

STATE BOARD OF COSMETOLOGY AND BARBER EXAMINERS
Monday March 17, 2014 at 10:00 a.m.
Indiana Government Center-South, Room W064
402 West Washington Street
Indianapolis, Indiana

COMMITTEE MEETINGS

10:00 a.m.

CALL TO ORDER & ESTABLISHMENT OF QUORUM

D. Weisheit called the meeting to order at 1:00 p.m. and established a quorum pursuant to public notice posted at the principal office of the board at least forty-eight (48) hours before the time of the meeting

Board Members Present:

Diane Weisheit, President
Joseph Barsic, Vice President
Diana Bonn
Gary Odell
Rebecca Bushong

Board Member Absent:

David Demuth

State Officials Present:

Tracy Hicks, Board Director, Indiana Professional Licensing Agency
Rae Harman, Assistant Director, Indiana Professional Licensing Agency
Philip Thompson, Board Advisory Counsel, Office of the Attorney General
Deborah Frye, Director of Compliance
Jeanne Tucker, Compliance Officer
Lana Conroy, Compliance Officer
Courtney Bowling, Compliance Officer

ADOPTION OF THE AMENDED AGENDA

The March 17, 2014 agenda was adopted as amended.

Weisheit/O'Dell
5/0/0
Motion carried.

ADOPTION OF THE MINUTES FROM THE JANUARY 13, 2014 MEETING OF THE STATE BOARD OF COSMETOLOGY AND BARBER EXAMINERS

A motion was made and seconded to approve the minutes of the January 13, 2014 meeting.

Bonn/Barsic
5/0/0
Motion carried.

OFFICE OF THE ATTORNEY GENERAL CONSUMER PROTECTION DIVISION REPORT

ADMINISTRATIVE HEARINGS

1. Administrative Hearing in the Matter of Nail Trap, MS30902653, SBCBE 13-72

A motion was made and seconded to hold the Respondent in default.

Bushong/Bonn
5/0/0
Motion carried.

A motion was made and seconded that the State has proven its case and that Respondent be placed on indefinite probation with no right to petition for removal of probation for a period of one year, impose a civil penalty of \$3000 to be paid within 90 days, pay the cost of proceedings, and pay the \$5 Health Records and Personal Identifying Information Protection Trust Fund.

Bonn/Barsic
5/0/0
Motion carried.

2. Administrative Hearing in the Matter of USA Nails, MS30903072, SBCBE 13-101

A motion was made and seconded to issue a Notice of Proposed Default.

Bonn/Bushong
5/0/0
Motion carried.

3. Consideration of Petitioner's Response to Respondent's Petition for Rehearing and Administrative Hearing in the Matter of Tybrus Nelson, BA10700125, SBCBE 12-102

The President denied the State's Motion to Dismiss the request for rehearing.

A motion was made and seconded to issue a Notice of Proposed Dismissal.

Bushong/Barsic
5/0/0
Motion carried.

4. Administrative Hearing in the Matter of Gordon A. Parker, BA19600097, SBCBE 13-05

A motion was made and seconded to extend summary suspension for 90 days.

Barsic/Bushong
5/0/0
Motion carried.

5. Administrative Hearing in the Matter of Titus Alexis, BA19800062, SBCBE 05-02

A motion was made and seconded to reinstate the license to active status.

Barsic/Bushong
5/0/0
Motion carried.

6. Administrative Hearing in the Matter of Avis Nails, MS39600693, SBCBE 12-13

A motion was made and seconded to deny the petition for removal of probation and modify the terms of the probation to extend the right to petition for removal of probation for one year.

Bonn/Bushong
4/0/1
Motion carried.

7. Administrative Hearing in the Matter of Zatia Lashon Sain, BC21301044, SBCBE 13-59

A motion was made and seconded to issue a Notice of Proposed Dismissal.

Bonn/Bushong
5/0/0
Motion carried.

8. Administrative Hearing in the Matter of Tawanda L. Peele, BC29900471, SBCBE 12-123

A motion was made and seconded to issue a Notice of Proposed Dismissal.

Bonn/Bushong
5/0/0
Motion carried.

9. Administrative Hearing in the Matter of Marisa Renee Bayless, BC21301782, SBCBE 13-79

A motion was made and seconded to issue a Notice of Proposed Dismissal.

