MINUTES

The Tennessee State Board of Cosmetology held a meeting December 5, 2011 at 9:00 am in Nashville, Tennessee.

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

Others present were: Beverly Waller, Executive Director, Terrance Bond, Staff Attorney and Hazel Buttrey Licensing Technician.

Meeting was called to order by Board Chairman Linda Colley.

Linda Colley, Board Chairman called for roll call.

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

APPEAR BEFORE THE BOARD-

Andrea Denise Mueller is here today at the request of the Board. Ms. Mueller submitted an application for reciprocity of cosmetology, aesthetician, instructor and manicurist license from Germany which the Board reviewed at the November meeting. In reviewing the documents submitted the Board was unable to obtain a total number of hours completed in the curriculums. We have certificates as Beautician, Makeup, Pedicure and Manicure.

MOTION made by Nina Coppinger and seconded by Muriel Smith Applicant is required to pass the manicurist and/or aesthetician examination to qualify for manicurist and/ or aesthetician license in Tennessee. Motion carried unanimously.

Kelly Mahan- Eversole requested to appear before the Cosmetology Board today to discuss her application for reciprocity of cosmetology license from Florida. Ms. Mahan-Eversole has been licensed in Florida since 1998 but does not have a 5 year work history.

MOTION made by Nina Coppinger and seconded by Muriel Smith Applicant is required to complete three hundred (300) hours of additional instruction in the cosmetology curriculum and take the state board cosmetology examination. Motion carried unanimously.

Genet Araya Genet is here today at the request of the Board which reviewed her application for reciprocity of cosmetology license from Ethiopia which was presented to the Board at the November 2011 board meeting The Board had reviewed the breakdown of the cosmetology curriculum she has submitted and had questions concerning the curriculum.

MOTION made by Pearl Walker and seconded by Nina Coppinger Applicant is required to complete an additional seven hundred (700) hours of instruction in the cosmetology curriculum and take the state board cosmetology examination. Motion carried unanimously.

Lisa Molnar is here today concerning her application for reciprocity of manicurist license from California. California requires four hundred fifty (450) hours of instruction in the manicurist curriculum. Ms Molnar has submitted proof of a 5 year work history which is a letter from the shop where she rented a booth. She is here today to explain why she cannot submit proof of occupation with tax forms. Also the application is pending the certification of licensing from the California State Board.

MOTION made by Virgilene Lotze and seconded by Diana Buchanan to approve the application for reciprocity upon receiving the certification of license from the California State Board of Cosmetology. Vote: four (4) yes and three (3) no.

Erica Shotwell is here today at the request of the Board concerning hours of instruction in the cosmetology curriculum she completed in high school which are expired. These hours were accepted at Paul Mitchell the school Memphis when she enrolled in the cosmetology curriculum to complete additional hours to qualify for state board examination.

MOTION made by Pearl Walker and seconded by Virgilene Lotze to accept the high school hours in the curriculum which would allow applicant to qualify for the state board cosmetology examination. Motion carried unanimously.

APPLICATIONS FOR EXAMINATION-

Applications for examination that have felonies from Jonathan Dawson, Martha Scott, Felicia Jackson, Elisha Hall and Johnnie Cate. All required information has been submitted disclosure from the applicant and letter of examination recommendation from school attended.

MOTION made by Virgilene Lotze and seconded by Diana Buchanan approval of applications for examinations with signed agreed orders. Motion carried unanimously.

ADDITIONAL APPLICATIONS FOR EXAMINATION-

Derritt Gamble has submitted an application for the cosmetology examination. Mr. Gamble enrolled in the cosmetology curriculum 03/2004 and completed the curriculum 05/2011. The hours he completed from 03/2004 to 09/2004 are expired. He has submitted a letter requesting the Board's consideration to allow him to retain the expired hours in the curriculum to qualify for the state board examination.

MOTION made by Virgilene Lotze seconded by Diana Buchanan approval of the expired hours. Motion carried unanimously.

