



NEVADA STATE BOARD OF COSMETOLOGY Meeting Summary for November 2, 2015

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

The Board of Cosmetology conducted a Board Meeting on Monday, November 2, 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/>

1. Call to Order/roll call

The meeting was called to order at 9:01 a.m. by President Alex Leeder

Board Members:

Alex Leeder – President
April Long – Vice President
Jeannette Bonaldi – Board Member
Debbie Ritchey – Board Member
Bryan Baltazar – Board Member

Counsel:

Sarah Bradley-Deputy Attorney General
Raelene Palmer – Deputy Attorney General

Staff:

Gary K. Landy-Executive Director
Adam Higginbotham-Deputy Executive Director
Andrew Helms – Chief Financial Officer
Annie Curtis-Chief Inspector
Christopher Mishler-Chief Investigator
Darlene Scott- Branch Manager
Charlene Marsh – Inspector
Pamela Fitzgerald – Inspector
Deleyna Jensen – Inspector
Monica Bradford – Executive Assistant

2. The Pledge of Allegiance

3. Reading of the Board of Cosmetology Mission Statement

4. Comments by General Public

Inge Dietz – Marinello Schools of Cosmetology

Requesting clarification of Cosmetology Theory Instructional hours
and where to record dispensary hours

Cokie Booth – Thanking Governor Sandoval for her past appointment to the Board of
Cosmetology and Staff for their work

5. Consideration and approval of the Agenda and its posting (for Possible Action)

This meeting was noticed and posted in accordance with open meeting law requirements of
the State of Nevada (NRS Chapter 241) and the Public Hearing was posted in accordance
with NRS 233B.060(1)

Action Taken: The agenda and its posting was approved

Motion: April Long

Second: Jeannette Bonaldi

Vote: Ayes: 5

Nays: 0

Abstentions: 0

Motion Carried

6. Consideration and approval of Minutes from August 3, 2015 Board Meeting (for Possible Action)

Action Taken: Approval of the Minutes from the August 3, 2015 Board meeting

Motion: April Long

Second: Jeannette Bonaldi

Vote: Ayes: 5

Nays: 0

Abstentions: 0

Motion Carried

7. Public Hearing: LCB File # R064-15 Regulation amendments and updates to NAC 644 (Nevada Administrative Code Chapter 644). These changes are to comply with AB-409 and AB-246 and to also provide a general comprehensive update to this Chapter. (for possible Action)

Public Comment: Inge Dietz – Maninello Schools of Beauty
Jan Garrett-De Simone- Southeast Career Technical Academy
Benita Williams – Euphoria Institute/ Licensee
Amy Christensen –Paul Mitchell The School Reno
Laura Leon – Salon Owner
Joey Lords – Salon Owner
Kristy Dennis – Licensee
Mary Rose McPhail – Licensee

Action Taken: No action was required. The Public Hearing was closed after hearing all

comments from the Public and individual Board members

8. **Consideration of Public Comment.** The Board will consider fully all public comment received regarding the proposed permanent regulations heard under agenda item 7. This agenda item may involve the Board proposing changes to the proposed regulations after the consideration of all public comments. (for Possible Action)

Action Taken: After consideration of Public comments and Board member comments, a motion and a vote were taken to accept LCB file#064-15 with the following changes:

- | | |
|---------------------------|---|
| 1. Section # 17 - Accept: | 1.a, 1.o, 1.r |
| Remove: | 1.b, 1.c, 1.d, 1.e, 1.f, 1.g, 1.h, 1.i, 1.j, 1.k, 1.l, 1.m, 1.n, 1.p, 1.q |
| 2. Section # 93 - Accept: | First set of fines for offenses |
| Remove: | Second and third set of fines for offenses |
| 3. Section # 94 - Accept | Section 94.4 |

Motion: Jeannette Bonaldi **Second:** April Long

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

Motion Carried

9. **Adoption, amendment or repeal of proposed regulations.** The Board will discuss and determine whether to adopt, amend, or repeal the proposed regulations heard and considered in agenda items 7 and 8 as a regulation of the Board (for Possible Action)

Action Taken: Adopt the revised version of LCB file #R064-15

Motion: Jeannette Bonaldi **Second:** April Long

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

Motion Carried

10. **Formal Complaint Hearing:** NSBC vs Oliver Queen (M-14891). Formal disciplinary hearing to determine action against respondent based on alleged violation of NRS 644.430 1.(a), (g), (k) (for possible Action)

Action Taken: All factual allegations (1-11) were admitted by respondent as being true as presented to the Board as a stipulation to facts and liability.

