

STATE BOARD OF COSMETOLOGY AND BARBER EXAMINERS
Monday May 16, 2016 at 10:00 a.m.
Indiana Government Center-South,
Conference Center, Room #C
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
Diana Bonn
Victoria Ross
Gary Odell
Gregory Kenny

Board Member Absent:

Rebecca Bushong

State Officials Present:

Tracy Hicks, Board Director, Indiana Professional Licensing Agency
Jennifer Broadbent, Assistant Director, Indiana Professional Licensing Agency
Aaron Kochar, Board Advisory Counsel, Office of the Attorney General

ADOPTION OF THE AGENDA

The agenda was adopted.

D. Bonn/V. Ross
5/0/0
Motion carried.

ADOPTION OF THE MINUTES FROM THE MARCH 21, 2016 MEETING OF THE STATE BOARD OF COSMETOLOGY AND BARBER EXAMINERS

A motion was made and seconded to approve the minutes of the March 21, 2016 meeting.

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

ADMINISTRATIVE HEARINGS

A. Administrative Hearing in the Matter of Kiyoe Marjorie Tanaka, BC21502001, SBCBE 15-131

A motion was made and seconded deny the petition for removal of probation due to the fact that she is still on criminal probation.

D. Bonn/V. Ross
5/0/0

Motion carried.

B. Administrative Hearing in the Matter of Alberta Davis, ES21100012, SBCBE 14-80

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

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

C. Administrative Appeal Hearing in the Matter of Megan R. Hutton, BC20600055 & CI21300104, SBCBE 13-73 & 99

A motion was made and seconded to withdraw probation.

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

D. Administrative Hearing in the Matter of Happy Nails, MS30400737, MS30400737, SBCBE 15-152

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

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

E. Administrative Hearing in the Matter of Spa Nails, MS30801836, SBCBE 15-155

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

D. Bonn/V. Ross
5/0/0
Motion carried.

F. Administrative Hearing in the Matter of One Stop Spa, Inc., BS31003516, SBCBE 16-01

A motion was made and seconded to place the license on indefinite probation with no right to petition for removal for one year, pay the fines indicated below within one year, impose the costs of proceedings, and impose the \$5 fee to the health records and personal identifying information protection trust fund.

Violations: (6 total)

Count for unlicensed practice - \$1000
Count for the sink - \$500
Count for combs and brushes - \$1000
Count for wet disinfectant - \$1000
Count for manicuring implements - \$500
Count for esthetics room - \$500

D. Bonn/V. Ross
5/0/0
Motion carried.

G. Administrative Hearing in the Matter of US Nails, BS91300733, SBCBE 16-02

A motion was made and seconded to place the license on indefinite probation with no right to petition for removal for one year, pay a fine in the amount of \$3000 (\$1000 for each of the three violations within six months, impose the costs of proceedings, and impose the \$5 fee to the health records and personal identifying information protection trust fund.

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

H. Administrative Hearing in the Matter of Trang N. Tran, BC21301601, SBCBE 15-72

A motion was made and seconded to issue a Default Order.

D. Bonn/V. Ross
5/0/0
Motion carried.

A motion was made and seconded to rescind the license and prevent the Respondent from applying for a license for a period of seven years.

D. Bonn/V. Ross
5/0/0
Motion carried.

I. Administrative Hearing in the Matter of Elizaeta Rojas, BC21301326, SBCBE 15-73

A motion was made and seconded to issue a Default Order.

D. Bonn/V. Ross
5/0/0
Motion carried.

A motion was made and seconded to rescind the license and prevent the Respondent from applying for a license for a period of seven years.

D. Bonn/V. Ross
5/0/0
Motion carried.

J. Administrative Hearing in the Matter of Kieuth Thu Pham, BC21301692, SBCBE 15-74

A motion was made and seconded to issue a Default Order.

D. Bonn/V. Ross
5/0/0
Motion carried.

A motion was made and seconded to rescind the license and prevent the Respondent from applying for a license for a period of seven years.

D. Bonn/V. Ross
5/0/0
Motion carried.

K. Administrative Hearing in the Matter of Sopheap Vuth, BC21301159, SBCBE 15-75

A motion was made and seconded to issue a Default Order.

