



## BOARD MEETING MINUTES

### ARIZONA STATE BOARD OF COSMETOLOGY MEETING MINUTES

May 15, 2015 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 . Tele-Conference  
Jessica M Stall-Rainbow  
Joe Verdugo  
Tammy L Acton - Absent  
Melissa C Porter  
Martha P Ramsey

## BOARD BUSINESS

1. Approval of Regular Board Minutes of April 17, 2015.

MOTION by Joe Verdugo to approve minutes as written. MOTION SECONDED by Jessica Rainbow. MOTION CARRIED.

2. Approval of Executive Session Minutes of April 17, 2015.

MOTION by Martha Ramsey to approve executive minutes as written. MOTION SECONDED by Joe Verdugo. MOTION CARRIED.

3. Declaration of Conflict of Interest.

Melissa Porter declared for 89197/89198 under Step 2. B. 3.

4. Discussion, Consideration and Possible Action on Cindy Vong and La Vie LLC, Appellants vs. Donna Aune, Arizona Court of Appeals.

**The Board may vote to go into “Executive Session” for the purpose of discussion and consideration of pending litigation pursuant to A.R.S. §38-431.03 (A) (4).**

- Court of Appeals, Division One, Case No. 1 CA-CV 13-0423 Decision in Favor of the Board Dated May 27, 2014
- Petition for Review and Response Filed in Arizona Supreme Court
- Arizona Supreme Court Decision in Favor of the Board Dated November 6, 2014
- Petition for Writ of Certiorari filed by Cindy Vong in the United States Supreme Court February 4, 2015.
- U.S. Supreme Court Denied Writ of Certiorari-Case Concluded.

Assistant Attorney General Bridget Harrington, reported that the United States Supreme Court has Denied Petition for rehearing of the case and is now concluded in the Courts.

5. Discussion, Consideration and Possible Action on Proposed Legislation.

**Senate Bill 1320** Make Up Artists; A.R.S. §32-506, Exemption

Reminder SB 1320 takes effect July 3, 2015

**Board Proposed Legislation HB2120:**

- A.R.S. §32-503 (C) (1) Requirements for Executive Director Position . Eliminate Licensing Requirements

- A.R.S. §32-507 (A) (3) (4) (8) Fees . Increase Fees and Doubling the Cap.
- A.R.S. §32-517 (A) and A.R.S. §32-535 Personal License Renewal . 2-Year Renewal for Personal and Instructor Licenses.

Reminder HB2120 takes effect July 3, 2015

**Additional Proposed Legislation Related to the Board:**

6. Discussion, Consideration and Possible Action on Effects of 2 years of high School and 16 year old Requirement for Licensure:

- 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
- 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+

MOTION by Karla Clodfelter to have Executive Director Donna Aune and Assistant Attorney General Bridget Harrington to research, give legal opinion and a clear direction on the Effects of 2 years of high School and 16 year old Requirement for Licensure. MOTION SECONDED by Joe Verdugo. MOTION CARRIED.

7. Discussion, Consideration and Possible Action on Opening Rule Docket.
- A.A.C. R4-10-102 and A.A.C. R4-10-107, Fees and Renewal of License

Executive Director Donna Aune reported that we have hired Jeanne Hann who is a Rule Writer and she is going to help us write and move the rules through and will also be working with us on the 5-Year Rule Review in the fall.

MOTION by Karla Clodfelter to pursue Rule Writing and to Open Rule Docket. MOTION SECONDED by Martha Ramsey. MOTION CARRIED.

8. Discussion, Consideration and Possible Action on Language to include in a Public Service Announcement/Education Regarding Using Licensed Cosmetologists, Aestheticians and Nail Technologists.

Board Members decided to form a committee to research and receive input regarding a Public Service Announcement. The Committee will consist of the following:

- Karla Clodfelter . Chair
- Gary Begley . Board Member
- Tammy Acton . Board Member
- Donna Aune . Executive Director

- Public Input

The Committee has been named the Public Education Committee.

9. Report and Consideration of Revisions to Informal Interview Script.

Assistant Attorney General Bridget Harrington presented and discussed with the Board Members a revised Cosmetology-Script to be used at the Conclusion of an Informal Interview.

10. Discussion, Consideration and Possible Action on Performance Review of Executive Director.

**The Board may vote to go into “Executive Session” pursuant to A.R.S. §38-431.03 (A) (1) for the purpose of “Discussion or Consideration of Employment, Assignment, Appointment, Promotion, Demotion, Dismissal, Salaries, Disciplining or Resignation of a Public Officer, Appointee or Employee of any Public Body, except that, with the exception of Salary Discussions, an Officer, Appointee or Employee may demand that the Discussion or Consideration occur at a Public Meeting.+**

9:58 a.m. MOTION by Gary Begley to go into %Executive Session+pursuant to A.R.S. §38-431.03 (A) (1) for the purpose of %Discussion or Consideration of Employment, Assignment, Appointment, Promotion, Demotion, Dismissal, Salaries, Disciplining or Resignation of a Public Officer, Appointee or Employee of any Public Body, except that, with the exception of Salary Discussions, an Officer, Appointee or Employee may demand that the Discussion or Consideration occur at a Public Meeting.+MOTION SECONDED by Joe Verdugo. MOTION CARRIED

- Letter of Commendation

10:05 A.M. Returned to Open Session.

MOTION by Martha Ramsey to accept changes to the Letter of Commendation, to be signed by Board Members and placed into Directors personnel file. MOTION SECONDED by Joe Verdugo. MOTION CARRIED.

