

STATE BOARD OF COSMETOLOGY AND BARBER EXAMINERS
Monday August 17, 2015 at 10:00 a.m.
Indiana Government Center-South, Room W064
402 West Washington Street
Indianapolis, Indiana

COMMITTEE MEETINGS

10:00 a.m.

CALL TO ORDER & ESTABLISHMENT OF QUORUM

D. Weisheit called the meeting to order at 10:00 a.m. and established a quorum pursuant to public notice posted at the principal office of the board at least forty-eight (48) hours before the time of the meeting

Board Members Present:

Diane Weisheit, President
Diana Bonn
Gary Odell
Rebecca Bushong

State Officials Present:

Tracy Hicks, Board Director, Indiana Professional Licensing Agency
Jennifer Broadbent, Assistant Director, Indiana Professional Licensing Agency
Philip Thompson, Board Advisory Counsel, Office of the Attorney General
Zaneta Nunnally, Compliance Director
Jeanne Tucker, Inspector
Lana Conroy, Inspector

ADOPTION OF THE AMENDED AGENDA

The agenda was adopted as amended.

Bushong/O'Dell
4/0/0
Motion carried.

ADOPTION OF THE MINUTES FROM THE JUNE 8, 2015 MEETING OF THE STATE BOARD OF COSMETOLOGY AND BARBER EXAMINERS

A motion was made and seconded to approve the minutes of the June 8, 2015 meeting.

Bushong/Bonn
4/0/0
Motion carried.

REMEMBRANCE OF THE LATE JOSEPH BARSIC, BARBER MEMBER OF THE STATE BOARD OF COSMETOLOGY AND BARBER EXAMINERS

ELECTION OF VICE PRESIDENT TO SERVE THE REMAINDER OF 2015 TO REPLACE JOSEPH BARSIC

A motion was made and seconded to elect Rebecca Bushong as Vice President to serve the remainder of 2015

Bonn/O'Dell
4/0/0
Motion carried.

ADMINISTRATIVE HEARINGS TO CONSIDER MODIFICATION OF PROBATION

A. Administrative Hearing in the Matter of Amie Chapman, BC21300276, Cause No. SBCBE 13-23

A motion was made and seconded to issue a Notice of Proposed Dismissal.

Bonn/O'Dell
4/0/0
Motion carried.

B. Administrative Hearing in the Matter of Everett L. Smith, MA21300018 Cause No. SBCBE 13-07

A motion was made and seconded to withdraw probation.

Bonn/O'Dell
4/0/0
Motion carried.

C. Administrative Hearing in the Matter of Shannon Watson, BC21101225, Cause No. SBCBE 14-79

A motion was made and seconded to withdraw probation.

Bushong/O'Dell
4/0/0
Motion carried.

D. Administrative Hearing in the Matter of Karen Lea Helton, BC21100244 Cause No. SBCBE 11-02

A motion was made and seconded to continue the matter to allow Respondent to obtain documentation that she has no pending matters with the court.

Bonn/O'Dell
4/0/0
Motion carried.

A motion was made and seconded to withdraw probation.

Bonn/Bushong
4/0/0
Motion carried.

E. Administrative Hearing in the Matter of Algier Williamson, BA10500038, Cause No. SBCBE 10-19

A motion was made and seconded to withdraw probation.

Bushong/Bonn
3/1/0
Motion carried.

ADMINISTRATIVE HEARINGS

A. Administrative Hearing in the Matter of Highland Village Laundry, TB50600035, SBCBE 14-102

A motion was made and seconded to issue a Default order.

Bushong/O'Dell
4/0/0
Motion carried.

A motion was made and seconded to suspend the license indefinitely with no right to petition for reinstatement for a period of two years, impose costs of the proceedings, and impose the \$5 fee to the health records and personal identifying information protection trust fund.

Bonn/Bushong
4/0/0
Motion carried.

B. Administrative Hearing in the Matter of Tywann Maurice Gray, BA10900051, Cause No. SBCBE 14-106

A motion was made and seconded that the state has proven the case that the license was obtained by fraud, to rescind the license, and not put any restrictions on Mr. Gray to obtain another license.

