

ARIZONA STATE BOARD OF COSMETOLOGY TELEPHONIC BOARD MEETING MINUTES

September 18, 2020 at 9:00 a.m.
1740 W Adams, Suite 4400, Boardroom A
Phoenix AZ 85007

CALL IN INFORMATION
DIAL: 1-731-483-1116
ENTER PASSWORD: 172313158#

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

Board Members

Gary Begley, School Owner, Chairperson
Thomas Rough, Cosmetologist
Brandy B. Flores, Public Member
Jenna M Bentley, Public Member
Amber Cepkauskas, Cosmetologist
Vacant, Instructor
Vacant, Nail Technician

1. Call to Order

2. Pledge of Allegiance

3. Roll Call of Board Members

Gary Begley
Thomas Rough
Brandy Flores – In at 9:45 a.m.
Jenna Bentley
Amber Cepkauskas

Also in Attendance:

Kim Scoplitte, Executive Director
 Theresa Bunch, Deputy Director
 Irma Telles, Investigative Supervisor
 Rosa Rodriguez, Compliance
 Lisa Chavez, Investigator
 Elizabeth Huffman, Inspector
 Cathy Bergeron, Inspector
 Kari Watkins, Administrative Service Officer I
 Mona Baskin, Assistant Attorney General
 Marc Harris, Assistant Attorney General

BOARD BUSINESS

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

1. Discussion, Consideration and Possible Action on Approval of Telephonic-Virtual Board Minutes of August 21, 2020.

MOTION by Thomas Rough to approve minutes as written. MOTION SECONDED by Jenna Bentley.

Roll Call:

Vote	Gary Begley	Thomas Rough	Brandy Flores	Jenna Bentley	Amber Cepkauskas
Aye	x	x		x	x
Nay					
Recused					
Abstained					
Absent			x		

MOTION CARRIED.

2. Board Member Declaration of Conflict of Interest.

Amber Cepkauskas declared for case no. 94971 under Step 2. B. no. 5 of the agenda.

Gary Begley declared for case nos. 95613 under Step 1. B., 95186 no. 1 and 95978 no. 2 under Step 1 D. of the agenda.

Thomas Rough declared for case nos. 95613 under Step 1 B., 95186 no. 1 and 95978 no. 2 under Step 1 D of the agenda.

3. Report and Discussion on Eyelash Extensions.

Board Chair, Gary Begley stated that the Board member's were provided with the documentation that the Board had requested which included the Executive Director's research regarding the Board's history on eyelash extensions and written legal advice from the Attorney General's Office. The documentation provided by the Executive Director included Board documents dating back to 2012 through 2019, that indicate prior Board decisions and why we are where we are now. Assistant Attorney Generals Mona Baskin and Marc Harris were present. The Board discussed the Board materials presented and the Board's prior decision that the application of eyelash extensions was within the scope of practice of a cosmetologist and aesthetician and the current Board options. Gary Begley asked for this item to be placed on the agenda next month for the Board to continue their discussion and also permit the Board the option to take action.

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

Students from Gateway Community College were in attendance.

EXECUTIVE DIRECTOR'S REPORT

1. Report and Discussion on Agency Departments.

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

2. Report, Review and Discussion on Overview of Board's Financials.

- The Fiscal Year Budget 2020 – Close Out
- The Current Budget 2021
- The Submitted Budget 2022
- The Difference Between the Appropriated Budget and Cash Balance
- Expenditures for the COVID-19 Waiver Refunds

Kari Watkins, Administrative Servicer Officer presented to the Board members the Fiscal Year Budget 2020 close out which was officially closed on September 5, 2020, the current Budget 2021, submitted 2022 Budget request which has been posted to the Board's website on September 1, 2020, the expenditures due to COVID-19 Waiver Refunds and explained the difference between the appropriated budget and cash balance.

3. Summary of Current Events that Affect the Arizona State Board of Cosmetology, A.R.S. § 38-431.02 (K).

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. Recommended Application Denials A.R.S. § 32-572.

None

B. Recommended Dismissals A.R.S. § 32-573 (B) (1).

Investigative Supervisor Irma Telles stated that there is one case below and due to lack of quorum this will be continued.