D. Bonn/V. Ross
5/0/0
Motion carried.

A motion was made and seconded to rescind the license and prevent the Respondent from applying for a license for a period of seven years.

D. Bonn/V. Ross
5/0/0
Motion carried.

L. Administrative Hearing in the Matter of Lery Yodelyn Martinez, BC21301377, SBCBE 15-76

A motion was made and seconded to issue a Default Order.

D. Bonn/V. Ross
5/0/0
Motion carried.

A motion was made and seconded to rescind the license and prevent the Respondent from applying for a license for a period of seven years.

D. Bonn/V. Ross
5/0/0
Motion carried.

M. Administrative Hearing in the Matter of Sokunthea Chhit Ith, BC21301469, SBCBE 15-77

A motion was made and seconded to issue a Default Order.

D. Bonn/V. Ross
5/0/0
Motion carried.

A motion was made and seconded to rescind the license and prevent the Respondent from applying for a license for a period of seven years.

D. Bonn/V. Ross
5/0/0
Motion carried.

N. Administrative Hearing in the Matter of Anh Thi Nguyen, BC21301113, SBCBE 15-78

A motion was made and seconded to issue a Default Order.

D. Bonn/V. Ross
5/0/0
Motion carried.

A motion was made and seconded to rescind the license and prevent the Respondent from applying for a license for a period of seven years.

D. Bonn/V. Ross
5/0/0
Motion carried.

O. Administrative Hearing in the Matter of Phi Ngoc Luong, BC21301221, SBCBE 15-79

A motion was made and seconded to issue a Default Order.

D. Bonn/V. Ross
5/0/0
Motion carried.

A motion was made and seconded to rescind the license and prevent the Respondent from applying for a license for a period of seven years.

D. Bonn/V. Ross
5/0/0
Motion carried.

P. Administrative Hearing in the Matter of Thao Hoang Phuong Cao, BC21301346, SBCBE 15-80

A motion was made and seconded to issue a Default Order.

D. Bonn/V. Ross
5/0/0
Motion carried.

A motion was made and seconded to rescind the license and prevent the Respondent from applying for a license for a period of seven years.

D. Bonn/V. Ross
5/0/0
Motion carried.

Q. Administrative Hearing in the Matter of Marie Augustin, BC21301373, SBCBE 15-81

A motion was made and seconded to issue a Default Order.

D. Bonn/V. Ross
5/0/0
Motion carried.

A motion was made and seconded to rescind the license and prevent the Respondent from applying for a license for a period of seven years.

D. Bonn/V. Ross
5/0/0
Motion carried.

R. Administrative Hearing in the Matter of Sandy Bach, BC21301367, SBCBE 15-82

A motion was made and seconded to issue a Default Order.

D. Bonn/V. Ross
5/0/0
Motion carried.

A motion was made and seconded to rescind the license and prevent the Respondent from applying for a license for a period of seven years.

D. Bonn/V. Ross
5/0/0
Motion carried.

S. Administrative Hearing in the Matter of Denny J. Pena, BC21301537, SBCBE 15-83

A motion was made and seconded to issue a Default Order.

D. Bonn/V. Ross
5/0/0
Motion carried.

A motion was made and seconded to rescind the license and prevent the Respondent from applying for a license for a period of seven years.

D. Bonn/V. Ross
5/0/0
Motion carried.

T. Administrative Hearing in the Matter of Nga Kim Thi Nguyen, MA21300225, SBCBE 15-84

A motion was made and seconded to issue a Default Order.

D. Bonn/V. Ross
5/0/0
Motion carried.

A motion was made and seconded to rescind the license and prevent the Respondent from applying for a license for a period of seven years.

D. Bonn/V. Ross
5/0/0
Motion carried.

U. Administrative Hearing in the Matter of Leanna Charelis, BC21301368, SBCBE 15-85

A motion was made and seconded to issue a Default Order.

D. Bonn/V. Ross
5/0/0
Motion carried.

A motion was made and seconded to rescind the license and prevent the Respondent from applying for a license for a period of seven years.

D. Bonn/V. Ross
5/0/0
Motion carried.

OFFICE OF THE ATTORNEY GENERAL CONSUMER PROTECTION DIVISION REPORT

Written report provided.

