



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

## MINUTES

The State Board of Cosmetology and Barber Examiners held a meeting August 25, 2014 at 9:30 a.m. in Nashville, Tennessee.

The Meeting was called to order by Executive Director Roxana Gumucio.

Roxana Gumucio welcomed everyone to the Board meeting.

Roxana Gumucio called roll and board members introduced themselves.

The following members were present: Anita Allen, Kelly Barger, Nina Coppinger, Bobby Finger, Frank Gambuzza, Ron Gillihan, Yvette Granger, Patricia Richmond, Mona Sappenfield, Amy Tanksley, and Dianne Teffeteller. Not in attendance Judy McAllister.

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

### **Elect Board Chair and Vice Chair:**

Pursuant to T.C.A. 62-3-101 and 62-4-105, the board shall annually elect a chair and vice chair.

MOTION made by Yvette Granger and seconded by Nina Coppinger to elect Ron Gillihan as chair and Kelly Barger as vice chair of the State board of Cosmetology and Barber Examiners. Motion carried unanimously.

### **Roberts Rule or Order:**

For the remainder of 2014 meetings, the new board voted to adopt Roberts Rule of Order.

MOTION made by Patricia Richmond and seconded by Ron Gillihan to adopt Roberts Rules. Motion carried unanimously.

## **APPEAR BEFORE THE BOARD-**

### **Bill Giannini, Deputy Commissioner for Department of Commerce and Insurance:**

Deputy Commissioner Giannini welcomed the new State Board of Cosmetology and Barber Examiners and thanked everyone for their participation.

### **Elnora Dortch-Wharwood, Request for 2015 Seminar approval:**

Request for workshop approval for 2015 instructor seminars by Ms. Elnora Dortch-Wharwood, CEO of The Beyond Beauty Group. Provided are documents detailing the two day course and the agenda. Ms. Dortch-Wharwood previously presented information to each of the boards but 2015 dates had not been approved. She appeared before the board to answer questions.

MOTION made by Yvette Granger and seconded by Anita Allen to approve 2015 seminar. Motion carried unanimously.

### **Ralph Payne, Tennessee School of Beauty:**

Mr. Payne appeared before the board to request approval of new school application for Queen City College located in Paris, Tennessee. A bond, floor plan showing 5,360 square feet, enrollment agreement, curriculum and school hours of operation are all provided. The application and fee have been received. School must be inspected by board member and field inspector before it may open.

MOTION made by Patricia Richmond and seconded by Bobby Finger to approve recommendation. Motion carried unanimously.

### **Dung Nguyen, Out of State examination:**

Ms. Nguyen attended a Tennessee licensed school in 2004. She took the PSI theory exam a total of twelve (12) times between 2005 and 2010 and failed to receive a passing score. In 2013 she received a license from another State where she was able to test in her language and pass both examinations. Ms. Nguyen appeared before the board to answer questions and request that her exams be accepted and that the board approve her to receive a Tennessee license since she meets the educational and testing requirements. Ms. Nguyen appeared before the board to answer questions.

Recommendation – is to approve exams from other State with hours in Tennessee and grant a license.

MOTION made by Mona Sappenfield and seconded by Bobby Finger to approve recommendation. Motion carried unanimously.

**Hien Van Nguyen, Passed Tennessee Examination:**

Mr. Nguyen completed the application to test in Tennessee in January 2014 for a manicurist license. He provided certification from the State of Texas prior to the board deciding that reciprocity would not be accepted and that testing would be considered after review of school information. His certification shows 600 hours received between November 2010 and April 2011. Mr. Nguyen took and passed both Tennessee examinations. He is unable to appear before the board today but is requesting his license based on his information submitted by the board office to PSI in January and him passing the theory and practical exams.

Recommendation – is to approve the license.

MOTION made by Nina Coppinger and seconded by Frank Gambuzza to approve recommendation. Motion carried unanimously.

**APPLICATIONS FOR EXAMINATION-**

Executive Director explained that board office reviews all new applications and if they meet the requirements, they are approved and submitted for testing. Applicants from other States must provide certification from State where hours were completed or a transcript if State does not certify, and those are approved as well.

Motion made by Patricia Richmond and seconded by Dianne Teffeteller to allow board office to continue approving applicants to test when requirements are met. Motion carried unanimously.

Applications for examination for Eric Brown, Cathy Cagle, Christopher Dansby, Natasha Duncan, Daniel Dunn, Tina Givens, Jason Hunt, Matthew Jackson, Tammy Jacobsen, Amber Johnson, Shantell Perkins, Jennifer Wilson, Princeton Rogers, Ebony Rosser, Ezell Burns, Ronyetta Gray, Kinya Johnson, Ashley Mack, Nahala Rader, Jovan Edwards, Charles Roby, Joe Harper, Derrick Key, Marcus Odom, Sontus Holmes, Tanya Coley, Lisa McDaniel, Sheronda Wells and Keffner Benton. All applicants have felonies; their applications to take the Tennessee examination are submitted for the board's approval. The required information, disclosure from the student and letter of recommendation is submitted.

Motion made by Nina Coppinger and seconded by Patricia Richmond to approve each application for examination with a signed Agreed Order. Motion carried unanimously.

Application for testing with hours in cosmetology from Mexico for Santa Briseño. Translated documentation provided includes transcript and certificate stating Ms. Briseño completed her education in 2007. Curriculum, and licensing practices are very different in Mexico and hours are not recorded as credits or clock hours. Ms. Briseño appeared before the board to answer questions.

Recommendation is that the applicant take the Tennessee examination.

MOTION made by Amy Tanksley and seconded by Frank Gambuzza to approve recommendation. Motion carried unanimously.

Application for testing with 1,500 hours in barbering from Jamaica for Winton Edwards. Documentation provided includes transcript and letter from the health department where a license to practice is issued. Licensing requirements, Rules and Laws are different than those in the United States.

Recommendation is that the applicant take the Tennessee examination.

MOTION made by Mona Sappenfield and seconded by Yvette Granger to approve recommendation. Motion carried unanimously.

Application for testing with hours in cosmetology from Germany for Melanie Phillips. Documentation provided includes transcript and certificate stating Ms. Phillips completed her vocational education in 1996. Curriculum, apprenticeship requirements and licensing practices are different in Germany. Ms. Phillips appeared before the board to answer questions.

Recommendation is that the applicant take the Tennessee examination.

MOTION made by Frank Gambuzza and seconded by Mona Sappenfield to approve recommendation. Motion carried unanimously.

Application for testing with 1,200 hours in cosmetology from India for Mamta Patel. Documentation provided includes transcript and certificate stating Ms. Phillips completed her education in 2009. A separate certificate from 2011 shows additional education from a nail academy.

Recommendation is that the applicant take the Tennessee examination.

MOTION made by Nina Coppinger and seconded by Amy Tanksley to approve recommendation. Motion carried unanimously.

Application for testing with hours in aesthetics and manicuring from Germany for Kerstin Hardrick. Documentation provided includes transcript and certificate of completion stating Ms. Hardrick (previously Wilson) completed her education in between 1990 and 1992.

Recommendation is that the applicant take the Tennessee examination.

MOTION made by Amy Tanksley and seconded by Mona Sappenfield to approve recommendation. Motion carried unanimously.

Application for testing with 520 hours in manicuring from Vietnam for Thu Thi Mong Nguyen. Documentation provided includes letter of completion between March and May 2014 of Nail Technician vocational training. Transcript with breakdown of hours could not be obtained.

Recommendation is that the applicant complete the additional 80 hours and pass the Tennessee Examination.

MOTION made by Patricia Richmond and seconded by Mona Sappenfield to approve recommendation. Motion carried unanimously.

#### **MISCELLANEOUS REQUESTS -**

In compliance with Public Chapter 863 and 818 the following schools request authorization to provide postsecondary education: Shear Academy, located in Crossville; Love Beauty School, located in Manchester; Paul Mitchell the School, Nashville, Murfreesboro and Knoxville locations; Sandra Academy of Salons and Services, located in New Tazewell; Buchanan Beauty College, Shelbyville and Pleasant View locations and Coffee County Beauty Academy, located in Tullahoma.

MOTION made by Mona Sappenfield and seconded by Dianne Teffeteller to approve the board office to send letters authorizing postsecondary education to each of the schools listed above. Motion carried unanimously.

#### **Rachel Powers, Program & Policy Development Director:**

Ms. Powers explained the Post-Secondary authorization Public Chapters and the history behind them during the 2014 Legislative Session. She was available to answer questions regarding the matter.

Request for waiver of Rule 0200-1-.10 which states that the original license must be paid within six (6) months after the applicant is notified that they have qualified or passed the exams. Mr. Stafford's letter states that he was not provided documentation when he passed his practical

exam. The school tried to assist him in getting the documents and contacted the board to confirm that nothing had been provided to Mr. Stafford. He would have needed to apply for a license by June 03, 2014. He sent his information to the board at the end of July.

MOTION made by Amy Tanksley and seconded by Mona Sappenfield to approve request. Motion carried unanimously.

Request from instructor Martha Braxton to place her instructor license on inactive status. She needed to have attended a seminar for the 16 hours of continued education by August 31, 2014. Her letter explains health issues she has had since 2012.

MOTION made by Patricia Richmond and seconded by Frank Gambuzza to approve request. Motion carried unanimously.

Request from instructor Sherita Broome to accept the continuing education hours she attended in July 2014 with ExpertEase. She needed to have attended a seminar in 2013. She was able to renew her license and thought she was timely on her continued education.

MOTION made by Bobby Finger and seconded by Dianne Teffeteller to approve request. Motion carried unanimously.

Request from instructor Yolanda Buchanan to place her instructor license on inactive status. She needed to have attended a seminar for the 16 hours of continued education by July 31, 2014. Her letter explains financial reasons for placing the instructor part on inactive and not being able to attend a seminar. There was no board meeting in July for her request to have been timely.

MOTION made by Nina Coppinger and seconded by Patricia Richmond to deny request. Motion carried unanimously.

Request from instructor Ciara Gordon for the 16 hours of continued education to be met by allowing the time spent preparing and teaching five sessions a year to count as the required continued education. Letter provided makes the request on behalf of her license as well as any other staff that ExperTease Consulting might use to prepare and teach the seminars.

MOTION made by Nina Coppinger and seconded by Yvette Granger to deny request. Motion carried unanimously.

Request from instructor Katrina Gary for an extension on continuing education hours because she lives in Michigan. Ms. Gary was given an extension in 2013 for her first and only continued education class. She must renew by September 30, 2014 but living out of State would not be able to take a class in time.

MOTION made by Bobby Finger and seconded by Frank Gambuzza to approve request. Motion carried unanimously.

### **Shear Perfection Academy of Cosmetology – School Change of Ownership**

A school change of ownership request has been received from Shear Perfection Academy of Cosmetology. A letter is provided by the previous school owners. The school must be inspected by a board member before they can be approved for a license.

MOTION made by Amy Tanksley and seconded by Dianne Teffeteller to approve the school change in ownership application and send a board member when they are ready to open. Motion carried unanimously.

### **Virginia College of Business and Health – School Change of Name**

A school change of name request has been received from Virginia College of Business and Health. A letter is provided along with the application showing the new school name to be Virginia College. No inspection of the school is needed.

MOTION made by Dianne Teffeteller and seconded by Mona Sappenfield to approve school change in name. Motion carried unanimously.

### **FIELD TRIP REQUESTS-**

Field trip request forms are submitted by email to the Executive Director. The previous board gave the director the authority to approve field trip hour requests that meet educational purposes. Anytime there is a doubt or the request is outside of the normal requests, the information will be provided for the board's approval. Provided for board review are two requests.

MOTION made by Nina Coppinger and seconded by Kelly Barger to deny all of the requests. Motion carried unanimously.

MOTION made by Nina Coppinger and seconded by Patricia Richmond to give permission to Executive Director to approve field trip requests that meet educational purposes. Motion carried unanimously.

### **APPLICATIONS FOR RECIPROCITY-**

Executive Director explained that she reviews and signs off on all reciprocal applications that substantially meet requirements. If they do no, or there are any concerns, the applicant is submitted to the board for their review and decision.

Motion made by Nina Coppinger and seconded by Frank Gambuzza to allow Executive Director to approve reciprocal applicants that meet requirements. Motion carried unanimously.

Application for reciprocity of master barber license from Florida for Carlos DelValle Valentin. Certification shows initial licensure in August 2012 with 1,200 hours and no practical examination. At the March 24, 2014 Barber board meeting the board voted that Mr. Del Valle Valentin needed to complete 300 hours in order to meet reciprocity requirements because he did not have enough work experience. Excel Barber & Style College provided a letter confirming that the 300 hours have been completed. Mr. Del Valle Valentin appeared before the board to answer questions.

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

MOTION made by Yvette Granger and seconded by Mona Sappenfield to approve recommendation. Motion carried unanimously.

Application for reciprocity of aesthetician license from Puerto Rico for Marieli Hernandez. Puerto Rico does not issue licenses for aesthetics like they do other license types; they issue a certificate number which the board office has not been able to verify. The certificate presented is active it doesn't state number of hour completed. A transcript has not been provided. Ms. Hernandez appeared before the board to answer questions.

Recommendation - is that the applicant provide transcript of hours and be approved for reciprocity pending verification of the license.

MOTION made by Patricia Richmond and seconded by Mona Sappenfield to approve recommendation. Motion carried unanimously.

Application for reciprocity of cosmetology license from Pennsylvania for Aron Frogg. Ms. Frogg was presented to the board on August 2, 2010 and was advised to go back to school to complete the 250 hours she was lacking. She has not been able to find a school that will take her 1,250 hours from Pennsylvania and only charge her for the 250 pending hours. In the past four years she has raised children but now is once more trying to get back in the industry. She is asking the board for reconsideration of her current active license in Pennsylvania and allow her to take the Tennessee examination.

Recommendation – is that the applicant take the Tennessee examination.

MOTION made by Nina Coppinger and seconded by Frank Gambuzza to approve recommendation. Motion carried unanimously.

Application for reciprocity of cosmetology license from Florida for Darleen Sergent. Certification shows initial licensure in November 1999 with 1,200 hours and no practical examination. Also provide is certification from California showing license issued by examination and active between 1986 – 2006. Letters provided state work in the industry between 1986 and 2001 but nothing in the industry for the last five consecutive years. Ms. Sergent is also requesting a master barber license and she appeared before the board to answer questions.

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

MOTION made by Frank Gambuzza and seconded by Mona Sappenfield to approve recommendation but require applicant pass Law exam. Motion carried unanimously.

Application for reciprocity of master barber license from Florida for Darleen Sergent. Certification shows initial licensure in November 1999 with 1,200 hours and no practical examination. Also provide is certification from California showing license issued by examination and active between 1986 – 2006. Letters provided state work in the industry between 1986 and 2001 but nothing in the industry for the last five consecutive years. Ms. Sergent is also requesting a master barber license and she appeared before the board to answer questions.

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

MOTION made by Frank Gambuzza and seconded by Mona Sappenfield to approve recommendation but require applicant pass Law exam. Motion carried unanimously.

Application for reciprocity of cosmetologist license from New York for Hudda Ashraf. Certification confirms her license was issued in 2011 with qualifications and experience from India. No State examination was provided. A letter of recommendation states Ms. Ashraf worked in the same salon in New York between December 2007 and June 2013.

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

MOTION made by Dianne Teffeteller and seconded by Bobby Finger to approve recommendation. Motion carried unanimously.

Application for reciprocity of cosmetology instructor license from Illinois for Christine Casey. Certification reflects initial date of licensure in 1988 by examination. Exact number of hours

obtained in 1987 is uncertain, however, letter from CPA states that she has been in the industry since 1996 and her letter states she has been working for 48 years.

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

MOTION made by Nina Coppinger and seconded by Kelly Barger to approve recommendation. Motion carried unanimously.

Application for reciprocity of manicurist license from Pennsylvania for Huong Van Do. Certification reflects initial date of licensure in April 2007 by examination. Pennsylvania only requires 200 hours. Tax records have been provided to the board office and they show work in the industry between 2009 and 2013 as required by statute.

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

MOTION made by Nina Coppinger and seconded by Amy Tanksley to approve recommendation. Motion carried unanimously.

Application for reciprocity of master barber license from Massachusetts for Alton Edwards, Jr. Certification reflects 1,000 hours, and initial date of December 2008 as an apprentice and 2009 as a master barber. Tax records for Mr. Edwards provided proof in the industry between 2008 and 2012. His letter says he owned four barber shops and 2013 tax return will not be filed until October.

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

MOTION made by Kelly Barger and seconded by Anita Allen to approve recommendation. Motion carried unanimously.

Application for reciprocity of aesthetician license from California for Marilyn Gelnette. Certification shows initial licensure in March 2012 as an aesthetician with 600 hours and a license as an electrologist issued in 1992. Additional documents provided include resume and letters of recommendation going back to 2002.

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

MOTION made by Dianne Teffeteller and seconded by Kelly Barger to approve recommendation. Motion carried unanimously.

Application for reciprocity of cosmetologist license from Maryland for Elizabeth Giacobazzi. Certification shows initial licensure in July 1998 by reciprocity of 1,500 hours received from Tennessee. Ms. Giacobazzi attended school in 1978 and board records could not confirm the hours she received in Tennessee. A search for her license in Tennessee did not find her under any combination of names or by her social security number. She completed her education in North Carolina for a total of 1,800 per her application. Ms. Giacobazzi provided a letter recapping her education and life events. No work history is provided.

Recommendation - is that the applicant take the Tennessee examination.

MOTION made by Nina Coppinger and seconded by Patricia Richmond to approve recommendation. Motion carried unanimously.

Application for reciprocity of cosmetologist license from Florida for Carlos Giraldo. Certification shows initial licensure in July 1985 with 1,200 hours and a theory exam administered by the State. Provided is a letter from Superior Cutters President stating Mr. Giraldo worked for the company since 2007.

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

MOTION made by Kelly Barger and seconded by Frank Gambuzza to approve recommendation. Motion carried unanimously.

Application for reciprocity of cosmetology license from Virginia for Morgan Griggs. Certification shows initial licensure in March 2001 by reciprocity from North Carolina. Ms. Griggs application states she received 1,500 hours in North Carolina but no transcript could be obtained. Certification from North Carolina shows the license was issued by examination in February 2001 but only certifies 1,200 hours. She is also licensed in Texas since 2009.

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

MOTION made by Bobby Finger and seconded by Patricia Richmond to deny recommendation. Applicant must provide additional work history and transcript for further consideration. Motion carried unanimously.

Request for approval of cosmetologist license from Kentucky for Charity Hall. Certification reflects 1,800 hours and an Apprentice Cosmetologist license issued May 2012 by examination.

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

MOTION made by Dianne Teffeteller and seconded by Mona Sappenfield to approve recommendation. Motion carried unanimously.

Application for reciprocity of cosmetologist license from Texas for Janet Hernandez. Ms. Hernandez completed 2,260 hours education in Mexico and was given reciprocity in Texas in January 2014. Transcript of hours was not provided but a document from Educational Credential Evaluators from Wisconsin confirms the hours.

Recommendation - is that the applicant take the Tennessee examination.

MOTION made by Nina Coppinger and seconded by Mona Sappenfield to approve recommendation. Motion carried unanimously.

Application for reciprocity of manicurist license from Florida for Tram Ho. Certification reflects 500 hours, and initial date of licensure in 2009 with no State examination. Ms. Ho was presented to the Board on November 5, 2013 and was required to take the Tennessee examination. Tax records provided do not show the industry or state that she was a student. Only 2011 and 2012 show work in the industry.

Recommendation - is that the applicant take the Tennessee examination.

MOTION made by Nina Coppinger and seconded by Frank Gambuzza to approve recommendation. Motion carried unanimously.

Application for reciprocity of manicure license from California and Arkansas for Huong Thu Huynh. Application states 404 hours received in California which is consistent with requirements in that State. Certification shows initial licensure in 2006 and certification from Arkansas shows license issued in 2010. Ms. Huynh is unable to provide work history to.

Recommendation - is that the applicant take the Tennessee examination.

MOTION made by Nina Coppinger and seconded by Bobby Finger to approve recommendation. Motion carried unanimously.

Request for approval of cosmetology license from Florida for Leona Jarvis. Certification shows initial licensure in 2004 by reciprocity from Connecticut. Certification from Connecticut was issued in 2003 with 1,500 hours but no practical exam is given in that State. Application does not reflect high school grade completed. Letter from accountant supports work in the industry.

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

MOTION made by Nina Coppinger and seconded by Anita Allen to approve recommendation. Motion carried unanimously.

Application for reciprocity of cosmetology license from Florida for Theresa Jeffres. Certification from Florida shows initial date of licensure in August 1999 with 1,200 and no practical examination. Transcript is provided showing 1,355 hours received. No work history is provided to meet the requirements for reciprocity.

Recommendation - is that the applicant take the Tennessee examination or provide proof of work experience in the industry for the most recent five consecutive years.

MOTION made by Mona Sappenfield and seconded by Dianne Teffeteller to approve recommendation. Motion carried unanimously.

Application for reciprocity of cosmetology license from Florida for Linda Lapolla. Certification from Florida shows initial date of licensure in October 1995 with 1,200 and no practical examination. She was also licensed in Nevada between 1991 and 1995 by reciprocity.

Recommendation - is that the applicant take the Tennessee examination or provide proof of work experience in the industry for the most recent five consecutive years.

MOTION made by Frank Gambuzza and seconded by Bobby Finger to approve recommendation. Motion carried unanimously.

Application for reciprocity of manicure license from California for Nguyet-Xuan Le. Certification shows initial licensure in October 2005 by examination and 400 hours. Tax records confirm work in the industry. The years provided are 2008, and 2010 – 2013. IRS is unable to confirm tax return for 2009.

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

MOTION made by Amy Tanksley and seconded by Mona Sappenfield to approve recommendation. Motion carried unanimously.

Application for reciprocity of cosmetology license from Florida for Rachel Loghry. Certification from Florida shows initial date of licensure in January 2014 with 1,200 hours and no practical examination.

Recommendation - is that the applicant take the Tennessee examination.

MOTION made by Nina Coppinger and seconded by Frank Gambuzza to approve recommendation. Motion carried unanimously.

Application for reciprocity of manicurist license from California for Truc Thi Ngoc Lu. Certification shows initial date of licensure in July 2011 with 400 hours by examination.

Recommendation - is that the applicant take the Tennessee examination.

MOTION made by Mona Sappenfield and seconded by Frank Gambuzza to approve recommendation. Motion carried unanimously.

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

Recommendation - is that the applicant take the Tennessee examination.

MOTION made by Mona Sappenfield and seconded by Yvette Granger to approve recommendation. Motion carried unanimously.

Application for reciprocity of cosmetology license from New York for Lindsay McIntyre. Certification shows initial date of licensure in September 2006 with 1,000 hours by examination. Ms. McIntyre is unable to provide work history in the industry.

Recommendation - is that the applicant take the Tennessee examination.

MOTION made by Amy Tanksley and seconded by Yvette Granger to deny recommendation. Applicant must provide work history of the last five consecutive years to be considered for a license in Tennessee. Motion carried unanimously.

Application for reciprocity of aesthetician license from Ohio for Dawn McKinney. Certification shows initial date of licensure in January 2006 with 600 hours by examination. Her application states 750 hours but no transcript was provided. Tax records provided are 2009, and 2011 – 2013 confirm work in the industry. IRS is unable to confirm tax return for 2010. Also provided is a letter from Ms. McKinney with details about her experience.

