

STATE BOARD OF COSMETOLOGY AND BARBER EXAMINERS
Monday September 18, 2017 at 11:00 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 1:00 p.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
Victoria Ross
Diana Bonn
Gary Odell
Gregory Kenny

Board Member Absent:

Rebecca Bushong

State Officials Present:

Tracy Hicks, Board Director, Indiana Professional Licensing Agency
Jennifer Broadbent, Assistant Director, Indiana Professional Licensing Agency
Jodi Stein, Board Advisory Counsel, Office of the Attorney General
Gordon White, Board Advisory Counsel, Office of the Attorney General

ADOPTION OF THE AGENDA

A motion was made and seconded to adopt the agenda.

V. Ross/G. O'Dell
5/0/0
Motion carried.

ADOPTION OF THE MINUTES OF THE JULY 17, 2017 AND AUGUST 28, 2017 MEETINGS OF THE STATE BOARD OF COSMETOLOGY AND BARBER EXAMINERS

A motion was made and seconded to approve the minutes of the July 17, 2017 and August 28, 2017 meetings.

V. Ross/G. O'Dell
5/0/0
Motion carried.

OFFICE OF THE ATTORNEY GENERAL CONSUMER PROTECTION DIVISION REPORT

Written report provided.

ADMINISTRATIVE HEARINGS:

1. Administrative Show Cause Hearing in the Matter of David Morris, BA10900140 (Revoked) 2017SBCBE0057

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

D. Bonn/V. Ross
5/0/0
Motion carried.

2. Administrative Show Cause Hearing in the Matter of Wonder Nails, MS30600705, 2014SBCBE0147

A motion was made and seconded to impose a fine of \$1000.00 per violation for a total of \$11000.00, continue the license on probation with no right to petition for removal for one year, and impose the \$5.00 fee to the health records and personal identifying information protection trust fund.

D. Bonn/V. Ross
4/1/0
Motion carried.

3. Administrative Hearing in the Matter of Dennis Gooch, BA10500053, 2014SBCBE106A

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

D. Bonn/V. Ross
5/0/0
Motion carried.

4. Administrative Hearing in the Matter of Diep Hong Vu, BC21400262, 2016SBCBE0151

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

D. Bonn/G. O'Dell
5/0/0
Motion carried.

5. Administrative Hearing in the Matter of Kim Dung Thi Pham, BC21400067, 2016SBCBE0155

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

D. Bonn/V. Ross
5/0/0
Motion carried.

6. Administrative Hearing in the Matter of Pedi Spa & Nails, BS91400810, 2017SBCBE0039

A motion was made and seconded to find Respondent in Default.

D. Bonn/V. Ross
5/0/0
Motion carried.

A motion was made and seconded that the state has proven its case, impose a fine of \$1000.00 per violation for a total of \$4000.00 to be paid in one year, impose the costs of the proceedings, impose the \$5.00 fee to the health records and personal identifying information protection trust fund, probation, and place the license on indefinite probation with no right to petition for removal for one year.

D. Bonn/G. O'Dell
5/0/0
Motion carried.

7. Administrative Hearing in the Matter of Diva Nails & Spa, BS91300669, 2015SBCBE0113

A motion was made and seconded to hold Respondent in Default.

D. Bonn/G. O'Dell
5/0/0
Motion carried.

A motion was made and seconded that the state has proven its case, impose a fine of \$1000.00 per violation for a total of \$11,000.00 to be paid in one year, impose the costs of the proceedings, impose the \$5.00 fee to the health records and personal identifying information protection trust fund, probation, and place the license on indefinite probation with no right to petition for removal for one year.

V. Ross/G. O'Dell
5/0/0
Motion carried.

Previous motion amended to remove the probation requirement because the salon is closed and add that the salon may not have their license reinstated or renewed until they comply with the board's order in this matter.

8. Administrative Hearing in the Matter of Star Vision Nail, MS31200124, 2017SBCBE0040

A motion was made and seconded to hold Respondent in Default.

D. Bonn/V. Ross
5/0/0
Motion carried.

A motion was made and seconded that the state has proven their case and impose a fine of \$1000.00 per violation for a total of \$6000.00 to be paid in one year, impose the costs of the proceedings, impose the \$5.00 fee to the health records and personal identifying information protection trust fund, and not allow reinstatement until they comply with the board's order in this matter.