11. Cosmetology Students on Field Trip.

- Questions and answers regarding Board authority and process

None

## **EXECUTIVE DIRECTOR’S REPORT**

1. Report and Presentation on 2-year License Renewal Process and Notices to Licensees.



88215/88216	Yuma Nails & Spa # <del>ç</del> SNT16673 & SAES17094 Kelly Tran #31000485	(Found no violations)
88934	Saba Albayati, Unlicensed	(Found no evidence to support allegation)
88995	Exclusive Touch Salon LLC #C21534 Exclusive Touch Salon LLC, Owner Mary E Payne #30900777, Member Avis Joy Belt #10600449, Licensee	(Found no violations)
89056	Daynara y Jimenez-Romero #51405386, Licensee	(Refer to proper authorities)
89071	Karri Hayes #11001363 (Laser - no jurisdiction - working under direct & indirect supervision)	
89073	The Art of Nails	(Found salon licensed SNT17991 & SAES18925 – expires 2.5.16)
89111	Edith Rivera #59100037	(Non-applicability of Chapter 32-506.9)
89232	Tucson College of Beauty #CSL44 Transwest Properties Inc. /Behind the Chair School of Design LLC, Owner Michael Hanson, Member Rochelle Car #90229186, Director	(Found supervisions of students)
89254/89255	Laveen Nails & Day Spa # <del>ç</del> SNT17918 & SAES18817 Julie Pham # <del>ç</del> 50116478 & 30400567, Owner	(No evidence to support allegations)
89256/89257	My Nails Salon # <del>ç</del> SNT16436 & SAES16707 Quan Tuyet Lee # <del>ç</del> 50000392 & 30330662, Owner	(New owner – License Nos. SNT18023 & SAES18977, My Nails Salon)
89268	R Salon #SCOS18781 Rick Patrick #18701131, Owner Claudine Frommholz #31200643, Licensee	(Laser – no jurisdiction) (Certified Laser Technician)
89279	Chay Xiolia, Unlicensed	(Sale of Product - No jurisdiction)
89280	Da-Vi Nails #5330 #SNT17731 Danielle Le #50701041, Owner	(Insufficient evidence)
89352	Nail Rap II #SNT17132 Kim Xuyen Thi Vu # <del>ç</del> 50331114 & 30400715, Owner	(Found no evidence to support allegations)

### C. Recommend Letter of Concern

#### See Motion Above.

88935	Mi Da Ma Beauty Salon #SCOS23760 Evelyna LLC, Owner Evelyn S Aguilar #10800616, Member	(Delinquent establishment)
89277	Capri Nails #SNT15118 Hoang Nguyen #50124978, Owner	(One workstation with soiled implements)
89370	Studio 110 LLC #SCOS24544 Studio 110 LLC, Owner Vanessa Luna Baird #10901816, Member/Manager Sean Baird, Member	(Delinquent personal license)
89371	Hers & Mine Salon #SCOS19862 Virginia G Catalan #16607402, Owner/Manager	(Delinquent personal license)
89373	Michelle <del>ç</del> Beautique & Salon #SCOS21585 DM Eaton LLC, Owner Michelle A Eaton #18501391, Member/Manager Dale Eaton, Member	(Delinquent personal licenses)
89391	Salon Eclectic #SCOS23927 Matley Enterprises LLC, Owner Kahley McFadden, Member	(Not posting out for “spray tan” & del. personal license)
89395	Kathy <del>ç</del> Salon of Artistic Hairstylists #SCOS1929 Kathryn A Richardson #17617496, Owner/Manager	(Delinquent personal license)
89396	Design Classics #SCOS11338 Nannette Y Demontigny #18500543, Owner/Manager	(Floors need repair)
89397	Giovanni <del>ç</del> Hair Stylists #SCOS824	(Delinquent personal license)

Vanni Inc, Owner  
 John R Azzolina #18601301, President/Manager  
 89407 Carey Permanent Make Up and Hair Studio #SCOS17993 *(Del. estab license)*  
 Carey Williams #18600553, Owner/Manager  
 89409 Super Cuts #SCOS19033 *(Delinquent personal license & display)*  
 Terrace Management LLC, Owner  
 Mike Hansen, Member  
 89421 Jennifer Lai Salon #SCOS22731 *(Delinquent establishment license)*  
 Sau Yi Jennifer Lai #10000007, Owner/Manager  
 89428 Salon V.I.P. LLC #SCOS24434 *(Delinquent personal license)*  
 Salon V.I.P. LLC, Owner  
 Marita Barczewski #10801722, Member/Manager  
 89431/89432 The Nail Room #SNT17857 & SAES17857 *(No first-aid kit)*  
 The Nail Room LLC, Owner  
 Hillary Hang Nguyen, Member

#### D. Recommend Informal Interview or Negotiation Terms

**MOTION by Jessica Rainbow to accept staff recommendations for all those listed below under Step 1. D. MOTION SECONDED by Joe Verdugo. MOTION CARRIED.**

