

BEFORE THE NEVADA STATE BOARD OF COSMETOLOGY

NEVADA STATE BOARD OF
COSMETOLOGY,

Petitioner,

vs.

ETERNAL BEAUTY SALON, Salon
License No. S-14159 (EXPIRED),
owned and operated by SALFI
ENTERPRISES, LLC, Business ID No.
NV20141077794 (REVOKED),
SALOMON HERNANDEZ MARTINEZ
(UNLICENSED) and MARIA
FIGUEROA CHAVEZ (UNLICENSED),

Respondents.

Case No. C-2023-0068

**FINDINGS OF FACT, CONCLUSIONS
OF LAW & ORDER OF DISCIPLINE****Filed
September 26, 2023****INTRODUCTION**

On August 7, 2023, the above-entitled matter came for decision before the Nevada State Board of Cosmetology hereinafter "the Board". The hearing was held at CJC Properties, LLC located at 6920 Cimarron Road, Suite: 110, Las Vegas, Nevada 89113. Board members present were Molly O'Bryant, Anita Douglas, William Dettrey, Sierra Wold, and Roxanne Pruitt Harris. Deputy Attorney General, Ziwei Zheng, was present and appeared as Counsel for the Board. Deputy Attorney General, Chricy E. Harris, was present as prosecutor on behalf of Executive Director, Steven McDonald, who was also present. Representatives for the Respondent, Eternal Beauty Salon, did not appear.

Respondent was notified of the administrative hearing scheduled for August 7, 2023 via Complaint and Notice of Hearing dated July 14, 2023. See Exhibit 6. The Complaint and Notice of Hearing included a Certificate of Service signed by Debra Turman, an employee of the Office of the Attorney General that she mailed the Complaint to the Respondent via regular mail, certified mail, and certified Mail (RRR) to Respondent's address. Respondent following receipt of the Complaint and Notice of Hearing did not file

1 a response to the complaint. Additionally, the Respondent did not request a continuance of
2 this matter.

3 Noting Respondent's absence, the Board proceeded to consider the matter without
4 the participation of the Respondent pursuant to NRS 622A.350(1). Ms. Harris called Janie
5 Huggins, Chief Compliance Officer, to substantiate exhibits offered by the Petitioner:

- 6 • Exhibit 1: December 7, 2022 Board Letter;
- 7 • Exhibit 2: December 14, 2022 Board Letter and December 14, 2022 citation
8 invoice;
- 9 • Exhibit 3: January 26, 2023 citation notice;
- 10 • Exhibit 4: Board invoices issued from June 6, 2020 to present;
- 11 • Exhibit 5: Photographs of Respondent in operation;
- 12 • Exhibit 6: Return Receipt confirming Respondent's receipt of Complaint & Notice
13 of Hearing.

14 During Ms. Huggins' testimony, Ms. Huggins explained each exhibit to the Board.
15 Ms. Huggins also confirmed that each exhibit was fair and accurate and that each exhibit
16 did not appear to be altered in any way. Following Ms. Huggins' testimony, Ms. Harris
17 moved to admit Exhibits 1-6 into evidence. The Board by motion granted Ms. Harris'
18 request.

19 Ms. Harris pursuant to NRS 622A.350(2) argued that the Board may accept the
20 allegations against the Respondent in the Complaint as true. Ms. Harris read allegations
21 1-13 into the record. Following Ms. Harris' reading of the allegations into the record and
22 review of the admitted exhibits, the Board by motion voted to accept the allegations against
23 the Respondent as true. Following the vote, Ms. Harris read into the record the alleged
24 violations of law, specifically NRS 644A.610(1)(b) and NRS 644A.610(2). Following Ms.
25 Harris' reading of the alleged violations and review of the admitted exhibits, the Board by
26 motion voted to accept the violations of Law (NRS 644A.610(1)(b) and NRS 644A.610(2)) as
27 proven.

28 ...

1 On behalf of Executive Director, Steven McDonald, Ms. Harris requested the relief
2 outlined below:

3 a. That the Board takes action against Respondent, Eternal Beauty Salon's salon
4 license pursuant to NRS 644A.850(2)(b) by revoking the Respondent's salon license for no
5 less than one (1) year. It is further requested that the Board will not consider for possible
6 action reinstatement of Respondent's salon license until the following conditions have been
7 met: (1) The Respondent filed a formal petition to the Board requesting reinstatement of
8 its salon license; (2) The Respondent has submitted its renewal fee to operate as a
9 cosmetology establishment for either a two (2) or four (4) year-period; (3) The Respondent
10 issued payment to the Board in the amount of \$4,500.00 for its outstanding citation fees.

11 b. That the Board takes action against Respondent, Eternal Beauty Salon's salon
12 license pursuant to NRS 644A.850(2)(d) by imposing an administrative fine up to \$1,000
13 for each violation of NRS 644A for a total administrative fine of \$2,000.00.