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

MOTION made by Frank Gambuzza and seconded by Amy Tanksley to approve recommendation. Motion carried unanimously.

Application for reciprocity of cosmetology license from Florida for Maria Mitchell. Certification shows initial date of licensure in September 2011 with 1,200 hours and no practical examination.

Recommendation - is that the applicant take the Tennessee examination.

MOTION made by Nina Coppinger and seconded by Yvette Granger to approve recommendation. Motion carried unanimously.

Application for reciprocity of cosmetology license from Michigan for Amany Moawad. Certification shows initial date of licensure in April 2011 with 1,500 hours accepted by reciprocity from Egypt.

Recommendation - is that the applicant take the Tennessee examination.

MOTION made by Mona Sappenfield and seconded by Frank Gambuzza to approve recommendation. Motion carried unanimously.

Application for reciprocity of cosmetology license from Florida for Brooke Perkins. Certification shows initial date of licensure in February 2012 with 1,200 hours and no practical examination.

Recommendation - is that the applicant take the Tennessee examination.

MOTION made by Amy Tanksley and seconded by Bobby Finger to approve recommendation. Motion carried unanimously.

Application for reciprocity of manicurist license from Wisconsin for Hien T. Pham. Certification shows initial date of licensure in July 2011 with 300 hours being required in that State. The hours are endorsed from Vietnam. No examination information is provided.

Recommendation - is that the applicant take the Tennessee examination.

MOTION made by Mona Sappenfield and seconded by Yvette Granger to deny recommendation. The Applicant must complete 300 hours and take the state board examination. Motion carried unanimously.

Application for reciprocity of aesthetician license from Washington for Kristine Robb. Certification shows initial date of licensure in November 2010 with 600 hours being required in that State and both exams are given. Transcript from school shows 700 hours and letter from Medical clinic shows 135 additional hours received.

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

MOTION made by Frank Gambuzza and seconded by Mona Sappenfield to approve recommendation. Motion carried unanimously.

Application for reciprocity of cosmetologist license from Wisconsin for Son Thai. Certification shows initial date of licensure in May 2014 with 1,800 hours being required in that State. The hours are endorsed from Vietnam. Board office confirmed that no examination was given.

Recommendation - is that the applicant take the Tennessee examination.

MOTION made by Mona Sappenfield and seconded by Patricia Richmond to approve recommendation. Motion carried unanimously.

Application for reciprocity of manicurist license from California for Mindy Tran. Ms. Tran also has active licenses in Alaska, Oregon and Colorado, all obtained by reciprocity. Certification from California shows initial date of licensure in November 2000 with 400 hours being required in that State by examination. Board office has received a letter from tax service stating more than ten years returns in the manicuring industry.

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

MOTION made by Patricia Richmond and seconded by Mona Sappenfield to approve recommendation. Motion carried unanimously.

Application for reciprocity of manicurist license from Florida for Thang T. Tran. Certification shows initial date of licensure in April 2008 with 240 hours and no examination. Mr. Tran is also licensed in Minnesota by reciprocity since August 2013. Tax records received in the board office reflect work experience in the industry since 2008.

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

MOTION made by Frank Gambuzza and seconded by Mona Sappenfield to approve recommendation. Motion carried unanimously.

Application for reciprocity of manicurist license from California for Trang Tran. Certification shows initial date of licensure in December 2012 with 400 hours by examination.

Recommendation - is that the applicant take the Tennessee examination.

MOTION made by Mona Sappenfield and seconded by Amy Tanksley to approve recommendation. Motion carried unanimously.

Application for reciprocity of manicurist license from Florida for Loan Tuong. Certification shows full specialist license with initial date of April 2012 with 500 hours and no examination.

Recommendation - is that the applicant take the Tennessee examination.

MOTION made by Nina Coppinger and seconded by Patricia Richmond to approve recommendation. Motion carried unanimously.

Application for reciprocity of manicurist license from California for Thu Mong Vu. Certification shows initial date of licensure in May 2009 with 400 hours by examination. Ms. Vu also has

active manicuring licenses in North Dakota and Texas by reciprocity. No work experience is provided.

Recommendation - is that the applicant take the Tennessee examination.

MOTION made by Nina Coppinger and seconded by Patricia Richmond to approve recommendation. Motion carried unanimously.

Application for reciprocity of aesthetician license from New York for Lili Zhang. Certification shows initial date of licensure in September 2010 with 1,000 hours by examination and a cosmetology license. Attempts to reach Ms. Zhang have failed.

Recommendation - is that the applicant take the Tennessee examination in cosmetology or provide proof of work in the industry. The Board requested that the applicant provide additional educational information to be considered for the license in TN.

MOTION made by Nina Coppinger and seconded by Patricia Richmond to deny recommendation. Motion carried unanimously.

Application for reciprocity of manicurist license from Florida for Kemisha Muir. Certification shows nail specialist license with initial date of March 2013 with 240 hours and no examination.

Recommendation - is that the applicant take the Tennessee examination.

MOTION made by Patricia Richmond and seconded by Nina Coppinger to deny recommendation. The Applicant must complete 360 hours and take the Tennessee examination. Motion carried unanimously.

Application for reciprocity of manicurist license from Florida for Anh Tuan Nguyen. Certification shows nail specialist license with initial date of December 2001 with 240 hours and no examination. Mr. Nguyen also has an active license in North Carolina issued in 2003 by reciprocity. Tax records received in the board office for 2009 – 2013 reflect work experience in the industry.

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

MOTION made by Mona Sappenfield and seconded by Amy Tanksley to approve recommendation. Motion carried unanimously.

Application for reciprocity of manicurist license from Georgia for Phuong Nguyen. Certification shows initial date of licensure in September 2013 with 1,050 apprentice hours by examination.

Recommendation - is that the applicant take the Tennessee examination.

MOTION made by Mona Sappenfield and seconded by Frank Gambuzza to approve recommendation. Motion carried unanimously.

Application for reciprocity of cosmetology license from New York for Kristin Paul. Certification shows initial date of licensure in June 2013 with 1,000 hours by examination.

Recommendation - is that the applicant take the Tennessee examination.

MOTION made by Patricia Richmond and seconded by Mona Sappenfield to deny recommendation. The Applicant must complete 500 more hours and take the Tennessee examination. Motion carried unanimously.

Application for reciprocity of master barber license from Michigan for Fadi Adbelsamad. Certification shows initial date of licensure in June 2014 with 1,800 hours accepted by reciprocity from Madaba, Jordan. Communication with Michigan Board revealed that schools in Michigan evaluate the international hours.

Recommendation - is that the applicant take the Tennessee examination

MOTION made by Patricia Richmond and seconded by Mona Sappenfield to approve recommendation. Motion carried unanimously.

Application for reciprocity of cosmetology license from Florida for Lacey Christian. Certification shows initial date of licensure in January 2014 with 1,200 hours and no practical examination. Ms. Lacey completed 1,500 hours in Tennessee between March 2012 and August 2013, then moved to Florida. She is only missing the practical exam.

Recommendation - is that the applicant take the practical Tennessee examination.

MOTION made by Anita Allen and seconded by Bobby Finger to approve recommendation. Motion carried unanimously.

Application for reciprocity of manicurist license from Florida for Trang Dang. Certification shows nail specialist license with initial date of September 2008 with 240 hours and no examination. Tax records received in the board office for 2008 – 2013 reflect work experience in the industry.

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

MOTION made by Amy Tanksley and seconded by Yvette Granger to approve recommendation. Motion carried unanimously.

Application for reciprocity of cosmetology license from Florida for John Tyler Farthing. Certification shows initial date of licensure in October 2011 with 1,200 hours and no practical examination. Mr. Tyler completed 1,600 hours in Florida and provided Institute Certificate. He is only missing the practical exam.

Recommendation - is that the applicant take the practical Tennessee examination.

MOTION made by Patricia Richmond and seconded by Mona Sappenfield to approve recommendation. Motion carried unanimously.

Application for reciprocity of cosmetology license from Iowa for Megan Spurrell. Certification shows initial date of licensure in December 2013 with 2,100 hours and no practical examination. Communication with Ms. Spurrell revealed she transposed the number of hours and she does have the 2,100 the State certified.

Recommendation - is that the applicant take the practical Tennessee examination.

MOTION made by Mona Sappenfield and seconded by Frank Gambuzza to approve recommendation. Motion carried unanimously.

Application for reciprocity of manicurist license from Florida for Lindsey Swartout. Certification shows full specialist license with initial date of May 2004 with 500 hours and no examination. Full specialist license in Florida allows the licensee to do manicuring and aesthetics. Ms. Swartout provided a recap of her work history and a letter of recommendation. Her letter states that she submitted paperwork in 2010 with more letters from employers but those records could not be found.

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

MOTION made by Frank Gambuzza and seconded by Mona Sappenfield to approve recommendation. Motion carried unanimously.

Application for reciprocity of aesthetician license from Florida for Lindsey Swartout. Certification shows full specialist license with initial date of May 2004 with 500 hours and no examination. Full specialist license in Florida allows the licensee to do manicuring and aesthetics. Ms. Swartout provided a recap of her work history and a letter of recommendation. Her letter states that she submitted paperwork in 2010 with more letters from employers but those records could not be found.

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

MOTION made by Frank Gambuzza and seconded by Mona Sappenfield to deny recommendation. Applicant must take the Tennessee examination Motion carried unanimously.

Application for reciprocity of manicurist license from Arkansas for Sidney Vo. Certification shows initial date of licensure in April 2014 by examination. Certification does not reflect that hours were accepted from Tennessee. Board records reflected hours received from a school in Tennessee in 2012. Because the school has an open complaint that involves hours, an audit and investigation was done to confirm hours of education were provided. After three days of reviewing records, the investigation concluded that only 412 hours could be verified.

MOTION made by Patricia Richmond and seconded by Mona Sappenfield to deny reciprocity. Applicant must take additional 188 hours and reappear before the board. Motion carried unanimously.

Application for reciprocity of manicurist license from Arkansas for Sela Duch. Certification shows initial date of licensure in July 2014 by examination. Certification does not reflect that hours were accepted from Tennessee. Board records reflected hours received from a school in Tennessee in 2012. Because the school has an open complaint that involves hours, an audit was done to confirm hours of education were provided. The audit revealed that monthly hour reports do not match 600 hours and were not properly accounted for.

MOTION made by Patricia Richmond and seconded by Amy Tanksley to deny reciprocity. An investigator needs to be sent to audit school records. Applicant is to complete any hours missing. Motion carried unanimously.

Application for reciprocity of cosmetology license from Florida for Holly Bachman. Certification shows initial date of licensure in August 2013 with 1,200 hours and no practical examination.

Recommendation - is that the applicant take the Tennessee examination.

MOTION made by Amy Tanksley and seconded by Kelly Barger to approve recommendation. Motion carried unanimously.

Application for reciprocity of aesthetician license from Florida for Sherry O'Hara-Bennett. Certification shows facial specialist license with initial date of November 2005 with 260 hours and no examination. Mrs. Ohara-Bennett was presented to the board at the April 7, 2014 meeting. The decision was for her to take the Tennessee examination. Additional documents were provided to the board that show work history in the industry since 2009.

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

MOTION made by Frank Gambuzza and seconded by Mona Sappenfield to deny recommendation and have applicant take practical exam. Motion carried unanimously.

Application for reciprocity of aesthetician license from Florida for Robert Bennett. Certification shows facial specialist license with initial date of June 2008 with 260 hours and no examination. Mr. Bennett provided documentation on shops he and his wife owned in the industry going back to 2007.

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

MOTION made by Patricia Richmond and seconded by Dianne Teffeteller to deny recommendation and have applicant take practical exam. Motion carried unanimously.

Application for reciprocity of cosmetology license from North Carolina for Chanthoda Khuth. Documents provided appear to be an authentic certificate from North Carolina confirming hours and licensing from North Carolina. Communication with that States Administrator revealed that the certificate did not come from their office and the license number provided does not belong to Ms. Khuth.

Recommendation - is that the applicant be denied reciprocity until she is able to provide proper documentation for an active license.

MOTION made by Nina Coppinger and seconded by Frank Gambuzza to approve recommendation. Motion carried unanimously.

Final applicant was presented to the board in November 2013 and was told to take the Tennessee examination. To date the applicant has not tested, but received her license by administrative error.

Recommendation - is that the board send another letter requesting the applicant test to meet requirement for receipt of licensure.

MOTION made by Frank Gambuzza and seconded by Nina Coppinger to approve recommendation. Motion carried unanimously.

## **LEGAL REPORT- STAFF ATTORNEY**

### **COSMETOLOGY CASES**

#### **PREVIOUS CASES WITH NEW INFORMATION**

1. Case No.: L14-COS-RBS-2014001701

First License Obtained: 07/08/2005

License Expiration: 06/30/2015

Complaint history: None

This case was previously presented at the May 2014 Board meeting as follows: A Notice of Violation issued on January 15th, 2014 alleges that the Respondent, a licensed manicurist/ skin care shop, did not have a sink for manicure or skin care services and that there were products with no labels, all in violation of TENN. COMP. R. & REG. 0440—2—.07 [EQUIPMENT]. Additionally, the area inspector found that the lighting was inadequate in violation of TENN. COMP. R. & REG. 0440—2—.06 [FACILITIES]. Based on this presentation, the Board approved a recommendation to 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. UPDATE: The Board offices received communications from the Respondent that the lack of labels on containers was immediately remedied. However, the Respondent rents the property and has communicated with the landlord to address the sink and lighting problems. Ultimately, lighting adequate to operate a business within its occupancy classification is a matter of local codes compliance and cannot be judged by the Board. This Respondent has operated for over twenty years without a violation and has been approved multiple times for operation without a complaint.

Recommendation: Rescind the previous Consent Order and close the matter with a Letter of Warning to obtain the proper sink requirement before the shop's next annual inspection.

Decision: Approved.

2. Case No.: L12-COS-RBS-2012007571

First License Obtained: 01/27/1993

License Expiration: 07/31/2013

Complaint history: 2009001381, case number closed and information combined with this case.

This complaint was presented to the Board in 2012 after the information in a previous complaint was combined with this matter. The Board approved a settlement offer based on the Respondent shop operating after its license had expired. After the necessary time had passed without response, the matter progressed to litigation. Over the course of this activity, it has been verified that the Respondent is no longer operating, and disciplinary activity has been terminated.

Recommendation: Close the matter with no action and flag the shop's license file so that the Board may consider this matter should the Respondent attempt to apply for a license in the future.

Decision: Approved.

3. Case No.: L14-COS-RBS-2014005431

First License Obtained: 01/27/1994

License Expiration: 05/31/2016

Complaint history: None

This case was previously presented at the June 2014 Board meeting as follows: A Notice of Violation issued on March 20th, 2014 alleges that the Respondent, a licensed cosmetology shop, did not have its grade inspection sheet posted in a conspicuous place in violation of TENN. COMP. R. & REG. 0440—2—.05(2) [INSPECTIONS]; that there was no manager present in violation of TENN. CODE ANN. § 62-4-118(b)(1) (Operation of a shop) and TENN. COMP. R. & REG. 0440—2—.03(2) [RESPONSIBILITY FOR COMPLIANCE]; and that there were two stylists with invalid licenses posted in violation of TENN. CODE ANN. § 62-4-119 [Responsibilities of owner and manager of shop]. Based on this presentation, the Board approved a recommendation to authorize a formal hearing with authority to settle the matter with a Consent Order for a civil penalty of \$3,250.00. UPDATE: The Respondent has submitted a written explanation and photographs (the “response”) to counter the allegations on the Notice of Violation. The response does not provide sufficient proof that the Respondent was not in violation at the time of the inspection.

Recommendation: Uphold the previously authorized formal hearing and Consent Order with settlement offer.

Decision: Approved.

4. Case No.: L10-COS-RBS-2010019581

First License Obtained: 06/24/2009

License Expiration: 05/31/2011

Complaint history: None

This matter involves a Respondent to which this license formerly applied, but the Respondent has now been approved for and is operating a new shop under a new license number. As far as this matter is concerning, the Board previously authorized a formal hearing against the Respondent for unlicensed activity and relocating the Respondent’s shop without submitting an application for change of location. Further investigation of this matter revealed that the

Respondent was issued at least two (2) Notices of Violation, one at which the Respondent's shop is no longer operating and is now closed, and the other Notice of Violation was issued by an inspector who is now retired and may not be available to testify at a formal hearing.

Recommendation: Close this matter with no action.

Decision: Approved.

5. Case No.: L11-COS-RBS-2011025801

First License Obtained: 06/24/2009

License Expiration: 05/31/2011

Complaint history: 2008019781, closed w/Letter of Warning; 2013008281, closed w/\$500.00 civil penalty paid via Consent Order

The Board previously authorized a formal hearing with authority to settle by a Consent Order against the Respondent for unlicensed activity. A Consent Order was sent to Respondent, but no response was received. After the necessary time had passed without response, the matter progressed to litigation. Over the course of this activity, it has been verified that the Respondent is no longer operating, and disciplinary activity has been terminated.

Recommendation: Close the matter with no action and flag the shop's license file so that the Board may consider this matter should the Respondent attempt to apply for a license in the future.

Decision: Approved.

6. Case No.: L13-COS-RBS-2013024501

First License Obtained: 10/28/2010

License Expiration: 09/30/2014

Complaint history: None

This case was originally presented on the March 3rd, 2014 as follows: A Notice of Violation issued on December 4th, 2013 alleges that the Respondent, a licensed cosmetology shop, did not have either the shop owner or a manager on duty in violation of TENN. CODE ANN. § 62-4-118 [Operation of a shop]; tools and implements were left out and not covered in violation of TENN. COMP. R. & REG. 0440—2—.13(5) [SANITATION AND DISINFECTION]; both clean and soiled towels were not in containers at all and containers with products were not properly

labeled, all in violation of TENN. COMP. R. & REG. 0440—2—.07 [EQUIPMENT]; and there is a build-up of dust and dirt on the walls and exposed surfaces in violation of TENN. COMP. R. & REG. 0440—2—.06(2) [FACILITIES]. Based on this presentation, the Board approved a recommendation to 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 four identified violations for a total civil penalty of \$1,000.00. UPDATE: This matter has progressed to litigation, and in the course of discovery it has been determined that the Respondent has vacated the premises and another business is now operating in that space. No attempted contact through any means has been successful.

Recommendation: Close the case and flag the license file with the option to take further disciplinary action should a license renewal be attempted.

Decision: Approved.

7. Case No.: L13-COS-RBS-2013014101  
Case No.: L14-COS-RBS-2014001801  
First License Obtained: N/A  
License Expiration: N/A  
Complaint history: None

The Board previously authorized closure of this matter at its June 2014 meeting because Respondent is no longer operating and accepted the amount of civil penalty paid. UPDATED: Shortly after the closure of the case, the Respondent has sent in the remaining payment on the civil penalty to settle the matter.

Recommendation: Upheld the previous Board's decision and accept the remaining amount paid on the civil penalty as satisfactory and close the matter as authorized.

Decision: Approved.

## CONSUMER COMPLAINTS

1. Case No.: L14-COS-RBS-2014007311  
First License Obtained: 09/10/2009  
License Expiration: 09/01/2014

Complaint history: 2010028691, closed w/Letter of Warning; 2011025561, closed w/\$1,000 civil penalty paid via Consent Order

The complaint alleges that the Respondent, a licensed cosmetology school, has been falsifying student hours in order to receive payment from a third party. Further allegations claim that the Respondent is not actually instructing students, but is using the floor space as a salon. This Respondent has been disciplined in the past for the same allegations, and the Respondent has been warned by a former Board member and a field inspector about this same activity. This kind of activity could constitute willful contempt of the Board's law and rules in the form of fraud in procuring a license (in that the Respondent is not actually operating as a school) and immoral or dishonorable conduct, both in violation of TENN. CODE ANN. § 62-4-127(b) (Inspections – Cause for suspension, revocation, or for denial of license).

Recommendation: Authorize a formal hearing with authority to settle the matter with a Consent Order for revocation of Respondent's license to operate as a cosmetology school and a civil penalty of \$1,000.00.

Decision: Approved.

2. Case No.: L14-COS-RBS-2014011051

First License Obtained: 09/10/2009

License Expiration: 09/01/2014

Complaint history: 2010028691, closed w/Letter of Warning; 2011025561, closed w/\$1,000 civil penalty paid via Consent Order

This is a companion complaint to the above matter involving the same Respondent and the same allegations.

Recommendation: Authorize a formal hearing with authority to settle the matter with a Consent Order for revocation of Respondent's license to operate as a cosmetology school and a civil penalty of \$1,000.00.

Decision: Approved.

3. Case No.: L14-COS-RBS-2014007531

First License Obtained: 03/18/1994

License Expiration: 09/01/2014

Complaint history: 2002075021, 2005009111, 2006034011, all Dismissed;  
2012011531, close w/Letter of Warning and refer complaint to outside agency;  
2013022791, close w/Letter of Warning

The complaint alleges that the Respondent, a licensed cosmetology school, has failed to produce requested documents to students and has repeatedly failed to maintain the required minimum sanitary standards in violation of TENN. COMP. R. & REG. 0440—02 [SANITARY RULES]. There are further complaints pending against this Respondent.

Recommendation: Authorize a formal hearing with authority to settle the matter with a Consent Order for revocation of Respondent's license to operate as a cosmetology school and a civil penalty of \$1,000.00.

Decision: Approved.

4. Case No.: L14-COS-RBS-2014007611
5. Case No.: L14-COS-RBS-2014008201
6. Case No.: L14-COS-RBS-2014008741
7. Case No.: L14-COS-RBS-2014009221

First License Obtained: 04/18/1995

License Expiration: 09/01/2014

Complaint history: 2008018591, closed w/no action; 2009018041, closed w/\$1,000 civil penalty paid via Consent Order; 2012002711, closed w/Letter of Warning; 2014007051, closed for lack of evidence for discipline

These four cases relate to the same situation and involve four Complainants. The complaints allege that the Respondent, a licensed cosmetology school, conducted itself in an unprofessional manner and, in the fourth case, did not properly provide instruction or maintain adequate equipment. In the first case, accusations are made regarding various school practices including allowing students to graduate early, falsifying hours and failing to provide necessary materials for class work. The second complaint comes from a former student of six years in the past, now licensed, who complains of an inadequate educational experience. The third complaint is similar in that it alleges inadequate teaching techniques. The final complaint alleges similar situations. In all cases, the Respondent provides documentation to counter the allegations. Additionally, the facility has been inspected recently and was not found to be in violation of any of the Board's applicable law and rules.

Recommendation: Close the cases with a Letter of Caution to maintain clear communication with students to avoid any conflict and misunderstandings.

Decision: Approved.

8. Case No.: L14-COS-RBS-2014006581

First License Obtained: 02/07/2013

License Expiration: 01/31/2015

Complaint history: None

The complaint alleges that the Respondent, a licensed shop, is or has employed an unlicensed individual as a shampooing technician and/or styling technician in violation of TENN. CODE ANN. § 62-4-119. The unlicensed individual in question is employed by the Respondent as a receptionist, and the Complainant is a former employee who was terminated for cause. During the last inspection, while the receptionist was on duty and the Complainant was still in the Respondent's employ, no mention of the Complainant's knowledge of this issue was made to the inspector. The Respondent submits a written statement that the receptionist has no client service duties and that the Complainant has used other media to express displeasure about being terminated. There is no complaint history for this Respondent.

Recommendation: Close the case for lack of probable cause for discipline with the option to revisit the matter should new, relevant information arise.

Decision: Approved.

