

MISSION STATEMENT

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

AGENDA

ARIZONA STATE BOARD OF COSMETOLOGY MEETING MINUTES
September 22, 2017 at 9:00 am
1721 East Broadway
Tempe, Arizona 85282-1611

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

Board Members

Gary Begley, School Owner, Chairperson
Karla Clodfelter, Cosmetologist, Vice Chairperson
Jessica M Stall-Rainbow, Public Member, Secretary/Treasurer
Melissa C Porter, Public Member
Charlie C Phan, Nail Technician
Thomas Rough, Cosmetologist
Vacant, Instructor

1. Call to Order

2. Pledge of Allegiance

3. Roll Call of Board Members

Gary Begley
Karla Clodfelter
Jessica Stall-Rainbow
Charlie Phan
Thomas Rough

BOARD BUSINESS

1. Discussion, Consideration and Possible Action on Approval of Regular Board Minutes of August 18, 2017.

MOTION by Jessica Rainbow to approve minutes as written. MOTION SECONDED by Thomas Rough. MOTION CARRIED.

2. Discussion, Consideration and Possible Action on Approval of Special Board Minutes of September 12, 2017.

MOTION by Karla Clodfelter to approve minutes as written. MOTION SECONDED by Jessica Rainbow. MOTION CARRIED.

3. Board Member Declaration of Conflict of Interest.

None.

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

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

Executive Director Donna Aune presented the Board members with the report in regard to the Executive Order 2017-02 Internal Review of Administrative Rules; Moratorium to Promote Job Creation and Customer-Services-Oriented Agencies, which was submitted to the Governor's Office September 1, 2017.

5. Discussion, Consideration and Possible Action on Proposed Rules Regarding Hairstyling School/Curriculum Requirements/Instructor Requirements.

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

Executive Director Donna Aune stated we should be on the Governor's Regulatory Review Council agenda for October 3, 2017, and the new rules for Hairstyling School/Curriculum Requirements/Instructor Requirements should be effective December 31, 2017.

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

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6. Report, Discussion, Consideration and Possible Action on Recommendations from the Legislative Committee Meeting Held on June 28, 2017.

- Allow Students to Receive Credit for Hours Spent on Charitable and Special Cosmetology Events
 - ❖ A.R.S. § 32-557 (A)
 - ❖ A.R.S. § 32-506 (4)
 - ❖ A.A.C. R4-10-306 (F)(H)
- One Single Establishment License
- Definition of Supervision/Laser/A.R.S. § 32-516
- Nail Technician License/Reduce Required Hours of Training

Executive Director Donna Aune stated that the legislative Committee has removed the Combining Cosmetology & Barber Boards and School Bond issues as directed by the Board.

7. Discussion, Consideration and Possible Action on Election of New Board Officers Pursuant to A.R.S. § 32-503 (A).

- Chairman

Karla Clodfelter nominated Gary Begley for Chairman. No other nominations for Chairman were made. Nominations were closed. MOTION by Karla Clodfelter to elect Gary Begley as Chairman. MOTION SECONDED by Jessica Rainbow. MOTION CARRIED.

- Vice-Chairman

Jessica Rainbow nominated Karla Clodfelter for Vice-Chairman. No other nominations for Vice-Chairman were made. Nominations were closed. MOTION by Gary Begley to elect Karla Clodfelter as Vice-Chairman. MOTION SECONDED by Jessica Rainbow. MOTION CARRIED.

- Secretary/Treasurer

Karla Clodfelter nominated Jessica Rainbow for Secretary/Treasurer. No other nominations for Secretary/Treasurer were made. Nominations were closed. MOTION by Gary Begley to elect Jessica Rainbow as Secretary/Treasurer. MOTION SECONDED by Charlie Phan. MOTION CARRIED.

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

- A. Discussion, consideration, and possible action on Board response to August 17, 2017, letter from the General Accounting Office of the Arizona Department of Administration.
- B.

9. Welcome and Board Member Dialogue with Visiting Cosmetology Students

Students from Empire Beauty School along with an Instructor were in attendance.

EXECUTIVE DIRECTOR'S REPORT

1. Report and Discussion on Agency Departments.

- Financial
- Personnel – filling and hiring of vacant position, Board Membership and Appointments
- Licensing
- Information Technology

Executive Director Donna Aune stated that the Board directed her to fill the open position, and she has therefore contacted HR through e-mail and is waiting for a response.

2. Discussion, Consideration and Possible Action on Agency Strategic Plan and 2018 – 2020 Budget.

Gloria Ramirez presented the Strategic Plan and 2018-2020 Budget to the Board Members.

3. Report on (CLEAR) Council on Licensing Enforcement and Regulations Annual Conference held in Denver, Colorado on September 13th – 16th.

Executive Director Donna Aune stated she attended CLEAR Annual Conference in Denver, Colorado on September 13th – 16th. Risk Based Inspections were discussed. Executive Director Donna Aune stated that when an Inspector conducts an inspection and the findings are gross violations, it is determined to be a Risk Based Inspection and the inspector will return to the location until violations have been corrected. Also discussed was legislative threats of competency for consumers and the movement of lowering standards for all regulatory occupations.

4. Report and Discussion on 90/10 Executive Directors' Meeting held on September 20, 2017.

Executive Director Donna Aune stated that she attended the 90/10 Executive Director's meeting on September 20, 2017, during which issues such as the move, sharing space and expenses were discussed. Also discussed was the licensing fee waiver.

