

STATE BOARD OF COSMETOLOGY AND BARBER EXAMINERS
Monday July 17, 2017 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
Victoria Ross
Rebecca Bushong
Gregory Kenny

Board Members Absent:

Diana Bonn
Gary Odell

State Officials Present:

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

ADOPTION OF THE AGENDA

The agenda was adopted.

V. Ross/R. Bushong
4/0/0
Motion carried.

AUGUST 28, 2017 MEETING SCHEDULED TO CONSIDER PERSONAL APPEARANCES

The meeting will begin at 11:00 a.m.

ADOPTION OF THE MINUTES OF THE MAY 15, 2017 MEETING OF THE STATE BOARD OF COSMETOLOGY AND BARBER EXAMINERS

A motion was made and seconded to approve the minutes of the May 15, 2017 meeting.

R. Bushong/V. Ross
4/0/0
Motion carried.

OFFICE OF THE ATTORNEY GENERAL CONSUMER PROTECTION DIVISION REPORT

Written report provided.

CONSIDERATION OF PETITIONER'S MOTIONS FOR REHEARING

1. Diep Hong Vu, BC21400262, 2016SBCBE 0151
2. Kim Dung Thi Pham, BC21400067, 2016SBCBE 0155

A motion was made and seconded to re-schedule hearings.

R. Bushong/V. Ross
4/0/0
Motion carried.

ADMINISTRATIVE HEARINGS

1. Administrative Hearing in the Matter of Star Vision Nail, MS31200124, 2017SBCBE0040

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

R. Bushong/V. Ross
4/0/0
Motion carried.

2. Administrative Hearing in the Matter of Pedi Spa & Nails, BS91400810, 2017SBCBE0039

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

R. Bushong/V. Ross
4/0/0
Motion carried.

3. Administrative Hearing in the Matter of Diva Nails & Spa, BS91300669, 2015SBCBE0113

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

R. Bushong/V. Ross
4/0/0
Motion carried.

4. Administrative Hearing in the Matter of Kaydean Geist, ES29300618 & C01533553, 2017SBCBE0002

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

V. Ross/R. Bushong
4/0/0
Motion carried.

A motion was made and seconded to revoke all three licenses.

R. Bushong/V. Ross
4/0/0
Motion carried.

5. Show Cause Hearing in the Matter of Hoang-Yen Thi Nguyen, BC20705403 & MA29701894, and U.S. Nails, MS31100031 & EH31100020, 2016SBCBE0084

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

R. Bushong/V. Ross

4/0/0

Motion carried.

A motion was made and seconded to impose a fine of \$1000 for each of the 14 violations of the Findings of Fact, Conclusions of Law, and Order filed December 21, 2016, impose the costs of the proceedings, and revoke all licenses. US Nails had five (5) violations for continuing to operate while suspended, nonpayment of civil penalties and costs, and unlicensed employees. Hoang-Yen Thi Nguyen had nine (9) violations for assisting US Nails in their five (5) violations of their violations, operating while suspended and nonpayment of fee.

R. Bushong/V. Ross

4/0/0

Motion carried.

A motion was made and seconded to file a complaint against David Tran, MA29800544, for his involvement with 16-84.

R. Bushong/V. Ross

4/0/0

Motion carried.

6. Show Cause Hearing in the Matter of Hoang-Yen Thi Nguyen, BC20705403 & MA29701894, and Pure Nail & Spa, MS31100065, 2016SBCBE0078

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

R. Bushong/V. Ross

4/0/0

Motion carried.

7. Administrative Appeal Hearing in the matter of Chosen Christian Beauty Colleges, SC41200010, 2017 SBCBE0042

A motion was made and seconded to uphold the renewal denial.

R. Bushong/V. Ross

4/0/0

Motion carried.

8. Administrative Hearing to Modify Probation in the Matter of Alberta Davis, ES21100012, 2014 SBCBE 0080

A motion was made and seconded to withdraw probationary status.

V. Ross/R. Bushong

4/0/0

Motion carried.

9. Administrative Hearing to Modify Probation in the Matter of Hai Tuan Dang, MA21600373, 2016SBCBE0168

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

R. Bushong/V. Ross

4/0/0

Motion carried.

10. Administrative Hearing to Modify Probation in the Matter of Red Nails MS31200054,
2016SBCBE0045

A motion was made and seconded to withdraw probation.

R. Bushong/V. Ross
4/0/0
Motion carried.

11. Administrative Hearing to Modify Probation in the Matter of Amy Petry, BC21401660,
2014SBCBE0072

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

V. Ross/ R. Bushong
4/0/0
Motion carried.

12. Administrative Hearing to Modify Probation in the Matter of Donte Bey, BA11000051,
2013SBCBE0086

A motion was made and seconded to withdraw probation pending proof within 30 days from the court or probation officer that he has been released from criminal probation.