9. Case No.: L14-COS-RBS-2014007631

First License Obtained: 11/02/2012

License Expiration: 09/30/2014

Complaint history: None

The complaint alleges that the Respondent, a licensed shop, has allowed an unlicensed person to provide manicure services in violation of TENN. CODE ANN. § 62-4-119. The individual who supposedly attempted to provide these services is a high school student and the daughter of the owner. This person allegedly told the Complainant that she learned how to do nails by growing up in a nail salon. There is no indication that any regulated services were provided. The Respondent provides a written statement that the daughter was not authorized to offer any services, and that, when present after school, the daughter's responsibilities are to greet

customers and escort them to the appropriate service provider. There is no complaint history for this Respondent.

Recommendation: Close the case for lack of probable cause for discipline with the option to revisit the matter should new, relevant information arise.

Decision: Approved.

10. Case No.: L14-COS-RBS-2014008811

First License Obtained: 02/14/2006

License Expiration: 04/30/2016

Complaint history: None

The complaint alleges that the Respondent, a licensed aesthetics instructor, is providing regulated services outside of a licensed shop or school in violation of TENN. CODE ANN. 62-4-125(d)(2). In a written statement, the Respondent admits to providing gratis services on friends and family using near-expired products left from a time when the Respondent worked in a shop so as to dispose of them. Knowing nothing else, this activity does not fall under a legitimate exemption from practicing only in a licensed shop or school. As of June 1st, 2014, the Respondent had completed setting up a licensed shop and was awaiting a state inspection to open, which would negate any need to provide services outside of a licensed facility. There is no complaint history for this Respondent.

Recommendation: Close the case with a Letter of Warning and a CEASE AND DESIST order against providing regulated services outside a licensed shop or school without a legal exemption.

Decision: Approved.

11. Case No.: L14-COS-RBS-2014007561

First License Obtained: N/A

License Expiration: N/A

Complaint history: None

The complaint alleges that the Respondent, an unlicensed individual, has provided regulated services without first obtaining a license in violation of TENN. CODE ANN. 62-4-108 (License required to practice or teach). In this case, the complaint alleges that, as a result of this unlicensed activity, the Complainant was harmed. The complaint materials indicate that there

have been numerous instances of this conduct, and that the Respondent advertises these services although the Respondent does not falsely claim to be licensed.

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

Decision: Approved.

12. Case No.: L14-COS-RBS-2014008211

First License Obtained: 07/21/2009

License Expiration: 09/01/2014

Complaint history: 2010029531, closed w/no action; 2011008451, closed w/no action

The complaint alleges that the Respondent, a licensed cosmetology school, allowed a student to provide a haircut on a member of the public when the student was not adequately instructed or properly supervised. The Complainant alleges that this activity constitutes unprofessional behavior on the Respondent school's part in potential violation of TENN. CODE ANN. 62-4-127(b)(1). The Respondent school did not charge for the services provided upon hearing the Complainant's dissatisfaction. There is no significant complaint history for this Respondent.

Recommendation: Close the case with a Letter of Caution to properly manage services provided by students and to maintain open communication with the public being served.

Decision: Approved.

13. Case No.: L14-COS-RBS-2014005311

First License Obtained:

License Expiration:

Complaint history: 2013002991, closed w/Letter of Warning; 2013003941, closed w/\$500 civil penalty paid via Consent Order; 2013022311, closed w/\$1,000 civil penalty paid via Consent Order

The complaint alleges that the Respondent, a licensed cosmetology shop, is liable for passing an infection to a client through improper sanitary practices which, if true, would potentially violate TENN. CODE ANN. 62-4-127(b)(9) by failing to make sure all of the Board's sanitary rules are correctly enforced. There has been a history of violations against this Respondent.

Recommendation: Close the matter with a Letter of Warning to comply with all sanitary rules and authorize a re-inspection within a month to ensure compliance.

Decision: Approved.

14. Case No.: L14-COS-RBS-2014005991

First License Obtained: 02/28/1979

License Expiration: 08/31/2015

Complaint history: None

The complaint alleges that the Respondent, a licensed individual, was providing regulated services beyond the expiration date of the Respondent's license. The Respondent has renewed the license effective April 10th, 2014. There is no indication from the complaint materials that the Respondent provided these services during the time that the license was expired. There is no complaint history for this Respondent.

Recommendation: Close the matter with a Letter of Warning against continuing to provide regulated services beyond a license's expiration date.

Decision: Approved.

15. Case No.: L14-COS-RBS-2014006001

First License Obtained:

License Expiration:

Complaint history: 2006025711, closed w/\$3,000 civil penalty paid via Consent Order; 2006034421, closed w/Letter of Warning; 2009005301, closed w/\$2,000 civil penalty paid via Consent Order; 2011025761, closed w/\$1,000 civil penalty paid via Consent Order

The complaint alleges that the Respondent, a licensed cosmetology shop, is liable for passing an infection to a client through improper sanitary practices which, if true, would potentially violate TENN. CODE ANN. 62-4-127(b)(9) by failing to make sure all of the Board's sanitary rules are correctly enforced. There has been a history of violations against this Respondent.

Recommendation: Close the matter with a Letter of Warning to comply with all sanitary rules and authorize a re-inspection within a month to ensure compliance.

Decision: Approved.

16. Case No.: L14-COS-RBS-2014006471

First License Obtained: 02/11/2002

License Expiration: 01/31/2016

Complaint history: None

The complaint alleges that the Respondent, a licensed cosmetology shop, is liable for injuring a client through improper sanitary practices which, if true, would potentially violate TENN. CODE ANN. 62-4-127(b)(9) by failing to make sure all of the Board's sanitary rules are correctly enforced. There is no complaint history for this Respondent.

Recommendation: Close the matter with a Letter of Warning to comply with all sanitary rules.

Decision: Approved.

17. Case No.: L14-COS-RBS-2014009211

First License Obtained: 05/16/2012

License Expiration: 09/01/2014

Complaint history: 2012025231, closed w/no action

The complaint alleges that the Respondent, a licensed cosmetology school, failed to provide proper education to allow the Complainant to pass the professional examination after three attempts. The Respondent has provided free tutoring opportunities to assist. Also, the Respondent has had to remove the Complainant from its premises on several occasions and has had difficulty in general in dealing with the Complainant.

Recommendation: Dismiss the complaint for lack of disciplinary grounds.

Decision: Approved.

18. Case No.: L14-COS-RBS-2014010101

First License Obtained: 04/19/2013

License Expiration: 04/30/2015

Complaint history: None

The complaint alleges that the Respondent, a licensed cosmetology shop, committed unprofessional conduct by failing to produce the requested results for the provided services and for making inappropriate comments to the customer which, if true, could potentially violate TENN. CODE ANN. 62-4-127(b)(2). The Respondent made attempts to correct the coloring project, but time constraints, imposed by the customer, prevented a complete remedy. A written statement from the Respondent's owner offers and apology for any failure to provide the required results, but also denies any verbal misconduct and claims misunderstanding. There is no complaint history for this Respondent.

Recommendation: Close the matter with a Letter of Warning to improve communications between service providers and clients.

Decision: Approved.

19. Case No.: L14-COS-RBS-2014010151

First License Obtained: 04/18/2013

License Expiration: 03/31/2015

Complaint history: None

The complaint alleges that the Respondent, a licensed cosmetology shop, committed unprofessional conduct by causing injury to the customer while providing pedicure services as well as failing to follow proper sanitary procedures which, if true, could potentially violate TENN. CODE ANN. 62-4-127(b)(2) and (b)(9). A written statement from the Respondent's owner states that the alleged cuts on the ankle area are outside the treatment area and not part of the procedure. Also, the Respondent provides information on how sanitary rules are followed and provides photo evidence. Lastly, the Respondent provides a letter from a client receiving services at the time of the Complainant's discussion with the Respondent a few days later, and this client notes that there has never been a problem for well over a year in her experiences. There is no complaint history for this Respondent.

Recommendation: Dismiss the complaint for lack of disciplinary grounds.

Decision: Approved.

20. Case No.: L14-COS-RBS-2014004511

First License Obtained: 08/07/2003

License Expiration: 04/30/2015

Complaint history: None

The complaint alleges that the Respondent, a licensed cosmetology shop, committed unprofessional conduct by causing injury to the customer while providing manicure services which, if true, could potentially violate TENN. CODE ANN. 62-4-127(b)(2). Specifically, the Complainant describes that the Respondent's service providers failed to listen to the Complainant's requests and failed to cease services when requested. The Respondent has not answered the complaint.

Recommendation: Close the matter with a Letter of Warning to improve client relations and maintain the option to revisit the matter if new, relevant information arises.

Decision: Approved.

21. Case No.: L14-COS-RBS-2014010141

First License Obtained: 08/31/2006

License Expiration: 08/31/2014

Complaint history: None

The complaint alleges that the Respondent, a licensed individual, committed unprofessional conduct by failing to provide services that were satisfactory to the customer which, if true, could potentially violate TENN. CODE ANN. 62-4-127(b)(2) if serious enough to indicate incompetence. Specifically, the Complainant received a hair treatment that was perceived as being ineffective and was refused a refund when it was demanded from the Respondent. The Respondent provides a written statement recounting the events and states that additional services were offered for free to attempt to get satisfaction, but that a refund was against policy. The Complainant never sought the additional free services. There is no complaint history for this Respondent.

Recommendation: Dismiss the complaint for lack of disciplinary grounds.

Decision: Approved.

22. Case No.: L14-COS-RBS-2014010111

First License Obtained: 10/31/1995

License Expiration: 07/31/2014

Complaint history: None

The complaint alleges that the Respondent, a licensed cosmetology shop, allowed an employee to attempt to provide hair styling services after placing a cape containing clippings from a previous client on the Complainant in violation of TENN. COMP. R. & REG. 0440—02—.13(1)(b) [SANITATION AND DISINFECTION]. In a written answer, the Respondent does not deny the incident and apologizes for it and shows an awareness of the applicable administrative rule prohibiting this activity. There is no complaint history for this Respondent, which has been in business for almost twenty years.

Recommendation: Close the case with a Letter of Caution to observe all of the Board's law and rules as required.

Decision: Approved.

#### NOTICE OF VIOLATION CASES

1. Case No.: L14-COS-RBS-2014005671  
First License Obtained: 10/24/2006  
License Expiration: 10/31/2014  
Complaint history: None

A Notice of Violation issued on March 20th, 2014 alleges that the Respondent, a licensed cosmetology shop, did not have a manager present during its operation and at the inspection time in violation of TENN. CODE ANN. § 62-4-118(b)(1) [Operation of a shop] and TENN. COMP. R. & REG. 0440—2—.03(2) [RESPONSIBILITY FOR COMPLIANCE]. The area inspector states that the Respondent's shop owner (also the manager) was absent at the inspection time and her cosmetology license was expired as of November 30, 2013 in potential violation of TENN. CODE ANN. § 62-4-108 [License required to practice or teach]. Board office records indicate that the license in question has been now renewed.

Recommendation: Authorize a formal hearing with authority to settle 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.

Decision: Approved.

2. Case No.: L14-COS-RBS-2014005681  
First License Obtained: 04/13/2012

License Expiration: 03/31/2014

Complaint history: None

A Notice of Violation issued on March 13th, 2014 alleges that the owner of a cosmetology shop, licensed at the time of inspection, was shampooing a client's hair while his license was expired in violation of TENN. CODE ANN. §§ 62-4-108 [License required to practice or teach] and 62-4-119(1)(3) [Responsibilities of owner and manager of a shop], and also that the shop was allowing a licensed master barber to provide a weaving and/or braiding service to a client in violation of TENN. CODE ANN. § 62-4-119(1)(3). The inspector states that the shop does not have a dual licensure. This facility has not attempted to renew its license and is currently unlicensed.

Recommendation: Authorize and immediate CEASE AND DESIST order and a formal hearing with authority to settle the matter with a Consent Order for a civil penalty of \$1,000.00 for each instance of unlicensed activity, for a total civil penalty of \$2,000.00.

Decision: Approved.

3. Case No.: L14-COS-RBS-2014005721

First License Obtained: 08/30/2012

License Expiration: 07/31/2014

Complaint history: None

A Notice of Violation issued on March 26th, 2014 alleges that the Respondent, a licensed cosmetology shop at the time of inspection, was allowing its owner to provide services to a client without displaying a valid license in violation of TENN. CODE ANN. §§ 62-4-108 (License required to practice or teach) and 62-4-119 [Responsibilities of owner and manager of a shop]. Further, according to the Notice, the area inspector observed that there were no covered containers for trash, that a wet sterilizer was not being cleaned in violation of TENN. COMP. R. & REG. 0440—2—.07(1)(d)-(f) [EQUIPMENT] and that name tags were not being worn in violation of TENN. COMP. R. & REG. 0440—2—.08(1)(a) [ATTIRE]. The inspector also observed tools which were not properly cleaned and sanitized in violation of TENN. COMP. R. & REG. 0440—2—.13 [SANITATION AND DISINFECTION]. This facility has not attempted to renew its license and is currently unlicensed.

Recommendation: Authorize and immediate CEASE AND DESIST order and a formal hearing with authority to settle the matter with a Consent Order for a civil penalty of \$1,000.00 for each instance of unlicensed activity, for a total civil penalty of \$2,000.00.

Decision: Approved.

4. Case No.: L14-COS-RBS-2014005811
- First License Obtained: 09/30/1994
- License Expiration: 09/30/2012
- Complaint history: None

This unlicensed cosmetology shop was inspected on March 26th, 2014, and had it been licensed, would have allegedly been allowing a stylist to practice in the shop without possessing a valid shop license in violation of TENN. CODE ANN. § 62-4-118(a). Additionally, the area inspector observed an uncovered trash container in violation of TENN. COMP. R. & REG. 0440—2—.07(1)(d) [EQUIPMENT], and that exposed surfaces were not cleaned in violation of TENN. COMP. R. & REG. 0440—2—.06(2) [FACILITIES].

Recommendation: Authorize an immediate CEASE AND DESIST order and a formal hearing with authority to settle the matter with a Consent Order for a civil penalty of \$1,000.00 for each of the almost two years of unlicensed conduct, for a total civil penalty of \$2,000.00.

Decision: Approved.

5. Case No.: L14-COS-RBS-2014006261
- First License Obtained: 01/23/2014
- License Expiration: 12/31/2015
- Complaint history: None

A Notice of Violation issued on April 8th, 2014 alleges that the Respondent, a licensed manicure shop, was allowing two (2) individuals to provide services to clients without possessing a valid Board-issued license in violation of TENN. CODE ANN. §§ 62-4-108 (License required to practice or teach) and 62-4-119 [Responsibilities of owner and manager of a shop]. The area inspector states that the owner of the Respondent's shop was not wearing a name tag in violation of TENN. COMP. R. & REG. 0440—2—.08(1)(a) [ATTIRE].

Recommendation: Authorize a formal hearing with authority to settle the matter with a \$1,000.00 civil penalty for each of the two instances of unlicensed practice and for the owner responsibility violation, and a civil penalty of \$250.00 for the name tag violation for a total civil penalty of \$2,250.00.

Decision: Approved.

6. Case No.: L14-COS-RBS-2014005891

First License Obtained: 09/11/2012

License Expiration: 07/31/2016

Complaint history: 2013023401, closed w/\$250 civil penalty paid via Consent Order

A Notice of Violation issued on April 1st, 2014 alleges that the Respondent, a licensed manicure shop, was offering waxing services not allowed by shop license whereas the area inspector observed a wax machine in a separate room in the shop in potential violation of TENN. CODE ANN. § 62-4-119 [Responsibilities of owner and manager of a shop]; this machine was no being actively utilized. Further, according to the Notice, the area inspector observed a fish aquarium containing live fish in the Respondent's shop in violation of TENN. COMP. R. & REG. 0440—2—.10(1) [ANIMALS]; and also observed several sanitation violations, including an uncovered trash container in violation of TENN. COMP. R. & REG. 0440—2—.07 [EQUIPMENT], foot bath was not properly cleaned and nail tools were improperly stored and sanitized all in violation of TENN. COMP. R. & REG. 0440—2—.13 [SANITATION AND DISINFECTION].

Recommendation: Authorize a formal hearing with authority to settle the matter with a Consent Order containing a Letter of Warning against offering unauthorized services, and civil penalty of \$250.00 for each of the three observed violations for a total civil penalty of \$750.00.

Decision: Approved.

7. Case No.: L14-COS-RBS-2014006411

First License Obtained: 06/28/2012

License Expiration: 06/30/2016

Complaint history: 2013013831, closed w/\$250 civil penalty paid via Consent Order

A Notice of Violation issued on April 9th, 2014 alleges that the Respondent, a licensed manicurist/skin care shop, was allowing an individual to provide manicure services to a client in the Respondent's shop without possessing a valid Board-issued license in violation of TENN. CODE ANN. §§ 62-4-108 (License required to practice or teach) and 62-4-119 [Responsibilities of owner and manager of a shop].

Recommendation: Authorize an immediate CEASE AND DESIST against employing unlicensed persons and a formal hearing with authority to settle the matter with a Consent Order for a civil penalty of \$1,000.00.

Decision: Approved.

8. Case No.: L14-COS-RBS-2014006711

First License Obtained: 04/30/2010

License Expiration: 03/31/2016

Complaint history: None

A Notice of Violation issued on April 8th, 2014 alleges that the area inspector observed the owner of the Respondent's shop (a licensed manicurist) servicing a client's eyelash in violation of TENN. CODE ANN. § 62-4-119 [Responsibilities of owner and manager of a shop], and also observed an individual providing a manicure service to a client without possessing a valid Board-issued license in violation of TENN. CODE ANN. §§ 62-4-108 (License required to practice or teach) and 62-4-119 [Responsibilities of owner and manager of a shop]. Further, according to the Notice, the area inspector states that no one had a name tag in violation of TENN. COMP. R. & REG. 0440—2—.08(1)(a) [ATTIRE], and that there was a trash container without a cover and both dirty and clean towels were improperly stored along with containers without labels all in violation of TENN. COMP. R. & REG. 0440—2—.07 [EQUIPMENT], and also observed dirty tools on work stations in violation of TENN. COMP. R. & REG. 0440—2—.13 [SANITATION AND DISINFECTION].

Recommendation: Authorize an immediate CEASE AND DESIST against employing unlicensed persons and a formal hearing with authority to settle the matter with a Consent Order for a civil penalty of \$1,000.00 for the instance of unlicensed practice and a civil penalty of \$250.00 for each of the four identified violations for a total civil penalty of \$2,000.00.

Decision: Approved.

9. Case No.: L14-COS-RBS-2014006801

First License Obtained: 05/01/2014

License Expiration: 04/30/2016

Complaint history: None

A Notice of Violation issued on April 10th, 2014 alleges that the Respondent, a cosmetology shop, was operating same without first obtaining a valid Board-issued shop license in violation of TENN. CODE ANN. § 62-4-118(a) [Operation of a shop]. Board office records indicate that the Respondent was issued a shop license on May 1, 2014.

Recommendation: Close the case with a Letter of Warning.

Decision: Approved.

10. Case No.: L14-COS-RBS-2014006821

First License Obtained: 03/19/2012

License Expiration: 01/31/2016

Complaint history: None

A Notice of Violation issued on April 9th, 2014 alleges that the Respondent, a licensed manicure/ skin care shop, was allowing an individual to provide pedicure services to a client in the Respondent's shop without possessing a valid Board-issued license in violation of TENN. CODE ANN. §§ 62-4-108 (License required to practice or teach) and 62-4-119 [Responsibilities of owner and manager of a shop]. Additionally, the area inspector states that the shop did not have proper ventilation in violation of TENN. COMP. R. & REG. 0440—2—.06 [FACILITIES] nor does have a skin care sink in the work area in violation of TENN. COMP. R. & REG. 0440—2—.07 [EQUIPMENT], and also observed several containers of products without labels in violation of TENN. COMP. R. & REG. 0440—2—.07 [EQUIPMENT].

Recommendation: Authorize an immediate CEASE AND DESIST against employing unlicensed persons and a formal hearing with authority to settle the matter with a Consent Order for a civil penalty of \$1,000.00 for the instance of unlicensed practice and a civil penalty of \$250.00 for each of the four identified violations for a total civil penalty of \$2,000.00.

Decision: Approved.

11. Case No.: L14-COS-RBS-2014006861

First License Obtained: 04/05/2006

License Expiration: 02/28/2011

Complaint history: None

This unlicensed manicure shop was inspected on April 9th, 2014, and had it been licensed, would have allegedly been allowing two (2) individuals to practice on clients while the shop did not have a valid Board-issued license in violation of TENN. CODE ANN. § 62-4-118(a) [Operation of a shop]. Additionally, the area inspector stated that there was an individual with an expired license, in potential violation of TENN. CODE ANN. § 62-4-108 [License required to practice or teach].

Recommendation: Authorize an immediate CEASE AND DESIST against unlicensed activity and a formal hearing with authority to settle the matter with a Consent Order for a civil penalty of \$1,000.00 for each of the two instances of unlicensed practice for a total civil penalty of \$2,000.00.

Decision: Approved.

12. Case No.: L14-COS-RBS-2014007021

First License Obtained: 12/16/2013

License Expiration: 10/31/2015

Complaint history: None

A Notice of Violation issued on April 15th, 2014 alleges that the area inspector observed an individual working on a client's acrylic nail and then went out the back door — the shop manager advised the inspector that the individual has an aesthetician license in violation of TENN. CODE ANN. § 62-4-119 [Responsibilities of owner and manager of a shop]. Further, according to the Notice, the Respondent's shop failed to ensure all personal licenses were posted at the work stations in violation of Tenn. Code Ann. § 62-4-119 [Responsibilities of owner and manager of a shop], and that there was fish on the front station in violation of TENN. COMP. R. & REG. 0440—2—.10(1) [ANIMALS]; and also found a used wax stick which was improperly stored in violation of TENN. COMP. R. & REG. 0440—2—.13 [SANITATION AND DISINFECTION].

Authorize an immediate CEASE AND DESIST against unauthorized practice and a formal hearing with authority to settle the matter with a Consent Order for a civil penalty of \$1,000.00 for the instance of providing services not authorized by license and a civil penalty of \$250.00 for each of the three identified violations for a total civil penalty of \$1,750.00.

Decision: Approved.

13. Case No.: L14-COS-RBS-2014007091

First License Obtained: 09/29/2000

License Expiration: 06/30/2015

Complaint history: None

A Notice of Violation issued on April 9th, 2014 alleges that the area inspector observed a hot wax machine in a licensed manicure shop in potential violation of TENN. CODE ANN. § 62-4-119 [Responsibilities of owner and manager of a shop] if it was being used, and that the shop's manager was not wearing an identification tag in violation of TENN. COMP. R. & REG. 0440—2—.08(1)(a) [ATTIRE]. Additionally, the area inspector found that the shop did not have a blood spill kit in violation of TENN. COMP. R. & REG. 0440—2—.07 [EQUIPMENT]; and also did not have a hospital grade disinfectant for cleaning and found neck dusters and dirty files and buffers which were improperly all in violation of TENN. COMP. R. & REG. 0440—2—.13 [SANITATION AND DISINFECTION].

Recommendation: Authorize a formal hearing with authority to settle the matter with a Consent Order containing a Letter of Warning against offering unauthorized services, and civil penalty of \$250.00 for each of the three observed violations for a total civil penalty of \$750.00.

Decision: Approved.

