w/$3,000.00 CP Satisfied

An October 21, 2011 Notice of Violation alleges that a cosmetology instructor at a licensed cosmetology school was observed teaching students while her license was expired and had been expired since 6/30/11. According to Board licensing records, the instructor's license was renewed immediately after the Notice was issued.

Recommendation: Close with no further action.

<u>Board amended recommendation as follows</u>: Close with a letter of warning.

41. 200902530-1 (Licensed since 2000)

A November 10, 2009 Notice of Violation alleges that a cosmetology instructor at a licensed cosmetology school was observed teaching students when her instructor license was not posted and she had no identification. The instructor stated that her identification had been stolen and her license was at her other work location. With the school owner's permission, the instructor then left to get her license and a form of identification.

Recommendation: Close with no further action.

<u>Board amended recommendation as follows</u>: Close with a letter of warning.

42. 201200113-1
First License Obtained: N/A
License Expiration: N/A
History: No Prior Complaints

A consumer complaint filed on January 12, 2012 alleges that Complainant paid Respondent, who does not have a Board issued license, to order 600 strands of hair and to put in the extensions. Complainant alleges that shortly after the service was provided, the strands began to fall out. Complainant states that she returned to Respondent several times and that she was not satisfied with the service or the price charged. Respondent stated that she moved here from California and that her primary business is selling hair and not providing extension services, although she is trained to perform that service. She stated that she did not realize that a license was required in Tennessee to do extensions and she has not provided that service since learning that a license is required. Respondent further stated that she is in the process of moving to Washington, D.C. and has not nor will she provide any cosmetology services in Tennessee.

Recommendation: Close with a letter of warning.

43. 201200358-1
First License Obtained: 09/30/2008
License Expiration: 09/30/2012
History: No Prior Disciplinary Action

A consumer complaint filed on May 16, 2011 against an individual who works at a licensed cosmetology shop alleges in great detail that the Complainant was not happy with the service (a relaxer and weave) that she received from the individual. The Complainant lists a host of errors she believes the individual made, but the complaint fails to provide sufficient proof of a violation of the Cosmetology Act.

Recommendation: Close with no further action.

44. 201200221-1
First License Obtained: 10/14/1998
License Expiration: 08/31/2012
History: No Prior Complaints

A December 7, 2011 Notice of Violation alleges that a licensed cosmetology shop was open for business with no manager present at inspection time. According to the Notice, six (6) stations were set up for work, and that only one cosmetology license was posted. The area inspector observed an individual performing a service on a consumer, but that individual's license was not posted. Additionally, the inspector observed that the stations had fresh cut hair on the floor, barbicide, shears, combs, blow dryers curling irons, money in the station drawers and capes draped over styling chairs.

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