

AGENDA

ARIZONA STATE BOARD OF COSMETOLOGY MEETING MINUTES

January 19, 2018 at 9:00 am
1740 W Adams, Suite 4400
Phoenix AZ 85007

Pursuant to A.R.S. § 38-431.02, notice is hereby given to the general public and to members of the Arizona State Board of Cosmetology that the Board will hold a meeting open to the public on the date and at the time indicated above. The Board may vote to go into Executive Session for the purpose of obtaining legal advice on any of the agenda item pursuant to A.R.S. § 38.431.03 (A)(3).

Board Members

Gary Begley, School Owner, Chairperson
Karla Clodfelter, Cosmetologist, Vice Chairperson
Melissa C Porter, Public Member
Charlie C Phan, Nail Technician
Thomas Rough, Cosmetologist
Brandy B. Wells, Public Member
Vacant, Instructor

1. Call to Order

2. Pledge of Allegiance

3. Roll Call of Board Members

Gary Begley
Karla Clodfelter
Charlie Phan
Thomas Rough
Brandy Wells

BOARD BUSINESS

1. Discussion, Consideration and Possible Action on Approval of Regular Board Minutes of December 1, 2017.

MOTION by Thomas Rough to approve minutes as written. MOTION SECONDED by Karla Clodfelter. MOTION CARRIED.

2. Discussion, Consideration and Possible Action on Approval of Executive Session Minutes of November 17, 2017.

MOTION by Thomas Rough to approve minutes as written. MOTION SECONDED by Karla Clodfelter. MOTION CARRIED.

3. Discussion, Consideration and Possible Action on Approval of Telephone Conference Call Board Minutes of December 27, 2017.

MOTION by Thomas Rough to approve minutes as written. MOTION SECONDED by Karla Clodfelter. MOTION CARRIED.

4. Report, Discussion and Possible Action on Proposed Legislation for 2018.

- Allow Students to Receive Credit for Hours Spent on Charitable and Special Cosmetology Events
 - ❖ A.R.S. § 32-506 (4) Non-applicability of Off Campus School-Sponsored Event
 - ❖ A.R.S. § 32-506 (14) Non-applicability of Nonprofit Organization
- Definition of Hairstyling A.R.S. § 32-501 (8) (C)
- Definition of Supervision/Laser/A.R.S. § 32-516

Karla Clodfelter stated that HB 2379 which includes the following: Students to Receive Credit for Hours Spent on Charitable Events, A.R.S. § 32-506 (4) Non-applicability of Off Campus School-Sponsored Event, A.R.S. § 32-506 (14) Non-applicability of Nonprofit Organization and Definition of Hairstyling, A.R.S. § 32-501 (8) (C) will be heard by the Military and Governor Affairs Committee. In addition, this same committee will be hearing HB2011, Cosmetology, Licensing Exceptions on January 29, 2018.

Any Additional Pending 2018 Legislation Relating to the Arizona State Board of Cosmetology

- HB-1184 State Compact; Temporary Professional Licenses
- HB-2011 Cosmetology; Licensing Exceptions
- HB-2378 Cosmetic Laser Procedures; Direct Supervisions
- HB-2379 Hairstylist; Nail Technicians; Cosmetology Board
- HB 2405 Board of Barber; Repeal

Karla Clodfelter reviewed the above mentioned house bills with the Board Members.

The Board may vote to go into executive session to obtain legal advice pursuant to A.R.S. § 38-431.03 (A) (3)

5. Report and Discussion on Medical Esthetic Advisory Opinion.

Executive Director Donna Aune stated that in the past, the Board has worked with the Board of Nursing on the Medical Esthetic Advisory Opinion beginning in 2011 and updating the Advisory Opinion in 2015. The Board is presently working on it again. The Advisory Opinion is being revisited at this time in order to further clarify which services each professional licensee (Aesthetician, Cosmetologist or a Nurse) can perform. Executive Director Donna Aune stated that she will be meeting with the Nursing Board on January 31st, regarding this issue.

6. Welcome and Board Member Dialogue with Visiting Cosmetology Students & Instructors/Faculty.

Representatives from Don Villa Beauty School, The Studio Academy of Beauty, Penrose Academy, Gateway Community College and Cortiva Institute were in attendance.

