



Arizona State
Board of Cosmetology

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AGENDA

ARIZONA STATE BOARD OF COSMETOLOGY MEETING MINUTES

October 21, 2016 at 9:00 am

1721 East Broadway

Tempe, Arizona 85282-1611

ALL AGENDA ITEMS INCLUDE THE OPPORTUNITY FOR BOARD CONSIDERATION, DISCUSSION, AND POSSIBLE ACTION

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

The Board makes every attempt to hear all matters timely. However, due to the number of items scheduled on any particular agenda, the Board may find it necessary to hear some items out of order and/or later than the time originally scheduled.

PLEDGE OF ALLEGIANCE

CALL TO ORDER AND ROLL CALL

Gary Begley
Karla Clodfelter
Jessica M Stall-Rainbow
Melissa C Porter
Charlie C Phan
Thomas Rough

BOARD BUSINESS

1. Discussion, Consideration and Possible Action on Approval of Regular Board Minutes of September 23, 2016.

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MOTION by Jessica Rainbow to approve minutes as written. MOTION SECONDED by Melissa Porter. MOTION CARRIED.

2. Declaration of Conflict of Interest.

Charlie Phan declared for 90935 & 90936 No. 10 under Step 1. D. of the Agenda.

3. Discussion, Consideration & Possible Action on Proposed Rulemaking regarding Administering Licensing Exam in Languages in Addition to English.

- A.A.C. R4-10-108 (P) Licensing Examinations
- Opening Rule Docket
- Certificate Notice Scheduled for September 12, 2016, at noon

Executive Director Donna Aune stated she will be attending the Study Committee which will be held on October 25th, the Board Meeting will be on November 1st.

4. Discussion, Consideration and Possible Action on Pursuing Legislation in the Following Areas:

- Hairstyling License
- Regulation of Laser
 - Legislative Study Committee House Bill 2035
 - Indirect and Direct Supervision
 - Regulation of Laser Performed for Cosmetic Purposes
 -
- Instructor License A.R.S. §32-531
- Required Inspection of Proposed Salon A.R.S. §32-542
- Application Time Frames A.R.S. §32-551 (B)
- Report and Discussion on Meeting held October 12, 2016 with Senator Griffin Regarding Proposed Legislation

Karla Clodfelter stated that herself, Gary Begley and Donna Aune had a meeting with Senator Gail Griffin last week and she is going to carry our legislation for 2017, she is a Senior Senator and is excited to work with us.

- Report and Discussion on Meeting Held October 19, 2016 with Cosmetic Laser Study Committee of the Arizona House of Representatives

Gary Begley stated he and Donna Aune went to a House Committee Meeting regarding Cosmetic Laser, we made our presentation and the committee indicated that this was going to be shelved at this time.

5. Report and Discussion on (NIC) National Interstate Council 2016 Annual Conference in held in Tampa, Florida, on September 28th . October 3rd, 2016.

Executive Director Donna Aune stated herself, Karla Clodfelter and Gary Begley attended the Conference. Donna stated she attended the Administrators meeting, Karla is now the Region 4 Director, OSHA made a presentation and Michael Cole spoke.

Karla Clodfelter stated she was excited to be on the Executive Board and to be working with the National Board.

6. Cosmetology Students on Field Trip.
 - Questions and answers regarding Board authority and process

No students were in Attendance.

EXECUTIVE DIRECTOR'S REPORT

1. Report and Discussion on Agency Departments.

- Financial
- Personnel, Board Membership and Appointments
- Licensing
- Information Technology

2. Report and Discussion on Administrator's Meeting at (NIC) National Interstate Council 2016 Annual Conference held in Tampa, Florida, on September 29th & 30th.

Executive Director Donna Aune stated the Executive Board has accepted our recommendations on the Infection Control Standards and will continue to add to it, the Uniform Practice Act (Purposes & Definitions) were finished.

3. Report and Discussion on Regency Beauty Institute License Nos, CSL115, CSL116, CSL127, and CSL176 Official Notice of Closure September 28, 2016.

Executive Director Donna Aune stated four Regency Beauty Institute Schools closed, two hundred twenty three students were affected, and we had twelve schools that stepped up to help place students. Donna thanked Theresa who worked with the students and schools during this time which was very stressful.

4. Report and Discussion on 90/10 Executive Directors meeting held on October 11, 2016.

Executive Director Donna Aune stated that Representative Carter and Senator Barto were at the meeting and one of the issues that was discussed was the Lobbyist that we are no longer able to have and expressed our concerns regarding this.

5. Report and Discussion on Meeting at ADOA held on October 19, 2016 for Executive Directors of Non Health Regulatory Boards.

Executive Director Donna Aune stated she attended a meeting at ADOA and has been informed that the agency will be moving to 1740 W. Adams in the capital mall area, a total of twenty-nine agencies will be moving and is tentatively scheduled for July 2017, and will continue to update as this unfolds.

6. 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

91149 Samantha Jamie *(Deny & accept w/\$250 negotiation terms; working prior to licensure)*

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

MOTION SECONDED by Melissa Porter. MOTION CARRIED.

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.

