

MINUTES

**Nevada State Board of Cosmetology
Board Meeting Group
January 21 2020 NVBOC Meeting
Tuesday, January 21, 2020, 9:00 am - 4:00 pm**

***SIMULCAST LAS VEGAS & CARSON CITY**



**Grant Sawyer Building
555 E. Washington Ave.
Las Vegas, NV 89101
Room: 4401**

**Legislative Counsel Bureau
401 S. Carson St.
Carson City, NV 89701
Room: 2135**

The State of Nevada Board of Cosmetology is pleased to make reasonable accommodations for members of the public who are disabled and wish to attend the meeting. If special arrangements for the meeting are necessary, please notify the State Board of Cosmetology, in writing, at 8945 W. Russell Road, Suite 100 Las Vegas, NV 89148 or by calling (702) 486-6542 at least 24-hours prior to the date of the meeting.

*Please note the Board's office hours are 7am-5pm, M-Th.

Members of the public may request the supporting materials for this meeting from:

Maggie Adams, Compliance Specialist- 8945 W. Russell Road, Suite #100 Las Vegas, NV 89148, (702)-486-6542.

Email: Maggie@nvcosmo.com

STACKED CALENDAR: In accordance with Nevada's Open Meeting Law, the Board may consider agenda items taken out of order. The Board may combine two or more agenda items for consideration. The Board may remove an item from the agenda or delay discussion relating to an item on the agenda at any time. The Board may continue the meeting as deemed necessary. The Board, at its discretion, may take public comment during times other than the designated Public Comment agenda items. The Board reserves the right to limit public comment to three minutes. Comment may not be restricted based on viewpoint. Prior to the commencement and conclusion of a contested case or a quasi-judicial proceeding that may affect the due process rights of an individual, the board may refuse to consider public comment. See NRS 233B.126.

Pursuant to NRS 241.030(1), the State of Nevada Board of Cosmetology may conduct a closed meeting to consider the character, allegations of misconduct, professional competence, or physical and mental health of a person.

ALL CELLULAR TELEPHONES ARE TO BE TURNED OFF OR SET TO SILENT NOTIFICATION MODE DURING THE PROCEEDINGS.

*** BOARD WILL BE SPLIT BETWEEN LAS VEGAS AND CARSON CITY**

This meeting has been properly noticed and posted at the following locations:

Euphoria Institute of Beauty Arts & Sciences-9340 W. Sahara Ave. #205 Las Vegas, NV 89117

Expertise Cosmetology Institute-1911 Stella Lake Las Vegas, NV 89106

Nevada State Library & Archives- 100 N. Stewart St. Carson City, NV 89701

Carson City Library- 900 N. Roop St. Carson City, NV 89701

Clark County Library- 1401 E. Flamingo Rd. Las Vegas, NV 89119

Office of the Attorney General -555 E. Washington Ave. Las Vegas, NV 89101

State of Nevada Board of Cosmetology-8945 W. Russell Road, Suite #100 Las Vegas, NV 8918

State of Nevada Board of Cosmetology (Reno)- 4600 Kietzke Lane, Building 0, Suite #262 Reno, NV 89502

Nevada State Board of Cosmetology website www.nvcosmo.com

State of Nevada Website <https://notice.nv.gov>

In Attendance

Andrew Helms; Bryan Baltazar; Debra Ritchey; Gary Landry;
Gwendolyn Braimoh; Justin Taruc; Kai Stanton; Kara Ishitani; Leah
Easter; Maggie Adams; Pamela Hayes-Fitzgerald; Rodney Moore;
Victoria Negrete

Not In Attendance

Adam Higginbotham; David Scarpelli; Tialutrell McCormick

A. Roll Call

B. Pledge of Allegiance

C. Mission Statement

The mission of the Nevada State Board of Cosmetology is to protect the public health, safety and welfare of those that obtain cosmetology related services through the delivery of quality Testing, Licensing, Inspection and Education Services that focus on consumer protection.

D. Comments from the General Public

The Board will entertain comments from the general public for any item that is or is not on the published agenda and is related to the Nevada State Board of Cosmetology.