EXECUTIVE DIRECTOR'S REPORT

1. Report and Discussion on Agency Departments.

- Financial
 - ❖ Scanning of Files by July 2018

Executive Director Donna Aune stated that the agency is in the process of obtaining quotes so that it can move forward with scanning.

- Personnel, Board Membership and Appointments
 - ❖ Hiring Investigators/Inspectors
 - ❖ Deputy Director Salary Adjustment

Executive Director Donna Aune stated that the agency is moving forward with hiring two investigators and two inspectors as two supervisors are presently in place.

Executive Director Donna Aune asked the Board Members for their support on a salary adjustment for the Deputy Director which she has been trying to obtain since July, 2017. The Deputy Director has done a great job and has been in the position now for three years.

Gary Begley stated that the Deputy Director does a great job and there is no question that this Board is in full support of the proposed salary adjustment for her and is aware of the good work she and the entire staff does.

Brandy Wells stated as a new Board Member she does not have enough information to make a judgement on this.

- Licensing
 - ❖ Hairstyling

Theresa Bunch stated that the Hairstyling license is complete and that the agency issued the first Hairstyling license yesterday.

- Information Technology
 - ❖ Handheld Mobile Device for Compliance

Executive Director Donna Aune stated that the Board is moving forward with the investigators/inspectors handheld mobile devices.

2. Report on (PCS) Professional Credential Services on attending an upcoming Practical Exam Overview to be held on February 26, 2018, at Radisson Hotel Phoenix North.

Executive Director Donna Aune stated that the Practical Exam Overview will take place on February 26, 2018, at 9:00 a.m., and all Board Members are welcome.

3. Summary of Current Events that Affect the Arizona State Board of Cosmetology.

- ❖ Move to 1740 W Adams Ste. 4400, Phoenix, Arizona

Executive Director Donna Aune stated the crew did a beautiful job restoring the building and the staff worked very hard on the move.

This is the time for the Chair or Executive Director to give a brief summary on current events that affect the Board. It is informational only and no discussion may occur.

CONSENT AGENDA

The Consent Agenda items may be considered for approval as a single action unless a Board Member or any other interested party wishes to remove the item for discussion.

The Board may vote to go into Executive Session to discuss and consider records exempt by law from public inspection, including the receipt and discussion of information, or testimony that is confidential by State or Federal law on all agenda items under Steps 1, 2 & 3 pursuant to A.R.S. §38-431.03 (A) (2).

STEP 1: COMPLAINT REVIEW

A. Recommend Application Denials

MOTION by Karla Clodfelter to deny and accept with negotiation terms.

MOTION SECONDED by Thomas Rough. MOTION CARRIED.

B. Recommend Dismissals

MOTION by Karla Clodfelter to accept staff recommendations for all those listed below Step 1 B. MOTION SECONDED by Thomas Rough. MOTION CARRIED.

MOTION by Karla Clodfelter to change case no. 92497 to 92462 due to clerical error. MOTION SECONDED by Thomas Rough. MOTION CARRIED.

- 92497 LaToyes Touch of Beauty #SCOS23950 *(No violations found to support alleged violations)*
La Toyes Touch of Beauty LLC, Owner
Aleisha L Newson Wright #11100398, Owner
- 92635 Chely's Beauty Salon #SCOS23713 *(Provided proof of renewal prior to expiration date)*
Eusebio Banda II, Owner
Maria A Zuniga, Manager

C. Recommend Letter of Concern

MOTION by Karla Clodfelter to accept staff recommendations for all those listed below Step 1 C. MOTION SECONDED by Thomas Rough. MOTION CARRIED