Bonn/O'Dell
4/0/0
Motion carried.

C. Administrative Hearing in the Matter of Elite Nail Spa, MS30802056, Cause No. SBCBE 14-104A

A motion was made and seconded that the state proved their case, impose a fine of \$500 for each of the two violations, place the license on indefinite probation with no right to petition for reinstatement for a period of one year, impose costs of the proceedings, and impose the \$5 fee to the health records and personal identifying information protection trust fund.

Bonn/Bushong
4/0/0
Motion carried.

D. Administrative Hearing in the Matter of Bryan Jamaal King, BA10900052, SBCBE 14-90

A motion was made and seconded to issue a Default Order.

Bushong/O'Dell
4/0/0
Motion carried.

A motion was made and seconded to rescind the license and impose a limit of five years before reapplying for another license.

Bonn/Bushong
4/0/0
Motion carried.

E. Administrative Hearing in the Matter of Hakim S. Alsum, BA10900118, SBCBE 14-91

A motion was made and seconded to issue a Default Order.

Bushong/O'Dell
4/0/0
Motion carried.

A motion was made and seconded to rescind the license and impose a limit of five years before reapplying for another license.

Bonn/Bushong
4/0/0
Motion carried.

F. Administrative Hearing in the Matter of Asher Parker, BA10900041, SBCBE 14-92

A motion was made and seconded to issue a Default Order.

Bushong/O'Dell
4/0/0
Motion carried.

A motion was made and seconded to rescind the license and impose a limit of five years before reapplying for another license.

Bonn/Bushong
4/0/0
Motion carried.

G. Administrative Hearing in the Matter of J'Mel Dowdell, BA10900081, SBCBE 14-94

A motion was made and seconded to issue a Default Order.

Bushong/O'Dell
4/0/0
Motion carried.

A motion was made and seconded to rescind the license and impose a limit of five years before reapplying for another license.

Bonn/O'Dell
4/0/0
Motion carried.

H. Administrative Hearing in the Matter of James L. Warren, BA10900002, SBCBE 14-95

A motion was made and seconded to issue a Default Order.

Bushong/O'Dell
4/0/0
Motion carried.

A motion was made and seconded to rescind the license and impose a limit of five years before reapplying for another license.

Bonn/Bushong
4/0/0
Motion carried.

I. Administrative Hearing in the Matter of Brian L. Curd, BA10900064, SBCBE 14-96

A motion was made and seconded to issue a Default Order.

O'Dell/Bushong
4/0/0
Motion carried.

A motion was made and seconded to rescind the license and impose a limit of five years before reapplying for another license.

Bonn/Bushong
4/0/0
Motion carried.

OFFICE OF THE ATTORNEY GENERAL CONSUMER PROTECTION DIVISION REPORT

Written report filed.

CONSIDERATION OF PROPOSED FINDINGS OF FACTS, CONCLUSIONS OF LAW AND ORDER

A. Art Nail, MS31200075, SBCBE 14-148

A motion was made and seconded to accept the Proposed Findings of Facts, Conclusions of Law and Order.

Bushong/O'Dell
4/0/0
Motion carried.

B. Best Nails, EH31100007, SBCBE 14-150

A motion was made and seconded to accept the Proposed Findings of Facts, Conclusions of Law and Order.

Bushong/O'Dell
4/0/0
Motion carried.

C. VIP Nail Spa, SBCBE 14-98

A motion was made and seconded to accept the Proposed Findings of Facts, Conclusions of Law and Order.

Bushong/O'Dell
4/0/0
Motion carried.

D. Lee Nails & Spa, SBCBE 14-152

A motion was made and seconded to accept the Proposed Findings of Facts, Conclusions of Law and Order.

Bushong/O'Dell
4/0/0
Motion carried.

E. Estetica Marisol, SBCBE 14-114

A motion was made and seconded to accept the Proposed Findings of Facts, Conclusions of Law and Order.

Bushong/O'Dell
4/0/0
Motion carried.

**PERSONAL APPEARANCES AND CONSIDERATION OF APPLICATION FOR LICENSE RENEWAL
IN THE MATTER OF**

A. Juan Moreno, BC20300872

A motion was made and seconded to approve renewal on probation with no right to petition for removal of probation until released from criminal probation.