1. 88817 & Lash Out LLC #SAES18398  
 Lash Out LLC, Owner  
 Issue Letter of Concern for licenses not posted at working stations, see motion above.
- 89441 Lash Out LLC #SAES18884  
 Kimberly Peterson, Manager/Member  
 Amanda Wilson #31400885, Manager/Member  
 Issue Letter of Concern for licenses not posted at working stations, see motion above.
2. 89072 Nicole McFarlin #50600853  
 Offer a consent agreement to assess \$500.00 civil penalty and Board costs, see motion above.
3. 89173/89189 Damage Beauty College #S92  
 Luz Jamie #90600042, Member/Director/Instructor in charge  
 Diana Baez, Instructor  
 Ivette Hernandez #11102630  
 Reyna Lopez #91000006, Instructor  
 Gladys A Melgar #91400016, Instructor  
 Marina Rodriguez #11301078, Instructor  
 Veronica Verdugo #11400045, Instructor  
 Maria Vasquez, Instructor  
 Edith, Instructor  
 Informal Interview without consent, see motion above.
4. 89174 Blanca Gonzalez #11400634  
 Offer a consent agreement to assess \$50.00 civil penalty and Board costs, see motion above.
5. 89177 & Salvere Wellness, Unlicensed  
 Dismiss due to no action taken, see motion above.  
 89297 & Natalya Borakowski #30800241

- Offer a consent agreement to assess \$500.00 civil penalty and Board costs, see motion above.
- 89298 Karen Rambat #31000172  
Offer a consent agreement to assess \$500.00 civil penalty and Board costs, see motion above.
6. 89205 Noelle P Williams #31400245  
Offer a consent agreement to assess \$50.00 civil penalty and Board costs, see motion above.
7. 89207 Melissa S Subia #11301905  
Offer a consent agreement to assess \$500.00 civil penalty and Board costs, see motion above.
8. 89218 Marlene Jolley #16910495  
Offer a consent agreement to assess \$500.00 civil penalty and Board costs, see motion above.
9. 89243/89365 Tiffany 2014 Nails #~~q~~ SNT17757 & SAES18576  
Quy Pham, Owner  
Ngoc Anh Thi Pham #~~q~~ 50500227 & 30500598, Manager  
Dong Le #50300085, Licensee  
Offer a consent agreement to assess \$250.00 civil penalty and Board costs, see motion above.
10. 89245 Galaxy Nails & Spa LLC #SNT17078  
Galaxy Nails & Spa LLC, Owner  
Tinh Vuong #50500917, Member  
Offer a consent agreement to assess \$500.00 civil penalty and Board costs, see motion above.
11. 89366/89367 My Nails Salon #~~q~~ SNT18023 & SAES18977  
Martin T Hoang #50100556, Owner  
Offer a consent agreement to assess \$250.00 civil penalty and Board costs, see motion above.
12. 89261/89262 Le~~q~~ Creative Nails #~~q~~ SNT17845 & SAES18698  
Diep Le #~~q~~ 59920478 & 30400042, Owner  
Offer a consent agreement to assess \$250.00 civil penalty and Board costs, see motion above.
13. 89271 Princess Pro Nails #SNT16841  
Anh Kim Vu, Owner  
Offer a consent agreement to assess \$500.00 civil penalty and Board costs, see motion above.
14. 89278 Reju-Line Skin Care Center, Unlicensed  
Zaira Yorlenny Garro, Owner, License No. 1120077 (inactive 2013)  
Offer a consent agreement to assess \$750.00 civil penalty and Board costs to Licensee Zaira Yorlenny Garrow, see motion above.
15. 89281 Red Nail #SNT16907  
Tommy Huy Bui #50500347, Owner  
Offer a consent agreement to assess \$250.00 civil penalty and Board costs, see motion above.

16. 89310/89446 Hot Nail #SNT16558 & SAES16854  
Nhan Cong Nguyen #50200446, Owner  
Dismiss due to no response from complainant, see motion above.
17. 89318 Superior Nails #SAES18597  
Superior Nails LLC, Owner  
Thuc Quyen Ha Vu #10900220, Member  
Offer a consent agreement to assess \$250.00 civil penalty and Board costs, see motion above.  
Julie Vu #301400142, Manager  
Monique Le #30330697, Licensee  
Issue a Letter of Concern for improper client consultation, see motion above.
18. 89335/89336 Moriah Nails & Spa II LLC #SNT17622 & SAES18388  
Moriah Nails & Spa II LLC, Owner  
Linh Lam Nguyen #50000165, Member  
Offer a consent agreement to assess \$250.00 civil penalty and Board costs, see motion above.
19. 89348/89349 AK Nails Spa #SNT17480 & SAES18155  
Hanh Ngoc Thi Tran #10801971, Owner  
Long Duy Thanh Ha #50501026, Licensee  
Offer a consent agreement to assess \$500.00 civil penalty and Board costs, see motion above.
20. 89369 Ellaments Salon & Boutique #SCOS22730  
Ellaments LLC, Owner  
Eleanor Palmer #10501458, President/Manager  
John Palmer, Manager  
Offer a consent agreement to assess \$250.00 civil penalty and Board costs, see motion above.
21. 89372 Hairq 2 U #SCOS18188  
Offer a consent agreement to assess \$250.00 civil penalty and Board costs, see motion above.
22. 89374 Jewelry Nail & Spa #SNT13557  
Liem T Ha #50000557, Owner  
Offer a consent agreement to assess \$1,250.00 civil penalty and Board costs and \$28.00 restitution, see motion above.
23. 89375 Tatum Hair & Nails #SCOS512  
Duc H. Le #19600495, Co-Owner/Manager  
Thao T Thi Phan #59600330, Co-Owner/Manager  
Offer a consent agreement to assess \$750.00 civil penalty and Board costs, see motion above.
24. 89376 & Rachel S Slaton #18800624, Co-Owner/Manager  
Offer a consent agreement to assess \$500.00 civil penalty and Board costs, see motion above.  
89377 Darby A Craghan #10122780, Co-Owner/Manager  
Dismiss due to no longer affiliated with salon, see motion above.
25. 89378 Belleza Latina & Nails Beauty Salon #2 #SCOS21713  
Ana Bertha Guerra #19700366, Owner/Manager

