

Meeting Summary

Nevada State Board of Cosmetology Board Meeting

Reno, Nevada
October 24, 2011

This document is a summary of what occurred at the meeting prior to receiving the officially transcribed meeting minutes. Transcribed meeting minutes will be available to review at the Las Vegas and Reno Board Offices within thirty days after the meeting. Copies of the transcript can be provided for \$.05 per page plus a fee for each page which is equal in amount to the fee per page charged by the court reporter as set forth in the contract between the State and the court reporter pursuant to NRS 239.053.

Members Present: Kathey Ditzler, President
 Alex Leeder, Vice-President
 Linda Zesiger, Secretary/Treasurer
 Christopher Neal Hoffman, Board Member
 Jeannette Bonaldi, Board Member
 Debra Jones, Board Member
 Cokie Booth, Board Member

The meeting was called to order at 9:00 AM by President Kathey Ditzler.

The following are the descriptions of the agenda items, the actions taken and the vote on those items.

1. Comments by general public.

No public comments

2. Consideration and approval of the Agenda and its posting. (For Possible Action)

Action: Approved Agenda and its posting

Motion: Alex Leeder

Second: Cokie Booth

Vote: Ayes: 7

Nays: 0

Abstentions: 0

NRS 644.290 Display of license.

1. The holder of a license issued by the Board to practice any branch of cosmetology must display his or her current license in plain view of the public at the position where the holder of the license performs his or her work.

2. If a person practices cosmetology in more than one place, the person must carry his or her license with him or her and display it wherever he or she is actually working.

[Part 18:218:1931; 1931 NCL § 1862.18]—(NRS A 1981, 1354; 1985, 1633; 1987, 1069; 1991, 2058)

Action taken: No Action – Received Written Notice to waive the Right of Appeal

7. Appeal of Citation: Madeline C. Nichols (Licensee) – Requesting appeal of Citation #CM-101; Case #C10-235- Alleged violation of NRS 644.320.1. (For Possible Action)

Action taken: No Action – Received Written Notice to waive the Right of Appeal

8. Appeal of Citation: Amy Asteriadis (Licensee) – Requesting appeal of Citation #DS-2; Case #C11-273- Alleged violation of NRS 644.290.1 & .2. (For Possible Action)

Action taken: Legal notice was properly served. Proceed with the hearing in Respondent's absence. Guilty of violating NRS 644.290.1 & .2

Motion: Alex Leeder Second: Christopher Neal Hoffman

Vote: Ayes: 7 Nays: 0 Abstentions: 0

Action taken: Uphold fine of \$200.00

Motion: Alex Leeder Second: Cokie Booth

Vote: Ayes: 7 Nays: 0 Abstentions: 0

9. Appeal of Citation: Caesar's Beauty World, Ronnie Bogart (Owner) – Requesting appeal of Citation #CM-122; Case #C11-300- Alleged violation of NRS 644.320.1 (For Possible Action)

Action taken: Guilty of violating NRS 644.320.1

Motion: Alex Leeder Second: Linda Zesiger

Vote: Ayes: 7 Nays: 0 Abstentions: 0

Action taken: Uphold fine of \$200.00

Motion: Alex Leeder Second: Christopher Neal Hoffman

Vote: Ayes: 7 Nays: 0 Abstentions: 0

10. Appeal of Citation: Radiance Salon and Day Spa (S-7939), Shannon Daniels (Owner) – Requesting appeal of Citation #CM-132; Case #C11-328- Alleged violation of NRS 644.320.1. (For Possible Action)

Action taken: Guilty of violating NRS 644.320.1, a second offense

Motion: Alex Leeder Second: Cokie Booth

Vote: Ayes: 7 Nays: 0 Abstentions: 0

Action taken: Uphold fine of \$500.00

Motion: Cokie Booth Second: Linda Zesiger

Vote: Ayes: 7 Nays: 0 Abstentions: 0

11. Complaint and Notice of Hearing: NSBC vs. Crystal Nails (S-12588), Cindy Ho (Owner) – Administrative hearing for alleged pattern of repeated violations of NRS 644.190 and/or NRS 644.360.2. (For Possible Action)

NRS 644.190 Unlawful practices without license; exceptions.