Bonn/Bushong
5/0/0
Motion carried.

Personal Appearances and Consideration of Application for License Renewal

1. Sandy Avery, BC09000231

A motion was made and seconded to renew the license on indefinite probation with no right to petition for removal of probation until released from criminal probation.

Bonn/Bushong
5/0/0
Motion carried.

2. Judith Carole Cox, BC02178304 (Cosmetologist and Instructor)

A motion was made and seconded to deny the applications for renewal for failure to appear.

Bonn/O'Dell
5/0/0
Motion carried.

3. Wade Cunningham, BC20500220

A motion was made and seconded to deny the applications for renewal for failure to appear.

Bonn/Bushong
5/0/0
Motion carried.

4. Roneah Harvey, BC20501149

A motion was made and seconded to renew the license on indefinite probation with no right to petition for removal of probation until released from criminal probation.

Bonn/O'Dell
5/0/0
Motion carried.

5. Rebecca Jones, BC21011378

A motion was made and seconded to renew the license on indefinite probation with no right to petition for removal of probation until released from criminal probation.

Bonn/Bushong
5/0/0
Motion carried.

6. Morton Maish, BA10100081

A motion was made and seconded to renew the license on indefinite probation with no right to petition for removal of probation until released from criminal parole.

Bonn/O'Dell
5/0/0
Motion carried.

7. Dana Morgan, BC20500934

A motion was made and seconded to renew the license on indefinite probation with no right to petition for removal of probation until released from criminal probation.

Bonn/Bushong
5/0/0
Motion carried.

8. Molly Neville, BC20500858

A motion was made and seconded to deny the application for renewal for failure to appear.

Bonn/Bushong
5/0/0
Motion carried.

9. Theresa Walker, BC09802115

A motion was made and seconded to deny the application for renewal for failure to appear.

Bonn/Bushong
5/0/0
Motion carried.

10. Hollywood Nails, MS30200015

A motion was made and seconded to renew the license on indefinite probation and may petition for removal of probation in one year. An approved inspection will be required before the board may remove probation.

Bonn/Bushong
5/0/0
Motion carried.

11. Sharper's Image, BS21000039

A motion was made and seconded to renew the license on indefinite probation and may petition for removal of probation in one year. An approved inspection will be required before the board may remove probation.

Barsic/Barsic
5/0/0
Motion carried.

13. Vocational College of the Arts, SC41100005

A motion was made and seconded to refer the matter to the Office of the Attorney General for investigation.

Bonn/Barsic
5/0/0
Motion carried.

Consideration of Administrative Law Judge's Order

1. Amanda (Horacek) Follrod, SBCBE 13-82

A motion was made and seconded to affirm the Administrative Law Judge's Order.

Bonn/O'Dell
5/0/0
Motion carried.

2. The Secret A Hair & Beauty Salon, SBCBE 13-126

A motion was made and seconded to affirm the Administrative Law Judge's Order.

Bonn/O'Dell
5/0/0
Motion carried.

Consideration of Objection to Administrative Law Judge's Order

1. Carl R. Lowry, BA00167175, SBBE 02-10

A motion was made and seconded to grant the objection to the Administrative Law Judges Order.

Bonn/Barsic
5/0/0
Motion carried.

Consideration of Notice of Proposed Dismissal Order

1. Ricki A. Little, BC20401875, SBCBE 13-125

A motion was made and seconded to issue a Notice of Dismissal

Bonn/Bushong
5/0/0
Motion carried.

**Discussion of Implementation of the Citation Program with Deborah Frye, Compliance Director;
IC 25-8-3-30**

Deborah Frye reported that it is suggested that all fines will be \$50.00 for any violation. Multiple occurrences will result in a complaint filed with the Office of the Attorney General. Ms. Frye will be able to provide citation reports to the board when the program is implemented.

Request for Waiver of 820 IAC 4-1-5(d), Completion of Education Within Three Years Of Enrollment

1. Savannah Levell

A motion was made and seconded to grant the request and allow six months to graduate from beauty culture school

Bushong/Bonn
5/0/0
Motion carried.

Request for Waiver of 820 IAC 8-2-20 or 820 IAC 8-2-20, Passing the Examination Within Three Years Of Graduation

1. Tequilla Cummings

A motion was made and seconded to grant the request and allow six months to pass the examination.