- Offer a consent agreement to assess \$750.00 civil penalty and Board costs, see motion above.
26. 89379 Letis Beauty Salon #SCOS19623  
Leticia Vanzuilen #19918481, Owner/Manager  
Offer a consent agreement to assess \$250.00 civil penalty and Board costs, see motion above.
27. 89386 Bien Nail by Salina #SNT17878  
Thuy T Pham #50300032, Owner/Manager  
Offer a consent agreement to assess \$250.00 civil penalty and Board costs, see motion above.
28. 89387 Hair Creation #SCOS22109  
Edubijes Peralta #10327462, Co-Owner/Manager  
Veronica Verdugo #19918332, Co-Owner/Manager  
Issue a Letter of Concern for chairs not in good repair, see motion above.
29. 89392 Almira's Nails LLC #SNT17504  
Almira's Nails LLC, Owner  
Phuoc V Nguyen, Member/LLC Manager  
Offer a consent agreement to assess \$250.00 civil penalty and Board costs, see motion above.  
Kim Ngan Thi Nguyen #51200661, Manager  
Offer a consent agreement to Licensee Kim Ngan Thi Nguyen to attend the Infection Protection/Law Review Class given by the Board, see motion above.
30. 89394 Michael Alexander Salon & Spa #SCOS23386  
C & T Salon Enterprises LLC, Owner  
Crystal Fyke, LLC Manager  
Timothy Fyke, LLC Manager  
Offer a consent agreement to assess \$500.00 civil penalty and Board costs, see motion above.
31. 89398 Amaxx Hair Salon #SCOS24821  
Wendy Carrasco #11301033, Co-Owner  
Alicia Arteaga #10401073, Co-Owner  
Offer a consent agreement to assess \$250.00 civil penalty and Board costs, see motion above.
32. 89399/89400 AK Nails Spa #SNT17480 & SAES18155  
Hanh Ngoc Thi Tran #10801971 & 50331166, Owner  
Offer a consent agreement to assess \$750.00 civil penalty and Board costs and for Owner Hanh Ngoc Thi Tran to attend the Infection Protection/Law Review Class given by the Board, see motion above.
33. 89401 JJ Beauty Institute #CSL00182  
Jose A Hernandez, Owner  
Reyna Lopez #91000006 & 10900164, Instructor in Charge  
Offer a consent agreement to assess \$750.00 civil penalty and Board costs, see motion above.
34. 89404 Radiant Hair Salon #SCOS20824  
Laura J Worthy #17820404, Owner/Manager  
Offer a consent agreement to assess \$250.00 civil penalty and Board costs, see motion above.

35. 89405 Brex Way Hair Salon #SCOS18613  
 Bean Hoffner #10401221, Owner/Manager  
 Offer a consent agreement to assess \$250.00 civil penalty and Board costs, see motion above.
36. 89406 Tiawnie Salon #SCOS25003  
 Tiawnie West #11301625, Owner/Manager  
 Offer a consent agreement to assess \$250.00 civil penalty and Board costs, see motion above.
37. 89424 Hair Touch Studio #SCOS20689  
 Brenda A Hernandez #19400542, Owner  
 Offer a consent agreement to assess \$250.00 civil penalty and Board costs, see motion above.
38. 89425/89426 V Nails & Spa #SNT15314 & SAES15309  
 Thuan N Nguyen #5050110, Owner/Manager  
 Offer a consent agreement to assess \$250.00 civil penalty and Board costs, see motion above.
39. 89427 Unix Nails & Spa #SNT17877  
 Tuan Cong Nguyen #50900483, Owner  
 Issue a Letter of Concern for not following proper disinfecting procedures, see motion above.
40. 89429/89430 Sensational Nail & Spa #SNT17518 & SAES18452  
 Nghia H Hoa #51200111, Owner/Manager  
 Offer a consent agreement to assess \$250.00 civil penalty and Board costs, see motion above.
41. 89433 Fixations Styling Salon #SCOS19420  
 Natalie N Nandin #19000819, Co-Owner/Manager  
 Becky Rubio #19000326, Co-Owner/Manager  
 Offer a consent agreement to assess \$250.00 civil penalty and Board costs, see motion above.
42. 89434 & Joan Ashley Oharro #51405215, Licensee  
 Offer a consent agreement to assess \$50.00 civil penalty and Board costs, see motion above.
- 89435 & Shawna A Wilson #51100460, Licensee  
 Offer a consent agreement to assess \$50.00 civil penalty and Board costs, see motion above.
- 89436 Jessica Camarena #11200440, Licensee  
 Offer a consent agreement to assess \$50.00 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. 88998 Maricopa Skill Center Cosmetology Program #S55 10:15 a.m.  
Maricopa County Community College District, Owner  
Gayla M Burnett #90700051, Director  
Lisa K Hemming #90100009, Program Manager  
89006 Maricopa Skill Center Cosmetology Program #S55  
Maricopa County Community College District, Owner  
Gayla M Burnett #90700051, Director  
Lisa K Hemming #90100009, Program Manager  
Rochelle Lederman #90500043, Instructor  
89025 Maricopa Skill Center Cosmetology Program #S55  
Maricopa County Community College District, Owner  
Gayla M Burnett #90700051, Director  
Lisa K Hemming #90100009, Program Manager  
Continued from April Board Meeting  
**NEGOTIATED \$2,000.00**
  