- 92603 Smartstyle #461 #SCOS22599 *(Delinquent personal license)*
Minnesota Regis Corp, Owner
- 92604 Treasured Cutz 4 Kidz LLC #SCOS23366 *(Delinquent personal license)*
Treasured Cutz 4 Kidz LLC, Owner
Kimberly A Romero #19700092, Co-Member
Joe Romero, Co-Member
Destiny Marie Smith #10501815, Manager
- 92605/92606 2007 Nails #'s SNT17895 & SAES18791 *(Delinquent establishment license)*
Jenny Trang Nguyen #'s 51405376 & 31400827, Owner
- 92607 Tango Nails #SNT18842 *(Wet disinfectant not large enough for complete tool immersion - small/individual at sink)*
Khanh H Giap #50600718, Owner
An Thuyen T Giap #50400490, Manager
- 92609/92633 Natural Touch Nails and Spa by Huynh #'s SNT17982 & SAES18917 *(Delinquent establishment licenses)*
Huynh Cong Duong #51500261, Owner/Manager
- 92634 The Total Look by Sally & Co #SCOS12014 *(Delinquent personal license)*
Sally A McCormick #17213664, Owner
- 92636 You Need Nails & Facial #SNT18169 *(Delinquent personal license)*
Victoria Phan Nguyen #50700399, Owner/Manager
- 92642/92643 Polish Room #'s SNT16830 & SAES17222 *(Delinquent personal licenses)*
Ngan Giang Thi Vo #'s 50500039 & 30500361, Owner
Binh T Nguyen #59700625, Manager
- 92648 Boutique Nails & Spa LLC #SNT18931 *(Delinquent personal license)*
Boutique Nails & Spa LLC, Owner
Sandy Truc Nguyen #'s 50331531 & 30500597, Member/Manager
- 92649 Inspire.Salon LLC #SCOS26428 *(Delinquent personal license)*
Inspire.Salon LLC, Owner
Bonnie J Laaker #19201273, Co-Member/Manager
Cheri Smith #19301380, Co-Member/Manager
- 92650 Av'Caros Styling Salon #SCOS4851 *(Delinquent personal license)*
Darlene Plate #18400109, Owner
- 92651 Rita's Hair Studio #SCOS23936 *(1/3 licensees w/ sanitation violations)*
Rita's Hair Studio LLC, Owner

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92652	Rita Bretz #18428517, Member Blush Nail Spot #SNT16592	<i>(Delinquent personal license)</i>
92671	Jennifer Lee Crabbs #59400911, Owner Jill Grecu #59500861, Manager Great Clips for Hair #SCOS8026	<i>(Delinquent personal license)</i>
92672	William Jackson, Owner Alejandra Fernandez #10900695, Manager Cult Hair Studio & Spa LLC #SCOS26569	<i>(Delinquent establishment license & delinquent personal licenses)</i>
92673	Cult Hair Studio & Spa LLC, Owner Brady McKay, Member Francisco Arzaga #10600561, Manager Pro Nails & Spa #SAES17379	<i>(Delinquent establishment license)</i>
92674	Pro Nails & Spa LLC, Owner Tina Tran #'s 10000674 & 59800019, Member/Manager Halo Hair Salon #SCOS21565	<i>(Delinquent establishment license)</i>
92675	Nancy Bojorquez #10331967, Owner/Manager Glamlove Salon #SCOS25711	<i>(Delinquent establishment license)</i>
	Maritza M Perez #10402143, Owner/Manager	

D. Recommend Informal Interview or Negotiation Terms

MOTION by Karla Clodfelter to accept staff recommendations for all those listed below under Step 1. D. MOTION SECONDED by Thomas Rough. MOTION CARRIED.

1. 92338/92339 Milano Nails Salon, #'s SNT18413 & SAES19609
Tri Truong Tran, Owner
Tuyet Nhung Thi Tran, Owner
Offer a consent agreement to assess \$250.00 civil penalty and Board costs and 6-month probation, see motion above.
2. 92419 Amazing Lash Studio #0152, #SAES19542
DSGS Management LLC, Owner
Dione Schwartz, Owner
Gregory Schwartz, Owner
Offer a consent agreement to assess \$500.00 civil penalty and Board costs, 6-month probation and to combine with 92464 no. 3 under Recommend Informal Interview or Negotiation Terms, see motion above.
3. 92464 Amazing Lash Studio #0152, #SAES19542
DSGS Management LLC, Owner
Dione Schwartz, Owner
Gregory Schwartz, Owner
See 92419 no. 2, see motion above.
4. 92488 Modern Love & Med Spa, #SCOS26600
Modern Love & Med Spa LLC, Owner
Mahvush Hamid, Member
Saqib Hamid, Member
Offer a consent agreement to assess \$250.00 civil penalty and Board costs and 6-month probation, see motion above.
5. 92492/92493 Idol Nail & Spa #'s SAES20379 & SNT18855
Viet Van Nguyen, #50600480, Owner
Lan Kim Nguyen, #50600739, Licensee
Offer a consent agreement to assess \$500.00 civil penalty and Board costs and 6-month probation, see motion above.