Bushong/O'Dell
3/1/0
Motion carried.

B. Keith Jordan, BA19600114

A motion was made and seconded to deny the renewal for failure to appear.

Bonn/O'Dell
4/0/0
Motion carried.

C. Donna Richey, BC02382672

A motion was made and seconded to approve renewal on probation with no right to petition for removal of probation until released from criminal probation.

Bushong/O'Dell
4/0/0
Motion carried.

D. Kylie Gochenour, BC20704326

A motion was made and seconded to approve renewal on probation with no right to petition for removal of probation until released from criminal probation.

Bushong/O'Dell
4/0/0
Motion carried.

E. Savannah Weaver, BC20806055

A motion was made and seconded to approve renewal on probation with no right to petition for removal of probation until released from criminal probation.

Bonn/O'Dell
4/0/0
Motion carried.

F. Hoang Dung T. Ho, MA29900698

A motion was made and seconded to deny the renewal for failure to appear.

Bonn/O'Dell
4/0/0
Motion carried.

G. House of Hair, TB59800039

A motion was made and seconded to deny the renewal for failure to appear.

Bonn/O'Dell
4/0/0
Motion carried.

H. Personal Touch Salon, BS30200267

A motion was made and seconded to approve the renewal on indefinite probation with no right to petition for removal of probation for a period of one year and require passing an inspection prior to petitioning for reinstatement.

Bushong/O'Dell
4/0/0
Motion carried.

I. Jennifer Rodriquez,

A motion was made and seconded to approve renewal on probation with no right to petition for removal of probation until released from criminal probation.

Bonn/O'Dell
4/0/0
Motion carried.

PERSONAL APPEARANCE AND CONSIDERATION OF APPLICATION FOR LICENSE REINSTATEMENT IN THE MATTER OF:

A. Amber's Beauty Salon, BS30500420

A motion was made and seconded to deny reinstatement of the license for failure to comply with renewal requirements in a timely manner after the owner was informed by an inspector that the salon license had expired.

Bushong/O'Dell
4/0/0
Motion carried.

B. Flava Barber & Beauty Shop, BS20700058

A motion was made and seconded to deny reinstatement of the license for failure to appear.

Bonn/O'Dell
4/0/0
Motion carried.

CONSIDERATION OF ADMINISTRATIVE LAW JUDGE'S ORDERS

A. Katherine Anne Hopkins, SBCBE 15-05

A motion was made and seconded to affirm the Administrative Law Judge's Order.

Bonn/Bushong
4/0/0
Motion carried.

B. Rated Next Barber Stylist School, SC40900055, SBCBE 15-24

A motion was made and seconded to affirm the Administrative Law Judge's Order.

Bonn/Bushong
4/0/0
Motion carried.

C. Stephen Harrold, BC02213861, SBCBE 15-25

A motion was made and seconded to affirm the Administrative Law Judge's Order.

Bonn/Bushong
4/0/0
Motion carried.

D. Flory Beauty School, LLC, SBCBE 15-26

A motion was made and seconded to affirm the Administrative Law Judge's Order.

Bonn/Bushong
4/0/0
Motion carried.

REQUEST FOR WAIVER OF 820 IAC 2-2-3 OR 820 IAC 8-2-20, PASSING THE EXAMINATION WITHIN THREE YEARS OF GRADUATION

A. Beyanica Shaw

A motion was made and seconded to deny the request because she had already received waiver August 15, 2008 and never attempted to pass the examination.

Bushong/O'Dell
4/0/0
Motion carried.

B. Hong Anh Thi Nguyen

A motion was made and seconded to approve the request and allow one year to pass the exam.

Bonn/O'Dell
4/0/0
Motion carried.

C. Jakayla Phillips

A motion was made and seconded to deny the request because the board has granted two previous waiver applications. She failed to attempt to take the examination after the second waiver was granted.

Bushong/O'Dell
4/0/0
Motion carried.