90414	Misdely Cabellero, Unlicensed	<i>(Found no evidence to support allegations)</i>
90466	Hanna, Unlicensed	<i>(Found no evidence to support allegations)</i>
90583	Avalon School of Cosmetology #CSL126 EA Education Inc., Owner Brandon Pobiak, Director Don Pobiak, Director Clint Tryon, Director	<i>(Found no evidence to support allegations)</i>
90674	NYC Beauty Salon/LLC #SCOS23403 NYC Beauty Salon LLC, Owner Stephanie Perez, Member Miguel Rodriguez, Member	<i>(Found no evidence to support allegations)</i>
90758	Estericos La Chula, UNLICENSED	<i>(Found no evidence to support allegations)</i>
90761	Dqmage Beauty College Avondale #CSL162	<i>(Double Jeopardy)</i>

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90801	Damage Beauty College Avondale LLC, Owner Luz Jaime, #90600042 & 10500314, Member/Director Dolly Nail & Spa #SCOS23049 Dolly Nail & Spa LLC, Owner	<i>(Found no evidence to support allegations)</i>
90910	Jennifer Nguyen, #11000949, Owner Regency Beauty Institute, #CSL116 Joseph Gaylord, President/CEO J. Hayes Batson, Director	<i>(Found no evidence to support allegations)</i>
90920	Tashauna Lindsley, #91300029, Instructor in charge Cost Cutters #6757, #SCOS14268 Minnesota Regis Corp Paul D. Finkelstein, President Mark H.Kartarik, Vice President Randy L. Pearce, CFO Bert M. Gross, Secretary Shrinivas G. Kolatkar, Treasurer Eric A. Bakken, Vice-President Vicki Langan, Vice-President	<i>(Found no evidence to support allegations)</i>
90921	Hair Saloon & Day Spa #SCOS20090 Dawn Hardesty, #17617356, Owner	<i>(No evidence to support allegations)</i>
90923	Great Clips #6344 #SCOS23111 Higley Clips Inc., Owner David Oliverio, President	<i>(No evidence of cockroaches in salon)</i>
90925	Salon Zen #SCOS19774 Conrad Salon LLC, Owner Lorraine Conrad, Barber/President Robert Conrad, V-President Lori Phillips, #10000561, Licensee	<i>(Found no evidence to support allegations)</i>
90931	EVIT Academy of Cosmetic Arts #CSL24 East Valley Institute of Technology, Owner	<i>(Found no evidence to support allegations)</i>
90971	Janice Kongas #99100010, Director Super Cuts #80693, #SCOS25295 Der Bailey 1 LLC, Owner Robert W Hagemann Jr., President Susan E Hagemann, V-President	<i>(Found no evidence to support allegations)</i>
90994/90995	Nails 4 U LLC, #SNT17947 & SAES18862 Nails 4 U LLC, Owner Vivian Van, Owner	<i>(Found no evidence to support allegations)</i>
91004	Lady Jane Peoria AZ LLC #SCOS26424 Lady Jane Peoria AZ LLC, Owner Chand Johnson, CEO/Member	<i>(Customer satisfaction)</i>
91005	Glenda C Gil #59500091, Licensee	<i>(Found no evidence of unlicensed activity)</i>
91029	Cosmo Day Spa #SCOS25895 Kim Loan Lunog, #30200129, Owner	<i>(Found no evidence to support allegations)</i>
91100	Precious Beauty, Unlicensed Neelan KC, Owner/Manager	<i>(No jurisdiction – refer to proper authorities)</i>

C. Recommend Letter of Concern

MOTION by Karla Clodfelter to accept staff recommendations for all those listed below Step 1 C except 91059. MOTION SECONDED by Melissa Porter. MOTION CARRIED.

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- 90902 Desert Cuts of Chandler #SCOS26163 (Advertising differently than salon name)
Dom\$ Fault LLC., Owner
David R Boccia, President
- 91054 Jouvence Skin Spa #SAES15722 (Delinquent establishment license & advertising differently)
Jouvence Inc, Owner
Sheron M Turas-Amiel #30328502, President/Director
- 91055 Posh Salon & Spa #SCOS22838 (Delinquent establishment license)
Cyndi G Davis #18601298, Owner/Manager
- 91056 Kustom Kuts by Omar #SCOS16416 (Delinquent establishment license)
Omar Sandoval, Owner
- 91059 Nuestra Belleza Salon & Barber #SCOS18860 (Wet disinfectant not large enough for complete tool immersion)
Silvia Z Chavez #19601302, Co-Owner/Manager
Delores R Chavez, Co-Owner/Manager
- MOTION by Karla Clodfelter to accept staff recommendation of \$250.00 civil penalty and Board costs. MOTION SECONDED by Melissa Porter. MOTION CARRIED.
- 91072 2-Change Hair Design #SCOS18115 (Delinquent personal license)
Joyce H Shackelford #18500227, Owner/Manager
- 91115 MB Studio.Marissa LLC #SCOS24997 (No first-aid kit)
MB Studio.Marissa LLC, Owner
Marissa Anette Garcia #11000072, Member
- 91134 Zynergy Wellness Salon & Boutique LLC #SCOS19734 (Required personal license display)
Zynergy Wellness Salon & Boutique LLC, Owner
Manda J Johnson #18701127, Member/Manager
Cynthia L Engstrom, Member
- 91136 Toni & Guy #SCOS9275 (Delinquent establishment license)
Phoenix Salon Associates LLC, Owner
Gerry Watkins #18225407, President
Mark Smith #18124768, Vice-President
Sabio Vilorio #17820453, Secretary

D. Recommend Informal Interview or Negotiation Terms

MOTION by Karla Clodfelter to accept staff recommendations for all those listed below under Step 1. D except for 90935 & 90936 No 10. MOTION SECONDED by Melissa Porter. MOTION CARRIED.

