MISSION STATEMENT

To ensure the public health, welfare, and safety through education and enforcement of the cosmetology laws and rules by the regulation of salons, schools, and individuals who practice Cosmetology.

ARIZONA STATE BOARD OF COSMETOLOGY MEETING MINUTES
October 20, 2017 at 9:00 am
1721 East Broadway
Tempe, Arizona 85282-1611

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
Jessica M Stall-Rainbow, Public Member, Secretary/Treasurer
Melissa C Porter, Public Member
Charlie C Phan, Nail Technician
Thomas Rough, Cosmetologist
Vacant, Instructor

1. Call to Order

2. Pledge of Allegiance

3. Roll Call of Board Members
   Gary Begley
   Karla Clodfelter
   Jessica Stall-Rainbow
   Charlie Phan
   Thomas Rough
   Melissa Porter
BOARD BUSINESS

1. Discussion, Consideration and Possible Action on Approval of Regular Board Minutes of September 22, 2017.

   MOTION by Karla Clodfelter to approve minutes as written. MOTION SECONDED by Melissa Porter. MOTION CARRIED.

2. Discussion, Consideration and Possible Action on Approval of Special Board Minutes of September 26, 2017.

   MOTION by Karla Clodfelter to approve minutes as written. MOTION SECONDED by Melissa Porter. MOTION CARRIED.

3. Approval of Executive Session Minutes of September 26, 2017.

   MOTION by Karla Clodfelter to approve minutes as written. MOTION SECONDED by Melissa Porter. MOTION CARRIED.

4. Board Member Declaration of Conflict of Interest.

   Karla Clodfelter declared for 92252 no. 14 under Step 2. B. of the Agenda.

5. Discussion, Consideration and Possible Action on Executive Order 2017-02.

   - Internal Review of Administrative Rules; Moratorium to Promote Job Creation and Customer-Services-Oriented Agencies


   - Senate Bill 1130
   - Exemption from Moratorium on Rulemaking Granted May 2, 2017
   - Opening of Rule Docket
   - Review Status of Proposed Rules

   Executive Director Donna Aune stated that we received the Certificate of Approval of Final Rules and the rules were filed with the Secretary of State on October 5, 2017.

   *The Board may go into Executive Session for the purpose of obtaining legal advice from the Board’s attorney pursuant to A.R.S. §38-431.03(A)(3)

7. Report, Discussion, Consideration and Possible Action on Recommendations from the Legislative Committee Meeting Held on June 28, 2017.
• Allow Students to Receive Credit for Hours Spent on Charitable and Special Cosmetology Events
  ❖ A.R.S. § 32-557 (A)
  ❖ A.R.S. § 32-506 (4)
  ❖ A.A.C. R4-10-306 (F)(H)
• One Single Establishment License
• Definition of Supervision/Laser/A.R.S. § 32-516
• Nail Technician License/Reduce Required Hours of Training

Executive Director Donna Aune stated the Legislative Committee Meeting was held on October 6, 2017 and not June 28, 2017, as indicated above.

Karla Clodfelter stated the legislative committee met on October 6, 2017. The committee is working on language regarding charitable events, and continues to work on the single establishment license. Karla Clodfelter stated that the committee is working to adopt the National Standards for Lasers which could serve as guidelines for best practices in the laser field. The committee also discussed going back to 350 hours for a nail technology training required for licensure which would fall in line with the national average.

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

9. Welcome and Board Member Dialogue with Visiting Cosmetology Students

Representatives from Northland Pioneer College, Penrose Academy and Gateway Community College were in attendance.

EXECUTIVE DIRECTOR’S REPORT

1. Report and Discussion on Agency Departments.
   • Financial
   • Personnel
   • Licensing
   • Information Technology

   Executive Director Donna Aune stated that we received an e-mail yesterday from HR that the agency can fill the two Investigation Supervisor III positions. Theresa Bunch will be the Field Supervisor and Irma Telles will be the In-House Supervisor. The agency would like to congratulate both of them, and it will now be working on hiring Inspectors moving forward.

2. Discussion, Consideration and Possible Action on changing April 20, 2018, Board Meeting Date.
Executive Director Donna Aune stated due to the NIC Regional Conference to be held on April 21, 2018, we would need to consider changing the April 20, 2018, board date to possibly April 13th or 27th.

The Board member’s discussed the two possible dates and a decision was made to change the April 20, 2018, board meeting date to April 13, 2018.

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

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

None

B. Recommend Dismissals

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

91457 Josie Martinez #39200024 (Found no evidence to support allegations)
91546 Ultimate Nails & Beauty Salon #SCOS16888 (Found no evidence of sanitation violations)
Dien T Lopez #50000206, Partnership
Richard E Bechnell, Partnership
91547 Elegant Nails & Spa #SNT17298 (Found no evidence of unlicensed practice)
Tam Duc Nguyen #51100040, Owner/Manager
91569/91570 Da-Vi-Nails #4325 #’s SNT16270 (REVOKED) & SAES19272 (Ownership Change)
Tracy Hoang #50700357 (REVOKED)
91571 Jen’s Nails #SNT18042 (Ownership Change)
Bich Tuyen Tran #50700994, Owner
91861 Amber Madonia #11600287 (Found no evidence of establishment Residency)
91913 Health, Love, & Happiness #SCOS27157 (Found salon currently licensed)
Summer Y Tilgner, Owner
92053 Health, Love, & Happiness #SCOS27157 (Found salon currently licensed)
Summer Y Tilgner, Owner
92102 Augusta Sloan #11401775, Licensee (Found no evidence of establishment Residency)
92234 Nail En-V #SNT17012 (Found no evidence of unlicensed practice)
Shawn Dieu Chi Tran #50300021, Owner
92256/92257 A Cindy’s Nails & Spa #’s SNT17094 & SAES17572 (Found no evidence of sanitation violations)
Kathy Ngo #’s 50700720 & 31200694, Owner

