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April 2015

Aissatou Balde dba Aicha's African Hair Braiding vs. Commerce and Insurance

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State of Tennessee
Department of State
Administrative Procedures Division
312 Rosa L. Parks Avenue
8th Floor, William R. Snodgrass Tower
Nashville, Tennessee 37243-1102
Phone: (615) 741-7008/Fax: (615) 741-4472

April 22, 2015

Commissioner Julie Mix McPeak
Tennessee Department of Commerce &
Insurance
Office of Legal Counsel
12th Floor, Davy Crockett Tower
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Nashville, Tennessee 37243-5065

Adrian Chick, Esq.
Assistant General Counsel
Tennessee Department of Commerce &
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500 James Robertson Parkway
Nashville, TN 37243

Aissatou Balde
d/b/a Aicha's African Hair Braiding
1254 Getwell Road
Memphis, TN 38111-7345

RE: In the Matter of: Aissatou Balde d/b/a Aicha's African Hair Braiding
Docket No. 12.09-129586J

Enclosed is an Initial Order rendered in connection with the above-styled case.

Administrative Procedures Division
Tennessee Department of State

/aem
Enclosure

**BEFORE THE COMMISSIONER OF THE TENNESSEE
DEPARTMENT OF COMMERCE AND INSURANCE**

IN THE MATTER OF:

**AISSATOU BALDE D/B/A AICHA'S
AFRICAN HAIR BRAIDING**

DOCKET NO. 12.09-129586J

NOTICE

ATTACHED IS AN INITIAL ORDER RENDERED BY AN ADMINISTRATIVE JUDGE WITH THE ADMINISTRATIVE PROCEDURES DIVISION.

THE INITIAL ORDER IS NOT A FINAL ORDER BUT SHALL BECOME A FINAL ORDER UNLESS:

1. THE ENROLLEE FILES A WRITTEN APPEAL, OR EITHER PARTY FILES A PETITION FOR RECONSIDERATION WITH THE ADMINISTRATIVE PROCEDURES DIVISION NO LATER THAN **May 7, 2015**.

YOU MUST FILE THE APPEAL, PETITION FOR RECONSIDERATION WITH THE ADMINISTRATIVE PROCEDURES DIVISION. THE ADDRESS OF THE ADMINISTRATIVE PROCEDURES DIVISION IS:

SECRETARY OF STATE
ADMINISTRATIVE PROCEDURES DIVISION
WILLIAM R. SNODGRASS TOWER
312 ROSA PARKS AVENUE, 8th FLOOR
NASHVILLE, TENNESSEE 37243-1102

IF YOU HAVE ANY FURTHER QUESTIONS, PLEASE CALL THE ADMINISTRATIVE PROCEDURES DIVISION, **615/741-7008 OR 741-5042, FAX 615/741-4472**. PLEASE CONSULT APPENDIX A AFFIXED TO THE INITIAL ORDER FOR NOTICE OF APPEAL PROCEDURES.

**BEFORE THE STATE BOARD OF COSMETOLOGY AND BARBER
EXAMINERS**

IN THE MATTER OF:

**AISSATOU BALDE, d/b/a
Aicha's African Hair Braiding
1254 Getwell
Memphis, TN 38111**

**Docket No. 12.09-129586J
Complaint No. 2013018021**

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INITIAL ORDER

This matter came to be heard on March 18, 2015 by the undersigned administrative judge sitting alone for the State Board of Cosmetology and Barber Examiners (the "Board"). The Respondent, Aissatou Balde (the "Respondent") was present and elected to proceed pro se without representation of counsel. The Department of Commerce and Insurance, Division of Regulatory Boards (the "State") was represented by Adrian Chick, Assistant General Counsel. Based upon the evidence introduced, testimony of the Respondent, stipulations of the parties, and the record, the undersigned administrative judge makes the following findings of fact and conclusions of law and imposes the following discipline.

AUTHORITY

Authority and jurisdiction are conferred upon the State Board of Cosmetology and Barber Examiners (hereafter the "Board") by TENN. CODE ANN. § 62-4-127(b)(9) to suspend, revoke or refuse to issue or renew any license under this chapter for violation of this chapter or of any rules duly promulgated under this chapter. In addition, the Board is authorized to assess civil penalties against any person required to be licensed found to be

in violation pursuant to TENN. CODE ANN. § 56-1-308 and Tenn. Comp. R. and Regs. 0440-1-14, and to assess investigatory, prosecutorial, and hearing costs against the Respondent by pursuant to TENN. CODE ANN. § 56-1-311 and TENN. COMP. RULES & REGS. 0780-05-11-.01.

FINDINGS OF FACT

1. On September 12, 2013, a duly authorized inspector for the Board conducted an inspection of a business known as "Aicha's African Hair Braiding" located at 1254 Getwell, Memphis, TN 38111.
2. At the time of inspection, Aicha's African Hair Braiding was open to the public.
3. At the time of inspection, both the owner of Aicha's African Hair Braiding and the owner's sister were engaged in the practice of braiding hair for a fee or other compensation.
4. Aicha's African Hair Braiding is not licensed as a shop.
5. Neither the owner nor her sister held a license as a cosmetologist or natural hair stylist.
6. Aicha's African Hair Braiding is a "shop" as defined in TENN. CODE ANN. § 62-4-102(a)(18).
7. Hair braiding constitutes "natural hair styling" as defined in Tenn. Code Ann. § 62-4-102(a)(14).

