



1721 East Broadway • Tempe AZ 85282
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ARIZONA STATE BOARD OF COSMETOLOGY MEETING MINUTES
March 18, 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 ~~an~~ 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
Tammy L Acton
Melissa C Porter
Martha P Ramsey
Charlie C Phan

BOARD BUSINESS

1. Discussion, Consideration and Possible Action on Approval of Regular Board Minutes of February 19, 2016.

MOTION by Karla Clodfelter to approve minutes as written. MOTION SECONDED by Martha Ramsey. MOTION CARRIED.

2. Discussion, Consideration and Possible Action on Approval of Teleconference Board Minutes of March 2, 2016.

MOTION by Karla Clodfelter to approve minutes as written. MOTION SECONDED by Martha Ramsey. MOTION CARRIED.

3. Declaration of Conflict of Interest.

None.

4. Discussion, Consideration and Possible Action on Administering Licensing Exam in Languages in Addition to English.

Board Members discussed the Administering Licensing Exam in Languages in Addition to English.

MOTION by Karla Clodfelter to offer the written examination along with English in Vietnamese, Spanish and Korean. MOTION SECONDED by Melissa Porter. MOTION CARRIED.

5. Discussion, Consideration and Possible Action on Proposed Legislation for 2016 Legislative Session.

Board Proposed Legislation HB2035:

***Board Membership A.R.S. §32-502 and Proposing Legislative Change**

- Removing Public Educator Member and Adding Second Public Member

***Age Limit for Proof of Education Requirement**

- A.R.S. §32-510 Aesthetician; Applications; Qualifications
- A.R.S. §32-511 Cosmetologist; Applications; Qualifications
- A.R.S. §32-512 Nail Technician; Applications; Qualifications
- A.R.S. §32-531 Instructor; Applications; Qualifications and A.R.S. § 32-532 Instructor Reciprocity
- A.A.C. R4-10-204 (C) (3) (c) Proof of Education Requirement
- A.A.C. R4-10-101 (14) Definition of %High School Equivalency+

***Indirect and Direct Supervision of Licensees Using Lasers**

- A.R.S. §32-516 Aestheticians; Cosmetologists, Cosmetic Laser and IPL Device Use; Certification; Fees; Definitions

Jessica Rainbow reported that Board's bill 2035 was heard in Senate Caucus and is looking good.

DISCUSSION AND CONSIDERATION OF ANY ADDITIONAL PENDING 2016 LEGISLATION RELEVANT TO THE ARIZONA STATE BOARD OF COSMETOLOGY

6. Discussion, Consideration and Possible Action on Appointment of Member to Rules Committee.

Board Members discussed appointment of a Board Member to the Rules Committee.

MOTION by Gary Begley to appoint Karla Clodfelter to the Rules Committee. MOTION SECONDED by Tammy Acton. MOTION CARRIED.

7. Discussion, Consideration and Training on Revised Hearing Script.

Assistant Attorney General Bridget Harrington, discussed and provided training for the Board Members on the Revised Hearing Script.

8. Discussion, Consideration & Possible Action on Adding Sections to Cosmetology Licensing Exam.

- Extra Selected Areas:
 - ❖ Blow Dry Styling (10 mins.)
 - ❖ Roller Placement (10 mins.)
 - ❖ Finger Waving & Pin Curl Placement . Skip Wave (10 mins.)
 - ❖ Manicure & Polish Application (20 mins.)
 - ❖ Nail Tip Application & Blending (20 mins.)
 - ❖ Sculptured Nail (20 mins)
 - ❖ Cleansing of the Face, Exfoliating using Product & Implement or Material Towel Steaming, Massage, and Conclusion of Facial Services (20 mins.)
 - ❖ Hair Removal of the Eyebrows by Tweezing & using Simulated Soft Wax (untimed)
 - ❖ Hair Removal of the Upper Lip using Hard Wax (untimed)
 - ❖ Facial Makeup (20 mins.)

MOTION by Tammy Acton to add a Manicure, Basic Facial and Hair Removal of the Eyebrows by Tweezing & using Simulated Soft Wax to the Cosmetology Licensing Exam. MOTION SECONDED by Karla Clodfelter. MOTION CARRIED.

9. 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 90/10 Agency Director's Meeting held on March 8, 2016.

Executive Director Donna Aune report on (2) bills, 2501-Health Boards and 2613-Non-Health Boards.

3. Report on (NIC) National Interstate Council Regional Meeting on April 1st, 2nd & 3rd, 2016, in Nashville, Tennessee.

Executive Director Donna Aune report that Gary Begley, Karla Clodfelter and she will be attending the NIC Regional Meeting on April 1st, 2nd & 3rd in Nashville Tennessee, she will be attending the Administrators meeting on Thursday and Friday and they will report back next month.

4. Summary of Current Events.

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

90381 Hoe Thi Le (*Deny & accept w/\$250 negotiation terms; working prior to licensure*)

90386 Thien Van Hoang (*Deny & accept w/\$250 negotiation terms; working prior to licensure*)

**MOTION by Karla Clodfelter to deny and accept with negotiation terms.
MOTION SECONDED by Tammy Acton. MOTION CARRIED.**

B. Recommend Dismissals

MOTION by Karla Clodfelter to accept staff recommendations for all those listed below Step 1 B & C. MOTION SECONDED by Tammy Acton. MOTION CARRIED.