European Wax Center #SAES17533 (Found no evidence of sanitation violations)
Ocotillo Ranch LLC, Owner
Nicholas Madsen, Member
Steve Hamas, Member
Kursten Pascuzzo, Member

Bush Salon LLC #SCOS23941 (Client satisfaction - complainant had hair cut at another salon)
Blush Salon LLC, Owner
Erica Sayles, Co-Owner/Manager
Melissa Maas #10500548, Co-Owner/Manager
Katelynn Pangeri #11102588, Licensee

Lash Dollhouse Beauty Salon (Unlicensed) (Refer to proper authorities)
Laura Gutierrez, Unlicensed/Owner

Noelia Vasquez #19601401 (Found no evidence of establishment Residency)
92321

VIP Nail Salon & Spa SCOS25770 (Found no evidence of health & safety violations)
Thao Nguyen #’s 50900149 & 31000409, Owner

Carefree Nails & Spa #’s SNT17368 & SAES17984 (Found salon in compliance with health & safety)
Kathleen Nguyen #’s 10300116 7 59700054, Owner/Manager

Arizona Hair Co SCOS25494 (Found no evidence of health & safety violations)
San-Mar Enterprises LTD, Owner
Paula Denis #18022767, President
Barbara Leslie, Secretary/Treasurer
Anna Riviere #11200599, Manager

Happy Valley Nails & Spa #’s SNT17747 & SAES18563 (Found no evidence to support allegations)
Trang Dao, Owner

Shampoo Ink SCOS26280 (Found no evidence to support allegations)
Abel Escoto, #10600906, Owner

Suite Bliss SCOS26365 (Establishment license was renewed)
Wanda K Ritzler #17516400, Owner/Manager
92433

C. Recommend Letter of Concern

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

Cali Pro Nail Spa #’s SAES17344 & SNT16925 (Delinquent Personal License & excess towels need to be enclosed)
Tai A Ngo #50000502, Owner
92070/92072

Mila’s Hair Salon SCOS21834] (Designated Manager-in-Charge)
Hair Salon of Tucson LLC., Owner
Lyudmila Brunshman, Member/Manager
Ronald Clark, LLC Manager
92229

Debra Wombok-Declay #19918224 (Operating under a delinquent establishment license prior to ownership change)
Hair & More SCOS18571
92261 &

Amazing Hair SCOS27509 (Display of establishment license)
Consuelo E Langholz, Owner
92472

Shear Designs by Liana SCOS25440 (No first-aid kit & no blood spill kit)
Liana Demar #11000727, Owner
92421

The Standard Salon SCOS25283 (Del. establishment license & personal and establishment licenses not posted or displayed)
Tennille A Wilmarth #19816186, Co-Owner/Manager
Maureen Larcey Atwood #10226273, Co-Owner/Manager
Ashlea Brynn Dalton #31100670, Co-Owner/Manager
92423

Theary Nail LLC SNT18415 (Delinquent establishment license)
Theary Nail LLC, Owner
92426
Sokuntheary L Turner #50900590, Member/Manager
Arizona Hair Co #25 #SCOS10876
San-Mar Ent Ltp, Owner (Delinquent personal license)

Danielle Biancamano #10700131, Owner/Manager
Front Room Suite #SCOS26387
Justine Cherney #10501319, Owner (Delinquent establishment license)

Azul Day Spa #SCOS19625
Chloe Anh Thai #10900438, President
Stat Phoenix 888 Corp, Owner (Delinquent personal license)

San Diego Nails by Anna #'s SNT18474 & SAES19696
Dung T Le #'s 50900638 & 31400035, Owner/Manager (Delinquent establishment licenses)

Salon de Belleza Nueva Imagen #SCOS24263
Juan J Ruiz, Owner (No tuberculocidal disinfectant)

Bella Vida Salon #SCOS26493
Bella Vida Salon LLC, Owner (Delinquent personal license)

Divas Spa and Cosmetics #SCOS24778
Jesus Lopez, Owner (Delinquent establishment license)

Ken's Nails & Spa 1 LLC #'s SNT18201 & SAES19276
Anh Nguyen, Member (Delinquent personal license & personal license display)

Nail Spa 101 #SNT18140
Judy Nguyen, Owner (Delinquent personal license)

Tiffany 2014 Nails #'s SNT18706 & SAES20097
Dong B Le #'s 50300085 & 30330569, Owner/Manager (Delinquent personal licenses)

Queen Phi's Nails #'s SNT18138 & SAES19157
Phi Thi Quy Nguyen #51100441 & 31500249, Member/Manager (Delinquent establishment licenses)

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 Melissa Porter. MOTION CARRIED.

1. 92166  Aveda Institute Phoenix #CSL163
AZ Institute LLC, Owner
Dave Lemonds, Member/Manager
Katrina Bervin #71300003, Instructor

Offer a consent agreement to assess $250.00 civil penalty and Board costs, six month probation, see motion above.

2. 92221/92222  T Valley Nails #’s SNT17623 & SAES18390
T Valley Nails LLC, Owner
Trang Nguyen #’s 50100318 & 30300095, Manager/Member
Trina Camtrinh Nguyen #’s 50401335 & 30800355, Member

Issue a Letter of Concern for delinquent establishment license and personal license display, see motion above.

3. 92238  Artistry Beauty Studios #SCOS27299
Cierra B Hair LLC, Owner
Cierra Webster #11601217, Member
Gerard Webster, Member
Karla Campos #11500860, Licensee
Dismiss due to no evidence, see motion above.

4. 92268 Chelsea Allen #30600762 (Inactive)
    Offer a consent agreement to assess $750.00 civil penalty and Board costs, six month probation, see motion above.