AGENDA AMENDED TO ADD PROPOSED FINDINGS OF FACTS, CONCLUSIONS OF LAW AND ORDER

A motion was made and seconded to amend the agenda to add additional Proposed Findings Of Facts, Conclusions Of Law And Order

V. Ross/G. O'Dell
5/0/0
Motion carried.

CONSIDERATION OF PROPOSED FINDINGS OF FACTS, CONCLUSIONS OF LAW AND ORDER

A. Huong Dang Nguyen, MA21300305, SBCBE 15-70

A motion was made and seconded to approve the Proposed Findings of Facts, Conclusions of Law and Order.

D. Bonn/V. Ross
5/0/0
Motion carried.

B. Pretty Nails & Spa, BS91300451, SBCBE 15-149

A motion was made and seconded to approve the Proposed Findings of Facts, Conclusions of Law and Order.

O'Dell/V. Ross
5/0/0
Motion carried.

C. Luxury Nails, MS31004228, SBCBE 15-151

A motion was made and seconded to approve the Proposed Findings of Facts, Conclusions of Law and Order.

O'Dell/V. Ross
5/0/0
Motion carried.

D. Li Nail Salon, MS30802410, SBCBE 15-156

A motion was made and seconded to approve the Proposed Findings of Facts, Conclusions of Law and Order.

O'Dell/V. Ross
5/0/0
Motion carried.

E. Silky Nails, MS39600902, SBCBE 15-140

A motion was made and seconded to approve the Proposed Findings of Facts, Conclusions of Law and Order.

O'Dell/V. Ross
5/0/0
Motion carried.

CONSIDERATION OF MOTION FOR VOLUNTARY DISMISSAL

A. Gloria's Shear Attractions, SBCBE 15-153

A motion was made and seconded to approve the Motion for Voluntary Dismissal

O'Dell/V. Ross
5/0/0
Motion carried.

B. Nail Designs, MS30300855, SBCBE 15-154

A motion was made and seconded to approve the Motion for Voluntary Dismissal

V. Ross/ O'Dell
5/0/0
Motion carried.

**PERSONAL APPEARANCES AND CONSIDERATION OF APPLICATION FOR LICENSE REINSTATEMENT
IN THE MATTER OF**

A. Julie Thompson, BC08811300

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

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

B. Delisa Carpenter, BC29501596

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

D. Bonn/V. Ross
5/0/0
Motion carried.

C. Amy Devries, BC29401165

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

D. Bonn/V. Ross
5/0/0
Motion carried.

D. Michele Bohnert, BC21200814

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

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

E. Tony Drishell, BA10800100

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

D. Bonn/V. Ross
5/0/0

Motion carried.

F. Desiree Johnson, BC21102036

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

D. Bonn/V. Ross
5/0/0
Motion carried.

G. Jennifer Johnson, BC20301212

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

D. Bonn/V. Ross
5/0/0
Motion carried.

H. Jennifer Kelley, BC0001068

A motion was made and seconded to reinstate the license. She has passed the examination.

D. Bonn/G.O'Dell
4/1/0
Motion carried.

I. William Finley, BA19800063

A motion was made and seconded to approve reinstatement pending passing the examination. He has one year to pass the examination.

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

J. Main Street Nails, MS31200081

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

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

K. Diamond Nails, MS30802238

A motion was made and seconded to reinstate the license and refer the matter to the Office of the Attorney General due to the fact that a complaint has been filed.

D. Bonn/V. Ross
5/0/0
Motion carried.

L. Party Nails, MS30802331

A motion was made and seconded to renew the license on indefinite probation with no right to petition for removal for a period of one year and upon passing inspection.

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

M. Robert's Hair Designs, Inc., BS80376566

A motion was made and seconded to approve reinstatement on indefinite probation pending passing inspection with no right to petition for removal for one year. D. Weisheit and D. Bonn objected.

G. Kenny/G. O'Dell
3/2/0
Motion carried.

N, USA Nail, MS30400811

A motion was made and seconded to refer the matter to the Office of the Attorney General as there has since been a complaint filed against this salon.