90171 Top Nails by Mary #SNT17392 (*Salon in compliance*)

90191 Pha T Tran #59800128, Owner
Empire Beauty School #CSL107 (*School in compliance*)
EEG Inc., Owner

Franklin Schoeneman, Member
Paul Finkelstein, Member
Anthony Baran, Member
Rugina M Vandez #91200091, Director
Karla M Porter #91300041, Instructor-in-Charge

90201 Dominique Katyan, Unlicensed

90233 Kristin Nicole Seisinger #31200058 (*No evidence to support allegations*)

90235 Beauty Guru Ceiba LLC #SCOS24340 (*No evidence of unlicensed practice*)

Beauty Guru Ceiba LLC., Owner
Ruscelina C Winters #10200731, Member/Manager
90239 Lashes Del Sol #SAES18882 (*No evidence to support allegations*)
Marisol de Valles Cornwell #31200513, Co-Owner

Charles Cornwell, Co-Owner

90244 Pure Brow Bar, Unlicensed (*Insufficient address*)

90245 Musical Chairs Salon #SCOS22762 (*Current license posted – resolved issue*)

Roseann M Schlichter #19400451, Owner

90247 Tonya R Shockley #31500788 (*Found no evidence of unlicensed activity*)

90251 Sparkle Nails #SAES18936 (*Ownership change – SNT18298 & SAES19423*)

Ha T Luong #50300115, Owner

90252 Great Clips SCOS3033 (*Issue resolved*)

Kula Inc., Owner

Michael Dicarolo, President/C.E.O.

90264 Wigged Out Boutique #SCOS20789 (*Found no evidence of unlicensed operator*)

Ingrid Rogers, Owner

90283 Coco Nails #SNT16477 (*No evidence to support allegations*)

Vu Mai #10332218, Co-Owner

Son Mai, Co-Owner

C. Recommend Letter of Concern

See above motion.

- 90329 Robinette Salon Services #SCOS9354 *(Delinquent personal license)*
Judy R Robinette #19501469, Owner
- 90337 Namaste Salon #SCOS19712
Namaste Salon LLC, Owner
Audrey Roberts #10332382 (Inactive), Member/Manager *(Advertising differently)*
- 90361 Xuan Thi Duy Dang #51300201 *(Allowing licensee to work w/o license posted)*
- 90372 Lotus Spa LLC #SAES18573 *(Delinquent establishment license)*
Lotus Spa LLC, Owner
Shari Nakib, Member/Manager
- 90377 Hair Gallery of Ocotillo LLC #SCOS25212 *(Delinquent personal license)*
Hair Gallery of Ocotillo LLC, Owner
Jacquita Williams #10701265, Member/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 Melissa Porter. MOTION CARRIED.

1. 89942 Nails by Tracy # SAES19023
Thin Q Tram #51300043, Owner
Tram Thuy Nguyen #50600626, Former Owner SNT16867
Offer a consent agreement to assess \$750.00, civil penalty and Board costs and \$33.00 in restitution, see motion above.
2. 90019 NYC Beauty Salon #SCOS23403
NYC Beauty Salon LLC., Owner
Stephanie Perez, Member
Miguel Rodriquez, Member
Offer a consent agreement to assess \$1,000.00 civil penalty and Board costs, see motion above.
3. 90021 Kara G Marin #10701453, Inactive 2008
Dismiss without prejudice and refer to proper authorities due to license was revoked, see motion above.
4. 90024 Brooke Bangart #10900708
Offer a consent agreement to assess \$300.00 civil penalty and Board costs, see motion above.
5. 90218 Vol 20 Hair Lounge #SCOS24344
Elizabeth Inganamort, Owner
Offer a consent agreement to assess \$500.00 civil penalty and Board costs, see motion above.
Claudia Trujillo #31400740, Licensee
Offer a consent agreement to assess \$50.00 civil penalty and Board costs, see motion above.
6. 90222/90223 Lisa Kinney #10200544, Licensee/Owner
Nail Care Spa # SNT17716 & SAES18621
Travis T Huynh, Owner

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- Offer a consent agreement to assess \$250.00 civil penalty and Board costs, see motion above.
7. 90250 Facesmack Professional Makeup #SCOS22098
Facesmack Professional Makeup LLC, Owner
Richard Sanchez, Owner
- Offer a consent agreement to assess \$750.00 civil penalty and Board costs, see motion above.
8. 90268 Athena Salon and Day Spa #SCOS24120
Athena at Arrowhead LLC., Owner
Natasha E Wallace, Manager/Member
- Offer a consent agreement to assess \$250.00 civil penalty and Board costs, see motion above.
9. 90270 Anna Spa Salon #SCOS19331
Susan Chen, Owner
- Offer a consent agreement to assess \$250.00 civil penalty and Board costs, see motion above.
10. 90330 Snip-Its #42 #SCOS25354
Ury Family Investments LLC, Owner
Roger D Ury, Member
Pauline Rose Barton #10901401, Manager
- Offer a consent agreement to assess \$250.00 civil penalty and Board costs, see motion above.
11. 90334 Madison Avenue International Salon & Day Spa #SCOS11991
Madison Ave International Salon & Day Spa Inc, Owner
Sean Larusso, President/Director
Bethany Marie Wendt #11100262, Manager
- Offer a consent agreement to assess \$250.00 civil penalty and Board costs and to add Sara Ann Larson #11401722 to assess \$100.00 civil penalty and Board costs and to attend the Infection Protection/Law Review Class given by the Board, see motion above.
12. 90335 The Lash and Sugar Company #SAES18669
Pinks the Beauty Boutique LLC, Owner
Vanessa Rene Hurlburt #31400239, Member
Shannon Pershall #31400207, Manager
- Offer a consent agreement to assess \$250.00 civil penalty and Board costs, see motion above.
13. 90336 Supercuts Salon #SCOS22477
Supercuts Corporate Shops Inc, Owner
Dan Hanrahan, President
Steve Spiegel, Vice-President
Eric Bakken, Secretary
Briana Elisa #11101485, Manager
- Offer a consent agreement to assess \$250.00 civil penalty and Board costs, see motion above.
14. 90338 Shearon Hair Repair #SCOS25517
Sharon A Bruno #10602486, Owner/Manager
- Offer a consent agreement to assess \$250.00 civil penalty and Board costs, see motion above.
15. 90345 Scott Damon Salon #SCOS23527
Scott Damon Salon LLC, Owner
Jason Tischler, Co-Member
Irwin W Tischler, Co-Member

