

# **COMPLIANCE DIVISION REPORT**

## ***Cosmetology Advisory Board Meeting***

August 24, 2015

### **Public Outreach**

- Elizabeth Perez, Marinela LaFleur and David Gonzales participated in the PSI Cosmetology written examination review from June 29 thru July 1, 2015 in Austin.
- Compliance has also attended many trade shows since the last advisory meeting. Elizabeth Perez, Marinela La Fleur, David Gonzales, Enforcement, Education and Examination, Field Operations and Customer service all have contributed at some point with our outreach efforts at the shows. We answer industry related questions; provide information on license renewals, and provide any other assistance asked of us. Facebook and Twitter have also been used to let the industry know we were there and increase our interaction with participants.

Armstrong McCall - September 7&8 2014 Austin

Beauty Culturist League - October 12&13 2014 Dallas

TIVA Mid-winter Conference - January 15-17 San Antonio

Armstrong McCall - May 3&4 2015 Arlington

Image Expo Show - May 17&18, 2015 Houston

TIVA Summer Conference - July 2 - 4, 2015 Houston

### **Upcoming Trade Shows**

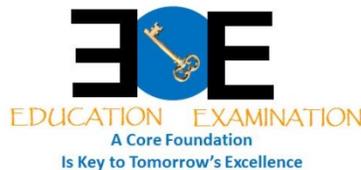
Elizabeth Perez, Marinela LaFleur and David Gonzales will be attending the Armstrong McCall - August 30&31 at the George R. Brown Convention Center in Houston.

### **Compliance Efforts/Statistics**

- Elizabeth and Marinela continue to assist Enforcement, Field Operations staff, and Customer Service with questions that arise during investigations, inspections, as well as addressing daily industry inquiries/emails.
- We continue our participation in monthly BAR/COS taskforce meetings.
- We continue our work on bill implementation efforts for HB104 & HB 2717.

## Cosmetology Advisory Board

August 24, 2015



Growth in the Education & Examination Division.

- Marco Rodriguez is the new Team Leader for the newly created School Inspections/Site Visits section within the Education and Examination Division. Having an extensive background and the ability to command both English and Spanish, Marco will without a doubt help E&E establish uniform procedures to inspect Education School Providers and their courses.

Joining Marco will be Dalinda Jew, Ramon Rodriguez and Soyica White. They will be performing periodic school and special inspections

- Cari Hodges is the new Team Leader for Driver Education and Safety Section within the Education and Examination Division. Cari comes to us from The Texas Department of Public Safety (DPS). She has more than 8 years' experience with the laws, rules and procedures for the Driver Training program. Cari without a doubt will be able to lead the new Driver Education and Safety team into thinking outside the box and incorporate new ideas to improve the service we provide for the citizens of Texas.
- The TDLR staff along with PSI facilitated an Exam Review Committee meeting with the Cosmetology Subject Matter Experts (SME's) June 29 - July 1, 2015. The purpose of this meeting was to review poorly performing items, review and approve new items to augment the item pools.
- The SME's removed Milady's Black Cosmetology Book as an approved reference for the Hair Weaving examination. There were no items in the item pool with this book as a reference.
- Every six years a Request for Proposal to seek an exam provider for the development and administration of TDLR's examinations is published. The current contract will expire on August 31, 2015. TDLR published the request for proposal on February 2015 and the Commission approved and awarded

PSI the contract on July 29, 2015. The new contract will take effect September 1, 2015.

The Education and Examination Division has begun utilizing Zeacom for emails. Zeacom allows us to track what has been completed and the time it has taken to answer emails. Currently, E&E receives more than 1,000 emails a month. The goal is to be able to report work staff has accomplished. As we continue to grow as a model agency our workload and performance numbers will increase. The use of Zeacom is a step to utilizing the effectiveness of innovation.