95613 Imaj Institute School #ASL24 *(No evidence found to support allegations)*
 Phoenix Photonix Inc.
 Gary Begley #31400143, President/C.E.O.
 Peggy “Margaret” Begley #'s 71200016 & 31000609, Secretary/Director
CONTINUE – LACK OF QUORUM

C. Recommended Non-Disciplinary Letter of Concern A.R.S. § 32-573 (B)(2).

Investigative Supervisor Irma Telles stated that the cases have been reviewed according to the Board’s parameters and we would ask the Board to consider staff recommendations.

MOTION by Thomas Rough to accept staff recommendations for all those listed below Step 1 C. MOTION SECONDED by Jenna Bentley.

Roll Call:

Vote	Gary Begley	Thomas Rough	Brandy Flores	Jenna Bentley	Amber Cepkauskas
Aye	x	x		x	x
Nay					
Recused					

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Abstained					
Absent			X		

MOTION CARRIED.

- 96187 Nailed by Michelle LLC #SNT18983 (Inactive establishment license)
 Nailed by Michelle LLC, Owner
 Michelle O Pham, #50601135, Manager
- 96235 The Hair HQ #SCOS29109 (Inactive establishment license)
 The Hair HQ LLC, Owner
 Jessica Lynn Morrison #10401700 Member/Manager

D. Recommended Informal Interview or Negotiation Terms A.R.S. § 32-573 (C) (D).

Investigative Supervisor Irma Telles stated that the cases have been reviewed according to the Board’s parameters and we would ask the Board to consider staff recommendations or take other Non-Disciplinary Action except for case nos. 3 96065 & no. 6 96101 Fly Girls Boutique & Beauty Bar #SCOS25822 and case nos. 4 96088 & no. 5 96089 L & T Nails #SNT18195 as we need to come back to the following cases for separate motion.

MOTION by Thomas Rough to accept staff recommendations for case nos. 7 thru 16.
 MOTION SECONDED by Amber Cepkauskas.

Roll Call:

Vote	Gary Begley	Thomas Rough	Brandy Flores	Jenna Bentley	Amber Cepkauskas
Aye	X	X		X	X
Nay					
Recused					
Abstained					
Absent			X		

MOTION CARRIED.

- 1. 95186 Taglio Salon #SCOS26482
 RC Salon Systems LTD, Owner
 Thomas Rough #19501024, Director/President
 Lisa Rough, Director/President
CONTINUE – LACK OF QUORUM
- 2. 95978 Imaj Institute School #ASL24
 Phoenix Photonix Inc. – Imaj Institute
 Gary Begley #31400143, President/C.E.O.
 Peggy “Margaret” Begley #'s 71200016 & 31000609, Secretary/Director
CONTINUE – LACK OF QUORUM
- 3. 96065 Fly Girls Boutique & Beauty Bar #SCOS25822
 Fly Girls Only LLC, Owner
 Angela Crowder, Member

Investigative Supervisor Irma Telles asked the Board for a separate motion to consolidate the following cases. no. 3 and 6 and to offer a consent agreement to assess \$850.00 civil penalty and Board costs according to Board parameters with a 12-month probationary period with terms of monthly inspections.

MOTION by Thomas Rough to accept staff recommendations for case nos. 96065 and 96101. MOTION SECONDED by Jenna Bentley.

Roll Call:

Vote	Gary Begley	Thomas Rough	Brandy Flores	Jenna Bentley	Amber Cepkauskas
Aye	x	x		x	x
Nay					
Recused					
Abstained					
Absent			x		

MOTION CARRIED.

4. 96088 L&T Nails #SNT18195
 Hai Anh Duong #51200184, Owner/Manager/Licensee
Investigative Supervisor Irma Telles asked the Board for a separate motion to consolidate the following cases. No. 4 96088 and 5 96089 and to offer a consent agreement to assess \$750.00 civil penalty and Board costs according to Board parameters with a 12-month probationary period.

MOTION by Thomas Rough to accept staff recommendations for case nos. 96088 and 96089. MOTION SECONDED by Jenna Bentley.

Roll Call:

Vote	Gary Begley	Thomas Rough	Brandy Flores	Jenna Bentley	Amber Cepkauskas
Aye	x	x		x	x
Nay					
Recused					
Abstained					
Absent			x		

MOTION CARRIED.