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- Shayna R Stafford #11200182, Manager
Offer a consent agreement to assess \$250.00 civil penalty and Board costs, see motion above.
16. 90356 Supercuts #90179 #SCOS15459
Supercuts Corporate Shops Inc, Owner
Dan Hanrahan, President
Steve Spiegel, Vice-President
Eric Bakken, Secretary
Kimberly Houston #10123173, Manager
Offer a consent agreement to assess \$250.00 civil penalty and Board costs, see motion above.
17. 90362 Jennifer AndreqSalon LLC #SCOS20870
Jennifer AndreqSalon LLC, Owner
Jennifer M Sparveri #10800510, Member/Manager
Offer a consent agreement to assess \$250.00 civil penalty and Board costs, see motion above.
18. 90363 Elysium Hair Studio LLC #SCOS23025
Elysium Hair Studio LLC, Owner
Tina M Berberian #10224854, Member/Manager
Offer a consent agreement to assess \$250.00 civil penalty and Board costs, see motion above.
19. 90364 Epic Salon #SCOS17748
Peabo Management LLC, Owner
Dawn Borhcert, Co-Member/LLC Manager
Bruce Borchert, Co-Member/LLC Manager
Rebecca Peart, Co-Member/LLC Manager
Ryan Peart, Co-Member/LLC Manager
Offer a consent agreement to assess \$500.00 civil penalty and Board costs, see motion above.
20. 90365 Regal Nails #SNT13389
Kim Cuc T Trinh #10200289, Owner/Manager
Offer a consent agreement to assess \$1,000.00 civil penalty and Board costs, see motion above.
21. 90366 Fantastic Sams #101 #SCOS24906
R.C. Salon One LLC, Owner
Red Coyote Investors LLC, Co-Member
Phillip C Lewis, Co-Member
Kelly Ann Muscia #11401031, Manager
Offer a consent agreement to assess \$250.00 civil penalty and Board costs, see motion above.
22. 90367/90368 Q Royal Nails & Spa of Scottsdale LLC #SNT17403 & SAES18035
Q Royal Nails & Spa of Scottsdale LLC, Owner
My Hanh Giang Pham #50700914 & 31200258, Member
Offer a consent agreement to assess \$250.00 civil penalty and Board costs, see motion above.
23. 90369 Arizona Hair Co. #SCOS23246
San-Mar Enterprises Ltd, Owner
Paula Denis #18022767, President
Barbara Leslie, Secretary/Treasurer
Susan Tapp #10801635, Manager
Offer a consent agreement to assess \$250.00 civil penalty and Board costs, see motion above.

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24. 90371 Salon Tru #SCOS14378
Michael T Schoenfield, President
Wendy Deremiah, Manager
Offer a consent agreement to assess \$250.00 civil penalty and Board costs, see motion above.
25. 90373 Michael V Salon #SCOS11998
Michael Valdez #18022290, Owner
Offer a consent agreement to assess \$250.00 civil penalty and Board costs, see motion above.
26. 90374 Great Clips for Hair #SCOS5132
Shear Quality Inc, Owner
Paul Neumayr, President/Director
John Meyer, Secretary
Offer a consent agreement to assess \$250.00 civil penalty and Board costs, see motion above.
27. 90375 Madison T Nguyen #50100328, Owner/Manager
Offer a consent agreement to assess \$500.00 civil penalty and Board costs, see motion above.
28. 90376 Hair 20 LLC #SCOS23339
Hair 20 LLC, Owner
Jessica Sarah Crombez #11300084, Member/Manager
Offer a consent agreement to assess \$250.00 civil penalty and Board costs, see motion above.
29. 90378 Deidre Mae Salon #SCOS21105
Deidre Mae LLC, Owner
Deidre M Brown #10501038, Co-Member
Tracy Brown, Co-Member
Offer a consent agreement to assess \$250.00 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. **89990**

Nicolette Nelson, #31300224, Licensee
Continued from February Board Meeting

10:00 a.m.

Nicolette Nelson was sworn in and stated she is a licensed Aesthetician and Certified Laser Technician, she performs services that are medical grade and for medical purposes. Dede Holden Attorney representing licensee was also sworn in and stated that Ms. Nelson does not own a salon, she works in a health care facility under a doctor's supervisor. Ms. Nelson does not advertise her services and does not have a patient base they are the doctor's patients. Investigator Linda Stroh testified that the office had

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received an anonymous complaint that Ms. Nelson was holding herself out as a licensed Aesthetician advertising as a Medical Aesthetician in a doctor's office that she performs medical Aesthetic services. Investigator Linda Stroh spoke with Ms. Nelson who stated she is a Registered Laser Technician, does only laser services and medical grade aesthetic services which are overseen by the medical physician. Investigator Linda Stroh stated licensee is holding self out as a licensed Aesthetician and advertising as a Medical Aesthetician when she works as a Laser Technician and Medical Assistant to the Doctor.