### School and Student Statistics

\*As of August 11, 2015

	Schools			Enrolled
	Credit	Clock	Total	Students
Private school	7	211	218	13,633
High school	37	131	168	6,180
Community college	30	30	60	1,453
Total	74	372	446	21,266

- Total Cosmetology Schools as of 08/11/2015 – 446
  - Total Enrolled Cosmetology Students as of 08/11/2015 – 21,266

## Continuing Education Statistics

<b>FY 2015</b>	SEP	OCT	NOV	Q1	DEC	JAN	FEB	Q2	MAR	APR	MAY	Q3	JUN	JUL	AUG	Q4	TOT
Provider registrations issued	5	5	3	13	0	0	8	8	7	1	4	12	2	7		9	42
Course approvals issued	60	40	35	135	36	71	84	191	132	41	69	242	47	68		115	683
Provider renewals issued	14	20	22	56	30	26	28	84	26	17	16	59	17	16		33	232
Total providers	393	386	393	393	388	381	382	382	388	388	389	389	390	395		395	395
Total courses	1579	1547	1600	1600	1597	1578	1510	1510	1565	1536	1581	1581	1540	1580		1580	1580

<b>FY 2014</b>	SEP	OCT	NOV	Q1	DEC	JAN	FEB	Q2	MAR	APR	MAY	Q3	JUN	JUL	AUG	Q4	TOT
Provider registrations issued	4	4	1	9	10	3	8	21	0	0	7	7	2	3	4	9	46
Course approvals issued	75	29	36	140	43	86	93	222	91	65	44	200	63	66	57	186	748
Provider renewals issued	22	35	35	92	33	39	34	106	33	26	26	85	7	34	21	62	345
Total providers	465	469	462	462	466	471	396	396	397	403	404	404	398	393	396	396	396
Total courses	1655	1619	1603	1603	1559	1551	1643	1643	1687	1651	1633	1633	1574	1565	1604	1604	1604

<b>FY 2013</b>	SEP	OCT	NOV	Q1	DEC	JAN	FEB	Q2	MAR	APR	MAY	Q3	JUN	JUL	AUG	Q4	TOT
Provider registrations issued	4	1	1	6	1	0	1	2	1	1	1	3	1	1	1	3	14
Course approvals issued	27	8	10	45	13	18	47	47	29	30	24	83	13	43	36	92	267
Provider renewals issued	9	8	4	21	5	12	29	46	12	9	0	25	6	10	11	27	119
Total providers	137	135	128	128	128	127	121	121	120	120	120	120	121	121	119	119	119
Total courses	346	324	314	314	315	304	296	296	299	299	300	300	292	288	269	269	269

**Total Providers as of 08/03/2015 – 395**

**Total Courses as of 08/03/2015 - 1580**

## Examination Results

### Fiscal Year 2015

Operator Written	8,361	6,734	15,095	55.39%	899
Operator Practical	7,454	634	8,088	92.16%	767
Manicurist Written	3,112	2,445	5,557	56.00%	265
Manicurist Practical	2,905	299	3,204	90.67%	134
Esthetician Written	2,090	1,180	3,270	63.91%	170
Esthetician Practical	2,006	59	2,065	97.14%	128
Manicure-Esthetician Written	36	56	92	39.13%	6
Manicure-Esthetician Practical	25	0	25	100.00%	2
Eye Lash Written	86	34	120	71.67%	6
Eye Lash Practical	80	9	89	89.89%	8
Hair weaving Written	16	27	43	37.21%	3
Hair weaving Practical	9	2	11	81.82%	1
Wig Written	0	0	0	0.00%	0
Wig Practical	0	0	0	0.00%	0
<b>Subtotal</b>	<b>26,180</b>	<b>11,479</b>	<b>37,659</b>	<b>69.52%</b>	<b>2,389</b>
Instructor Written	317	421	738	42.95%	33
Instructor Practical	269	72	341	78.89%	33
<b>Subtotal</b>	<b>586</b>	<b>493</b>	<b>1,079</b>	<b>54.31%</b>	<b>66</b>
<b>Total</b>	<b>26,766</b>	<b>11,972</b>	<b>38,738</b>	<b>69.09%</b>	<b>2,455</b>