1. 90315 Irma Arias #10601596
Offer a consent agreement to assess \$500.00 civil penalty and Board costs, see motion above.
2. 90383 Cost Cutters #62004 #SCOS15819
Minnesota Regis Corp., Owner
Paul D Finkelstein, President/C.E.O.
Mark H Kartarik, Senior Vice-President
Ashlee Trent #11300090, Manager
Crystal D Blackmore #19400552, Manager
Offer a consent agreement to assess \$250.00 civil penalty and Board costs, see motion above.
3. 90561 Justin Nails #SNT17945
Thuy Do, Co-Owner
Hoan Vu, Co-Owner
Offer a consent agreement to assess \$500.00 civil penalty and Board costs, see motion above.
4. 90672 Jolantaiam #SAES19479

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Jolanta Jensen #31400023, Owner
Issue a Letter of Concern for advertising differently, see motion above.

5. 90688 Lively Nails & Company Inc #SNT16900
Lively Nails & Company Inc., Owner
Don T Phu #59600436, President
Hoang H Tong, V-P
Offer a consent agreement to assess \$25.00 in restitution, see motion above.
6. 90700 Rocio's Hair Salon #SCOS19987
Rocio Salazar #10900722, Owner/Licensee
Jessica Hernandez #10901799, Licensee
Dismiss due to no evidence of malpractice/incompetency, see motion above.
7. 90843 Brandie Barclay #30122710
Offer a consent agreement to assess \$50.00 civil penalty and Board costs, see motion above.
8. 90897 Olympus Beauty Academy #CSL00189
Olympus Inc., Corp, Owner
Gerald D. Johnson, #97800591, President
Mario Montoya, #90500073, Director
Offer a consent agreement to assess \$250.00 civil penalty and Board costs, see motion above.
9. 90919 Shear Oasis Salon #SCOS19386
Amanda Ruff #91400052 & 10600578
Amber S Crain #10901225, Licensee
Offer a consent agreement to assess \$200.00 in restitution, see motion above.
10. 90935/90936 L & T Nails #SNT18195 & SAES19257
Hai Anh Duong #51200184, Owner
MOTION by Karla Clodfelter to Offer a consent agreement to assess \$250.00 civil penalty and Board costs and for Owner Hai Anh Duong to attend the Infection Protection/Law Review class given by the Board. MOTION SECONDED by Melissa Porter. MOTION CARRIED.
11. 90947 O M G Nail Spa #SNT17727
Minh Nhat Le #59817370, Owner
Offer a consent agreement to assess \$250.00 civil penalty and Board costs and \$30.00 in restitution, see motion above.
12. 90963 Hypnotic Styles #SCOS22196
Jennifer Durham #11001961, Co-Owner/Licensee
Sarah Pommerening #10600270, Co-Owner
Offer a consent agreement to assess \$250.00 civil penalty and Board costs and \$135.00 in restitution, see motion above.
13. 90970 April L Wood #50328576
Offer a consent agreement to assess \$500.00 civil penalty and Board costs, see motion above.
14. 90998 Azul Day Spa #SCOS19625
State Phoenix 888 Corp., Owner
Chloe Anh Tai #10900438, President

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Offer a consent agreement to assess \$750.00 civil penalty and Board costs and for President Chloe Anh Tai to attend the Infection Protection/Law Review class given by the Board, see motion above.

15. 90999 & Jody M Sharp #10123271, Owner/Manager
See 91022 & 91023.
91000 & Leslie Diane Perry #11402132, Licensee
Offer a consent agreement to assess \$50.00 civil penalty and Board costs, see motion above.
91001 & Georgia Kuntz #11200753, Licensee
Offer a consent agreement to assess \$50.00 civil penalty and Board costs, see motion above.
91002 & Carmellia L Cochran #19400910, Licensee
Offer a consent agreement to assess \$50.00 civil penalty and Board costs, see motion above.
91003 Lorie Thackeray #19500052, Licensee
Offer a consent agreement to assess \$50.00 civil penalty and Board costs, see motion above.
16. 91022 & Santa Fe Hair Co #SCOS16458
91023 Jody Sharp #10123271, Owner
Offer a consent agreement to assess \$500.00 civil penalty and Board costs, see motion above.
17. 91006 Ruth Butler #31300807, Licensee
Offer a consent agreement to assess \$500.00 civil penalty and Board costs, see motion above.
18. 91009 T & Ti Nails #SNT17786
Kathy K Huynh #59600858 & 30400072
Offer a consent agreement to assess \$250.00 civil penalty and Board costs, \$25.00 in restitution and for Kathy K. Huynh to attend the Infection Protection/Law Review class given by the Board, see motion above.
19. 91011 Tia Chandler #31500525
Offer a consent agreement to assess \$50.00 civil penalty and Board costs, see motion above.
20. 91028 Davi Nails #5799 #SNT17992
Davi Nails #5799 LLC, Owner
Kenny Nguyen, Owner
Diane+Diem Thi Nguyen #50400814, Manager
Danny+Dai V Nguyen #51405314, Licensee
Offer a consent agreement to assess \$250.00 civil penalty and Board costs and \$37.00 in restitution, see motion above.
21. 91038 Patricia Moore #98000675
Southwest Leadership Academy
Offer a consent agreement to assess \$2,000.00 civil penalty and Board costs, see motion above.
22. 91048 Laveen Nails & Day Spa #SAES18817
Julie Pham #50116478 & 30400567, Owner
Offer a consent agreement to assess \$750.00 civil penalty and Board costs and \$16.00 in restitution, see motion above.