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6. 92495 Body Beautiful #SAES18623
Body Beautiful LLC, Owner
Marlene Krueger, Owner
Offer a consent agreement to assess \$500.00 civil penalty and Board costs and 6-month probation, see motion above.
7. 92513 Luxe Nails & Spa #SAES19645
LuLu Salons LLC, Owner
Erik Haovo, Owner
Offer a consent agreement to assess \$250.00 civil penalty and Board costs and 6-month probation, see motion above.
8. 92602 Regal Nails Salon & Spa #2777
Tina Banh, Owner
Hoang Nguyen #51000513, Manager
Offer a consent agreement to assess \$150.00 civil penalty and Board costs and 6-month probation, see motion above.
9. 92608 Donna Doan #10100295, Owner/Manager
Offer a consent agreement to assess \$1,000.00 civil penalty and Board costs and 6-month probation, see motion above.
10. 92637 Smartstyle #1157 #SCOS22593
Minnesota Regis Corp, Owner
Dan Hanrahan, President
Brittany Tiasa-Lorel Ware #11001963, Manager
Offer a consent agreement to assess \$250.00 civil penalty and Board costs and 6-month probation, see motion above.
11. 92639 Golden Razor #SCOS8029
Harry Landos, Owner/Manager
Offer a consent agreement to assess \$250.00 civil penalty and Board costs and 6-month probation. Offer a consent agreement to assess \$50.00 civil penalty and Board costs and to attend the Infection Protection/Law Review Class given by the Board to Licensees Carrie L. Rully #16204529, Mary M. Davies #18900612, Helene J. Julian #17819902 and to Elizabeth Lewis #18900426, see motion above.
12. 92640 Phong N Super Nails #SNT14813
Phong T Nguyen #50200272, Owner
Issue a Letter of Concern for not properly disposing of wax and attempt to reuse wax, see motion above.
13. 92641 Cortiva Institute #ASL00039
FCNH Inc, Owner
Steiner Education Group Inc, Owner
Pamela Denise Brown #71500016, Director
Informal interview without consent, see above motion.
14. 92647 & French Nails #SNT16599 (Closed)
Souphalack Xayachak, Owner
92664 & Hieu Minh Le #50501572, Licensee
92665 Ngoc M Van #50700782, Licensee
Continue for further investigation, see above motion.
15. 92653 Dominic Pham, Owner/Licensee

Acute Nails Center #'s SNT18814 & SAES20313

Continued

- 16. 92666/92667 Tina Thi Tran #'s 59800059 & 30400146, Owner/Manager
Offer a consent agreement to assess \$250.00 civil penalty and Board costs and 6-month probation, see motion above.
- 17. 92678 Pro Nails & Spa #SNT16951
Pro Nails & Spa LLC, Owner
Tina Tran #'s 10000674 & 59800019, Member/Manager
Offer a consent agreement to assess \$750.00 civil penalty and Board costs and 6-month probation, see motion above.

END OF CONSENT AGENDA

STEP 2: INFORMAL INTERVIEWS

A. Without Negotiation Options

None

B. With Negotiation Options

- 1. 91709 & Beebe' Academy of Beauty, #CSL00190 **10:15 a.m.**
92073 & Beebe's Academy of Beauty LLC, Owner
92098 Denisse Romero # 91300024, Manager/Member
Gabriel Romero, Manager/Member
Continued from December's Board Meeting
CONTINUACED GRANTED
- 2. 92097 & Arizona Academy of Beauty Inc., #CLS6 **10:15 a.m.**
Arizona Academy of Beauty Inc., Owner
Stewart White, President
Carey Ann White, V-President
Noel Sanchez, Financial Aid Assistant
Jennifer Smith, #90218146, Instructor
Continue from January's Board Meeting
CONTINUED
92582 Angela Woods, #91300049, Instructor
Continue from January's Board Meeting

