

IN THE CIRCUIT COURT OF PULASKI COUNTY, ARKANSAS
CIVIL DIVISION

STATE OF ARKANSAS, *ex rel.*
LESLIE RUTLEDGE, ATTORNEY GENERAL

PLAINTIFF

v.

CASE NO. _____

CARLA JORDAN

DEFENDANT

COMPLAINT

The State of Arkansas, *ex rel.* Leslie Rutledge, Attorney General (“the Attorney General” or “the State”), for its Complaint against Carla Jordan, states:

I. INTRODUCTION

1. This is a consumer protection action brought to redress and restrain violations of the Arkansas Deceptive Trade Practices Act (“ADTPA”), Ark. Code Ann. §§ 4-88-101 *et seq.*, under which the State seeks an order for an injunction, imposing civil penalties, restitution for affected consumers, and other relief against Defendant.

2. The Attorney General asserts that these proceedings are in the public interest.

3. Defendant is a cosmetologist who has engaged in unfair and deceptive trade practices by holding herself out as a doctor when she lacks proper credentials and by practicing outside the scope of her cosmetology license.

II. PARTIES

4. The Plaintiff is the State of Arkansas, *ex rel.* Leslie Rutledge, Attorney General. Attorney General Rutledge is the chief legal officer of the State. Pursuant to § 4-88-104 and § 4-88-113, the Attorney General may seek civil enforcement of the ADTPA.

5. Defendant Carla Jordan is an Arkansas resident. Defendant is the owner of the Dr. Carla Jordan Salon & Boutique, 2814 E. Kiehl Avenue, Sherwood, Arkansas 72120.

III. JURISDICTION AND VENUE

9. This Court has jurisdiction over this matter pursuant to Ark. Code Ann. § 4-88-104, § 4-88-113, and the common law of the State of Arkansas.

10. Venue is proper pursuant to Ark. Code Ann. § 4-88-104, §4-88-112, §16-60-103, and the common law of the State of Arkansas.

IV. FACTUAL ALLEGATIONS

11. Defendant is a licensed cosmetologist, who is licensed by the Arkansas Department of Health (“ADH”) to practice cosmetology. Defendant’s cosmetology license is attached hereto as Exhibit A and incorporated herein by reference. The practice of cosmetology is defined by Arkansas law and Rules promulgated by the ADH. *See, e.g.*, Ark. Code Ann. § 17-26-102(b).

12. In August 2020, the Attorney General’s office received a consumer complaint that Defendant was offering a class in which she “trained” individuals to perform a cosmetic dental whitening procedure. The consumer complaint is attached

hereto as Exhibit B and incorporated herein by reference.

13. Defendant charged \$5,000.00 for each five-hour cosmetic dental whitening course and represented to her trainees that they were certified and licensed to perform the dental whitening procedure at the conclusion of the course. To date, Defendant continues to offer this training. Defendant also advertises to train individuals in multiple other services, including, but not limited to, tooth gems, skin tag removal, and fibroblast skin and body tightening. The advertisements are attached hereto as Exhibit C and incorporated herein by reference.

14. Not only does Defendant offer these “trainings,” but Defendant herself performs these and other procedures on individuals. In addition, the Defendant performs laser skin tag removal and freckle removal.

15. The consumer complaint stated that Defendant was holding herself as “Doctor” Carla Jordan to the public through her social media accounts. *See* Exhibit B. To date, Defendant continues to hold herself out to the public as a doctor.

16. Under Arkansas law, only properly credentialed dentists and dental hygienists are authorized to perform dental whitening procedures. Specifically, the Arkansas State Board of Dental Examiners (“ASBDE”) defines “practicing dentistry” to include, *inter alia*, any person who holds themselves out as being able to diagnose, treat, or remove stains, or who offers by any means or method whatsoever to clean teeth or remove stains. It is unlawful for anyone to practice dentistry or dental hygiene without having been authorized and issued a license by the ASBDE. Ark. Code Ann. § 17-82-301(a)(2); *see also* Ark. Code Ann. § 17-82-208 (providing ASBDE the authority

to promulgate rules to carry out the Arkansas Dental Practice Act).

17. Defendant is neither a dentist nor a dental hygienist. It is unlawful for Defendant to practice dentistry or dental hygiene and she is not qualified to perform the cosmetic dental whitening procedures she offers in her salon. Consequently, Defendant is not authorized to train individuals to perform the cosmetic dental whitening procedure.