D. Bonn/V. Ross
5/0/0
Motion carried.

9. Administrative Show Cause Hearing in the Matter of Pure Nail & Spa, MS31100065, 2016SBCBE0078

A motion was made and seconded to find the Respondent in Default.

D. Bonn/V. Ross
5/0/0
Motion carried.

A motion was made and seconded that the state has proven their case and impose a fine of \$1000.00 per violation for a total of \$4000.00 to be paid in one year, impose the costs of the proceedings, impose the \$5.00 fee to the health records and personal identifying information protection trust fund, and revoke the license.

D. Bonn/V. Ross

5/0/0
Motion carried.

A motion was made and seconded to refer the matter to the Office of the Attorney General for deceptive sales.

D. Bonn/V. Ross
5/0/0
Motion carried.

10. Administrative Hearing to Modify Probation in the Matter of William H. Coker, Jr., BA19400032, 2002SBCBE0002

A motion was made and seconded to remove probation from the license.

D. Bonn/G. O'Dell
5/0/0
Motion carried.

11. Administrative Hearing to Modify Probation in the Matter of Kenna Danielle Sims, BC20704476, 2015SBCBE0147

A motion was made and seconded to remove probation from the license.

D. Bonn/V. Ross
5/0/0
Motion carried.

12. Administrative Hearing to Modify Probation in the Matter of Whitney Sandlin, BC21601693, 2016SBCBE0175

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

V. Ross/G. O'Dell
5/0/0
Motion carried.

13. Administrative Hearing to Modify Probation in the Matter of Patricia Matly, BC09201611, 2016SBCBE0044

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

V. Ross/G. O'Dell
5/0/0
Motion carried.

14. Administrative Hearing to Modify Probation in the Matter of Li Nail Salon, MS30802410, 2015SBCBE0156

A motion was made and seconded to deny removal of probation for failure to pass inspection and modify the terms of probation to add an additional year to their time to petition the board for removal of probation.

D. Bonn/V. Ross
5/0/0
Motion carried.

15. Administrative Hearing to Modify Probation in the Matter of Cali Spa, Inc., BS21200026, 2014SBCBE0109A

A motion was made and seconded to remove the probation status.

V. Ross/G. O'Dell
5/0/0
Motion carried.

C. Consideration of Proposed Findings of Fact, Conclusions of Law, and Order

1. C and K Nails Spa, EH31100038 and Kieu Trinh, BC20704123, 2017SCBE0050

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

G. O'Dell/V. Ross
5/0/0
Motion carried.

2. Nycee's F.I.N.E.S.T Hair Barn, BS30200518, 2014SBCBE0105

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

G. O'Dell/V. Ross
5/0/0
Motion carried.

3. Elan Nail Spa, MS30802195 (closed) and Nga Thi Thu Duong, MA20909952, 2016SBCBE0077

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

G. O'Dell/V. Ross
5/0/0
Motion carried.

4. Brian Tung Pham, MA20300813 and Lovely Nails, BS91300362. 2017SBCBE0053

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

G. O'Dell/V. Ross
5/0/0
Motion carried.

D. Personal Appearance and Consideration of Application for License Renewal

1. Kiyanna Gurnell, BC21011023

A motion was made and seconded to renew the license on probation until released from her criminal obligation.

V. Ross/G. O'Dell
5/0/0
Motion carried.

2. Lena Miller, BC20502198

A motion was made and seconded to renew the license on probation until released from her criminal obligation.

D. Bonn/V. Ross
5/0/0
Motion carried.

3. Jennifer Page, BC21301430

A motion was made and seconded to renew the license.

V. Ross/G. O'Dell
5/0/0
Motion carried.

4. Hannah Scheiber, BC20910616

A motion was made and seconded to renew the license.

D. Bonn/V. Ross
5/0/0
Motion carried.

5. Jessica Tremain, BC21301072

A motion was made and seconded to renew the license on probation until released from her criminal obligation.