Bererise Garcia submitted an application for the manicurist examination. She has submitted documentation stating she completed 1327 hours in Mexico.

MOTION made by Pearl Walker and seconded by June Huckeby to approve the application for examination. Motion carried unanimously.

EXTENSION REQUEST

Request for extension from the 2011 cosmetology instructor seminar from Anita Lacy. She had previously submitted a request for extension with a physician statement that was vague. She has now submitted an additional physician statement which provides detail information as to why she was unable to attend the seminar.

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

APPLICATIONS FOR RECIPROCITY-

Application for reciprocity of aesthetician license for Jamie Palmer from Michigan. Applicant completed 400 hour in the curriculum. The work history submitted list occupation as sales for 2006, 2007, 2008, Beauty Shop & Spa 2009 and 2010 sales.

MOTION made by Muriel Smith and seconded by Pearl Walker to request additional information for proof of the five (5) year work history as an aesthetician. Motion carried unanimously.

Application for reciprocity of cosmetology license for Stephanie Neal from Kentucky. Applicant is licensed in the State of Kentucky as an apprentice cosmetologist since 04/07/10.

MOTION made by Muriel Smith and seconded by Pearl Walker requiring applicant to take the cosmetology examination. Motion carried unanimously.

Application for reciprocity of manicurist license from California for Lihn Diep. California requires 400 hours of instruction in the curriculum and applicant was initially licensed 01/31/2007 therefore no five (5) year work history.

MOTION made by Nina Coppinger and seconded by Muriel Smith applicant will be required to complete two hundred (200) additional hours of instruction in the manicurist curriculum and take the state board manicurist examination. Motion carried unanimously.

Application for reciprocity of manicurist license from Arizona for Jackie Chung. Applicant originally licensed in Massachusetts which requires 100 hours of instruction. He has submitted a work history for 2006, 2007, 2008 2009.

MOTION made by Nina Coppinger and seconded by Pearl Walker Applicant will be required to complete five hundred (500) additional hours of instruction in the manicurist curriculum and take the state board manicurist examination. Motion carried unanimously.

Application for reciprocity of aesthetician license from Florida for Morgan Kirby. Applicant was originally licensed 06/09/2011 and Florida required 260 hours of instruction in the curriculum.

MOTION made by Nina Coppinger and seconded by Muriel Smith Applicant will be required to complete an additional four hundred ninety (490) hours of instruction in the esthetics curriculum and take the state board aesthetician examination. Motion carried unanimously.

Application for reciprocity of cosmetology license from Florida for Victoria Hughes. Florida requires twelve hundred (1200) hours of instruction in the cosmetology curriculum and the applicant was licensed 10/06/2011.

MOTION made by Nina Coppinger and seconded by Diana Buchanan Applicant will be required to complete an additional three hundred (300) hours of instruction in the cosmetology curriculum and take the state board cosmetology examination. Motion carried unanimously.

Application for reciprocity of cosmetology license from North Carolina for Yakalina Sanchez. Her instruction in the cosmetology curriculum was completed in Mexico.

MOTION made by Nina Coppinger and seconded by June Huckeby Applicant will be required to take the state board cosmetology examination. Motion carried unanimously.

Application for reciprocity of cosmetology license from Ohio for Ammone Thapanangkun. Certification from the Ohio State Board states they accepted hours from out of the country. Applicant took a one hundred (100) hours refresher course in an Ohio Cosmetology School before taking the examination in Ohio.

MOTION made by June Huckey and seconded by Nina Coppinger Applicant will be required to take the state board cosmetology examination. Motion carried unanimously.

Application for reciprocity of manicurist license from Illinois for Linh Huynh. Applicant completed three hundred fifty (350) hours in the curriculum. She has submitted a letter for her work history. Applicant stated she did not work in 2006 because she had a baby.