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23. 91053 Salon Professionals Inc #SCOS13180
Salon Professionals Inc, Owner
Gail A Mugford #10100037, President/Manager
Offer a consent agreement to assess \$250.00 civil penalty and Board costs, see motion above.
24. 91057 Imperial Shield Barber Shop & Salon #SCOS11607
Hernan Wilkins, Owner/Manager
Offer a consent agreement to assess \$250.00 civil penalty and Board costs, see motion above.
25. 91058 Men's Ultimate Grooming #SCOS19677
Men's Ultimate Grooming Inc, Owner
Lee Wood, President
Offer a consent agreement to assess \$250.00 civil penalty and Board costs, see motion above.
26. 91064 Aolen A Kena #11501026, Licensee
Dismiss due to insufficient evidence, see motion above.
27. 91067 Aurora Laser Medical Spa #SAES19234
Aurora Laser Medical Spa Center LLC, Owner
Maria D Ramirez, Member/Manager
Offer a consent agreement to assess \$250.00 civil penalty and Board costs, see motion above.
28. 91068 Dulce Beauty Salon #SCOS21501
Blanca D Lerma, Owner/Manager
Offer a consent agreement to assess \$500.00 civil penalty and Board costs, see motion above.
29. 91069 U. S. Nails Salon #SAES18092
Hieu Thi Cao #~~16~~ 50401393 & 30500516, Owner
Offer a consent agreement to assess \$500.00 civil penalty and Board costs and to add Hang Kim Thi Nguyen #31500183 to attend the Infection Protection/Law Review class given by the Board, see motion above.
30. 91070 Fades & Cuts #SCOS15360
Josefina Rochade Bobadilla #19100023, Owner
Offer a consent agreement to assess \$500.00 civil penalty and Board costs and for Owner Josefina Rochade Bobadilla to attend the Infection Protection/Law Review class given by the Board, see motion above.
31. 91071 Julie Reed #10802341, Owner/Manager
Offer a consent agreement to assess \$500.00 civil penalty and Board costs, see motion above.
32. 91073 Mini Perfect Nails & Spa #SNT16956
Mini Thi Le #~~16~~ 50400563 & 30400326, Owner/Manager
Issue a Letter of Concern for pumice stones in the salon and IFP guidelines not posted, see motion above.
33. 91074 Salon de Belleza Nueva Imagen #SCOS24263
Juan J Ruiz, Owner

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- Maria Patricia Soto, Manager
Offer a consent agreement to assess \$500.00 civil penalty and Board costs,
see motion above.
34. 91099 Super Barber Shop & Hair Salon #SCOS15104
Saul Aranda, Owner
Offer a consent agreement to assess \$250.00 civil penalty and Board costs,
see motion above.
35. 91101 Brothers Barber Shop West #SCOS21684
My Barber Shop #2 LLC, Owner
Guadalupe Herrera, Co-Member
Manuela Sanchez, Co-Member
Offer a consent agreement to assess \$250.00 civil penalty and Board costs,
see motion above.
36. 91102/91103 Passion Nail Salon #SNT18426 & SAES19634
Kieu Nga T Nguyen #50500106, Owner/Manager
Continued, see motion above.
37. 91104 Fantastic Sam Mountain Hair LLC, Owner
Robert Raymond, Co-Member
Shari Raymond, Co-Member
Michelle Shelly+Munson #11102086, Manager
Continued, see motion above.
38. 91105 Crinosity #SCOS25585
Kathleen L Waddell #10700325, Co-Owner/Manager
Leah M McCabe #10901567 (*Inactive*), Co-Owner/Manager
Continued, see motion above.
39. 91106 Jules Salon LLC #SCOS18416
Jules Salon LLC, Owner
Julie L Riley #18800297, Member/Manager
Offer a consent agreement to assess \$250.00 civil penalty and Board costs,
see motion above.
40. 91107 Ninoox Barber Shop LLC #SCOS23988
Ninoox Barber Shop LLC, Owner
Carlos Paredes, Co-Member/Manager
Rosario Aguayo Campos, Co-Member/Manager
Offer a consent agreement to assess \$250.00 civil penalty and Board costs,
see motion above.
41. 91108 Du or Dye Salon #SCOS25525
Amanda K Bibb #10400813, Co-Owner/Manager
Kelly Smith #10400922, Co-Owner/Manager
Issue a Letter of Concern for no first aid kit and delinquent personal licenses,
see motion above.
42. 91110 Good Head Salon #SCOS26274
Talia Roberts #11102698, Owner/Manager
Issue a Letter of Concern for clean towels not enclosed, no first aid kit and no blood spill
kit, see motion above.

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43. 91111 & Michael W Goble #18400758, Co-Owner/Manager
Offer a consent agreement to assess \$250.00 civil penalty and Board costs, see motion above.
- 91112 Kristie Klein #19815401, Co-Owner/Manager
Offer a consent agreement to assess \$250.00 civil penalty and Board costs, see motion above.
44. 91113 Hair Rehab LLC #SCOS26099
Hair Rehab LLC, Owner
Deanna De Le Fuente #10902483, Member/Manager
Offer a consent agreement to attend the Infection Protection/Law Review class given by the Board, see motion above.
- Andrea Guy #10800464, Member/Manager
Offer a consent agreement to attend the Infection Protection/Law Review class given by the Board, see motion above.
45. 91114 ZM Studios #SCOS25782
Zackary L Munds #11401795, Owner/Manager
Issue a Letter of Concern for dry storage violation, see motion above.
46. 91116 & J¢ Fade Barber Shop #SCOS23980
J¢ Fade Barber Shop LLC, Owner
Norma Estrada #11100644, Member
Dismiss due to Norma Estrada no longer owns the salon, see motion above.
- 91117 Maria R Molina #19700729, Licensee
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, see motion above.
47. 91132 ISV Nail Forum LLC #SAES18838
ISV Nail Forum LLC, Owner
Sovann Oun #51300053, Member/Manager
Ian Tea, Member
Offer a consent agreement to assess \$250.00 civil penalty and Board costs, see motion above.
48. 91135 Salon Plush LLC #SCOS24474
Salon Plush LLC, Owner
Breanna Marie Metzger #10901769, Member/Manager
Offer a consent agreement to assess \$250.00 civil penalty and Board costs, see motion above.
49. 91137 LV Crystal Nails and Spa #SNT18402
Yen-Nhi Do Hoang #50200333, Owner/Manager
Offer a consent agreement for Owner/Manager to attend the Infection Protection/Law Review class given by the Board, see motion above.
50. 91138 Rosmarie R Trogi #19900133, Owner/Manager
Offer a consent agreement to assess \$500.00 civil penalty and Board costs, see motion above.
51. 91139 Fahimah Banyamin #11100910, Licensee
Offer a consent agreement to assess \$300.00 civil penalty and Board costs, see motion above.

