

(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.

Action taken: Respondent was represented by her attorney, she was not present. Respondent found guilty by her own admission.

Motion: Cokie Booth

Second: Christopher Neal Hoffman

Vote: Ayes: 7

Nays: 0

Abstentions: 0

Action taken: Upheld fine of \$200.00

Motion: Cokie Booth

Second: Jeannette Bonaldi

Vote: Ayes: 7

Nays: 0

Abstentions: 0

Action taken: Imposed attorney costs and fees not to exceed \$75.00.

Motion: Jeannette Bonaldi

Second: April Long

Vote: Ayes: 3

Nays: 4

Abstentions: 0

9. Appeal of Citation: California Nails (S-10501), Mai Thi Ngo (Owner, Licensee) – Requesting appeal of Citation DB-25; Case #C12-421- Alleged third 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: Cokie Booth

Second: Linda Zesiger

Vote: Ayes: 7

Nays: 0

Abstentions: 0

Action taken: Upheld fine of \$2,000.00.

Motion: Cokie Booth

Second: Perry Nixdorf

Vote: Ayes: 7

Nays: 0

Abstentions: 0

10. Appeal of Citation: Lisa Shriver-Brooks (Licensee) – Requesting appeal of Citation #PF-161; Case #C12-492- 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.

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Action taken: Postponed Citation Appeal of PF-160 and PF-161 to next Las Vegas Board Meeting.

Motion: Christopher Neal Hoffman Second: Cokie Booth

Vote: Ayes: 7 Nays: 0 Abstentions: 0

- 11. Petition to Appear: Michael Poling, President/CEO of LTW International requesting approval of a LED type of device for use in stimulating and beautifying the skin. (For Possible Action)

Action taken: Approved device in Nevada for use by licensees.

Motion: Cokie Booth Second: Perry Nixdorf

Vote: Ayes: 7 Nays: 0 Abstentions: 0

12. Petition to Appear: Richard Atkins and Zohar Liran of LAKA USA, LLC requesting approval of another variance which would allow the operation of a kiosk style nail salon to be more than 100 feet from an existing lavatory facility. (For Possible Action)

Action taken: Approved application for a variance to deviate from NAC 644.320.1(b), allowing a Public Restroom in the mall to be located more than 100 feet from the kiosk style nail salon.

Motion: Jeannette Bonaldi Second: Christopher Neal Hoffman

Vote: Ayes: 6 Nays: 1 Abstentions: 0

13. Petition to Appear: Perry Nixdorf (Licensee C-9606) requesting the Board to waive the requirements of NRS 644.217 subsection 1 regarding a Cosmetologist's Apprentice. (For Possible Action)

Action taken: Denied petition to waive the 60 mile requirement for an Apprenticeship.

Motion: Cokie Booth Second: Linda Zesiger

Vote: Ayes: 4 Nays: 2 Abstentions: 0

14. Receive 2013 Holiday Schedule and review and approve 2013 Board Meeting Dates (For Possible Action)

Action taken: Approved Schedule

Motion: Cokie Booth Second: April Long

Vote: Ayes: 7 Nays: 0 Abstentions: 0

15. Review Treasurer's Reports for April and May 2012 and FYE June 30, 2012 Draft. (For Possible Action)

Action taken: Written Reports Received.

16. Office Manager's Report for the period from April 27, 2012 through August 1, 2012 (For Possible Action)
- Las Vegas Office Operations and Updates
 - Reno Office Operations and Updates
 - Inspection Unit Operations and Updates
 - Nevada Law Test Update

Action taken: Written Report Received

17. Testing Reports- Testing Activity Report for April – June 2012.

Action taken: Written Report Received

18. Chief Inspector's Report- Inspection Unit Activity Reports for April – June 2012

Action taken: Written Report Received

19. Report by Deputy Attorney General, Sarah Bradley, regarding lawsuit filed in U.S District Court by Lissette Waugh and Wendy Robin against the Board on June 19, 2012, requesting declaratory relief, an injunction, and attorneys' fees. Case Number 2:12-cv-01039-KJD-GWF. (For Possible Action)

Action taken: Deputy Attorney General, Sarah Bradley briefed the Board on the status of the lawsuit filed in U.S District Court by Lissette Waugh and Wendy Robin against the Board on June 19, 2012, requesting declaratory relief, an injunction, and attorney's fees.

20. Board Member, Perry Nixdorf, requested a discussion regarding a review of the current law book. (For Possible Action)

Action taken: Create a Law Book Review Committee, Perry Nixdorf to chair.

Motion: Cokie Booth

Second: Christopher Neal Hoffman

Vote: Ayes: 7

Nays: 0

Abstentions: 0