Board Members to continued case for 30-days for medical office to be properly licensed, if licensure of the medical office does not take place, the \$50.00 civil penalty and Board cost to licensee Nicolette Nelson will remain.

2. 90053 Nichole Rhode #31400047, Licensee **10:00 a.m.**
Continued from February's Board Meeting
Compliance Supervisor Joanne Ayotte asked the Board if they would rescind prior \$50.00 civil penalty previously offered to licensee and to issue a Letter of Concern for an advertising issue.
MOTION by Karla Clodfelter to rescind prior civil penalty previously offered to licensee and to issue a Letter of Concern for an advertising issue. MOTION SECONDED by Melissa Porter. MOTION CARRIED.
3. 90066/90067 Xlent Nails and Spa #SNT17625 & SAES18395 **10:00 a.m.**
Tracy Cuc Trinh, #50700880 & 30700774, Co-Owner
Chuong V Vo #51300635, Co-Owner
Continued from February's Board Meeting
NEGOTIATED \$250
4. 90072/90213 Oanh Kens Nail & Spa #SNT 18061 & SAES19044 **10:00 a.m.**
Oanh Kens Nails & Spa LLC, Owner
Oanh Hong Thi Huynh #50000542 & 30330751, Member
Tina Thi Nguyen #51300621 & 31400571, Manager
Le Nguyen #51200417, Licensee
Continued from February's Board Meeting
No Show; to formal hearing
5. 90090/90091 Regal Nail and Spa #SAES16493 & SNT16272 **10:00 a.m.**
Minh Hung Cao #50100660, Owner
Continued from February's Board Meeting
NEGOTIATED \$750/PAID
6. 90124/90125 & Casa de Nails #SNT15400 & SAES16117 **10:00 a.m.**
Donald Van Truong #59600376, Owner
NEGOTIATED
90273 & Muoi T Ho #50300348, Licensee
No Show; to formal hearing
90274 Janson Lee Mai #50500220, Licensee
Continued from February's Board Meeting
Janson Lee Mai was sworn in and stated Muoi Ho did the pedicure for her, when she came in the owner was not there and he's the manager I need to check it out. Janson Mai stated the infection was not inside the toenail it was on the outside and he cleaned and removed the dirt and put stuff on it so it would not hurt anymore. Janson Mai stated he asked her if she feels better and she said that she did, he told her if it really hurts to

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come back. Janson Mai stated that this is not his fault. Investigator Amber Moore testified that this was an injury case, complainant Maria Ornelas stated a female performed pedicure service, was very aggressive and cut her toe several times. Three days later Maria Ornelas developed an infection and sought medical attention. Maria Ornelas went back to salon and spoke to who she thought was the owner who was actually Janson, who said he needed to clean the wound, he squeezed her toe and tried to remove some of the pus and Maria Ornelas asked him to stop. On November 12, 2015, Maria Ornelas went to the emergency room and an ingrown toenail was removed, an x-ray was done and the doctor told Maria Ornelas that the infection had gone to her bone, an MRI was done which confirmed this. An emergency amputation of the infected part of the toe was done. Investigator Amber Moore testified the licensee who performed the pedicure service was Muoi T. Ho, owner's personal license was delinquent and there was sanitation issues. Maria Ornelas the complainant was sworn in and stated that the pedicure service was performed by a female who was aggressive and made her toe bleed, Maria Ornelas asked the female to stop. Maria Ornelas stated she developed an infection 3-days later, returned to the salon to make a complaint and asked for the owner, a tall man pointed to Janson who she thought was the owner who was finishing a client. Janson came over and looked at my toe, Maria Ornelas stated Janson snipped her toe it was very painful, told him to stop, you just finished a client you have no gloves on and you did not wash your hands. Maria Ornelas stated Janson put cotton balls and green stuff on and was told to take it off in 2-days. Maria Ornelas stated her toe was black when she took it off.

MOTION by Karla Clodfelter to move that for case no. 90274 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(B)(1)(2)(C)(1)(2)(L)(1)(2)(E)(1)(7) Infection Control/Safety Standards

A.R.S. § 32-545/A.A.C. R4-10-402 (A) Ownership Change

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. 90274 to impose the following discipline to maintain Consent Agreement terms previously offered to the licensee. MOTION SECONDED by Jessica Rainbow. MOTION CARRIED.

- | | | | |
|----|-------|--|-------------------|
| 7. | 90151 | D & C Nails #SNT18130
Donald R Kopinski, Owner
Cindy Nguyen #50331180, Manager
Continued from February's Board Meeting
NEGOTIATED \$250/ | 10:00 a.m. |
| 8. | 90205 | Lacey K Brown #10200739, Owner/Manager
Continued from February's Board Meeting
No Show; to formal hearing | 10:00 a.m. |
| 9. | 89871 | World of Beauty by Patty LLC #SCOS25189
World of Beauty by Patty LLC, Owner
Patricia Lopez, Member
Blanca P Lopez, Member
CONTINUANCE GRANTED | 10:00 a.m. |