END OF CONSENT AGENDA

STEP 2: INFORMAL INTERVIEWS

A. Without Negotiation Options

NONE

B. With Negotiation Options

1. 90574 Tess Griffin Young #50020876 **9:45 a.m.**
Continued from September Board Meeting

Tess Griffin was sworn in and stated she has only three pedicure clients and most of her clientele is eyelash extensions and thought she could do eyelash extension now without a license. Investigator Joanne Ayotte testified to Tess Griffin performing a pedicure on a client in an unlicensed establishment, establishment license expired 3/4/15, Tess Griffin's personal expired on 11.25.15. Tess Griffin working out of scope of practice.

MOTION by Karla Clodfelter to move that for case no. 90574 all alleged violations cited in the Investigation Report have been shown. MOTION SECONDED by Melissa Porter. MOTION CARRIED.

SUBSTANTIATED VIOLATIONS

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 licensed & operate a salon or school without being licensed

A.R.S. § 32-517/A.A.C. R4-10-107 (A) Delinquent Personal License

A.R.S. § 32-543.1/A.A.C. R4-10-111 (C) Establishment License Display

A.R.S. § 32-543.2/A.A.C. R4-10-111 (C) Personal License Display

A.A.C. R4-10-111 (A) Establishment Exterior Sign

A.R.S. § 32-501 (9)(10) Scope of Practice %Nail Technician+& %Nail Technology+

A.R.S. § 32-574 (A)(9) Unlawful Acts; Violations; Classifications

STAFF REPORTED NO HISTORY

MOTION by Karla Clodfelter to move that for case no. 90574 to impose the following discipline to Offer a new Consent Agreement with the following new terms \$250.00 civil penalty and Board costs. MOTION SECONDED by Melissa Porter. MOTION CARRIED.

2. 90621 Sundrops Nails Sport #SNT15702 **9:45 a.m.**
Sundrops and Polka Dots LLC, Owner
Stephanie Christenholz, Member
Kelly Marquez #50600348, Licensee
Continued from August to October Board Meeting
NEGOTIATED \$250/\$49 RESTITUTION

3. 90143/90144 & P.G. Nails & Spa #SNT17800 & SAES18631 **9:45 a.m.**
Lam Thu Thao, Owner
91078 Anne Do #50800525 (30900100), Licensee

Lam Thu Thao and Anne Do were sworn in, Anne Do stated she did perform the pedicure she paid and tipped her and never said anything about pain. Anne Do stated she came in one month later and said she got her toe done her one month ago and has an infection, Anne Do ask for papers from the Doctors and never received them. Investigator BarbaraAnn Morris testified this was a malpractice case, complainant claims licensee performed a pedicure service and removed an ingrown toenail. Complainant claims she told licensee it was hurting and

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license continued, drew blood, did not follow proper blood spill procedures. Complainant claims she tried to heal injury herself but had to seek medical attention and was prescribed antibiotics.

MOTION by Charlie Phan to move that for case nos. 90143, 90144 & 901078 all alleged violations cited in the Investigation Report have been shown. MOTION SECONDED by Karla Clodfelter. MOTION CARRIED.

SUBSTANTIATED VIOLATIONS

A.R.S. § 32-572 (A)(4) Incompetence/Malpractice

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

A.R.S. § 32-541(B)/A.A.C. R4-10-112 (E)(7)(G)(L)(1) Infection Control/Safety Standards

A.R.S. § 543.2/A.A.C. R4-10-111 (C)/A.A.C. R4-10-113 (A)(1) Display of Personal License

A.R.S. § 32-574 (A)(9) Unlawful Acts; Violations; Classifications

STAFF REPORTED NO HISTORY

88908/88909 . 12/12/14 . Letter of Concern . Health & Safety . inadequate wet disinfectant & establishment license display

MOTION by Charlie Phan to move that for case nos. 90143, 90144 & 901078 to impose the following discipline to maintain Consent Agreement terms previously offered to the Licensee. MOTION SECONDED by Karla Clodfelter. MOTION CARRIED.

