



NEVADA STATE BOARD OF COSMETOLOGY

LAS VEGAS OFFICE
8945 West Russell Road, Suite 100
Las Vegas, Nevada 89148

RENO OFFICE
740 Del Monte Lane, Suite 12
Reno, Nevada 89511

Phone: (702) 508-0015
www.nvcosmo.com

January 19, 2021

Via regular and certified mail

Smokin Hot Hair Salon (S-13045)
2185 E. Windmill Lane #600
Las Vegas, NV 89123

Re: Complaint Number C-2020-0969

Smokin Hot Hair Salon:

On October 22, 2020 you appeared before Administrative Law Judge J. Greiner. A copy of ALJ Greiner's Findings of Facts and Conclusions of Law was sent to you via certified mail on or about November 2, 2020.

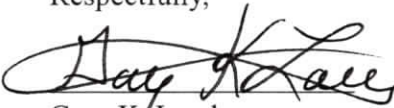
On January 11, 2021 the Nevada State Board of Cosmetology (Board) reviewed the Findings of Fact, Conclusions of Law, and Recommendations as per Administrative Law Judge Jill Greiner. The Board voted to affirm and adopt ALJ Greiner's findings and recommendations.

Enclosed is a signed copy of the Board Order for your records. Also enclosed is an itemized breakdown of the costs associated with your case.

The total owed in this matter is \$2,836.90. This total reflects a \$1,000 administrative fine, \$500 for both violations of NRS 644A.850 (1) (n), plus attorneys' fees and costs expended in this matter. If you require a payment plan, one can be set up for you.

If you have any questions, or need to set up a payment plan please call the office at 702-508-0015 or email inspection@nvcosmo.com.

Respectfully,


Gary K. Landry
Executive Director

GKL/le

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2 BEFORE THE NEVADA STATE BOARD OF COSMETOLOGY

3 NEVADA STATE BOARD OF
4 COSMETOLOGY,

Case No. C2020-0969

5 Petitioner,

6 vs.

7 SMOKIN HOT HAIR SALON (License No
8 . S-13045),

Respondents.

9 ORDER

10 WHEREAS, the Nevada State Board of Cosmetology having met at a public,
11 open meeting on the 11, day of JANUARY, 2021 and the
12 above-captioned matter having come before the Board for review of the attached
13 Findings of Facts, Conclusions of Law, and Recommendations;

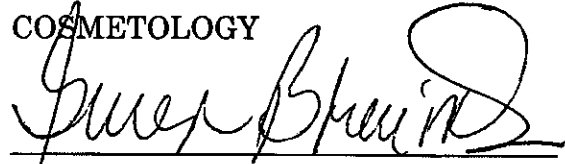
14 WHEREAS the Nevada State Board of Cosmetology, having reviewed the
15 attached Findings of Fact, Conclusions of Law, and Recommendations;

16 Good cause appearing therefore,

17 IT IS HEREBY ORDERED that the Administrative Law Judge's Findings of
18 Fact, Conclusions of Law, and Recommendations are affirmed and adopted.

19 DATED this 19 day of January, 2021.

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21 NEVADA STATE BOARD OF
22 COSMETOLOGY

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24 GWEN BRAIMOH, President of the Nevada
25 State Board of Cosmetology
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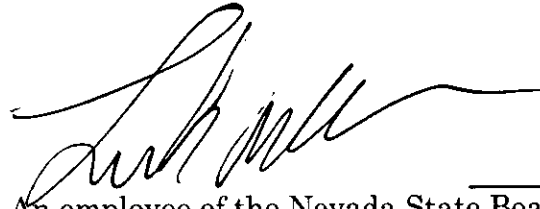
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CERTIFICATE OF SERVICE

I certify that I am an employee of the Nevada State Board of Cosmetology, and that on 1/19/21, I deposited for mailing in the United States Mail, first-class postage prepaid, a true and correct copy of the foregoing ORDER addressed to the following:

SMOKIN HOT HAIR SALON
2185 E. Windmill Lane #600
Las Vegas, Nevada 89123

7020 1810 0000 7913 7590



An employee of the Nevada State Board of
Cosmetology

Statement Date	Date	Item	Hours	Rate	Amount
July 31, 2020	7/30/2020	Review file for potential charge against Smokin Hot Nail Salon; review statutes and regulations; review Governor's Directive for grounds for possible causes of action; various correspondence with Board Staff regarding same.	1.50	154.36	231.54
August 31, 2020	8/11/2020	Draft e-mail to Board regarding Smokin Hot Salon matter.	0.20	154.36	30.87
	8/14/2020	Draft and revise Complaint and Notice of Hearing against Smokin Hot Hair Salon; draft e-mail to Board staff on same.	2.50	154.36	385.90
	8/18/2020	Review additional documents provided by Board Staff regarding Smokin Hot Salon	0.60	154.36	92.62
	8/19/2020	Review e-mail from Board Staff regarding comments and proposed changes to Smokin Hot complaint; revise and supplement complaint per direction, grammar and formatting.	0.50	154.36	77.18
September 30, 2020		No Charges Posted			
October 31, 2020	10/8/2020	Draft hearing outline for use in upcoming ALJ hearing against Smokin Hot Hair Salon	1.50	154.36	231.54
	10/21/2020	Plan and prepare for upcoming administrative hearing against Smokin Hot Salon.	0.50	154.36	77.18
	10/22/2020	Attend hearing with ALJ Jill Greiner on Smokin Hot Salon matter.	1.60	154.36	246.98
	10/23/2020	Draft and revise Findings of Fact, Conclusions of Law, and Recommendations for Smokin Hot matter	1.50	154.36	231.54
	10/26/2020	Draft e-mail to ALJ Jill Greiner regarding proposed decisions for Smokin Hot Salon.	0.10	154.36	15.44
	10/26/2020	Review e-mail from ALJ Jill Greiner regarding request for decisions for Smokin Hot in Word format; respond to same.	0.10	154.36	15.44
	10/26/2020	Review e-mail from ALJ Jill Greiner regarding proposed changes to proposed Decision for Smokin Hot; review proposed decision	0.40	154.36	61.74
	10/27/2020	Review e-mail from ALJ Jill Greiner regarding draft proposed Decision on Smokin Hot matter; review proposed edits; draft response to same.	0.30	154.36	46.31
	10/27/2020	Review e-mail from Administrative Law Judge Jill Greiner regarding additional modifications to the proposed Findings of Fact, Conclusions of Law for Smokin Hot; draft response to same.	0.10	154.36	15.44
November 30, 2020	11/05/2020	Draft and revise Order related to Smokin Hot Findings of Fact, Conclusions of Law, and Recommendations.	0.50	154.36	77.18
				Total:	1,836.90

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BEFORE THE NEVADA STATE BOARD OF COSMETOLOGY

NEVADA STATE BOARD OF
COSMETOLOGY,

Case No. C2020-0969

Petitioner,

vs.

SMOKIN HOT HAIR SALON (License
No. S-13045),

Respondent.

FINDINGS OF FACT, CONCLUSIONS OF LAW, AND RECOMMENDATIONS

Pursuant to the authority conferred upon it by NRS 644A.245 and NRS 644A.270, the Nevada State Board of Cosmetology delegated its authority to hear this contested case to Administrative Law Judge Jill Greiner.

This matter was heard on October 22, 2020. Appearing on behalf of Petitioner Nevada State Board of Cosmetology ("Board") was Deputy Attorney General Justin R. Taruc. Appearing on behalf of Respondent Smokin Hot Hair Salon ("Smokin Hot") was Chris Wade and Michelle Wade.

Oral and documentary evidence were received, including documents marked as Exhibits 1 through 5 submitted by the Board, and the matter was deemed submitted for decision upon the close of the hearing on October 22, 2020. Administrative Law Judge Greiner, having read all the papers, and having heard and reviewed all evidence received, hereby finds, concludes, and recommends as follows:

FINDINGS OF FACT

1. On or about February 28, 2012, Respondent Smokin Hot received a cosmetology establishment license from the Board to operate a salon and was issued License No. S-13045. At all times relevant, Respondent Smokin Hot engaged in the business of cosmetology, and therefore is subject to the jurisdiction of the Board and the provisions of NRS Chapter 644A and NAC Chapter 644A.

2. On March 12, 2020, Nevada State Governor Steve Sisolak issued a Declaration of Emergency to facilitate the State's response to the COVID-19 pandemic.

1 3. On March 20, 2020, Governor Sisolak issued Declaration of Emergency for
2 COVID-19 Directive 003 that required the closure of non-essential businesses, including
3 "aesthetic services such as beauty shops, barber shops, nail salons, tanning salons, and
4 wax salons."

5 4. On May 7, 2020, Governor Sisolak issued Declaration of Emergency Directive
6 018 that allowed nail care salons and hair salons licensed by the Board to reopen to
7 customers, provided that:

8 (1) Salons and barber shops with walls or partitions between stations or
9 chairs may utilize all stations, but under no circumstances may more than one customer
10 or client be seated at any given station or chair.