MOTION made by Nina Coppinger and seconded by June Huckeby Applicant will be required to complete two hundred fifty (250) hours of instruction in the manicurist curriculum and take the state board manicurist examination. Motion carried unanimously.

Application for reciprocity of manicurist license from Alabama for Vinh Nguyen. Certification of licensing from the Alabama states applicant apprenticed in a shop to obtain license. Applicant was originally licensed in 2005 but no proof of five year work history submitted.

MOTION made by Nina Coppinger and seconded by Muriel Smith to request additional information concerning instruction in the manicurist curriculum. Motion carried unanimously.

Application for reciprocity of cosmetology license from Massachusetts for Gretchel Chretine Ramos. Applicant was originally licensed 03/27/2009 and completed 1000 hours in the cosmetology curriculum.

MOTION made by Nina Coppinger and seconded by Muriel Smith Applicant will be required to complete five hundred (500) hours of instruction in the cosmetology curriculum and take the state board cosmetology examination. Motion carried unanimously.

Application for reciprocity of cosmetology license from Florida for Naomi Ballad. Applicant was originally licensed 01/13/2003 and she has submitted a letter for review for proof of recent 5 year work history.

MOTION made by June Huckeby and seconded by Pearl Walker to request additional information relating to work history or applicant is required to complete three hundred (300) additional hours in the cosmetology curriculum and take the state board cosmetology examination. Motion carried unanimously.

Application for reciprocity of aesthetician license from Florida for Anna Kloeckner. Applicant was originally license in 2003. She has submitted a letter for review which explains the reason she does not have a 5 year work history as an aesthetician.

MOTION made by Nina Coppinger and seconded by Muriel Smith Applicant will be required to complete four hundred ninety (490) hours of instruction in the esthetics curriculum and take the state board aesthetician examination. Motion carried unanimously.

Application for reciprocity of aesthetician license from North Carolina for Tiffany Ann Thornhill. Certification verifies applicant completed six hundred (600) hours of instruction in the esthetics curriculum and was initially licensed 10/14/2008.

MOTION made by Nina Coppinger and seconded by Muriel Smith Applicant will be required to complete one hundred fifty (150) additional hours of instructions in the esthetics curriculum and take the state board aesthetician examination. Motion carried unanimously.

Application for reciprocity of aesthetician license from British Columbia for Sarah Dinnie. She has submitted her certificate which states she completed 1000 hours in the aesthetician curriculum at Moler School of Hairdressing in Vancouver,Canada.

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

Application for reciprocity of natural hair stylist from Africa for Fatou Lam. She has submitted a certificate as to her training.

MOTION made by June Huckeby and seconded by Nina Coppinger requiring applicant to take the state board natural hair styling examination. Motion carried unanimously.

Application for reciprocity of cosmetology for Magdalena Villeda. She has submitted her educational document from Mexico for review. Applicant holds a license in Georgia which the board office was not aware and does not have a certification.

MOTION made by Muriel Smith and seconded by June Huckeby to request the applicant request the Georgia State Board of Cosmetology submit licensing information to the board office. Motion carried unanimously.

Application for reciprocity of aesthetician license from Florida for Charlotte Culpepper. She has submitted her educational documentation in the curriculum from Ireland. The certification from the Florida State Board does not state she was licensed in that state by endorsement.

MOTION made by Nina Coppinger and seconded by June Huckeby Applicant will be required to take the state board aesthetician examination. Motion carried unanimously.

Application for reciprocity of cosmetology license from Dominican Republic for Yuberky Maria. Applicant is currently licensed in Alabama and was required to pass the practical examination to obtain license. She has also submitted her education information from the Dominican Republic.

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

COSENT ORDERS-

MOTION made by Muriel Smith and seconded by Nina Coppinger to accept consent orders. Motion carried unanimously.