Angela Woods was sworn in and stated that she no longer works at the school. Angela Woods stated she was giving a practical lesson on nails, she was the only Instructor at the time and did not neglect the students. Investigator Linda Stroh testified that the Board received an anonymous complaint alleging Owner Carey Ann White of Arizona Academy of Beauty was not in compliance with Instructors not devoting their time to the students, and that Ms. Woods was getting a nail service during school hours while the students are working on clients. Investigator Linda Stroh stated that one of the exhibits was a video showing Ms. Woods sitting at a nail station receiving a nail service while a student was requesting help and students were performing services. Investigator Linda Stroh stated that the video does not indicate a time or date and she was unable to verify the video. Investigator Amber Bingham tried to contact the anonymous complainant however, did not get any response.

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MOTION by Brandy Wells for case no. 92582 to dismiss due to no evidence. MOTION SECONDED by Thomas Rough. MOTION CARRIED.

MOTION by Thomas Rough for case no. 92097 to dismiss due to no evidence. MOTION SECONDED by Brandy Wells. MOTION CARRIED.

- | | | | |
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| 3. | 92171 | Maribel's Beauty Salon, #SCOS16439
Maribel Sandoval, #10501593, Owner
Continued from December's Board Meeting
NEGOTIATED \$250/\$65 RESTITUTION/PAID | 10:15 a.m. |
| 4. | 92287 | Super Nail, #SNT17260
Michelle Nguyen, #50200748, Owner
NEGOTIATED \$250/PAID | 10:15 a.m. |
| 5. | 92290 | Nails of the World and Spa#SNT15668
Phung Minh Le #50700502, Owner
Continued from November's Board Meeting
NEGOTIATED \$250/\$16 RESTITUTION/PAID | 10:15 a.m. |
| 6. | 92296 | Olena Olegovna Gully, #11700388
Continued from December's Board Meeting
NEGOTIATED \$500/PAID | 10:15 a.m. |
| 7. | 92327 | Michele F Weese, #30900486, Licensee
Continued from December's Board meeting
CONTINUANCE GRANTED | 10:15 a.m. |
| 8. | 92373 | Shelli Burnham, #19400864, Licensee
Continued from December's Board Meeting
CONTINUANCE GRANTED | 10:15 a.m. |
| 9. | 92382 &
92456 | Polished Creations by Jessica LLC, #SNT18351
Polished Creations by Jessica LLC, Owner
NEGOTIATED \$250/6-MONTH PROBATION
Jessica M Vajarsky, #50600984, Member/Manager
NEGOTIATED TO ATTEND BOARD CLASS
Continued from October's Board Meeting | 10:15 a.m. |
| 10. | 92391 | Joya Salon, #SCOS21065
MI Hotel Operating Co. Inc., Owner
Michael Shannon, President
Eddie Zrimsek, Assistant Director
Continued from December's Board Meeting
CONTINUE | 10:15 a.m. |
| 11. | 92406 &
92584 | Paulene's Nails, #SNT18653
NEGOTIATED \$250/PAID
Hung C Pham, #50701137, Owner
NEGOTIATED TO ATTEND BOARD CLASS/SCHEDULED 2.26.2018
Continued from December's Board Meeting | 10:15 a.m. |
| 12. | 92422 &
92585 | Herbal Nails & Spa, #SNT18465
Jennifer Tran, Owner
Biet Tiet Nguyen (Bryan), #51700275, Licensee
Continued from December's Board Meeting | 10:15 a.m. |

