

Meeting Summary

Nevada State Board of Cosmetology Board Meeting

Reno, Nevada
May 21, 2012

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: Alex Leeder, President
 Christopher Neal Hoffman, Vice-President
 Linda Zesiger, Secretary/Treasurer
 Jeannette Bonaldi, Board Member
 Cokie Booth, Board Member
 April S. Long, Board Member
 Perry Nixdorf, Board Member

The meeting was called to order at 9:02 AM by President Alex Leeder.

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

1. Call to Order/Roll Call
2. The Pledge of Allegiance
3. Comments by general public.

 No public comments.
4. Consideration and approval of the Agenda and its posting. (For Possible Action)

 Verified that the Agenda was posted in accordance with Nevada Open Meeting Law Requirements.
5. Consideration and approval of Board Meeting Minutes for February 13, 2012 (For Possible Action)

Action taken: Reduced second offense fine to \$200.00

Motion: Linda Zesiger

Second: April Long

Vote: Ayes: 7

Nays: 0

Abstentions: 0

8. Appeal of Citation: Rebecca Bales (Licensee) – Requesting appeal of Citation DS-34; Case #C11-379- Alleged violation of NRS 644.430 Ref NRS 644.320. (For Possible Action)

NRS 644.430 Grounds; authorized disciplinary action; orders imposing discipline deemed public records.

1. The following are grounds for disciplinary action by the Board:
 - (a) Failure of an owner of an establishment for hair braiding, a cosmetological establishment, a licensed aesthetician, cosmetologist, hair designer, hair braider, electrologist, instructor, nail technologist, demonstrator of cosmetics or school of cosmetology, or a cosmetologist's apprentice to comply with the requirements of this chapter or the applicable regulations adopted by the Board.
 - (b) Obtaining practice in cosmetology or any branch thereof, for money or any thing of value, by fraudulent misrepresentation.
 - (c) Gross malpractice.
 - (d) Continued practice by a person knowingly having an infectious or contagious disease.
 - (e) Drunkenness or the use or possession, or both, of a controlled substance or dangerous drug without a prescription, while engaged in the practice of cosmetology.
 - (f) Advertisement by means of knowingly false or deceptive statements.
 - (g) Permitting a license to be used where the holder thereof is not personally, actively and continuously engaged in business.
 - (h) Failure to display the license as provided in NRS 644.290, 644.360, 644.3774 and 644.410.
 - (i) Entering, by a school of cosmetology, into an unconscionable contract with a student of cosmetology.
 - (j) Continued practice of cosmetology or operation of a cosmetological establishment or school of cosmetology after the license therefor has expired.
 - (k) Any other unfair or unjust practice, method or dealing which, in the judgment of the Board, may justify such action.
2. If the Board determines that a violation of this section has occurred, it may:
 - (a) Refuse to issue or renew a license;
 - (b) Revoke or suspend a license;
 - (c) Place the licensee on probation for a specified period;
 - (d) Impose a fine not to exceed \$2,000; or
 - (e) Take any combination of the actions authorized by paragraphs (a) to (d), inclusive.
3. An order that imposes discipline and the findings of fact and conclusions of law supporting that order are public records.

[Part 19:218:1931; 1931 NCL § 1862.19]—(NRS A 1969, 881; 1971, 2044; 1979, 1828; 1981, 1359; 1985, 1637; 1987, 1205, 1572; 1991, 2062; 1995, 464; 1999, 1156; 2001, 1195; 2003, 3463; 2005, 2646; 2009, 2507; 2011, 3041)

NRS 644.320 Expiration of license; regulations for proration of fees for certain initial licenses; fee for initial license as hair braider.

1. The license of every cosmetologist, aesthetician, electrologist, hair designer, hair braider, nail technologist, demonstrator of cosmetics and instructor expires:
 - (a) If the last name of the licensee begins with the letter "A" through the letter "M," on the date of birth of the licensee in the next succeeding odd-numbered year or such other date in that year as specified by the Board.

(b) If the last name of the licensee begins with the letter “N” through the letter “Z,” on the date of birth of the licensee in the next succeeding even-numbered year or such other date in that year as specified by the Board.

2. The Board shall adopt regulations governing the proration of the fee required for initial licenses, other than initial licenses as a hair braider, issued for less than 1 1/2 years.

3. Except as otherwise provided in this section, the fee for an initial license as a hair braider is \$70. The fee for an initial license as a hair braider issued by the Board for:

(a) At least a portion of 1 month but less than 6 months is \$17.50.

(b) Six months or more but less than 12 months is \$35.00.

(c) Twelve months or more but less than 18 months is \$52.50.