14. Case No.: L14-COS-RBS-2014007131

First License Obtained: 06/23/2011

License Expiration: 06/30/2013

Complaint history: None

A Notice of Violation issued on April 11th, 2014 alleges that the Respondent, a manicure shop, was open and no customers were present at the inspection time, but its shop license was expired as of June 30, 2013 in violation of TENN. CODE ANN. § 62-4-118(a) [Operation of a shop]. Because the Respondent appears to have no prior disciplinary history and because there were no evidence of unlicensed practice or other violations noted by the inspector at the time of inspection, a Letter of Warning is recommended.

Recommendation: Close the matter with an immediate CEASE AND DESIST order and a Letter of Warning against unlicensed activity.

Decision: Approved.

15. Case No.: L14-COS-RBS-2014007141

First License Obtained: 09/13/2013

License Expiration: 08/31/2015

Complaint history: None

A Notice of Violation issued on April 10th, 2014 alleges that the Respondent, a licensed cosmetology shop, was allowing two (2) cosmetologists to provide services to the public on expired licenses in violation of TENN. CODE ANN. §§ 62-4-108 (License required to practice or teach) and 62-4-119 [Responsibilities of owner and manager of a shop], and also was allowing a master barber to cut a client's hair without the shop being a dual licensed in violation of TENN. CODE ANN. § 62-4-119 [Responsibilities of owner and manager of a shop].

Authorize an immediate CEASE AND DESIST against unauthorized practice and a formal hearing with authority to settle the matter with a Consent Order for a civil penalty of \$1,000.00 for each of the instances of unlicensed conduct and the instance of providing services not authorized by license for a total civil penalty of \$3,000.00.

Decision: Approved.

16. Case No.: L14-COS-RBS-2014005541

First License Obtained: N/A

License Expiration: N/A

Complaint history: None

A Notice of Violation issued on March 21st, 2014 alleges that, during a lawful inspection at a licensed shop, the area inspector observed the Respondent providing pedicure services without possessing a valid Board-issued license in violation of TENN. CODE ANN. § 62-4-108 [License required to practice or teach].

Authorize an immediate CEASE AND DESIST against unlicensed practice and a formal hearing with authority to settle the matter with a Consent Order for a civil penalty of \$1,000.00.

Decision: Approved.

17. Case No.: L14-COS-RBS-2014005551

First License Obtained: N/A

License Expiration: N/A

Complaint history: None

A Notice of Violation issued on March 21st, 2014 alleges that, during a lawful inspection at a licensed shop, the area inspector observed the Respondent providing pedicure services without possessing a valid Board-issued license in violation of TENN. CODE ANN. § 62-4-108 [License required to practice or teach].

Authorize an immediate CEASE AND DESIST against unlicensed practice and a formal hearing with authority to settle the matter with a Consent Order for a civil penalty of \$1,000.00.

Decision: Approved.

18. Case No.: L14-COS-RBS-2014004801

First License Obtained: 08/28/2002

License Expiration: 08/31/2014

Complaint history: None

A Notice of Violation issued on March 8th, 2014 alleges that the Respondent, who is the owner and manager of a licensed shop, was allowing an unlicensed individual to practice in such shop without a valid Board-issued license in violation of TENN. CODE ANN. § 62-4-119 [Responsibilities of owner and manager of a shop], and also that Respondent was not wearing a name tag in violation of TENN. COMP. R. & REG. 0440—2—.08(1)(a) [ATTIRE].

Authorize an immediate CEASE AND DESIST against allowing unlicensed activity and a formal hearing with authority to settle the matter with a Consent Order for a civil penalty of \$1,000.00 for the instance of unlicensed conduct and a civil penalty of \$250.00 for the instance of failing to wear a name tag for a total civil penalty of \$1,250.00.

Decision: Approved.

19. Case No.: L14-COS-RBS-2014004781

First License Obtained: N/A

License Expiration: N/A

Complaint history: None

A Notice of Violation issued on March 8th, 2014 alleges that, during a lawful inspection at a licensed shop, the area inspector observed the Respondent working on a client without possessing a valid Board-issued license in violation of TENN. CODE ANN. § 62-4-108 [License required to practice or teach].

Authorize an immediate CEASE AND DESIST against unlicensed practice and a formal hearing with authority to settle the matter with a Consent Order for a civil penalty of \$1,000.00.

Decision: Approved.

20. Case No.: L14-COS-RBS-2014005441

First License Obtained: N/A

License Expiration: N/A

Complaint history: None

A Notice of Violation issued on March 19th, 2014 alleges that, during a lawful inspection at a licensed shop, the area inspector observed the Respondent servicing a client without possessing a valid Board-issued license in violation of TENN. CODE ANN. § 62-4-108 [License required to practice or teach].

Authorize an immediate CEASE AND DESIST against unlicensed practice and a formal hearing with authority to settle the matter with a Consent Order for a civil penalty of \$1,000.00.

Decision: Approved.

21. Case No.: L14-COS-RBS-2014005461

First License Obtained: N/A

License Expiration: N/A

Complaint history: None

A Notice of Violation issued on March 19th, 2014 alleges that, during a lawful inspection at a licensed shop, the area inspector observed the Respondent servicing a client without possessing a valid Board-issued license in violation of TENN. CODE ANN. § 62-4-108 [License required to practice or teach].

Authorize an immediate CEASE AND DESIST against unlicensed practice and a formal hearing with authority to settle the matter with a Consent Order for a civil penalty of \$1,000.00.

Decision: Approved.

22. Case No.: L14-COS-RBS-20140055331

First License Obtained: 08/27/2008  
License Expiration: 08/31/2014  
Complaint history: None

A Notice of Violation issued on March 21st, 2014 alleges that the Respondent, who is the owner and the manager of a shop, was allowing two (2) individuals to provide manicure and/or pedicure services to clients without possessing a valid Board-issued license in violation of TENN. CODE ANN. § 62-4-119 [Responsibilities of owner and manager of a shop].

Authorize an immediate CEASE AND DESIST against allowing unlicensed activity and a formal hearing with authority to settle the matter with a Consent Order for a civil penalty of \$1,000.00 for each of the two instances of unlicensed conduct for a total civil penalty of \$2,000.00.

Decision: Approved.

23. Case No.: L14-COS-RBS-2014006131

First License Obtained: 02/10/2006  
License Expiration: 02/28/2016  
Complaint history: None

A Notice of Violation issued on April 1st, 2014 alleges that the Respondent, a licensed manicurist shop manager, failed to ensure that the shop is in compliance with the Board's laws and rules; specifically, the area inspector observed a wax machine in the shop in violation of TENN. CODE ANN. § 62-4-119 [Responsibilities of owner and manager of a shop], although it was not in use. During the inspection, the area inspector observed a fish aquarium containing live fish in the shop in violation of TENN. COMP. R. & REG. 0440—2—.10(1) [ANIMALS]; and also observed several sanitation violations in that shop, including an uncovered trash container in violation of TENN. COMP. R. & REG. 0440—2—.07 [EQUIPMENT], foot bath not properly cleaned and nail tools were improperly stored and sanitized all in violation of TENN. COMP. R. & REG. 0440—2—.13 [SANITATION AND DISINFECTION].

Recommendation: Authorize a formal hearing with authority to settle the matter with a Consent Order containing a Letter of Warning against offering unauthorized services, and civil penalty of \$250.00 for each of the three observed violations for a total civil penalty of \$750.00.

Decision: Approved.

24. Case No.: L14-COS-RBS-2014007161

First License Obtained: 04/13/2012

License Expiration: 03/31/2016

Complaint history: 2013008321, closed w/\$500.00 civil penalty paid via Consent Order

A Notice of Violation issued on April 8th, 2014 alleges that the Respondent, a licensed cosmetology shop, was open for business without a cosmetologist manager present during its operation in violation of TENN. CODE ANN. §62-4-119(3) [Responsibilities of owner and manager of a shop] and Tenn. Comp. R. & Reg. 0440—2—.03(2). The area inspector also observed three (3) work stations set up with no licenses posted at the work stations.

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

Decision: Approved.

25. Case No.: L14-COS-RBS-2014007251

First License Obtained: 12/03/1999

License Expiration: 09/30/2015

Complaint history: 2011023721, close w/no action

A Notice of Violation issued on March 25th, 2014 alleges that the Respondent, a licensed cosmetology shop, was open for business and two (2) clients were under the dryer while the Respondent's shop license was expired and had been expired since September 30, 2013 in violation of TENN. CODE ANN. § 62-4-118(a) [Operation of a shop]. Board office records indicate that the shop's license was renewed on April 14, 2014.

Recommendation: Authorize a formal hearing with authority to settle the matter with a Consent Order containing a Letter of Warning against unlicensed practice, and civil penalty of \$1,000.00.

Decision: Approved.

26. Case No.: L14-COS-RBS-2014007271

First License Obtained: 08/13/2010

License Expiration: 07/31/2016

Complaint history: 2012007551, closed w/\$250.00 civil paid via Consent Order

A Notice of Violation issued on April 8th, 2014 alleges that, during a lawful inspection at a licensed manicure shop, the area inspector observed an individual jumping up from the pedicure station wherein he was performing a service and exiting the shop in potential violation of TENN. CODE ANN. §62-4-119(1)(3) [Responsibilities of owner and manager of a shop]. Further, according to the Notice, the inspector found that no one in the shop was wearing an identification tag in violation of TENN. COMP. R. & REG. 0440—2—.08(1)(a) [ATTIRE]; and also observed a station area set up for waxing with a hot wax and tools in violation of TENN. CODE ANN. §62-4-119(2) [Responsibilities of owner and manager of a shop]. Additionally, the inspector observed a bed and someone was sleeping in violation of TENN. CODE ANN. §62-4-125(d)(1) [HYGIENE]; and also observed several sanitation violations, including trash containers with no covers, nail dust everywhere and dirty tools and implements at each work station all in violation of TENN. COMP. R. & REG. 0440—2—.07 [EQUIPMENT] and 0440—2—.13 [SANITATION AND DISINFECTION]. Furthermore, the area inspector states that the manager of the Respondent's shop tried to put money in his pocket in attempt to bribe him in violation of TENN. CODE ANN. § 62-4-127(b)(2) [Inspections – Cause for suspension, revocation, or for denial of license].

Recommendation: Authorize a formal hearing with authority to settle the matter with a Consent Order for revocation of Respondent's license to operate as a shop due to multiple serious violations and a civil penalty of \$1,000.00.

Decision: Approved.

27. Case No.: L14-COS-RBS-2014007351

First License Obtained: 05/28/1992

License Expiration: 10/31/2015

Complaint history: Violation issued on 04/07/04 Paid \$100.00 civil penalty; 2005016511, closed w/\$200 civil penalty paid via Consent Order

A Notice of Violation issued on April 16th, 2014 alleges that the Respondent, a licensed cosmetology shop, did not have its shop license displayed in violation of TENN. CODE ANN. § 62-4-118(a) [Operation of a shop]. The area inspector also observed a stylist practicing on a client while her license was expired in violation of TENN. CODE ANN. §§ 62-4-108 (License required to practice or teach) and 62-4-119 [Responsibilities of owner and manager of a shop]. Further, according to the Notice, the area inspector found that the shop did not have a manager present in violation of TENN. CODE ANN. §62-4-119(3) [Responsibilities of owner and manager of a shop] and Tenn. Comp. R. & Reg. 0440—2—.03(2). Additionally, the area inspector observed tools which were improperly stored in violation of TENN. COMP. R. &

REG. 0440—2—.13 [SANITATION AND DISINFECTION], and that the shop has inadequate ventilation in violation of TENN. COMP. R. & REG. 0440—2—.06(1) [FACILITIES].

Recommendation: Authorize an immediate CEASE AND DESIST against unlicensed practice and a formal hearing with authority to settle the matter with a Consent Order for a civil penalty of \$1,000.00 for the instance of unlicensed conduct and civil penalty of \$250.00 for each of the other three observed violations for a total civil penalty of \$1,750.00.

Decision: Approved.

28. Case No.: L14-COS-RBS-2014007381

First License Obtained: 10/25/2012

License Expiration: 09/30/2014

Complaint history: None

A Notice of Violation issued on April 15th, 2014 alleges that, during a lawful inspection at a licensed manicurist/skin care shop, the area inspector observed the owner of the Respondent's shop (holds a dual manicurist and aesthetician licenses) practicing a manicure on a client but her aesthetician license was expired. The area inspector observed an expired license posted in the shop in violation of TENN. CODE ANN. § 62-4-119 [Responsibilities of owner and manager of a shop]. Board office records indicate that the shop owner's aesthetician license has been now renewed. It appears that the Respondent's shop owner was practicing manicuring with a valid manicurist license at the inspection time. Because the Respondent appears to have no prior disciplinary history with the Board, a Letter of Warning is recommended.

Recommendation: Close the case with a Letter of Warning.

Decision: Approved.

29. Case No.: L14-COS-RBS-2014007401

First License Obtained: 03/02/2012

License Expiration: 01/31/2016

Complaint history: None

A Notice of Violation issued on April 15th, 2014 alleges that, during a lawful inspection at a licensed manicurist/skin care shop, the area inspector found that the Respondent's shop owner was not present at the inspection time but her license was expired. A licensed manicurist at that

shop called the owner who advised that she sold the shop to that licensed manicurist. The manicurist advised that she submitted a change of ownership application to the Board a week prior to the inspection. Board office records indicate a shop license application was received on April 17th, 2014 and such application was approved on April 28th, 2014. It appears that the new shop owner submitted the change of ownership application within the thirty (30) days grace period as required by TENN. CODE ANN. §62-4-118(f)(1) (Operation of a shop). The inspector states that a wax machine was hot and ready to use. Board office records indicate that the shop has a valid manicurist/skin care shop license to provide waxing services. The area inspector states that no manager was present in violation of TENN. CODE ANN. §62-4-119(3) [Responsibilities of owner and manager of a shop] and Tenn. Comp. R. & Reg. 0440—02—.03(2), and that no name tags were not being worn in violation of TENN. COMP. R. & REG. 0440—02—.08(1)(a) [ATTIRE]. Because the Respondent appears to have no prior disciplinary history with the Board, and is now under a new ownership, a Letter of Warning is recommended.

Recommendation: Close the case with a Letter of Warning.

Decision: Approved.

30. Case No.: L14-COS-RBS-2014007411

First License Obtained: 12/13/2012

License Expiration: 11/30/2014

Complaint history: None

A Notice of Violation issued on April 15th, 2014 alleges that the Respondent, a licensed cosmetology shop, did not have its shop license displayed in violation of TENN. CODE ANN. § 62-4-118(a) [Operation of a shop]. The area inspector found that the shop did not have a manager present in violation of TENN. CODE ANN. §§62-4-118(b)(1) and 62-4-119(3) [Responsibilities of owner and manager of a shop] and Tenn. Comp. R. & Reg. 0440—2—.03(2).

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 violations, for a total civil penalty of \$500.00.

Decision: Approved.

31. Case No.: L14-COS-RBS-2014007421

First License Obtained: 11/16/2012  
License Expiration: 09/30/2014  
Complaint history: None

A Notice of Violation issued on April 15th, 2014 alleges that the Respondent, a licensed manicure shop, failed to ensure that all employees are wearing the required name tag in violation of TENN. CODE ANN. §62-4-119(3) [Responsibilities of owner and manager of a shop]. Further, according to the Notice, the area inspector observed nail dust everywhere, dirty buffers and files, and an unclean foot bath all in violation of TENN. COMP. R. & REG. 0440—2—.13 [SANITATION AND DISINFECTION], and also observed a trash container without cover in violation of TENN. COMP. R. & REG. 0440—2—.07 [EQUIPMENT]; and that the shop has inadequate ventilation in violation of TENN. COMP. R. & REG. 0440—2—.06(1) [FACILITIES].

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 violations, for a total civil penalty of \$750.00.

Decision: Approved.

32. Case No.: L14-COS-RBS-2014007641

First License Obtained: 10/14/1998  
License Expiration: 08/31/2014  
Complaint history: 2012002211, closed w/\$500 civil penalty via Consent Order; 2012023731, closed w/Letter of Warning; 2013017811, closed w/\$500 civil penalty paid via Consent Order

A Notice of Violation issued on April 15th, 2014 alleges that the Respondent, a licensed cosmetology shop, did not have a licensed manager present during its operation and at the inspection time in violation of TENN. CODE ANN. §§62-4-118(b)(1) and 62-4-119(3) [Responsibilities of owner and manager of a shop] and Tenn. Comp. R. & Reg. 0440—2—.03(2). The area inspector also observed fish in the Respondent's shop in violation of TENN. COMP. R. & REG. 0440—2—.10(1) [ANIMALS]; and also tools and implements which were improperly stored and/or sanitized in violation of TENN. COMP. R. & REG. 0440—2—.13 [SANITATION AND DISINFECTION].

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 violations, for a total civil penalty of \$750.00.

Decision: Approved.

33. Case No.: L14-COS-RBS-2014007651

First License Obtained:

License Expiration:

Complaint history: 2014007651, closed w/\$2,000 civil penalty paid via Consent Order; 2009018811, closed w/no action; 2011024211, closed w/\$500.00 civil penalty paid via Consent Order

A Notice of Violation issued on April 15th, 2014 alleges that the Respondent, a licensed cosmetology shop, was allowing a licensed master barber to cut hair in the Respondent's shop without possessing a valid cosmetology license in violation of TENN. CODE ANN. §62-4-119(1)-(3) [Responsibilities of owner and manager of a shop]. According to the Notice, the Respondent's shop owner was advised that the shop needs a barber shop license in order to permit the master barber to practice in the shop. Further, the area inspector found that the shop did not have its grade score inspection sheet posted in violation of TENN. COMP. R. & REG. 0440—2—.05(2) [INSPECTIONS].

Recommendation: Authorize and immediate CEASE AND DESIST against unlicensed activity and a formal hearing with authority to settle the matter with a Consent Order for a civil penalty of \$1,000.00 for the instance of unlicensed practice and \$250.00 for failing to display the inspection sheet, for a total civil penalty of \$1,250.00.

Decision: Approved.

34. Case No.: L14-COS-RBS-2014007661

First License Obtained: 04/22/2013

License Expiration: 03/31/2015

Complaint history: None

A Notice of Violation issued on April 15th, 2014 alleges that the Respondent, a licensed manicure shop, failed to ensure that all employees were wearing the required name tag in violation of TENN. CODE ANN. §62-4-119(3) [Responsibilities of owner and manager of a shop]. The area inspector observed tools which were improperly cleaned and/or sanitized in violation of TENN. COMP. R. & REG. 0440—2—.13 [SANITATION AND DISINFECTION]. Further, according to the Notice, the area inspector observed towels which were improperly

stored in violation of TENN. COMP. R. & REG. 0440—2—.07 [EQUIPMENT]; and also found a wax machine that was hidden in the pedicure area in potential violation of TENN. CODE ANN. §62-4-119(3) [Responsibilities of owner and manager of a shop].

Recommendation: Authorize a formal hearing with authority to settle the matter with a Consent Order containing a Letter of Warning against providing unauthorized services and a civil penalty of \$250.00 for each of the three observed violations for a total civil penalty of \$750.00.

Decision: Approved.

35. Case No.: L14-COS-RBS-2014006441

First License Obtained: 11/19/1999

License Expiration: 11/30/2015

Complaint history: None

A Notice of Violation issued on April 9th, 2014 alleges that the Respondent, a licensed manicurist (who is an owner of a licensed shop), was allowing an unlicensed individual to remove nail polish from a client in her shop in violation of TENN. CODE ANN. §62-4-119(1)-(3) [Responsibilities of owner and manager of a shop].

Recommendation: Authorize an immediate CEASE AND DESIST against unlicensed activity and authorize a formal hearing with authority to settle the matter with a civil penalty of \$1,000.00.

Decision: Approved.

36. Case No.: L14-COS-RBS-2014006451

First License Obtained: 08/31/2004

License Expiration: 08/31/2014

Complaint history: None

A Notice of Violation issued on April 9th, 2014 alleges that the Respondent, a licensed manicurist (who is an owner of a licensed shop), was allowing two (2) unlicensed individuals to provide services in his shop in violation of TENN. CODE ANN. §62-4-119(1)-(3) [Responsibilities of owner and manager of a shop].

Recommendation: Authorize an immediate CEASE AND DESIST against unlicensed activity and authorize a formal hearing with authority to settle the matter with a civil penalty of \$1,000.00 for each instance of unlicensed practice for a total civil penalty of \$2,000.00.

Decision: Approved.

37. Case No.: L14-COS-RBS-2014006461

First License Obtained: N/A

License Expiration: N/A

Complaint history:

A Notice of Violation issued on April 9th, 2014 alleges that, during a lawful inspection at a licensed manicure shop, the area inspector observed that the Respondent ran out the back of such shop in potential violation of TENN. CODE ANN. § 62-4-108 [License required to practice or teach]. There is no indication that regulated services were actually being provided at the time of inspection.

Recommendation: Authorize an immediate CEASE AND DESIST against unlicensed activity, deliverable to the employing shop.

Decision: Approved.

38. Case No.: L14-COS-RBS-2014006681

First License Obtained: N/A

License Expiration: N/A

Complaint history: None

A Notice of Violation issued on April 8th, 2014 alleges that, during a lawful inspection at a licensed manicure shop, the area inspector observed that the Respondent was practicing a manicure on a client without possessing a valid Board-issued license in violation of TENN. CODE ANN. § 62-4-108 [License required to practice or teach].

Recommendation: Authorize an immediate CEASE AND DESIST against unlicensed activity and authorize a formal hearing with authority to settle the matter with a civil penalty of \$1,000.00.

Decision: Approved.

39. Case No.: L14-COS-RBS-2014006721

First License Obtained: 10/30/2013

License Expiration: 10/31/2015

Complaint history: None

A Notice of Violation issued on April 8th, 2014 alleges that the Respondent, a licensed cosmetologist (who is also a manager of a licensed cosmetology shop), was performing an eyelash service on a client without wearing an identification tag in violation of TENN. COMP. R. & REG. 0440—2—.08(1)(a) [ATTIRE]. Further, according to the Notice, the area inspector found that there was an unlicensed individual practicing on a client at the inspection time in violation of TENN. CODE ANN. §62-4-119(1)-(3) [Responsibilities of owner and manager of a shop].

Recommendation: Authorize an immediate CEASE AND DESIST against unlicensed activity and authorize a formal hearing with authority to settle the matter with a civil penalty of \$1,000.00 for the instance of unlicensed activity and a civil penalty of \$250.00 for failing to ensure that name tags are worn for a total civil penalty of \$1,250.00.

Decision: Approved.

40. Case No.: L14-COS-RBS-2014006841

First License Obtained: 08/18/2013

License Expiration: 08/31/2015

Complaint history: None

First License Obtained: 01/19/2012

License Expiration: 01/31/2016

Complaint history: None

A Notice of Violation issued on April 8th, 2014 alleges that the Respondent, a licensed manicurist and aesthetician (who is also a manager for a licensed manicure shop), tried to bribe the area inspector by attempting to put money into his pocket during a shop inspection in violation of TENN. CODE ANN. § 62-4-127(b)(2) [Inspections – Cause for suspension, revocation, or for denial of license]. According to the Notice, the area inspector observed an individual jumping up the pedicure station wherein he was performing a service and exited the

shop in potential violation of TENN. CODE ANN. §62-4-119(1)-(3) [Responsibilities of owner and manager of a shop], and that no one in the shop was wearing an identification tag and also observed a station area set up for waxing with a hot wax and tools all in violation of TENN. CODE ANN. §62-4-119(2) [Responsibilities of owner and manager of a shop]. Additionally, the inspector observed a bed and someone was sleeping in violation of TENN. CODE ANN. §62-4-125(d)(1) [HYGIENE]; and also observed several sanitation violations, including trash containers with no covers, nail dust everywhere and dirty tools and implements at each work station all in violation of TENN. COMP. R. & REG. 0440—2—.07 [EQUIPMENT] and 0440—2—.13 [SANITATION AND DISINFECTION].