5. Report and Discussion on Final December 2017 Board Meeting Date.

Executive Director Donna Aune asked the Board if the December 1, 2017, Board meeting could be conducted by teleconference as the office will be in disarray with the move taking place and the Board concurred.

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

This is the time for the Chair or Executive Director to give a brief summary on current events that affect the Board. It is informational only and no discussion may occur.

CONSENT AGENDA

The Consent Agenda items may be considered for approval as a single action unless a Board Member or any other interested party wishes to remove the item for discussion.

The Board may vote to go into Executive Session to discuss and consider records exempt by law from public inspection, including the receipt and discussion of information, or testimony that is confidential by State or Federal law on all agenda items under Steps 1, 2 & 3 pursuant to A.R.S. §38-431.03 (A) (2).

STEP 1: COMPLAINT REVIEW

A. Recommend Application Denials

**MOTION by Karla Clodfelter to deny and accept with negotiation terms.
MOTION SECONDED by Thomas Rough. MOTION CARRIED.**

92002/92019 Camille Nicole Shreeve (*Deny & accept w/\$500 negotiation terms; working prior to licensure*)

B. Recommend Dismissals

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

91580	Marlena Lopez, Unlicensed	(No evidence to support allegations)
91581	Esmeralda's Nails, Unlicensed	(No evidence to support allegations)
91761	Scissorhands Barber Co. #SCOS23050 Steven Meik, Owner	(No evidence to support allegations)
91828/91829	Kingman #1 Nails #'s SNT18265 & SAES19376 Tien T Mac, #50200389, Owner	(No evidence to support allegations)
91841	Veronica Marez #10900601, Licensee	(No evidence to support allegations)
91863	Theresa Williams #59500901	(Found no evidence of establishment residency – denied allegations)
91873	Happy Valley Nails & spa #SNT17747 Loan Dao #'s 50100392 & 30400647, Co-Owner Trang Dao, Co-Owner Kim Ngan Dao #59921327, Manager	(No evidence to support allegations)
91880	Sharon Vasquez, Unlicensed	(Refer to proper authorities)
91893	Carol Marshall Salon & Day Spa #SCOS18223 Marshall Hair Co., Owner	(No evidence to support allegations)
91946/91947	Carolyn S. Marshall, #19200364, President/CEO Nichole's Nail Spa #'s SNT14354 & SAES14321 Tam Duy Vo #50331432, Owner	(No evidence to support allegations)
91961	Clarissa Estrada Franco, Student	(Services performed in a licensed school)
91980	ALL Beauty College #CSL170 All Beauty College LLC, Owner Gerald Guedon, Member Raineet Guedon #90700012, Member	(No evidence to support allegations)

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	Sonja colon #91400024, Instructor	
	Regina Pemberton #91300071, Instructor	
92035	Barbara K Kramer #18801595, Licensee	(No evidence to support allegations)*
92036	Bien Nails SAES14922	(Unable to substantiate violation due to the length of time that has passed between the service & submission of the complaint)
	Hung Huynh, Owner	
	Jonny Huynh, Manager	
	Thao V Ha #31400879, Licensee	
92143/92144	Pearl Nails & spa #'s SNT18661 & 20009	(Found no evidence of unlicensed activity & no violations of health & safety standards)
	Pearl Nails LLC, Owner	
	Cuong Ly, Owner	
92260	The Studio Academy of Beauty #CSL74	(Found school in compliance with sufficient air circulation)
	Studio Academy of Beauty LLC, Owner	
	Jackson Holding Inc.	
	Jeff Koluch, Member	
	Jecika Kellogg #91300020, Director	
92285	Monica Hernandez #10602038, Licensee	(Found no evidence of establishment residency)
92288	Willow Hair Design #SCOS25814	(No evidence to support allegations)
	Willow Hair Design LLC, Owner	
	Kailey Mullin #11500832, Member	
	Roxanne Lord, Member	
92291	Becky's Beauties #SCOS21875	(No evidence to support allegations)
	Becky's Beauties LLC, Owner	
	Rebecca Fishman-Anderson #19400049, Member/Manager	
92294	Steiner Institute of Esthetics #ASL23	(No evidence to support allegations)
	Steiner Education Group, Owner	
	Leonard Fluxman, Member	
	Pamela Denise Brown #71500016, Director	
92317/92318	Hapi Nails & Reflexology #'s SNT17045 & SAES17513	(Salon in compliance with health & safety/infection protection)
	Ngoc Hanh T Pham #'s 50300112 & 31100242, Owner	
92322	Faces on Fifth #SAES16390	(Salon in compliance with salon services that are non-regulated)
	Mary Lambourne #17921687, Owner	
92323/92324	Hapi Nails & Reflexology #'s SNT17045 & SAES17513	(Salon in compliance with health & safety/infection protection)
	Ngoc Hanh T Pham #'s 50300112 & 31100242, Owner	
92353	R. N. Giannotti Salon #SCOS14198	(Both establishment license & personal license were renewed)
	Richard D Giannotti #19917701, Owner/Manager	
92364	Trendy Tresses #SCOS16649	(Establishment license was renewed)
	Alison Howard #19101218, Owner/Manager	
92411	Beauty Nook #SCOS26353	(Establishment license was renewed)
	The Beautitudes Campus, Owner	
	Michelle Just, President/CEO	
	David W Ragan, Sr. VP Resident Services	