2. 89152 Rosas Beauty Salon LLC #C24154 10:15 a.m.  
Rosas Beauty Salon LLC, Owner  
Jesus Barrera Medina, Member  
Continued from April Board Meeting  
**NEGOTIATED**
  
3. 89197/89198 Amomi Pregnancy Wellness Spa #SNT17223 & SAES17757 10:15 a.m.  
Scottsdale Perinatal Associates PLLC, Owner  
Cathleen Harris M. D., Member  
Karrie Francois M. D., Member  
Eve Marie Lussier #59300140, Manager  
Continued from April Board Meeting  

Cathleen Harris appeared was sworn in and stated that anyone they hire have to provide all documentation of licensure prior to hire date, they also pre-screen people to determine proper skill. This individual was interviewing and performing a service on a staff member and this is never done on a client and always when there are no clients in the spa. Cathleen Harris stated they have since changed their policy due to this situation. Inspector Amber Moore testified that an unlicensed individual was performing a nail service.

MOTION by Martha Ramsey to move that for case no 89197/89198 all alleged violations cited in the complaint summary have been shown. MOTION SECONDED by Joe Verdugo. MOTION CARRIED.

**SUBSTANTIATED VIOLATIONS**  
A.R.S. § 32-574 (A)(1)(2)(4) Unlicensed Individual  
A.R.S. § 32-574 (A) (9) Unlawful Acts; Violations; Classifications

**HISTORY**  
85129/85130 . 8/17/2012 . Consent Agreement - \$500 Civil Penalty-  
Incompetence/Malpractice . Unlicensed Establishment

MOTION by Martha Ramsey to move that for case no 89197/89198, we should impose the following discipline and issue a Letter of Concern for allowing an unlicensed individual to perform a job interview during open business hours. MOTION SECONDED by Jessica Rainbow. MOTION CARRIED. Joe Verdugo VOTED NAY.
  
4. 89209/89210 & Herbal Nail Bar LLC #SNT17201 & SAES17724 10:15 a.m.  
Herbal Nail Bar LLC, Owner

89329/89344 & Nga Thi Ngoc Nguyen #51100339 & 31200285, Member

Nga Thi Ngoc Nguyen member and Quyen Huu Dinh manager appeared were sworn in and stated when inspector said licensee ran out, we didn't know State Board was coming, normally after we do customer we put stuff in trash can and trash can is in the back. Inspector said container was dirty, we clean at the end of the day. Quyen Huu Dinh stated that they clean tools with soap and water, put in disinfectant and place in sterilizer but it is normal to have a little skin in the nippers. They also purchased a larger container for the wet disinfectant. Inspector Amber Moore testified to a licensee that ran out the back door with implements, wet disinfectant that was not large enough for complete immersion and contaminated, clean linen not enclosed, reuse of pedicure pumice blocks, uncovered clean nail brushes and wax implements, no blood spill kit, two licensees with soiled tools and soiled dry storages, personal licenses not posted, and a licensee working with a delinquent license.

MOTION by Jessica Rainbow to move that for case no 89329/89344, 89331, 89208/89210 all alleged violations cited in the complaint summary have been shown. MOTION SECONDED by Joe Verdugo. MOTION CARRIED.

**SUBSTANTIATED VIOLATIONS**

A.R.S. § 32-541 (B)/A.A.C. R4-10-112 (A)(3)(4. a, c)(B)(C)(D)(E)(1)(7)(K)(4)®(5)(T)(1) Infection Control/Safety Standards

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

A.R.S. § 32-543.3/A.A.C. R4-10-113 (A)(1) Required Personal License Display

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

**STAFF REPORTED NO HISTORY**

MOTION by Jessica Rainbow to move that for case no 89329/89344, 89331, 89208/89210 to impose the following discipline and to Offer Consent Agreement with the following new terms of \$500 civil penalty and board costs and for Licensees Nga Thi Ngoc Nguyen and Quyen Huu Dinh to attend and complete the Infection Protection/Law Review class given by the Board. MOTION SECONDED by Joe Verdugo. MOTION CARRIED.

89330/89345 & Thao Thi Nguyen #50900149 & 31000409, Member

**RE-NOTICE / RETURN TO SENDER**

MOTION by Joe Verdugo to dismiss case no 89330/89345 due to licensee is no longer affiliated with salon. MOTION SECONDED by Melissa Porter. MOTION CARRIED.

89331 Quyen Huu Dinh #51100561, Manager  
Continued from April Board Meeting

5. 89350/89351 Kool Nails #SNT17969 & SAES18893 10:15 a.m.  
Lily Dung Ngo, New Owner  
**NEGOTIATED \$750/**

6. 88959 Nail Time & Wax #A17433 10:15 a.m.  
Nail Time LLC, Owner  
Ky Nguyen #50331266, Member  
Duc M Hoang #30300032 & 50100299, Member  
**NEGOTIATED \$250/PAID**

7. 89057/89095 Super Touch Nails #M16994 & A17446 10:15 a.m.  
Jensen Ta #51100364, Owner

Jensen Ta appeared was sworn in and stated he never did not get any complaints from any customers and is in the salon seven days a week and you can't make every customer happy. He stated that the salon has only one drill and use it only when a customer requests it and when used the sand belt is removed and thrown away, and the drill is passed around because we only have one drill and the pedicure rasps are used on the bottom on the feet only. Investigator Amber Moore testified that this was an anonymous complaint alleging the reuse of callous removers, salon not following

proper procedure in the event of a wound and a drimel was passed around without sterilization. Investigator found the owner did know the proper blood spill procedure along with the proper procedure for disinfecting implements and there was no evidence of the salon reusing pumice blocks or rasps. However the Investigator did find the salon did not have a blood spill kit and was not following proper procedure to clean pedicure spas between clients.