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10. 89874 Hair by Sue #SCOS6211 **10:00 a.m.**
Susan M Milgram #17820549, Owner
Erin Holmes #11201541, Licensee
Denise Stanlee #38700050, Licensee
NEGOTIATED \$1,000.00
11. 89938 Regency Beauty Institute #CSL76 **10:00 a.m.**
Regency Corp., Owner
Joseph Gaylor, President/CEO
J Hayes Batson, Director
NEGOTIATED \$250/\$40.00 RESTITUTION
12. 90036 & Damage Beauty College Avondale #CSL162 **10:00 a.m.**
Damage Beauty College LLC, Owner
Luz Jaime #90600042, Member/Director

Luz Jaime was sworn in and stated that there was no violation as Ms. Melgar is a licensed Instructor and was present when Ms. Moore visited our school. Luz Jaime stated she feels that Ms. Moore is harassing her school, instructor and students. Gladys Melgar works 10-hours a day and she is the only instructor, Anna Rivas is the Administrative Assistant, has worked there for over 1-year and her license is posted in the office because we require it. Investigator Amber Moore testified that the license of Anna Rivas was posted with the school license and asked Instructor in charge, Gladys Melgar if Anna was a student Instructor, Gladys said no, that she was the only Instructor. On December 8, 2015, Investigator arrived at the school and noticed that Gladys appeared to be leaving, Investigator asked to speak with her and Anna. Investigator observed Anna providing a haircut on a male client. Investigator spoke to a student who indicated the Ms. Gladys leaves around 4:30 and Anna is their Instructor for the evening classes. Investigator spoke to Anna who confirmed she is the instructor for the evening classes and she is not a student instructor.

MOTION by Karla Clodfelter to move that for case no. 90036 all alleged violations cited in the Investigation Report have been shown. MOTION SECONDED by Melissa Porter. MOTION CARRIED.

SUBSTANTIATED VIOLATIONS

A.R.S. § 32-553 (B) Students shall be under supervision of an instructor

A.A.C. R4-10-302 (C)(E) Instructors Curriculum

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

HISTORY

88929 . 1/16/15 . Damage CSL162 - Consent Agreement/\$250 Civil Penalty . Health & Safety

89173/89189 . 9/11/16 . Luz Jamie License No. 90600042 with Damage SL92 - Consent Agreement/\$2,000/2-Yr Probation . Student kits/High School Equivalency/Student Records/Proof of Education/Staff Instruction/Instructor Practice

90074 (re: 89173/89189) Board Order for owner to attend/complete Board class within 60-days . completed 12/14/15

86095 . 5/17/13 . Letter of Concern . No proof of work experience for (4) student instructors

84332 . 6/15/12 . Consent Agreement/\$2,000 Civil Penalty . Student-Instructor ratio/Proof of education/Delinquent instructors license

MOTION by Karla Clodfelter to move that for case no. 90036 to impose the following discipline to maintain Consent Agreement terms previously offered to the licensee and to add A.R.S. § 32-574 (B) and A.R.S. § 32-556 . MOTION SECONDED by Melissa Porter. MOTION CARRIED.

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90266 Gladys A Melgar #91400016, Instructor-in-Charge
No Show; to formal hearing

13. 90081 Damage Beauty College Avondale #CSL162 **10:00 a.m.**
Damage Beauty College LLC, Owner
Luz Jaime #90600042, Member/Director
Gladys A Melgar #91400016, Instructor-in-Charge

Luz Jaime was sworn in and stated that she sends all documents requested in the same day or the following day and thought if the documents were acceptable everything would be cleared up. Luz Jaime stated she did not read the proof of education document she sent into the Board. Investigator Amber Moore testified that there were four student records found with file violations of no itemized price list for kits, no proof of education with one in Spanish and not translated. Investigator was informed by the Instructor in charge that two of the students were going to test for GED prior to graduation and there was no high frequency machine with electrodes. Investigator stated the Board did receive some documents from Luz Jaime that were requested however, one document for proof of education noted %Middle School+education, it was indicated this was not acceptable and the Board received a very similar document noting %High School+education.

MOTION by Karla Clodfelter to move that for case no. 90081 all alleged violations cited in the complaint summary have been shown. MOTION SECONDED by Jessica Rainbow. MOTION CARRIED.

SUBSTANTIATED VIOLATIONS

A.A.C. R4-10-204 (C)(3)(c) (f) School Records
A.A.C. R4-10-206 (A)(5) Cosmetology School Requirements
A.R.S. § 32-574 (A)(9) Unlawful Acts; Violations; Classifications

HISTORY

88929 . 11/04/2014 - Consent Agreement/\$250 Civil Penalty . Health & Safety

MOTION by Karla Clodfelter to move that for case no. 90081 to impose the following discipline to offer a Consent Agreement with the following new terms of \$250.00 civil penalty and Board costs. MOTION SECONDED by Jessica Rainbow. MOTION CARRIED.

14. 90214 Damage Beauty College #CSL92 **10:00 a.m.**
Damage Beauty College LLC, Owner
Luz Jaime #90600042, Member/Director
Maria de Jesus Vazquez #91500017, Instructor in Charge

Luz Jaime was sworn in and stated when Inspector came in we walked the floor, she had student Martha Martinez go and have her translated proof of education notarized, Luz Jaime stated that Odalys Morales does have enough credits, student Nizeth Badillo has completed and should be ready to exam. Luz Jaime stated her students come from different countries and certifications from each one are completely different its hard for me, and we don't verify the document. Investigator Amber Moore testified to five student files with violations. Nizeth Badillo copy of a diploma from Woodfield High School still in file, Luz Jaime told Investigator this was an accident. Miriam Alatraste had a Stanley High School document in file, investigator researched and found you do not obtain a GED, the Stanley High School site provides education/testing so an individual can proceed to go forward getting their GED. Odalys Morales with a high school transcript with 1 ½ credits in English (not enough) in file. Gabriela Beltran with School contract which did not have start or enrollment date and no

translated proof of education in file. Investigator stated as of January 28, 2016, the Board has not received proof of sufficient education for Miriam Alatraste and Odalys Morales.