No action can be taken on a matter unless it is included in an agenda.

Comments should be limited to three (3) minutes or less.

Susan Lee, a local salon manager, asked the Board to reconsider and/or provide clarity on NAC 644A.870. Ms. Lee expressed that some salons will use the term "master" stylist to designate the amount of training a licensee has had.

E. For Corrective Action

1. Approval of Minutes from Previous Meetings - *(For discussion and possible corrective action – pursuant to NRS 241.0365)*

Board to review and approve minutes from the August 26, 2019, the September 16, 2019 and September 30, 2019 meetings.

Minutes from the August 26, 2019, September 16, 2019 and September 30, 2019 Board Meetings were approved by unanimous vote.

Move: Bryan Baltazar Second: Kai Stanton Status: Passed

2. Petition My Ngoc Nga Ton (A-43230) - *(For discussion and possible corrective action – pursuant to NRS 241.0365)*

Petitioner is requesting to renew license.

NOTE: The Board may go into closed session pursuant to NRS 241.030 to move to a closed session because the discussion may involve this applicant's character, alleged misconduct, professional competence, or similar items.

Ms. Ton's petition to renew her esthetician license was denied. Ms. Ton was unable to provide sufficient explanation or documentation as to why her school in California gave her credit for course study hours when, on the same day, Ms. Ton was at the Nevada Board of Cosmetology.

Move: Bryan Baltazar Second: Kai Stanton Status: Passed

F. Petitions To Appear

1. Petition Minh Quang Nguyen (N-43424) - *For discussion and possible action*

Petitioner is requesting to renew his nail tech license. Mr. Nguyen went to Orange Valley College, a banned school. In addition, date discrepancies were found on Mr. Nguyen's application.

NOTE: The Board may go into closed session pursuant to NRS 241.030 to move to a closed session because the discussion may involve this applicant's character, alleged misconduct, professional competence, or similar items.

Mr. Nguyen was not present at the meeting. His petition was tabled.

2. Thanh Dai Tu (N-43381) - *For discussion and possible action*

Petitioner is requesting to renew his nail technology license. Mr. Tu's renewal was rejected by the Board because he attended a banned school in CA and discrepancies were found on his application. In addition, Mr. Tu does not have an active work authorization.

NOTE: The Board may go into closed session pursuant to NRS 241.030 to move to a closed session because the discussion may involve this applicant's character, alleged misconduct, professional competence, or similar items.

Mr. Tu was not present during the meeting. His petition was tabled.

3. NHI T NGUYEN (A-43114) - For discussion and possible action

Petitioner is requesting to renew license. Petitioner attended the esthetician program at Orange Valley College.

NOTE: The Board may go into closed session pursuant to NRS 241.030 to move to a closed session because the discussion may involve this applicant's character, alleged misconduct, professional competence, or similar items.

Ms. Nguyen was not present during the meeting. Her petition was tabled.

4. Yi Ting Huang (N-43827) - For discussion and possible action

Petitioner is requesting to renew license.

NOTE: The Board may go into closed session pursuant to NRS 241.030 to move to a closed session because the discussion may involve this applicant's character, alleged misconduct, professional competence, or similar items.

Ms. Huang's petition to renew her nail technology license was denied. Ms. Huang was unable to provide a copy of her attendance records to the Board to account for data discrepancies in her original application.

Move: Bryan Baltazar Second: Victoria Negrete Status: Passed

5. Yankun Cheng (U-50897) - For discussion and possible action

Petitioner is requesting to transfer license.

NOTE: The Board may go into closed session pursuant to NRS 241.030 to move to a closed session because the discussion may involve this applicant's character, alleged misconduct, professional competence, or similar items.

Mr. Cheng withdrew his petition prior to the meeting.

6. CAIHONG LI C-44188 - For discussion and possible action

Petitioner is requesting to renew her license.

NOTE: The Board may go into closed session pursuant to NRS 241.030 to move to a closed session because the discussion may involve this applicant's character, alleged misconduct, professional competence, or similar items.

Ms. Li was not present during the meeting. Her petition was tabled.

