



NEVADA STATE BOARD OF COSMETOLOGY Meeting Summary for February 1, 2016

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

The Board of Cosmetology conducted a Board Meeting on Monday, February 1, 2016
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/2016/2016_Meeting_Information/

1. Call to Order/roll call

The meeting was called to order at 9:10 a.m. by President Alex Leeder

Board Members:

Alex Leeder – President
April Long – Vice President
JoAnna Tran – Secretary-Treasurer
Jeannette Bonaldi – Board Member
Debbie Ritchey – Board Member
Bryan Baltazar – Board Member (10:20 a.m.)
Gwen Braimoh – Board Member

Counsel:

Sarah Bradley-Deputy Attorney General
Rosemarie Reynolds – 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
Deleyna Joseph – Inspector
Rodney Moore – Inspector
Monica Bradford – Executive Assistant

2. The Pledge of Allegiance

3. Reading of the Board of Cosmetology Mission Statement

4. Comments by General Public

There were no comments made by the general public

5. Consideration and Approval of the Agenda and its posting. (An Action Item)

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: April Long Second: Jeannette Bonaldi

Vote: Ayes: 6 Nays: 0 Abstentions: 0

Motion Carried

6. Consideration and Approval of minutes from November 2, 2015 Board meeting

(An Action Item)

Action Taken: The minutes from the November 2, 2015 meeting were approved

Motion: Jeannette Bonaldi Second: April Long

Vote: Ayes: 7 Nays: 0 Abstentions: 0

Motion Carried

7. The President's Letter. The Board will consider adopting the letter from the President.

(An Action Item)

Action Taken: The President's letter was approved and will be posted on the Nevada State Board of Cosmetology website

Motion: April Long Second: Debbie Ritchey

Vote: Ayes: 7 Nays: 0 Abstentions: 0

Motion Carried

8. Petition to Appear: Danielle N. Martin (unlicensed student) requesting reduction of fine for citation #917, received on 7/01/2014. (An Action Item)

Action Taken:

Part 1:

Uphold the amount of fine (\$1000) for citation #917 which was issued for Violation of NRS 644.190.2 on 07/01/2014. Petition to modify the fine was denied.

Motion: Jeannette Bonaldi

Second: April Long

Action Taken:

Part 2:

The total fine (\$1,000) must be paid within a period of 180 days. When at least ½ of the fine (\$500) has been paid, Ms. Martin may submit her application, pay the required fees and take the tests to get her cosmetology license. The balance of the fine (\$500) must be paid within the same time frame of 180 days from the date of the order of this decision.

Motion: April Long

Second: Debbie Ritchey

Vote: Ayes: 6

Nays: 0

Abstentions: 0

Motion Carried

9. **Petition to Appear:** Kelly Cardenas Salon (S-10556), Justin Leavitt (C-2477) representative, requesting reduction of fine for citation #2310, received on 12/17/2015 for violation of NRS 644.430 ref NRS 644.320.1

Prior to the new regulations passed on December 21, 2015, any third violation of this offense would require an appearance before the Board. The new regulation assigns a total fee of \$1,000 for a third offense of allowing a licensee to work with an expired license. (An Action Item)

Note: Kelly Cardenas Salon was represented by Bailey Roberts. Ms. Roberts brought forth a letter from the owner of the Salon allowing her to represent the establishment

Action Taken: Board upheld the fine for the third offense (\$1,000) and denied the petition.

Motion: April Long

Second: Jeannette Bonaldi

Vote: Ayes: 6

Nays: 0

Abstentions: 0

Motion Carried

10. **Petition to Appear:** Lovely Lashes (S-14001) John and Ausra Bisek (owners) Requesting variance from regulation NAC 644.330.2 (dispensary sink) (An Action Item)

The salon has been open since 2014 with the understanding that there was a dispensary sink, as well as a shampoo bowl. Upon recent inspection, it was noted that only a shampoo bowl existed. NAC 644.330 requires separate sinks for shampoo and dispensary. Due to the expanding business of the salon, both sinks would be a requirement.

Action Taken: Petition for a variance from NAC 644.330 was denied. Shampoo bowl cannot be used for dual purpose. Dispensary sink is required.

Lovely Lashes (S-14001) was given ninety (90) days to comply with order and directed inspection Staff to verify compliance.

Motion: Jeannette Bonaldi

Second: Debbie Ritchey

Vote: Ayes: 4

Nays: 3

Abstentions: 0

Motion Carried

11. **Petition to Appear**: Emily Davis dba Trio Management requesting variances from NRS 644.310 – NRS 644.372 for planned kiosk (An Action Item)

Mr. Joseph Catlett represented Trio Management Group. The variance request is for a 400 square foot salon kiosk being placed inside the Boulevard Mall only. At the moment, the variances requested are specifically for the restroom and portable sinks. However, there might be other variances to consider.