[Part 14:218:1931; A 1933, 237; 1953, 150]—(NRS A 1960, 314; 1971, 242; 1979, 1825; 1981, 1355; 1985, 1857; 1991, 2059; 1995, 462; 2001, 1194; 2005, 2643, 2855; 2007, 2957; 2009, 2505; 2011, 3038)

Action taken: Guilty of operating with an expired license.

Motion: Jeannette Bonaldi

Second: Christopher Neal Hoffman

Vote: Ayes: 7

Nays: 0

Abstentions: 0

Action taken: Upheld the fine.

Motion: Cokie Booth

Second: Linda Zesiger

Vote: Ayes: 7

Nays: 0

Abstentions: 0

9. Appeal of Citation: Debra Allison-Pourzan (Licensee) – Requesting appeal of Citation #DS-51; Case #C12-432- Alleged violation of NRS 644.290. (For Possible Action)

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: Granted a continuance to the next Reno Board Meeting

Motion: Cokie Booth

Second: Christopher Neal Hoffman

Vote: Ayes: 7

Nays: 0

Abstentions: 0

10. Appeal of Citation: Lupita’s Beauty Salon (S-8084), Marie Guadalupe Camargo (Owner, Licensee) – Requesting appeal of Citation #DS-52; Case #C12-435- Alleged violation of NRS 644.472. (For Possible Action)

NRS 644.472 Unlawful for animal to be on premises of licensed establishment for hair braiding or cosmetological establishment; exception.

1. Except as otherwise provided in subsection 2, it is unlawful for any animal to be on the premises of a licensed establishment for hair braiding or cosmetological establishment.

2. An aquarium may be maintained on the premises of a licensed establishment for hair braiding or cosmetological establishment.

(Added to NRS by 1985, 1627; A 1989, 2005; 2011, 3042)

Action taken: Granted a continuance to the next Reno Board Meeting

Motion: Christopher Neal Hoffman Second: Jeannette Bonaldi

Vote: Ayes: 7 Nays: 0 Abstentions: 0

11. Appeal of Citation: Bridget Cain (Licensee) – Requesting appeal of Citation #CM-138; Case #C11-363- Alleged violation of NRS 644.430 ref NRS 644.320 (For Possible Action)

NRS 644.430 Grounds; authorized disciplinary action; orders imposing discipline deemed public records.

1. The following are grounds for disciplinary action by the Board:

(a) Failure of an owner of an establishment for hair braiding, a cosmetological establishment, a licensed aesthetician, cosmetologist, hair designer, hair braider, electrologist, instructor, nail technologist, demonstrator of cosmetics or school of cosmetology, or a cosmetologist's apprentice to comply with the requirements of this chapter or the applicable regulations adopted by the Board.

(b) Obtaining practice in cosmetology or any branch thereof, for money or any thing of value, by fraudulent misrepresentation.

(c) Gross malpractice.

(d) Continued practice by a person knowingly having an infectious or contagious disease.

(e) Drunkenness or the use or possession, or both, of a controlled substance or dangerous drug without a prescription, while engaged in the practice of cosmetology.

(f) Advertisement by means of knowingly false or deceptive statements.

(g) Permitting a license to be used where the holder thereof is not personally, actively and continuously engaged in business.

(h) Failure to display the license as provided in NRS 644.290, 644.360, 644.3774 and 644.410.

(i) Entering, by a school of cosmetology, into an unconscionable contract with a student of cosmetology.

(j) Continued practice of cosmetology or operation of a cosmetological establishment or school of cosmetology after the license therefor has expired.

(k) Any other unfair or unjust practice, method or dealing which, in the judgment of the Board, may justify such action.

2. If the Board determines that a violation of this section has occurred, it may:

(a) Refuse to issue or renew a license;

(b) Revoke or suspend a license;

(c) Place the licensee on probation for a specified period;

(d) Impose a fine not to exceed \$2,000; or

(e) Take any combination of the actions authorized by paragraphs (a) to (d), inclusive.

3. An order that imposes discipline and the findings of fact and conclusions of law supporting that order are public records.

[Part 19:218:1931; 1931 NCL § 1862.19]—(NRS A 1969, 881; 1971, 2044; 1979, 1828; 1981, 1359; 1985, 1637; 1987, 1205, 1572; 1991, 2062; 1995, 464; 1999, 1156; 2001, 1195; 2003, 3463; 2005, 2646; 2009, 2507; 2011, 3041)

NRS 644.320 Expiration of license; regulations for proration of fees for certain initial licenses; fee for initial license as hair braider.

1. The license of every cosmetologist, aesthetician, electrologist, hair designer, hair braider, nail technologist, demonstrator of cosmetics and instructor expires:

(a) If the last name of the licensee begins with the letter “A” through the letter “M,” on the date of birth of the licensee in the next succeeding odd-numbered year or such other date in that year as specified by the Board.