4. 90570/91025 QN Fashion Nails & Spa #SNT16646 & SAES16960 **9:45 a.m.**
Quy Nguyen II LLC, Owner
Quy Nguyen, Member
NEGOTIATED \$750
5. 90582 & Star Light Nails & Spa #SNT17483 **9:45 a.m.**
Star Light Nails & Spa LLC, Owner
NEGOTIATED \$500/\$25 RESTITUTION/PAID
91079 Son Sam+Ha Cao Pham #51200574, Member/Licensee
NEGOTIATED TO ATTEND CLASS/SCHEDULED 10.17.2016
6. 90669/90670 & Kelly D Nails & Spa #SNT17902 & SAES18799 **9:45 a.m.**
91080/91089 & Kiem Tram #50200031 & 30600912, Owner
91081 Chalita Gordon #51500355, Licensee
Kiem Tram and Chalita Gordon were sworn in and stated they have researched on the disease and this develops 3-7 days after initial infection, so for her to have gotten this disease from the salon would be incorrect, the virus usually comes from children. When licensees are hired they are told to wash their hands before and after client. Investigator Joanne Ayotte testified that complainant alleges that she received a manicure/pedicure at salon, a couple hours after complaint was not feeling well, went to the emergency room that evening. The complainant claims the next day she had blisters on her hands, feet and her throat was sore, complainant went back to the doctors, she was diagnosed with Hand Foot & Mouth Disease and was prescribed antibiotics and was quarantine. Investigator stated that owner said sometimes licensees wash their hands before services sometimes they don't. Investigator stated that the complainant claims licensee did not wash her hands before the service and she did not wash her hands.
MOTION by Karla Clodfelter to move that for case nos. 90669, 90670, 91080, 91089 & 91081 to issue a Letter of Concern to insure that hands are washed prior and after each client. MOTION SECONDED by Melissa Porter. MOTION CARRIED.
7. 90678 & Belle Nails-Skincare #SCOS25318 **9:45 a.m.**
91082 Thanh T Nguyen #51200050 & 31400669, Owner
CONTINUANCE GRANTED
8. 90693 Skin Studios #SAES17933 **9:45 a.m.**
Noelani Ganz, #30226649, Owner/Manager
NEGOTIATED \$1,500.00/6-MONTH PROBATION/1ST PAYMENT SUBMITTED

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9. 90733 Patricia M Evans #30800032, Licensee **9:45 a.m.**
Patricia Evans was sworn in and stated she was let go from Absolutely Chic salon and she had to change her website from the old salon and was trying to find a place, never worked out of my home. Patricia Evans stated she applied for a salon license June 17th, and is currently licensed. Investigator Amber Moore testified to a complaint alleging licensee providing services out of her home, there is a website were appointments can be made. Investigator stated she went to location did not make contact, left the complaint with a request for a written response. Investigator stated upon receiving licensee written response licensee indicated she was let go from a salon, while she was waiting to get a salon license she did advertise her home address but did not take any clients.
MOTION by Karla Clodfelter to move that for case no. 90733 to dismiss due to insufficient evidence. MOTION SECONDED by Melissa Porter. MOTION CARRIED.
10. 90736/90737 Regal Nails Salon #SNT18367 & SAES19532 **9:45 a.m.**
River Grande LLC, Owner
Trang Thi Huyen Nguyen #SNT 51100228 & 31300439
Giang-John T Vu #50226824, Member
NEGOTIATED \$250/PAID
11. 90766/90769 Nail Touch by Kim #SNT16249 & SAES16470 **9:45 a.m.**
Kimberly Luc #50300039, Owner
NEGOTIATED \$500/PAID
12. 90809 Davi Nails #SNT17665 **9:45 a.m.**
Henry Hung Bui #51000442, Owner
NEGOTIATED \$750
13. 90930 DaVi Nails #3730 #SNT17665 **9:45 a.m.**
Henry Hung Bui #51000442, Owner
NEGOTIATED \$500
14. 90812 Minh T Nails LLC #SNT17916 **9:45 a.m.**
Hoang Anh Thi Huynh #50501449, Member
Le Tran Baophuong #51200084, Member
Linh Thi My Tran #51405117, Licensee
NEGOTIATED \$250/\$31 RESTITUTION PAID
15. 90818 & Hawaiian Experience Spa #SAES17405 **9:45 a.m.**
HTS Chandler LLC, Owner
Cathy Ibach, Member
Stephen R Ibach, Member
Sara Maurer, Manager
CONTINUANCE GRANTED
Compliance Supervisor Joanne Ayotte stated that there was no malpractice in this case and no sanitation issues, the investigator found that the licensee was not disposing the pads with bodily fluids properly, salon has no history and licensee has negotiated to attend class. Compliance Supervisor Joanne Ayotte asked the Board if they would consider rescinding the \$250.00 Consent Agreement and issue a Letter of Concern for not properly disposing of bodily fluids.
MOTION by Karla Clodfelter to move that for case no.90818 to rescind \$250.00 Consent Agreement and issue a Letter of Concern for not properly disposing of bodily fluids. MOTION SECONDED by Jessica Rainbow. MOTION CARRIED.
- 91083 Brooke Shireman #30500298, Licensee
NEGOTIATED TO ATTEND CLASS

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16. 90845/90848 Vista Nails & Spa #~~ç~~ SNT16854 & SAES17252 9:45 a.m.
Michelle P. C. Luu #10700800, Owner/Manager
NEGOTIATED \$250
17. 90846/90847 Nail Depot #~~ç~~ SNT14218 & SAES14205 9:45 a.m.
Nguyen Minh Dao #~~ç~~ 59700040 & 30100075, Owner
NEGOTIATED \$250/PAID
18. 90869 Caro~~ç~~ Beauty Salon #SCOS17480 9:45 a.m.
Rigoberto Hernandez, Co-Owner
Socorro Hernandez, Co-Owner
Susana Andrade #10800289, License
NEGOTIATED \$500
19. 90898 New World Nails & Spa #SNT18405 9:45 a.m.
Dung T Ta #51300428, Owner
NEGOTIATED \$250/PAID
20. 90899 T & Y Nails Spa Inc. #SAES16886 9:45 a.m.
T & Y Nails Spa Inc., Owner
David Nguyen, President
NEGOTIATED \$250 PAID/\$35 RESTITUTION WILL FOLLOW
21. 90906 & Prestige Nails & Spa #5190, #SNT18161 9:45 a.m.
91084 & Hiep Tran #59919427, Owner
91085 Dao Thi Hong Vo #51200617, Licensee