## Examination Results

### Fiscal Year 2014

Operator Written	5,314	4,271	9,585	55.44%	549
Operator Practical	4,915	527	5,442	90.32%	533
Manicurist Written	1,941	1,505	3,446	56.33%	162
Manicurist Practical	1,921	311	2,232	86.07%	97
Esthetician Written	1,418	971	2,389	59.36%	135
Esthetician Practical	1,357	29	1,386	97.91%	90
Manicure-Esthetician Written	11	11	22	50.00%	7
Manicure-Esthetician Practical	13	6	19	68.42%	0
Eye Lash Written	61	7	68	89.71%	6
Eye Lash Practical	51	10	61	83.61%	9
Hair weaving Written	8	6	14	57.14%	1
Hair weaving Practical	6	0	6	100.00%	1
Shampoo Written	0	1	1	0.00%	0
Shampoo Practical	0	0	0	0.00%	0
Wig Written	0	0	0	0.00%	0
Wig Practical	0	0	0	0.00%	0
<b>Subtotal</b>	<b>17,016</b>	<b>7,655</b>	<b>24,671</b>	<b>68.97%</b>	<b>1,590</b>
Instructor Written	212	323	535	39.63%	28
Instructor Practical	221	45	266	83.08%	14
<b>Subtotal</b>	<b>433</b>	<b>368</b>	<b>801</b>	<b>54.06%</b>	<b>42</b>
<b>Total</b>	<b>17,449</b>	<b>8,023</b>	<b>25,472</b>	<b>68.50%</b>	<b>1,632</b>

## Examination Results

### Fiscal Year 2013

Operator Written	9,209	6,869	16,078	57.28%	942
Operator Practical	8,500	552	9,052	93.90%	862
Manicurist Written	2,932	3,160	6,092	48.13%	249
Manicurist Practical	2,895	273	3,168	91.38%	107
Esthetician Written	1,991	1,731	3,722	53.49%	192
Esthetician Practical	1,848	43	1,891	97.73%	94
Manicure-Esthetician Written	5	36	41	12.20%	4
Manicure-Esthetician Practical	4	1	5	80.00%	0
Eye Lash Written	53	14	67	79.10%	3
Eye Lash Practical	44	3	47	93.62%	0
Hair weaving Written	15	8	23	65.22%	2
Hair weaving Practical	8	1	9	88.89%	1
Shampoo Written	6	10	16	37.50%	1
Shampoo Practical	7	0	7	100.00%	1
Wig Written	0	0	0	0.00%	0
Wig Practical	0	0	0	0.00%	0
<b>Subtotal</b>	<b>27,517</b>	<b>12,701</b>	<b>40,218</b>	<b>68.42%</b>	<b>2,458</b>
Instructor Written	349	739	1,088	32.08%	53
Instructor Practical	288	41	329	87.54%	11
<b>Subtotal</b>	<b>637</b>	<b>780</b>	<b>1,417</b>	<b>44.95%</b>	<b>64</b>
<b>Total</b>	<b>28,154</b>	<b>13,481</b>	<b>41,635</b>	<b>67.62%</b>	<b>2,522</b>

# **ADVISORY BOARD ON COSMETOLOGY**

## **Enforcement Division Staff Report**

**August 24, 2015**

- On August 1, 2014, a default order was entered against Anh Nguyen dba Le Nail assessing an administrative penalty of \$7,500 and revoking the Respondent's salon license for operating a salon without a license, employing an unlicensed person, and sanitary violations.
- On September 18, 2014, an agreed order was entered against Ronnie Ho, Beauty School of Dallas, assessing a penalty of \$28,000 for 16 counts of granting hours to students that were not correctly accrued.
- On February 5, a default order was entered against Sol Salon and Spa Academy assessing an administrative penalty of \$46,400 for improperly crediting hours, failing to maintain student permits, failing to maintain student field trip logs, and multiple sanitation violations.
- On June 26, an agreed order was entered against Dennis Bui, Lifestyle Nails and Spa, assessing an administrative penalty of \$11,600 for operating a cosmetology salon with a revoked license. On May 5, KVUE News Defenders Investigation in Austin, Texas reported on television a story about Respondent's salon.
- On July 30, a default order was entered against Danh Nguyen and Day Spa Nails assessing an administrative penalty of \$23,000 and revoking Respondent's salon and manicurist licenses for multiple sanitary violations and failure to comply with a Department order.
- Since the last advisory board report was written on June 30, 2014, there have been 1,561 final orders issued in the Cosmetology program. Of those, 468 were against respondents that engaged or were involved in unlicensed activity. The total penalties against those unlicensed individuals and salons were \$414,575.