MOTION by Karla Clodfelter to move that for case no. 90214 all alleged violations cited in the complaint summary have been shown. MOTION SECONDED by Tammy Acton. MOTION CARRIED.

SUBSTANTIATED VIOLATIONS

A.R.S. § 32-561/A.A.C. R4-10-204 (C)(3)(a)(c) School Records
A.A.C. R4-10-101 (14) High School Equivalency
A.A.C. R4-10-101(27) Tenth Grade Equivalency
A.R.S. § 32-574 (A)(9) Unlawful Acts; Violations; Classifications

HISTORY

86095 . 3/5/13 . Letter of Concern . Student Records
89173/89189 . 1/16/15 . Consent Agreement/\$2,000 Civil Penalty/2-Year
Probation/Director Luz Jaime to attend the Law/IFP Class . Act of Dishonesty, Fraud and
or Deceit/Student Records
90074 (re: 89173/89189) . 10/16/15 . Director Luz Jaime to attend the Law/IFP Class

MOTION by Karla Clodfelter to move that for case no. 90214 to impose the following discipline to offer a Consent Agreement with the following new terms of \$500.00 civil penalty and Board costs. MOTION SECONDED by Tammy Acton. MOTION CARRIED.

15. 90258 Damage Beauty College III #CSL174 10:00 a.m.
Damage Beauty College LLC, Owner
Luz Jaime #90600042, Member/Director
Diana Carolina Azamar #91500004, Instructor in Charge

Luz Jaime was sworn in and stated she received the documents through e-mail and she forward them to Ms. Joanne. Luz Jaime stated we go through all of the information first with the students and once we receive all of the information the student can start. Investigator Amber Moore testified that there were four students without proof of education in their files. Investigator stated on December 17, 2015, Board received a High School Equivalency Certification for student Concepcion Zugaste, Maryvale High School Diploma for student Melina Reyna and Alhambra High School Diploma for student Veronica Gomez. On December 18, 2015, Board received a La Joya Community High School Diploma for student Denisse Higuera. Compliance Manager Joanne Ayotte stated she reviewed the submitted documents and determined they appeared not be authentic and not acceptable proof of education.

MOTION by Karla Clodfelter to move that for case no. 90258 all alleged violations cited in the complaint summary have been shown. MOTION SECONDED by Tammy Acton. MOTION CARRIED.

SUBSTANTIATED VIOLATIONS

A.R.S. § 32-561/A.A.C. R4-10-204 (C)(3)(c) School Records
A.A.C. R4-10-101 (14) High School Equivalency
A.A.C. R4-10-101(27) Tenth Grade Equivalency
A.R.S. § 32-574 (A)(9) Unlawful Acts; Violations; Classifications

HISTORY

90074 (re: 89173/89189 . CSL92) . 10/16/15 . Director Luz Jaime to attend the Law/IFP Class . Act of Dishonesty, Fraud and/or Deceit/Student Records

MOTION by Karla Clodfelter to move that for case no. 90258 to impose the following discipline to offer a Consent Agreement with the following new terms of \$1,500.00 civil penalty and Board costs. MOTION SECONDED by Melissa Porter. MOTION CARRIED.

ARIZONA STATE BOARD OF COSMETOLOGY

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16. 90107/90289 Mynga T Nguyen #~~cs~~ 30600922 & 50601077 **10:00 a.m.**
NEGOTIATED \$50/PAID
17. 90128/90129 Huong C & A Nails and Spa #~~cs~~ SNT17954 & SAES18869**10:00 a.m.**
Huong Nguyen Miller #50331195, Owner
No Show; to formal hearing
18. 90145 Kelli L Packwood #19100795 **10:00 a.m.**
Kelli Packwood was sworn in and stated her daughter, brother do not live with her but she has cut her daughters hair for her entire life and her brothers since he was in sixth grade, I did not think I was doing anything wrong. I invited the Inspector in my home to look, I have nothing to hide from her. Investigator Amber Moore testified that this was an anonymous complaint alleging Kelli Packwood is perform cosmetology services in her garage an unlicensed establishment. Investigator stated the Kelli Packwood did state she provide services for her children and other family members at no charge and none of these family members reside with her. Investigator stated there is no area set up inside the home.
MOTION by Karla Clodfelter to move that for case no. 90145 to issue a Letter of Concern for performing cosmetology services in an unlicensed establishment. MOTION SECONDED by Jessica Porter. MOTION CARRIED.
19. 90161/90162 & Estrella Nails & Spa by Thuy D Giang **10:00 a.m.**
SNT16292 & SAES16522
90347/90348 Thuy Duong Giang #~~cs~~ 50900294 & 30900363
NEGOTIATED \$500/OWNER TO ATTEND CLASS
20. 90167/90168 & Pink Polish Mani-Pedi Spa #~~cs~~ SNT17148 & SAES17654 **10:00 a.m.**
T & TOD LLC, Owner
Thai Nguyen #59700517, Member
Tammi Do #~~cs~~ 50200765 & 30300002, Member
No Show; to formal hearing
90349 Thy Kim Dang #51405289, Licensee
NEGOTIATED TO ATTEND BOARD CLASS/SCHEDULED
21. 90169 Lashes Del Sol #SAES18882 **10:00 a.m.**
Lashes Del Sol LLC, Owner
Marisol Del Valle Cornwell #31200513, Member
Charles Cornwell, Member
NEGOTIATED \$500
22. 90172 Azul Day Spa SCOS19625 **10:00 a.m.**
Stat Phoenix 888 Corp., Owner
Chloe Anh Tai #10900438, President
NEGOTIATED \$500/PAID
23. 90192/90193 & DaVi Nails Spa #~~cs~~ SNT17888 & SAES18783 **10:00 a.m.**
The Nguyen, Owner
NEGOTIATED \$250/\$22 RESTITUTION/PAID
90350 Duoc Thi Nguyen #19700274, Licensee
NEGOTIATED TO ATTEND BOARD CLASS/SCHEDULED
24. 90195 Teresa Leta Cruz #10401740, Licensee **10:00 a.m.**