C. Recommend Letter of Concern

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

91852	Arabella's Total Skin Care #SAES18513	(Products shall be labeled to identify contents)
	Arabella Total Skin Care LLC, Owner	
	Mitti Davis #39916897, Member	
91915	Yoil's Sala de Belleza #SCOS233	(Licensee's station with soiled clippers, soiled guards & build up hair in dry storage)
	Yolanda M Arredondo #19200341, Owner	
91969	Cre8ive Colros #SCOS24996	(Unsatisfactory haircut & suite change within salon boutique)
	Phylcia Aswege #11000420, Owner/Licensee	
92017	QPolish Nails & Spa #SNT18054	(Display of personal license at licensee's station)

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92030	TL & Trinh LLC, Owner Tim L Trang #51405194, Manager/Member Ashley's Beauty Bar #SAES18788 Aesthetics by Ashley LLC, Owner Ashley Robinson #30900365, Member Jason Lopez, Member	(Comply with Federal & State requirements - drinking glasses)
92076	Public Image #SCOS25628 Public Image LLC, Owner	(Delinquent personal license)
92223	Kim Renee Brandt #10501329, Member Anna Nails #SNT14882	(Display of personal license at licensee's station)
92230/92231	Nhung Nguyen #50401260, Owner The White Spa #'s SNT18390 & SAES19570 Tammy D Tran #11200308, Owner	(Delinquent establishment license)
92333	Kristina Knight at Studio 12 #SCOS15726 Kristina L Knight #19001030, Owner	(Delinquent establishment license)
92341	Studio No. 7 #SCOS25148 Rachel Bonn #19712161, Owner/Manager	(Delinquent establishment license)
92345	Salon Forma LLC #SCOS26819 Salon Forma LLC, Owner	(No tuberculocidal disinfectant)
92362	Jennifer Marshall Ragland #19000781, Member/Manager Salon Plus-Hair Additions #SCOS22033	(No tuberculocidal disinfectant)
92363	Stacey R Canning #19100401, Owner/Manager TM Hair Studio #SCOS25784	(Delinquent establishment license)
92365	Tonia Miller #11300263, Owner/Manager Shear Bliss Hair Design #SCOS18845	(Delinquent establishment & delinquent personal license)
92369/92370	Wendy Auerbach #18600171, Owner Diva Nails #'s SNT15836 & SAES15922 Houng John Minh Truong #50300087, Owner	(No first-aid kit & no blood spill kit)
92376	Evoque Hair Design #SCOS23581 Todd Tinnel #11000921, Owner	(Delinquent establishment license)
92379	Twenty Four Luxe #SCOS26340 Erin Bowlen #10801963, Owner/Manager	(Delinquent establishment license)
92385	Nearly Famous #SCOS26341 Nearly Famous LLC, Owner	(Delinquent establishment license)
92386	Sheyna S Gatewood #10602208, Member/Manager Studio 6 Beauty Bar #SCOS24303 Studio 6 Beauty Bar LLC, Owner	(Delinquent establishment license)
92396	Samantha Joette Kuroski #31100399, Member/Manager Studieaux #SCOS25322	(Delinquent establishment license)
92404	Teri Bush #19600575, Owner/Manager Savvy Salon #SCOS23401	(Delinquent establishment license)
92410	Kisa Joelle White #11100006, Co-Owner/Manager Natalie J Baumann #10701882, Co-Owner/Manager Radiant Design by Adrienne LLC #SCOS24234 Radiant Design by Adrienne LLC, Owner Adrienne R Newcomer #10502290, Member/Manager	(Delinquent establishment license)

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 Thomas Rough. MOTION CARRIED.

1. 91524 ZA Nails #SAES18268
Hoa C. Giang, #51300215, Owner

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Offer a consent agreement to assess \$250.00 civil penalty and Board costs and 2-year probation, see motion above.

2. 91576 Regal Nails Salon & Spa #1370 SNT17150
Diana Nguyen, #19600673, Owner
Dismiss due to no evidence, see motion above.
3. 91633 Regal Nails Salon & Spa #1370 SNT17150
Diana Nguyen, #19600673, Owner
Dismiss due to no evidence, see motion above.
4. 91881 Regal Nails Salon & Spa #1370 SNT17150
Diana Nguyen, #19600673, Owner
Dismiss due to no evidence, see motion above.
5. 91654 Rosemary Flores #30500907
Informal interview without consent, see motion above.
6. 91777 Bettina C Rowland #90900053
Offer a consent agreement to assess \$500.00 civil penalty and Board costs, see motion above.
7. 91888 Shelly's Touch of Class #SCOS15872
Ida Daley #10500879, Owner
Kayla Cordova #11601225, Licensee
Dismiss due to no evidence, see motion above.
8. 92047 BCD Barbershop & Beauty Shop #SCOS25839
Petra I Illas, Owner
Ruben Martinez #11101551, Licensee
Priscilla Castro #11300218, Licensee
Offer a consent agreement to assess \$250.00 civil penalty and Board costs, see motion above.
9. 92052 & 92354 Diva's Gems Boutique & Spa #SCOS23696
Gemma Watkins #50331135, Owner
Offer a consent agreement to assess \$60.00 restitution, two year probation, add A.A.C. R4-10-112 (O)(2) and combine with No. 13 under Step 1. D. and no action taken against SCOS23696 Closed, see motion above.
10. 92067 CK Awesome Nails, #SNT18145
Cindy Oanh Ho, #50400191, Owner
Offer a consent agreement to assess \$500.00 civil penalty and Board costs, see motion above.
11. 92084 Black Cadillac Salon #SCOS26268
Black Cadillac Salon LLC, Owner
Leah Abell #10501947, Licensee/Member
Stephanie Tresky, Member
Offer a consent agreement to assess \$250.00 civil penalty and Board costs and \$45.00 restitution, see motion above.
12. 92101 Marylu's Salon #SCOS23627
Maria Membrilla #109000364, Owner
Offer a consent agreement to assess \$250.00 civil penalty and Board costs, see motion above.