5. 92277 & Sarah Hansen #31400483, Licensee
    Issue a Letter of Concern for working in an unlicensed establishment, see motion above.
    92497 Melanie D Kown #30400573, Licensee,
    Offer a consent agreement to assess $500.00 civil penalty and Board costs, six month probation, see motion above.

6. 92290 Nails of the World and Spa #SNT15668
    Phung Minh Le #50700502, Owner
    Offer a consent agreement to assess $250.00 civil penalty and Board costs, $16.00 restitution and six month probation, see motion above.
    Hung Tan Van #51600518, Licensee
    Issue a Letter of Concern for not following proper blood spill procedures, see motion above.

7. 92343 European Nails & Spa #SNT16629
    Don D Tran #10000259, Co-Owner/Licensee
    Mindy Pham #31200540, Co-Owner
    Offer a consent agreement to assess $250.00 civil penalty and Board costs, six month probation and for Co-Owner Don Tran to attend the Infection Protection/Law Review Class given by the Board, see motion above.

8. 92357 AK Nails Spa #SNT18557
    An Xuan Le #50600363, Owner
    Offer a consent agreement to assess $500.00 civil penalty and Board costs, six month probation, see motion above.

9. 92360 Vidogi Salon #SCOS24538
    Diamond Team LLC
    Uyen “Denise” Le #’s 10400942 & 50023504
    Byron Tanigawa LLC Manager
    Dioma Tanigawa LLC Manager
    Issue a Letter of Concern for exposed wiring in an electrical outlet, see motion above.

10. 92371 Best Nails of Mes LLC #SNT18080
     Best Nails of Mesa LLC, Owner
     Tuong Linh Bui, Manager/Member
     Quinn Bui, Manager
     Nhi Hong Nguyen #’s 51100391 & 31300406, Licensee
     Offer a consent agreement to assess $750.00 civil penalty and Board costs, six month probation and for Licensee Nhi Hong Nguyen to attend the Infection Protection/Law Review Class given by the Board, see motion above.

11. 92372 Supercuts #90352 #SCOS17026
     Supercuts Corporate Shots Inc., Owner
12. 92375  Barbara Melchart-Lorgreen #10000384, Licensee
Offer a consent agreement to assess $250.00 civil penalty and Board costs, six month probation, see motion above.

13. 92415  Tru Colors Salon & Day Spa #SCOS15066
Quang Pham #’s 59900208 & 10801401, Co-Owner
Lam M Tran #’s 59900071 & 30100102, Co-Owner
Offer a consent agreement to assess $500.00 civil penalty and Board costs, six month probation, see motion above.

14. 92424  3 Shades of Gray LLC #SCOS26847
3 Shades of Gray LLC, Owner
Mariah Escoto #11401359, Member
Lana Kozinski #11402063, Member
Chelsie Perea #11501982, Member
Offer a consent agreement to assess $250.00 civil penalty and Board costs, six month probation, see motion above.

15. 92425  Studio 29 #SCOS25444
Alicia Davenport #11201838, Co-Owner
Abbi Horn #11302107, Co-Owner
Issue a Letter of Concern for establishment license not displayed, no first aid kit and no blood spill kit, see motion above.

16. 92438  Lash & Brows by Vicky #SAES19777
Victoria Linh Huynh #10900827, Owner/Manager
Offer a consent agreement to assess $250.00 civil penalty and Board costs, six month probation, see motion above.

17. 92439  Cut N Dye #SCOS27441
Jessica Caitlin Alonge #11003035, Owner/Manager
Offer a consent agreement to assess $250.00 civil penalty and Board costs, six month probation, see motion above.

18. 92441  Salon & Spa Visage #SCOS16579
Nadia Montova, Co-Owner
Baldramina Renteria, Co-Owner
Offer a consent agreement to assess $500.00 civil penalty and Board costs, one year probation and Risk Based, see motion above.

19. 92442  Belleza Latina Beauty Salon #S7 #SCOS25823
Liliana Betancourt #19800358, Owner
Offer a consent agreement to assess $250.00 civil penalty and Board costs, six month probation, see motion above.

20. 92446  Sesma’s Salon & Barber #SCOS22505
Jazmin Talamantes, Owner
Offer a consent agreement to assess $500.00 civil penalty and Board costs, six month probation, see motion above.
21. 92452  Turning Point Beauty College #CSL00198
5 Star Enterprise LLC, Owner
Nhu Nui Holder, President
Thao Dinh Pham, Owner
Kimberly Hong Tran, Owner
Michael Anthony Crump #90700009, Instructor in Charge
Offer a consent agreement to assess $1,500.00 civil penalty and Board costs, six month probation, see motion above.

22. 92467/92468 N & N Nails & Spa #’s SNT17060 & SAES17534
Baoloc T Nguyen #50226232, Owner
Offer a consent agreement to assess $2,000.00 civil penalty and Board costs, one year probation and Risk Based, see motion above.

23. 92469  Supercuts 9726 #SCOS13521
Supercuts Corporate Shops Inc, Owner
Dan Hanrahan, President
Eric Bakken, Secretary
Amber Bray #11402498, Manager
Issue a Letter of Concern for no tuberculocidal disinfectant, see motion above.

24. 92471  Beauty Performance LLC #SCOS24410
Beauty Performance LLC, Owner
America Estrada, Member
Adriana Garcia, Manager
Offer a consent agreement to assess $250.00 civil penalty and Board costs, six month probation, see motion above.

25. 92478  Beauty Brands LLC #SCOS24281
Beauty Brands LLC, Owner
Lyn Kirby, CEO
Rich Bos, President
Charlotte Kerner, CFO
Dan Costello, Secretary
Spring Aldecoa, Manager
Offer a consent agreement to assess $250.00 civil penalty and Board costs, six month probation, see motion above.