5. 96089 L&T Nails #SNT18195
 Hai Anh Duong #51200184, Owner/Manager/Licensee
 See case no. 96088 no. 4, see motion above.
6. 96101 Fly Girls Boutique & Beauty Bar #SCOS25822
 Fly Girls Only LLC, Owner
 Angela Crowder, Member
 See case 96065 no. 3, see motion above.
7. 96182/96185 TT Nail and Spa #'s SNT18328 & SAES19463
 TT Nail and Spa LLC, Owner
 Thien Kim-Hoan #51500671, Member
 Offer a consent agreement to assess \$250.00 civil penalty and Board costs, 12-months' probation with early termination see motion above.
8. 96215 E-Spa Nails SNT17080
 Thien Hoang Do #59900289, Owner/Manager

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- Offer a consent agreement to assess \$500.00 civil penalty and Board costs, 12-months' probation with early termination see motion above.
9. 96216 Eva's Hair Trends #SCOS28164
Eva M Clark #18226094, Owner/Manager
Dismissed due to found salon in compliance, see motion above.
10. 96226 Love Nails and Wax, License No. SNT19508
Julie Pham, #50116478 Owner/Manager
Offer a consent agreement to assess \$250.00 civil penalty and Board costs, 12-months' probation with early termination see motion above.
11. 96229 Polish Studio #SNT19586
TTKM LLC, Owner
Tony Phu Nguyen, Member
Kevin Dat Nguyen #59700276, Member
Offer a consent agreement to assess \$500.00 civil penalty and Board costs, 12-months' probation with early termination see motion above.
12. 96230 Carla R Munoz #10402110, Owner
Offer a consent agreement to assess \$500.00 civil penalty and Board costs, 12-months' probation with early termination see motion above.
13. 96232 Mercedes Meraz #10902336, Owner
Beauty Parlor By Mercedes #SCOS20284
Offer a consent agreement to assess \$500.00 civil penalty and Board costs, 12-months' probation with early termination see motion above.
Rosalinda Perez #10601015, Licensee
Issue a Letter of Concern for advertising differently than salon name issued by the Board, see motion above.
14. 96233 Nora Gorgess #11700278, Licensee
Offer a consent agreement to assess \$750.00 civil penalty and Board costs, 12-months' probation with early termination see motion above.
15. 96234 Stephanie M Mattheussen #10701617, Licensee
Offer a consent agreement to assess \$500.00 civil penalty and Board costs, 12-months' probation with early termination see motion above.
16. 96236 D'Image Beauty College - Avondale, License No. CSL162
D'Image Beauty College - Avondale, LLC
Luz Elva Jaime Martinez #90900042, Manager
Offer a consent agreement to assess \$250.00 civil penalty and Board costs, 12-months' probation with early termination see motion above.

END OF CONSENT AGENDA

STEP 2: INFORMAL INTERVIEWS A.R.S. § 32-573 (C) (D).

A. Without Negotiation Options

1. 95516 N & N Nails #SNT17060 9:30 a.m.
 Baoloc T Nguyen #50226232, Owner
 Phuong N Le #30100100, Licensee
 Continued from the July Board meeting

MOTION by Gary Begley to move case no. 95516 to a Formal Hearing and in the alternative accept a signed consent agreement with the previously offered negotiated terms in lieu of the Formal Hearing.

Gary Begley withdrew his motion.

Baoloc Nguyen and Phuong Le were sworn in and Baoloc Nguyen stated that he was unaware of the unlicensed person, he takes full responsibility of the sanitation violations and stated that they are shorthanded every day and it is very hard for us. Baoloc Nguyen stated that he does not remember 2-years ago when there was MMA in the salon and he stated we were not aware that we could not use it. Phuong Le stated that I'm responsible for everything, but I work so hard if I don't work so hard I would not have people work for me and the best nails in town, we are shorthanded and we try to do our best.

Investigator Lisa Chavez testified that on June 3, 2019, Board office received an anonymous online complaint alleging that N & N Nails located in Cottonwood Arizona, are not following health and safety standards and according to the complainant the technicians are not sanitizing implements after each client. On August 22, 2019, Investigator Lisa Chavez went to the salon and spoke to Phuong Le outside the salon. Investigator explained the complaint and Phuong walked to the door and yelled something in Vietnamese. Investigator Lisa Chavez tried to go inside of the salon and Phuong put her body in the way, when investigator went inside two ladies were walking out of the back door and there were three women receiving pedicures. Investigator asked a client who did her service. The client stated that it was one of the ladies that walked out. Investigator asked Phuong where were the licenses of the ladies who walked out and was ignored by Phuong. Investigator proceeded with the investigation and found the following: Implements not enclosed, no licenses or last inspection sheet posted, wet disinfectant not large enough for complete tool submersion, cotton coil not enclosed. In the waxing area the following was found: Eyelashes and wax sticks not enclosed, floor heavily soiled with wax and dirt, four foot scrubs with spoons left in containers, towels not enclosed and with contaminates, station drawers soiled with nail dust, licensee Annie Tran with a delinquent personal license and implements not enclosed, owner Phuong Le's drawers soiled with dust, reuse of towels and trash on floor, licensee Tri Trang Ho with a delinquent license, two pedicure drawers one with used sponge and nail brush in with new toe separators, second drawer with used toe separators and trash with pedicure slippers, reuse of pumice, layer of nail dust by nail polish area and in back of pedicure chairs, nail bits not enclosed in dampen dish with different liquids, open buffer blocks in breakroom, MMA used with 2-gallons in salon. Investigator stated that no licenses were provided for individual who ran out the back door.