11 (2) Salons and barber shops without wall or partitions between stations
12 may only seat customers or clients at every other station or chair, or arrange stations or
13 chairs so that a minimum of 6 feet of separation between customers is maintained.

14 (3) Salons and barber shops may not accept customers or clients on a
15 walk-in basis, and technicians, stylists and barbers may not serve or accept appointments
16 for more than one customer at any given time.

17 (4) Customers waiting for appointments must wait outside the facility and
18 must practice social distancing by maintaining a minimum of 6 feet of separation between
19 customers not residing in the same household.

20 (5) Technicians, stylists, barbers, and other employees must wear face
21 coverings at all times.

22 (6) Persons licensed by the Nevada Board of Cosmetology or State
23 Barber's Health and Sanitation Board must abide by all guidelines promulgated by their
24 respective boards. Boards are directed to impose disciplinary measures against licensees
25 who violate this provision.

26 5. On or about May 7, 2020, Industry-Specific Guidance (the "Guidance") was
27 released by the Nevada Health Response Center, in coordination with the Local
28 Empowerment Advisory Panel ("LEAP"), which included guidance on the reopening of hair

1 care salons. Within the Infection Prevention Item Checklist of the Guidance, it specifically
2 notes that "face masks" are mandatory. Further, the Guidance required that nail care
3 salons "must follow the strict guidance set forth under Section 16 of Emergency Directive
4 018."

5 6. On May 18, 2020, the Board received a Complaint that Respondent Smokin
6 Hot was not complying with the Governor's Directive, including that Respondent's staff
7 were not wearing facial coverings, that Respondent's staff were servicing more than one
8 client at the same time, and that work stations were not six feet apart.

9 7. On May 19, 2020, the Board performed an inspection of Respondent Smokin
10 Hot's cosmetology establishment and found that Respondent's staff were not wearing face
11 coverings.

12 8. On May 21, 2020, the Board received a Complaint that Respondent Smokin
13 Hot was not complying with the Governor's Directive, including that Respondent's staff
14 were not wearing facial coverings and that Respondent's staff were double booking
15 appointments.

16 9. On July 16, 2020, the Board performed an inspection of Respondent Smokin
17 Hot's cosmetology establishment and again found that Respondent's staff were not
18 wearing facial coverings.

19 CONCLUSIONS OF LAW

20 10. Pursuant to NRS Chapter 644A, the Board is vested with the sole discretion
21 to discipline cosmetology establishments and licensees of cosmetology.

22 11. Section 2 of Declaration of Emergency for COVID-19 Directive 003 provides
23 as follows:

24 Non-Essential Businesses that promote extended periods of public interaction
25 where the risk of transmission is high, including fitness establishments, such
26 as gyms and studios; aesthetic services such as beauty shops, barber shops,
27 nail salons, tanning salons, and wax salons; and any other such Non-Essential
28 Business shall close effective March 20, 2020, at 11:59 p.m., for the duration
that this Directive shall be in effect.

1 12. Section 9 of Declaration of Emergency for COVID-19 Directive 003 provides
2 as follows:

3 Businesses that do not comply with this Directive or regulations promulgated
4 under this Directive, after receiving written notice from law enforcement, may
5 be subject to criminal prosecution and civil penalties under NRS 202.595, NRS
6 202.450, and any other applicable statute, ordinance, or regulation. All law
7 enforcement agencies in the State of Nevada are authorized to enforce this
8 Directive and regulations promulgated under this Directive. The Office of the
9 Attorney General is given concurrent jurisdiction to prosecute violations of this
10 Directive and any regulations promulgated thereunder.

11 13. Section 16 of Nevada Governor's Declaration of Emergency Directive 018
12 provides that licensees must abide by all guidelines promulgated by their respective
13 boards and further directed the Board to impose disciplinary measures against licensees
14 who violate the Directive.

15 14. Subsection 6 of Nevada Governor Sisolak's Declaration of Emergency
16 Directive 018 specifically provides that nail care salons and hair salons licensed by the
17 Board may reopen to customers amid the COVID-19 pandemic, provided that a number of
18 safety precautions are followed, including (5), "[t]echnicians, stylists, barbers, and other
19 employees must wear face coverings at all times."