26. 92498  Beauty Brands LLC #SCOS24283
Beauty Brands LLC, Owner
Rich Bos, Member/Manager
Charlotte Kerner, Member/Manager
Bambie Saldana, Assistant Manager
Offer a consent agreement to assess $250.00 civil penalty and Board costs, six month probation, see motion above.

END OF CONSENT AGENDA

STEP 2: INFORMAL INTERVIEWS

A. Without Negotiation Options
Rosemary Flores was sworn is and stated she did not do a Jessner’s chemical peel she did a 30% Lactic Image peel for pigment and hydration. Rosemary stated she wanted complainant to purchase a sunscreen and complainant declined. Rosemary stated the complainant commented that she was going on vacation to the beach and complained when she returned from her vacation. Rosemary stated she applied healing a mask, balm and vitamin C. Rosemary also stated she does do family and friends at her home. Investigator Linda Stroh testified that on May 31, 2017, she spoke to the complainant Jenny Cruz regarding her allegation and the service that took place in May of 2016 and the complainant stated the following: she went to the respondent’s home, salon set up on the second floor, requested a facial-Jessner Peel and was applied, respondent did not have a pre or post peel instructions, sold her an Image acid wash and Image cream to use each night, complainant called Rosemary because face was burning and raw and was told to purchase Vanicream face wash and cream at Walgreens and after face peeled complainant stated was left with dark pigmented spots around the chin and eyes. On June 10, 2016, complainant sought medical attention and was prescribed Hydroquinone bleaching cream for the pigmented dark spots under the chin. On June 10, 2016, complainant phoned Rosemary who asked her to return to her home so she could look at her skin and told complainant to not use the cream prescribed by the doctor, Rosemary said a Lactic treatment would take care of the dark spots and performed the treatment on the chin area, which resulted in burns and scaring. Complainant returned to Rosemary and was given makeup to cover the chin and was offered to do laser treatment and pay for doctor’s visits. Complainant refused the laser treatment but did leave address to send a check for medical expenses. On July 22, 2016, returned to the doctor and spoke with the aesthetician who gave complainant instruction and was to receive further medical treatment. Investigator Linda Stroh stated we do have medical documentation and yesterday we received a copy of a check for reimbursement for services in the amount of $350.00 issued to Jenny Cruz from Rosemary Flores dated May 31, 2017. Complainant Jenny Cruz was sworn in and stated she had never been to an aesthetician before and expressed an interest in getting a facial to her friends, so we went to Rosemary’s home. Jenny stated she has heard of chemical peels did not know much about them and has minor age spots and decided to do the peel. Jenny stated after the peel she asked Rosemary what should I be doing to care for my skin while I’m peeling, Jenny stated Rosemary did not have a post plan and went to her shelf and sold me an acid wash and cream by Image and to do this each night. Jenny stated she did the acid wash and cream each night but her face was burning and had to stop using the product, Jenny stated she called Rosemary what was happening and Rosemary told me to stop using the product and go to Walgreens and by Vanicream cream for sensitive skin. Jenny stated she bought the product and when she stopped peeling she had a dark spot on her chin, so Jenny stated she went to her dermatologist and was prescribed Hydroquinone bleaching cream. Jenny stated she called Rosemary and told her what was going on and Rosemary’s asked her to come over to take a look at it. Rosemary did a Lactic treatment and it got worse, it started burning and blistering and it has been over a year and I still have a dark spot on my chin and my cheeks. Rosemary did offer to do a laser treatment but I did not want to do that, I told her if she wanted to help with my doctors’ bills that would be good.

MOTION by Karla Clodfelter to move for case no. 91654 all alleged violations cited in the Investigation Report have been shown and to add A.R.S. § 32-574-(A)(5)(8). MOTION SECONDED by Melissa Porter. MOTION CARRIED.

STAFF REPORTED NO HISTORY

MOTION by Karla Clodfelter to move that for case no. 91654 to offer a consent agreement with the following terms for $500.00 in civil penalty and Board costs, $350.00 restitution, one year to pay fine, for Licensee Rosemary Flores to attend an Image class on peels, prep and product knowledge and to attend the Infection Protection/Law Review Class given by the Board with both classes to be attended within 90-days and if not signed the case
will proceed to a Formal Hearing. MOTION SECONDED by Melissa Porter. MOTION CARRIED.

2. 92443  International Academy of Hair Design #CSL00192  10:00 a.m.  
Olympus Inc., Owner 
Gerald Johnson #97800591, President 
Suzanne Markensen, Treasurer 
Felicia Borunda #98500021, Director 
RE-NOTICE

B. With Negotiation Options

1. 92228  Headliners Barbershop #SCOS24829  10:15 a.m.  
Laron E Cook Sr., Owner  
Continued from September's Board Meeting  
Laron Cook was sworn in and stated the manager Luis Montijo was the brother of another cosmetologist who was operating that shop and was just appointed manager to this location and did not meet our expectations and was terminated. Linda Stroh testified that one out of one licensee with soiled tools, soiled dry storage, soiled work area, incomplete first aid kit, establishment license delinquent and not posted. 
MOTION by Karla Clodfelter to move for case no. 92228 all alleged violations cited in the inspection summary have been shown. MOTION SECONDED by Melissa Porter. MOTION CARRIED.

SUBSTANTIATED VIOLATIONS  
A.R.S. § 32-544/A.A.C. R4-10-107 (B) Delinquent Establishment License  
A.R.S. § 32-543.1/A.A.C. R4-10-113 (A)(1) Required Establishment License Display  
A.R.S. § 32-572 (A)(6) Violation of Statute or Rule  
STAFF REPORTED NO HISTORY  
MOTION by Karla Clodfelter for case no. 92228 to maintain consent agreement terms previously offered to licensee and if not signed case will proceed to a Formal Hearing. MOTION SECONDED by Melissa Porter. MOTION CARRIED.