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13. 92106 & 92355 Diva's Gems Boutique & Spa #SCOS23696
Gemma Watkins #50331135, Owner
Offer a consent agreement to assess \$1,750.00 civil penalty and Board costs, \$55.00 restitution, 2-year probation, add A.A.C. R4-10-112 (O)(2) and to combine with No. 9 under Step 1 D. and no action taken against SCOS23696 Closed, see motion above.
14. 92139 Ultra Source Salon #SCOS23086
Goveia Inc., Owner
Joseph W Goveia, President
Julie Ann Goveia #58800313, V-President
Offer a consent agreement to assess \$250.00 civil penalty and Board costs, add A.A.C. R4-10-111 (A), A.R.S. § 32-545/A.A.C. R4-10-402, see motion above.
15. 92140/92141 Premier Nails & Spa #'s SAES18848 & SNT17941
AZ Desert Enterprise LLC, Owner
Thanh Hien Nguyen #d's 30600445 & 50500724, Member/Manager
Hieu Nguyen, Member
Offer a consent agreement to assess \$500.00 civil penalty and Board costs, see motion above.
16. 92149 Great Clips #6336 #SCOS15331
Kula Inc., Owner
Michael DiCarlo, President/Director
Martina Kemp, Manager
Offer a consent agreement to assess \$500.00 civil penalty and Board costs, see motion above.
17. 92199 Beauty Nation Academy #CSL00203
Yuriana Ramirez, Owner
Ivette Hernandez #91300053, Manager/Instructor
Offer a consent agreement to assess \$500.00 civil penalty and Board costs, see motion above.
18. 92214 Olympus Beauty Academy #CSL00189
Olympus Inc., Corp, Owner
Gerald D Johnson #97800591, President
Mario Montoya #90500073, Director
Offer a consent agreement to assess \$750.00 civil penalty and Board costs, see motion above.
19. 92252 VIP BN Nail & Spa SNT18674
BN Salon LLC, Owner
Nuong Thi Le, Member/Manager
Offer a consent agreement to assess \$500.00 civil penalty and Board costs, see motion above.
20. 92253 Charlie's Nails #SNT19136
Charlie Vo #59600088, Owner
Hang Kim Quach #50400944, Licensee
Offer a consent agreement to assess \$750.00 civil penalty and Board costs, see motion above.
21. 92255 Sadie Ranov #30700785, Licensee
Offer a consent agreement to assess \$50.00 civil penalty and Board costs, see motion above.

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22. 92314 & Tri Nguyen #50500690, Owner
Issue a Letter of Concern for failing to notify the board of an ownership change, see motion above.
- 92346 & Jamie Lancaster #11201369, Licensee
Offer a consent agreement to assess \$50.00 civil penalty and Board costs, see motion above.
- 92347 & Hien Thi Thanh Bui #51600611, Licensee
Offer a consent agreement to assess \$50.00 civil penalty and Board costs, see motion above.
- 92348 & Shalea R Stradling #11502161, Licensee
Offer a consent agreement to assess \$50.00 civil penalty and Board costs, see motion above.
- 92349 & Diep Ngoc Tran #51000183, Licensee
Offer a consent agreement to assess \$50.00 civil penalty and Board costs, see motion above.
- 92350 Phuong Thao Thi Nguyen #51100340, Licensee
Offer a consent agreement to assess \$50.00 civil penalty and Board costs, see motion above.
23. 92316 Danielle E Boldon #10100060, Owner/Licensee
Offer a consent agreement to assess \$250.00 civil penalty and Board costs, see motion above.
24. 92332 Amber G Rose #10501854, Owner/Manager
Offer a consent agreement to assess \$500.00 civil penalty and Board costs, see motion above.
25. 92344 Parlor #SCOS23663
SGH Enterprises Inc, Owner
Sheri Hayes #17921604, President/Manager
Offer a consent agreement to assess \$250.00 civil penalty and Board costs, see motion above.
26. 92351 Rachael Donaldson #11302300, Owner/Manager
Offer a consent agreement to assess \$750.00 civil penalty and Board costs, see motion above.
27. 92352 Kathryn Pitrat #11200061, Owner
Offer a consent agreement to assess \$500.00 civil penalty and Board costs, offer a consent agreement to assess \$50.00 civil penalty and Board costs to licensee Noel Khan License No. 10324688 and licensee Pamela Johnson License No.18225121, see motion above.
28. 92366 Creations by Gina #SCOS14891
Gina Martinez #10327999, Owner/Manager
Offer a consent agreement to assess \$150.00 civil penalty and Board costs, see motion above.
29. 92367 Uni Hair & Nail Salon #SCOS15132
Nam Truong, Co-Owner/Manager
Katrina Thuy Cao #'s 50400190 & 30601134, Co-Owner/Manager
Offer a consent agreement to assess \$250.00 civil penalty and Board costs and for Co-Owner/Manager Katrina Thuy Cao to attend the Infection Protection/Law Review class given by the Board, see motion above.