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Teresa Cruz was sworn in and stated she does not do hair out of her home, she does her own hair and family. Investigator Amber Moore testified that there was a shampoo chair, products and Teresa Cruz stated she had been working but was laid off about four months ago.

MOTION by Karla Clodfelter to move that for case no. 90195 to issue a Letter of Concern for performing cosmetology services in an unlicensed establishment. MOTION SECONDED by Tammy Acton. MOTION CARRIED.

25. 90209 Stephanie E Rodriguez #18601416, Licensee **10:00 a.m.**
NEGOTIATED \$250/PAID
26. 90229 Red Nail #SNT18183 **10:00 a.m.**
Red Nail LLC, Owner
Tommy Bui #50500347, Member
NEGOTIATED \$500
27. 90254 Metropolis on 4th Ave #SCOS24327 **10:00 a.m.**
Emery Nicoletti #18700940, Owner
NEGOTIATED \$250
28. 90255/90256 & Kristine NT Nguyen #502006078/30300098 **10:00 a.m.**
Co-Owner/Manager
NEGOTIATED \$650/SCHEDULED TO ATTEND BOARD CLASS/PAID
90257 Hung Thieu Pham #50400171, Co-Owner/Manager
NEGOTIATED \$650/SCHEDULED TO ATTEND BOARD CLASS/PAID
29. 90278/90279 Fancy Nails and Spa #SNT17831 & SAES18703 **10:00 a.m.**
Phong T Tran, Owner
Tommy Thach #50800551, Manager
NEGOTIATED \$250/PAID
30. 90286 Golden Nail Spa #SNT16859 **10:00 a.m.**
Huyen L Nguyen #S 50400555 & 30800525, Owner/Manager
No Show; to formal hearing
31. 90287 Topline Nail #SNT18041 **10:00 a.m.**
Kieu Nguyen #S 51100456 & 31200568, Owner/Manager
NEGOTIATED \$500/PAID
32. 90288 MaryS Beauty Salon #SCOS13273 **10:00 a.m.**
Mary Diaz-Calvo #10100551, Owner

Mary Diaz-Calvo along with Jorge Valente translator were sworn in and stated they had a first aid kit but could not find it, the salon does not do wax services they use it for themselves and have already removed the pot, the disinfectant has been fixed and we have a blood spill kit. Inspector Takejah Lambert testified to wet disinfectant not large enough for complete immersion, wax pot uncovered with sticks in the pot, no blood/first aid kit, latest inspection sheet not posted and IFP guidelines not posted.

MOTION by Karla Clodfelter to move that for case no. 90288 all alleged violations cited in the complaint summary have been shown. MOTION SECONDED by Melissa Porter. MOTION CARRIED.

SUBSTANTIATED VIOLATIONS

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A.R.S. § 32-541 (B)/A.A.C. R4-10-112 (A)(4)(a)(L)(R)(5)(T)(1) Infection Control/Safety Standards

A.R.S. § 32-543.3/A.A.C. R4-10-113 (A)(1) Required Latest Inspection Sheet Display

A.A.C. R4-10-111(E) IFP Guidelines

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. 90288, to impose the following discipline and to Board Order Owner Mary Diaz-Calvo to attend the Infection Protection/Law Review class given by the Board within 90-days. The investigative findings on or about December 29, 2015, Board Inspector found wet disinfectant not large enough for complete tool immersion, wax pot uncovered with sticks in the pot, no blood spill kit, no first aid kit, latest inspection sheet not posted and the IFP guidelines not posted which are violations of statutes A.R.S. § 32-541 (B)/A.A.C. R4-10-112 (A)(4)(a)(L)(R)(5)(T)(1), A.R.S. § 32-543.3/A.A.C. R4-10-113 (A)(1), A.A.C. R4-10-111 (E) and A.R.S. § 32-574 (A)(9). MOTION SECONDED by Melissa Porter. MOTION CARRIED.