MOTION by Thomas Rough for case no. 95516 to adopt the findings of fact and conclusions of law. MOTION SECONDED by Amber Cepkauskas.

Roll Call:

Vote	Gary Begley	Thomas Rough	Brandy Flores	Jenna Bentley	Amber Cepkauskas
Aye	x	x	x	x	x
Nay					
Recused					
Abstained					
Absent					

MOTION CARRIED.

HISTORY:

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93119 11/16/2018 Consent Agreement/\$2,000 Civil Penalty and Costs/6-months' probation Health and Safety Standards (soiled work areas, pedicure spas not cleaned properly, restroom used for storage and implements not disinfected properly)

MOTION by Jenna Bentley for case no. 95516 to offer a consent agreement with the following terms. For Owner's Baoloc Nguyen and Phuong Le to attend the Protection/Law Review Class given by the Board within 3-months, bi-monthly inspections, 1-year probation and \$2,000.00 civil penalty and costs. MOTION SECONDED by Thomas Rough.

Roll Call:

Vote	Gary Begley	Thomas Rough	Brandy Flores	Jenna Bentley	Amber Cepkauskas
Aye	x	x	x	x	x
Nay					
Recused					
Abstained					
Absent					

MOTION CARRIED.

2. 96017/96018 Rosie Nails #'s SNT16495 & SAES21358 **9:45 a.m.**
 Bich Tuyen T Le #'s 50000384 & 31700849, Owner
 Minh Vu #50009151, Manager
 Continued from the July Board meeting

Bich Tuyen Le was sworn in and stated we disagree on the wax machine because we have two locations and sometimes we forget to turn the wax off and on the sanitation violations we don't have enough workers, we have cleaned up everything already and we hired a new worker and it is very clean.

Investigator Lisa Chavez testified that on February 26, 2020, she conducted an inspection of Rosie Nails located in Tucson, Arizona, and the following was found: In the nail area was licensee Michele Le with trash and nail clippings on floor and soiled files in bottom cabinet, manager Minh Vu with implements in with contaminates (phone and charger), in UV box was clean tools with nail dust, two unclaimed stations with implements with contaminates (nail clippings, dust), implements not enclosed and trash on the floor, trash on floor and in basket of toe separators, tile missing by sink, child's shoes, clothing and toys all through the salon and a bed in back. In the wax area there were two wax machines one would not open sealed shut, the other wax machine was on with no aesthetician to provide services.

MOTION by Thomas Rough for case nos. 96017 & 96018 to adopt the findings of fact and conclusions of law. MOTION SECONDED by Amber Cepkauskas.

Roll Call:

Vote	Gary Begley	Thomas Rough	Brandy Flores	Jenna Bentley	Amber Cepkauskas
Aye	x	x	x	x	x
Nay					
Recused					
Abstained					
Absent					

MOTION CARRIED.

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HISTORY:

93708 4/19/2019 Consent Agreement/\$500 Civil Penalty and Costs (Posting of license & inspection sheet, delinquent establishment license and delinquent nail technician)

MOTION by Amber Cepkauskas for case nos. 96017 & 96018 to offer a consent agreement with the following terms \$250.00 civil penalty and costs to be paid within 90-days, owner Bich Tuyen Le and manager Minh Vu to attend the Infection Protection/Law Review class given by the Board within 90-days and if the terms are not completed within 90-days this case will move to a Formal Hearing. MOTION SECONDED by Gary Begley.

Roll Call:

Vote	Gary Begley	Thomas Rough	Brandy Flores	Jenna Bentley	Amber Cepkauskas
Aye	x	x	x	x	x
Nay					
Recused					
Abstained					
Absent					

MOTION CARRIED.