Dao Thi Hong Vo and Hiep Tran were sworn in and stated they clean spa with bleach spray and new inspector Amber said we need to use Barbicide. Hiep Tran stated they use new liners for each client. Kathleen Haney wife of Terrence Haney was sworn in and stated Terrence had a pedicure on June 28th and on July 3rd his toe was swollen and went to urgent care who sent them to emergency because the infection was into the bone. Kathleen Haney stated Terrence was admitted into the hospital where he stayed for a week, the surgeon told them he could see where he was nicked. Investigator Amber Moore testified this case resulted in a partial amputation of a toe. Terrence Haney received a pedicure service at salon resulted in an infection into the bone. Terrence Haney went to urgent care then was sent to the emergency room because the infection went to the bone, the doctor informed them that his toe had been nipped, remained in the hospital for a week and the top of his right toe next to his big toe was amputated. Investigator conducted an investigation and the owner could not explain the proper procedure for disinfecting the pedicure spas and denies wanting to do the service on complainant.

MOTION by Karla Clodfelter to move that for case no~~ç~~. 90906, 91084 & 91085 all alleged violations cited in the Investigation Report have been shown. MOTION SECONDED by Melissa Porter. MOTION CARRIED.

SUBSTANTIATED VIOLATIONS

A.R.S. § 32-572 (A)(4) Incompetence/Malpractice

A.R.S. § 32-541(B)/A.A.C. R4-10-112 (G) Infection Control/Safety Standards

A.R.S. § 32-574 (A)(9) Unlawful Acts; Violations; Classifications

STAFF REPORTED NO HISTORY

MOTION by Karla Clodfelter to move that for case no~~ç~~. 90906, 91084 & 91085 to impose the following discipline to maintain Consent Agreement terms previously offered to the Licensee, fine to be paid within 1-year and for the Infection Protection/Law Review class to be completed within 2-months. MOTION SECONDED by Melissa Porter. MOTION CARRIED.

22. 90913/90914 Pink & Polish Mani-Pedi Spa #~~ç~~ SNT17148 & SAES17654 9:45 a.m.

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- T & Tod LLC, Owner
Tammi Do #50200765 & 30300002, Member/Manager
Thai Thanh Nguyen #59700517, Member
NEGOTIATED \$250
23. 90928 & Oly Barber & Beauty Shop #SCOS21172 . Closed **9:45 a.m.**
Alma Dominguez, Owner
NEGOTIATED \$250/PAID
91019 Jennifer Lanette Medrano #11100508, Licensee
NEGOTIATED \$50
24. 90949 Keiley Bowen #11401051 **9:45 a.m.**
No Show; to formal hearing
25. 90952/90953 Platinum Nails & Spa #SNT18271 & SAES19384 **9:45 a.m.**
Thanh Tat #50200072, Owner
NEGOTIATED \$250
26. 90955 Chelsey O'Brien #11400622, Owner/Manager **9:45 a.m.**
NEGOTIATED \$250/6-MONTH PROBATION/1ST PAYMENT SUBMITTED
27. 90967 Rebecca Alexander Hair Design #SCOS25830 **9:45 a.m.**
Rebecca Alexander #19500527, Owner/Manager
NEGOTIATED \$250
28. 90969 & Panache Inc #SCOS4041 **9:45 a.m.**
Panache Inc., Owner
NEGOTIATED \$500
91086 Andrea Makowski #18225093, President
NEGOTIATED TO ATTEND BOARD CLASS
29. 90979 Christine Williams Salon #SCOS24495 **9:45 a.m.**
Christine Williams #18124099, Owner/Manager
NEGOTIATED \$250
30. 90984 Revival Hair Studio #SCOS25845 **9:45 a.m.**
Sara Larsen #11401720, Co-Owner/Manager
Deirdre N Wenaas #10700392, Co-Owner/Manager
NEGOTIATED

31. 90985 Deja Cherie Good #10801175, Owner **9:45 a.m.**
Deja Cherie Good was sworn in and stated she switched location within the same company to get a bigger suite and was unaware she needed a new license since hers was still current. Deja Cherie Good has applied for an establishment license. Investigator Amber Bingham testified to licensee operating an unlicensed establishment due to a suite change.

MOTION by Karla Clodfelter to move that for case no. 90985 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. § 32-545/A.A.C. R4-10-402 Salon Location Change
A.R.S. § 32-574 (A)(9) Unlawful Acts; Violations; Classifications
STAFF REPORTED NO HISTORY

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MOTION by Karla Clodfelter to move that for case no. 90985 to impose the following discipline and to Board Order Owner Deja Cherie Good to attend the Infection Protection/Law Review class given by the Board within 60-days. The investigative findings on or about July 29, 2016, Board Inspector found the establishment unlicensed due to a salon location change which are violations of statute A.R.S. § 32-574 (A)(5)(8) and A.R.S. 32-545/A.A.C. R4-10-402. MOTION SECONDED by Melissa Porter. MOTION CARRIED.