14 c. That pursuant to NRS Chapter 622, the Board imposes the costs of the
15 proceedings upon all Respondent, including investigative costs and attorney's fees, if the
16 Board otherwise imposes discipline on Respondent.

17 d. Further, the Executive Director requests that the Board take disciplinary
18 action as it deems proper and just under the circumstances.

19 The Board by motion voted to approve the relief requested in its entirety. Ms. Harris
20 was instructed to draft the Order for review and approval by the Board Chair, Molly O'
21 Bryant.

22 The Board, having received, read, and considered the Complaint filed against
23 Eternal Beauty Salon and all admitted exhibits proceeded to make a decision pursuant to
24 the provisions of NRS Chapter 233B, NRS Chapter 622A, NRS Chapter 644A and NAC
25 Chapter 644A. The Board after due consideration of the record, evidence, and law, and
26 being fully advised in the premises, makes its FINDINGS OF FACT, CONCLUSIONS OF
27 LAW AND ORDER OF DISCIPLINE in this matter as follows:

28 ...

FINDINGS OF FACT

I.

The Board, having considered all the evidence presented, the testimony of witnesses, and the arguments of counsel, for good cause appearing, finds sufficient quantity and/or quality of evidence sufficient to meet the preponderance of the evidence standard of proof as set forth by NRS 622A.370 and by *Nassiri v. Chiropractic Physicians' Board of Nevada*, 130 Nev. Adv. Op. 27, at 8-9 (April 3, 2014).

II.

The Board does find by a preponderance of the evidence that on or about September 3, 2014, Respondent, Eternal Beauty Salon by and through Salfi Enterprises, LLC, Salomon Hernandez Martinez, and Maria Figueroa Chavez, was initially issued a cosmetology establishment license by the Board, set to expire on September 3, 2016.

III.

The Board does find by a preponderance of the evidence that Respondent, Eternal Beauty Salon by and through Salfi Enterprises, LLC, Salomon Hernandez Martinez, and Maria Figueroa Chavez, operates as a full-service cosmetology establishment and is located at 2121 North Decatur Blvd, Las Vegas, Nevada 89108.

IV.

The Board does find by a preponderance of the evidence that on September 3, 2016, Respondent Eternal Beauty Salon did not renew its license causing its license to expire. Notably, Respondent continued to operate on an expired license.

V.

The Board does find by a preponderance of the evidence that on January 17, 2017, Respondent, Eternal Beauty Salon, submitted its first renewal fee to the Board to continue operations as a cosmetology establishment, for the next two years. The renewal was approved with September 3, 2018 as the expiration date.

...

...

1 VI.

2 The Board does find by a preponderance of the evidence that on or before September
3 3, 2018, Respondent, Eternal Beauty Salon, timely submitted its second renewal fee to the
4 Board, to continue operations as a cosmetology establishment for the next four years. The
5 renewal was approved with September 3, 2022 as the expiration date.

6 VII.

7 The Board does find by a preponderance of the evidence that on September 4, 2022,
8 Chief Compliance Officer, Janie Huggins and Regulatory Compliance Specialist, Lauren
9 Gossage noted that Respondent, Eternal Beauty Salon, did not submit a renewal fee and
10 that its license expired. On December 4, 2022, after allowing the Respondent ninety (90)
11 days to remit payment of its renewal fee, Ms. Huggins and Ms. Gossage noted that payment
12 was still not issued by Respondent, Eternal Beauty Salon.

13 VIII

14 The Board does find by a preponderance of the evidence that on December 7,
15 2022, the Board submitted its initial letter to Respondent, Eternal Beauty Salon,
16 informing Respondent that its license to operate as cosmetology establishment expired
17 on September 4, 2022, a renewal fee was not received, and that the establishment must
18 immediately close.

19 IX.

20 The Board does find by a preponderance of the evidence that on December 14, 2022,
21 the Board submitted a second letter to Respondent, once again informing Respondent that
22 its license to operate as cosmetology establishment expired on September 4, 2022, a
23 renewal fee was not received, and that the establishment must immediately close.

24 X.

25 The Board does find by a preponderance of the evidence that on January 26, 2023,
26 the Board submitted a second notice of citation to Respondent, Eternal Beauty Salon, for
27 operating a cosmetology establishment with an expired license.

28 ...

XI.

The Board does find by a preponderance of the evidence that on Respondent, Eternal Beauty Salon, as of June 2020 has accumulated an outstanding balance of Four Thousand, Five Hundred dollars (\$4,500.00) for violations unrelated to the expired license.

XII.

The Board does find by a preponderance of the evidence that on March 14, 2023, Respondents, Salomon Hernandez Martinez, and Maria Figueroa Chavez visited the Board office requesting to meet with Ms. Huggins and Ms. Gossage. During the meeting, Mr. Martinez and Ms. Chavez agreed to pay \$4,000 for the citation fees, enter a payment plan for the remaining balance and either renew or submit a new salon application.

XIII.