3. 96028 Sofia's Spas LLC #SAES19437 **10:00 a.m.**
 Sofia's Spa LLC, Owner
 Yali Sun, Member
 Charlene Cao #11601747, Licensee

Investigative Supervisor Irma Telles stated that at last month's Board meeting staff was directed to offer negotiation terms according to Board's parameters. We would ask the Board to accept the signed consent agreement of \$650.00 civil penalty and Board costs based on the findings of facts.

MOTION by Gary Begley to accept signed consent agreement of \$650.00. MOTION SECONDED by Amber Cepkauskas.

Roll Call:

Vote	Gary Begley	Thomas Rough	Brandy Flores	Jenna Bentley	Amber Cepkauskas
Aye	x	x	x	x	x
Nay					
Recused					
Abstained					
Absent					

MOTION CARRIED.

4. 96097 "Jacky" Thuan Quang Tran #51400137, Licensee **10:15 a.m.**
CONTINUE
5. 96210 & Sigma Cuts School of Beauty #CSL00217 **10:30 a.m.**
 Sigma Cuts School of Beauty Corp./World Media Entertainment Inc., Owner
 Will Mitchel, C.E.O.
 Erica Padilla #91700021, Director

MOTION by Gary Begley to move case nos. 96210 to a Formal Hearing and in the alternative accept a signed consent agreement with the previously offered negotiated terms in lieu of the Formal Hearing.

Gary Begley withdrew his motion.

96211 Marissa Morris #91900020, Director/Instructor

MOTION by Gary Begley to move case nos. 96210 & 96211 to next month to allow licensee to obtain legal counsel and if not present next month this case will be moved to a Formal Hearing. MOTION SECONDED by Amber Cepkauskas.

Roll Call:

Vote	Gary Begley	Thomas Rough	Brandy Flores	Jenna Bentley	Amber Cepkauskas
Aye	x	x	x	x	x
Nay					
Recused					
Abstained					
Absent					

MOTION CARRIED.

6. 96214 Alejandra's Beauty School #CSL00224 **10:45 a.m.**
 Edith Reyes, Partnership
 Flor Paula, Partnership
 Minerva Chavarria #90216539, Instructor
CONTINUE

B. With Negotiation Options

1. 95367/95368 Miracle Nails 1 LLC #'s SNT18695 & SAES14181 **11:00 a.m.**
 Miracle Nails 1 LLC, Owner
 Robin U Le #'s 59800436 & 30300046, Member
 Continued from the July Board meeting

MOTION by Gary Begley to move case nos. 95367/95368 to a Formal Hearing and in the alternative accept a signed consent agreement with the previously offered negotiated terms in lieu of the Formal Hearing. MOTION SECONDED by Amber Cepkauskas.

Roll Call:

Vote	Gary Begley	Thomas Rough	Brandy Flores	Jenna Bentley	Amber Cepkauskas
Aye	x	x	x	x	x
Nay					
Recused					
Abstained					
Absent					

MOTION CARRIED.

2. 95751/95752 Aspen Nail Salon #'s SNT18058 & SAES19040 **11:00 a.m.**
 Gregory P Vallejo, Owner
 "Hannah" Hanh T Nguyen #59800334, Manager
 Continued from the July Board meeting

NEGOTIATED \$1,250/12-MONTH PROBATION

3. 95949 Christina M Macy #10100315, Owner **11:00 a.m.**
 Continued from the July Board meeting

Christina Macy was sworn in and stated she had previously purchased the salon about 2-days prior to the pandemic. Christina stated that she previously worked under another owner's license and she now has all of the licensing in place.

Investigator Lisa Chavez testified that on December 18, 2019, she conducted an inspection of Color Closet located in Bullhead City, Arizona, and found the following: Christina Macy operating an unlicensed establishment and identified herself as the owner and that she has been there since November 2018. Investigator stated that on May 21, 2020, a cosmetology salon license "Color Closet" was issued with owner Christina Macy.

MOTION by Jenna Bentley for case no. 95949 to dismiss as licensee has come into compliance. MOTION SECONDED by Thomas Rough.

Roll Call:

Vote	Gary Begley	Thomas Rough	Brandy Flores	Jenna Bentley	Amber Cepkauskas
Aye	x	x	x	x	x
Nay					
Recused					
Abstained					
Absent					

MOTION CARRIED.