Action Taken: Delegate authority to Inspection Staff to work with petitioner on entire requisites for permanent cosmetology establishments and assist with individual variances from NRS 644.310 prior to development of the kiosk. The planned kiosk is authorized to do hair cutting services only. No approval was given for any color or chemical services at this planned location.

Motion: April Long

Second: Debbie Ritchey

Vote: Ayes: 7

Nays: 0

Abstentions: 0

Motion Carried

12. **Proposed Settlement Agreement**: Lazy Sunday Foot Spa (S-14628) Huichuan Dong (owner). Surrender Agreement proposed for acceptance by Board. (An Action Item)

Huichuan Dong, owner of Lazy Sunday Foot Spa wished to voluntarily surrender license S-14628 in lieu of other disciplinary action by the Nevada State Board of Cosmetology. As stated in the surrender agreement, Lazy Sunday Foot Spa admits to violations of the following:

1. NRS 644.340
2. NRS 644.430 (1) (b)
3. NRS 644.430 (1) (c)
4. NRS 644.430 (1) (g)
5. NRS 644.430 (1) (k)
6. NRS 644.370

Action Taken: Board accepted agreement of license surrender (S-14628) in lieu of other disciplinary action. Board President signed agreement. License was surrendered.

Motion: Jeannette Bonaldi Second: April Long

Vote: Ayes: 7 Nays: 0 Abstentions: 0

Motion Carried

13. **Proposed Settlement Agreement**: Sunset Spa (S-13739) Huse Operations, LLC (owner). Surrender Agreement proposed for acceptance by Board (An Action Item)

Huse Operations, LLC and/or Brian Huse, owner of Sunset Spa wished to voluntarily Surrender license S-13739 in lieu of other disciplinary action by the Nevada State Board of Cosmetology. As stated in the surrender agreement, Sunset Spa admits to violations of the following:

1. NRS 644.340
2. NRS 344.430 (1) (b)
3. NRS 344.430 (1) (c)
4. NRS 644.430 (1) (g)
5. NRS 644.430 (1) (k)
6. NRS 644.430 (1) (f)

Action Taken: Board accepted agreement of license surrender (S-13739) in lieu of other disciplinary action. Board President signed agreement. License was surrendered.

Motion: April Long Second: Jeannette Bonaldi

Vote: Ayes: 7 Nays: 0 Abstentions: 0

Motion Carried

14. **Proposed Settlement Agreement**: TPOTPO Company DBA Iris Skin Care & Massage (S-13084) Misook Cho (President). Consent Agreement proposed for acceptance by the Board. (An Action Item)

TPOTPO Company DBA Iris Skin Care & Massage, Misook Cho (President) did not contest the violations of NRS 644.430 (1)(c) and NRS 644.430 (1)(k) which are grounds for disciplinary action by the Board. Respondent requests the Board to agree to a settlement in lieu of other disciplinary action.

Action Taken: By a majority vote, the Board agreed to accept the settlement agreement and place Iris Skin Care & Massage on probation for a period of three (3) years. Should any illegal activity take place during this period, Iris Skin Care will be scheduled to appear before the Board for consideration of revocation of license S-13084. A total fine of \$4000 was assessed. One half of the fine (\$2000) must be paid within ninety (90) days from the date of this order. The remaining half (\$2000) is suspended for a period of one year,

pending no illegal activity during that time. Should any arrests occur during this time period, the \$2000 will be immediately due. Respondent shall also reimburse the Board for its costs and fees in an amount not to exceed \$750 within ninety (90) days from the date of this order.

Motion: April Long

Second: JoAnna Tran

Vote: Ayes: 5

Nays: 2

Abstentions: 0

Motion Carried

15. **Petition to Appear:** Tialutrell McCormick (A-6401) will present to the Board information on the potential risks to consumers from the Eyelash Extension and/or Eyelash Enhancement industry (A Possible Action Item)

Ms. McCormick, a Nevada licensed aesthetician, along with a partner, formed a member based Nevada organization (NEESA- National Eyelash Education & Safety Association) which established a widely used test (LEP – Lash Extension Professional) based on safety and infection control procedures. They strongly believe in keeping eyelash extensions under the scope of services of licensed cosmetologists and aestheticians and that these services should be performed inside licensed establishments.

NEESA is interested in working with the Board to add a definition for professional eyelash extensions as well as releasing bulletins to raise awareness and inform the public that this procedure should be done by a licensed professional and the risks associated with improper safety and infection control procedures.