R. Bushong/V. Ross
4/0/0
Motion carried.

13. Administrative Hearing to Modify Probation in the Matter of Glenna Hill, BC29901361,
2012SBCBE0072

A motion was made and seconded to withdraw probation.

R. Bushong/V. Ross
4/0/0
Motion carried.

14. Administrative Hearing to Modify Probation in the Matter of Brittany Norberg, BC21200637,
2011SBCBE0117

A motion was made and seconded to withdraw probation.

R. Bushong/V. Ross
4/0/0
Motion carried.

15. Administrative Hearing to Modify Probation in the Matter of Harry Waddell, BA19600055,
2011SBCBE0109

A motion was made and seconded to withdraw probation.

R. Bushong/V. Ross
4/0/0
Motion carried.

D. Personal Appearance and Consideration of Application for License Reinstatement

1. Danielle McCune, BC21012784

A motion was made and seconded to approve reinstatement on indefinite probation with no right to petition for removal until criminal obligations are met.

R. Bushong/V. Ross
4/0/0
Motion carried.

2. Amber Spayd, BC20500670 & CI21200049

A motion was made and seconded to approve reinstatement.

R. Bushong/V. Ross
4/0/0
Motion carried.

3. Joseph White, BA10900077

A motion was made and seconded to suspend the license for one month and then the license will be on indefinite probation with no right to petition for removal until criminal obligations are met.

Kenny/Bushong
4/0/0
Motion carried.

4. Brandi Fitzpatrick, BC20100201

A motion was made and seconded to approve the application pending passing the state cosmetology examination. She will have one year to pass the examination.

R. Bushong/V. Ross
4/0/0
Motion carried.

5. Tara Green, BC09002185

A motion was made and seconded to approve the application pending passing the state cosmetology examination. She will have one year to pass the examination.

R. Bushong/V. Ross
4/0/0
Motion carried.

6. Lisa Tibbs, MA20402268

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

R. Bushong/V. Ross
5/0/0
Motion carried.

7. Linda's Touche Beauty Salon, BS80322020

A motion was made and seconded to approve reinstatement.

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

8. The Right Touch, BS29600101

A motion was made and seconded to reinstate the license on indefinite probation with no right to petition for removal until the salon passes inspection.

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

The motion was withdrawn because the owner of The Right Touch expressed a concern that Mr. Kenny's salon is in competition and other salons on the agenda today were approved without having to pass inspection. It was explained that the other salons did not have a failed inspection on file.

A motion was made and seconded to reinstate the license on indefinite probation with no right to petition for removal until the salon passes inspection. G. Kenny abstained from the motion. The following members, V. Ross, R. Bushong, and D. Weisheit, continued to participate in the matter.

V. Ross/R. Bushong
3/0/1
Motion carried.

9. Padrissimo Beauty & Barber, BS20900167

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

R. Bushong/V. Ross
4/0/0
Motion carried.

10. Mojo's Barbershop, BS21100026

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

R. Bushong/V. Ross
4/0/0
Motion carried.

E. Consideration of Notice of Proposed Dismissal

1. Lisa Fair, BC29701399, 2004SBCBE0012

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

V. Ross/R. Bushong
4/0/0
Motion carried.

F. Consideration of Applications for Waiver of Three Year Deadline to Pass the Examination After Graduation

1. Ashley Dodson

A motion was made and seconded to approve the request and allow one year to pass the exam.

R. Bushong/V. Ross
4/0/0
Motion carried.

G. Consideration of Administrative Law Judge's Orders

1. Christina Edwards, 2016SBCBE0189

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

R. Bushong/V. Ross
4/0/0
Motion carried.

2. Thuy Phuong Do, 2017SBCBE0015

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

R. Bushong/V. Ross
4/0/0
Motion carried.

3. Sky Nails, 2017SBCBE0043

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

R. Bushong/V. Ross
4/0/0
Motion carried.

4. Olga Hays, 2017SBCBE0044

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

R. Bushong/V. Ross
4/0/0
Motion carried.

5. Shilpa Kshatriya, 2017SBCBE0045

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

R. Bushong/V. Ross
4/0/0
Motion carried.

H. Consideration of Proposed Findings of Fact, Conclusions of Law, and Order

1. Juan Garcia, BC20300493 & Hair Studio Evolution's, BS91500394, 2017 SBCBE 0024

A motion was made and seconded to accept the proposed settlement.

R. Bushong/ V. Ross
4/0/0

Motion carried.

2. Oriental Nails Salon, MS30903381 & Phuong Hoai Nguyen, MA2012039, 2017 SBCBE 0051

A motion was made and seconded to accept the proposed settlement.

R. Bushong/V. Ross
4/0/0
Motion carried.

3. CK Nails Spa, MS30701286 & Charlie Dang, MA29501949, 2017 SBCBE 0052

A motion was made and seconded to accept the proposed settlement.

R. Bushong/V. Ross
4/0/0
Motion carried.

I. Correspondence Regarding Ownership of Empire Beauty Schools

No action was taken.