### **Key Statistics for Fiscal Year 2015**

Shown below are key statistics for the Cosmetology program and for all TDLR programs combined through July 31, 2015.

<b><u>Statistic</u></b>	<b><u>COS</u></b>	<b><u>TDLR</u></b>
• Number of cases opened:	2,877	9,593
• Number of cases resolved:	4,206	12,372
• Number of Agreed Orders:	1,043	2,126
• Total amount of penalties assessed:	\$1,358,070	\$4,190,545
• Total amount of penalties collected:	\$876,531	\$2,143,442

**Cosmetology Advisory Board Meeting**  
**Field Operations Division Report**  
***“The Face of TDLR”***  
**August 24, 2015**

**Cosmetology Most Common Violations Found During Inspections**

- 1. Establishment, furniture, equipment, and/or fixtures are unclean or are not in good repair - 16 Tex. Admin. Code Ch. 83.114(a).** Establishments shall keep the floors, walls, ceilings, shelves, furniture, furnishings, and fixtures clean and in good repair. Any cracks, holes, or other similar disrepair not readily accessible for cleaning shall be repaired or filled in to create a smooth, washable surface.
- 2. Failure to have rest room on or near premises without stored chemicals - 16 Tex. Admin. Code Ch. 83.114(e).** Every establishment shall provide at least one restroom located on or near the premises of the establishment. For public safety, chemical supplies shall not be stored in the restroom.
- 3. Failure to attach current photograph to the front of license, certificate, or permit - 16 Tex. Admin. Code 83.70(f).** A current photograph of the licensee approximately 1 1/2 inches by 1 1/2 inches shall be attached to the front of the license, certificate or permit.
- 4. Salon failed to post a sign directing complaints to the department -- Tex. Occupations Code. Section 1603.151(2).** Salons must notify consumers and service recipients of the name, mailing address, and telephone number of the department for the purpose of directing complaints to the department regarding barbering and cosmetology on a sign prominently displayed in the place of business.
- 5. Failed to post individual licenses and booth rental (independent contractor) licenses at the licensee's workstation or in a notebook – 16 Tex. Admin. Code 83.70(e).** Individual licenses and booth rental (independent contractor) licenses may be posted at the licensee's workstation in the public view or be made available in a notebook at the salon reception desk.
- 6. Salon failed to post the most recent inspection report issued by the department in a conspicuous place clearly visible to the public - 16 Tex. Admin. Code – Ch. 83.71(m).** Cosmetology establishments shall display in the establishment, in a conspicuous place clearly visible to the public, a copy of the establishment's most recent inspection report issued by the department.
- 7. Failure to keep a record of the date and time of each daily or bi-weekly cleaning - 16 Tex. Admin. Code Ch. 83.108(e).** For whirlpool foot spas, a record shall be made on a department-approved form of the date and time of each cleaning and disinfecting indicating whether the cleaning was a daily or bi-weekly cleaning. This record shall be made at or near the time of cleaning and disinfecting and shall indicate if a spa was not used during any individual workday.
- 8. Failure to store clean implements in a clean, dry, debris-free environment or failure to separate clean implements from soiled implements or non-cosmetology supplies - 16 Tex. Admin. Code Ch. 83.102(f).** All clean and disinfected implements and materials when not in use shall be stored in a clean, dry, debris-free environment including but not limited to drawers, cases, tool belts, rolling trays, or hung from hooks. They must be stored separate from soiled implements and materials. Ultraviolet electrical sanitizers are permissible for use as a dry storage container. Non-cosmetology related supplies must be stored in separate drawers or locations.
- 9. Failure to prepare fresh disinfectant daily or more often if solution becomes diluted or soiled – 16 Tex. Admin. Code Ch. 83.101(a)(3).** Disinfectants in which implements are to be immersed shall be prepared fresh daily or more often if solution becomes diluted or soiled.
- 10. Failure to maintain and make available a list of current employee and independent contractors. -16 Tex. Admin. Code Ch. 83.71(c).** Beauty salons, specialty salons, and dual shops may lease space to an independent contractor who holds a booth rental (independent contractor) license. The lessor to an independent contractor must maintain a list of all renters that includes the name of renter and the cosmetology license number of the renter. The lessor must supply the department representative with a list of renters upon request.