V. Ross/ D. Bonn
5/0/0
Motion carried.

E. Personal Appearance and Consideration of Application for License Reinstatement

1. Michelle Atkins, BC20001526

A motion was made and seconded to reinstate the license on probation until released from her criminal obligation. D. Weisheit voted against the motion.

V. Ross/D. Bonn
4/1/0
Motion carried.

2. Janet Breeding, BC02390005

A motion was made and seconded to reinstate the license on probation until released from her criminal obligation.

D. Bonn/V. Ross
5/0/0
Motion carried.

3. Elizabeth Butcher, ES21400102

A motion was made and seconded to reinstate the license.

D. Bonn/V. Ross
5/0/0
Motion carried.

4. Kenyatta Davis, BC29900645

A motion was made and seconded to reinstate the license on indefinite probation with no right to petition for reinstatement until the litigation matter is complete. D. Bonn abstained.

G. Kenny/V. Ross
4/0/1
Motion carried.

5. Karley Deniston, BC21300963

A motion was made and seconded to reinstate the license on probation until released from her criminal obligation and as a condition of probation, she must notify the board of the outcome of her pending charge of dealing.

G. Kenny/V. Ross
5/0/0
Motion carried.

6. Holly Mays, BC20600843

A motion was made and seconded to deny the application for failure to appear via telephone. The phone number provided was not in service.

5/0/0
Motion carried.

7. Abby Plough, BC21400352

A motion was made and seconded to reinstate the license on probation until released from her criminal obligation. D. Weisheit voted against the motion.

V. Ross/D. Bonn.
5/0/0
Motion carried.

8. Kayla Walrod, BC20909625

A motion was made and seconded to reinstate the license on indefinite probation with no right to petition for reinstatement until her criminal obligation is complete, and upon passing the examination.

V. Ross/D. Bonn
5/0/0
Motion carried.

9. Legacy Salon & Day Spa, BS31200044

A motion was made and seconded to reinstate the license on indefinite probation with no right to petition for reinstatement until the litigation matter is complete. D. Bonn abstained.

V. Ross/G. O'Dell
4/0/1
Motion carried.

F. Consideration of Notice of Proposed Dismissal

1. Amy Petry, BC21401660, 2014SBCBE0072

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

D. Bonn/V. Ross
5/0/0
Motion carried.

2. Hai Tuan Dang, MS21600373, 2016SBCBE0168

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

D. Bonn/V. Ross
5/0/0
Motion carried.

3. Sa'Prina Shen'a Ashburn, BC21700575, 2017SBCBE0060
A motion was made and seconded to issue a Dismissal Order.
D. Bonn/V. Ross
5/0/0
Motion carried.

4. Ha Thi Thanh Nguyen, 2017SBCBE0078
A motion was made and seconded to issue a Dismissal Order.
D. Bonn/V. Ross
5/0/0
Motion carried.

G. Consideration of Administrative Law Judge's Orders

1. Nail #1, 2017SBCBE0016
A motion was made and seconded to affirm the Administrative Law Judge's Order.
D. Bonn/V. Ross
5/0/0
Motion carried.
2. Bich Do, 2017SBCBE0077
A motion was made and seconded to affirm the Administrative Law Judge's Order.
D. Bonn/V. Ross
5/0/0
Motion carried.

H. Consideration of Application for Waiver of Three Year Deadline to Pass the Examination After Graduation

1. Karen A. Mink
A motion was made and seconded to deny the request due to the fact that she indicated on the form that she has continued to work without a license since graduating from school.
D. Bonn/V. Ross
5/0/0
Motion carried.

I. Consideration of Application for Renewal; Non-Payment of Renewal Fee

1. Erica Mishler, BC08811268
A motion was made and seconded to void the renewal.
D. Bonn/V. Ross
5/0/0
Motion carried.

J. Consideration of Applications for Licensure; Non-Payment of License Fee

1. Ashley Meyer, MA21700094

A motion was made and seconded to void the license.

D. Bonn/V. Ross

5/0/0

Motion carried.

2. Angeline Perkins, BC21700225

A motion was made and seconded to void the license.

D. Bonn/V. Ross

5/0/0

Motion carried.

K. Request for Stay of Effectiveness of the Board's Order of August 28, 2017

1. Chosen Christian Beauty Colleges, SC41200010, 2017SBCBE0042

A motion was made and seconded to deny the request.