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30. 92368 A Cut Above Barbershop #SCOS26404
Herman L Jr Hill, Owner/Manager
Offer a consent agreement to assess \$250.00 civil penalty and Board costs and for Owner/Manager Herman Jr. Hill to attend the Infection Protection/Law Review class given by the Board, see motion above.
31. 92374 Belle Amis #SCOS22369
Kristin Jean Scott #10400466, Owner
Offer a consent agreement to assess \$250.00 civil penalty and Board costs, see motion above.
32. 92382 Polished Creations by Jessica LLC #SNT18351
Polished Creations by Jessica LLC, Owner
Jessica M Vajarsky #50600984, Member/Manager
Offer a consent agreement to assess \$250.00 civil penalty and Board costs and for Member/Manager Jessica Vajarsky to attend the Infection Protection/Law Review class given by the Board, see motion above.
33. 92383 Rachael Lynne Coogle #11300805, Member/Manager
Offer a consent agreement to assess \$500.00 civil penalty and Board costs, see motion above.
34. 92384 The Final Cut Hair Studio #SCOS23645
Rachel Jorgensen #11200488, Owner/Manager
Offer a consent agreement to assess \$250.00 civil penalty and Board costs and for Owner/Manager Rachel Jorgensen to attend the Infection Protection/Law Review class given by the Board, see motion above.
35. 92387/92388 The Nail Blvd & Spa #'s SNT16642 & SAES16956
Hoai The Nguyen #59817289, Owner/Manager
Offer a consent agreement to assess \$250.00 civil penalty and Board costs and for Owner/Manager Hoai The Nguyen to attend the Infection Protection/Law Review class given by the Board, see motion above.
36. 92390 Cuttin' Up! LLC #SCOS21617
Cuttin' Up! LLC, Owner
Kathaleen Stepter, Member/Manager
Offer a consent agreement to assess \$250.00 civil penalty and Board costs and offer consent agreement to licensee Tymon Bolton License No. 10401113 to attend the Infection Protection/Law Review class given by the Board, see motion above.
37. 92392 Cherry Beauty Nails #SNT11718
Duong V Luong #50100330, Owner/Manager
Offer a consent agreement to assess \$500.00 civil penalty and Board costs, see motion above.
38. 92393/92394 Always Nails #'s SNT18694 & SAES20068
Hoang Le Nguyen #51700225, Owner/Manager
Offer a consent agreement to assess \$250.00 civil penalty and Board costs, see motion above.
39. 92397 Prim Salon #SCOS23167
Prim Salon LLC, Owner
Brittany Wink #10332595, Co-Member/Manager
Meagan J Bingham #10400251, Co-Member/Manager

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- Offer a consent agreement to assess \$250.00 civil penalty and Board costs, see motion above.
40. 92398 Hair Glam by Yovan #SCOS27034
Yovan Tarazon #10901958, Owner/Manager
Issue a Letter of Concern for no first aid kit, no blood spill kit, establishment license not posted and owner operating without personal license posted, see motion above.
41. 92399 & Breanna Montoya #31600439, Licensee
Offer a consent agreement to assess \$50.00 civil penalty and Board costs, see motion above.
92400 Angelique Ayala #31700372, Licensee
Offer a consent agreement to assess \$50.00 civil penalty and Board costs, see motion above.
42. 92401 Sherri Gibbons #10602120, Owner/Manager
Offer a consent agreement to assess \$500.00 civil penalty and Board costs, see motion above.
43. 92402 S. O. S. (Seantel Oliver Salon) #SCOS25381
Seantel Oliver #10900091, Owner/Manager
Offer a consent agreement to assess \$150.00 civil penalty and Board costs, see motion above.
44. 92403 Cali Nicole Mancuso #10901947, Owner
Offer a consent agreement to assess \$500.00 civil penalty and Board costs, see motion above.
45. 92405 Hair by Jenn Custom Hair Design #SCOS24464
Hair by Jenn LLC, Owner
Jennifer D Coffelt #19700026, Member
Offer a consent agreement to assess \$150.00 civil penalty and Board costs, see motion above.
46. 92407 Hair Artistry by Suzanne #SCOS23808
Suzanne A Corper #19500936, Owner/Manager
Issue a Letter of Concern for a delinquent establishment license, see motion above.
47. 92408 Natalie's Skincare Studio #SAES18227
Natalie Karis #39920040, Owner/Manager
Offer a consent agreement to assess \$150.00 civil penalty and Board costs, see motion above.
48. 92409 Dung T Huynh #10400031, Owner/Manager
Offer a consent agreement to assess \$500.00 civil penalty and Board costs, see motion above.
49. 91894 ZA Nails #SNT17552
Hoa Giang, #51300215, Owner
Linh thi Kim Phan #51700047, Licensee
Offer a consent agreement to assess \$2,750.00 civil penalty and Board costs, 2-year probation and add A.R.S. § 32-572 (A)(8), see motion above.
50. 92443 International Academy of Hair Design #CSL00192
Olympus Inc., Owner

Continued from July's Board Meeting

Lien Thuy Phan and her husband David Vo were sworn in and stated that when they found out they had the wrong license they applied for new establishment licenses and we now have the right licenses. Inspector Lisa Chavez testified that the salon was operating a cosmetology salon without a shampoo bowl.

MOTION by Karla Clodfelter to dismiss, licensee obtained proper licensure in a timely manner. MOTION SECONDED by Thomas Rough. MOTION CARRIED.