MOTION by Martha Ramsey to move that for case no. 89057/89095 all alleged violations cited in the Investigation Report have been shown. MOTION SECONDED by Joe Verdugo. MOTION CARRIED.

**SUBSTANTIATED VIOLATIONS**

A.R.S. § 32-541 (B)/A.A.C. R4-10-112 (A)(6)(G)(1)(2) Infection Control/Safety Standards  
 A.R.S. § 32-574 (A)(9) Unlawful Acts; Violations; Classifications

**HISTORY**

88531-88532 . 11/14/2014 . Consent Agreement/\$750 Civil Penalty . Unlicensed Individual . Health & Safety

88870-88531-88532 . 11/14/2014 . Board Order . Attend & complete Infection Control/Law Review class

MOTION by Martha Ramsey to move that for case no. 89057/89095 to impose the following discipline and to Maintain Consent Agreement terms previously offered to the Licensee. MOTION SECONDED by Joe Verdugo. MOTION CARRIED.

- |     |                  |  |            |
|-----|------------------|--|------------|
| 8.  | 89075            | Phoenix Nails and Spa #M16451<br><b>NEGOTIATED \$250/</b>  | 10:15 a.m. |
| 9.  | 89110            | Mandy M Samford #10200584<br><b>NEGOTIATED \$500/</b>  | 10:15 a.m. |
| 10. | 89141            | Gino of Switzerland #C11869<br>Pia Stoppa #58500027, Owner<br><b>NEGOTIATED \$250/PAID</b>   | 10:15 a.m. |
| 11. | 89143 &<br>89368 | Lois LV Nails #M14704<br><b>NEGOTIATED \$500/PAID</b><br>John P Ho #50401370, Owner<br><b>NEGOTIATED TO ATTEND BOARD CLASS/SCHEDULED</b>                 | 10:15 a.m. |
| 12. | 89148            | Natalie B Burke #10123700<br><b>NEGOTIATED</b>   | 10:15 a.m. |
| 13. | 89149/89355      | Nails Club # M17542 & A18252<br>Nails Club LLC, Owner<br>James Tran, Member<br><b>Continued</b>  | 10:15 a.m. |
| 14. | 89168            | Polish Me Pretty Nail Bar #M17681<br>Polish Me Pretty Salon & Spa LLC, Owner<br>Minh Vo # 50501582 & 31400098, Manager<br><b>NEGOTIATED \$500</b>        | 10:15 a.m. |
| 15. | 89184/89185      | Legacy Nails & Spa Salon # SNT14608 & SAES14560<br>Legacy Nails & Spa Inc., Owner<br>Nhan Le #10100204, Director/Manager<br><b>NEGOTIATED \$250/PAID</b> | 10:15 a.m. |
| 16. | 89186            | Brandi K Day #50123555<br><b>No Show; to formal hearing</b>  | 10:15 a.m. |

17. 89204/89214 Michelle+Huoc Thi Le #~~ç~~ 50500151 & 30500070 10:15 a.m.  
**RE-NOTICE – RETURN TO SENDER**
18. 89206 Do My Nails #SNT17067 10:15 a.m.  
Do My Nails LLC, Owner  
Long T Nguyen #50400328, Member  
**NEGOTIATED \$500/PAID**
19. 89244/89230 & ISV Nail Forum LLC #~~ç~~ SNT17935 & SAES18838 10:15 a.m.  
ISV Nail Forum LLC, Owner  
**NEGOTIATED \$1,250/6-Month Probation/1<sup>st</sup> Payment Submitted**  
89422 & Sovann Oun #51300053, Member  
**NEGOTIATED TO ATTEND BOARD CLASS**  
89423 Ian Tea, Member  
**NEGOTIATED TO ATTEND BOARD CLASS**
20. 89246 Vernelou Terry #10701292 10:15 a.m.  
Terry Vernelou appeared was sworn in and stated she was not there and as soon as she found this out she took care of it and has received her establishment license and also has the outside sign. Investigator Amber Moore testified that the salon had changed location in January of 2015 and had the establishment license from the old location which will expire April 2, 2015.  
MOTION by Joe Verdugo to move that for case no. 89246 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.A.C. R4-10-111 (A) Display of Signs  
A.R.S. § 32-574 (A) (9) Unlawful Acts; Violations; Classifications  
**STAFF REPORTED NO HISTORY**  
MOTION by Joe Verdugo to move that for case no. 89246, we should impose the following discipline and issue a Letter of Concern for salon location change and no outside sign. MOTION SECONDED by Martha Ramsey. MOTION CARRIED.
21. 89247/89248 Kelly D Nails-Spa #~~ç~~ SNT17902 & SAES18799 10:15 a.m.  
Kiem Tram #~~ç~~ 50200031 & 30600912, Owner/Manager  
**NEGOTIATED \$250/PAID**
22. 89249 Salon Serenity #SCOS20964 10:15 a.m.  
Gwenevere McCullough #10500354, Owner/Manager  
**No Show; to formal hearing**
23. 89250 Peace Love Hair #SCOS23996 10:15 a.m.  
Tracy J Ford #19500093, Co-Owner/Manager  
Jennifer Yee #19817003, Co-Owner/Manager  
**NEGOTIATED \$250/PAID**
24. 89284 & Annamarie Cruz #11200218, Co-Owner/Manager 10:15 a.m.  
89285/89286 Virginia Cruz-Medina #~~ç~~ 90800015 & 18801019, Co-Owner/Manager  
Virginia Cruz-Median and Annamarie Cruz appeared were sworn in and stated never worked in suite 202, however that was their original intentions. They talked with the landlord and was told they would be in suite 204. Annamarie stated she should have mentioned this to the Investigator and that was her mistake. They were not open, the supplies were in her truck they were getting ready to clean and decorate and all has been