V. Ross/G.O'Dell
5/0/0
Motion carried.

O. Rejuvenation Spa, TB51200057

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

D. Bonn/V. Ross
5/0/0
Motion carried.

Daniel Fleener, BA00167222

A motion was made and seconded to approve renewal to remain on probation. D. Weisheit objected.

D. Bonn/G.O'Dell
4/1/0
Motion carried.

CONSIDERATION OF NOTICE OF PROPOSED DISMISSAL ORDER

A. Indiana Zapata, SBCBE 16-24

A motion was made and seconded to dismiss the matter.

D. Bonn/V. Ross
5/0/0
Motion carried.

CONSIDERATION OF ADMINISTRATIVE LAW JUDGE'S ORDERS

A. To V. Le, SBCBE 16-25

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

D. Bonn/V. Ross
5/0/0
Motion carried.

B. Cuc Thi Tran, SBCBE 16-26

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

D. Bonn/V. Ross
5/0/0
Motion carried.

C. Nail 2000, MS30000204, SBCBE 16-27

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

D. Bonn/V. Ross
5/0/0
Motion carried.

REQUEST FOR WAIVER OF 820 IAC 2-2-3 OR 820 IAC 8-2-20, PASSING THE EXAMINATION WITHIN THREE YEARS OF GRADUATION

A. Iris Taylor

A motion was made and seconded to deny the request due to lack of good cause.

G. Kenny/V. Ross
5/0/0
Motion carried.

B. Shaquita Joyner

A motion was made and seconded to deny the request due to lack of good cause. Diana Bonn was not present for the motion.

G. Kenny/V. Ross
4/0/0
Motion carried.

CONSIDERATION OF UNTIMELY PETITION FOR REVIEW OF APPLICATION DENIAL

A. Jaymi Barrow

A motion was made and seconded to deny the petition for review for untimely filing.

D. Bonn/V. Ross
5/0/0
Motion carried.

REQUEST FOR VARIANCE OF THE 20 CHAIR REQUIREMENT PURSUANT TO 820 IAC 8-2-10 IN THE MATTER OF BERNARD MCKENZIE CAREER CENTER FOR COSMETOLOGY

A motion was made and seconded to approve the request.

G. Kenny/D. Bonn
5/0/0
Motion carried.

DISCUSSION OF BEAUTY CULTURE SCHOOL LICENSE REQUIREMENTS FOR SCHOOLS OFFERING BARBER COURSES ONLY

The matter has been tabled to allow the new DAG to review the statutes and rules.

G. O'Dell/V. Ross
5/0/0

Motion carried.

HEA 1172; EFFECTIVE JULY 1, 2016

The board reviewed HEA 1172. They will consider the matter of whether a cosmetologist should be able to use a straight razor to trim and shave beards and mustaches individually and then discuss the matter at a future meeting.

REQUEST FOR SPEAKER FROM INDIANA ASSOCIATION OF CAREER AND TECHNICAL EDUCATION SEPTEMBER 22-24, 2016.

The board members will consider the invitation and revisit the matter later.

PRE-REVIEW OF NEW LICENSE APPLICATIONS WITH POSITIVE RESPONSES

It was the decision of the board to allow Diana Bonn to pre-review applications that have a positive response to approve or recommend approval on probation or denial for the board to consider. This will allow staff to issue a license to those that she recommends approval for and to save time at board meetings when considering those that are not recommended for approval.

APPLICATION COMMITTEE REPORT

A motion was made and seconded to accept the application committee report as follows.

D. Bonn/V. Ross
5/0/0
Motion carried.

COSMETOLOGY

A. By Examination

Anderson, Marcus: Approved on PROBATION with no right to petition for withdrawal of probation until successful completion of criminal obligations.
Blagg, Crystal Anne: APPROVED.
Erwin, Courtney: APPROVED.
Graham, Lindsey E.: APPROVED.
Hughes, Kaleigh Rebekah: Approved on PROBATION with no right to petition for withdrawal of probation until successful completion of criminal obligations.
Johnson, Ashely: APPROVED.
Osenbaugh, Jade E.: APPROVED.
Thompson, Dayshaun: APPROVED.