READOPTION OF RULES IN THE MATTER OF LSA DOC. #15-114, 820 IAC 4-3-1 AND 820 IAC 7-1-3

The State Board of Cosmetology and Barber Examiners indicated that they have considered the costs and requirements imposed on small businesses pursuant to Ind. Code § 4-22-2.5-3.1(c) as indicated below and in the analysis for LSA Document 08-201. They further stated that the rules impose these costs and requirements and that they have determined that there is no reasonable alternative for the rules. A motion was made and seconded to proceed with submitting the final rule document to the Indiana Register. Below is a summary of those finding for each rule included in this rule readoption:

Bushong/O'Dell
4/0/0
Motion carried.

820 IAC 4-3-1 This rule establishes the experience requirements for instructor licensure.

(1) *Continued need for the rule:* This rule is necessary to establish experience requirements required in IC 25-8-6-3(4).

(2) *Nature of complaints or comments received from the public or small businesses concerning the rule or its implementation by the agency:* No complaints have been received.

(3) *The complexity of the rule, including any difficulties encountered by the agency in administering the rule or small businesses in complying with the rule:* There is no difficulty in administering or complying with this rule.

(4) *The extent to which the rule duplicates or conflicts with other federal, state, or local laws, rules, regulations, or ordinances:* This rule does not duplicate or conflict with other federal, state, or local laws, rules, regulations, or ordinances.

(5) *The length of time since the rule was last reviewed under this section or otherwise evaluated by the agency, and the degree to which technology, economic conditions, or other factors have changed in the area affected by the rule since that time:* The rule was last reviewed in 2008. It is the agency's position that the rule in its current version is well suited for the purpose of determining experience requirements. There has been no change to technology, economic conditions, or other factors affecting this rule since it was last reviewed.

820 IAC 7-1-3

This rule establishes renewal fees for all licenses issued by the board.

(1) *Continued need for the rule:* This rule is necessary to ensure compliance with IC 25-1-8-2.

(2) *Nature of complaints or comments received from the public or small businesses concerning the rule or its implementation by the agency:* We have not received complaints with regard to the agency's implementation of this rule.

(3) *The complexity of the rule, including any difficulties encountered by the agency in administering the rule or small businesses in complying with the rule:* There is no difficulty in administering or complying with this rule.

(4) *The extent to which the rule duplicates or conflicts with other federal, state, or local laws, rules, regulations, or ordinances:* This rule does not duplicate or conflict with other federal, state, or local laws, rules, regulations, or ordinances.

(5) *The length of time since the rule was last reviewed under this section or otherwise evaluated by the agency, and the degree to which technology, economic conditions, or other factors have changed in the area affected by the rule since that time:* The rule was last reviewed in 2009. There has been no change to technology, economic conditions, or other factors affecting this rule since it was last reviewed.

(6) *The degree to which the factors analyzed in the last economic impact statement have changed since the statement was prepared:* The factors analyzed in the last economic impact statement have not changed.

(7) *Could any regulatory alternatives included in the last economic impact statement or any regulatory alternatives not considered by the agency the time the last economic impact statement was prepared be implemented to replace one (1) or more of the rules existing requirements:* Promulgation of rules regarding fees are required by statute. No other alternatives can be implemented to replace the rule.

RESOLUTION TO GRANT THE IPLA EXECUTIVE DIRECTOR OR HIS DESIGNEE THE AUTHORITY TO SIGN THE PRESIDENT'S NAME TO EXECUTE ORDERS SUBPOENAS, CONTINUANCES, AND OTHER LEGAL DOCUMENTS NECESSARY TO CONDUCT THE BUSINESS OF THE BOARD.

A motion was made and seconded to approve the Resolution.

O'Dell/Bonn

4/0/0

Motion carried.

DISCUSSION; USE OF RAZORS BY COSMETOLOGISTS AND COSMETOLOGY STUDENTS IN BEAUTY CULTURE SCHOOL

A motion was made and seconded that cosmetologists and cosmetology students in beauty culture school may use razors to shave the head and neck however they may not trim or shave beards or mustaches.

Bushong/O'Dell
3/1/0
Motion carried.

CORRESPONDENCE FROM RAVENSCROFT BEAUTY COLLEGE

A motion was made and seconded to table this matter.