7. Edith Lopez Togo's Nails (S-187084) - For discussion and possible action

Petitioner is appealing citations V3128690 and V3124637 for unlicensed activity and V3124643 for refusing to allow staff of the Board to perform an inspection because: "The salon is not operating. My sister and niece made me aware of what occurred. They did not opened the door because they got scared since the business was locked and no open sign was turned on. They said they were sitting down removing there nail polish. When the inspector knocked they ran to the back scared and got more worried once's he stared taking pictures. The doors have not been open to the public because I have not been able to find license technicians."

NOTE: The Board may go into closed session pursuant to NRS 241.030 to move to a closed session because the discussion may involve this applicant's character, alleged misconduct, professional competence, or similar items.

The Board upheld in part and denied in part Ms. Lopez's petition. The original fines for unlicensed activity and failure to allow an inspector to inspect the premises were reduced to \$1,500 payable within 90 days.

Move: Victoria Negrete Second: Kai Stanton Status: Passed

8. Lisa Vu Desert Nails (S-8829) - For discussion and possible action

Petitioner is requesting a fine reduction for sanitation violations V3123865, V3123861, V3123860, V3123859, V3123858, and V3123857, totaling \$600 in fines.

NOTE: The Board may go into closed session pursuant to NRS 241.030 to move to a closed session because the discussion may involve this applicant's character, alleged misconduct, professional competence, or similar items.

Ms. Vu was not present during the meeting. Her petition was tabled.

9. Phuong Ngo o/b/o Best Nails and Spa II (S-14771) - **For discussion and possible action**

Petitioner is disputing the inspection report findings for V3126016, V3126016 and V3126013 because: "The liquid I bought at the nail supply and I didn't know that kind is not allowed to use. The shop is very clean. The wax machine broke and we did plug to power outlets. The file she found on the floor and the stick we keep in the clean container."

NOTE: The Board may go into closed session pursuant to NRS 241.030 to move to a closed session because the discussion may involve this applicant's character, alleged misconduct, professional competence, or similar items.

Mr. Ngo was not present during the meeting. His petition was tabled.

10. Orlando Alfaro (C-43681) - **For discussion and possible action**

Petitioner is requesting the Board waive violations for working in an unlicensed facility because: "I was unfairly fined, since I did not know that the owner of the salon was working with a false license. My license and documents are in order, I only worked in that room for 4 months until I found out that the salon was not licensed, thanks to the state board. When I started working in that salon it was in November of 2018 and everything was in order because the salon is not called what it is called currently, the salon was called Salon, and the new owner changed it to Unique Glamor, and to make that change the licenses had to be valid. I have to be responsible for my license and not the salons, the owner is responsible for the salons. When I started working I was renting a station from the manager of the salon, the licenses were there. I don't understand why I have to pay a fine when I am a victim of a criminal and have always worked legally and never had any problems" (translated)

NOTE: The Board may go into closed session pursuant to NRS 241.030 to move to a closed session because the discussion may involve this applicant's character, alleged misconduct, professional competence, or similar items.

Mr. Alfaro was not present during the meeting. His petition was tabled.

11. Amy E. Christensen (C-45761) - **For discussion and possible action**

Petitioner is requesting a variance to the Nevada Administrative Code. In particular she's asking that the Board make exceptions related to water tanks, toilet requirements and wheel chair accessibility in her mobile salon.

NOTE: The Board may go into closed session pursuant to NRS 241.030 to move to a closed session because the discussion may involve this applicant's character, alleged misconduct, professional competence, or similar items.

Ms. Christensen was not present during the meeting. Her petition was tabled.

12. Lilin Cai o/b/o Health Spa (S-14398) - **For discussion and possible action**

Petitioner is asking for a refund for the money paid for citation V3123316 along with \$100 in late fees because: "I have Salon Establishment License over 10 years, always pay on time, since I move my license to this Location, I have no business at all, So didn't pay attention for renew, I know that's my fault, since I already pay the \$100 late fee, could you please waive the \$200 Citation for me"

NOTE: The Board may go into closed session pursuant to NRS 241.030 to move to a closed session because the discussion may involve this applicant's character, alleged misconduct, professional competence, or similar items.