No Show; to formal hearing

13. 92429 Ashleigh Lynn Olsen, #11102111, Licensee **10:15 a.m.**
Continued from December's Board Meeting
Ashleigh Lynn Olsen was sworn in and stated that she checked the website to make sure she was doing everything right to open her salon, Ashleigh stated she called City of Phoenix and was told you could not have a salon in your home. Ashleigh stated she did operate the salon for two weeks before applying for licensure. Investigator Linda Stroh testified that this was an anonymous complaint alleging Ashleigh Lynn Olsen is performing cosmetology services out of her residence. On September 28, 2017, Investigator went to said location to present the complaint to Ashleigh Olsen who denied the allegations. Investigator stated there was no salon license or personal licenses posted.
MOTION by Thomas Rough to move for case no. 92429 all alleged violations cited the Investigation Report have been shown. MOTION SECONDED by Charlie Phan. MOTION CARRIED.
SUBSTANTIATED VIOLATIONS
A.R.S. § 32-573 (1)(2) Required License Display
A.R.S. § 32-574 (A)(5)(8) Practice or attempt to practice cosmetology, aesthetics or nail technology in any place other than in a salon licensed, or school without being licensed
A.R.S. § 32-572 (A)(6) Violation of Statute or Rule
STAFF REPORTED NO HISTORY
MOTION by Thomas Rough for case no. 92429 to issue a Letter of Concern for operating an unlicensed establishment. MOTION SECONDED by Brandy Wells. Charlie Phan voted NAY.
14. 92434 & Fashion Nails & Spa, #SNT16604 **10:15 a.m.**
NEGOTIATED \$250/PAID
92586 Hoa T Vo, #30100103, Owner
NEGOTIATED TO ATTEND BOARD CLASS
Continued from December's Board Meeting
15. 92443 International Academy of Hair Design #CSL00192 **10:15 a.m.**
Olympus Inc., Owner
Gerald Johnson #97800591, President
Suzanne Markensen, Treasurer
Felicia Borunda #98500021, Director
Continued from October's Board Meeting
NEGOTIATED \$2,000/6-MONTH PROBATION/1ST PAYMENT SUBMITTED
16. 92452 Turning Point Beauty College #CSL00198 **10:15 a.m.**
5 Star Enterprise LLC, Owner
Nhu Nui Holder, Member
Thao Dinh Pham, Member
Michael Anthony Crump #90700009, Instructor-in-Charge
Continued from November's Board Meeting
Lynn Adams was sworn in and stated she is here to ask for a continuance so that they can provide additional information to the Board.
MOTION by Gary Begley to continue case no. 92452 until next month due to additional information. MOTION SECONDED by Brandy Wells. MOTION CARRIED.
17. 92467/92468 N & N Nails & Spa #'s SNT17060 & SAES17534 **10:15 a.m.**
Baoloc T Nguyen #50226232, Owner
Continued from November's Board Meeting
NEGOTIATED \$2000/ 1-YEAR PROBATION
18. 92497 Melanie D Kown #30400573, Licensee **10:15 a.m.**

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Continued from November's Board Meeting

No Show; to formal hearing

19. 92500 Scissors Rox Paper #SCOS16414 **10:15 a.m.**
Mont Villa LLC, Owner
Deanna L Montrose #18123734, Member/Manager
Continued from December's Board Meeting
No Show; to formal hearing
20. 92509 & San Tan Valley Nails & Spa #SNT17953 **10:15 a.m.**
92591 Duc Thai, Owner
Thien Tran, Manager
Continued from December's Board Meeting
No Show; to formal hearing
21. 92510 Pamper Nails & Spa #SNT17677 **10:15 a.m.**
Pamper Nails & Spa LLC, Owner
Christine Thai, Member
Continued from December's Board Meeting
NEGOTIATED
22. 92517 Quinshaunta C Harrison #10200437, Owner/Manager **10:15 a.m.**
Continued from December's Board Meeting
NEGOTIATED \$100/6-MONTH PROBATION/1st PAYMENT SUBMITTED
23. 92534 Hair Again #SCOS23753 **10:15 a.m.**
Kara Mcallister-Dommel #11101840, Owner
Continued from December's Board Meeting
NEGOTIATED \$250/PAID
24. 92557 Carey's Permanent Make Up and Hair Studio #SCOS17993 **10:15 a.m.**
Carey Lynn Smith #18600553, Owner/Manager
Continued from December's Board Meeting
No Show; to formal hearing
25. 92558 Beauty Box Salon #SCOS24885 **10:15 a.m.**
Dana Cruickshank #11201215, Co-Owner/Manager
Kristy Wallace #11101651, Co-Owner/Manager
Continued from December's Board Meeting

Dana Cruickshank was sworn in and stated that her co-owner Kristy Wallace was to take care of the license. Dana Cruickshank stated she tried to renew by phone and online and was not able to, so she mailed the renewal and is now currently licensed. Inspector Lisa Chavez testified that the establishment license expired February 17, 2017 and there was no wet disinfectant concentrate in the salon.

