

Meeting Summary

Nevada State Board of Cosmetology Board Meeting

This meeting was video-conferenced between Las Vegas, Nevada and Carson City, Nevada

The Board of Cosmetology conducted a Board Meeting on Monday, August 3, 2015.
This was a regular meeting as noted on our yearly schedule of meetings

The Audio recording for this meeting can be found on the Board of Cosmetology website:

<http://cosmetology.nv.gov/About/Meetings/2015/2015-Meetings/>

Board Members Present:	April Long – President Perry Nixdorf – Vice President Cokie Booth – Public Member Alex Leeder – Board Member JoAnna Tran – Board Member
Executive Director	Gary K. Landry
Deputy Executive Director	Adam Higginbotham
Deputy Attorney General	Sarah Bradley
Deputy Attorney General	Raelene Palmer
Staff	Andrew Helms – Chief Financial Officer Annie Curtis – Chief Inspector Monica Bradford – Executive Assistant Charlene Marsh - Inspector Rodney Moore – Inspector Chris Mishler – Chief Investigator Diana Baal – Inspector Pamela Fitzgerald – Inspector

The meeting was called to order at 9:00 AM by President, April Long.

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. Reading of the Board of Cosmetology Mission Statement**

4 **Comments by general public:**

There were no comments made either in person or via conference call

5 **Consideration and approval of the agenda** and its posting (for Possible Action)

This meeting was noticed and posted in accordance with the open meeting law requirements of the State of Nevada (NRS Chapter 241)

Action Taken: The agenda and its posting was approved

Motion: Cokie Booth **Second:** Alex Leeder

Vote: **Ayes:** 5 **Nays:** 0 **Abstentions:** 0

Motion Carried

6. **Consideration and approval of minutes** from the May 4, 2015 meeting (for Possible Action)

Action Taken: Approval of the minutes from the May 4 , 2015 meeting

Motion: Cokie Booth **Second:** Alex Leeder

Vote: **Ayes:** 5 **Nays:** 0 **Abstentions:** 0

Motion Carried

7. **Formal Complaint Hearing:** NSBC vs Temptations II Salon, Lic # S-13956. Disciplinary hearing to determine whether grounds for discipline exist pursuant to NRS 644.430 (for Possible Action)

Action Taken: All factual allegations (1-40) as described in the Complaint and Notice of Hearing were proven. By leasing and/or allowing persons practicing outside the scope of practice of an aesthetician and/or nail technologist and/or offering services in a salon that are outside their scope of work. This is grounds for disciplinary action pursuant to NRS 644.430(1)(a)

Motion: Alex Leeder **Second:** Perry Nixdorf

Vote: **Ayes:** 5 **Nays:** 0 **Abstentions:** 0

Violations of Law:

Action Taken: **First Claim for Relief.** Violation of NRS 644.360, NAC 644.307 and NAC 644.308 **Proven**

Motion: Alex Leeder **Second:** Cokie Booth

Vote: **Ayes:** 5 **Nays:** 0 **Abstentions:** 0

Action Taken: **Second Claim for Relief.** Violation of NAC 644.375

Proven

Motion: Cokie Booth Second: Alex Leeder

Vote: Ayes: 5 Nays: 0 Abstentions: 0

Action Taken: **Third Claim for Relief.** Violation of NRS 644.340, NRS 644.430(1)(b)

Proven

Motion: Alex Leeder Second: Cokie Booth

Vote: Ayes: 5 Nays: 0 Abstentions: 0

Action Taken: **Fourth Claim for Relief.** Violation of NRS 644.430 (1) (c)

Proven

Motion: Alex Leeder Second: Cokie Booth

Vote: Ayes: 5 Nays: 0 Abstentions: 0

Action Taken: **Fifth Claim for Relief.** Violation of NRS 644.430 (1) (f)

Proven

Motion: Alex Leeder Second: Cokie Booth

Vote: Ayes: 5 Nays: 0 Abstentions: 0

Action Taken: **Sixth Claim for Relief.** Violation of NRS 644.430 (1) (g)

Proven

Motion: Alex Leeder Second: Cokie Booth

Vote: Ayes: 5 Nays: 0 Abstentions: 0

Action Taken: **Seventh Claim for Relief.** Violation of NRS 644.430 (1) (k)

Proven

Motion: Alex Leeder Second: Cokie Booth

Vote: Ayes: 5 Nays: 0 Abstentions: 0

Action Taken: **Eighth Claim for Relief.** Violation of NRS 644.430 (1) (a)

Proven

Motion: Alex Leeder Second: Cokie Booth

Vote: Ayes: 5 Nays: 0 Abstentions: 0

Discipline Authorized: **a)** Revocation of current Salon License (S-13956); **b)** Respondent Temptations II and/or owner Gilberto Hernandez and or GH Industries LLC may not reapply for licensure for three (3) years; **c)** \$2000 penalty for each claim for relief for a total of \$14,000; **d)** costs for this proceeding, including investigative costs and attorney's fees not to exceed \$2000

8. **Formal Complaint Hearing:** NSBC vs Jasmine Spa, Lic # S-13996.
Disciplinary hearing to determine whether grounds for discipline exist pursuant to NRS 644.430 (for Possible Action)

Action Taken: Twenty-two (23) out of twenty-five (25) factual allegations were proven and established multiple grounds for disciplinary action in accordance to NRS 644.430 (1) (a), (b), (c), (k)

Motion: Alex Leeder **Second:** Perry Nixdorf

Vote: **Ayes:** 5 **Nays:** 0 **Abstentions:** 0

Violations of Law:

Action Taken: **First Claim for Relief.** Violation of NRS 644.360, NAC 644.307, NAC 644.308. **Not Proven**

Action Taken: **Second Claim for Relief.** Violation of NRS 644.340, NRS 644.430 (1) (b) **Not Proven**

Action Taken: **Third Claim for Relief.** Violation of NRS 644.430 (1) (c) **Proven**

Motion: Alex Leeder **Second:** Cokie Booth

Vote: Ayes 5 Nays: 0 Abstentions: 0

Action Taken: **Fourth Claim for Relief.** Violation of NRS 644.430 (1) (f) **Not Proven**

Action Taken: **Fifth Claim for Relief.** Violation of NRS 644.430 (1) (g) **Not Proven**

Action Taken: **Sixth Claim for Relief.** Violation of NRS 644.430 (1) (k) **Proven**

Motion: Alex Leeder **Second:** April Long

Vote: Ayes: 5 **Nays:** 0 **Abstentions:** 0

Discipline Authorized: **a)** probation for three (3) years for Jasmine Spa, Salon License # S-13996; **b)** Attorney and/or legal fees up to \$1500; **c)** Mandatory sanitation course; **d)** Fine of \$4000 (\$2000 for each of the two proven claims for relief) with the following stipulation:

- 1.) \$2000 due within 90 days from the effective date of the order
- 2.) \$2000 suspended for the first year of probation pending no suspicious activity during the first year of probation.

9. **Petition to Appear:** Dimitrious Metaxas, Owner of Original Diva Salon, S-13875 Citation #1320 and Nicole Zerafa, Citation #1321 requesting reduction of fines (for Possible Action)

Action Taken: Petition was denied. Violations of NRS 644.360 and NRS 644.190

Motion: Cokie Booth **Second:** JoAnna Tran

Vote: **Ayes:** 4 **Nays:** 1 **Abstentions:** 0

10. **Petition to Appear:** Jennifer Gaynor and Greg Gemignani (attorneys) on Behalf of Lior Hason requesting Advisory Opinion or Declaration regarding Garra Rufa fish pedicures (for Possible Action)

Action Taken: Petition was denied.

Motion: Cokie Booth **Second:** Perry Nixdorf

Vote: **Ayes:** 4 **Nays:** 1 **Abstentions:** 0

11. **Petition to Appear:** Rosalyn Lopez, C-27771, requesting approval of a device to be included in the kits dispensed to students by Cosmetology schools (for Possible Action)

Action Taken: The Smooth Talc'r and the Disposable Small Talc'r were approved for use in salons and schools

Motion: Cokie Booth **Second:** Perry Nixdorf

Vote: **Ayes:** 5 **Nays:** 0 **Abstentions:** 0

12. **Decision on Application:** Discussion of the cosmetological establishment Application of Sunshine Day Spa (Owner GH Industries LLC/Gilberto Hernandez) (for Possible Action)

Action Taken: Application was denied. Gilberto Hernandez and/or GH Industries LLC were found guilty of allegations on a complaint against his current salon and part of the discipline authorized for that complaint was to restrict any licensure for any cosmetological establishment for a period of three (3) years.

13. **Discussion of status of use of salicylic acid by licensees:** Executive Director Landry will present the current status on the legal use of salicylic acid by licensed cosmetology professionals. An update on any current legislative changes will also be presented as they relate to the use of salicylic acid. Board member Alex Leeder will present information concerning the use of salicylic acid within aesthetician scope of services. (for Possible Action)

This Agenda item was deferred to the next regular Board meeting

14. **Discussion on requests for copies of licenses:** Executive Director Landry and Deputy Attorney General Bradley will present information relative to the requests by hotels, vendors and distributors requesting copies of a cosmetology professional's license. The Board will discuss the restrictions and proper use of a cosmetology professional's license

This Agenda item was deferred to the next regular Board meeting

15. **Discussion of diversion program:** Executive Director Landry will present the results of staff's investigation on diversion programs. A draft framework for a potential diversion program will be presented and discussed by the Board

This Agenda item was deferred to the next regular Board meeting

16. **Discussion of court case:** U.S. Supreme Court's recent decision in North Carolina State Board of Dental Examiners vs. FTC. Executive Director Landry and Deputy Attorney General Sarah Bradley will present the results and impact of this decision

This Agenda item was deferred to the next regular Board meeting

17. **Consideration and approval of Executive Director's Report**

Executive Summary

Testing Summary

Licensing Summary

Inspection Summary

Financial Summary

Financial Statements

Cash Flow Analysis

Strategic Projects Update

Follow up items from May 4, 2015 Board Meeting

Written reports received by all Board members

No action taken on this Agenda item

18. **Election of Board officers for FY 2016**

Action Taken: A motion was made by Board member Cokie Booth followed by a unanimous decision.

President	Alex Leeder
Vice President	April Long
Secretary-Treasurer	JoAnna Tran

19. **Proposed authorization:** Executive Director Landry will be attending the 2015 annual conference of the National Inter-State Council of State Boards of Cosmetology (NIC) and required authorization to vote on the Board's behalf

Action taken: Board approved to ask Board President April Long to sign the authorization stating that the Nevada State Board of Cosmetology authorizes Mr. Gary K. Landry, Executive Director, to cast votes on their behalf.

20. **Comments by Board Members** and **future agenda items:**

No future agenda items requested

21. **Comments by General Public.**

No Public comments

22. **Adjournment** at 4:29 p.m.