Ms. Cai was not present during the meeting. Her petition was tabled.

13. Luba Sasowski o/b/o Wax Hair Removal Bar (S-12838) - **For discussion and possible action**

Petitioner is asking that the Board review necessity/requirements of NRS 644A.530 because: "I have specific concerns about my employees licensing information (full legal names) being too accessible to consumers which has resulted in stalking issues."

NOTE: The Board may go into closed session pursuant to NRS 241.030 to move to a closed session because the discussion may involve this applicant's character, alleged misconduct, professional competence, or similar items.

Ms. Sasowski's petition asking the Board to consider removing full legal names from cosmetology licenses. The Board denied the petition, but suggested Ms. Sasowski be

present at a future law review subcommittee meeting so that a law change may be considered.

Move: Bryan Baltazar Second: Kai Stanton Status: Passed

14. Avenue Nails & Spa (S-187052) - **For discussion and possible action**

Petitioner is disputing citations V3124682, V3124683 for unlicensed workers because: "not correct with technicians with no license"

NOTE: The Board may go into closed session pursuant to NRS 241.030 to move to a closed session because the discussion may involve this applicant's character, alleged misconduct, professional competence, or similar items.

The Board denied Avenue Nail's petition to have fines for unlicensed activity and sanitation waived or reduced.

Move: Kai Stanton Second: Victoria Negrete Status: Passed

15. Clinique Ford (Unlicensed) LIV Beautiful S-187227- **For discussion and possible action**

Petitioner is disputing citation V3125164 for unlicensed activity because: "I don't do lashes or makes up at all . I set up the booking app for the girls. I was told today some how it show me as a person you can book . I have not now or ever done lashes or makeup on anyone there is a cam on site to show this."

NOTE: The Board may go into closed session pursuant to NRS 241.030 to move to a closed session because the discussion may involve this applicant's character, alleged misconduct, professional competence, or similar items.

Ms. Ford was not present during the meeting. Her petition was tabled.

16. Scandalash (S-186744) - **For discussion and possible action**

Petitioner is requesting the Board waive citation V3122797 for failing to display license in place of business because: "AFTER INITIAL INSPECTION I DID NOT RECEIVED THE LICENSE BY EMAIL."

Scandalash opened on 4/3/2018, the citation was issued 5/8/2019.

NOTE: The Board may go into closed session pursuant to NRS 241.030 to move to a closed session because the discussion may involve this applicant's character, alleged misconduct, professional competence, or similar items.

Scandalash withdrew its petition to appear prior to the meeting.

17. T&K Professional African Hair Braiding S-14742 - **For discussion and possible action**

Petitioner is requesting Board overturn citation V3125575 for Salon allowing an unlicensed individual to perform services because: "false information reported on inspection." Owner stated to office staff that the unlicensed person was "only stretching the hair."

NOTE: The Board may go into closed session pursuant to NRS 241.030 to move to a closed session because the discussion may involve this applicant's character, alleged misconduct, professional competence, or similar items.

Representatives from T&K Professional African Hair Braiding were not present during the meeting. The petition was tabled.

18. Le Nails & Spa (S-14450) - **For discussion and possible action**

Petitioner is requesting the Board waive citation V3126492 because: "The object belong to a new cosmetology license person whose doesn't know the object is legal to use. She was informed she can not use that object, tool. She had put the object in the none operative items cabinet with intention to take it home but she forgot. I have never had any violation since I came to Nevada. This is the first time I ever have a violation and not because of my negligence not following the rules and regulations. I always on top of rules and regulations. It's a very stupid mistake that I didn't do it."

NOTE: The Board may go into closed session pursuant to NRS 241.030 to move to a closed session because the discussion may involve this applicant's character, alleged misconduct, professional competence, or similar items.

The Board upheld the citation issued for having skin-cutting equipment on the premises.

Move: Bryan Baltazar Second: Victoria Negrete Status: Passed

19. Kimberly Peete M-13539 Petition - ***For discussion and possible action***

Petitioner is requesting the Board waive late fees.