MOTION by Thomas Rough to move for case no. 92558 all alleged violations cited in the inspection summary have been shown. MOTION SECONDED by Charlie Phan.
MOTION CARRIED.

SUBSTANTIATED VIOLATIONS

A.R.S. § 32-541/A.C.C. R4-10-112 (A)(4)(5)(6)(E)(7) Infection Control/Safety Standards

A.R.S. § 32-544/A.C.C. R4-10-107 (B) Delinquent Establishment License

A.R.S. § 32-572 (A)(6) Violation of Statute or Rule

STAFF REPORTED NO HISTORY

MOTION by Thomas Rough for case no. 92558 to maintain the Consent Agreement terms previously offered to the Licensee and 6-month probation with early termination. MOTION SECONDED by Charlie Phan. MOTION CARRIED.

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26. 92583 Angela Creech, #11102102, Licensee **10:15 a.m.**
Continued from December's Board Meeting
NEGOTIATED TO ATTEND BOARD CLASS
27. 92570/92571 & Victoria Nails and Spa by V #'s SNT18868 & SAE20402 **10:15 a.m.**
NEGOTIATED \$500/PAID
92618 & Chinh S Lam #'s 50200079 & 30600060, Owner/Manager
NEGOTIATED TO ATTEND BOARD CLASS/SCHEDULED 1.22.2017
92619 Jimmy Phan, #50600081, Licensee
NEGOTIATED TO ATTEND BOARD CLASS/SCHEDULED 1.22.2017
28. 92575 Ashley Marie Melvin #11500165, Owner/Manager **10:15 a.m.**
Ashley Melvin was sworn in and stated she has enough tools to get her through the whole day, she was using alcohol wipes and she did move to another suite. Ashley Melvin stated that she now has an establishment license and that her personal license was renewed. Inspector Lisa Chavez testified that Ashley Melvin was operating an unlicensed establishment, her personal license expired October 4, 2017, no wet disinfectant and no disinfectant concentrate were present in the salon. Inspector also stated that the salon was previously located in room 22 and is now in room 29 both being unlicensed.
MOTION by Thomas Rough to move for case no. 92575 all alleged violations cited in the inspection summary have been shown. MOTION SECONDED by Charlie Phan. MOTION CARRIED.
SUBSTANTIATED VIOLATIONS
A.R.S. § 32-541/A.C.C. R4-10-112 (A)(4)(5)(6)(B)(E)(7) Infection Control/Safety Standards
A.R.S. § 32-517/A.C.C. R4-10-107 (A) Delinquent Personal License
A.R.S. § 32-574 (A)(5)(8) Unlicensed Establishment
A.R.S. § 32-572 (A)(6) Violation of Statute or Rule
STAFF REPORTED NO HISTORY
MOTION by Brandy Wells for case no. 92575 to offer a Consent Agreement with the following new terms: \$250.00 civil penalty and Board costs and 6-month probation with early termination. MOTION SECONDED by Thomas Rough. MOTION CARRIED.
29. 92576 Valencia Anntonette Davis #10902168, Owner/Manager
NEGOTIATED \$500/6-MONTH PROBATION
30. 92588 Caro's Beauty Salon #SCOS17480 **10:15 a.m.**
Rigoberto Hernandez, Co-Owner
Socorro Hernandez, Co-Owner
No Show; to formal hearing
31. 92589/92593 My Nail Spa in Sun City West #'s SNT17948 & SAES18863 **10:15 a.m.**
Suong Pham #51300406, Co-Owner
Quang V Nguyen #50601174, Co-Owner
No Show; to formal hearing
32. 92600 Botanicals Salon & Spa #SCOS16638 **10:15 a.m.**
Botanicals Salon & Spa LLC, Owner
Patricia K Welch #10225714, Member/Manager
No Show; to formal hearing

STEP 3: HEARINGS

ALL ITEMS BELOW INCLUDE BOARD AUTHORITY FOR DISCUSSION, CONSIDERATION AND POSSIBLE ACTION:

The Board may go into "Executive Sessions" for the purpose of obtaining legal advice from the Board's attorney on any of the agenda items under Step 3 pursuant to A.R.S. § 38.431.03 (A)(3).