2. 92270  Goldy L Boyer #19001199, Owner/Manager  10:15 a.m.  
Continued from September's Board Meeting  
Goldy Boyer was sworn in and stated she was in the process of setting up the studio and closing her salon she had been in for ten years, moving into an apartment and dealing with the secretary of state going back and forth and during this time Lisa came into the studio. Goldy Boyer stated she does now have her establishment license. Inspector Lisa Chavez testified that licensee was operating an unlicensed establishment. 
MOTION by Karla Clodfelter to move for case no. 92270 all alleged violations cited in the inspection summary have been shown. MOTION SECONDED by Melissa Porter. MOTION CARRIED.

SUBSTANTIATED VIOLATIONS  
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 Karla Clodfelter for case no. 92270 to maintain consent agreement terms previously offered to licensee, to give one year to pay fine and if not signed case will proceed to a Formal Hearing. MOTION SECONDED by Melissa Porter. MOTION CARRIED.

3. 92303  Danielle Kroeger #11601509, Owner/Manager  10:15 a.m.  
Continued from September's Board Meeting  
Danielle Kroeger was sworn in and stated she had already sent in the application by mail which was returned due to missing information and she can't pay rent without working.
Danielle Kroeger stated she knew she should not have been working. Inspector Lisa Chavez testified. Inspector Lisa Chaves testified that licensee was operating an unlicensed establishment, there was no first aid kit and no blood spill kit.

MOTION by Karla Clodfelter to move that for case no. 92303 all alleged violations cited in the complaint summary have been shown. MOTION SECONDED by Melissa Porter. MOTION CARRIED.

SUBSTANTIATED VIOLATIONS
A.R.S. § 32-574 (A)(5)(8) Unlicensed Establishment
A.R.S. § 32-541/A.A.C. R4-10-112 (T)(1) Infection Control/Safety Standards
A.R.S. § 32-572 (A)(6) Violation of Statute or Rule

STAFF REPORTED NO HISTORY

MOTION by Karla Clodfelter to move that for case no. 92303 to impose the following discipline and to Board Order Owner Danielle Kroeger to attend the Infection Protection/Law Review class given by the Board within 90-days and if not signed case will proceed to a Formal Hearing. The investigative findings on or about July 11, 2017, Board Inspector found the licensee operating an unlicensed establishment, no first aid kit and no blood spill kit which are violations of statute A.R.S. § 32-574 (A)(5)(8) and A.R.S. 32-541/A.A.C. R4-10-112 (T)(1). MOTION SECONDED by Melissa Porter. MOTION CARRIED.

4. 91777  Bettina C Rowland #90900053 10:15 a.m.

Bettina Rowland was sworn in and stated she has a complete cosmetology kit and explain everything and how to use it. Bettina stated she makes the kits, do not advertise being a school or offer credit hours and by the time a client comes to me they have been certified with 1600 hours. Bettina stated she assists kids in preparing for the exam. Investigator Linda Stroh testified that board staff had discovered that Bettina Rowland was advertising on social media that she gives a private one on one prep time in a private studio for $25.00 to students so they can get ready to pass the State Board Exam. On July 24, 2017, Investigator Linda Stroh found through social media cosmokit.com, it offered private 101 prep time for $25.00 an hour with a licensed instructor and in captions it was advertised “Kits, Chapter Reviews and Private Instruction”. Investigator went to address found on the website and found no one home. On August 8, 2017, investigator Linda Stroh spoke to Bettina Rowland to go over the allegations. Bettina stated she gives students confidence on what they have learned in school to pass the exam. Investigator asked if students are taught on procedures such as color applications. Bettina stated if students have questions on procedure she gives them directions as to outlining the sections. Investigator asked where she offers the services, Bettina stated she goes to them or they come to her. Investigator asked how much she charges for her services, investigator stated Bettina was vague, Bettina stated students pay for the kit. Bettina stated she went through the cosmetology rules and laws and saw no law against tutoring student.

11:15 a.m. MOTION by Karla Clodfelter to go into Executive Session for legal advice regarding A.R.S. § 32-574 (A)(8) on No. 4. Step 2. B. of the Agenda. MOTION SECONDED by Melissa Porter. MOTION CARRIED.

11:45 a.m. Back in Open Session.

MOTION by Karla Clodfelter for case no. 91777 to issue a Letter of Concern and to have advertising limited to tutoring, not instruction, to clarify that not functioning as a school and that tutoring will not satisfy state Board requirements. MOTION SECONDED by Melissa Porter. MOTION CARRIED.

5. 92047  BCD Barbershop & Beauty Shop #SCOS25839 10:15 a.m.

Petra I Illas, Owner
Ruben Martinez #11101551, Licensee
Priscilla Castro #11300218, Licensee

NEGOTIATED
6. 92067  CK Awesome Nails, #SNT18145  
Cindy Oanh Ho, #50400191, Owner  
CONTINUANCE GRANTED  

7. 92084  Black Cadillac Salon #SCOS26268  
Black Cadillac Salon LLC, Owner  
Leah Abell #10501947, Licensee/Member  
Stephanie Tresky, Member  
NEGOTIATED $250/PAID RESTITUTION $45  

8. 92101  Marylu’s Salon #SCOS23627  
Maria Membrilla #109 00364, Owner  
No Show; to formal hearing  

9. 92139  Ultra Source Salon #SCOS23086  
Goveia Inc., Owner  
Joseph W Goveia, President  
Julie Ann Goveia #58800313, V-President  
NEGOTIATED $250  