Motion: Jeannette Bonaldi **Second:** April Long

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

Motion Carried

Violations of Law / Claims for Relief

First claim for Relief pursuant to NRS 644.430(1)(b)

By allowing someone to use his license and/or providing his license information to another person for fraudulent or unlawful purpose.

Second claim for Relief pursuant to NRS 644.430 (1)(g)

By allowing someone else to use his license and/or by providing his license information to another person for a fraudulent or unlawful purpose. Respondent permitted his license to be used wherein Respondent was not personally, actively and continuously engaged in business

Third claim for Relief pursuant to NRS 644.430(1)(a) and/or (k) and NAC 644.711

By allowing someone else to use his license and/or by providing his license information to another person for a fraudulent or unlawful purpose, and/or by failing to return his license to the Board

Fourth claim for Relief pursuant to NRS 644.430(1)(c)

By allowing someone else to use his license and/or by providing his license information to another person for a fraudulent or unlawful purpose, Respondent has engaged in gross Malpractice

Fifth claim for Relief pursuant to NRS 644.430(1)(a) and NAC 644.046

By allowing someone else to use his license and/or by providing license information to another person for a fraudulent or unlawful purpose

Discipline Authorized

1. License not suspended or revoked
2. Probation for five (5) years of any violation
3. \$200 for each claim of relief for a total of \$1000
4. Payment of fines due by respondent's 2016 renewal date
5. Payment of attorney fees and costs not to exceed \$450
6. Attorney fees and costs due within 90 days of the final order

Motion: April Long

Second: Jeannette Bonaldi

Vote: Ayes: 4

Nays: 1

Abstentions: 0

Motion Carried

11. **Petition to Appear**: Dawn Zaugg (C-39038) and Katharine Zaugg requesting a variance from NRS 644.217.3(a) specifying a minimum of 3 years of Nevada licensure as a cosmetologist as a requisite to teach an apprentice (for Possible Action)

Note: Petitioners were not present to appear before the Board

Action Taken: Deny the petition based on existing 3 year minimum law requirement pursuant to NRS 644.217.3(a)

A statement signed by the licensed cosmetologist who will be supervising and training the cosmetologist's apprentice which states that the licensed cosmetologist has been

licensed by the Board to practice cosmetology in this State for not less than 3 years immediately preceding the date of the application and that his or her license has been in good standing during that period

Motion: Jeannette Bonaldi

Second: April Long

Vote: Ayes: 5

Nays: 0

Abstentions: 0

Motion Carried

12. **Petition to Appear**: Terry Mc Gowan (C-5252) requesting a variance from NAC 644.320.1(b); the distance of 100 feet of the location of the restroom from the entrance of the cosmetological establishment. (for Possible Action)

Note: Petitioner was not present to appear before the Board.
Proposed salon location is within a hotel/casino

Action Taken: Approve restroom variance to either restroom 130 to 150 feet away

NAC 644.320. 1 (b) (*Abbreviated*)

Restrooms...

1. *If the restrooms for the cosmetological establishment are located outside the cosmetological establishment, the restrooms must be:*
 - (b) *Located within 100 feet of the entrance of the cosmetological establishment and under the same roof as the cosmetological establishment*

Motion: April Long

Second: Bryan Baltazar

Vote: Ayes: 5

Nays: 0

Abstentions: 0

Motion Carried

13. **Petition to Appear**: Laura Leon (C-35968) on behalf of Lala's Style Hair and Makeup Studio (S-14137) requesting a reduction or overturn of fine of citation #1472 (unlicensed activity in a salon) NRS 644.190.1 (for Possible Action)

Action Taken: The **violation** of NRS 644.190 (1) was **upheld** based on factual allegations

Unlawful practices without license; exceptions. (Summarized)

1. *It is unlawful for any person to conduct or operate a cosmetological establishment.....
... 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

Motion: Jeannette Bonaldi Second: Bryan Baltazar

Vote: Ayes: 5 Nays: 0 Abstentions: 0

Motion Carried

Disciplinary Action

Pursuant to NAC 644.700 – First Offense carries a **fine of \$1000**
Payable within one year from the date of the final order