4. 96042/96043 Pure Nails and Spa #'s SNT17798 & SAES18628 **11:00 a.m.**
 Linh Thi Thuy Nguyen #'s 50100607 & 30500063 Owner
 Theresa Tran #10401105, Manager
 Continued from the July Board meeting
NEGOTIATED \$750
5. 94971 Great Clips #SCOS14853 **11:00 a.m.**
 Bell Hair Inc, Owner
 Paul E Neumayr, President
NEGOTIATED \$250/PAID
6. 95966 Aria Nail Bar #SNT19446 **11:00 a.m.**
 Aria Nail Bar LLC, Owner
 Thuy Vinh Nguyen #59716327, Member
NEGOTIATED \$250
7. 96080 Luxe Nail Bar by Ivy #SNT19170 **11:00 a.m.**
 Luxe Nail Bar by Ivy LLC, Owner
 Thy V Nguyen #59716327, Manager/Member
NEGOTIATED \$750/PAID
8. 96102 You Need Nails and Facial #SNT19225 **11:00 a.m.**
 Tung T Ly #59920300, Owner (Deceased)
 Thuy T. T. Vo #51400252, Manager
CONTINUED
9. 96104 Skin Addict Studio #SAES20896 **11:00 a.m.**

Skin Addict Studio LLC, Owner
 Dawn Brown, Member
 Shannon Piano #31600561, Member
NEGOTIATED \$150

10. 96160 Just for You Salon and Spa #SCOS25983 **11:00 a.m.**
 Just for You Salon and Spa LLC, Owner
 Loretta Wilson #30023097, Member
NEGOTIATED \$500

11. 96161 Dianna’s Fabulous Nails and Spa #SNT18370 **11:00 a.m.**
 Cindy Truong, Owner
NEGOTIATED \$250/PAID

12. 96181 JC Karma Salon #SCOS21061 **11:00 a.m.**
 JC Karma Salon LLC, Owner
 Julie Cuen #10332111, Member
NEGOTIATED \$600/12-MONTH PROBATION

13. 96195 Shear Glamour Salon #SCOS28248 **11:00 a.m.**
 Kaylynn D Staggs #10600478, Owner/Manager

MOTION by Gary Begley to move case no. 96195 to a Formal Hearing and in the alternative accept a signed consent agreement with the previously offered negotiated terms in lieu of the Formal Hearing.

Gary Begley withdrew his motion so that this case can be heard. MOTION SECONDED by Thomas Rough.

Kaylynn Staggs was sworn in and stated that we did have our salon doors open, Tiauana was under the dryer that day and she does work here, we were not accepting any hair clients that day as this was my birthday and we were going to meet up at a hotel together to have a party and that is why there was no wet disinfectant setup that day. Kaylynn stated that she was not there the day of the inspection as she was at the hotel and would never leave a client.

Investigator Lisa Chavez testified that on July 24, 2020, inspector Hellen Bordelon conducted an inspection of Shear Glamour in Tucson, Arizona, and found the following: Inspector entered the salon no one was there but saw a woman under the dryer and asked if she knew where the manager/owner were and she stated she went to get food. Inspector identified herself and asked if she was a stylist and she replied no but offered to text the owner. While inspector waited for a response she heard noise from the back of the building and walked to the back and met licensee Mariaitzel Silva who stated that she was in her suite and did not know where the stylist of the client under the dryer was. Inspector asked the women under the dryer if she has heard from the owner Kaylynn and she said no. Inspector asked her what she had on her hair, she replied conditioner. Investigator located a bottle of Barbicide but no wet set up was to be found in the salon area. After further research the person under the dryer was licensee Tiauana Twain an employee of the salon who provided false statements to inspector.

MOTION by Brandy Flores for case no. 96195 to dismiss as the salon was not open for business. MOTION SECONDED by Jenna Bentley.

Roll Call:

Vote	Gary Begley	Thomas Rough	Brandy Flores	Jenna Bentley	Amber Cepkauskas
Aye	x	x	x	x	x
Nay					
Recused					
Abstained					

Absent					
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MOTION CARRIED.

14. 96197 Academy of Nail Technology #NSL00006 **11:00 a.m.**
 It Takes Two LLC, Owner
 Brian McKew, Member
CONTINUED

15. 96204 Come for Nails #SAES16104 **11:00 a.m.**
 Thuy Minh Ngoc Pham #30900026, Owner
 Thuy Minh Ngoc Pham was sworn in and stated that we don't open the business for wax services for 1-year, we used the wax room for storage and we keep the wax on so it does not get frozen and I can use it for myself but we don't do clients for waxing.
 Inspector Elizabeth Huffman testified that on July 15, 2020, she conducted an inspection of Come for Nails located in Tempe, Arizona, and found the following: The establishment had extreme storage in the waxing room with the wax machine on.