(b) If the last name of the licensee begins with the letter “N” through the letter “Z,” on the date of birth of the licensee in the next succeeding even-numbered year or such other date in that year as specified by the Board.

2. The Board shall adopt regulations governing the proration of the fee required for initial licenses, other than initial licenses as a hair braider, issued for less than 1 1/2 years.

3. Except as otherwise provided in this section, the fee for an initial license as a hair braider is \$70. The fee for an initial license as a hair braider issued by the Board for:

(a) At least a portion of 1 month but less than 6 months is \$17.50.

(b) Six months or more but less than 12 months is \$35.00.

(c) Twelve months or more but less than 18 months is \$52.50.

[Part 14:218:1931; A 1933, 237; 1953, 150]—(NRS A 1960, 314; 1971, 242; 1979, 1825; 1981, 1355; 1985, 1857; 1991, 2059; 1995, 462; 2001, 1194; 2005, 2643, 2855; 2007, 2957; 2009, 2505; 2011, 3038)

Action taken: Guilty of operating with an expired license.

Motion: Cokie Booth

Second: Christopher Neal Hoffman

Vote: Ayes: 7

Nays: 0

Abstentions: 0

Action taken: Upheld the fine.

Motion: Perry Nixdorf

Second: Christopher Neal Hoffman

Vote: Ayes: 4

Nays: 3

Abstentions: 0

12. Appeal of Citation: Cynthia Evans (Licensee)- Requesting appeal of Citation #CM-140; Case #C11-365- Alleged violation of NRS 644.430 ref NRS 644.320. (For Possible Action)

NRS 644.430 Grounds; authorized disciplinary action; orders imposing discipline deemed public records.

1. The following are grounds for disciplinary action by the Board:

(a) Failure of an owner of an establishment for hair braiding, a cosmetological establishment, a licensed aesthetician, cosmetologist, hair designer, hair braider, electrologist, instructor, nail technologist, demonstrator of cosmetics or school of cosmetology, or a cosmetologist’s apprentice to comply with the requirements of this chapter or the applicable regulations adopted by the Board.

(b) Obtaining practice in cosmetology or any branch thereof, for money or any thing of value, by fraudulent misrepresentation.

(c) Gross malpractice.

(d) Continued practice by a person knowingly having an infectious or contagious disease.

(e) Drunkenness or the use or possession, or both, of a controlled substance or dangerous drug without a prescription, while engaged in the practice of cosmetology.

(f) Advertisement by means of knowingly false or deceptive statements.

(g) Permitting a license to be used where the holder thereof is not personally, actively and continuously engaged in business.

(h) Failure to display the license as provided in NRS 644.290, 644.360, 644.3774 and 644.410.

(i) Entering, by a school of cosmetology, into an unconscionable contract with a student of cosmetology.

(j) Continued practice of cosmetology or operation of a cosmetological establishment or school of cosmetology after the license therefor has expired.

(k) Any other unfair or unjust practice, method or dealing which, in the judgment of the Board, may justify such action.

2. If the Board determines that a violation of this section has occurred, it may:

(a) Refuse to issue or renew a license;

(b) Revoke or suspend a license;

(c) Place the licensee on probation for a specified period;

(d) Impose a fine not to exceed \$2,000; or

(e) Take any combination of the actions authorized by paragraphs (a) to (d), inclusive.

3. An order that imposes discipline and the findings of fact and conclusions of law supporting that order are public records.

[Part 19:218:1931; 1931 NCL § 1862.19]—(NRS A 1969, 881; 1971, 2044; 1979, 1828; 1981, 1359; 1985, 1637; 1987, 1205, 1572; 1991, 2062; 1995, 464; 1999, 1156; 2001, 1195; 2003, 3463; 2005, 2646; 2009, 2507; 2011, 3041)

NRS 644.320 Expiration of license; regulations for proration of fees for certain initial licenses; fee for initial license as hair braider.

1. The license of every cosmetologist, aesthetician, electrologist, hair designer, hair braider, nail technologist, demonstrator of cosmetics and instructor expires:

(a) If the last name of the licensee begins with the letter “A” through the letter “M,” on the date of birth of the licensee in the next succeeding odd-numbered year or such other date in that year as specified by the Board.

(b) If the last name of the licensee begins with the letter “N” through the letter “Z,” on the date of birth of the licensee in the next succeeding even-numbered year or such other date in that year as specified by the Board.

2. The Board shall adopt regulations governing the proration of the fee required for initial licenses, other than initial licenses as a hair braider, issued for less than 1 1/2 years.

3. Except as otherwise provided in this section, the fee for an initial license as a hair braider is \$70. The fee for an initial license as a hair braider issued by the Board for:

(a) At least a portion of 1 month but less than 6 months is \$17.50.

(b) Six months or more but less than 12 months is \$35.00.