## Division Projects

### New Technology – Route Optimization

Mobi is now implemented throughout the division.

### Update on New Technology – E-Inspection

On June 30, 2015, agency representatives met with Canvas a software company for E-Inspection. Canvas presented a Demo to us. Morgan O’Keefe, North Region Liaison, tested the solution and found that it can meet the division’s needs. A follow-up meeting is scheduled with Canvas for Wednesday, August 19, 2015.

## Personnel Update

### New Liaison

We would like to congratulate Fernando Reyes and Shawn O’Neal on their recent promotion to Field Operations Liaisons.



Fernando has law enforcement and animal control experience with the City of El Paso and he is also well versed in all Field Operations inspection processes and will work out of Austin.



Shawn joined TDLR as an inspector from the Barber Board in 2005. He holds a barber’s license and is well versed in all Field Operations inspections processes. He has been instrumental in training several new employees in the East Region and will continue to work out of the Houston office.

## Moving to E&E



We also would like to congratulate Marco Rodriguez on his recent promotion to Team Leader for the newly created School Inspections/Site Visits section within the Education and Examination Division. Marco started with TDLR in 2005 coming from the Cosmetology Commission.



Congratulations to Ramon Rodriguez, Soyica White, and Dalinda Jew on their promotion to Education Inspector in the Education & Examination Division. These three new education inspectors, all of whom currently work as Field Operations Division inspectors, will coordinate school inspections including the driver education and safety schools added to TDLR's purview by House Bill 1786.

Ramon will serve as the Houston Education Inspector. He began his career at TDLR in 2008 after working in the private sector and has seven years of TDLR inspector experience.

Soyica will serve as the Dallas/Fort Worth Education Inspector. He began his career at TDLR in 2011 after working as Program Specialist for the Texas Department of Aging and Disability Services. White has four years of TDLR inspector experience and is a licensed, non-practicing, cosmetologist.

Dalinda will serve as the South Texas Education Inspector. She began her career at TDLR in 2008 after working as Area Operations Manager for the Vanguard Institute of Technology and has many years of experience coaching and supervising students. Jew has seven years of TDLR inspector experience.

## Opening Positions

At this time, Field Operations have three open positions, El Paso, East Region, and South Region (McLennan and Bell Counties).

- Field Inspector - Inspector IV – El Paso area - closed 8/3/2015
- Field Inspector - Inspector IV – East Region - closes 8/11/2015
- Field Inspector - Inspector IV – South Region (McLennan and Bell Counties) – closes 8/10/2015

## Inspection Statistics Cosmetology

	Cosmetology Salons		Dual Establishments		Cosmetology Schools		*Cosmetology Mini-Salons		*Dual Mini-Shops		Cosmetology Program Totals	
	FY 2015	FY 2014	FY 2015	FY 2014	FY 2015	FY 2014	FY 2015	FY 2014	FY 2015	FY 2014	FY 2015	FY 2014
SEPT	1137	1138	139	135	56	81	0	1068	0	182	1332	2604
OCT	1111	1291	165	128	68	89	0	1085	0	181	1344	2774
NOV	729	660	111	86	100	104	0	682	0	139	940	1671
QTR 1	2977	3089	415	349	224	274	0	2835	0	502	3616	7049
DEC	845	649	91	88	86	96	0	575	0	207	1022	1615
JAN	1509	929	184	103	70	25	48	661	0	144	1811	1862
FEB	1098	1049	122	109	54	43	0	0	0	0	1274	1201
QTR 2	3452	2627	397	300	210	164	48	1236	0	351	4107	4678
MAR	1244	1090	133	120	62	57	0	0	0	0	1439	1267
APR	1473	1082	170	156	80	77	0	0	0	0	1723	1315
MAY	1086	846	135	111	100	169	0	0	0	0	1321	1126
QTR 3	3803	3018	438	387	242	303	0	0	0	0	4483	3708
JUNE	1239	766	165	78	33	64	68	0	2	0	1507	908
JUL	1399	1081	165	105	42	31	0	0	0	0	1606	1217
QTR 4	2638	2851	330	297	75	149	68	0	2	0	3113	3297
Year to Date/ Year End	12,870	11,585	1,580	1,333	751	890	116	4,071	2	853	15,319	18,732

\*Counts for FY 2014 are for Booth Renters which were discontinued February 1, 2014. Counts for Mini-Shops/Salons began in June of FY2015.