The Board may vote to go into "Executive Session" to discuss and consider records exempt by law from public inspection, including the receipt and discussion of information, or testimony that is confidential by State of Federal Law on all agenda items under Step 3 pursuant to A.R.S. §38-431.03 (A)(2).

A. Denial Appeals

None

B. Motion to Deem Allegations Admitted

91568 Beauty to Arizona, LLC **10:00 a.m.**
Martin S. Ellertson, Member/Manager
Seva Beauty #5190 #SAES19750
Assistant Attorney General, Mona Baskin, appeared representing the State.
Independent Advisor, Marc Harris, was available by telephone. Licensee did not appear.

MOTION by Thomas Rough to grant the State's MOTION TO DEEM ALLEGATIONS ADMITTED. MOTION SECONDED by Charlie Phan. MOTION CARRIED.

MOTION by Thomas Rough to adopt the Factual Allegations in the Complaint and Notice of Hearing as Findings of Fact and the Alleged Violations in the Complaint and Notice of Hearing as Conclusions of Law. MOTION SECONDED by Charlie Phan. MOTION CARRIED.

MOTION by Thomas Rough for case no. 91568 to issue an Order of discipline to revoke salon license no. SAES19750 for Seva Beauty #5190, impose \$250.00 civil penalty and Board costs and that the agency recovers its total costs incurred for this case in an amount to be determined later by the agency. MOTION SECONDED by Charlie Phan. MOTION CARRIED.

C. Office of Administrative Hearings Recommended Decisions for Review Pursuant to A.R.S. § 41-1092.08

None

D. Request for Reinstatement

None

The Board may go into "Executive Sessions" for the purpose of obtaining legal advice from the Board's attorney on any of the agenda items under Step 3 pursuant to A.R.S. § 38.431.03 (A)(3).

E. Discussion, Consideration and Possible Action on Revision of Proposed Consent Agreement Terms and/or Letter of Concern Cases.

92314 Tri Nguyen #50500690, Previous Owner

Irma Telles asked the Board Members if they would consider rescinding prior motion of \$1,500.00 civil penalty and Board costs and issue a Letter of Concern for failure to notify the Board of an ownership change.

MOTION by Karla Clodfelter for case 92314 to rescind prior motion and issue a Letter of Concern for failure to notify the Board of an ownership change. MOTION SECONDED by Thomas Rough. MOTION CARRIED.

92375 Barbara Melchert-Lofgreen #10000384

Irma Telles asked the Board Members if they would consider rescinding prior motion of \$500.00 and offer a consent agreement with a \$50.00 civil penalty and Board costs for working in an unlicensed establishment.

MOTION by Karla Clodfelter for case no. 92375 to rescind prior motion of \$500.00 and offer a consent agreement with a \$50.00 civil penalty and Board costs for working in an unlicensed establishment. MOTION SECONDED by Thomas Rough. MOTION CARRIED.

MOTION by Karla Clodfelter for case no 92375 to correct prior motion of \$500.00 to \$250.00. MOTION SECONDED by Thomas Rough. MOTION CARRIED.

F. Review, Discussion & Reconsideration of Denial of Application and Possible Action on Opening an Investigation Pursuant to A.R.S. § 32-573 (A).

None

ADJOURNMENT

MOTION by Brandy Wells to adjourn the meeting at 10:59 a.m. MOTION SECONDED by Thomas Rough. MOTION CARRIED.

In accordance with Title III of the Americans with Disabilities Act, the Cosmetology Board does not discriminate on the basis of disabilities in its programs, services or activities. Individuals who need reasonable accommodation to participate or who need information in an alternative format may contact Mimi Ahmetovic the ADA Coordinator at (480) 825-7002.