Recommendation: Authorize a formal hearing with authority to settle the matter with a Consent Order for revocation of both of Respondent’s licenses to provide regulated services due to multiple serious violations and a civil penalty of \$1,000.00.

Decision: Approved.

41. Case No.: L14-COS-RBS-2014007031

First License Obtained: 03/24/1995

License Expiration: 05/31/2015

Complaint history: None

A Notice of Violation issued on April 15th, 2014 alleges that the Respondent, a licensed manicurist manager, was allowing a licensed aesthetician to perform a manicure service without possessing a manicurist license issued by the Board in violation of TENN. CODE ANN. § 62-4-119 [Responsibilities of owner and manager of a shop].

Recommendation: Authorize an immediate CEASE AND DESIST against providing unauthorized services and authorize a formal hearing with authority to settle the matter with a civil penalty of \$1,000.00 for the instance of unlicensed activity.

Decision: Approved.

42. Case No.: L14-COS-RBS-2014007041

First License Obtained: 08/02/2012

License Expiration: 08/31/2014

Complaint history: None

A Notice of Violation issued on April 15th, 2014 alleges that the Respondent, a licensed aesthetician, was performing a manicure service without possessing a manicurist license issued by the Board in violation of TENN. CODE ANN. § 62-4-108 [License required to practice or teach].

Recommendation: Authorize an immediate CEASE AND DESIST against providing unauthorized services and authorize a formal hearing with authority to settle the matter with a civil penalty of \$1,000.00 for the instance of unlicensed activity.

Decision: Approved.

43. Case No.: L14-COS-RBS-2014007361

First License Obtained: 10/06/1983

License Expiration: 04/30/2013

Complaint history: None

A Notice of Violation issued on April 16th, 2014 alleges that the Respondent, a licensed cosmetologist/aesthetician, was practicing on a client's hair while her license was expired in violation of TENN. CODE ANN. § 62-4-108.

Recommendation: Authorize an immediate CEASE AND DESIST against unlicensed activity and authorize a formal hearing with authority to settle the matter with a civil penalty of \$1,000.00.

Decision: Approved.

44. Case No.: L14-COS-RBS-2014007391

First License Obtained: 12/15/2011

License Expiration: 12/31/2015

Complaint history: None

A Notice of Violation issued on April 15th, 2014 alleges that, during a lawful inspection at a licensed manicurist/skin care shop, the area inspector found that the Respondent (who is the owner of that shop) was not present at the inspection time but her license was expired. It appears that no services were provided at the inspection time. Further, during the course of the inspection, a licensed manicurist at the shop called the Respondent who advised that she sold the shop to that manicurist. The manicurist advised that she submitted a change of ownership

application to the Board a week prior to the inspection. Board office records indicate a shop license application was received on April 17, 2014 and such application was approved on April 28, 2014. It appears that the new shop owner submitted the change of ownership application within the thirty (30) days grace period required pursuant to TENN. CODE ANN. §62-4-118(f)(1). The inspector states that a wax machine was hot and ready to use. Board office records indicate that the shop has a valid manicurist/skin care shop license to provide waxing services. The area inspector states that no manager was present in violation of TENN. CODE ANN. §62-4-119(3) [Responsibilities of owner and manager of a shop] and Tenn. Comp. R. & Reg. 0440—2—.03(2), and that no name tags were not being worn in violation of TENN. COMP. R. & REG. 0440—2—.08(1)(a) [ATTIRE]. Because the Respondent appears to have no prior disciplinary history with the Board, and is no longer the owner of the shop, a Letter of Warning is recommended.

Recommendation: Close the matter with a Letter of Warning.

Decision: Approved.

45. Case No.: L14-COS-RBS-2014007671

First License Obtained: 02/03/1995

License Expiration: 02/28/2015

Complaint history: None

A Notice of Violation issued on April 23rd, 2014 alleges that, during a lawful inspection, the area inspector found that the Respondent, a licensed manicurist manager of a shop, failed to ensure the shop's tools and towels were properly stored, and that all employees were wearing name tags, and also found that there was a wax machine hidden in the pedicure area all in violation of TENN. CODE ANN. § 62-4-119 [Responsibilities of owner and manager of a shop].

Recommendation: Authorize a formal hearing with authority to settle with a Consent Order containing a Letter of Warning against providing unauthorized services and an offer to settle the matter for a civil penalty of \$250.00 for each of the two identified violations for a total civil penalty of \$500.00

Decision: Approved.

46. Case No.: L14-COS-RBS-2014008631

First License Obtained: 04/06/1995

License Expiration: 04/30/2015

Complaint history: None

A Notice of Violation issued on April 23rd, 2014 alleges that the Respondent, a licensed manicurist (who is a shop manager), was performing a shampooing service on a client without possessing a valid shampooing license issued by the Board in violation of Tenn. Code Ann. § 62-4-110(e). The area inspector states that the Respondent did not provide a personal I.D. to establish her identity. There is no complaint history for this Respondent, who has been licensed for almost twenty years.

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

Decision: Approved.

47. Case No.: L14-COS-RBS-2014008661

First License Obtained: 09/30/1994

License Expiration: 06/30/2015

Complaint history: 2013024561, closed w/\$500.00 civil penalty paid via Consent Order

A Notice of Violation issued on April 23rd, 2014 alleges that the Respondent, a licensed manicure shop, was allowing an individual to practice manicure on a client without possessing a valid Board-issued license in violation of TENN. CODE ANN. § 62-4-119 [Responsibilities of owner and manager of a shop]. Further, according to the Notice, the area inspector observed several products without labels in the Respondent's shop in violation of TENN. COMP. R. & REG. 0440—2—.07 [EQUIPMENT], and that the Respondent's shop current inspection sheet was not posted in a conspicuous place as required by TENN. COMP. R. & REG. 0440—2—.05(2) [INSPECTIONS].

Recommendation: Authorize an immediate CEASE AND DESIST against unlicensed activity and authorize a formal hearing with authority to settle the matter with a civil penalty of \$1,000.00 for the instance of unlicensed activity and a civil penalty of \$250.00 for each of the other two violations for a total civil penalty of \$1,500.00.

Decision: Approved.

48. Case No.: L14-COS-RBS-2014008671

First License Obtained: 02/12/2014  
License Expiration: 02/29/2016  
Complaint history: None

A Notice of Violation issued on April 23rd, 2014 alleges that the Respondent, a licensed cosmetologist shop manager, was allowing an individual to practice manicure on a client without possessing a valid Board-issued license in violation of TENN. CODE ANN. § 62-4-119 [Responsibilities of owner and manager of a shop]. Further, according to the Notice, the area inspector observed several products without labels and also found that the Respondent's shop current inspection sheet was not posted in a conspicuous place in the Respondent's shop all in violation of TENN. COMP. R. & REG. 0440—2—.03(1) [Responsibility for Compliance].

Recommendation: Authorize an immediate CEASE AND DESIST against unlicensed activity and authorize a formal hearing with authority to settle the matter with a civil penalty of \$1,000.00 for the instance of unlicensed activity and a civil penalty of \$250.00 for each of the other two violations for a total civil penalty of \$1,500.00.

Decision: Approved.

49. Case No.: L14-COS-RBS-2014008641

First License Obtained: 08/05/1988  
License Expiration: 04/30/2015  
Complaint history: 201201663, closed with no action

A Notice of Violation issued on April 23rd, 2014 alleges that the area inspector observed that the Respondent, a licensed cosmetology shop, was very dirty and that a stylist was practicing on a client whom she walked out as soon as he entered the shop. Further, the area inspector observed a manicurist practicing on a client's hair and a copy of an expired license posted in the Respondent's shop all in violation of TENN. CODE ANN. § 62-4-119 [Responsibilities of owner and manager of a shop]. Additionally, the area inspector states that no one in the Respondent's shop had a name tag on in violation of TENN. COMP. R. & REG. 0440—2—.08(1)(a) [ATTIRE]; and further found several sanitation violations; including no covers for clean and dirty towels, trash containers without covers, tools and implements were improperly stored and sanitized, and that there containers without labels all in violation of Chapter 0440-02 of the Board's sanitary rules.

Recommendation: Authorize an immediate CEASE AND DESIST against unauthorized activity and authorize a formal hearing with authority to settle the matter with a civil penalty of

\$1,000.00 for the instance of unauthorized activity and a civil penalty of \$250.00 for each of the other two violations for a total civil penalty of \$1,500.00.

Decision: Approved.

50. Case No.: L14-COS-RBS-2014008651

First License Obtained: 09/08/1975

License Expiration: 02/28/2015

Complaint history: None

A Notice of Violation issued on April 23rd, 2014 alleges that the area inspector observed that the Respondent, owner and manager of a licensed cosmetology shop, was allowing a manicurist to practice on a client's hair and also that there was a copy of an expired license posted in the shop and that the licenses were posted on the side of a drink machine all in violation of TENN. CODE ANN. § 62-4-119 [Responsibilities of owner and manager of a shop]. Additionally, the area inspector states that during the inspection no one in the shop had a name tag on in violation of TENN. COMP. R. & REG. 0440—2—.08(1)(a) [ATTIRE]; and further found several sanitation violations; including no covers for clean and dirty towels, trash containers without covers, tools and implements were improperly stored and sanitized, and that there were containers without labels all in violation of Chapter 0440—02 of the Board's sanitary rules.

Recommendation: Authorize an immediate CEASE AND DESIST against unlicensed and unauthorized activity and authorize a formal hearing with authority to settle the matter with a civil penalty of \$1,000.00 for the instance of unlicensed activity and a civil penalty of \$250.00 for each of the other two violations for a total civil penalty of \$1,500.00.

Decision: Approved.

51. Case No.: L14-COS-RBS-2014008721

First License Obtained: 01/09/1998

License Expiration: 06/30/2016

Complaint history: 2013024611, closed w/\$500.00 civil

A Notice of Violation issued on April 23rd, 2014 alleges that the Respondent, a licensed manicure shop, failed to post its grade score inspection sheet as required by TENN. COMP. R. & REG. 0440—2—.05(2) [INSPECTIONS]. In response, the owner of the Respondent's shop has submitted a written explanation that the inspection sheet was posted until a technician from a

cable company came into the shop to install a cable and an internet services on a day prior to the inspection and knocked out the inspection sheet's frame. The owner further stated that on the day of the inspection they were in the process of renovating the shop where they were busy cleaning up and that they show the broken frame to the area inspector and posted the inspection sheet as requested by the inspector.

Recommendation: Close the matter with a Letter of Warning.

Decision: Approved.

52. Case No.: L14-COS-RBS-2014008971

First License Obtained: 01/18/1965

License Expiration: 01/30/2015

Complaint history: None

A Notice of Violation issued on May 6th, 2014 alleges that the Respondent, a licensed cosmetologist/aesthetician manager of a shop, failed to ensure that the shop's towels were properly stored in violation of TENN. CODE ANN. §62-4-119 [Responsibilities of owner and manager of a shop]. The Notice also alleges that an individual has a passing score and did not have a receipt for license or money order posted. The Notice does not have sufficiently detailed information to determine whether or not the individual in question was practicing at the time of the inspection. There is no complaint history for this Respondent, who has been operating without incident for almost fifty years.

Recommendation: Close the matter with a Letter of Caution.

Decision: Approved.

53. Case No.: L14-COS-RBS-2014008981

First License Obtained: 04/20/2011

License Expiration: 03/31/2015

Complaint history: None

A Notice of Violation issued on May 6th, 2014 alleges that the Respondent, a licensed cosmetology shop, failed to ensure that its towels were properly stored in violation of TENN. COMP. R. & REG. 0440—2—.07 [EQUIPMENT]. The Notice also alleges that an individual in the Respondent's shop has a passing score and did not have a receipt for license or money order

posted. The Notice does not have sufficiently detailed information to determine whether or not the individual in question was practicing at the time of the inspection. There is no complaint history for this Respondent.

Recommendation: Close the matter with a Letter of Warning.

Decision: Approved.

54. Case No.: L14-COS-RBS-2014008991

First License Obtained: 06/24/1988

License Expiration: 12/31/2015

Complaint history: None

A Notice of Violation issued on May 5th, 2014 alleges that the Respondent, a licensed cosmetology shop, was allowing its owner (who is also the manager) to work in the Respondent's shop on an expired license in violation of TENN. CODE ANN. §§ 62-4-108 [License required to practice or teach] and 62-4-119(1)-(3) [Responsibilities of owner and manager of a shop]. Board office records indicate that the license in question has been renewed on May 6, 2014. The complaint file does not indicate the regulated services were being provided at the time of inspection, and there is no complaint history for this Respondent.

Recommendation: Close the case with a Letter of Warning against unlicensed activity.

Decision: Approved.

55. Case No.: L14-COS-RBS-2014009011

First License Obtained: 10/30/2006

License Expiration: 10/31/2014

Complaint history: 2008023601, closed w/\$1,000 civil  
penalty paid via Consent Order

A Notice of Violation issued on May 5th, 2014 alleges that the Respondent, a licensed manicure shop, failed to ensure that all used nail files were properly stored in violation of TENN. COMP. R. & REG. 0440—2—.13 [SANITATION AND DISINFECTION]. Further, according to the Notice, the area inspector observed two (2) individuals without wearing name tags in violation of TENN. COMP. R. & REG. 0440—2—.08(1)(a) [ATTIRE]; and also found nail clippers on the

floor in violation of TENN. COMP. R. & REG. 0440—2—.13 [SANITATION AND DISINFECTION].

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 penalt of \$750.00.

Decision: Approved.

56. Case No.: L14-COS-RBS-2014009031

First License Obtained: 03/15/2006

License Expiration: 03/31/2016

Complaint history: None

A Notice of Violation issued on May 1st, 2014 alleges that the Respondent, a licensed cosmetologist shop manager, was operating a shop while its license was not displayed in violation of TENN. CODE ANN. § 62-4-119 [Responsibilities of owner and manager of a shop]. There is no complaint history for this Respondent.

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

Decision: Approved.

57. Case No.: L14-COS-RBS-2014009401

First License Obtained: 10/07/1999

License Expiration: 10/31/2015

Complaint history: None

A Notice of Violation issued on May 8th, 2014 alleges that the area inspector found that the Respondent's cosmetologist license was expired as of October 31, 2013 in potential violation of TENN. CODE ANN. § 62-4-108 [License required to practice or teach] and that her shop license was also expired as March 31st, 2014 in violation of TENN. CODE ANN. § 62-4-119 [Responsibilities of owner and manager of a shop]. The area inspector stated that the Respondent was not working at the inspection time. Further, according to the Notice, the area inspector found that there was no covered container for soiled towels and no covers for trash containers all in violation of TENN. COMP. R. & REG. 0440—2—.07 [EQUIPMENT]. Board office records

indicate that both licenses have been now renewed. There is no indication that regulated services were provided during the period of expiration and there is no complaint history for this Respondent, who has been operating for fifteen years without incident.

Recommendation: Close the matter with a Letter of Warning.

Decision: Approved.

58. Case No.: L14-COS-RBS-2014009371

First License Obtained: 09/17/2002

License Expiration: 09/30/2014

Complaint history: None

A Notice of Violation issued on May 8th, 2014 alleges that the Respondent, a licensed cosmetologist shop manager, was operating a shop while its license was expired in violation of TENN. CODE ANN. § 62-4-119 [Responsibilities of owner and manager of a shop]. Further, according to the Notice, the area inspector found that there was no covered container for soiled towels and no covers for trash containers all in violation of TENN. COMP. R. & REG. 0440—2—.07 [EQUIPMENT]. Board office records indicate that the shop license has been now renewed. The complaint file does not indicate that any regulated services were being provided during the period of expiration, and there is no complaint history for this Respondent that has been operating without incident for twelve years.

Recommendation: Close the matter with a Letter of Warning.

Decision: Approved.

59. Case No.: L14-COS-RBS-2014009411

First License Obtained: 08/19/1993

License Expiration: 03/31/2016

Complaint history: None

A Notice of Violation issued on May 8th, 2014 alleges that the area inspector found that the Respondent's shop license was expired as of March 31st, 2014 in potential violation of TENN. CODE ANN. § 62-4-118(a) [Operation of a shop], and that the license of the Respondent's shop owner was also expired as October 31st, 2013 in potential violation of TENN. CODE ANN. § 62-4-108 [License required to practice or teach]. According to the Notice, no regulated services

were being provided at the inspection time. Additionally, the area inspector found that there was no covered container for soiled towels and no covers for trash containers all in violation of TENN. COMP. R. & REG. 0440—2—.07 [EQUIPMENT]. Board office records indicate that both licenses have been now renewed. There is no complaint history for this Respondent that has been operating for over twenty years without incident.

Recommendation: Close the matter with a Letter of Warning.

Decision: Approved.

60. Case No.: L14-COS-RBS-2014009331

First License Obtained: 12/19/1988

License Expiration: 11/30/2015

Complaint history: None

A Notice of Violation issued on May 8th, 2014 alleges that the Respondent, a licensed cosmetology shop, was open for business and its owner was working on a client while the Respondent's shop license was expired as of November 30th, 2013 in violation of TENN. CODE ANN. § 62-4-118(a) [Operation of a shop]. Further, according to the Notice, there were no covered containers for clean and dirty towels in violation of TENN. COMP. R. & REG. 0440—2—.07 [EQUIPMENT], and that name tag was not being worn in violation of TENN. COMP. R. & REG. 0440—2—.08(1)(a) [ATTIRE]; and also that wet sanitizer was not properly cleaned in violation of TENN. COMP. R. & REG. 0440—2—.13 [SANITATION AND DISINFECTION]. The Respondent's shop license is now active.

Recommendation: Authorize a formal hearing with authority to settle the matter with a Consent Order for a civil penalty of \$1,000.00 for providing regulated services during a period of license expiration and \$250.00 for each of the other three identified violations for a total civil penalty of \$1,750.00.

Decision: Approved.

61. Case No.: L14-COS-RBS-2014009241

First License Obtained: 06/04/2009

License Expiration: 05/31/2015

Complaint history: None

A Notice of Violation issued on May 9th, 2014 alleges that the Respondent, a licensed cosmetology shop, relocated its shop location prior to submitting an application for change of location and passing the required inspection in violation of TENN. CODE ANN. § 62-4-118(d) [Operation of a shop]. There is no indication that regulated services were being provided during the lapse in licensure and there is no complaint history for this Respondent.

Recommendation: Close the matter with a Letter of Warning.

Decision: Approved.

62. Case No.: L14-COS-RBS-2014009451

First License Obtained: 07/24/2012

License Expiration: 07/31/2016

Complaint history: None

A Notice of Violation issued on May 9th, 2014 alleges that the Respondent, a licensed cosmetologist shop manager, was allowing at least two (2) unlicensed individuals to provide cosmetology and/or manicure services at a licensed shop in violation of TENN. CODE ANN. § 62-4-119 [Responsibilities of owner and manager of a shop]. Additionally, the area inspector states that name tags were not being worn in violation of TENN. COMP. R. & REG. 0440—2—.08(1)(a) [ATTIRE]; and that the Respondent failed to ensure that the shop has an adequate and cleaned wet sanitizers on work stations in violation of TENN. COMP. R. & REG. 0440—2—.07(1)(f) [EQUIPMENT]. Furthermore, the area inspector has provided a copy of an expired license for a licensee and stated that a valid license was not displayed in violation of TENN. CODE ANN. § 62-4-119 [Responsibilities of owner and manager of a shop].

Recommendation: Authorize an immediate CEASE AND DESIST against unlicensed practice and authorize a formal hearing with authority to settle the matter with a Consent Order for a civil penalty of \$1,000.00 for each of the two known instances of unlicensed conduct and \$250.00 for each of the other three violations for a total civil penalty of \$2,750.00.

Decision: Approved.

63. Case No.: L14-COS-RBS-2014009461

First License Obtained: 08/11/2011

License Expiration: 08/31/2015

Complaint history: None

A Notice of Violation issued on May 9th, 2014 alleges that the Respondent, a licensed cosmetologist, was working on a client in a licensed shop while her license was expired as of August 31st, 2013 in violation of TENN. CODE ANN. § 62-4-108 [License required to practice or teach]. Further, the area inspector states Respondent left the shop but noted that no name tag was being worn in violation of TENN. COMP. R. & REG. 0440—2—.08(1)(a) [ATTIRE]; and that tools were not properly sanitized and stored and that wet sanitizer was not properly cleaned all in violation of TENN. COMP. R. & REG. 0440—2—.13 [SANITATION AND DISINFECTION]. Board office records indicate that the Respondent's license was renewed on May 10th, 2014.

Recommendation: Authorize a formal hearing with authority to settle the matter with a Consent Order for a civil penalty of \$1,000.00 for the instance of unlicensed conduct and \$250.00 for each of the other two violations for a total civil penalty of \$1,500.00.

Decision: Approved.

64. Case No.: L14-COS-RBS-2014009481

First License Obtained: N/A

License Expiration: N/A

Complaint history: None

A Notice of Violation issued on May 9th, 2014 alleges that the Respondent, an unlicensed individual, was working on a client in a licensed shop in violation of TENN. CODE ANN. § 62-4-108 [License required to practice or teach]. The Notice does not provide a valid mailing address for Respondent other than the address of the shop provided in the complaint file.

Recommendation: Authorize an immediate CEASE AND DESIST against unlicensed activity and a formal hearing with authority to settle the matter with a Consent Order for a civil penalty of \$1,000.00 for the instance of unlicensed conduct, deliverable to the employing shop.

Decision: Approved.

65. Case No.: L14-COS-RBS-2014009491

First License Obtained: 01/04/1993

License Expiration: 08/31/2015

Complaint history: None

A Notice of Violation issued on May 9th, 2014 alleges that the area inspector observed an expired license displayed at a licensed shop in potential violation of TENN. CODE ANN. § 62-4-108 [License required to practice or teach]. According to the Notice, it appears that the Respondent was not present at the inspection time. Board office records indicate that the Respondent's license was renewed on September 2nd, 2013 and such license expires on August 31st, 2015. There is no complaint history for this Respondent.

Recommendation: Dismiss the case for lack of grounds for discipline.

Decision: Approved.

66. Case No.: L14-COS-RBS-2014009501

First License Obtained: N/A

License Expiration: N/A

Complaint history: None

A Notice of Violation issued on May 8th, 2014 alleges that the area inspector observed the Respondent, an unlicensed individual working on a client in a licensed shop in violation of TENN. CODE ANN. § 62-4-108 [License required to practice or teach].

Recommendation: Authorize an immediate CEASE AND DESIST against unlicensed activity and a formal hearing with authority to settle the matter with a Consent Order for a civil penalty of \$1,000.00 for the instance of unlicensed conduct, deliverable to the employing shop.

Decision: Approved.

67. Case No.: L14-COS-RBS-2014009431

First License Obtained: 12/12/2012

License Expiration: 11/30/2014

Complaint history: None

A Notice of Violation issued on May 9th, 2014 alleges that the Respondent, a licensed cosmetology shop, was allowing at least two (2) unlicensed individuals to provide cosmetology and/or manicure services in violation of TENN. CODE ANN. § 62-4-119 [Responsibilities of owner and manager of a shop]. Additionally, the area inspector states that name tags were not being worn in violation of TENN. COMP. R. & REG. 0440—2—.08(1)(a) [ATTIRE]; and that the Respondent's shop has inadequate wet sanitizers on work stations in violation of TENN.