OTHER BUSINESS-

Board Members discussed meetings for preparation of the 2012 Instructor Seminars. Nina Coppinger and Diana Buchanan will be attending the meeting at the University of Tennessee on Monday December 5th, 2011. Other Board Members will be participating in meetings with seminar provider's University of Memphis and Tennessee State University.

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

COSMETOLOGY BOARD
DECEMBER 2011
CONSENT ORDERS $6000.00

Angel Nails 609 North Kentucky Street Suite B Kingston, TN 37763	Violation issued June 15, 2011 Pd $4000.00 on 11-15-2011
Dalila's Salon 367 Harding Place Suite D Nashville, TN 37211	Violation issued March 16, 2011 Pd $500.00 on 11-10-2011
Le Nails 3800 Tennessee Avenue Chattanooga, TN 37409	Violation issued March 18, 2011 Pd $1500.00 on 11-15-2011

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

TO: **Tennessee State Board of Cosmetology**

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

DATE: **December 5, 2011**

SUBJECT: **December Legal Report**

---

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

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

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

Additional information: According to the area inspector, the shop was damaged by fire in 2005 and the inspector was told by contractors repairing the shop that the shop was closed due to the damage. It appears that the shop continued to operate in the rear portion of the building that was undamaged by fire. The inspector did not visit the shop again until 2011 due to her belief that the shop was closed.

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

2. 201101328-1

First License Obtained: N/A
License Expiration: N/A
History: No Prior Complaints

A consumer complaint alleges that an unlicensed individual is providing cosmetology services in her home. Both the accused individual and the alleged Complainant submitted statements in response to the complaint stating that the complaint was fabricated and denying that any such services were being performed.

Recommendation: Close with no action.

3. **201101943-1**
First License Obtained: 07/20/2010
License Expiration: 06/30/2010
History: No Prior Complaints

A September 30, 2011 Notice of Violation alleges that two (2) unlicensed individuals were observed practicing manicuring in a licensed manicure shop.

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

4. **201102294-1**
First License Obtained: 02/26/2008
License Expiration: 08/31/2012
History: 201003452-1 Closed 04/09/2011 $500.00 CP

A Notice of Violation issued February 18, 2011 alleges that two (2) individuals in a licensed manicure shop were practicing on clients in the shop without valid licenses. According to the inspector, one (1) individual in the shop had a manicure license, but such license had been expired since 2009.

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

5. **201102295-1**
First License Obtained: 06/22/1994
License Expiration: 05/31/2013
History: 201001957-1 Closed 05/26/2011 $2,000.00 CP

A Notice of Violation issued March 4, 2011 alleges that six (6) unlicensed individuals were observed practicing manicuring in a licensed manicure shop.

Recommendation: Authorize formal hearing with authority to settle by Consent Order and payment of a $4,000.00 civil penalty.

6. 201102331-1
First License Obtained: 09/08/2010
License Expiration: 08/31/2012
History: No Prior Complaints

A Notice of Violation issued March 10, 2011 alleges that two (2) unlicensed individuals were observed practicing on clients in a licensed cosmetology shop. According to the inspector, both of the individuals had recently passed the cosmetologist licensing examination and had displayed their examination results in the shop; however, neither of the individuals displayed any record of payment for their licenses. Both individuals paid for and obtained their licenses within two (2) weeks of the inspector's visit.

Recommendation: Close with a letter of warning.

7. 201102332-1
First License Obtained: 05/25/2010
License Expiration: 04/30/2012
History: No Prior Complaints

A March 10, 2011 Notice of Violation alleges that two (2) unlicensed individuals were observed practicing manicuring in a licensed manicure shop.

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

8. 201102333-1
First License Obtained: 12/08/2009
License Expiration: 11/30/2011
History: No Prior Complaints

A March 16, 2011 Notice of Violation alleges that one (1) licensed manicurist was observed practicing manicuring on a client in a licensed manicure shop while her license was expired and had been expired since 2010. The manicurist's license is now valid.