corrected. Investigator Amber Moore testified that there was a location change that took place approximately three weeks prior to her arrival, salon is now in suite 204 and was previously in suite 202. Investigator also found two licensees with soiled tools, soiled dry storages with hair and soiled shears in soiled plastic pouch, no large wet disinfectant set up, no wet disinfectant solution, no first aid kit and no blood spill kit.

MOTION by Melissa Porter to move that for case no. 89284 & 89285/89286 all alleged violations cited in the complaint summary have been shown. MOTION SECONDED by Joe Verdugo. 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. § 32-541 (B)/A.A.C. R4-10-112 (A)(4)(5)(6)(B)(C)(E)(7)(T)(1) Infection Control/Safety Standards

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

MOTION by Melissa Porter to move that for case no. 89284 & 89285/89286, we should impose the following discipline and issue a Letter of Concern for licensees need to comply with all infection protection/safety regulations. MOTION SECONDED by Joe Verdugo. MOTION CARRIED.

25. 89287 Jessica M Alvarez Armenta #11102335 10:15 a.m.

Jessica Alvarez Armenta appeared was sworn in and stated she was fine with paying the \$80 now and the \$50 in November and she would also help to remind the owner to renew on time. Investigator Joanne Ayotte testified that licensee was working in an unlicensed establishment. Investigator stated that there were issues with our system conversion, however after some research the salon has history with being late on the yearly renewal payments. Owner is a Barber and is used to paying Barber license on June 30<sup>th</sup> and her cosmetology establishment license is due on January 31<sup>st</sup>. There were also sanitation violations of towels not enclosed, no large wet disinfectant set up and the IFP Guidelines were not posted or displayed.

MOTION by Melissa Porter to move that for case no. 89287 all alleged violations cited in the complaint summary have been shown. MOTION SECONDED by Joe Verdugo. MOTION CARRIED.

**SUBSTANTIATED VIOLATIONS**

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 (A)(3)(4. a)(K) Infection Control/Safety Standards

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 Melissa Porter to move that for case no. 89287, we should impose the following discipline and Maintain Consent Agreement terms previously offered to the Licensee and recommend attending the Infection Protection/Law Review Class given by the Board. MOTION SECONDED by Joe Verdugo. MOTION CARRIED. Jessica Rainbow VOTED NAY.

26. 89293 Salon on Central #SCOS21909 10:15 a.m.

Eloise Edgar, Owner/Manager

**CONTINUANCE**

27. 89332 Icon Hair Architexture #SCOS19370 10:15 a.m.

Gorgeous LLC, Owner

Radhika Barcus #10600706, Member

James Barcus, Member

**NEGOTIATED \$250/PAID**

28. 89333 Divas Hair Salon #SCOS20421 10:15 a.m.

Martha Rosa Vasquez #10801293, Owner

Martha Rosa Vasquez appeared was sworn in and stated there was an inspection on July 23, 2013, by Inspector Camille that case was dismissed. Shortly Inspector Camille inspected again and the report went missing. She called Joanne to inquire about the report, Joanne looked into it and stated Camille could not find it. Martha stated it could not have been on a Monday we are not open, she came on a Tuesday. Martha stated Joanne came to the salon and told her the report would be thrown out. She said Joanne asked her what you would like to happen. Martha said a non-bias inspector. Martha stated Joanne offered to do the next inspection. Inspector Amber Moore was conducting routine inspections in the area, Martha asked why she was doing the inspection instead of Joanne and asked her to called Joanne. Martha stated after Amber spoke to Joanne she spoke to her and stated she will dismiss this one too, but to talk to Amber because there were a lot of issues I need to rectify. Martha did a walk through with Amber. Joanne came in to do her inspection which was observed by one of my associates and said Joanne lifted the drain trap in the shampoo bowl and determined they were soiled. The trap is stained from hair color. Joanne stated wax pot was dirty but Amber had no issue with it, toilet dirty, the toilet is stained with rust. Martha stated she has replaced the toilet and the paper towels were in the kitchen. Investigator Joanne Ayotte testified that she did speak to Martha on April 1<sup>st</sup> which did not end well and she did conduct an inspection on March 25, 2015. Joanne stated there were personnel issues with an employee working in that area and conducted a private investigation dealing with personnel issue. Martha received an inspection from former inspector and I interviewed other salon that were in the area and had been inspected. Spoke to Martha who said she was not open on that day and it was determined the date was incorrect on the inspection. Joanne stated that Martha asked her to inspect, I gave her my word that I would do the next inspection. Joanne stated she received a call from Inspector Amber Moore who was conducting routine inspections stated there were a lot of issues and Martha wanted to know why you are not doing the inspection. Joanne stated on March 25, 2015, she conducted the inspection, Martha was not in the salon however Maria and Alice were. The salon received an unsatisfactory grade for, Martha's personal station had a soiled dry storage, establishment license was not posted, shampoo bowl very dirty, wax pot very dirty, restroom was not clean and no paper towels for clients. Went over the violations with Maria.