10. 92140/92141 Premier Nails & Spa #’s SAES18848 & SNT17941  
AZ Desert Enterprise LLC, Owner  
Thanh Hien Nguyen #’s 30600445 & 50500724, Member/Manager  
Hieu Nguyen, Member  
NEGOTIATED $500/PAID  

11. 92149  Great Clips #6336 #SCOS15331  
Kula Inc., Owner  
Michael DiCarlo, President/Director  
Martina Kemp, Manager  
NEGOTIATED $500/PAID  

12 92199  Beauty Nation Academy #CSL00203  
Yurilea Ramirez, Owner  
Ivette Hernandez #91300053, Manager/Instructor  
NEGOTIATED $500/6-MONTH PROBATION  

13. 92214  Olympus Beauty Academy #CSL00189  
Olympus Inc., Corp, Owner  
Gerald D Johnson #97800591, President  
Mario Montoya #90500073, Director  
NEGOTIATED $750/6-MONTH PROBATION 1ST PAYMENT $250  

14. 92252  VIP BN Nail & Spa SNT18674  
BN Salon LLC, Owner  
Nuong Thi Le #’s 51405486 & 31306792, Member/Manager  
Nuong Thi Le was sworn in and stated we do not have a nail technician by the name of Steve, we do have a man by the name of Steve who is a walking/talking commercial who helps you build your business. Nuong Thi Le stated Steve is in the appointment book because he brings customers into the salon. John Kauesha was sworn in and stated that Steve has a business Walking Talking Commercial, he walks into businesses and introduces himself and he helps build business. He met Nuong at her salon and wanted to help build her business, so he will go to different offices to introduce the salon and when the individual calls they say they have met with Steve and would like to come and see the salon and Steve will met with the individuals and walk them through the salon but does not performs any services at any time. Investigator Amber Bingham testified that this was an anonymous complaint alleging VIP BN Nail & Spa has
an unlicensed individual performing nail services and goes by the name of Steve. On July 28, 2017, Investigator went to the salon location and spoke to Nuong Thi Le Member/Manager who denied the allegations. Investigator noted multiple names in the appointment book including Steve. Investigator checked establishment and personal licenses and no license was provided for Steve. When Investigator was exiting the salon Nuong Thi Le received a call for an appointment and noted that Nuong Thi Le wrote the appointment down for Steve. Investigator asked Nuong Thi Le who Steve was and why there was no personal license and Nuong Thi Le stated there was no Steve and he was gone.

MOTION by Melissa Porter for case no. 92252 to dismiss due to no violation. MOTION SECONDED by Jessica Rainbow. MOTION CARRIED.

15. 92253  Charlie’s Nails #SNT19136  10:15 a.m.
    Charlie Vo #59600088, Owner
    Hang Kim Quach #50400944, Licensee

    Charlie Vo was sworn in and stated they hired a lady to clean the shop and she is not allowed to do any customers. Investigator Amber Bingham testified this was an anonymous complaint alleging the salon is allowing an unlicensed individual to perform nail services without a proper license. On July 25, 2017, Investigator went to salon and observed four females present with one proving a nail service, investigator spoke to licensee Hang Kim Quach who denied the allegations, at this time investigator observed one female left out the back door. Investigator asked about the female leaving out the back door, Hang Kim Quach stated she was the cleaning lady and cleans the pedicure spas after clients. Investigator noted licensee Van Thi Ngo went out the back door to retrieve the female that left the salon, Hang Kim Quach stated the female does not speak good English. Investigator stated the female stated her name was Huong Nguyen, she did not have a driver license or a form of identification on her, Hang Kim Quach and Huong Nguyen informed investigator the female was from New Mexico and just moved to Arizona. Investigator inquired if she had a New Mexico nail or aesthetic license and Huong Nguyen stated she did not. Investigator noted the following, disinfectant not properly labeled and one reused pumice stone.

    MOTION by Charlie Phan to move for case no. 92253 all alleged violations cited in the Investigation Report have been shown. MOTION SECONDED by Karla Clodfelter. Karla Clodfelter WITHDREW SECOND. MOTION DIED.

    MOTION by Karla Clodfelter to move for case no. 92253 all alleged violations cited in the Investigation Report have been shown except A.R.S. § 32-574 (A)(1)(2)(4) and A.R.S. § 32-572 (A)(7). MOTION SECONDED by Melissa Porter. MOTION CARRIED. Charlie Phan VOTED NAY.

    SUBSTANTIATED VIOLATIONS
    A.R.S. § 32-541 (B)/A.A.C. R4-10-112 (E)(1)(L)(1)  Infection Control/Safety Standards
    A.R.S. § 32-572 (A)(6) Violation of Statute or Rule

    HISTORY
    89505  7/17/2015  Consent Agreement/$250 Civil Penalties & Costs  Health and Safety Regulations

    MOTION by Karla Clodfelter to move that for case no. 92253 to offer a consent agreement with the following new terms for $250.00 in civil penalty and Board costs, ten months to pay fine and if not signed the case will proceed to a Formal Hearing. MOTION SECONDED by Melissa Porter. MOTION CARRIED. Charlie Phan VOTED NAY.