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

9. 201102334-1
First License Obtained: 08/13/2009
License Expiration: 12/22/2012
History: No Prior Complaints

A March 16, 2011 Notice of Violation alleges that one (1) licensed cosmetologist was observed practicing cosmetology on a client in a licensed cosmetology shop while his license was expired and had been expired since January 31, 2011. The cosmetologist's license is now valid.

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

10. 201102337-1
First License Obtained: 04/15/2011
License Expiration: 02/28/2013
History: No Prior Complaints

A March 16, 2011 Notice of Violation alleges that a licensed cosmetologist was observed practicing cosmetology on a client in a licensed cosmetology shop while his license was expired. The Notice also alleges that the shop's most recent inspection sheet was not displayed.

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

11. 201102341-1
First License Obtained: 09/03/2009
License Expiration: 08/31/2013
History: No Prior Complaints

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

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

12. **201102345-1**
First License Obtained: 04/18/2007
License Expiration: 04/30/2011
History: No Prior Complaints

A March 17, 2011 Notice of Violation does not provide sufficient information to determine whether a violation of the Tennessee Cosmetology Act was observed during the inspection.

Recommendation: Close and flag.

13. **201102347-1**
First License Obtained: 04/21/2011
License Expiration: 04/30/2013
History: No Prior Complaints

A March 17, 2011 Notice of Violation alleges that the owner of a licensed cosmetology shop relocated such shop and opened such shop for business without first obtaining an inspection of the new location. The shop is now licensed to operate at the new location.

Recommendation: Close with a letter of warning.

14. **201102350-1**
First License Obtained: 07/20/2007
License Expiration: 07/31/2013
History: No Prior Complaints

This cosmetology shop, which was issued a Notice of Violation on March 18, 2011 for operation of a shop while the license was expired, is now closed for business.

Recommendation: Close and flag.

15. **201102351-1**
First License Obtained: 03/24/2010
License Expiration: 02/28/2012
History: No Prior Complaints

A March 18, 2011 Notice of Violation does not provide sufficient information to determine whether a violation of the Tennessee Cosmetology Act was observed during the inspection.

Recommendation: Close and flag.

16. **201102352-1**
First License Obtained: 08/13/2008
License Expiration: 07/31/2012
History: No Prior Complaints

A March 18, 2011 Notice of Violation alleges that a licensed cosmetology shop was in operation while its license was expired and had been expired since 2010. The shop license is now valid.

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

17. **201102353-1**
First License Obtained: 01/14/2005
License Expiration: 12/28/2010
History: No Prior Complaints

A March 22, 2011 Notice of Violation alleges that no manager was present while a licensed cosmetology shop was in operation.

Recommendation: Close with a letter of warning.

18. **201102354-1**
First License Obtained: 10/16/2008
License Expiration: 09/30/2012
History: No Prior Complaints

A March 22, 2011 Notice of Violation alleges that two (2) cosmetologists were practicing cosmetology in a licensed shop while the shop license was expired and had been expired since 2010. Additionally, one of the cosmetologist's licenses was expired and had been expired since 2010. Both licenses are now valid.

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

19. 201102355-1
First License Obtained: 02/21/1997
License Expiration: 05/31/2013
History: No Prior Complaints

A March 24, 2011 Notice of Violation alleges that a licensed cosmetologist was practicing in a licensed cosmetology shop while her license was expired and had been expired since 2010. The license is now valid.

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

20. 201102356-1
First License Obtained: 05/21/2007
License Expiration: 05/31/2013
History: No Prior Complaints

A Notice of Violation issued March 24, 2011 does not provide sufficient information to determine whether a violation of the Tennessee Cosmetology Act was observed during the inspection.

Recommendation: Close and flag.

21. 201102358-1
First License Obtained: 12/01/2010
License Expiration: 10/31/2012
History: No prior Complaints

A March 29, 2011 Notice of Violation alleges that neither the shop license nor most recent inspection sheet were conspicuously displayed in a licensed manicure shop. In addition, the inspector found a wax machine, signage relating to waxing services and tools and implements used to provide waxing services in the shop.