32. 90990 Karen Van Nguyen #10501161, Owner/Manager **9:45 a.m.**
RE-NOTICE "RETURN TO SENDER"

33. 90992 Studio 112 Design #SCOS21586 **9:45 a.m.**
Jeff Toro #10401082, Co-Owner/Manager
Beth Ann Alben #19400537, Co-Owner/Manager

Beth Ann Alben and Jeff Toro were sworn in and stated we do have a dirty comb dispenser at the end of the night we will clean, put in Barbicide and put them in our drawers. Jeff Toro stated they had ran out of Barbicide and we have replaced the Barbicide in the salon. Inspector Amber Bingham testified to no tuberculocidal disinfectant available and no wet set up.

MOTION by Karla Clodfelter to move that for case no. 90992 all alleged violations cited in the complaint 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 (A)(4)(a)(b)(c)(6) Infection Control/Safety Standards
A.R.S. § 32-574 (A)(9) Unlawful Acts; Violations; Classifications

STAFF REPORTED NO HISTORY

MOTION by Karla Clodfelter to move for case no. 90992 to impose the following discipline to maintain Consent Agreement terms previously offered to the Licensee. MOTION SECONDED by Charlie Phan. MOTION CARRIED. Gary Begley and Jessica Rainbow VOTED NAY.

34. 91012/91013 KV Nails & Spa #SNT17813 & SAES18647 **9:45 a.m.**
Tam Hien Thu Nguyen #50700960, Owner/Assistant Manager
NEGOTIATED \$1,250.00/6-MONTH PROBATION/1ST PAYMENT SUBMITTED

35. 91024 Maria Barber Shop & Salon #SCOS14802 **9:45 a.m.**
Maria Del Rosario Curiel #19700669, Owner/Manager
NEGOTIATED \$250

36. 91030 A to Z Salon Spa #SCOS19206 **9:45 a.m.**
Thuy Thi Luong #59715480 & 30400729, Owner
Vien Q Pham #59817190, Manager

Thuy Thi Luong was sworn in and stated that we now have the large container for the disinfectant and we did not know we could not use pumice stones. Inspector Amber Bingham testified to no large wet disinfectant and reuse of pedicure pumice blocks in the back.

MOTION by Karla Clodfelter to move that for case no. 91030 all alleged violations cited in the complaint 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 (A)(4)(E)(1) Infection Control/Safety Standards
A.R.S. § 32-574 (A)(9) Unlawful Acts; Violations; Classifications

HISTORY

88527 . 07/30/14 . Letter of Concern . Delinquent Personal License

MOTION by Karla Clodfelter to move for case no. 91030 to impose the following discipline to maintain Consent Agreement terms previously offered to the Licensee. MOTION SECONDED by Charlie Phan. MOTION CARRIED.

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37. 91035 Tuan Q Bui #50700231, Member/Manager **9:45 a.m.**
NEGOTIATED \$500/PAID
38. 91037 Hollywood Beauty LLC #SAES18770 **9:45 a.m.**
Hollywood Beauty LLC, Owner
Madan P Pathak, Member
Nabin K Pokharel, Member
NEGOTIATED \$500
39. 91040 Xie Qin Xie #11202004, Owner/Manager **9:45 a.m.**
NEGOTIATED \$750/PAID
40. 91042 Suncoast Nails and Spa #SAES19700 **9:45 a.m.**
Kim Phamvu #50800131 & 31200541, Owner/Manager
NEGOTIATED \$250
41. 91043 Debra a Lennon Padia #18326604, Owner/Manager **9:45 a.m.**
NEGOTIATED
42. 91044 Bella Beauty College #CSL00188 **9:45 a.m.**
Bella Beauty College, Owner
Ivonne Ramirez, Member
Jose Luis Renteria, Member
Elizabeth Gonzalez #91300047, Director
NEGOTIATED \$500
43. 91045 Jay W Olson #10224281 (*Inactive*), Member/Manager **9:45 a.m.**
NEGOTIATED \$500
44. 91046 Kristi L Weldon #19100986, Member/Manager **9:45 a.m.**
NEGOTIATED \$500/PAID
45. 91088 The Ritz-Carlton Spa #SCOS19603 **9:45 a.m.**
HSL Cottonwood RC Hotel LLC, Owner
Scott Hess, chief Financial Officer
Liam Doyle, General Manager
NEGOTIATED \$500/PAID

46. 91090 Sandra Phan #50125900 (30500827)90678, Member **9:45 a.m.**
Polish & Pamper Mani-Pedi Spa #SNT17499

Sandra Phan was sworn in and stated they clean the spas between each client with soap and spray with Barbicide disinfectant and at the end of the day they clean the spa with bleach. Investigator Amber Moore testified to salon was using bleach to clean the pedicure spas.

MOTION by Karla Clodfelter to move that for case no. 91090 all alleged violations cited in the Investigation Report have been shown. MOTION SECONDED by Melissa Porter.
MOTION CARRIED.

SUBSTANTIATED VIOLATIONS

A.R.S. § 32-541(B)/A.A.C. R4-10-112 (G) Infection Control/Safety Standards SNT17499

A.R.S. § 32-574 (A)(9) Unlawful Acts; Violations; Classifications

HISTORY

89079 - Letter of Concern - Personal License Display

MOTION by Karla Clodfelter to move that for case no. 91090 to maintain terms previously offered to the Licensee and to complete the Infection Protection/Law Review class within 60-days. MOTION SECONDED by Charlie Phan. MOTION CARRIED.

47. 91091 Julie Brown #30300123, Member/Manager 9:45 a.m.
The Best Little Spa
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

None

C. Hearing Officer Recommendations

None

D. Request for Reinstatement

None

E. Appeal Board Orders

None

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

STATUS AND ADDITIONS TO AGENDA

For Board Information Only:

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ADJOURN

MOTION by Jessica Rainbow to adjourn the meeting at 11:50 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 the ADA Coordinator at (480) 825-7002.