The Board does find by a preponderance of the evidence that following the March 14, 2023 meeting, Ms. Huggins and Ms. Gossage made several attempts to reach the Respondents but have been unsuccessful. To date, the Board has received no other contact from the Respondents attempting to renew the cosmetology establishment license. Additionally, Ms. Huggins and Ms. Gossage later discovered that Salfi Enterprises, LLC's business license is currently revoked. Notably, Respondent is still operating as a cosmetology establishment as of date of this Order.

XIV.

The Board does find by a preponderance of the evidence that Ms. Huggins and Ms. Gossage forwarded this matter to Executive Director, Steven McDonald, who determined that there were sufficient facts to warrant an administrative hearing.

CONCLUSIONS OF LAW

I.

The Board, having considered all the evidence presented, the testimony of witnesses, and the arguments of counsel, for good cause appearing, finds sufficient quantity and/or quality of evidence sufficient to meet the preponderance of the evidence standard of proof

as set forth by NRS 622A.370 and by *Nassiri v. Chiropractic Physicians' Board of Nevada*, 130 Nev. Adv. Op, 27, at 8-9 (April 3, 2014).

II.

The Board has jurisdiction over the Respondent, Eternal Beauty Salon.

III.

The Board finds pursuant NRS 622A.350 that Respondent, Eternal Beauty Salon was given sufficient legal notice of the scheduled hearing and that Respondent failed to appear and did not request a continuance.

IV.

The Board finds that the Respondent did violate NRS 644A.610(1)(b) as set forth in the First Claim for Relief of the Complaint.

V.

The Board finds that the Respondent did violate NRS 644A.610(2) as set forth in the Second Claim for Relief of the Complaint.

ORDER

Based upon the foregoing Findings of Fact and Conclusions of Law, and good cause appearing therefore,

IT IS HEREBY ORDERED that:

1. Respondent, Eternal Beauty Salon has violated NRS 644A.610(1)(b) and NRS 644A.610(2) and that discipline is warranted.

2. Respondent, Eternal Beauty Salon's salon license is revoked for one (1) year from the date of this Order. It is further ordered that the Board will not consider for possible action reinstatement of Respondent's salon license until the following conditions have been met: (1) The Respondent filed a formal petition to the Board requesting reinstatement of its salon license; (2) The Respondent has submitted its renewal fee to operate as a cosmetology establishment for either a two (2) or four (4) year-period; (3) The Respondent issued payment to the Board in the amount of \$4,500.00 for its outstanding citation fees.

3. Respondent, Eternal Beauty Salon is ordered to pay an administrative fine in the amount of \$1,000.00 for each violation for a total administrative fine of **\$2,000.00**.

4. Respondent, Eternal Beauty Salon is ordered to reimburse the Board for all costs incurred in the investigation and prosecution of this case. The total costs incurred as of date of this Order are **Nine-hundred Ten Dollars and seventy-six cents (\$910.76)**.

5. Respondent, Eternal Beauty Salon is ordered to reimburse the Board for all attorneys' fees incurred in the investigation and prosecution of this case. The total attorneys' fees incurred as of date of this Order are **Six-Hundred Twenty-eight dollars and sixteen cents (\$628.16)**.

6. All citations, fines, attorneys' fees, and board costs are to be paid within one year from the date of service of this Order. Respondent, Eternal Beauty Salon may enter into a payment plan with the Board by contacting the Executive Director, Steven McDonald.

7. Upon receipt of credible information that Respondent, Eternal Beauty Salon has failed to comply with any term or condition of this Order, the Board shall prepare and file such documents as are necessary to allow the Board to impose further discipline, up to and including continued revocation of its salon license.

8. Furthermore, any failure to pay any fine, fee or cost ordered herein will also result in such legal action as the Board determines it to be necessary to collect the unpaid fine, fee or cost.

DATED this 26th day of September, 2023.

NEVADA STATE BOARD OF COSMETOLOGY

By: Molly O' Bryant
Molly O' Bryant, Chair

Submitted by:
AARON D. FORD
Attorney General

By: Chrissy E. Harris
CHRISY E. HARRIS
Deputy Attorney General

CERTIFICATE OF SERVICE

I hereby certify that the foregoing is the full and true original FINDINGS OF FACT, CONCLUSIONS OF LAW AND ORDER on file in the office of the Nevada State Board of Cosmetology in the matter of ETERNAL BEAUTY SALON, Case No. C-2023-0068. I further certify that I submitted for Certified Mail (RRR) and United States Mail, a true and correct copy of the foregoing addressed to the following:

ETERNAL BEAUTY SALON
c/o Salomon Hernandez Martinez
and Maria Figueroa Chavez
2121 N. Decatur Blvd.,
Las Vegas, Nevada 89108

(Via Regular and Certified Mail
Return Receipt Requested)

7020 1810 0000 7913 8580

DocuSigned by:

Janie Huggins

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JANIE HUGGINS

Chief Compliance Officer

Nevada State Board of Cosmetology