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

22. **201102359-1**
First License Obtained: 10/16/2008
License Expiration: 09/30/2012
History: No Prior Complaints

A March 30, 2011 Notice of Violation alleges that a container of nail liquid containing MMA was found in a licensed manicure shop.

Recommendation: Issue a CEASE and DESIST letter.

23. **201102364-1**
First License Obtained: 10/22/2008
License Expiration: 10/31/2012
History: No Prior Complaints

An April 27, 2011 Notice of Violation alleges that the inspector has requested on several occasions that the owner of a licensed manicure shop has refused to remove "bedding" from the shop.

Recommendation: Close with a letter of instruction re: provision of unauthorized services and evidence of residing in a shop.

24. **201102364-1**
First License Obtained: 04/21/2006
License Expiration: 04/30/2012
History: No Prior Complaints

An April 26, 2011 Notice of Violation states that the inspector informed a licensed cosmetologist while present in her licensed shop that her license was expired and that he would follow-up with her in two weeks relative to her license status. As of the date of this summary, the individual's license remains expired.

Recommendation: Close with a letter of warning.

25. **201102368-1**
First License Obtained: 05/28/1997
License Expiration: 08/31/2012
History: No Prior Complaints

An April 26, 2011 Notice of Violation states that the inspector found that three (3) cosmetologists in a licensed cosmetology shop were in possession of expired licenses.

Recommendation: Close with a letter of warning.

26. 201102370-1
First License Obtained: 09/13/1973
License Expiration: 01/31/2013
History: No prior Complaints

An April 25, 2011 Notice of Violation alleges that one (1) unlicensed individual was observed performing a shampooing service on a client in a licensed cosmetology shop.

Recommendation: Close with a letter of warning.

27. 201102371-1
First License Obtained: 06/08/2007
License Expiration: 11/30/2013
History: No Prior Complaints

An April 5, 2011 Notice of Violation alleges that no label of contents was provided for a bottle of nail liquid being used in a licensed manicure shop. Also, the Notice alleges that nail buffers, files and pedicure chairs were left in an unsanitary condition after use. It is unclear whether any services were being performed in the shop at inspection time.

Recommendation: Close with a letter of warning.

28. 201102373-1
First License Obtained: 08/21/1991
License Expiration: 05/31/2013
History: No Prior Complaints

An April 27, 2011 Notice of Violation alleges that a licensed cosmetologist was observed providing service to client in a licensed cosmetology shop while the shop license was expired and had been expired since 2010. In addition, the Notice alleges that the cosmetologist was not wearing a name tag while engaged in practice.

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

29. 201102415-1
First License Obtained: 05/24/2011
License Expiration: 05/24/2011
History: No Prior Complaints

A March 23, 2011 Notice of Violation alleges that three (3) licensed cosmetologists were present in an unlicensed shop. According to the Notice, the individuals were not engaged in practice at inspection time. The shop is now licensed.

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

30. 201102551-1
First License Obtained: 12/10/1999
License Expiration: 01/31/2013
History: 201001935-1 Closed 03/31/2011 $1,000.00 CP

A March 11, 2011 Notice of Violation alleges that two (2) unlicensed individuals were found practicing manicuring in a licensed manicure shop.

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

31. 201102578-1
First License Obtained: 12/08/2005
License Expiration: 11/30/2013
History: 201100782-1 Closed 07/05/2011 $500.00 CP

An August 16, 2011 Notice of Violation alleges that one (1) unlicensed individual was observed practicing manicuring in a licensed manicure shop. The issuing inspector has now retired, so a follow-up inspection was requested. On follow-up, the inspector did not allege any unlicensed activity, but did indicate that the shop, and various implements therein, was left in an unsanitary condition after use. In addition, the inspector indicated that one (1) licensed manicurist in the shop failed to wear an identification tag while engaged in practice. The follow-up inspection did not result in the issuance of a Notice of Violation.