16. 92255  Sadie Ranov #30700785, Licensee
        NEGOITIATED $50

17. 92316  Danielle E Boldon #10100060, Owner/Licensee
        CONTINUANCE GRANTED

18. 92332  Amber G Rose #10501854, Owner/Manager
        NEGOITIATED $500/PAID
<table>
<thead>
<tr>
<th>Case No.</th>
<th>Name and Details</th>
<th>Date and Time</th>
</tr>
</thead>
<tbody>
<tr>
<td>19. 92344</td>
<td>Parlor #SCOS23663 SGH Enterprises Inc, Owner Sheri Hayes #17921604, President/Manager</td>
<td>10:15 a.m.</td>
</tr>
<tr>
<td></td>
<td>NEGOTIATED $250/PAID</td>
<td></td>
</tr>
<tr>
<td>20. 92314</td>
<td>Tri Nguyen #50500690, Owner</td>
<td>10:15 a.m.</td>
</tr>
<tr>
<td>92346 &amp;</td>
<td>Jamie Lancaster #11201369, Licensee</td>
<td>CONTINUED</td>
</tr>
<tr>
<td>92347 &amp;</td>
<td>Hien Thi Thanh Bui #51600611, Licensee</td>
<td>CONTINUED</td>
</tr>
<tr>
<td>92348 &amp;</td>
<td>Shalea R Stradling #11502161, Licensee</td>
<td>CONTINUED</td>
</tr>
<tr>
<td>92349 &amp;</td>
<td>Diep Ngoc Tran #51000183, Licensee</td>
<td>CONTINUED</td>
</tr>
<tr>
<td>92350</td>
<td>Phuong Thao Thi Nguyen #51100340, Licensee</td>
<td>CONTINUED</td>
</tr>
<tr>
<td>21. 92351</td>
<td>Rachael Donaldson #11302300, Owner/Manager</td>
<td>10:15 a.m.</td>
</tr>
<tr>
<td>22. 92352</td>
<td>Kathryn Pitrat #11200061, Owner</td>
<td>10:15 a.m.</td>
</tr>
<tr>
<td>92459 &amp;</td>
<td>Noel Khan #10324688, Licensee</td>
<td>No Show; to formal hearing</td>
</tr>
</tbody>
</table>

Noel Khan was sworn in and stated she was not aware state board had come into the salon until we had a meeting. Noel Khan stated she was subletting from Park Avenue Salon not Sachi Salon and thought Sachi Salon would have made sure all of the salons were properly licensed and when she found out Park Avenue Salon was not license. Noel Khan also stated she thought she had her own station and Kathryn Pitrat the owner was subletting to multiple individuals and her station was being used by other licensees. Noel Khan stated she gave her two week notice and is currently working at Joelle’s. Inspector Lisa Chavez testified that licensee was working in an unlicensed establishment and two out of three stations had soiled tools and soled dry storages.

MOTION by Karla Clodfelter for case no. 92459 to issue a Letter of Concern for working in an unlicensed establishment and to maintain health and safety standards. MOTION SECONDED by Melissa Porter. MOTION CARRIED.

23. 92354/92355 Gemma Watkins #50331135, Owner

CONTINUANCE GRANTED

24. 92366 Creations by Gina #SCOS14891 Gina Martinez #10327999, Owner/Manager

NEGOTIATED $150/6-MONTH PROBATION

25. 92367 & Uni Hair & Nail Salon #SCOS15132 Nam Truong, Co-Owner/Manager

92455 Katrina Thuy Cao #’s 50400190 & 30601134, Co-Owner/Manager

NEGOTIATED

26. 92368 A Cut Above Barbershop #SCOS26404

10:15 a.m.
Herman L Jr Hill, Owner/Manager

Herman Hill was sworn in and stated he checked with his barber to see if he needed a shampoo bowl and was told no it was not required for the barbers however, he has ordered a shampoo bowl. Investigated Amber Bingham testified that there was no shampoo bowl and incomplete first aid kit.

MOTION by Karla Clodfelter for case no. 92368 to issue a Letter of Concern for no shampoo bowl and for an incomplete first aid kit, MOTION SECONDED by Melissa Porter. MOTION CARRIED.

27. 92374  Belle Amis #SCOS22369  10:15 a.m.
   Kristin Jean Scott #10400466, Owner

Kristin Scott was sworn in and stated she was waxing and received a call that her dad had fallen and needed to leave, we were also leaving on vacation the next day and while on the road remembered she had not cleaned up the wax and before she was able to get a hold of Martina the inspector came into the salon. Inspector Lisa Chavez testified that the wax pot was uncovered, double dipping of wax, wax implements not enclosed and one licensee operating with a delinquent personal license.

MOTION by Karla Clodfelter to move for case no. 92374 all alleged violations cited in the inspection summary have been shown. MOTION SECONDED by Melissa Porter. MOTION CARRIED.

SUBSTANTIATED VIOLATIONS
A.R.S. § 32-541 (B)/A.A.C. R4-10-112 (C)(E)(7)(L) Infection Control/Safety Standards
A.R.S. § 32-517/A.A.C. R4-10-107 (A) Delinquent Personal License
A.R.S. § 32-572 (A)(6) Violation of Statute or Rule

STAFF REPORTED NO HISTORY
MOTION by Karla Clodfelter for case no. 92374 to issue a Letter of Concern for wax pot uncovered, double dipping, wax implements not enclosed and a delinquent personal license. MOTION SECONDED by Melissa Porter. MOTION CARRIED.

28. 92382 & Polished Creations by Jessica LLC #SNT18351  10:15 a.m.
    Polished Creations by Jessica LLC, Owner
    Jessica M Vajarsky #50600984, Member/Manager

29. 92383  Rachael Lynne Coogle #11300805, Member/Manager  10:15 a.m.
     No Show; to formal hearing

30. 92384 & The Final Cut Hair Studio #SCOS23645  10:15 a.m.
     NEGOTIATED $250/PAID
    Rachel Jorgensen #11200488, Owner/Manager
     NEGOTIATED TO ATTEND BOARD CLASS FOR 10.30.2017

31. 92387/92388 & The Nail Blvd & Spa #’s SNT16642 & SAES16956  10:15 a.m.
     NEGOTIATED $250/PAID
    Hoai The Nguyen #59817289, Owner/Manager
     NEGOTIATED TO ATTEND BOARD CLASS FOR 10.30.2017