1. It is unlawful for any person to conduct or operate a cosmetological establishment, school of cosmetology or any other place of business in which any one or any combination of the occupations of cosmetology are taught or practiced unless the person is licensed in accordance with the provisions of this chapter.

2. Except as otherwise provided in subsection 4, it is unlawful for any person to engage in, or attempt to engage in, the practice of cosmetology or any branch thereof, whether for compensation or otherwise, unless the person is licensed in accordance with the provisions of this chapter.

3. This chapter does not prohibit:

(a) Any student in any school of cosmetology established pursuant to the provisions of this chapter from engaging, in the school and as a student, in work connected with any branch or any combination of branches of cosmetology in the school.

(b) An electrologist's apprentice from participating in a course of practical training and study.

(c) A person issued a provisional license as an instructor pursuant to NRS 644.193 from acting as an instructor and accepting compensation therefor while accumulating the hours of training as a teacher required for an instructor's license.

(d) The rendering of cosmetological services by a person who is licensed in accordance with the provisions of this chapter, if those services are rendered in connection with photographic services provided by a photographer.

(e) A registered cosmetologist's apprentice from engaging in the practice of cosmetology under the immediate supervision of a licensed cosmetologist.

4. A person employed to render cosmetological services in the course of and incidental to the production of a motion picture, television program, commercial or advertisement is exempt from the licensing requirements of this chapter if he or she renders cosmetological services only to persons who will appear in that motion picture, television program, commercial or advertisement.

[Part 3:218:1931; A 1933, 237; 1937, 80; 1931 NCL § 1862.02]—(NRS A 1981, 1351; 1985, 1629, 1853; 1987, 1201; 1989, 1319, 2005; 1991, 2056; 1999, 1152)

NRS 644.360 Display of license; limitation on persons to whom space may be leased; limitation on persons who may be employed.

2. Except as otherwise provided in this section, the operator of a cosmetological establishment may lease space to or employ only licensed nail technologists, electrologists, aestheticians, hair designers, demonstrators of cosmetics and cosmetologists at the establishment to provide cosmetological services. This subsection does not prohibit an operator of a cosmetological establishment from:

(a) Leasing space to or employing a barber. Such a barber remains under the jurisdiction of the State Barbers' Health and Sanitation Board and remains subject to the laws and regulations of this State applicable to his or her business or profession.

(b) Leasing space to any other professional, including, without limitation, a provider of health care pursuant to subsection 3. Each such professional remains under the jurisdiction of the regulatory body which governs his or her business or profession and remains subject to the laws and regulations of this State applicable to such business or profession.

Action taken: Legal notice was properly served. Proceed with the hearing in Respondent's absence.

Motion: Alex Leeder Second: Christopher Neal Hoffman

Vote: Ayes: 7 Nays: 0 Abstentions: 0

Action taken: Accepted that all 1 – 16 facts are accurate

Motion: Alex Leeder Second: Jeannette Bonaldi

Vote: Ayes: 7 Nays: 0 Abstentions: 0

Action taken: First Claim- Guilty of violating NRS 644.360(2) and/or NRS 644.190(2) by repeatedly allowing unlicensed person(s) to work in her cosmetological establishment(s) (2 counts) and/or engaging in unlicensed activity herself (1 count).

Motion: Alex Leeder Second: Christopher Neal Hoffman

Vote: Ayes: 7 Nays: 0 Abstentions: 0

Action taken: Fourth Claim- Guilty of violating NAC 644.711 by attempting to copy and/or alter his cosmetologist license and/or by attempting to use his altered and/or copied license for fraudulent, deceptive, or illegal purposes and/or for misrepresentation and/or by attempting to sell his cosmetologist license.