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|-----|-------|---|-------------------|
| 6. | 92197 | Hong T Nguyen #50300267
Continued from July's Board Meeting
NEGOTIATED \$1,250/6-MONTH PROBATION | 10:00 a.m. |
| 7. | 92206 | Studio A #SCOS26900
Anastacia Wagner #10601019, Owner/Manager
Continued from August Board Meeting
NEGOTIATED \$250/PAID | 10:00 a.m. |
| 8. | 92211 | Heat-A Blow Dry Lounge #SCOS21604
Heat-A Blow Dry Lounge LLC, Owner
Roya Mohajeri, Member
Babashay Universal Exports LLC, Member
Continued from August Board Meeting
NEGOTIATED \$250/6-MONTH PROBATION | 10:00 a.m. |
| 9. | 90986 | A2Z Nails #'s SNT18361
Phuc Cong Tran #51400220, Owner
NEGOTIATED \$500/6-MONTH PROBATION | 10:00 a.m. |
| 10. | 91631 | Toni & Guy #SCOS9275
Phoenix Salon Associates LLC, Owner
Gerry Watkins #18225407, President
Mark Smith #18124768, V-President
Sabio Vilorio #17820453, Secretary
Kelly L Whitlock #10800136, Licensee | 10:00 a.m. |

Gerry Watkins, Mark Smith and Kelly Whitlock were sworn in. Gerry Watkins stated he did not agree to giving a refund without looking at her hair, it did not look to be damaged, she never mentioned anything about the color or cut and she was rude and demanding. Mark Smith stated he met with the complainant a couple days before her service for a consultation, the complainant stated she felt like her hair got damaged from the salon she had gone to before. Investigator Amber Bingham testified on behalf of Amber Moore who was the investigator that on January 23, 2017, Board office received a complaint from Kathy Barney (not present) regarding a hair color service she received on December 15, 2016, at Toni & Guy and alleges the following, Mark Smith performed the haircut and recommended Kelly Whitlock for the color service. The complainant explained the color and highlights she wanted Kelly Whitlock to do. After the color service she had Mark Smith cut her hair Kathy Barney told Mark Smith her hair has been processing over four hours and was afraid she might lose her hair. Complainant explained to Mark how she wanted her hair cut, complainant alleges Mark cut two to three inches off to cover up the damage, Kathy Barney left salon and paid total of \$239.00. On December 17, 2016, Kathy Barney washed her hair and it was extremely dry, brittle with a clump of hair ten inches long which fell out. On December 20, 2016, Kathy Barney contacted salon spoke to Gerry Watkins regarding situation and was told she would be reimbursed in full. January 12, 2017, Kathy Barney went to salon to meet with Gerry Watkins as agreed and was offered \$167.00. Kathy Barney told Gerry Watkins she was not happy with her hair falling out and she would be filing a complaint. Investigator Amber Bingham stated on February 3, 2017, investigator Amber Moore spoke with complainant who stated she was not injured during the service and has since had her hair cut at another salon. Investigator Amber Moore indicated

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complainant is seeking restitution in the amount of \$239.00. On the same day Investigator Amber Moore went to the salon and spoke to Mark Smith and Kelly Whitlock. Kelly had stated she is recovering from a stroke and that Kathy was one of her first clients after coming back to work, Kelly admits her work time was slow but she stated she applied product and removed product accordingly to prevent over processing the hair. Investigator Amber Moor obtained the client consultation card.

MOTION by Karla Clodfelter to dismiss, due to lack of evidence. MOTION SECONDED by Thomas Rough. MOTION CARRIED.

11. 91979 Mini Perfect Nails & Spa #'s SNT16956 **10:00 a.m.**
Mini Thi Le #'s 50400563, Owner
92085 Mini Perfect Nails & Spa # SNT16956
Mini Thi Le #50400563, Owner
92105 Mini Perfect Nails & Spa # SNT16956
Mini Thi Le #50400563, Owner
NEGOTIATED \$750/PAID

12. 92091 & Tamaccio Salon #SCOS16991 **10:00 a.m.**
William for Hair Inc., Owner
92334 William D Tomaccio, Licensee/President #17719337
William C Tamaccio, Vice-President

William D. Tomaccio was sworn in and stated he has been in the business for fifty seven years and has had five salons, this was a dog and pony show between she and her husband. I did not put her hair into a ponytail and cut it off, she wanted two inches cut off we discussed taking off a little more length she was not a young woman this would be more age appropriate, she said I'll trust you. William stated he cut two and a half inches, she jumped up out of the chair and said I'm going to sue you, you ruined my hair, she would not sit down and let me finish the haircut all she said was that she was going to sue me and she called her husband. William stated her husband came into the salon and said was he was going to call his lawyer and I'm going to sue you. William stated he has never experienced anything like this, William stated there was some bleeding of the color which is easily rectified but I was not given a chance to do it. They were causing such a seen I walked away and told them no charge just leave. Investigator Amber Bingham testified that on May 16, 2017, Board office received a complaint from Lolanda Vaida regarding a haircut and highlight service at Tamaccio Salon Spa on May 13, 2017, and was not satisfied with the service. On June 9, 2017, Investigator Amber Bingham, spoke to complainant who stated she had a consultation on May 10, 2017, with William Tamaccio for an inch trim and a partial highlight for the roots. On May 13, 2017, complainant went for her appointment, William put her hair into a ponytail and cut it off and placed the ponytail in from of her on the station, William knew she was upset but proceeded with the partial highlight service. On June 29, 2017, Investigator Amber Bingham met with complainant who stated when William rinsed the highlights out, complainant called her husband to get her and left salon with her hair wet. Complainant stated her husband went into the salon to see why she was upset and William ran to the back of the salon, complainant's husband asked to pay for the service and a gentleman in the salon said he did not need to pay. On May 13, 2017, complainant went to another salon for a haircut and has not put any chemicals on her hair since. On June 29, 2017, Investigator Amber Bingham went to salon and spoke to William Tamaccio who confirmed the allegations, and believed the complainant had some type of product on her hair at the time of service to make the product in the foils bleed and William stated he went to the dispensary area in the back of the salon when complainant's husband came into the salon.