32. 92390 & Cuttin’ Up! LLC #SCOS21617  10:15 a.m.
    Cuttin’ Up! LLC, Owner
    Kathaleen Stepter, Member/Manager
    Tymon Bolton #10401113, Licensee
     No Show; to formal hearing

33. 92392  Cherry Beauty Nails #SNT11718  10:15 a.m.
    Duong V Luong #50100330, Owner/Manager
NEGOTIATED $500/PAID

34. 92393/92394 Always Nails #’s SNT18694 & SAES20068
    Hoang Le Nguyen #51700225, Owner/Manager
    NEGOTIATED $250

35. 92397 Prim Salon #SCOS23167
    Prim Salon LLC, Owner
    Brittany Wink #10332595, Co-Member/Manager
    Meagan J Bingham #10400251, Co-Member/Manager
    NEGOTIATED $250/PAID

36. 92399 & 92400 Breanna Montoya #31600439, Licensee
    CONTINUANCE GRANTED
    Angelique Ayala #31700372, Licensee
    CONTINUANCE GRANTED

37. 92401 Sherri Gibbons #10602120, Owner/Manager
    NEGOTIATED $500/6-MONTHS PROBATION

38. 92402 S. O. S. (Seantel Oliver Salon) #SCOS25381
    Seantel Oliver #10900091, Owner/Manager
    NEGOTIATED $150

39. 92403 Cali Nicole Mancuso #10901947, Owner
    NEGOTIATED

40. 92405 Hair by Jenn Custom Hair Design #SCOS24464
    Hair by Jenn LLC, Owner
    Jennifer D Coffelt #19700026, Member
    Natalie Karis #39920040, Owner/Manager
    CONTINUANCE GRANTED

41. 92408 Natalie’s Skincare Studio #SAES18227
    Natalie Karis #39920040, Owner/Manager
    NEGOTIATED $150/PAID

42. 92409 Dung T Huynh #10400031, Owner/Manager
    NEGOTIATED $500/6-MONTH PROBATION

43. 91524 ZA Nails #SAES18268
    Hoa C. Giang, #51300215, Owner
    CONTINUED

44. 91894 ZA Nails #SNT17552
    Hoa Giang, #51300215, Owner
    Linh thi Kim Phan #51700047, Licensee
    CONTINUED

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

None

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

None

D. Request for Reinstatement

87553 Rachel Hope Charles #11100692

Megan Faust stated this is a request for reinstatement of a personal license being revoked due to an unsatisfactory grade from a routine inspection back in January of 2014. Megan Faust stated on October 20, 2014, Final Order mailed to licensee of revocation of personal license, due to no response of Board’s offer of consent agreement mailed on March 21, 2014 and licensee is now requesting reinstatement.

Rachel Charles was sworn in and stated she had personal, family and medical issues and had to stop working and was not a priority at that time and want to get my license back and am prepared to pay the fines.

MOTION by Karla Clodfelter for case no. 87553 to allow Rachel Hope Charles’ personal license no. 11100692 to be reinstated after all fines in the amount of $1,135.00 have been paid and licensee attends the Infection Protection/Law Review class given by the Board. MOTION SECONDED by Melissa Porter. MOTION CARRIED.

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.

91894 ZA Nails #SNT17552
Hoa Giang, #51300215, Owner
Linh Thi Kim Phan #51700047, Licensee

Mona Baskin Assistant Attorney General, asked the Board to rescind prior motion of $2,750.00 consent agreement with a 2-year probation as the civil penalty exceeds statutory amount and offer a new consent agreement of $2,000.00 with a 2-year probation or proceed to a Formal Hearing.

MOTION by Karla Clodfelter to rescind prior consent agreement of $2,750.00 civil penalty and offer a new consent agreement for $2,000.00 civil penalty with a 2-year probation and proceed to Formal Hearing if not accepted. MOTION SECONDED by Melissa Porter. MOTION CARRIED.

92314 & Tri Nguyen #50500690, Owner
92346 & Jamie Lancaster #11201369, Licensee
92347 & Hien Thi Thanh Bui #51600611, Licensee
92348 & Shalea R Stradling #11502161, Licensee
92349 & Diep Ngoc Tran #51000183, Licensee
92350 & Phuong Thao Thi Nguyen #51100340, Licensee

Mona Baskin Assistant Attorney General, asked the Board to rescind prior motion of Letter of Concern to owner Tri Nguyen as owner had not transferred ownership and to offer a new consent agreement of $1,500.00 with a 2-year probation and proceed to Formal Hearing if not accepted.

MOTION by Karla Clodfelter for case no. 92314 to rescind prior motion of a Letter of Concern and to offer a new consent agreement of $1,500.00 civil penalty with a 2-year probation and proceed to Formal Hearing if not accepted. MOTION SECONDED by Melissa Porter. MOTION CARRIED.

MOTION by Karla Clodfelter for case no.’s 92346, 92347, 92348, 92349 & 92350 to rescind prior motion of $50.00 consent agreement and to dismiss. MOTION SECONDED by Melissa Porter. 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).

92235 Alejandra Miranda-Salazar #10800205

Mona Baskin Assistant Attorney General, asked the Board to rescind prior motion of $1,000.00 consent agreement due to a social security number issue, after further review we would ask the Board to dismiss due to lack of evidence.

MOTION by Karla Clodfelter for case no. 92235 to rescind prior motion of $1,000.00 and to dismiss due to lack of evidence. MOTION SECONDED by Melissa Porter. MOTION CARRIED.

ADJOURNMENT

MOTION by Karla Clodfelter to adjourn the meeting at 12:50 P.M. MOTION SECONDED by Melissa Porter. 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 Suzi Thomas the ADA Coordinator at (480) 889-2959.