Bushong/Bonn
4/0/0
Motion carried.

CONSIDERATION OF REVISED PROPOSED RULE DRAFT REGARDING BEAUTY CULTURE PROFESSIONALS, BEAUTY CULTURE SCHOOLS, AND BEAUTY CULTURE SALONS

A motion was made and seconded to table the final draft for additional changes.

Bushong/Bonn
4/0/0
Motion carried.

DISCUSSION; USE OF LASERS

The board reiterated that the use of lasers are governed by the Medical Board.

APPLICATION COMMITTEE REPORT

A motion was made and seconded to accept the application committee report as follows.

Bonn/Bushong
4/0/0
Motion carried.

COSMETOLOGY

A. By Examination

Brown, Desma Monique - Approved on PROBATION with no right to petition for withdrawal of probation until successful completion of criminal obligations.

Lopez-Alanis, Olidia – Tabled, pending school license number.

Soplanda, Kristin - Approved on PROBATION with no right to petition for withdrawal of probation until successful completion of criminal obligations.

Thomas, Amy - Approved on PROBATION with no right to petition for withdrawal of probation until successful completion of criminal obligations.

Whitacre, Tylayena - Approved on PROBATION with no right to petition for withdrawal of probation until successful completion of criminal obligations.

B. Reciprocity

Le, Kim Q - Denied, IC 25-8-4(a)(2), not substantially equivalent.

Nguyen, Hen Ngoc - Denied, IC 25-8-4(a)(2), not substantially equivalent.

Pham, Tram Thi Mai – Denied, IC 25-8-4(a)(2), not substantially equivalent.

Phan, Tram - Denied, IC 25-1-11-19(b)(1), fraudulent documentation.

Proskurina, Tatiana E. – Approved.

Tran, Hoa V. – Denied, IC 25-8-4(a)(2), not substantially equivalent.

Tran, Phuong Thi – Denied, IC 25-8-4(a)(2), not substantially equivalent.

Trinh, Tomie Lynn - Denied, IC 25-8-4(a)(2), not substantially equivalent.

Vu, Mai Bich – Denied, IC 25-8-4(a)(2), not substantially equivalent.

C. Provisional

Beltran Lopez, Ruby Leticia – Denied, IC 25-8-4-2.9(b)(2), Indiana salon is unlicensed.
Cruz-Garcia, Karina – Denied, IC 25-8-4-2.9(b)(2), unlicensed practice.

MANICURIST

A. By Examination

Garcia Estevez, Dalila – Tabled, pending school license number.

B. By Reciprocity

Duong, Son Thi Ngoc – Denied, IC 25-8-4(a)(2), not substantially equivalent.
Pham, Jesse - Approved
Strassell, Shannon – Denied, IC 25-8-4(a)(2), not substantially equivalent.

C. Provisional

Pham, Thuthao Thi – Denied, IC 25-8-4-2.9(b)(1) and (2), insufficient training and unlicensed practice in another state.

ESTHETICIAN APPLICATIONS

A. By Examination

Mikhov, Ilona - Approved on PROBATION with no right to petition for withdrawal of probation until successful completion of criminal obligations.

B. By Reciprocity

Boyd, Selina P. - Approved
Ong, Tuyen Bich - Denied, IC 25-8-4(a)(2), not substantially equivalent.

FACILITY APPLICATIONS

A. Beauty Culture Salon

Cali Nails, 138 West Hively Avenue #5, Elkhart, IN 46517 – Approved.
Show Hand Nails LLC, 399 Plainfield Commons Drive, Plainfield, IN 46168 – Denied, failed inspection.
Sky Nails, 379 E. 81st Avenue, Merrillville, IN 46410 – Denied, failed inspection.
U.S. Nails, 10893 Randolph Street, Crown Point, IN 46307 - Approved

RENEWALS FOR REVIEW (to determine if Personal Appearance is Required)

Achor, Jessica - Approved
Hurt, Mikinsey - Approved
Lizzi, Teresa - Approved
Peppin, Jennifer - Approved

ADJOURNMENT

The meeting adjourned at 6:40 p.m.