MOTION by Karla Clodfelter to dismiss as the conduct did not rise to the level of malpractice. MOTION SECONDED by Charlie Phan. MOTION CARRIED.

13. 92150 Scottsdale House Inc #SCOS22350 **10:00 a.m.**
Scottsdale House Inc., Owner
Linda Kearns, President

Vikki Morley, Asst. Secretary
NEGOTIATED \$250

14. 92169 Eunice Hair Salon #SCOS24868 **10:00 a.m.**
Eunice Hair Salon LLC, Owner
Arele H Romero #10600292, Manager/Member

Arele H Romero was sworn in and stated she did not know that Daizey had to be licensed she has a certification for eyelash extension and is in cosmetology school. Investigator Amber Bingham testified that the Board office received a complaint on June 19, 2017, from Sharon Nelson alleging Eunice Hair Salon is allowing Daizey Stevens unlicensed individual to perform cosmetology services. On July 10, 2017, Investigator Amber Bingham called the salon asking if Daizey was available and was told Daizey would be on July 11, 2017. On July 11, 2017, Investigator went to salon and noticed business cards advertising "Lashes by Daizey". Investigator spoke to manager Arele Romero who confirmed the allegations and stated that Daizey Stevens is a cosmetology student with eyelash extension certification. Investigator Amber Bingham explained to Arele Romero Daizey would need to license as an aesthetician or cosmetologist to perform eyelash extension.

MOTION by Karla Clodfelter to move for case no. 92169 all alleged violations cited in the Investigation Report have been shown. MOTION SECONDED by Charlie Phan. MOTION CARRIED.

SUBSTANTIATED VIOLATIONS

A.R.S. § 32-574 (A)(1)(2)(4) Perform or attempt to perform cosmetology, aesthetics or nail technology without a license

A.R.S. § 32-572 (A)(6) Violation of Statute or Rule

HISTORY

90702 7/16/2016 – Letter of Concern – Delinquent Establishment License

MOTION by Jessica Rainbow to move that for case no. 92169 to issue a Letter of Concern for allowing a student to perform eyelash extensions. MOTION SECONDED by Karla Clodfelter. MOTION CARRIED.

15. 92228 Headliners Barbershop #SCOS24829 **10:00 a.m.**
Laron E Cook Sr., Owner
RETURN TO SENDER

16. 92237 Red Persimmon Nails and Spa #SNT17641 **10:00 a.m.**
John Ly, Owner
NEGOTIATED \$500/PAID

17. 92265 Megan Figueroa #10701204, Owner/Manager **10:00 a.m.**
NEGOTIATED \$500

18. 92266 Monica Raquel Medina #11101520, Owner/Manager **10:00 a.m.**
NEGOTIATED \$500/6 MONTH PROBATION/1ST PAYMENT SUBMITTED

19. 92270 Goldy L Boyer #19001199, Owner/Manager **10:00 a.m.**
CONTINUANCE GRANTED

20. 92278 K-Sa De Nailspa #SNT17412 **10:00 a.m.**
Phuc Hong Tran #51300102, Owner/Manager
NEGOTIATED \$500/6 MONTH PROBATION

21. 92281 Emily Cook #11400068, Owner/Manager **10:00 a.m.**
Emily Cook was sworn in and stated she was open less than three months, when the Inspector came in Emily stated she kept pointing to her cosmetology license and when the inspector explained she needed an establishment license she went to the Board office and

applied for her salon application and now has her establishment license. Inspector Lisa Chavez testified licensee was operating an unlicensed establishment.

MOTION by Karla Clodfelter to move for case no. 92281 all alleged violations cited in the inspection summary have been shown. MOTION SECONDED by Charlie Phan.

MOTION CARRIED.

SUBSTANTIATED VIOLATIONS

A.R.S. § 32-574 (A)(5)(8) Unlicensed Establishment

A.R.S. § 32-572 (A)(6) Violation of Statute or Rule

STAFF REPORTED NO HISTORY

MOTION by Karla Clodfelter for case no. 92281 to offer a consent agreement with the following new terms \$250.00 civil penalty and Board costs for Owner/Manager Emily Cook to attend the Infection Protection/Law Review class given by the Board and one year to pay fine. MOTION SECONDED by Charlie Phan. MOTION CARRIED.