20 15. NRS 644A.850(1) provides the grounds for disciplinary action by the Board,
21 including subsection (n), "[a]ny other unfair or unjust practice, method or dealing which,
22 in the judgment of the Board, may justify such action."¹

23 16. NRS 644A.850(2) provides that if the Board determines that a violation of
24 NRS 644A.850 has occurred, it may: (a) Refuse to issue or renew a license or certificate of
25 registration; (b) Revoke or suspend a license or certificate of registration; (c) Place the
26 licensee or holder of a certificate of registration on probation for a specified period; (d)
27 Impose a fine not to exceed \$2,000; or (e) Take any combination of the actions authorized
28 by paragraphs (a) to (d) inclusive.

¹See also NAC 644A.870(1).

1 17. NRS 622A.370 provides that the prosecutor has the burden of proof for these
2 proceedings, and the standard of proof is a preponderance of the evidence.

3 18. The Board alleged as a First Claim for Relief that Respondent was subject to
4 discipline pursuant to NRS 644A.850(1)(n) for engaging in any unfair or unjust practices,
5 methods, or dealings, by failing to comply with Section 16 of Governor Sisolak's
6 Declaration of Emergency Directive 018, when Respondent's staff failed to wear facial
7 coverings on May 19, 2020.

8 19. Undersigned Administrative Law Judge finds that Respondent violated NRS
9 644A.850(1)(n) for engaging in unjust practices by failing to comply with Section 16 of
10 Governor Sisolak's Declaration of Emergency Directive 018 when Respondent's staff failed
11 to wear facial coverings on May 19, 2020, and is thus subject to discipline.

12 20. The Board alleged as a Second Claim for Relief that Respondent was subject
13 to discipline pursuant to NRS 644A.850(1)(n) for engaging in any unfair or unjust
14 practices, methods, or dealings, by failing to comply with Section 16 of Governor Sisolak's
15 Declaration of Emergency Directive 018, when Respondent's staff failed to wear facial
16 coverings on July 16, 2020.

17 21. Undersigned Administrative Law Judge finds that Respondent violated NRS
18 644A.850(1)(n) for engaging in unjust practices by failing to comply with Section 16 of
19 Governor Sisolak's Declaration of Emergency Directive 018 when Respondent's staff failed
20 to wear facial coverings on July 16, 2020, and are thus subject to discipline.

21 **RECOMMENDATIONS TO THE NEVADA STATE BOARD OF COSMETOLOGY**

22 Based on the foregoing, and good cause appearing therefore,

23 IT IS HEREBY RECOMMENDED that the Nevada State Board of Cosmetology
24 order Respondent Smokin Hot to pay an administrative fine of \$500.00 for violation NRS
25 644A.850(1)(n) as stated in the First Claim for Relief, and an administrative fine of
26 \$500.00 for violation of NRS 644A.850(1)(n) as stated in the Second Claim for Relief, for a
27 total administrative fine in the amount of \$1,000.00.

28

1 IT IS HEREBY FURTHER RECOMMENDED that the Nevada State Board of
2 Cosmetology order Respondent Smokin Hot to reimburse the Board for its attorneys' fees
3 and costs expended in this matter. The Board will provide Respondents with an itemized
4 statement of fees and costs within fifteen (15) days of the date of the Board's final order in
5 this matter.

6 IT IS HEREBY FURTHER RECOMMENDED that Respondent may contact the
7 Board staff to coordinate a payment plan, if necessary.

8 AND FINALLY, IT IS HEREBY FURTHER RECOMMENDED that pursuant to
9 NRS 241.034, written notice of the Board's meeting to discuss and take possible action on
10 the undersigned Administrative Law Judge's Findings of Fact, Conclusions of Law, and
11 Recommendations be delivered personally to Respondent Smokin Hot at least five (5)
12 working days before the meeting or sent by certified mail to the last known address of
13 Respondent at least twenty-one (21) working days before the meeting.

14 Dated this 7th day of September, 2020.

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17 _____
18 JILL GREINER, ESQ.
19 Administrative Law Judge
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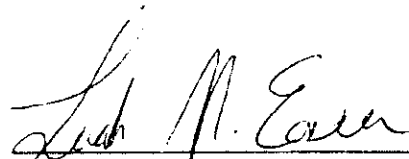
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CERTIFICATE OF SERVICE

I certify that I am an employee of the Nevada State Board of Cosmetology, and that on 11/2/20, I deposited for mailing in the United States Mail, first-class postage prepaid, a true and correct copy of the foregoing FINDINGS OF FACT, CONCLUSIONS OF LAW, AND RECOMMENDATIONS addressed to the following:

SMOKIN HOT HAIR SALON
2185 E. Windmill Lane #600
Las Vegas, Nevada 89123

7020 1810 0000 7913 7514



An employee of the Nevada State Board of
Cosmetology