Action Taken: Allow Petitioner to return to the next Board meeting (May 2, 2016) to present her power point presentation and examine any possible law or regulation changes that could bring forth emphasis on infection prevention protocol for this procedure.

Motion: Debbie Ritchey

Second: Gwen Braimoh

Vote: Ayes: 7

Nays: 0

Abstentions: 0

Motion Carried

16. **Discussion of Proposed Board Regulation Updates** . The Board will discuss proposed amendments for the existing regulations. Topics covered include:
a) prostitution, b) banned devices, and c) any other changes required in the regulations.
(for Possible Action)

Action Taken:

Part 1: Defer the decision on banned devices until a more specific list of actual devices that would be banned can be discussed further. Also included in this motion is a request to

see a statistical analysis of complaints and injuries dating back through the last twenty years noting the actual damage caused to a person from any of the proposed banned devices

Motion: April Long

Second: Debbie Ritchey

Vote: Ayes: 6

Nays: 0

Abstentions: 1

Motion Carried

Part 2: No regulation changes should be forwarded to Legislative Counsel Bureau until Further discussion and review at the May 2, 2016 regular meeting

Motion: April Long

Second: Jeannette Bonaldi

Vote: Ayes: 7

Nays: 0

Abstentions: 1

Motion Carried

Part 3: A regulation timeline was requested specifically for how the proposed list of banned devices was introduced for approval along with an expanded small business impact study as a result from banning those devices. More information is also desired on the Nevada Administrative Rulemaking process

Motion: Jeannette Bonaldi

Second: Debbie Ritchey

Vote: Ayes: 6

Nays: 0

Abstentions: 0

Motion Carried

17. **Discussion of Dangerous Chemicals**. The Board will hear a discussion of dangerous chemicals used in the hair straightening products. (An Action Item)

Action Taken: Move this item to the May 2, 2016 regular meeting requiring more detail about the individual products and possible MSDS sheets on each product. Combine the discussion of dangerous chemicals with the discussion of proposed regulation changes to ban certain products.

Motion: Debbie Ritchey

Second: Gwen Braimoh

Vote: Ayes: 6

Nays: 0

Abstentions: 0

Motion Carried

18. **Discussion of Digital Tablets** : The Board will hear a discussion of the use of digital tablets appointed to Board members to use for the Board meetings. (An Action Item)

Action Taken: Return the digital tablets and go back to data on paper.

Motion: Jeannette Bonaldi Second: JoAnna Tran

Vote: Ayes: 6 Nays: 0 Abstentions: 0

Motion Carried

19. **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. (An Action Item)

Action Taken: Authorize administrative Staff to proceed with terminology change to NRS 644.476 to clarify that "copying for the purposes of fraud or deception" is not allowed under NRS chapter 644

Motion: Alex Leeder Second: Bryan Baltazar

Vote: Ayes: 6 Nays: 0 Abstentions: 0

Motion Carried

20. **Discussion of Diversion Program**: Executive Director Landry will present the results of staffs investigation on diversion programs. A draft framework for a potential diversion program will be presented for discussion by the Board. (An Action Item)

Action Taken: Staff was directed to continue drafting framework relevant to the Nevada State Board of Cosmetology diversion program .

Motion: Jeannette Bonaldi Second: JoAnna Tran

Vote: Ayes: 6 Nays: 0 Abstentions: 0

Motion Carried

21. **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. (An Action item)

Action Taken: Removed from the Agenda

22. **Consideration and Approval of the Executive Director's Report**. (An Action Item)

Executive Director's Report
Executive Summary

Testing Summary
Licensing Summary
Inspection Summary
Financial Summary
Financial Statements
Cash Flow Analysis
Follow Up Items from November 2, 2015 Board Meeting

Action Taken: The Executive Director's report was accepted

Motion: Jeannette Bonaldi Second: Debbie Ritchey

Vote: Ayes: 6 Nays: 0 Abstentions: 0

Motion Carried

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

- Jeannette Bonaldi -
1. Would like to discuss graters, snippers and lancets and the removal of superfluous hair
 2. Follow up on agenda items 16 and 17
 3. Power point presentation on eyelash enhancements and regulation
- Debbie Ritchey - Can we do anything about tenant evictions and how it affects salons
- Alex Leeder -
1. Would like to establish some type of partnership in assisting commercial sex workers transition out of illegal action

24. **Comments by General Public**

- John Davis –
1. Sympathizes with those businesses who lose access to their own salons when the buildings they are leasing in are suddenly closed
 2. Is very concerned about the current displacement of so many students due to school closures.

25. **Adjournment.**

The meeting was adjourned at 3:55 p.m.