Motion: Debbie Ritchey Second: Bryan Baltazar

Vote: Ayes: 3 Nays: 2 Abstentions: 0

Motion Carried by a Majority

14. **Petition to Appear**: Mileidys Caridad Fernandez Garcia (unlicensed), requesting a Reduction or forgiveness of fine of citation #1471 (unlicensed activity) NRS 644.190.2 (for Possible Action)

Action Taken: The **violation** of NRS 644.190(2) was **upheld** based on factual allegations

Unlawful practices without license; exceptions

2. *Except as otherwise provided in subsections 4 and 5, it is unlawful for any person 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*

Motion: Jeannette Bonaldi Second: Bryan Baltazar

Vote: Ayes: 5 Nays: 0 Abstentions: 0

Motion Carried

Disciplinary Action

Pursuant to NAC 644.700 – First Offense carries a fine of \$1000
However, Pursuant to NAC 644.040 – The Board may permit a deviation from the provisions if it finds there is good cause for the deviation
final Action taken – the **fine is reduced to \$500**
Payable within one year from the date of the final order

Motion: Debbbie Ritchey Second: Bryan Baltazar

Vote: Ayes: 3 Nays: 2 Abstentions: 0

Motion Carried by a Majority

15. **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)

Action Taken: Request the re-wording change in cosmetology regulations (NAC) to describe Salicylic acid as a substance used for the purpose of exfoliating and cleansing of the skin and not for the purpose of peeling the skin. Also that Administration pursue the change in NRS 644.470 (2) to modernize the language regarding the use of salicylic acid being permitted for the same purpose (exfoliating and cleansing of the skin)

Motion: Jeannette Bonaldi

Second: April Long

Vote: Ayes: 5

Nays: 0

Abstentions: 0

Motion Carried

16. **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. (for Possible Action)

Action Taken: Direct Executive Director and Staff to continue working on NRS 644.476 to revise language related to copying licenses to align with the upcoming legislative change to NAC 644.711 (1)

Motion: April Long

Second: Bryan Baltazar

Vote: Ayes: 5

Nays: 0

Abstentions: 0

Motion Carried

17. **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 for discussion by the Board. (for Possible Action)

This Agenda item was deferred to the February 2016 Board meeting

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

This Agenda item was deferred to the February 2016 Board meeting

19. **Discussion of 2016 Board Meetings Locations and utilization of Administrative Law Judge to review and recommend decisions to the Board.** It is proposed to hold the 2016 Board Meetings in Las Vegas and Reno according to the published schedule. The only meeting proposed to be held in Reno is in August 2016.(08/01/2016). It is proposed to seek recommendations for discipline from an Administrative Law Judge for cases undergoing investigative procedures. (for Possible Action)

Action Taken for Administrative Law Judge:

Allow the contracting of an Administrative Law Judge to hear the most immediate prostitution case hearings with a re-evaluation of this decision at the February 2016 meeting.

Motion: Jeannette Bonaldi

Second: Bryan Baltazar

Vote: **Ayes:** 5

Nays: 0

Abstentions: 0

Motion Carried

Action Taken for primary locations of the 2016 Board meetings:

Approve the dates and primary locations for 2016 meetings

January 31	= Las Vegas (Board Training)
February 1	= Las Vegas
May 2	= Las Vegas
August 1	= Carson City
November 7	= Las Vegas

Motion: April Long

Second: Jeannette Bonaldi

Vote: **Ayes:** 5

Nays: 0

Abstentions: 0

Motion Carried

20. **Consideration and approval** of Executive Director's Report. (for Possible Action)

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 August 3, 2015 Board Meeting
President's Letter

Action Taken: Approve the Executive Director's Report and post the President's Letter on the Board of Cosmetology website

Motion: Jeannette Bonaldi

Second: April Long

Vote: **Ayes:** 5

Nays: 0

Abstentions: 0

Motion Carried

21. **Comments by Board Members** and **future agenda items**.

Jeannette Bonaldi: 1. Continue pursuing any amendments to our regulations (NAC)
2. Requests notices to all Board members regarding regulations updates or status as well as any other notices
3. Questions the need for the Board assigned digital tablets as voted on from a previous Board meeting

Debbie Ritchey: Research and presentation on the dangerous chemicals that are being currently used for hair straightening

22. **Comments by General Public**

John Davis: Complimented the Board for doing a great job, especially the veteran members. Recommended that all Board members sign up to receive all future notices

23. **Adjournment** At 4:28 p.m.