COMP. R. & REG. 0440—2—.07(1)(f) [EQUIPMENT]. Furthermore, the area inspector has submitted a copy of an expired license for a licensee and stated that a valid license was not displayed at the Respondent's shop in violation of TENN. CODE ANN. § 62-4-119 [Responsibilities of owner and manager of a shop].

Recommendation: Authorize an immediate CEASE AND DESIST against unlicensed activity and a formal hearing with authority to settle the matter with a Consent Order for a civil penalty of \$1,000.00 for each of the two instances of unlicensed conduct and \$250.00 for each of the other three violations for a total civil penalty of \$2,750.00.

Decision: Approved.

68. Case No.: L14-COS-RBS-2014009531

First License Obtained: N/A

License Expiration: N/A

Complaint history: None

A Notice of Violation issued on May 2nd, 2014 alleges that the Respondent, an unlicensed individual, was working on a client in a licensed shop in violation of TENN. CODE ANN. § 62-4-108 [License required to practice or teach].

Recommendation: Authorize an immediate CEASE AND DESIST against unlicensed activity and a formal hearing with authority to settle the matter with a Consent Order for a civil penalty of \$1,000.00 for the instance of unlicensed conduct, deliverable to the employing shop.

Decision: Approved.

69. Case No.: L14-COS-RBS-2014009651

First License Obtained: 02/01/1980

License Expiration: 08/31/2014

Complaint history: None

A Notice of Violation issued on May 8th, 2014 alleges that the Respondent, a licensed cosmetologist/aesthetician (who is also a shop owner), was working on a client at her shop without wearing an identification tag in violation of TENN. COMP. R. & REG. 0440—2—.08(1)(a) [ATTIRE]. Further, according to the Notice, there was no covered container for dirty and clean towels and that wet sanitizer not properly cleaned all in violation of TENN. COMP. R.

& REG. 0440—2—.07 [EQUIPMENT]. This shop has been operating for over thirty years without a complaint.

Recommendation: Close the matter with a Letter of Caution.

Decision: Approved.

70. Case No.: L14-COS-RBS-2014009801

First License Obtained: 10/03/2006

License Expiration: 04/30/2016

Complaint history: None

A Notice of Violation issued on May 13th, 2014 alleges that the Respondent, a licensed cosmetology shop, did not have a valid shop license during its operation and at the inspection time in violation of TENN. CODE ANN. § 62-4-118(a) [Operation of a shop]. Board office records indicate that the Respondent's license was renewed on May 19th, 2014. There is no indication that there were actually any regulated services being provided during the period of expiration, and there is no complaint history for this Respondent.

Recommendation: Close the matter with a Letter of Warning.

Decision: Approved.

71. Case No.: L14-COS-RBS-2014009821

First License Obtained: 07/22/2010

License Expiration: 04/30/2016

Complaint history: None

A Notice of Violation issued on May 13th, 2014 alleges that the area inspector observed the owner of the Respondent's shop working on a client without wearing an identification tag in violation of TENN. COMP. R. & REG. 0440—2—.08(1)(a) [ATTIRE] and while the Respondent's shop license was expired as of April 30th, 2014 in violation of TENN. CODE ANN. § 62-4-118(a) [Operation of a shop]. Further, the area inspector observed several sanitation violations; including an unclean shampoo bowl and no cover container for trash and that pedicure bowl was not in sanitary condition in violation of Chapter 0440—02 of the Board's sanitary rules. Board office records indicate that the Respondent's license was renewed on May 19th, 2014.

Recommendation: Authorize a formal hearing with authority to settle the matter with a Consent Order for a civil penalty of \$1,000 for the instance of unlicensed activity and \$250.00 for each of the other two violations for a total civil penalty of \$1,500.

Decision: Approved.

72. Case No.: L14-COS-RBS-2014009831

First License Obtained: 11/23/2005

License Expiration: 11/30/2015

Complaint history: None

A Notice of Violation issued on May 13th, 2014 alleges that the area inspector observed the Respondent, a licensed cosmetologist (who is also owner of a shop), working on a client in her shop without wearing an identification tag in violation of TENN. COMP. R. & REG. 0440—2—.08(1)(a) [ATTIRE] and while the shop license was expired as of April 30th, 2014 in violation of TENN. CODE ANN. § 62-4-118(a) [Operation of a shop]. Further, the area inspector observed several sanitation violations in such shop; including an unclean shampoo bowl and no cover container for trash and that pedicure bowl was not in sanitary condition in violation of Chapter 0440—02 of the Board’s sanitary rules. Board office records indicate that the shop license was renewed on May 19th, 2014.

Recommendation: Authorize a formal hearing with authority to settle the matter with a Consent Order for a civil penalty of \$1,000 for the instance of unlicensed activity and \$250.00 for each of the other two violations for a total civil penalty of \$1,500.

Decision: Approved.

73. Case No.: L14-COS-RBS-2014009841

First License Obtained: 09/03/2008

License Expiration: 08/31/2014

Complaint history: None

A Notice of Violation issued on May 14th, 2014 alleges that the area inspector observed the owner of the Respondent’s shop working on a client with an expired cosmetology license in violation of TENN. CODE ANN. §§ 62-4-108 (License required to practice or teach) and 62-4-119 [Responsibilities of owner and manager of a shop]. Board office records indicate that the license in question was renewed on May 15th, 2014.

Recommendation: Authorize a formal hearing with authority to settle the matter with a Consent Order for a civil penalty of \$1,000 for the instance of unlicensed activity.

Decision: Approved.

74. Case No.: L14-COS-RBS-2014009851

First License Obtained: 04/18/2002

License Expiration: 04/30/2016

Complaint history: None

A Notice of Violation issued on May 14th, 2014 alleges that the area inspector observed the Respondent, a licensed cosmetologist (also owner of a shop) working on a client with an expired cosmetology license in violation of TENN. CODE ANN. §§ 62-4-108 (License required to practice or teach) and 62-4-119 [Responsibilities of owner and manager of a shop]. Board office records indicate that the license in question was renewed on May 15th, 2014.

Recommendation: Authorize a formal hearing with authority to settle the matter with a Consent Order for a civil penalty of \$1,000 for the instance of unlicensed activity.

Decision: Approved.

75. Case No.: L14-COS-RBS-2014009791

First License Obtained: 01/24/2005

License Expiration: 01/31/2015

Complaint history: None

A Notice of Violation issued on May 13th, 2014 alleges that the Respondent, a licensed cosmetologist shop manager, was operating a shop while its license was expired in violation of TENN. CODE ANN. § 62-4-118(a) [Operation of a shop]. Board office records indicate that the Respondent's license was renewed on May 19th, 2014.

Recommendation: Authorize a formal hearing with authority to settle the matter with a Consent Order for a civil penalty of \$1,000 for the instance of unlicensed activity.

Decision: Approved.

76. Case No.: L14-COS-RBS-2014009771

First License Obtained: 10/23/1995

License Expiration: 10/31/2015

Complaint history: None

A Notice of Violation issued on May 13th, 2014 alleges that the Respondent, a licensed manicurist, was practicing on a client but could not provide proof of her identity. The complaint file contains insufficient evidence to conclusively prove that the individual observed practicing is unlicensed nor does provide the name of this person who's presumably "unlicensed" to prove that she was not the Respondent to whom the Notice was issued. As such, a Letter of Warning is recommended.

Recommendation: Close the matter with a Letter of Warning.

Decision: Approved.

77. Case No.: L14-COS-RBS-2014009761

First License Obtained: 03/30/2000

License Expiration: 03/31/2016

Complaint history: None

A Notice of Violation issued on May 13th, 2014 alleges that the Respondent, a licensed manicurist manager of a shop, was not wearing an identification tag in violation of TENN. COMP. R. & REG. 0440—2—.08(1)(a) [ATTIRE]. Further, according to the Notice, the Respondent failed to ensure that the shop's clean and dirty towels were covered, that all of its products were labeled, and that the shop's grade score inspection sheet was posted, all in violation of TENN. CODE ANN. § 62-4-119 [Responsibilities of owner and manager of a shop]. The Notice also states the same allegation relative to the individual without a license as described in item 76 above.

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

Decision: Approved.

78. Case No.: L14-COS-RBS-2014009741

First License Obtained: 02/08/2012  
License Expiration: 01/31/2016  
Complaint history: 2013006001, closed with a Letter of Warning

A Notice of Violation issued on May 13th, 2014 alleges that the area inspector observed the owner and manager of a licensed manicure shop were not wearing an identification tags in violation of TENN. COMP. R. & REG. 0440—2—.08(1)(a) [ATTIRE]. Further, according to the Notice, the Respondent's shop failed to ensure that its clean and dirty towels were covered, that all of its products were labeled, and that the Respondent's grade score inspection sheet was posted, all in violation of TENN. CODE ANN. § 62-4-119 [Responsibilities of owner and manager of a shop]. The Notice also states the same allegation relative to the individual without a license as described in item 76 above.

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

Decision: Approved.

79. Case No.: L14-COS-RBS-2014009751

First License Obtained: 03/06/1996  
License Expiration: 03/31/2016  
Complaint history: None

A Notice of Violation issued on May 13th, 2014 alleges that hat the Respondent, a licensed manicurist (who is also an owner of a shop), was not wearing an identification tag in violation of TENN. COMP. R. & REG. 0440—2—.08(1)(a) [ATTIRE]. Further, according to the Notice, the Respondent failed to ensure that the shop's clean and dirty towels were covered, that all of its products were labeled, and that the shop's grade score inspection sheet was posted, all in violation of TENN. CODE ANN. § 62-4-119 [Responsibilities of owner and manager of a shop]. The Notice also states the same allegation described in item 76 above.

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

Decision: Approved.

80. Case No.: L14-COS-RBS-2014009291

First License Obtained:

License Expiration:

Complaint history: 2007061581, dismissed; 2008018621, closed w/\$500 civil penalty paid via Consent Order; 2009017821, closed w/no action; 2010017771, closed w/\$500 civil penalty paid via Consent Order; 2010028611, closed w/no action

A Notice of Violation issued on June 7th, 2014 alleges that, during a lawful inspection at a licensed cosmetology school, the area inspector observed several sanitation violations; including, trash at the back door with no covers in violation of TENN. COMP. R. & REG. 0440—2—.14 [TRASH CONTAINERS], no wet sterilizer at the work stations in violation of TENN. COMP. R. & REG. 0440—1—.01(g), students were not wearing a uniform in violation of TENN. COMP. R. & REG. 0440—2—.08(2) [ATTIRE], students' kits were not properly clean in violation of TENN. COMP. R. & REG. 0440—2—.13(2) [SANITATION AND DISINFECTION], shampoo bowls need repairing in violation of TENN. COMP. R. & REG. 0440—2—.13(11) [SANITATION AND DISINFECTION]. Further, according to the Notice, the area inspector found that the Respondent has inadequate lighting and exposed surfaces were not cleaned all in violation of TENN. COMP. R. & REG. 0440—2—.06 [FACILITIES], and also observed an inspection sheet posted that was completed by the Board member, but the inspection sheet completed by the area inspector was not posted in violation of TENN. COMP. R. & REG. 0440—2—.05 [INSPECTIONS].

Recommendation: Authorize a formal hearing with authority to settle with a Consent Order for a civil penalty of \$250.00 for each of the seven violated authorities for a total civil penalty of \$1,750.00.

Decision: Approved.

81. Case No.: L14-COS-RBS-2014010251

First License Obtained: 01/07/1993

License Expiration: 03/31/2013

Complaint history: None

A Notice of Violation issued on May 13th, 2014 alleges that the Respondent, a cosmetologist and presumably the shop manager, was operating a shop while its license was expired and while her personal license was also expired all in violation of TENN. CODE ANN. §§ 62-4-108 [License required to practice or teach] and 62-4-119 [Responsibilities of owner and manager of a shop].

Recommendation: Authorize an immediate CEASE AND DESIST order and a formal hearing with authority to settle with a Consent Order for a civil penalty of \$1,000.00 for each of the two instance of unlicensed conduct for a total civil penalty of \$2,000.00.

Decision: Approved.

82. Case No.: L14-COS-RBS-2014010241

First License Obtained: 04/27/2004

License Expiration: 04/30/2014

Complaint history: None

A Notice of Violation issued on May 13th, 2014 alleges that the Respondent, a cosmetology shop, was operating while its shop license was expired in violation of TENN. CODE ANN. § 62-4-118(a) [Operation of a shop], and also was allowing its manager to engage in cosmetology activity on an expired license in violation of TENN. CODE ANN. §§ 62-4-108 [License required to practice or teach] and 62-4-119 [Responsibilities of owner and manager of a shop].

Recommendation: Authorize an immediate CEASE AND DESIST order and a formal hearing with authority to settle with a Consent Order for a civil penalty of \$1,000.00 for each of the two instance of unlicensed conduct for a total civil penalty of \$2,000.00.

Decision: Approved.

83. Case No.: L14-COS-RBS-2014010261

First License Obtained: 07/25/2013

License Expiration: 05/31/2015

Complaint history: None

A Notice of Violation issued on May 15th, 2014 alleges that the area inspector observed an individual performing a pedicure service at a licensed manicure shop whereas she advised that no manager was present and later left the shop through the back door all in violation of TENN. CODE ANN. § 62-4-119 [Responsibilities of owner and manager of a shop].

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

Decision: Approved.

84. Case No.: L14-COS-RBS-2014010271

First License Obtained: 10/29/2003

License Expiration: 10/31/2013

Complaint history: None

A Notice of Violation issued on May 15th, 2014 alleges that the Respondent, the owner of the above shop in item #83, was allowing an unlicensed individual to perform cosmetology related services and while no manager was present in his/her shop all in violation of TENN. CODE ANN. § 62-4-119 [Responsibilities of owner and manager of a shop].

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

Decision: Approved.

85. Case No.: L14-COS-RBS-2014010281

First License Obtained: 07/15/1988

License Expiration: 07/31/2015

Complaint history: None

A Notice of Violation issued on May 15th, 2014 alleges that, during a lawful inspection at a licensed cosmetology shop, the area inspector found that the Respondent's owner license was expired as of September 30, 2013 in potential violation of TENN. CODE ANN. § 62-4-108 [License required to practice or teach]. The Notice does not indicate that cosmetology services were being performed at the time of the inspection. Board office records indicate that the license in question has been now renewed. The Respondent shop has operated for over twenty-five years without a complaint.

Recommendation: Close the case with a Letter of Warning.

Decision: Approved.

86. Case No.: L14-COS-RBS-2014010291

First License Obtained: 04/20/1990

License Expiration: 09/30/2015

Complaint history: None

A Notice of Violation issued on May 15th, 2014 alleges that, during a lawful inspection at a licensed cosmetology shop, the area inspector found that the Respondent's cosmetologist license was expired as of September 30th, 2013 in potential violation of TENN. CODE ANN. § 62-4-108 [License required to practice or teach]. The Notice does not indicate that cosmetology services were being performed at the time of the inspection. Board office records indicate that the license in question has been now renewed. The Respondent shop has operated for almost twenty-five years without a complaint.

Recommendation: Close the case with a Letter of Warning.

Decision: Approved.

87. Case No.: L14-COS-RBS-2014010491

First License Obtained:

License Expiration:

Complaint history: Violation issued on 09/06/96 paid \$100 via Consent Order; violation issued on 02/05/1998 paid \$300 via Consent Order; violation issued on 01/26/99 paid \$500 via Consent Order; violation issued on 03-26-99 paid \$500 via Consent Order; violation issued on 05/03/2000 paid \$500 via Consent Order; violation on 08/31/01 paid \$4,100 via Consent Order with a probation period two (2) years; 2001024561, dismissed; 2008022551, closed w/\$1,200 paid via Agreed Order;

A Notice of Violation issued on May 20th, 2014 alleges that, during a lawful inspection at a licensed manicure shop, the area inspector observed two (2) expired licenses posted in the Respondent's shop and that one licensee was working on a pocket license all in violation of TENN. CODE ANN. § 62-4-119 [Responsibilities of owner and manager of a shop]. Further, according to the Notice, the area inspector observed drill bits left on drill with nail dust which was not sanitized or stored in violation of TENN. COMP. R. & REG. 0440—2—.06 [FACILITIES], that there was no closed container for clean and dirty towels in violation of TENN. COMP. R. & REG. 0440—2—.07 [EQUIPMENT], and that files and buffers which were improperly stored in violation of TENN. COMP. R. & REG. 0440—2—.13 [SANITATION AND DISINFECTION], and further observed a licensee working on a client's nails without wearing an identification tag – the inspector states that the licensee did stop and put on the name tag after he saw him in violation of TENN. COMP. R. & REG. 0440—2—.08(1)(a) [ATTIRE].

Recommendation: Authorize a formal hearing with authority to settle with a Consent Order for a civil penalty of \$250.00 for each of the five identified violations for a total civil penalty of \$1,250.00.

Decision: Approved.

88. Case No.: L14-COS-RBS-2014010501

First License Obtained: 06/19/1997

License Expiration: 06/30/2015

Complaint history: None

A Notice of Violation issued on May 20th, 2014 alleges that, the Respondent, owner and manager of a licensed manicure shop, was allowing a licensee to work on pocket license and also failed to ensure that all licenses posted were valid in violation of TENN. CODE ANN. § 62-4-119 [Responsibilities of owner and manager of a shop]. Further, according to the Notice, the area inspector observed drill bits left on drill with nail dust which was not sanitized or stored in violation of TENN. COMP. R. & REG. 0440—2—.06 [FACILITIES], that there was no closed container for clean and dirty towels in violation of TENN. COMP. R. & REG. 0440—2—.07 [EQUIPMENT], and that files and buffers were improperly stored in violation of TENN. COMP. R. & REG. 0440—2—.13 [SANITATION AND DISINFECTION].

Recommendation: Authorize a formal hearing with authority to settle with a Consent Order for a civil penalty of \$250.00 for each of the four identified violations for a total civil penalty of \$1,000.00.

Decision: Approved.

89. Case No.: L14-COS-RBS-2014010531

First License Obtained: 05/19/2010

License Expiration: 05/31/2016

Complaint history: None

A Notice of Violation issued on May 20th, 2014 alleges that the Respondent, a licensed cosmetology, was working at a licensed shop on a pocket license; specifically, no wall license was posted for Respondent at such shop in violation of TENN. CODE ANN. § 62-4-113(a)(1). There is no complaint history for this Respondent.

Recommendation: Close the matter with a Letter of Warning.

Decision: Approved.

90. Case No.: L14-COS-RBS-2014010581

First License Obtained: 06/20/2007

License Expiration: 03/31/2015

Complaint history: None

A Notice of Violation issued on May 20th, 2014 alleges that the Respondent, a licensed cosmetology shop, was open for business with no manager was present in violation of TENN. CODE ANN. § 62-4-118(b)(1) [Operation of a shop] and TENN. COMP. R. & REG. 0440—2—.03(2) [RESPONSIBILITY FOR COMPLIANCE]. The Notice also alleges that the Respondent's shop license was not displayed in violation of TENN. CODE ANN. § 62-4-118(a) [Operation of a shop].

Recommendation: Authorize a formal hearing with authority to settle 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.

Decision: Approved.

91. Case No.: L14-COS-RBS-2014010591

First License Obtained: 10/29/2007

License Expiration: 10/31/2015

Complaint history: None

A Notice of Violation issued on May 20th, 2014 alleges that, during a lawful inspection at a licensed cosmetology shop, the area inspector observed that there was no shop sign posted outside the Respondent's shop in violation of TENN. CODE ANN. § 62-4-126 [IDENTIFICATION; SIGNS], and that the Respondent's grade score inspection sheet was not posted in violation of TENN. COMP. R. & REG. 0440—2—.05(2) [INSPECTIONS], and that there was no separate entrance between the shop and the living area in violation of TENN. CODE ANN. § 62-4-125(b)(2) [Health and safety rules and regulations].

Recommendation: Authorize a formal hearing with authority to settle 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.

Decision: Approved.

92. Case No.: L14-COS-RBS-2014010421

First License Obtained: 03/31/2008

License Expiration: 03/31/2016

Complaint history: None

A Notice of Violation issued on May 16th, 2014 alleges that, during a lawful inspection at a licensed cosmetology shop, the area inspector found that the Respondent's cosmetologist license was expired as of March 31st, 2014 in potential violation of TENN. CODE ANN. § 62-4-108 [License required to practice or teach]. The complaint file contains an inspection report noted that Respondent was not present (and therefore was not performing cosmetology services) at the time of the inspection. Board office records indicate that the Respondent's license was renewed on May 17th, 2014. There is no complaint history for this Respondent.

Recommendation: Close the matter with a Letter of Warning.

Decision: Approved.

93. Case No.: L14-COS-RBS-2014010411

First License Obtained: 05/15/2013

License Expiration: 05/31/2015

Complaint history: None

A Notice of Violation issued on May 16th, 2014 alleges that, during a lawful inspection at the Respondent's cosmetology shop, the area inspector found that the Respondent's owner cosmetologist license was expired as of March 31st, 2014 in potential violation of TENN. CODE ANN. § 62-4-108 [License required to practice or teach]. The complaint file contains an inspection report noted that the Respondent's shop owner was not present (and therefore was not performing cosmetology services) at the time of the inspection. Board office records indicate that the license in question was renewed on May 17th, 2014. There is no complaint history for this Respondent.

Recommendation: Close the matter with a Letter of Warning.

Decision: Approved.

94. Case No.: L14-COS-RBS-2014010471

First License Obtained: N/A

License Expiration: N/A

Complaint history: None

A Notice of Violation issued on May 20th, 2014 alleges that the Respondent, an unlicensed individual, was cutting a client's hair in an unlicensed shop in violation of TENN. CODE ANN. § 62-4-108 [License required to practice or teach].

Recommendation: Authorize and immediate CEASE AND DESIST order and a formal hearing with authority to settle the matter with a Consent Order with a civil penalty of \$1,000.00.

Decision: Approved.

95. Case No.: L14-COS-RBS-2014010461

First License Obtained: N/A

License Expiration: N/A

Complaint history: None

A Notice of Violation issued on May 20th, 2014 alleges that, during a lawful inspection, the area inspector observed that the Respondent's shop was open for business and an unlicensed individual was cutting a client's hair in the shop without possessing a valid Board-issued shop license in violation of TENN. CODE ANN. § 62-4-118(a) [Operation of a shop].

Recommendation: Authorize and immediate CEASE AND DESIST order and a formal hearing with authority to settle the matter with a Consent Order with a civil penalty of \$1,000.00.

Decision: Approved.

96. Case No.: L14-COS-RBS-2014010321

First License Obtained: 09/18/1979

License Expiration: 10/31/2015

Complaint history:

A Notice of Violation issued on May 14th, 2014 alleges that, during a lawful inspection, the area inspector observed that a licensee, who is also a co-owner of the Respondent's shop, working on a client's hair while the Respondent's shop license was expired as October 31st, 2013 in violation of TENN. CODE ANN. § 62-4-118(a) [Operation of a shop]. Board office records indicate that the shop license in question was renewed on May 15th, 2014. There does not appear to be a complaint history for this Respondent, who has been operating for thirty-five years without incident.

Recommendation: Close the matter with a Letter of Warning.

Decision: Approved.

97. Case No.: L14-COS-RBS-2014010331

First License Obtained: 12/18/1995

License Expiration: 06/30/2016

Complaint history: None

A Notice of Violation issued on May 14th, 2014 alleges that the Respondent, a manager and a co-owner of a cosmetology shop, was operating such shop while its license was expired in violation of TENN. CODE ANN. § 62-4-119 [Responsibilities of owner and manager of a shop]. Board office records indicate that the shop license in question was renewed on May 15th, 2014. There is no indication that regulated services were actually being provided at the time of the inspection, and there is no complaint history for this Respondent that has operated for almost twenty years without incident.