33. 90303 Lavaar Hall #11201312, Owner/Manager **10:00 a.m.**
Lavaar Hall was sworn in and stated he was unaware of this state license. Lavaar Hall stated when he went to the rental property, they told him he needed a valid cosmetology license, business license from the City of Glendale, sign the lease, pay the money and open up. Lavaar Hall stated he opened up, Joanne came in to do an inspection, he stated he was excited to get his first pass inspection and that when Joanne told him he was missing the license, which was taken care of immediately. Investigator Joanne Ayotte testified that licensee/owner was operating an unlicensed establishment.
MOTION by Karla Clodfelter to move that for case no. 90303, to impose the following discipline and to Board Order Owner/Manager Lavaar Hall to attend the Infection Protection/Law Review class given by the Board within 60-days. The investigative findings on or about January 5, 2016, Board Investigator found licensee/owner operating an unlicensed establishment which is a violation of statute A.R.S. § 32-574 (A)(5)(8) and A.R.S. § 32-574 (A)(9). MOTION SECONDED by Melissa Porter. MOTION CARRIED.
34. 90310/90311 KTIS Nails & Spa #SNT17688 & SAES18487 **10:00 a.m.**
Tuan V Tran #51000587, Owner/Manager
NEGOTIATED \$250/PAID
35. 90313 The Essentials Spa #SCOS19686 **10:00 a.m.**
WSL McDowell Village LLC, Owner
John Rimbach, Member
Patricia Ann Henry #10601156, Manager
NEGOTIATED \$250/PAID
36. 90314 Hair Designs @ Sweet Harmony #SCOS15766 **10:00 a.m.**
Hair Designs @ Sweet Harmony LLC, Owner
Peggy A Kelly #16405507, Member/Manager
NEGOTIATED \$250/PAID

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37. 90316 Debbie G Jacoboni #19600022, Owner/Manager **10:00 a.m.**
Debbie Jacoboni was sworn in.
MOTION by Karla Clodfelter to move that for case no. 90316, to impose the following discipline and to Board Order Owner/Manager Debbie Jacoboni to attend the Infection Protection/Law Review class given by the Board within 60-days. The investigative findings on or about January 6, 2016, Board Investigator found licensee/owner operating an unlicensed establishment which is a violation of statute A.R.S. § 32-574 (A)(5)(8) and A.R.S. § 32-574 (A)(9). MOTION SECONDED by Melissa Porter. MOTION CARRIED.
38. 90317 Toni & Guy #SCOS16904 **10:00 a.m.**
Toni & Guy Salon Associates Inc, Owner
Bruno Mascalco, President
Alyssa McMahan #10800644, Manager
NEGOTIATED \$500
39. 90318 Mastercuts #455 #SCOS11938 **10:00 a.m.**
Minnesota Regis Corp, Owner
Dan Hanrahan, President
Steve Spiegel, Vice-President
Eric Bakken, Secretary
Anne Hanna #10801111, Manager
NEGOTIATED
40. 90320/90321 Gel Q Nail & Spa #SNT17234 & SAES17776 **10:00 a.m.**
Thao Pham H Nguyen #50501142 & 30500723, Owner
Danny Bui #51500595 & 31500920, Manager
No Show; to formal hearing

STEP 3: HEARINGS

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

A. Denial Appeals

None

B. Motion to Deem Allegations Admitted

89044 Isabel Mabel+Carrillo #10601790, Co-Owner/Manager **9:45 a.m.**
Assistant Attorney General, Bridget Harrington, appeared representing the State.
Independent Advisor, Jeanne Galvin, was available by telephone. Licensee did not appear.

MOTION by Melissa Porter to grant the State's MOTION TO DEEM ALLEGATIONS ADMITTED. MOTION SECONDED by Karla Clodfelter. MOTION CARRIED.

MOTION by Melissa Porter 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 Karla Clodfelter. MOTION CARRIED.

MOTION by Melissa Porter to issue an Order of discipline to revoke Isabel ~~Mabel~~+ Carrillo's personal license no. 10601790 and to impose civil penalties and costs of \$750.00 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 Karla Clodfelter. MOTION CARRIED.

89389/89649 Luxury Nails #SNT16401 & #SAES16672 **9:45 a.m.**
Phung Thi Vo #50300068 & #30500347, Owner
SETTLED

89801 Leo Orchid Nails & Spa #SNT16822 **9:45 a.m.**
Thac Chi Nguyen #50200010, Owner/Manager
Assistant Attorney General, Bridget Harrington, asked the Board if we could continue this case as we have received a signed Consent Agreement, full payment of \$475.00 and the owner has signed up for the Infection Protection/Law Review class on April 4, 2016, If the class is completed we would not need to bring this case back before the Board.

Case Continued.

C. Hearing Officer Recommendations

None

D. Request for Reinstatement

83306 Danielle L Chaffee #10000506 **11:15 a.m.**
Licensee Danielle Chaffee attended and stated she had lost the salon and could not afford to pay the fine, the landlord had locked her out and took all of her property and she has not been able to renew her license. Licensee Danielle Chaffee stated she is ready to get back into hair and is able to make payments if possible.

MOTION by Karla Clodfelter for case no. 83306 to allow licensee Danielle Chaffee to reinstate personal license no. 10000506 after licensee attends the Infection Protection/Law Review class on Monday and pays fees of \$215.00 to reactivate personal license and to allow licensee to pay the remaining balance of the fine within 1-year. MOTION SECONDED by Melissa Porter. MOTION CARRIED.

E. Appeal Board Orders

None

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

89944 Sara Yadira Ortega #11402089
Compliance Supervisor Joanne Ayotte asked the Board if they would rescind prior \$500.00 civil penalty and Board costs and issue \$50.00. Joanne Ayotte stated licensee was not the owner, however, she was working in an unlicensed establishment.

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MOTION by Karla Clodfelter to rescind \$500.00 civil penalty and Board costs previously offered and to assess \$50.00 for working in an unlicensed establishment. MOTION SECONDED by Melissa Porter. MOTION CARRIED.

STATUS AND ADDITIONS TO AGENDA

For Board Information Only:

ADJOURN

MOTION by Karla Clodfelter to adjourn the meeting at 1:14 p.m. MOTION SECONDED by Jessica Rainbow. 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.