Recommendation: Close with a letter of warning.

32. 201102605-1
First License Obtained: 12/01/1994
License Expiration: 03/31/2013
History: No Prior Complaints

A July 28, 2011 Notice of Violation alleges that one (1) unlicensed manicurist was practicing manicuring on a client in a licensed manicure shop. Relative to sanitation, the inspector described the shop as "very horrible and nasty".

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

33. 201102636-1
First License Obtained: 12/11/2009
License Expiration: 12/31/2011
History: No Prior Complaints

An August 17, 2011 Notice of Violation alleges that one (1) unlicensed individual was observed practicing manicuring in a licensed manicure shop. The issuing inspector has now retired, so a follow-up inspection was requested. On follow-up, the inspector did not allege any unlicensed activity and issued the shop an inspection score of 98.

Recommendation: Close with no action

34. 201102633-1 (RE-PRESENT)
First License Obtained: 05/22/1995
License Expiration: 05/31/2013
History: No Prior Complaints

August 25, 2011 Notice of Violation alleges that a non-service animal was found in a licensed cosmetology shop. In addition, the owner's cosmetologist license was not displayed in the shop (although it was valid) and the shop license was expired and had been expired since May 31, 2011. The owner was providing shampoo service to a client at inspection time. As of the date of this summary, the shop now holds a valid license. The Board originally reviewed the Notice of Violation at the November meeting and authorized a formal hearing with authority to settle by Consent Order and payment of a $500.00 civil penalty. The shop owner, who operates a residential shop, states that she did not intend to have the animal present and has removed it from the shop – the owner also requests that the civil penalty be lowered to $250.00.

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

35. 201100209-1 (RE-PRESENT)

A Notice of Violation issued December 30, 2010 alleges that two (2) unlicensed manicurists were found practicing on clients in a licensed manicure shop. In addition, one (1) licensed manicurist in the shop failed to wear an identification tag while performing services in the shop and all operator licenses were displayed on a wall in the shop and not at or near the respective operator's work station. Several sanitary violations were noted, including: four (4) pedispa chairs which were left in an unsanitary condition (lint, residue and standing water were present),

unsanitary tools were stored with sanitized tools, sanitized tools were not properly stored, nail dust was present in tool drawers and a nail bit was left in a nail drill.

This item was originally reviewed by the Board in March 2011 and authorized for formal hearing, with authority to settle by Consent Order and payment of a $10,000.00 civil penalty. The owner, through counsel, has indicated that they intend to sell the shop and cease operating any manicure shop. They have requested settlement by payment of a $3,500.00 civil penalty.

Recommendation: Authorize formal hearing with authority to settle by Consent Order and payment of a $3,500.00 civil penalty.

36. 201102589-1

A June 30, 2011 Notice of Violation alleged that an expired instructor license was displayed at a licensed school of cosmetology – the Notice is silent as to whether such instructor was engaged in instruction at the school. The Notice also alleges that at least one (1) instructor in the school failed to wear an identification tag.

Recommendation: Close with a letter of warning.

37. 201102884-1

A consumer complaint states that the consumer feels that the students and staff at a licensed cosmetology school treated her in a discriminatory fashion in that she and her granddaughters, who have long hair, were required to wait several hours before the granddaughters received service in the school. According to the consumer, she called ahead to schedule the services, at the request of school staff and was still required to wait after arriving at the scheduled time; in addition, she alleges that a student at the school spoke to her in an allegedly unprofessional manner after she began complaining during a cell phone call to her sister about the poor service she felt she was receiving. The manager of the school states that she apologized to the consumer and that each of the granddaughters received services free of charge to compensate for the long wait – according to her, she was unaware of the granddaughters' appointments.

Recommendation: Place of copy of the consumer's complaint in the license file and close.