MOTION by Thomas Rough for case no. 96204 to dismiss. MOTION SECONDED by Jenna Bentley.

Roll Call:

Vote	Gary Begley	Thomas Rough	Brandy Flores	Jenna Bentley	Amber Cepkauskas
Aye	x	x	x	x	x
Nay					
Recused					
Abstained					
Absent					

MOTION CARRIED.

16. 96213 Glamour Nail Bar #SNT19144 **11:00 a.m.**
 Glamour Peace Place LLC, Owner
 Long H Le #51800264, Member
NEGOTIATED \$250/PAID

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. Review, Discussion and Possible Action on Appeal from a Denial of Application.

None

B. Review, Discussion and Possible Action on Motion to Deem A.R.S. § 32-573 (E).

94716 Timothy Thein T. Tang #50000180 9:15 a.m.

Assistant Attorney General, Mona Baskin, appeared representing the State in this matter and Marc Harris Assistant Attorney General providing independent legal advice to the Board on this matter. Licensee was not present.

Assistant Attorney General, Mona Baskin stated that a Complaint and Notice of Hearing was issued in this case, the licensee was properly noticed and the certified mail was received, the Board nor the State has had any contact with licensee. On behalf of the State the State respectfully requests that the Board adopt the Findings of Facts and Conclusions of Law in the complaint, regarding discipline the State would recommend a 3-month stayed revocation, require the licensee to pay the \$50.00 civil penalty and costs, to bring his license into a current status and any cost and fees per A.R.S. § 32-573 (G). If not completed within 3-months the license would be revoked.

**MOTION by Thomas Rough to grant State's Motion to Deem Allegations Admitted.
 MOTION SECONDED by Amber Cepkauskas.**

Roll Call:

Vote	Gary Begley	Thomas Rough	Brandy Flores	Jenna Bentley	Amber Cepkauskas
Aye	x	x		x	x
Nay					
Recused					
Abstained					
Absent			x		

MOTION CARRIED.

**MOTION by Thomas Rough to adopt Findings of Facts, Conclusions of Law.
 MOTION SECONDED by Amber Cepkauskas.**

Roll Call:

Vote	Gary Begley	Thomas Rough	Brandy Flores	Jenna Bentley	Amber Cepkauskas
Aye	x	x		x	x
Nay					
Recused					
Abstained					
Absent			x		

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MOTION CARRIED.

MOTION by Thomas Rough for case no. 94716 to impose the following discipline a 3-months stayed revocation, for licensee to pay \$50.00 civil penalty and costs, to bring license into a current status within 3-months and any cost and fees per A.R.S. § 32-573 (G). If not completed in 3-months the license will be revoked. MOTION SECONDED by Amber Cepkauskas.

Roll Call:

Vote	Gary Begley	Thomas Rough	Brandy Flores	Jenna Bentley	Amber Cepkauskas
Aye	x	x		x	x
Nay					
Recused					
Abstained					
Absent			x		

MOTION CARRIED.

94848 AZ Bluesky Nails & Spa #SNT19193 **9:15 a.m.**
 AZ Bluesky Nails & Spa LLC, Owner
 Henry H. Huynh #50900636, Member/Manager
CONTINUE

95518 Kayisha Diggins #31900723, Licensee **9:15 a.m.**
 Assistant Attorney General, Mona Baskin, appeared representing the State in this matter and Marc Harris Assistant Attorney General providing independent legal advice to the Board on this matter. Licensee was not present.
 Assistant Attorney General, Mona Baskin stated that a Complaint and Notice of Hearing was issued in this case, the licensee was properly noticed and the certified mail was received, the Board nor the State has had any contact with licensee and the licensee is currently active. On behalf of the State the State respectfully requests that the Board adopt the Findings of Facts and Conclusions of Law in the complaint, regarding discipline the State would recommend a 3-month stayed revocation for licensee to pay \$500.00 civil penalty and costs per A.R.S. § 32-573 (G). If not completed within 3-months the license would be revoked.