Motion: Christopher Neal Hoffman Second: Debra Jones

Vote: Ayes: 7 Nays: 0 Abstentions: 0

Action taken: Fifth Claim- Guilty of violating NRS 644.300 by failing to provide the Board with his new mailing and/or business address.

Motion: Alex Leeder Second: Cokie Booth

Vote: Ayes: 7 Nays: 0 Abstentions: 0

Action taken: Revoked license for 10 years, beginning 45 days from date of the Order.

Motion: Christopher Neal Hoffman Second: Jeannette Bonaldi

Vote: Ayes: 7 Nays: 0 Abstentions: 0

Action taken: Assessed a \$2,000.00 fine for each violation for a total of \$10,000.00 plus costs not to exceed \$1,000.00

Motion: Cokie Booth Second: Linda Zesiger

Vote: Ayes: 6 Nays: 1 Abstentions: 0

Action taken: Turn over to Collections after 120 days beginning 45 days from the date of the Order.

Motion: Cokie Booth Second: Christopher Neal Hoffman

Vote: Ayes: 7 Nays: 0 Abstentions: 0

Action taken: Add "education" to the Mission Statement

"The mission of the Nevada State Board of Cosmetology is to protect the public health, safety and welfare through **education and** insuring only qualified persons are granted licenses to perform cosmetology in the State of Nevada and that all areas where cosmetology services are provided are kept clean, sanitary and safe."

Motion: Cokie Booth

Second: Jeanette Bonaldi

Vote: Ayes: 7

Nays: 0

Abstentions: 0

16. Consideration and possible approval to proceed with implementation of the Nevada Law Test. (For Possible Action)

Action taken: Authorized the implementation of the Nevada Law Test for testing of all new applicants seeking their initial license and those applicants making application through reciprocity from another state, the District of Columbia or a United States Territory. The Nevada Law Test shall be implemented as part of the new vendor's contract for testing. Directed staff to draft a policy pursuant to NRS 644.310 requiring all first time applicants to take the Nevada Law Test.

Motion: Cokie Booth

Second: Debra Jones

Vote: Ayes: 7

Nays: 0

Abstentions: 0

18. Review Audited Financial Statements for Fiscal Year Ending June 30, 2011 & Approve for filing with Legislative Counsel Bureau. (For Possible Action)

Action taken: Approved Audited Financial Statements for filing with Legislative Counsel Bureau

Motion: Debra Jones

Second: Christopher Neal Hoffman

Vote: Ayes: 7

Nays: 0

Abstentions: 0

19. Review Treasurer's Reports for May, June, July and August 2011. (For Possible Action)

Action taken: Accepted Treasurer's Reports

Motion: Cokie Booth

Second: Debra Jones

Vote: Ayes: 7

Nays: 0

Abstentions: 0

20. Executive Director's Report for the period from June 1, 2011 through October 10, 2011 (For Possible Action)

- Las Vegas Office Operations and Updates
- Reno Office Operations and Updates
- Inspection Unit Operations and Updates
- Sub-Committee Status Report
- Other Information of Importance

Action taken: Written Report Received

21. Testing Reports- Testing Activity Report for May - August 2011.

Action taken: Written Report Received

22. Chief Inspector's Report- Inspection Unit Activity Reports for May – September 2011

Action taken: Written Report Received

23. Annual election of Board Officers. (For Possible Action)

Action taken: Kathey Ditzler, President
Alex Leeder, Vice President
Linda Zesiger, Secretary/Treasurer

Motion: Cokie Booth

Second: Christopher Neal Hoffman

Vote: Ayes: 7

Nays: 0

Abstentions: 0

24. Comments by Board Members and future agenda items

- Draft a policy pursuant to NRS 644.310 requiring all first time applicants to take the Nevada Law Test.

25. Comments by general public.

No public comments.

26. Adjournment @ 3:00 pm (For Possible Action)