Bushong/Barsic
5/0/0
Motion carried.

2. Dwan Edwards

A motion was made and seconded to grant the request and allow six months to pass the examination.

Bushong/Barsic
5/0/0

Motion carried.

3. Constance Hill-Jones

A motion was made and seconded to grant the request and allow six months to pass the examination.

Bushong/Barsic
5/0/0
Motion carried.

4. Hai Thien Lam

A motion was made and seconded to grant the request and allow six months to pass the examination.

Bushong/Barsic
5/0/0
Motion carried.

5. Autumorezze R. E. Phillips

A motion was made and seconded to grant the request and allow six months to pass the examination.

Bushong/Barsic
5/0/0
Motion carried.

6. Adrienne Poe

A motion was made and seconded to grant the request and allow six months to pass the examination.

Bushong/Barsic
5/0/0
Motion carried.

7. Marlon Robb

A motion was made and seconded to grant the request and allow six months to pass the examination.

Bushong/Barsic
5/0/0
Motion carried.

8. Shonnea J. Abdullah

A motion was made and seconded to grant the request and allow six months to pass the examination.

Bushong/Barsic
5/0/0
Motion carried.

V. COMMITTEE REPORTS

A. Application Committee

A motion was made and seconded to approve the Application Committee Report as follows

Bonn/Barsic
5/0/0
Motion carried.

COSMETOLOGY APPLICATIONS

By Examination:

Brown, Jennifer Marie – Approved on PROBATION with no right to petition for withdrawal of probation until successful completion of criminal probation
Brown, Micah – Approved on PROBATION with no right to petition for withdrawal of probation until successful completion of criminal probation
Burke, Ashley Rae – Approved on PROBATION with no right to petition for withdrawal of probation until successful completion of criminal probation
Hernandez-Rivas, Marisela – Tabled, school owner needs to provide transcript of hours(breakdown of hours)
Jones, Chad - Approved
Poe, Adrienne - Approved
Pope, Joshua - Tabled, submit further criminal documentation
Terry, Jordan Elizabeth – Approved on PROBATION with no right to petition for withdrawal of probation until successful completion of criminal probation
Thomas, Rachael - Approved on PROBATION with no right to petition for withdrawal of probation until successful completion of criminal probation

By Reciprocity

Nguyen, Jennifer - Denied, IC 25-1-11-19
Nguyen, Thuy LeThi – Denied, IC 25-1-11-19
Wang, Yixuan – Denied, IC 25-1-11-19, unlicensed practice

Provisional:

Salas, Claudia - Approved

MANICURIST APPLICATIONS

By Reciprocity:

Chau, Phuong My – Denied, IC 25-8-4-2(a)(2)
Do, Phi H. - Approved
Gao, Yuan Ge – Denied, IC 25-8-4-2(a)(2)

By Provisional:

Palmeros-Salas, Victoria - Approved

ESTHETICIAN APPLICATIONS

By Examination:

Scarles, Holly - Approved on PROBATION with no right to petition for withdrawal of probation until successful completion of criminal probation

By Reciprocity:

Chau, Phuong My - Denied, IC 25-8-4-2(a)(2)

BARBER APPLICATIONS

By Examination:

Baumgartner, David - Approved

Brown Jr., Kenneth - Approved

Childress, Trent – Tabled, submit criminal probation documentation

Granger, Derek - Approved on PROBATION with no right to petition for withdrawal of probation until successful completion of criminal probation

Guy, Jr., Ronnie - Approved on PROBATION with no right to petition for withdrawal of probation until successful completion of criminal probation

Pegues III, Timothy – Tabled, submit criminal documentation indicating successful completion

SALON APPLICATIONS

Beauty Culture Salon

California Nails, 3710 N First Avenue, Evansville, IN 47710 – Approved pending passed inspection

Creative Nails, 5035 W 71st Street, Indianapolis, IN 46268 - Approved

Lovely Nails, 6815 S Emerson Ave, Suite C, Indianapolis, IN 46237 – Tabled, submit LLC paperwork

Mia Nail Spa, 1494 W Oak Street, Zionsville, IN 46077 – Denied, failed inspection

B. Rules Committee

The Rules Committee met March 10, 2014 and is scheduled to meet again April 28, 2014.

ADJOURNMENT

The meeting adjourned at 5:20 p.m.