MOTION by Melissa Porter to move that for case no. 89333 all alleged violations cited in the complaint summary have been shown. MOTION SECONDED by Joe Verdugo. MOTION CARRIED.

**SUBSTANTIATED VIOLATIONS**

A.R.S. § 32-541 (B)/A.A.C. R4-10-112 (B)(C)(L)(N)(2)(3)(R)(4)(6)(S)(4) Infection Control/Safety Standards

A.R.S. § 543.3 1/A.A.C. R4-10-113 (A)(1) Required Establishment License Display

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

MOTION by Melissa Porter to move that for case no. 89333, we should impose the following discipline and Maintain Consent Agreement terms previously offered and add for licensee Martha Rosa Vasquez attend and complete the Infection Protection/Law Review class given by the Board. MOTION SECONDED by Joe Verdugo. MOTION CARRIED.

**STEP 3: HEARINGS**

**A. Denial Appeals**

None

**B. Motion to Deem Allegations Admitted**

88427/88977 Laveen Nails & Day Spa #M17574 & A18310 10:00 a.m.  
Laveen Nails & Day Spa LLC  
Xoan Tieu, President

Assistant Attorney General, Bridget Harrington, appeared representing the State.  
Solicitor General, Christopher Munns, was available by telephone. Licensee did not appear.

MOTION by Jessica Rainbow to grant the State's MOTION TO DEEM ALLEGATIONS  
ADMITTED. MOTION SECONDED by Joe Verdugo. MOTION CARRIED.

MOTION by Jessica Rainbow 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 Joe Verdugo. MOTION CARRIED.

MOTION by Jessica Rainbow to issue an Order of discipline to revoke salon licenses to  
impose civil penalties and costs of \$250.00 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 Joe Verdugo. MOTION CARRIED.

88988 & 88820 Envy Nails #M17635 10:00 a.m.  
Kenny Khanh H. Nguyen #50200422, Owner

Assistant Attorney General, Bridget Harrington, appeared representing the State.  
Solicitor General, Christopher Munns, 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 Jessica Rainbow. 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 Jessica Rainbow. MOTION CARRIED.

MOTION by Melissa Porter to issue an Order of discipline to revoke salon license and  
personal license to impose civil penalties and costs of \$1,250.00 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 Jessica Rainbow. MOTION CARRIED.

88983 Pamela Daurham #11401133, Licensee 10:00 a.m.  
Assistant Attorney General, Bridget Harrington, appeared representing the State.

Solicitor General, Christopher Munns, 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 Jessica Rainbow. 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 Jessica Rainbow. MOTION CARRIED.

MOTION by Melissa Porter to issue an Order of discipline to revoke personal license to  
impose civil penalties and costs of \$250.00 and that the agency recovers its total costs incurred  
for this case in an amount to be determined later by the agency and in addition licensee shall  
attend and complete a 2-hour hair color and haircut class. MOTION SECONDED by Jessica  
Rainbow. MOTION CARRIED.

### **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.**

88500            Xtylo Beauty College #S173  
Xtylo Beauty College LLC  
Maria Arroyo Mosqueda, Member  
Eleanor Elaine Balderas, Director #90400037  
Elizabeth Gonzalez, Instructor #91300047

Compliance Supervisor Joanne Ayotte asked the Board Members if they would rescind the \$500 civil penalty and issue a Letter of Concern for not improper documentation of demonstrator. A.A.C. R4-10-204 (D)(7) School Records.

MOTION by Martha Ramsey to rescind the \$500 civil penalty and to issue a Letter of Concern for improper documentation of demonstrator. MOTION SECONDED by Joe Verdugo. MOTION CARRIED.

88665            Kara G. Marin #10701453, Licensee

Compliance Supervisor Joanne Ayotte asked the Board Members if they would rescind the \$750 civil penalty to \$500 for unlicensed activity only and to remove the malpractice/incompetence, infection control violations and no restitution to be paid, as there is no evidence.

MOTION by Martha Ramsey to rescind the \$750 civil penalty to \$500 and to remove violations of malpractice/incompetence, infection control and no restitution. MOTION SECONDED by Joe Verdugo. MOTION CARRIED.

89227 &        Snow Harner #51100205, Licensee  
89228            Kathryn Pitrat #11200061, Licensee

Compliance Supervisor Joanne Ayotte asked the Board Members if they would rescind the \$50 civil penalty and issue a Letter of Concern to both licensees for working in an unlicensed establishment.

MOTION by Melissa Porter to rescind the \$50 civil penalty and to issue a Letter of Concern to Licensee Snow Harner and Katheryn Pitrat for working in an unlicensed establishment. MOTION SECONDED by Jessica Rainbow. MOTION CARRIED.

## **STATUS AND ADDITIONS TO AGENDA**

For Board Information Only:

**ADJOURN**

MOTION by Joe Verdugo to adjourn the meeting at 12:30 p.m. MOTION SECONDED by Jessica Rainbow. MOTION CARRIED.

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