B. Reciprocity

Bhatt, Avani: Denied, IC 25-8-4-2(a)(2), not substantially equal.
Burke, Kathleen Nicole: Denied, IC 25-8-4-2(a)(2), not substantially equal.
Duong, Ngoc Thi: Denied, IC 25-8-4-2(a)(2), not substantially equal.
Farrag, Mohamed A.: Denied, IC 25-8-4-2(a)(2), not substantially equal.
Patton, Candice: Denied, IC 25-8-4-2(a)(2), not substantially equal.
Salib, Daoud A.: Denied, IC 25-8-4-2(a)(2), not substantially equal.

C. Provisional

Do, Anh Thi: APPROVED.
Illescas, Jacqueline S.: Denied, IC 25-1-11-5(b), possible fraudulent documentation.
Nguyen, Thao T.: Denied, IC 25-1-11-5(b), possible fraudulent documentation.
Truong, Nga T.: Denied, IC 25-1-11-5(b), possible fraudulent documentation.
Walter, Michelle A: Denied, IC 25-8-4-2.9, insufficient training and experience.
Xiang, Guoyu: APPROVED.

ESTHETICIAN

A. By Examination

Mejia, Starlene Lynn: APPROVED.

B. Provisional

Tran, Bich: Denied, IC 25-1-11-5(b), possible fraudulent documentation.

MANICURIST

A. By Examination

Pritchard, Ukena: APPROVED.

B. By Reciprocity

Nguyen, Nhan Thanh: Denied, IC 25-8-4-2(a)(1), does not possess a valid license in their jurisdiction.

C. Provisional

Alvarez Prieto, Xiomara: Denied, IC 25-1-11-19(b) and IC 25-1-11-5(b), unlicensed practice and possible fraudulent documentation

Ha, Hiep Xuan: Denied, IC 25-1-11-5(b), possible fraudulent documentation.

Tang, Tuyet Thi Ngoc: Denied, IC 25-1-11-19(b) and IC 25-1-11-5(b), unlicensed practice and possible fraudulent documentation.

Tran, Dung: Denied, IC 25-1-11-5(b), possible fraudulent documentation.

BARBER

A. By Examination

Emerson, Thomas, III: Tabled, pending personal appearance.

B. By Reciprocity

Geris, Emad Wahba: Denied, IC 25-8-4-2(a)(2), not substantially equal.

Jackson, Ronald: Denied, IC 25-8-4-2(a)(1), does not possess a valid license in their jurisdiction

C. Provisional

Bautista Rodriguez, Jocelyne: Denied, IC 25-1-11-5(b), possible fraudulent documentation.

Hussein, Ashraf S.: Denied, IC 25-1-11-5(b), possible fraudulent documentation.

INSTRUCTOR

A. By Examination

Robb, Marlon: APPROVED.

FACILITY APPLICATIONS

A. Beauty Culture Salon

The 4th Street Salon, 1089 NE 4th Street, Linton, IN 47441: APPROVED.

Cati B Salons, 9879B East 116th Street, Suite 14, Fishers, IN 46037: Approved on PROBATION with no right to petition for withdrawal of probation until successful completion of criminal obligations.

Danville Nails, 781 East Main Street, Danville, IN 46122: APPROVED.

EA Fadez, 5401 Broadway, Suite D, Merrillville, IN 46410: APPROVED.

Huntown, 7826 Michigan Road, Indianapolis, IN 46268 –Denied, IC 25-1-11-19(b), unlicensed practice.

Le Nails, 812 S. Scatterfield Road, Anderson, IN 46012: APPROVED.

Salon Lofts, 9769 East 116th Street, Fishers, IN 46037: Approved on PROBATION with no right to petition for withdrawal of probation until successful completion of criminal obligations.

Shear Addict, 9165 Otis Avenue Suite 248, Indianapolis, IN 46216: APPROVED.

Sunny Nails, 5956 B Stellhorn Road, Fort Wayne, IN 46815: Denied, failed inspection.

Urbanity Salon, 3515 Meda Pass, Fort Wayne, IN 46809: Approved on PROBATION with no right to petition for withdrawal of probation until successful completion of criminal obligations.

Wilks Barbershop, 3535 South Emerson Avenue, Suite #337, Beech Grove, IN 46107: APPROVED.

ADJOURNMENT

The meeting adjourned at 7:55 p.m.