Recommendation: Close the matter with a Letter of Warning.

Decision: Approved.

98. Case No.: L14-COS-RBS-2014010621

First License Obtained: 03/23/2011

License Expiration: 03/31/2013

Complaint history: 2012008511, Formal Charges Authorized

A Notice of Violation issued on May 22nd, 2014 alleges that the Respondent, a manicure shop, was open for business whereas the owner of the Respondent's shop was performing a nail service on a client while the Respondent's shop license was expired as of March 31st, 2013. The former Board of Cosmetology had previously authorized a formal hearing against Respondent for violations of the Cosmetology Act and/or rules.

Recommendation: Combine this matter with the existing one that is approved for a formal hearing.

Decision: Approved.

99. Case No.: L14-COS-RBS-2014010611

First License Obtained: 07/07/2000

License Expiration: 07/31/2014

Complaint history: None

A Notice of Violation issued on May 22nd, 2014 alleges that the Respondent, an owner and a manager of a manicure shop, was operating her shop while its license was expired in violation of TENN. CODE ANN. § 62-4-119 [Responsibilities of owner and manager of a shop]. The complaint materials indicate that regulated services were being provided during the time of expiration.

Recommendation: Authorize and immediate CEASE AND DESIST order against unlicensed activity and a formal hearing with authority to settle the matter with a Consent Order with a civil penalty of \$1,000.00.

Decision: Approved.

100. Case No.: L14-COS-RBS-2014010631

First License Obtained: 06/05/2013

License Expiration: 05/31/2015

Complaint history: None

A Notice of Violation issued on May 21st, 2014 alleges that the Respondent, a licensed manicure shop, did not have a finger bowl for each work station as required by TENN. COMP. R. & REG. 0440—2—.07(3)(i) [EQUIPMENT], and that tools were not properly cleaned in violation of TENN. COMP. R. & REG. 0440—2—.13 [SANITATION AND DISINFECTION]. Further,

according to the Notice, the area inspector found that the Respondent was allowing services not authorized by the shop's license such as waxing in violation of TENN. CODE ANN. § 62-4-119 [Responsibilities of owner and manager of a shop], and that the Respondent failed to ensure that there was a covered container for cotton balls and swabs for each work station and also observed a container at the work station which was not properly labeled all in violation of TENN. COMP. R. & REG. 0440—2—.07(3) [EQUIPMENT], and further found that three licensed manicurist were not wearing their name tags in violation of TENN. COMP. R. & REG. 0440—2—.08(1)(a) [ATTIRE].

Recommendation: Authorize and immediate CEASE AND DESIST order against unauthorized activity and a formal hearing with authority to settle the matter with a Consent Order with a civil penalty of \$1,000.00 for the instance of unauthorized activity and a civil penalty of \$250.00 for each of the other four identified violations for a total civil penalty of \$2,000.00.

Decision: Approved.

101. Case No.: L14-COS-RBS-2014010641

First License Obtained: 08/21/2013

License Expiration: 08/31/2015

Complaint history: None

A Notice of Violation issued on May 21st, 2014 alleges that the Respondent, who is the owner and manager of a licensed manicure shop, failed to ensure that such shop has a finger bowl at each work station as required by TENN. COMP. R. & REG. 0440—2—.07(3)(i) [EQUIPMENT], and failed to ensure that tools were properly cleaned in violation of TENN. COMP. R. & REG. 0440—2—.13 [SANITATION AND DISINFECTION]. Further, according to the Notice, the area inspector found that the Respondent was allowing services not authorized by shop license such as waxing in violation of TENN. CODE ANN. § 62-4-119 [Responsibilities of owner and manager of a shop], and that the Respondent failed to ensure that there was a covered container for cotton balls and swabs per work station and also observed a container at the work station which was not properly labeled as required by TENN. COMP. R. & REG. 0440—2—.07(3) [EQUIPMENT], and further found that three licensed manicurist were not wearing their name tags in violation of TENN. COMP. R. & REG. 0440—2—.08(1)(a) [ATTIRE].

Recommendation: Authorize and immediate CEASE AND DESIST order against unauthorized activity and a formal hearing with authority to settle the matter with a Consent Order with a civil penalty of \$1,000.00 for the instance of unauthorized activity and a civil penalty of \$250.00 for each of the other four identified violations for a total civil penalty of \$2,000.00.

Decision: Approved.

102. Case No.: L14-COS-RBS-2014007371

First License Obtained: 08/26/2009

License Expiration: 08/31/2015

Complaint history: None

A Notice of Violation issued on April 15th, 2014 alleges that the Respondent, a licensed manicurist and aesthetician (who is also the owner and manager of a manicurist/skincare shop), was practicing a manicure on a client but her aesthetician license was expired. Further investigation of this matter revealed that the Respondent was practicing manicuring with a valid manicurist license at the time of the inspection. Board office records indicate that the Respondent's aesthetician license has been now renewed. Because the Respondent appears to have no prior disciplinary history with the Board, a Letter of Warning is recommended.

Recommendation: Close the matter with a Letter of Warning against providing unauthorized services.

Decision: Approved.

103. Case No.: L14-COS-RBS-2014015401

First License Obtained: 10/16/2013

License Expiration: 09/30/2015

Complaint history: None

A Notice of Violation issued on June 20th, 2014 alleges that the Respondent, a licensed manicurist/skincare shop, was allowing two (2) individuals to provide services in the Respondent's shop without possessing a valid license issued by the Board in violation of TENN. CODE ANN. §§ 62-4-108 [License required to practice or teach] and 62-4-119(1)-(3) [Responsibilities of owner and manager of a shop]. The complaint file contains a signed affidavit by the owner of the Respondent's shop admitting to employing two (2) unlicensed individuals and attempting to bribe the Board's representative with money to overlook the license status of those unlicensed individuals found during the inspection in violation of TENN. CODE ANN. § 62-4-127(b)(2) [Inspections – Cause for suspension, revocation, or for denial of license].

Recommendation: Authorize an immediate CEASE AND DESIST order against unlicensed conduct and a formal hearing with authority to settle the matter with a Consent Order for

revocation of the shop license and a civil penalty of \$1,000.00 for each of the two identified violations for a total civil penalty of \$2,000.00.

Decision: Approved.

104. Case No.: L14-COS-RBS-2014015411

First License Obtained: 09/11/1996

License Expiration: 09/30/2014

Complaint history: None

A Notice of Violation issued on June 20th, 2014 alleges that the Respondent, a licensed manicurist (who is also the owner of the aforementioned shop in item #105), was employing two (2) individuals to provide pedicure services without possessing a valid license issued by the Board in violation of TENN. CODE ANN. §§ 62-4-108 [License required to practice or teach] and 62-4-119(1)-(3) [Responsibilities of owner and manager of a shop]. The complaint file contains a signed affidavit by the Respondent admitting to employing two (2) unlicensed individuals and attempting to bribe the Board's representative with money to overlook the license status of those unlicensed individuals found practicing during the inspection in violation of TENN. CODE ANN. § 62-4-127(b)(2) [Inspections – Cause for suspension, revocation, or for denial of license].

Recommendation: Authorize an immediate CEASE AND DESIST order against unlicensed conduct and a formal hearing with authority to settle the matter with a Consent Order for revocation of license and a civil penalty of \$1,000.00 for each of the two identified violations for a total civil penalty of \$2,000.00.

Decision: Approved.

105. Case No.: L14-COS-RBS-2014015421

First License Obtained: 01/22/2013

License Expiration: 01/31/2015

Complaint history: None

A Notice of Violation issued on June 20th, 2014 alleges that the Respondent, a licensed manicurist, was allowing two (2) unlicensed individuals to provide pedicure services while managing the above shop in item #105 in violation of TENN. CODE ANN. §§ 62-4-108 [License required to practice or teach] and 62-4-119(1)-(3) [Responsibilities of owner and

manager of a shop]. The complaint file contains a signed affidavit by the Respondent admitting to the unlicensed activity as described above in item #105 in violation of TENN. CODE ANN. § 62-4-127(b)(2) [Inspections – Cause for suspension, revocation, or for denial of license].

Recommendation: Authorize an immediate CEASE AND DESIST order against unlicensed conduct and a formal hearing with authority to settle the matter with a Consent Order for revocation of license and a civil penalty of \$1,000.00.

Decision: Approved.

106. Case No.: L14-COS-RBS-2014014111

First License Obtained: 07/03/2013

License Expiration: 06/30/2016

Complaint history: None

A Notice of Violation issued on June 13th, 2014 alleges that, during a lawful inspection at a skincare shop, the area inspector found that the Respondent had relocated its shop to a new location without submitting an application for change of location and passing the required inspection in violation of TENN. CODE ANN. § 62-4-118(d) [Operation of a shop]. On that day, the area inspector observed the owner of the Respondent's shop working on a client applying eyelashes without wearing a name tag in violation of TENN. COMP. R. & REG. 0440—2—.08(1)(a) [ATTIRE]. Board office records indicate that an application for change of location was submitted to the Board on June 20th, 2014 and such application was approved on July 3rd, 2014.

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.

Decision: Approved.

107. Case No.: L14-COS-RBS-2014014181

First License Obtained: 02/22/1988

License Expiration: 03/31/2016

Complaint history: None

A Notice of Violation issued on June 17th, 2014 alleges that, during a lawful inspection at a licensed cosmetology shop, the area inspector found that the Respondent's cosmetology license

was expired as of March 31st, 2014 in potential violation of TENN. CODE ANN. § 62-4-108 [License required to practice or teach]. Board office records indicate that the Respondent's license was renewed on June 20th, 2014. The complaint file contains insufficient facts and insufficient evidence to determine whether or not the Respondent was practicing at the inspection time. As such, a Letter of Warning is recommended.

Recommendation: Close the matter with a Letter of Warning.

Decision: Approved.

108. Case No.: L14-COS-RBS-2014014361

First License Obtained: 02/22/2012

License Expiration: 02/28/2016

Complaint history: None

A Notice of Violation issued on June 18th, 2014 alleges that the Respondent, a licensed cosmetologist shop manager, failed to ensure that all employees' licenses were valid; specifically, the area inspector found a licensee's license was expired as of December 31st, 2013 in potential in violation of TENN. CODE ANN. § 62-4-119(1)(3) [Responsibilities of owner and manager of a shop]. Board office records indicate that the licensee's license was renewed on June 20th, 2014. The complaint file contains insufficient facts and insufficient evidence to determine whether or not the licensee in question was practicing at the time of the inspection. As such, a Letter of Warning is recommended.

Recommendation: Close the matter with a Letter of Warning.

Decision: Approved.

109. Case No.: L14-COS-RBS-2014014351

First License Obtained: 11/02/2011

License Expiration: 10/31/2015

Complaint history: None

A Notice of Violation issued on June 18th, 2014 alleges that the Respondent, a licensed cosmetology shop, failed to ensure that all employees' licenses are valid; specifically, the area inspector found a licensee's license was expired as of December 31st, 2013 in potential in violation of TENN. CODE ANN. § 62-4-119(1)-(3) [Responsibilities of owner and manager of a

shop]. Board office records indicate that the licensee's license was renewed on June 20th, 2014. The complaint file contains insufficient facts and insufficient evidence to determine whether or not the licensee in question was practicing at the time of inspection. As such, a Letter of Warning is recommended.

Recommendation: Close the matter with a Letter of Warning.

Decision: Approved.

110. Case No.: L14-COS-RBS-2014014371

First License Obtained: 01/02/1998

License Expiration: 12/31/2015

Complaint history: None

A Notice of Violation issued on June 18th, 2014 alleges that the Respondent's cosmetology license was expired as of December 31st, 2013 in potential violation of TENN. CODE ANN. § 62-4-108 [License required to practice or teach]. Board office records indicate that the licensee's license was renewed on June 20th, 2014. The complaint file contains insufficient facts and insufficient evidence to determine whether or not the Respondent was practicing at the time of the inspection. As such, a Letter of Warning is recommended.

Recommendation: Close the matter with a Letter of Warning.

Decision: Approved.

111. Case No.: L14-COS-RBS-2014014171

First License Obtained: 10/16/2013

License Expiration: 09/30/2015

Complaint history: None

A Notice of Violation issued on June 17th, 2014 alleges that, during a lawful inspection at a licensed cosmetology shop, the area inspector found that the cosmetology license of the Respondent's owner and manager was expired as of March 31st, 2014 in potential violation of TENN. CODE ANN. § 62-4-108 [License required to practice or teach]. Board office records indicate that the license in question was renewed on June 20th, 2014. The complaint file contains insufficient facts and insufficient evidence to determine whether or not the licensee was practicing at the time of the inspection. As such, a Letter of Warning is recommended.

Recommendation: Close the matter with a Letter of Warning.

Decision: Approved.

112. Case No.: L14-COS-RBS-2014014221

First License Obtained: 10/22/2008

License Expiration: 10/31/2014

Complaint history: None

A Notice of Violation issued on June 17th, 2014 alleges that, during a lawful inspection at a licensed manicure shop, the area inspector observed the Respondent working on a pedicure customer without wearing a name tag in violation of TENN. COMP. R. & REG. 0440—2—.08(1)(a) [ATTIRE].

Recommendation: Close the matter with a Letter of Warning.

Decision: Approved.

113. Case No.: L14-COS-RBS-2014014211

First License Obtained: 10/13/2008

License Expiration: 10/31/2014

Complaint history: None

A Notice of Violation issued on June 17th, 2014 alleges that, during a lawful inspection at a licensed manicure shop, the area inspector observed the Respondent working on a pedicure customer on a pocket license in violation of TENN. CODE ANN. § 62-4-113(a)(1) and without wearing a name tag in violation of TENN. COMP. R. & REG. 0440—2—.08(1)(a) [ATTIRE].

Recommendation: Close the matter with a Letter of Warning.

Decision: Approved.

114. Case No.: L14-COS-RBS-2014014201

First License Obtained: 07/01/1997

License Expiration: 06/30/2015

Complaint history: None

A Notice of Violation issued on June 17th, 2014 alleges that the Respondent, a licensed manicurist manager of a shop, was working on a pedicure customer without wearing a name tag in violation of TENN. COMP. R. & REG. 0440—2—.08(1)(a) [ATTIRE], and also was allowing three (3) others to work without ID tags, including one working on a pocket license all in violation of TENN. CODE ANN. § 62-4-119(3) [Responsibilities of owner and manager of a 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.

Decision: Approved.

115. Case No.: L14-COS-RBS-2014014241

First License Obtained: 03/28/2012

License Expiration: 03/31/2016

Complaint history: None

A Notice of Violation issued on June 17th, 2014 alleges that, during a lawful inspection at a licensed manicure shop, the area inspector observed the Respondent working on a pedicure customer without wearing a name tag in violation of TENN. COMP. R. & REG. 0440—2—.08(1)(a) [ATTIRE].

Recommendation: Close the matter with a Letter of Warning.

Decision: Approved.

116. Case No.: L14-COS-RBS-2014014191

First License Obtained: 04/25/2013

License Expiration: 04/30/2015

Complaint history: None

A Notice of Violation issued on June 17th, 2014 alleges that the Respondent, a licensed manicure shop, was allowing four (4) licensees to work on clients without wearing a name tag, including one working on a pocket license all in violation of TENN. CODE ANN. § 62-4-119(3) [Responsibilities of owner and manager of a 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.

Decision: Approved.

117. Case No.: L14-COS-RBS-2014014271

First License Obtained: 01/05/2011

License Expiration: 01/31/2015

Complaint history: None

A Notice of Violation issued on June 13th, 2014 alleges that the Respondent, owner and manager of a licensed manicure shop, was allowing an individual to work on an expired license in violation of TENN. CODE ANN. § 62-4-119(1)-(3) [Responsibilities of owner and manager of a shop]. Further, according to the Notice, the area inspector observed five (5) people not wearing their name tags and found that two (2) work stations which were unclean all in violation of TENN. CODE ANN. § 62-4-119(3) [Responsibilities of owner and manager of a shop]. Board office records indicate the licensee's license was renewed on June 14, 2014.

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.

Decision: Approved.

118. Case No.: L14-COS-RBS-2014014261

First License Obtained:

License Expiration:

Complaint history: 2012003981, closed w/\$500 civil penalty via Consent Order; 2012017631, closed w/\$500 civil penalty paid via Consent Order; 2013013801, closed w/\$750 civil penalty paid via Consent Order

A Notice of Violation issued on June 13th, 2014 alleges that the Respondent, a licensed manicure shop, was allowing an individual to work on an expired license in violation of TENN. CODE ANN. § 62-4-119(1)-(3) [Responsibilities of owner and manager of a shop]. Further,

according to the Notice, the area inspector observed five (5) people not wearing their name tags and found that two (2) work stations which were unclean all in violation of TENN. CODE ANN. § 62-4-119(3) [Responsibilities of owner and manager of a shop]. Board office records indicate the licensee's license was renewed on June 14th, 2014.

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.

Decision: Approved.

119. Case No.: L14-COS-RBS-2014014381

First License Obtained: 04/06/2006

License Expiration: 04/30/2016

Complaint history: None

A Notice of Violation issued on June 13th, 2014 alleges that the Respondent, a licensed manicurist, was working on an expired license in violation of TENN. CODE ANN. § 62-4-108 [License required to practice or teach]. Board office records indicate the licensee's license was renewed on June 14th, 2014.

Recommendation: Authorize a formal hearing with authority to settle the matter with a Consent Order for a civil penalty of \$1,000.00 for the instance of unlicensed practice.

Decision: Approved.

120. Case No.: L14-COS-RBS-2014014281

First License Obtained: 04/22/2013

License Expiration: 02/28/2015

Complaint history: None

A Notice of Violation issued on June 18th, 2014 alleges that, during a lawful inspection at a manicure shop, the area inspector observed the owner and manager of the Respondent's shop working on an expired license in violation of TENN. CODE ANN. § 62-4-119(1)-(3) [Responsibilities of owner and manager of a shop]. Board office records indicate the license in question was renewed on June 19th, 2014.

Recommendation: Authorize a formal hearing with authority to settle the matter with a Consent Order for a civil penalty of \$1,000.00 for the instance of unlicensed practice.

Decision: Approved.

121. Case No.: L14-COS-RBS-2014014291

First License Obtained: 05/23/1996

License Expiration: 05/31/2016

Complaint history: None

A Notice of Violation issued on June 18th, 2014 alleges that, during a lawful inspection at a manicure shop, the area inspector found the Respondent working on an expired license in violation of TENN. CODE ANN. §§ 62-4-108 [License required to practice or teach] and 62-4-119(1)-(3) [Responsibilities of owner and manager of a shop]. Board office records indicate the license in question was renewed on June 19th, 2014.

Recommendation: Authorize a formal hearing with authority to settle the matter with a Consent Order for a civil penalty of \$1,000.00 for the instance of unlicensed practice.

Decision: Approved.

#### COMPLAINTS OPENED ADMINISTRATIVELY

1. Case No.: L14-COS-RBS-2014011581

First License Obtained: 07/17/2006

License Expiration: 07/31/2016

Complaint history: 2013022711, closed w/Letter of Warning

This complaint alleges that the Respondent, a licensed cosmetologist (who is also an owner of a licensed cosmetology and manicure shop), failed to ensure that his shop was operating in compliance with the Board's laws and rules; specifically, pursuant to a lawful inspection, the area inspector found that the Respondent's shop did not have a licensed manager present during the operation of such shop and also observed containers for cosmetic products which were not properly labeled in the shop all in violation of TENN. CODE ANN. § 62-4-119(3) [Responsibilities of owner and manager of a shop]. This inspection is a follow-up to a recent inspection in order to determine if the violations are continuing. Board records indicate that this

Respondent owns two shops, of which this is one. This shop has been assessed substantial civil penalties over the last few years, yet the shop continues to violate the Board's law and rules upon each inspection.

Recommendation: Authorize a formal hearing with authority to settle the matter with a Consent Order for revocation of Respondent's license and a civil penalty of \$1,000.00 for failing to assure that the shop is in compliance with the Board's law and rules.

Decision: Approved.

2. Case No.: L14-COS-RBS-2014016321

First License Obtained: 04/23/2012

License Expiration: 04/30/2014

Complaint history: None

This complaint alleges that the Respondent, a licensed manicurist (who is also owner of a licensed manicurist/skin care shop), failed to ensure that his shop was operating in compliance with the Board's laws and rules; specifically, pursuant to a lawful inspection, the area inspector observed an unlicensed individual providing manicure and services in the Respondent's shop in two different occasions in violation of TENN. CODE ANN. § 62-4-119 (1)-(3) [Responsibilities of owner and manager of shop]. During the course of the shop's inspection, it was alleged that an individual from the Respondent's shop attempted to bribe the inspector in violation of TENN. CODE ANN. § 62-4-127(b) [Inspections – Cause for suspension, revocation, or for denial of license]. Board office records indicate that the Respondent has not renewed his manicurist license since April 30, 2014.

Recommendation: Authorize a formal hearing with authority to settle the matter with a Consent Order for revocation of Respondent's right to renew his license and a civil penalty of \$1,000.00.

Decision: Approved.

3. Case No.: L14-COS-RBS-2014010021

First License Obtained: 09/20/1995

License Expiration: 09/30/2015

Complaint history: None

This complaint alleges that the Respondent, a licensed manicurist (also owner of a licensed cosmetology shop), committed conduct that violates the Board's laws; specifically, the Respondent testified during a formal hearing that he bought licenses for two of his relatives in violation of TENN. CODE ANN. § 62-4-127(b)(2) [Inspections – Cause for suspension, revocation, or for denial of license]. As a mitigating circumstance, this Respondent aided the Board with his testimony in seeking revocation of an individual(s) who allegedly sold licenses.

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

Decision: Approved.

4. Case No.: L14-COS-RBS-2014010031

First License Obtained: 06/08/2005

License Expiration: 05/31/2015

Complaint history: 2005037321, closed w/\$500.00 civil penalty paid via Consent Order; 2010025421, closed w/\$2,000 civil paid via Consent Order

This complaint was opened against the Respondent, a licensed cosmetology shop, owned by the above-mentioned Respondent in item # 3 of this section. The complaint materials do not indicate that the shop committed any violation of the Board's laws or rules.

Recommendation: Dismiss the matter for lack of disciplinary grounds.

Decision: Approved.

## BARBER CASES

### PREVIOUS CASES WITH NEW INFORMATION

1. Case No.: L13-BAR-RBS-2013025101

First License Obtained: 04/22/2010

License Expiration: 02/28/2015

Complaint history: 2013002341, closed with a Letter of Warning;  
2013016251, dismissed

The Board previously authorized a formal hearing with authority to settle by a Consent Order against the Respondent for unlicensed activity. A Consent Order was sent to Respondent, but no response was received. After the necessary time had passed without response, the matter progressed to litigation. Over the course of this activity, it has been verified that the Respondent is now out of business and is no longer operating, and disciplinary activity has been terminated.

Recommendation: Close the matter with no action and flag the shop's license file so that the Board may consider this matter should the Respondent attempt to apply for a license in the future.

Decision: Approved.