(c) Twelve months or more but less than 18 months is \$52.50.

[Part 14:218:1931; A 1933, 237; 1953, 150]—(NRS A 1960, 314; 1971, 242; 1979, 1825; 1981, 1355; 1985, 1857; 1991, 2059; 1995, 462; 2001, 1194; 2005, 2643, 2855; 2007, 2957; 2009, 2505; 2011, 3038)

Action taken: Guilty of operating with an expired license.

Motion: Perry Nixdorf

Second: Jeannette Bonaldi

Vote: Ayes: 5

Nays: 2

Abstentions: 0

Action taken: Reduce the fine to \$100.00.

Motion: April Long

Second: Cokie Booth

Vote: Ayes: 4

Nays: 3

Abstentions: 0

13. Appeal of Citation: Melina’s Salon (S-12426), Melina Perez (Owner, Licensee)- Requesting appeal of Citation #CM-144, Case #C11-396- Alleged violation of NRS 644.472. (For Possible Action)

NRS 644.472 Unlawful for animal to be on premises of licensed establishment for hair braiding or cosmetological establishment; exception.

1. Except as otherwise provided in subsection 2, it is unlawful for any animal to be on the premises of a licensed establishment for hair braiding or cosmetological establishment.

2. An aquarium may be maintained on the premises of a licensed establishment for hair braiding or cosmetological establishment.

(Added to NRS by 1985, 1627; A 1989, 2005; 2011, 3042)

Action taken: Guilty of violating NRS 644.472

Motion: Christopher Neal Hoffman Second: Jeannette Bonaldi

Vote: Ayes: 7 Nays: 0 Abstentions: 0

Action taken: Upheld the fine.

Motion: Christopher Neal Hoffman Second: Linda Zesiger

Vote: Ayes: 7 Nays: 0 Abstentions: 0

14. Appeal of Citation: Medusa's (S-4706), Deborah Esenarro (Owner, Licensee)- Requesting appeal of Citation #CM-146, Case #C12-425- Alleged violation of NRS 644.360. (For Possible Action)

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

1. Every holder of a license issued by the Board to operate a cosmetological establishment shall display the license in plain view of members of the general public in the principal office or place of business of the holder.

Action taken: Guilty of violating NRS 644.360

Motion: Christopher Neal Hoffman Second: Cokie Booth

Vote: Ayes: 7 Nays: 0 Abstentions: 0

Action taken: Waived the fine.

Motion: Christopher Neal Hoffman Second: Cokie Booth

Vote: Ayes: 7 Nays: 0 Abstentions: 0

15. Appeal of Citation: European Hair & Nail Salon (S-6572), Fitness Management Services Inc, Simon Abittan, President- Requesting appeal of Citation #CM-151, Case #C12-448- Alleged violation of NRS 644.360.2. (For Possible Action)

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: Guilty of violating NRS 644.360.2

Motion: April Long

Second: Christopher Neal Hoffman

Vote: Ayes: 4

Nays: 3

Abstentions: 0

Action taken: Reduce fine to \$500.00

Motion: Jeannette Bonaldi

Second: Christopher Neal Hoffman

Vote: Ayes: 4

Nays: 3

Abstentions: 0

16. Appeal of Citation: Maria Isabel Ponce (Unlicensed) – Requesting appeal of Citation #CCCM-24, Case #C12-447- Alleged violation of NRS 644.190.2. (For Possible Action)

NRS 644.190 Unlawful practices without license; exceptions.

2. Except as otherwise provided in subsections 4 and 5, 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.

Action taken: Guilty of violating NRS 644.190.2

Motion: Christopher Neal Hoffman

Second: Linda Zesiger

Vote: Ayes: 5

Nays: 2

Abstentions: 0

Action taken: Waived the fine.

Motion: Jeannette Bonaldi

Second: Perry Nixdorf

Vote: Ayes: 4

Nays: 3

Abstentions: 0

17. Appeal of Citation: Phuongvien Thi Doan (Licensee) – Requesting appeal of Citation #CM-150; Case #C12-443- Alleged violation of NRS 644.290. (For Possible Action).

NRS 644.290 Display of license.

24. Testing Reports- Testing Activity Report for January – March 2012.

Action taken: Written Report Received

25. Chief Inspector's Report- Inspection Unit Activity Reports for January – March 2012.

Action taken: Written Report Received

26. Comments by Board Members and future agenda items

- Election of Officers
- Board Member, Perry Nixdorf requested a discussion in the next Board Meeting regarding a Committee to review the Law Book
- Board Member, April Long requested a discussion in the next Board Meeting regarding a possible one-day amnesty for people whose licensure is less than two years expired and they don't have any citations on their record.

27. Comments by general public.

No public comments

28. Adjournment @ 5:38 p.m. (For Possible Action)