CONCLUSIONS OF LAW

1. Respondent's operation of the shop without a valid shop license constitutes violation of TENN. CODE ANN. § 62-4-118 which provides in part:

(3) The shop and its operation conform to this chapter and any rules duly promulgated under this chapter.

NOW THEREFORE, the undersigned administrative law judge finding that the State of Tennessee has met its burden of proof in this action as to the above Facts and Conclusions, it is **ORDERED**:

1. The Respondent is hereby assessed a civil penalty of \$100 for each violation, for a total civil penalty of \$300, which shall be paid within sixty (60) days of entry of this Order.
2. The cost of hearing in the total amount of \$275 is assessed against the Respondent and shall be paid within sixty (60) days of entry of this Order. This amount includes costs assessed by the Administrative Procedures Division in the amount of \$200 and a per diem charge by the court reporter in the amount of \$75.

POLICY REASON FOR DECISION

This Order is issued to protect the health, safety and welfare of the citizens of the State of Tennessee.

It is so ORDERED.

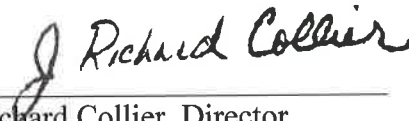
This Initial Order entered and effective this 22ND day of APRIL, 2015.

ORDERED this 22ND day of APRIL, 2015



Anthony Adgent
Administrative Law Judge
Administrative Procedures Division
Office of Secretary of State

Filed in the Administrative Procedures Division, Office of Secretary of State, this 22ND
day of APRIL, 2015.



J. Richard Collier, Director
Administrative Procedures Division

Certificate of Service

I certify that a true and exact copy of the foregoing proposed initial order has been mailed to **AISSATOU BALDE, d/b/a Aicha's African Hair Braiding, 1254 Getwell, Memphis, TN 38111** this 8th day of April, 2015.



APPENDIX A TO INITIAL ORDER
NOTICE OF APPEAL PROCEDURES

Review of Initial Order

This Initial Order shall become a Final Order (reviewable as set forth below) fifteen (15) days after the entry date of this Initial Order, unless either or both of the following actions are taken:

(1) A party files a petition for appeal to the agency, stating the basis of the appeal, or the agency on its own motion gives written notice of its intention to review the Initial Order, within fifteen (15) days after the entry date of the Initial Order. If either of these actions occurs, there is no Final Order until review by the agency and entry of a new Final Order or adoption and entry of the Initial Order, in whole or in part, as the Final Order. A petition for appeal to the agency must be filed within the proper time period with the Administrative Procedures Division of the Office of the Secretary of State, 8th Floor, William R. Snodgrass Tower, 312 Rosa L. Parks Avenue, Nashville, Tennessee, 37243-1102. (Telephone No. (615) 741-7008). See Tennessee Code Annotated, Section (T.C.A. §) 4-5-315, on review of initial orders by the agency.

(2) A party files a petition for reconsideration of this Initial Order, stating the specific reasons why the Initial Order was in error within fifteen (15) days after the entry date of the Initial Order. This petition must be filed with the Administrative Procedures Division at the above address. A petition for reconsideration is deemed denied if no action is taken within twenty (20) days of filing. A new fifteen (15) day period for the filing of an appeal to the agency (as set forth in paragraph (1) above) starts to run from the entry date of an order disposing of a petition for reconsideration, or from the twentieth day after filing of the petition, if no order is issued. See T.C.A. §4-5-317 on petitions for reconsideration.

A party may petition the agency for a stay of the Initial Order within seven (7) days after the entry date of the order. See T.C.A. §4-5-316.

Review of Final Order

Within fifteen (15) days after the Initial Order becomes a Final Order, a party may file a petition for reconsideration of the Final Order, in which petitioner shall state the specific reasons why the Initial Order was in error. If no action is taken within twenty (20) days of filing of the petition, it is deemed denied. See T.C.A. §4-5-317 on petitions for reconsideration.

A party may petition the agency for a stay of the Final Order within seven (7) days after the entry date of the order. See T.C.A. §4-5-316.

YOU WILL NOT RECEIVE FURTHER NOTICE OF THE INITIAL ORDER BECOMING A FINAL ORDER

A person who is aggrieved by a final decision in a contested case may seek judicial review of the Final Order by filing a petition for review in a Chancery Court having jurisdiction (generally, Davidson County Chancery Court) within sixty (60) days after the entry date of a Final Order or, if a petition for reconsideration is granted, within sixty (60) days of the entry date of the Final Order disposing of the petition. (However, the filing of a petition for reconsideration does not itself act to extend the sixty day period, if the petition is not granted.) A reviewing court also may order a stay of the Final Order upon appropriate terms. See T.C.A. §4-5-322 and §4-5-317.