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|-----|------------------------------|--|------------|
| 22. | 92282 | A Style Beyond #SCOS26024
Trisha Taylor #10223775, Owner/Manager
NEGOTIATED \$500/6-MONTH PROBATION/1ST PAYMENT SUBMITTED | 10:00 a.m. |
| 23. | 92300 &
92301 | Arin Monticalvo #19917112, Co-Owner/Manager
NEGOTIATED \$500/PAID
Erin Fugiel #19916891, Co-Owner/Manager
NEGOTIATED \$500/6-MONTH PROBATION/1ST PAYMENT SUBMITTED | 10:00 a.m. |
| 24. | 92303 | Danielle Kroeger #11601509, Owner/Manager
CONTINUANCE GRANTED | 10:00 a.m. |
| 25. | 92307/92308 &
92309/92310 | La Vie En Nails Spa by ML #'s SNT18756 & SAES20200
La Vie En Nails Spa by ML Inc.
NEGOTIATED \$500/PAID
Madison Taylor Le #'s 59800137 & 3030026, Director
SCHEDULED CLASS FOR 9.18.2017 | 10:00 a.m. |
| 26. | 92312 | Renee A Thompson #18400467, Owner/Manager
NEGOTIATED \$500 | 10:00 a.m. |
| 27. | 92315 | Verve Salon Studio by Leah #SCOS25975
Leah C Fisher #10021174, Owner/Manager
NEGOTIATED \$250 | 10:00 a.m. |
| 28. | 92335 | Jasmine Do # 30330696, Manager
NEGOTIATED BOARD CLASS/SCHEDULED 9.25.2017 | 10:00 a.m. |

STEP 3: HEARINGS

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

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

The Board may vote to go into "Executive Session" to discuss and consider records exempt by law from public inspection, including the receipt and discussion of information, or testimony that is confidential by State of Federal Law on all agenda items under Step 3 pursuant to A.R.S. §38-431.03 (A)(2).

A. Denial Appeals

None

B. Motion to Deem Allegations Admitted

91169/91170 Pro Ten Nails #SNT18442 & #SAES19653 **9:45 a.m.**
Thanh Tran, Owner
Assistant Attorney General, Mona Baskin, appeared representing the State.
Independent Advisor, John R. Tellier, 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 Karla Clodfelter. 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 Karla Clodfelter. MOTION CARRIED.

MOTION by Jessica Rainbow for case no's. 91169/91170 to issue an Order of discipline to revoke salon license no's. SNT18443 & SAES19653 for Pro Ten Nails, impose \$250.00 civil penalty and Board costs 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.

91394 Tin Hung Le, Owner #10000151 **9:45 a.m.**
Allure Nails
Assistant Attorney General, Mona Baskin, appeared representing the State.
Independent Advisor, John R. Tellier, 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 Karla Clodfelter. 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 Karla Clodfelter. MOTION CARRIED.

MOTION by Jessica Rainbow for case no. 91394 to issue an Order of discipline to revoke personal license no. 10000151 of Tin Hung Le, impose \$1,000.00 civil penalty and Board costs, for owner Tim Hung Le to attend the Infection Protection/Law Review Class given by the board 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.

91418/91419 20 Lounge Scottsdale Quarter, LLC. #SNT17540 & SAES18250 **9:45 a.m.**
Valerie Griggs, CEO
Assistant Attorney General, Mona Baskin, appeared representing the State.
Independent Advisor, John R. Tellier, 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 Karla Clodfelter. 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 Karla Clodfelter. MOTION CARRIED.

MOTION by Jessica Rainbow for case no's. 91418/91419 to issue an Order of discipline to revoke salon license no's. SNT17540 & SAES18250 for 20 Lounge Scottsdale Quarter, LLC., impose \$250.00 civil penalty and Board costs 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.

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

None

D. Request for Reinstatement

None

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

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

92235 Alejandra Miranda-Salazar #10800205

Megan Faust stated this case is an application denial and the licensee was licensed back in 2008, she has since come into the office and provided a social security number which was not the same number she supplied at the time of licensure. At this point she was put up for application denial for providing a fraudulent social security number however, she provided a tax payer number with the school the school filled out the paper and licensee signed the paperwork indicating the information was correct.

MOTION by Karla Clodfelter for case no. 92235 to rescind previous denial of application and to offer a consent agreement of \$1,000.00 in civil penalty and Board costs. MOTION SECONDED by Thomas Rough. MOTION CARRIED.

92236 Qian Liu #31500267

Megan Faust stated in this case it had come to our attention that the licensee had their social security prior to the exam and that the school had indicated the permanent resident card number on the application, so we would ask the Board to dismiss the \$1,000.00 application denial.

MOTION by Karla Clodfelter for case no. 92236 to rescind previous denial of application and to dismiss. MOTION SECONDED by Jessica Rainbow. MOTION CARRIED.

F. Review, Discussion & Reconsideration of Denial of Application and Possible Action on Opening an Investigation Pursuant to A.R.S. § 32-573 (A).

92218 Trang Ngoc Phuong Tran # 51700236

11:00 a.m.

Mona Baskin, Assistant Attorney General stated Ms. Tran applied for a license in March of this year the license was granted in April of 2017, she had put her tax identification number on her application then she wanted to update her social security number and in July of 2017, Board offered a

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consent agreement or denial of application. Ms. Tran has rejected the consent agreement and wanted to speak to the Board.

MOTION by Karla Clodfelter for case no. 92218 to rescind previous denial of application.

MOTION SECONDED by Thomas Rough. MOTION CARRIED.

Trang Tran was sworn in and stated she received a consent letter to pay 1,000.00 for violation of the law. Trang Tran stated when she got licensed in California she did not have a social security number until she got married in May of this year and I received my social security number and that is way I wanted to update it with the Board. Trang Tran stated in California she was licensed under a temporary tax i.d. number.

MOTION by Karla Clodfelter for case no. 92218 to dismiss no intent to defraud the Board.

MOTION SECONDED by Thomas Rough. MOTION CARRIED.

ADJOURNMENT

MOTION by Karla Clodfelter to adjourn the meeting at 11:30 a.m. MOTION SECONDED by Thomas Rough. MOTION CARRIED.

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