**MOTION by Thomas Rough to grant State’s Motion to Deem Allegations Admitted.
 MOTION SECONDED by Amber Cepkauskas.**

Roll Call:

Vote	Gary Begley	Thomas Rough	Brandy Flores	Jenna Bentley	Amber Cepkauskas
Aye	x	x		x	x
Nay					
Recused					
Abstained					

Absent			x		

MOTION CARRIED.

**MOTION by Thomas Rough to adopt Findings of Facts, Conclusions of Law.
 MOTION SECONDED by Amber Cepkauskas.**

Roll Call:

Vote	Gary Begley	Thomas Rough	Brandy Flores	Jenna Bentley	Amber Cepkauskas
Aye	x	x		x	x
Nay					
Recused					
Abstained					
Absent			x		

MOTION CARRIED.

**MOTION by Thomas Rough for case no. 95518 to impose the following discipline a 3-months stayed revocation for licensee to pay \$500.00 civil penalty and impose cost and fees per A.R.S. § 32-573 (G). If not completed in 3-months the license will be revoked.
 MOTION SECONDED by Amber Cepkauskas.**

Roll Call:

Vote	Gary Begley	Thomas Rough	Brandy Flores	Jenna Bentley	Amber Cepkauskas
Aye	x	x		x	x
Nay					
Recused					
Abstained					
Absent			x		

MOTION CARRIED.

C. Report, Review, Discussion and Possible Action Regarding Termination of Probation.

Investigative Supervisor Irma Telles reported to the Board members' that the Board granted licensure with a consent agreement for probation to run concurrent with his Board order in Pennsylvania for criminal conduct. Pursuant to the Arizona Board order Mr. Robert Labarre was required to provide proof. Mr. Robert Labarre has provided proof to the Board that he has successfully completed his term of probation in Pennsylvania. On July 9, 2020, the Pennsylvania Board issued an order reinstating his cosmetology license to an

unrestricted status. The staff recommends that the Board find that Mr. Labarre has successfully completed his terms of his probation and are asking the Board to terminate the probation.

MOTION by Thomas Rough for case no. 95416 to terminate probation. MOTION SECONDED by Amber Cepkauskas.

Roll Call:

Vote	Gary Begley	Thomas Rough	Brandy Flores	Jenna Bentley	Amber Cepkauskas
Aye	x	x		x	x
Nay					
Recused					
Abstained					
Absent			x		

MOTION CARRIED.

95416 Robert Labarre

D. Formal Hearing Pursuant to A.R.S. § 32-573 (D) or in the Alternative Accept Signed Consent Agreement for Voluntary Revocation of License Pursuant to A.R.S. § 32-573 (E).

None

E. Report, Review, Discussion and Possible Action on Update Regarding Consent Agreement for 6-Month Terms of Probation.

Investigative Supervisor Irma Telles updated the Board members' that as part of the terms of probation was that licensee Andy Ngoc Nguyen attend the Board class which he has completed, to reinspect salon at the end of 30-days and to update the Board on the findings. Investigators Lisa Chavez and Cathy Bergeron conducted an inspection on August 28, 2020, and found the salon in compliance. Photos of the before and after were provided to the Board members.

95860/95861 Lux's Nails Spa #'s SNT18799 & SAES21138
 Lux's Nails Spa LLC, Owner
 Phuong Vo #50100238, Manager/Member
 Andy Ngoc Nguyen #50700401, Licensee

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

None

G. Review, Discussion and Reconsideration on Denial of Application and Possible Action on Opening an Investigation Pursuant to A.R.S. § 32-571 (A) (1).

None

H. Review, Discussion and Possible Action on Request for Extension of Time to Comply with the Board Order.

None

I. Review, Consideration and Possible Action on Motions for Rehearing/Review A.R.S. § 41-1092.09 and A.A.C. R4-10-115

None

J. Report, Discussion and Possible Action on Non-Compliance with Consent Agreement Pursuant to A.R.S. § 32-572 (A) (9).

None

K. Report, Discussion and Possible Action on Opening a Complaint Pursuant to A.R.S. § 32-572 (A) (2) (B) (C) (D) and A.R.S. § 32-573 (A).

None

ADJOURNMENT

MOTION by Thomas Rough to adjourn the meeting at 11:40 p.m. MOTION SECONDED by Jenna Bentley.

Roll Call:

Vote	Gary Begley	Thomas Rough	Brandy Flores	Jenna Bentley	Amber Cepkauskas
Aye	x	x	x	x	x
Nay					
Recused					
Abstained					
Absent					

MOTION CARRIED.



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