18. Under Arkansas law, the Arkansas State Medical Board includes in its definition of “surgery” any procedure in which human tissue is cut, altered, or otherwise infiltrated by the use of lasers. *See* Ark. Code Ann. § 17-95-303. Any person who performs or attempts to perform any surgery without first having complied with the provisions of the Arkansas Medical Practices Act is deemed to be engaged in the illegal practice of medicine. *See, e.g.,* Ark. Code Ann. § 17-95-402.

19. Defendant is not a medical doctor. It is unlawful for her to perform any laser procedure that cuts, alters, or infiltrates the skin in any manner.

20. Further, the ADH does not recognize a “doctor of professional cosmetology,” the doctoral designation Defendant claims to hold.

21. Defendant is not a licensed cosmetology instructor.

22. All of the above procedures are beyond the scope of Defendant’s cosmetology license and are thus unlawful for Defendant to perform. Defendant continues to advertise to the public, including through the use her social media accounts, unlawful services which she is not qualified or authorized to offer.

23. Accordingly, the individuals whom she charges thousands of dollars are

neither certified nor licensed after completing Defendant's classes, and it is illegal for both Defendant and her "trainees" to perform the procedures advertised by Defendant.

24. It is further illegal for Defendant to purport to "train" individuals in any of the procedures she advertises.

25. Defendant's continued false representations to individuals are deceptive, harmful, and dangerous to the public.

26. On October 2, 2020, the Attorney General's Office sent a cease and desist letter to Defendant notifying her that her conduct is unlawful. The letter also notified Defendant that it is a violation of the Arkansas Deceptive Trade Practice Act to falsely represent the quality or characteristics of goods or services offered to consumers, and to omit or misrepresent significant information in the sale or advertisement of goods or services with the intent that others rely on the misrepresentations. The letter is attached hereto as Exhibit D and incorporated herein by reference. Despite the Attorney General's warnings, Defendant has continued to engage in her deceptive, harmful and dangerous conduct to this date.

V. VIOLATIONS OF LAW

27. The State of Arkansas alleges that Defendant's conduct, described above, occurred in trade or commerce, affected the public interest, and that Defendant violated the ADTPA, specifically, Ark. Code. Ann. §§ 4-88-107(a)(1), (3) and (10), and § 4-88-108(a)(1) and (2), by:

- a. Holding herself out as a doctor without proper credentials;

b. Representing that after completing her classes, trainees would be certified and licensed to perform cosmetic dental whitening procedures, and other procedures, and used fabricated “certificates” to carry out this scheme;

c. Practicing outside the scope of her license by performing unlawful services, including, but not limited to, cosmetic dental whitening, skin tag and freckle removal, and “training” others to perform cosmetic dental whitening procedures; and

d. Charging consumers significant sums of money by concealing and suppressing the fact that Defendant is not a doctor, is not qualified to train individuals for cosmetic dental whitening procedures, and is not qualified to provide the unlawful procedures.

VI. PRAYER FOR RELIEF

WHEREFORE, the above premises considered, the State of Arkansas, *ex rel.* Leslie Rutledge, Attorney General, respectfully requests that this Court:

28. Enter an order and judgment against Defendant and in favor of the State for each violation alleged in this complaint;

29. Find that this cause of action is in the public interest;

30. Find that Defendant’s acts and practices alleged herein are violations of the ADTPA, §§ 4-88-101 *et seq*;

31. Issue a permanent injunction pursuant to Ark. Code Ann. § 4-88-104 enjoining Defendant from engaging in any acts that violate the ADTPA, including, but not limited to, the unfair and deceptive acts and practices alleged herein;

32. Require Defendant, pursuant to Ark. Code Ann. § 4-88-113(a)(2)(A), to

pay any consumer restitution that may be owed to Arkansas consumers affected by the unlawful acts and practices described herein;

33. Impose civil penalties, pursuant to Ark. Code Ann. § 4-88-113(b), to be paid to the State by Defendant in the amount of up to \$10,000 for each violation of the ADTPA proved at a trial of this matter;


34. Require Defendant to pay all of the State's costs in this investigation and litigation, including, but not limited to, expert witness fees, and attorneys' fees and costs, pursuant to Ark. Code Ann. § 4-110-108 and § 4-88-113(e); and

35. For all other just and proper relief to which the State may be entitled.

Respectfully submitted,

LESLIE RUTLEDGE
ATTORNEY GENERAL

By: _____



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