# Cosmetology Advisory Board

## Licensing Statistics

### Fiscal Years 2013 to 2015

License Type	New Licenses Issued	Percent New Licenses Issued Online	Renewal Licenses Issued	Percent Renewals Issued Online	FY 2015 TOTAL POPULATION*	FY 2014 TOTAL POPULATION*	FY 2013 TOTAL POPULATION*
Operator	7,332	N/A	55,204	94.3%	134,365	129,012	124,768
Manicure Specialist	2,946	N/A	15,728	97.5%	42,057	40,832	39,539
Esthetician Specialist	1,977	N/A	6,494	98.7%	19,537	19,149	18,637
Manicure/Esthetician Specialist	1,600	N/A	621	98.7%	3,921	2,179	719
Hair Braiding Specialist	286	N/A	262	87.0%	-	1,237	1,171
Hair Weaving Specialists	7	N/A	65	100.0%	157	158	152
Wig Specialist	1	N/A	8	100.0%	15	14	18
Eyelash Extension Specialist	79	N/A	80	0.0%	599	487	899
Operator Instructor	251	N/A	2,169	97.3%	5,251	5,055	4,847
Manicure Instructor	5	N/A	24	91.7%	58	61	52
Esthetician Instructor	18	N/A	67	100.0%	178	169	161
Wig Instructor	0	N/A	0	0.0%	2	2	2
Manicurist/Esthetician Instructor	3	N/A	1	100.0%	6	3	1
Eyelash Extension Instructor	0	N/A	0	0.0%	0	0	0
Student Permits	29,556	86.0%	Does Not Renew		21,413	23,961	24,023
Cosmetology Salon	2,465	77.1%	7,039	95.7%	19,561	19,452	19,610
Manicure Salon	156	76.9%	217	96.8%	737	749	819
Esthetician Salon	290	76.9%	319	98.1%	1,220	1,098	1,004
Esthetician/Manicure Salon	1,033	81.2%	1,626	98.8%	5,158	4,819	4,570
Hair Braiding Salon	34	88.2%	17	94.1%	-	100	75
Dual Salon/Shop	853	83.2%	941	97.8%	3,409	2,988	2,592
Hair Weaving Salon	88	83.2%	34	100.0%	88	90	99
Wig Salon	6	83.3%	9	77.8%	32	31	33
Eyelash Extension Salon	58	84.5%	12	75.0%	117	81	49
Booth Rentals	-	0.0%	-	0.0%	0	0	57,761
Mobile Salons	12	N/A	1	N/A	27	19	8
Cosmetology School-Private	26	N/A	165	N/A	218	225	226
Cosmetology School-Vocational	8	N/A	126	N/A	168	169	164
Cosmetology School-JR College	1	N/A	41	N/A	60	59	58
<b>TOTAL INDIVIDUALS</b>	<b>44,061</b>	<b>77.0%</b>	<b>80,771</b>	<b>95.4%</b>	<b>233,152</b>	<b>235,603</b>	<b>236,476</b>
<b>TOTAL FACILITIES</b>	<b>10,590</b>	<b>85.8%</b>	<b>10,559</b>	<b>93.4%</b>	<b>36,483</b>	<b>29,880</b>	<b>87,068</b>
<b>TOTAL COSMETOLOGY LICENSEE POPULATION</b>					<b>269,635</b>	<b>265,483</b>	<b>323,544</b>
<b>TOTAL TDLR LICENSEE POPULATION</b>					<b>645,888</b>	<b>629,763</b>	<b>683,181</b>
<b>COSMETOLGY PERCENTAGE OF TOTAL TDLR LICENSEE POPULATION</b>					<b>41.7%</b>	<b>42.2%</b>	<b>47.4%</b>

\*The population number is a snapshot of the number of active licenses on the first day of the month.  
The number of licenses issued and renewed is the total activity performed during the fiscal year.