APPLICATION COMMITTEE REPORT

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

R. Bushong/V. Ross
4/0/0
Motion carried.

COSMETOLOGY

A. By Examination

Angel, Hanna Jade: Approved on PROBATION with no right to petition for withdrawal of probation until successful completion of criminal obligations.

Beck, Taylor: Approved on PROBATION with no right to petition for withdrawal of probation until successful completion of criminal obligations.

Chaney, Megan: Approved on PROBATION with no right to petition for withdrawal of probation until successful completion of criminal obligations.

Herbert, Jennifer: Approved on PROBATION with no right to petition for withdrawal of probation until successful completion of criminal obligations.

Johnson, Chelsea Joyce: Approved on PROBATION with no right to petition for withdrawal of probation until successful completion of criminal obligations.

Martin, Angela Melissa Dawn: APPROVED.

McKinney, Melanie: Approved on PROBATION with no right to petition for withdrawal of probation until successful completion of criminal obligations.

Mize, Megan: Approved on PROBATION with no right to petition for withdrawal of probation until successful completion of criminal obligations. *Tabled pending completed application from the school.

Pendleton, Kevin: Approved on PROBATION with no right to petition for withdrawal of probation until successful completion of criminal obligations.

Steinhofer, Jennifer: APPROVED.

Taylor, Josephine Louise: Approved on PROBATION with no right to petition for withdrawal of probation until successful completion of criminal obligations.

B. Reciprocity

Diaz, Jenny: Denied, IC 25-1-11-5(b), fraudulent documentation.

Park, Jin Soon: Denied, IC 25-8-4-2(a)(1), no valid license in another jurisdiction.

Thompson, Ketherine: Denied, IC 25-8-4-2(a)(2), not substantially equal.

Williams, Kathryn Louise: Denied, IC 25-8-4-2(a)(2), not substantially equal.

ESTHETICIAN

A. By Examination

Harlan, Lanell Elizabeth: APPROVED.

Vargas, Rosa: Approved on PROBATION with no right to petition for withdrawal of probation until successful completion of criminal obligations.

B. By Reciprocity

Hubble, Cynthia Elaine: Denied, IC 25-8-4-2(a)(2), not substantially equal.

Lu, Hannah: Denied, IC 25-8-4-2(a)(2), not substantially equal.

MANICURIST

A. By Examination

Patton, Candice: APPROVED.

Pham, Cuong Manh: Denied, IC 25-1-11-19(b), unlicensed practice.

B. By Reciprocity

Ha, Steven Lam: APPROVED.

Hubble, Cynthia Elaine: Denied, IC 25-8-4-2(a)(2), not substantially equal.

Nguyen, Cuong Minh: Denied, IC 25-8-4-2(a)(2), not substantially equal.

Tran, Lan Thi Tuyet: Denied, IC 25-8-4-2(a)(2), not substantially equal.

Tran, Chris: Denied, IC 25-8-4-2(a)(2), not substantially equal.

Vo-Yang, Duyen M.: Denied, IC 25-8-4-2(a)(2), not substantially equal.

C. By Provisional

Nguyen, Ly Ly Thi: Denied, IC 25-8-11-8, insufficient training and experience.

BARBER

A. By Examination

Campbell, Louis, III: APPROVED.

B. By Reciprocity

Thompson, Ketherine: Denied, IC 25-8-4-2(a)(2), not substantially equal.

BEAUTY CULTURE INSTRUCTOR

A. By Exam

Evans, Bruce E.: Approved on PROBATION with no right to petition for withdrawal of probation until successful completion of criminal obligations.

B. By Reciprocity

Knight, Dawn M.: Denied, IC 25-8-4-2(a)(2), not substantially equal.

FACILITY APPLICATIONS

A. Beauty Culture Salon

A 1 Nails, 708 East Coliseum Blvd, Fort Wayne, IN 46805: APPROVED, pending inspection.

Ben's Barbershop: Owner Benjamin Franke: Approved on PROBATION with no right to petition for withdrawal of probation until successful completion of criminal obligations.

Hair by Michelle, 7582 Matilda Jane Cove, Fort Wayne, IN 46818: Denied, failed inspection.

KC Dolls, 317 South Delaware Street, Suite #21, Indianapolis, IN 46204: Denied, failed inspection.

River Nail & Spa, 916 East 4th Street, Mount Vernon, IN 47620: Denied, failed inspection.

Serenity Spa and Boutique, LLC, 3501 North Granville Avenue, Suite M06, Muncie, IN 47303: Denied, failed inspection.

Sky Nails, 1056 Indianapolis Road, Greencastle, IN: APPROVED, pending inspection.

B. Mobile Salon

JAGs Mobile Salon: Owner Julie Gardiner: Denied for Julie Gardiner's failure to pay her fine due pursuant to SBCBE 11-08.

ADJOURNMENT

A motion was made and seconded to adjourn at 5:50 pm.

R. Bushong/V. Ross

4/0/0

Motion carried.