2. Case No.: L14-BAR-RBS-2014008711

First License Obtained: 04/06/1998

License Expiration: 04/30/2016

Complaint history: None

This case was previously presented at the May 2014 Board meeting as follows: the Notice of Violation alleges that, pursuant to a lawful inspection, the area inspector observed the Respondent managing a shop open for business to the public while allowing an unlicensed individual to cut a client's hair. The inspector further observed uncovered trash and towel containers and one or more unclean exposed surfaces in the shop being managed by the Respondent. Based on this presentation, the Board approved a recommendation to authorize a formal hearing with authority to settle the matter with a Consent Order for a civil penalty of \$250.00. UPDATE: Further investigation of this matter revealed that the area inspector noted that there was no manager present during the inspection of that shop. The complaint materials show that the Respondent was not listed in the Notice of Violation or the inspection report as the manager nor was the Respondent listed as such in the Board's records. As such, dismissal of this complaint is recommended.

Recommendation: Dismiss the matter for lack of disciplinary grounds.

Decision: Approved.

## RECIPROCITY CASES PRESENTED TO CLOSE

1. Case No.: L14-BAR-RBS-2014009611

First License Obtained: 08/09/2004  
License Expiration: 08/31/2014  
Complaint history: None

This matter was previously presented to the Board at its June 2014 meeting where the Board authorized settlement for voluntary revocation of the Respondent's license. Shortly after that meeting, the Board received certified documents from the state of Mississippi certifying that the Respondent completed 1500 education hours in the barber curriculum and passed the Mississippi barber examination. As such, the Respondent's license was properly issued.

Recommendation: Close the matter with no further action.

Decision: Approved.

2. Case No.: L14-BAR-RBS-2014009441

First License Obtained: 12/21/2001  
License Expiration: 12/31/2015  
Complaint history: None

This matter was previously presented to the Board at its June 2014 meeting where the Board authorized settlement for voluntary revocation of the Respondent's license for allegedly obtaining a license by fraud. Further investigation of this matter revealed that the Respondent's license was approved fourteen (14) years ago by a former board director who interpreted the Respondent's application documentation as qualification under the statute. Additional review of the complaint file revealed that the license was grant without any attempt on the Respondent's part to obtain such license by fraudulent means or misrepresentation.

Recommendation: Close the matter with no further action.

Decision: Approved.

## RECIPROCITY CASES PRESENTED FOR DISCIPLINARY ACTION

3. Case No.: L14-BAR-RBS-2014001411

First License Obtained: 06/12/2013

License Expiration: 06/30/2015

Complaint history:

This matter was previously presented at the March 2014 Board meeting as follows: The Respondent obtained his master barber license on the basis of reciprocity from Puerto Rico. During an audit of reciprocal licenses, the Board was unable to confirm the Respondent's claimed licensure from the Puerto Rico authorities. To date, the Respondent has failed to respond to the complaint and has not complied with the Board's request to provide accurate, complete documentation to confirm his eligibility for reciprocal licensure. Based on this presentation the Board authorized settlement by a consent order for the voluntary suspension of the Respondent's license. UPDATE: the Board has now received documentation from the Puerto Rico Barber Board certifying that the Respondent does not have a barber license in Puerto Rico.

Recommendation: Rescind the previous settlement offer and authorize a formal hearing with authority to settle the matter by a Consent Order in which the Respondent agrees to the voluntary revocation of his license and payment of a \$ 1,000.00 civil penalty, provided that if Respondent responds to the Board's settlement offer within thirty (30) days, agrees to a voluntary revocation of his license, and requests a waiver of the civil penalty shall be allowed to settle his complaint with a voluntary revocation Consent Order containing no civil penalty.

Decision: Approved.

4. Case No.: L14-BAR-RBS-2014010651

First License Obtained: 10/21/2005

License Expiration: 10/31/2013

Complaint history: None

The above-referenced complaint alleges that the Respondent unlawfully obtained his license via reciprocity on the basis of military service and/or on the basis of licensure from another state without possessing the proper qualifications to be eligible for licensure by reciprocity. Letter was sent requesting that the Respondent provide documentation to show that he possessed the proper qualifications for licensure by reciprocity. The information available to date appears to confirm that the Respondent did not possess the proper qualifications to be eligible for licensure by reciprocity, and that Respondent could not prove eligibility for licensure by reciprocity, and as such, that Respondent obtained his license unlawfully.

Recommendation: Authorize a formal hearing with authority to settle the matter by a Consent Order in which the Respondent agrees to the voluntary revocation of his license and payment of

a \$ 1,000.00 civil penalty, provided that if Respondent responds to the Board's settlement offer within thirty (30) days, agrees to a voluntary revocation of his license, and requests a waiver of the civil penalty shall be allowed to settle his complaint with a voluntary revocation Consent Order containing no civil penalty.

Decision: Approved.

## CONSUMER COMPLAINTS

1. Case No.: L14-BAR-RBS-2014015651  
First License Obtained: 11/02/2011  
License Expiration: 10/31/2015  
Complaint history: None

The complaint alleges that the Respondent, a licensed barber shop, is serving and/or allowing alcoholic beverages to be served on its shop which, if true, would potentially violate TENN. COMP. R. & REG. 0200-1-.17 [ALCOHOLIC BEVERAGES]. In a written statement, the owner of the Respondent's shop denied such allegation and stated that he is being accused by next door tenant who wants to shut down his business and that people outside the shop may put such beverages on the trash cans, and therefore, he cannot control. The Respondent's shop owner further states that he does drink beer when the shop is closed and locked. The complaint materials do not indicate that the alcoholic beverages are being sold and/or distributed during regulated services are being performed, and there is no complaint history for this Respondent.

Recommendation: Close the matter with a Letter of Warning advising the Respondent that the sale or distribution of alcoholic beverages is prohibited, and that drinking during working hours could constitutes a violation of Tenn. Code Ann. § 62-3-121(5)-(6).

Decision: Approved.

## NOTICE OF VIOLATION CASES

1. Case No.: L14-BAR-RBS-2014016701  
First License Obtained: 12/06/2013  
License Expiration: 11/30/2015

Complaint history: None

A Notice of Violation issued on July 11th, 2014 alleges that, during a lawful inspection at a licensed barber shop, the area inspector observed an individual working on a client without possessing a valid master barber license issued by the Board and a master barber who posted an expired license and all in violation of TENN. CODE ANN. § 62-3-107 [Registration required for barbering]. Further, according to the Notice, the area inspector observed a license that was laminated in violation of TENN. COMP. R. & REG. 0200-1-.05(2) [Posting of Licenses], and also found that the Respondent's shop did not have a manager present in violation of Tenn. Code Ann. § 62-3-109(c) [Shop registration, styling, supervision and management], and that trash containers were not covered and clean towels were not in enclosed storage all in violation of TENN. COMP. R. & REG. 0200-1-.07 [Equipment]

Recommendation: Authorize a formal hearing with authority to settle the matter with a Consent Order for revocation of the Respondent's license and a civil penalty of \$1,000.00.

Decision: Approved.

2. Case No.: L14-BAR-RBS-2014016711

First License Obtained: 11/24/2004

License Expiration: 11/30/2014

Complaint history: None

A Notice of Violation issued on July 11th, 2014 alleges that the Respondent, a licensed master barber, did not possess a valid license displayed in a licensed barber shop in violation of TENN. CODE ANN. § 62-3-107 [Registration required for barbering].

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

Decision: Approved.

3. Case No.: L14-BAR-RBS-2014016721

First License Obtained: N/A

License Expiration: N/A

Complaint history: None

A Notice of Violation issued on July 11th, 2014 alleges that, during a lawful inspection a license barber shop, the Respondent was practicing barbering without possessing a valid license in violation of TENN. CODE ANN. § 62-3-107 [Registration required for barbering].

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

Decision: Approved.

4. Case No.: L14-BAR-RBS-2014016741

Case No.: L14-BAR-RBS-2014017091

First License Obtained: 12/26/2012

License Expiration: 11/30/2014

Complaint history: None

A Notice of Violation issued on July 11th, 2014 alleges that the Respondent, a licensed barber shop, was allowing two (2) individuals to practice barbering on clients without possessing a valid license issued by the Board in violation of TENN. CODE ANN. § 62-3-107 [Registration required for barbering], and that the Respondent's shop did not have a manager present in violation of TENN. CODE ANN. § 62-3-109(c) [Shop registration, styling, supervision and management].

Subsequently, during a lawful inspection on July 17th, 2014, the Respondent was issued another Notice of Violation alleges that the area inspector observed two (2) individuals practicing barbering on clients without possessing a valid license issued by the Board in violation of TENN. CODE ANN. § 62-3-107 [Registration required for barbering].

Recommendation: Authorize a formal hearing with authority to settle the matter with a Consent Order for revocation of the Respondent's license and a civil penalty of \$1,000.00.

Decision: Approved.

5. Case No.: L14-BAR-RBS-2014016751

Case No. L14-BAR-RBS-2014017101

First License Obtained: 08/13/2008

License Expiration: 08/31/2014

Complaint history: None

A Notice of Violation issued on July 11th, 2014 alleges that the Respondent, a licensed master barber (who is also the listed manager for a licensed shop), was allowing two (2) individuals to practice barbering on clients without possessing a valid license issued by the Board in violation of TENN. CODE ANN. § 62-3-107 [Registration required for barbering]. According to the Notice, the Respondent was not present at the time of the inspection.

Subsequently, during a lawful follow-up inspection on July 17th, 2014, the Respondent was issued another Notice of Violation that alleges that the area inspector observed two (2) individuals practicing barbering on clients without possessing a valid license issued by the Board in violation of TENN. CODE ANN. § 62-3-107 [Registration required for barbering].

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

Decision: Approved.

6. Case No.: L14-BAR-RBS-2014016761

First License Obtained: N/A

License Expiration: N/A

Complaint history: None

A Notice of Violation issued on July 11th, 2014 alleges that the Respondent, an unlicensed individual, was practicing barbering without possessing a valid master barber license in violation of TENN. CODE ANN. § 62-3-107 [Registration required for barbering].

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

Decision: Approved.

7. Case No.: L14-BAR-RBS-2014016771

First License Obtained: N/A

License Expiration: N/A

Complaint history: None

A Notice of Violation issued on July 11th, 2014 alleges that the Respondent, an unlicensed individual, was practicing barbering without possessing a valid master barber license in violation of TENN. CODE ANN. § 62-3-107 [Registration required for barbering].

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

Decision: Approved.

8. Case No.: L14-BAR-RBS-2014009341

First License Obtained: 09/29/2003

License Expiration: 09/28/2014

Complaint history: None

A Notice of Violation issued on May 8th, 2014 alleges that, during a lawful inspection at a licensed barber school, the area inspector found that the Respondent's school only had four (4) shampoo bowls and one (1) manicure table, and trash containers without covers all in violation of TENN. COMP. R. & REG. 0200-1-.01 [Requirement for School License]. Additionally, the area inspector found that the Respondent's school did not have a manager during its operation and at the inspection time in violation of TENN. COMP. R. & REG. 0200-03-.14(2) [Responsibility for Compliance]

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

Decision: Approved.

9. Case No.: L14-BAR-RBS-2014009271

First License Obtained: 03/08/2012

License Expiration: 02/28/2014

Complaint history: None

A Notice of Violation issued on May 8th, 2014 alleges that, during a lawful inspection, the area inspector observed the Respondent's shop open for business with no customers present with an expired license, in potential violation of TENN. CODE ANN. § 62-3-109(a) [Shop registration,

styling, supervision and management]. There is no indication that regulated services were being provided at the time of the inspection.

Recommendation: Close the matter with a Letter of Warning against providing regulated services without a valid license.

Decision: Approved.

10. Case No.: L14-BAR-RBS-2014010551

First License Obtained: 10/04/2005

License Expiration: 09/30/2013

Complaint history: 2010034761, dismissed and flagged

A Notice of Violation issued on May 20th, 2014 alleges that, during a lawful inspection, the area inspector observed at least two (2) unlicensed barbers sitting at their work stations, one barber had a client in his chair and was finishing the client's haircut in violation of TENN. CODE ANN. § 62-3-107 [Registration required for barbering], and while the Respondent's shop license was expired as of September 30th, 2013 in violation of TENN. CODE ANN. § 62-3-109(a) [Shop registration, styling, supervision and management].

Recommendation: Authorize a formal hearing with authority to settle the matter with a Consent Order for a civil penalty of \$1,000.00 for providing regulated services without a license and \$1,000.00 for operating an unlicensed shop for a total civil penalty of \$2,000.00.

Decision: Approved.

11. Case No.: L14-BAR-RBS-2014010401

First License Obtained: 07/05/1995

License Expiration: 07/31/2016

Complaint history: None

A Notice of Violation issued on May 16th, 2014 alleges that, during a lawful inspection, the area inspector observed the Respondent's shop open for business with an expired license in potential violation of TENN. CODE ANN. § 62-3-109(a) [Shop registration, styling, supervision and management]. There is no indication that regulated services were being provided at the time of the inspection. Board office records indicate that the Respondent's shop license has been now renewed, and there is no complaint history for this Respondent.

Recommendation: Close the matter with a Letter of Warning against providing regulated services without a valid license.

Decision: Approved.

12. Case No.: L14-BAR-RBS-2014010441

First License Obtained: 05/24/2004

License Expiration: 05/3/2016

Complaint history: None

A Notice of Violation issued on May 20th, 2014 alleges that, during a lawful inspection, the area inspector observed the owner of the Respondent's shop cutting a client's hair while his personal license was expired in violation of TENN. CODE ANN. § 62-3-107 [Registration required for barbering]. Board office records indicate that the license in question was renewed on May 23rd, 2014.

Recommendation: Authorize a formal hearing with authority to settle the matter with a Consent Order for a civil penalty of \$1,000.00 for providing regulated services without a license.

Decision: Approved.

13. Case No.: L14-BAR-RBS-2014010451

First License Obtained: 08/25/1986

License Expiration: 06/30/2015

Complaint history: None

A Notice of Violation issued on May 20th, 2014 alleges that, during a lawful inspection, the area inspector observed the Respondent, a licensed master barber (also owner of a shop) cutting a client's hair while his personal license was expired in violation of TENN. CODE ANN. § 62-3-107 [Registration required for barbering]. Board office records indicate that the license in question was renewed on May 23rd, 2014.

Recommendation: Authorize a formal hearing with authority to settle the matter with a Consent Order for a civil penalty of \$1,000.00 for providing regulated services without a license.

Decision: Approved.

14. Case No.: L14-BAR-RBS-2014010361

First License Obtained: 08/12/2002

License Expiration: 10/31/2015

Complaint history: None

A Notice of Violation issued on May 15th, 2014 alleges that, during a lawful inspection, the area inspector observed several sanitation violations, including trash containers without covers in violation of TENN. COMP. R. & REG. 0200-1-.07 [EQUIPMENT AND LOCATION REQUIREMENT FOR BARBER SHOPS], hair on the floor in violation of TENN. COMP. R. & REG. 0200-3.03 [LOCATION].

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.

Decision: Approved.

15. Case No.: L14-BAR-RBS-2014010661

First License Obtained: 05/06/2011

License Expiration: 04/30/2015

Complaint history: None

A Notice of Violation issued on May 23rd, 2014 alleges that the Respondent, a licensed barber shop, was allowing an individual to cut a client's hair without possessing a valid master barber license in violation of TENN. CODE ANN. § 62-3-107 [Registration required for barbering].

Recommendation: Authorize a formal hearing with authority to settle the matter with a Consent Order for a civil penalty of \$1,000.00 for providing regulated services without a license.

Decision: Approved.

16. Case No.: L14-BAR-RBS-2014010681

First License Obtained: 02/23/2011

License Expiration: 02/28/2015

Complaint history: None

A Notice of Violation issued on May 23rd, 2014 alleges that the Respondent, a licensed master barber (also an owner and a manager of a licensed shop), was allowing an individual to cut a client's hair without possessing a valid master barber license in violation of TENN. CODE ANN. § 62-3-107 [Registration required for barbering].

Recommendation: Authorize a formal hearing with authority to settle the matter with a Consent Order for a civil penalty of \$1,000.00 for providing regulated services without a license.

Decision: Approved.

17. Case No.: L14-BAR-RBS-2014011201

First License Obtained: 06/27/2005

License Expiration: 06/30/2013

Complaint history: None

A Notice of Violation issued on May 28th, 2014 alleges that the Respondent, a barber shop, was open for business whereas a master barber was cutting a client's hair while the Respondent's shop license was expired as of June 30th, 2013 in violation of TENN. CODE ANN. § 62-3-109(a) [Shop registration, styling, supervision and management] and while no manager was present while regulated services were provided in violation of TENN. CODE ANN. § 62-3-109(c) [Shop registration, styling, supervision and management].

Recommendation: Authorize a formal hearing with authority to settle the matter with a Consent Order for a civil penalty of \$1,000.00 for providing regulated services without a license and a civil penalty of \$250.00 for failing to ensure a manger was present during operation of the shop.

Decision: Approved.

18. Case No.: L14-BAR-RBS-2014011261

First License Obtained: 05/13/1997

License Expiration: 05/31/2015

Complaint history: None

A Notice of Violation issued on May 28th, 2014 alleges that the Respondent, a licensed master barber (also an owner and a manager of a licensed shop), was operating his shop while its license was expired as of June 30th, 2013 in violation of TENN. CODE ANN. § 62-3-109(a) [Shop registration, styling, supervision and management] and while no manager was present during

regulated services were provided in violation of TENN. CODE ANN. § 62-3-109(c) [Shop registration, styling, supervision and management].

Recommendation: Authorize a formal hearing with authority to settle the matter with a Consent Order for a civil penalty of \$1,000.00 for providing regulated services without a license and a civil penalty of \$250.00 for failing to ensure a manger was present during operation of the shop.

Decision: Approved.

19. Case No.: L14-BAR-RBS-2014015831

First License Obtained: N/A

License Expiration: N/A

Complaint history: 2012012721 & 2013018771 (Formal Charges Authorized)

A Notice of Violation issued on July 3rd, 2014 alleges that the area inspector observed the Respondent, an unlicensed individual, sweeping hair off the side walk of the street. The Respondent admits to cutting hair on the street in violation of TENN. CODE ANN. §§ 62-3-107 [Registration required for barbering] and 62-3-109(d) [Shop registration, styling, supervision and management]. Further, the Respondent states that he is homeless and this is what he does for a living.

The Board previously authorized a formal hearing against Respondent for the same violations.

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

Decision: Approved.

MOTION made by Nina Coppinger and seconded by Patricia Richmond to approve Legal Report.

**COSMETOLOGY CONSENT ORDERS- Thru August- Totaling \$22,500.00**

MOTION made by Patricia Richmond and seconded by Mona Sappenfield for approval of all consent orders. Motion carried unanimously.

### **Formal Hearings handled by Administrative Law Judge:**

The previous board sent all formal hearing of complaint cases to an assigned Administrative Law Judge (ALJ). Board heard the explanation from Legal counsel on hearing the cases themselves versus the cases being decided by an ALJ.

MOTION made by Patricia Richmond and seconded by Mona Sappenfield to have formal hearings heard by an Administrative Law Judge. Motion carried unanimously.

### **Notice of Rulemaking hearing:**

Robert Herndon, Attorney for the board, explained that the rules have been approved by each previous board, each set of rules has had a regulatory flexibility analysis done, and been pre-reviewed by the Governor's Office. Both have been reviewed by the Attorney General's Office and have now been reviewed by the successor board. The next step is to route the documents through the Department and obtain approval to set a rulemaking hearing date.

### **AGREED CITATIONS**

Board office and Legal have worked together to develop an Agreed Citation process to assist with the volume of cases, the turnaround time. The proposal presented is to start issuing agreed citations for shops and licensees that have received a notice of violation from a field inspector. The violation must meet the criteria set forth in the letter provided for review. Several other regulatory boards and commissions already do this. Guidelines for the process and sample letter were provided for review.

MOTION made by Nina Coppinger and seconded by Frank Gambuzza to approve implementation of Agreed Citations. Motion carried by all but Bobby Finger who voted against.

MOTION made by Frank Gambuzza and seconded by Patricia Richmond to approve the language on the documents. Motion carried by all but Bobby Finger who voted against.

### **NEW BUSINESS**

#### **Board Meeting Dates:**

Remaining 2014 dates are listed as tentative on the board website. Spreadsheet provided shows maintaining dates on the first Monday for October through December 2014. Also provided are dates for 2015. All meeting dates are the first Monday except for February and December 2015.

MOTION made by Patricia Richmond and seconded by Mona Sappenfield to approve all dates as set. Motion carried unanimously.

**Barber transfer and withdrawal form:**

The new PDF version of the record of transfer or withdrawal form was created and approved by the cosmetology board early in 2014. The completion information is submitted by schools directly to PSI so this form is not used as a completion, it is only to be used by schools to inform the board that a student has transferred or withdrawn. The previous barber board did not have a chance to approve this form because schools still had paper supplies. Provided is the new revised document that will be used by both cosmetology and barber schools. The PDF version will be emailed to schools as soon as approval process of the form is complete.

MOTION made by Nina Coppinger and seconded by Patricia Richmond to approve and start using updated form. Motion carried unanimously.

**Official Board seal:**

The board office sends certification of hours and licensure to individuals and other States. Some other documents on occasion also need the official seal of the board. Currently the seal is a stamp that is pressed into the paper. With the use of technology a wet seal is easier to see and costs less. A new seal with the new board name needs to be ordered.

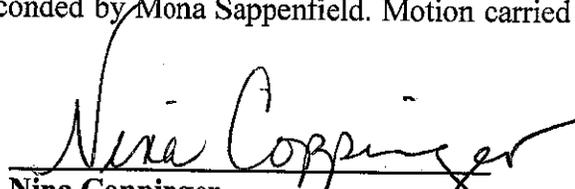
MOTION made by Patricia Richmond and seconded by Dianne Teffeteller to approve request for the wet or ink stamp. Motion carried unanimously.

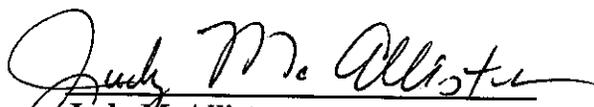
**Additional Questions:**

**Motion to adjourn**

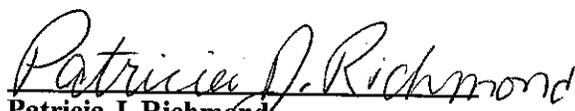
MOTION to adjourn made by Kelly Barger and seconded by Mona Sappenfield. Motion carried unanimously.

  
Dianne Teffeteller

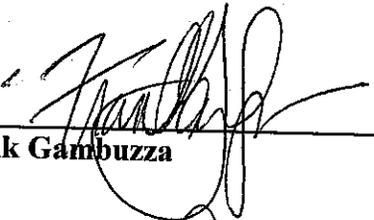
  
Nina Coppinger

  
Judy McAllister

  
Kelly Barger

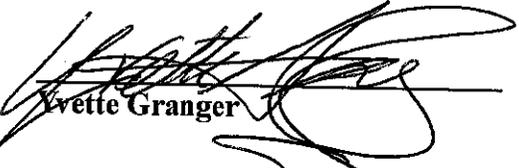
  
Patricia J. Richmond

  
Mona Sappenfield

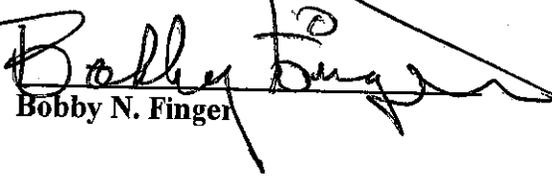
  
Frank Gambuzza

  
Amy Tanksley

  
Anita Allen

  
Yvette Granger

  
Ron R. Gillihan

  
Bobby N. Finger