NOTE: The Board may go into closed session pursuant to NRS 241.030 to move to a closed session because the discussion may involve this applicant's character, alleged misconduct, professional competence, or similar items.

The Board denied Ms. Peete's petition to have her late fees on her license renewal waived.

Move: Debra Ritchey Second: Victoria Negrete Status: Passed

20. Linda Cromley C-19397 - ***For discussion and possible action***

Petitioner is requesting exemption from late fees of \$630 because "I did not receive my renewal for 2017-2019 in the mail, and was unaware of the expiration date. This may have occurred during the time of the relocation of the Las Vegas office from E Sahara location to the present location." License C-19397 expired 9/5/2017.

NOTE: The Board may go into closed session pursuant to NRS 241.030 to move to a closed session because the discussion may involve this applicant's character, alleged misconduct, professional competence, or similar items.

Ms. Cromley withdrew her petition prior to the meeting.

21. NIMA Petition - ***For discussion and possible action***

NIMA's application was denied per NAC 644.711.2 based on its use of the term "medical" in its name. NIMA seeks a variance from this provision as it operates under the supervision of a Nevada-licensed physician and the use of this term is not deceptive and does not violate NAC 644.711.2.

NOTE: The Board may go into closed session pursuant to NRS 241.030 to move to a closed session because the discussion may involve this applicant's character, alleged misconduct, professional competence, or similar items.

NIMA withdrew its petition at the time of the meeting.

22. Cynthia Brown CI-855 ***For discussion and possible action***

Petitioner is requesting a review of NRS 644A.700 (c)

NOTE: The Board may go into closed session pursuant to NRS 241.030 to move to a closed session because the discussion may involve this applicant's character, alleged misconduct, professional competence, or similar items.

Ms. Brown was not present during the meeting. Her petition was tabled.

G. **Fiscal Policies and Procedures - *For discussion and possible action***

The Board will review and possibly approve the "Fiscal Policies and Procedures" document which outlines the Board's financial processes.

The Board approved the proposed fiscal policies and procedures with the caveat that "emergency situations" be defined within the document.

Move: Bryan Baltazar Second: Debra Ritchey Status: Passed

H. **Executive Director's Report - *For discussion and possible action***

Operations report and audit results from Director Landry

The Board unanimously voted to accept the report of Executive Director Landry.

Move: Kai Stanton Second: Bryan Baltazar Status: Passed

I. **Monthly Financial Reports - *For discussion only and possible action***

The monthly financial reports were approved by unanimous vote.

Move: Debra Ritchey Second: Kai Stanton Status: Passed

J. Utilization of an Administrative Law Judge to review complaints and recommend decisions to the Board - *For discussion and possible action*

It is proposed to seek recommendations for complaint resolution and discipline from an Administrative Law Judge for cases undergoing investigative procedures, including formal complaint hearings. It is proposed that the Board be allowed to enter into a contract for the utilization of an Administrative Law Judge.

The Board gave consent to Staff to utilize an Administrative Law Judge for Board generated complaints.

Move: Debra Ritchey Second: Kai Stanton Status: Passed

K. Comments from the General Public

The Board will entertain comments from the general public for any item that is or is not on the published agenda and is related to the Nevada State Board of Cosmetology.

No action can be taken on a matter unless it is included in an agenda.

Comments should be limited to three (3) minutes or less.

Phuong Le from Le Nails continued to ask the Board to reconsider their denial of her petition to have her citation for having skin cutting equipment on the premises waived.

L. Comments from Board Members - *For discussion only*

Board Member Stanton would like to have a round-table discussion with Director Landry
Board Member Ritchey would like to see the term "medical" as it relates to cosmetology services discussed at greater length

Board Member Baltazar would like to explore removing certain prohibitions on advertising
Board Member Braimoh is looking forward to the law review sub-committee meeting

M. Adjournment - *For possible action*

Meeting adjourned at 11:33AM PST

Move: Gwendolyn Braimoh Second: Debra Ritchey Status: Passed

N. Sign In Sheets