

Meeting Summary

Nevada State Board of Cosmetology Board Meeting

Reno, Nevada
November 5, 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, Treasurer
April S. Long, Secretary
Jeannette Bonaldi, Board Member
Cokie Booth, Board Member
Perry Nixdorf, Board Member

The meeting was called to order at 9:10 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)

Action taken: Approved the Agenda and its Posting.

Motion: Perry Nixdorf Second: Christopher Neal Hoffman

Vote: Ayes: 7 Nays: 0 Abstentions: 0

5. Consideration and approval of Board Meeting Minutes for August 20, 2012 (For Possible Action)

Action taken: Approved minutes with corrections.

Motion: Christopher Neal Hoffman Second: April Long

Vote: Ayes: 7 Nays: 0 Abstentions: 0

6. 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: Found the allegations to be true.

Motion: Jeannette Bonaldi Second: April long

Vote: Ayes: 7 Nays: 0 Abstentions: 0

Action taken: Guilty of violating NRS 644.290

Motion: Cokie Booth Second: Linda Zesiger

Vote: Ayes: 7 Nays: 0 Abstentions: 0

Action taken: Upheld fine of \$200.00.

Motion: April Long Second: Perry Nixdorf

Vote: Ayes: 7 Nays: 0 Abstentions: 0

Action taken: Assess Attorney Costs and Fees not to exceed \$75.00.

Motion: April Long Second: Jeannette Bonaldi

Vote: Ayes: 2 Nays: 5 Abstentions: 0

7. 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: Withdrew Appeal

8. Appeal of Citation: My Salon (S-12320), Jamy Keshmiri (Manager) – Requesting appeal of Citation #DS-61, Case #C12-479- Alleged violation of NRS 644.430 ref NRS 644.350. (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 644.350 Expiration of license.

1. The license of every cosmetological establishment expires 2 years after the date of issuance or renewal of the license.

2. If a cosmetological establishment fails to pay the required fee for renewal of its license within 90 days after the date of expiration of the license, the establishment must be immediately closed.

[Part 16:218:1931; A 1933, 237; 1953, 150] + [Part 17:218:1931; A 1933, 237; 1953, 150]—(NRS A 1971, 239; 1981, 1356; 1985, 1634, 1858; 1987, 1070; 2007, 2958; 2011, 3040)

Action taken: Withdrew Appeal.

9. Petition to Appear: Valerie Sanchilli requesting approval of a Nail Bar and Cosmetic Kiosk located at McCarran International Airport. (For Possible Action)

Action taken: Approved the variance for a portable sink. Must contain a 20 gallon fresh water tank, labeling of hot water, cold water and clean/waste water tanks.

Motion: Christopher Neal Hoffman Second: Jeannette Bonaldi

Vote: Ayes: 7 Nays: 0 Abstentions: 0

10. Petition to Appear: Marijoyce Pontillas (Licensee A-6895) requesting a variance to utilize a Portable Dispensary Sink in the room that she wishes to license for Aesthetics within a Doctor's Office. (For Possible Action)

Action taken: Approved the variance for a portable sink. Must contain a 20 gallon fresh water tank, labeling of hot water, cold water and clean/waste water tanks.

Motion: Christopher Neal Hoffman Second: Perry Nixdorf

Vote: Ayes: 7 Nays: 0 Abstentions: 0

11. Petition to Appear: Robert K. Smith, Attorney-in-Fact for Ronnie K. Bogart (Licensee C-13267), dba Caesar's Styling Salon (S-9487) requesting the Board to grant approval for two separate Salon Establishment Licenses for two distinctly different salons that occupy space in the same building. (For Possible Action)

Action taken: Granted approval to license two separate Establishments.

Motion: Perry Nixdorf Second: Cokie Booth

Vote: Ayes: 6 Nays: 1 Abstentions: 0

12. Review Audited Financial Statements for Fiscal Year Ending June 30, 2012 & Approve for filing with Legislative Counsel Bureau. (For Possible Action)

Action taken: Approved Audited Financial Statements to be submitted to Legislative Counsel Bureau.

Motion: Christopher Neal Hoffman Second: Perry Nixdorf

Vote: Ayes: 7 Nays: 0 Abstentions: 0

13. Review Treasurer's Reports for FYE June 30, 2012 and July and August 2012 (For Possible Action).

Action taken: Restore Financial Statements to the old format.

Motion: Jeannette Second: Linda Zesiger

Vote: Ayes: 7 Nays: 0 Abstentions: 0

14. Executive Director's Report for the period from August 2, 2012 through October 17, 2012. (For Possible Action)

- Las Vegas Office Operations and Updates
- Reno Office Operations and Updates
- Inspection Unit Operations and Updates
- Other Important Information (Status of Hair Braiding Licensure)

Action taken: Written Report Received

15. Testing Reports- Testing Activity Report for July - September 2012.

Action taken: Written Report Received

16. Chief Inspector's Report- Inspection Unit Activity Reports for July – September 2012.

Action taken: Written Report Received

17. Review DRAFT Proposal for Licensing Amnesty Day presented by Board Secretary, April Long. (For Possible Action)

Action taken: Written Report Received. No Action.

18. Review Board President's Letter prepared by Alex Leeder and Determine Whether to Post on the Board's Website. (For Possible Action).

Action taken: Post Letter to Board of Cosmetology Website

Motion: Jeannette Bonaldi Second: Cokie Booth

Vote: Ayes: 7 Nays: 0 Abstentions: 0

19. Review Written Presentation from Law Review Committee Chair, Perry Nixdorf and establish the committee members. (For Possible Action)

Action taken: Established Law Review Sub-Committee Members for NRS Review.

Motion: Perry Nixdorf Second: Christopher Neal Hoffman

Vote: Ayes: 7 Nays: 0 Abstentions: 0

20. Annual Performance Review of Executive Director, Vincent D. Jimno. (For Possible Action)

Action taken: Vincent D. Jimno announced his Retirement effective December 13, 2012. No Action.

21. Comments by Board Members and future agenda items.

- Perry Nixdorf requested a discussion on raising fees.
- Jeannette Bonaldi requested a discussion regarding the assessment of Attorney Costs and Fees on Appeals.
- April Long requested a discussion to establish a Committee to review a Licensing Amnesty Day.
- Discussion regarding whether or not to post information about the Voucher Program on our website.
- Alex Leeder requested a discussion on Kiosk vs. Mobile Establishments.
- Perry Nixdorf requested a discussion regarding NAC changes to reflect Kiosk requirements and portable sink specifications.
- Discussion regarding an Executive Committee.
- Discussion to have Board Meetings every other month.

- Discussion regarding status or dissolution of 2nd Tier Aesthetic Sub-Committee.
- Cokie Booth requested a discussion regarding a Practice Law Test on our website.

22. Comments by general public.

No Public Comments.

23. Adjournment @ 3:09 pm