V. Ross/D. Bonn

5/0/0

Motion carried.

V. COMMITTEE REPORTS

A. Application Committee

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

V. Ross/G. O'Dell

5/0/0

Motion carried.

COSMETOLOGY

A. By Examination

Aguilar, Christina: Approved on PROBATION with no right to petition for withdrawal of probation until successful completion of criminal obligations.

Arevalos, Tammy S.: Approved on PROBATION with no right to petition for withdrawal of probation until successful completion of criminal obligations.

Baumann, Alexander J.: Approved on PROBATION with no right to petition for withdrawal of probation until successful completion of criminal obligations.

Bryant, Tamberla Nicole: APPROVED

Faller, Kari Sue: Approved on PROBATION with no right to petition for withdrawal of probation until successful completion of criminal obligations.

Graddy, Jacqueline Grace: Approved on PROBATION with no right to petition for withdrawal of probation until successful completion of criminal obligations.

Gross, Rebecca Ruth: Approved on PROBATION with no right to petition for withdrawal of probation until successful completion of criminal obligations.

Hatcher, Channing: Approved on PROBATION with no right to petition for withdrawal of probation until successful completion of criminal obligations.

Hess, Stacy: Approved on PROBATION with no right to petition for withdrawal of probation until successful completion of criminal obligations.

Hontz, Lauren: Approved on PROBATION with no right to petition for withdrawal of probation until successful completion of criminal obligations.

Huesman, Crystal Gale: Approved on PROBATION with no right to petition for withdrawal of probation until successful completion of criminal obligations.

Ingle, Kacey Nicole: Approved on PROBATION with no right to petition for withdrawal of probation until successful completion of criminal obligations.
Martin, LaRitha L.: Approved on PROBATION with no right to petition for withdrawal of probation until successful completion of criminal obligations.
Mayer, Peyton Rose: Approved on PROBATION with no right to petition for withdrawal of probation until successful completion of criminal obligations.
Reagan, Hamilton Lee: Approved on PROBATION with no right to petition for withdrawal of probation until successful completion of criminal obligations.
Simpson, Courtney J.: Approved on PROBATION with no right to petition for withdrawal of probation until successful completion of criminal obligations.
Thurman, Dixie: Approved on PROBATION with no right to petition for withdrawal of probation until successful completion of criminal obligations.
Willhite, Tiffany: Approved on PROBATION with no right to petition for withdrawal of probation until successful completion of criminal obligations.

B. Reciprocity

Conine, Kyle Ivan: APPROVED.

Lykins, Rachel M.: Approved on PROBATION with no right to petition for withdrawal of probation until successful completion of criminal obligations.

C. By Provisional

Aldape Munoz, Maria I: Denied, IC 25-8-4-2.9 & IC 25-1-11-19(b), insufficient experience and training and unlicensed practice.

ESTHETICIAN

A. By Examination

Mahlka, Erynn: APPROVED

B. By Provisional

Sharma, Aarti: Tabled, pending official transcript.

MANICURIST

A. By Examination

Gonzalez-Mora, Ema: Denied, 820 IAC 4-1-5, obtained more hours a week than designated by rule.

B. By Reciprocity

Cinciripini, Jessica Nichole: Denied, IC 25-8-4-2(a)(2), not substantially equal.

Duong, Linda: Denied, IC 25-8-4-2(a)(2), not substantially equal.

Nguyen, Thi Ngoc Han: Denied, IC 25-8-4-2(a)(2), not substantially equal.

Pham, Hieu Thi: Denied, IC 25-8-4-2(a)(2), not substantially equal.

Pham, Ngan Thi Kim: Denied, IC 25-8-4-2(a)(2), not substantially equal.

Rowe-Corcoran, Wynter: Denied, IC 25-8-4-2(a)(2), not substantially equal.

Thach, Na T: Denied, IC 25-8-4-2(a)(1), no valid license.

Tran, Yen Nhi: Denied, IC 25-8-4-2(a)(1), no valid license.

C. By Provisional

Do, Linh Mong Thuy: Denied, IC 25-8-11-8, insufficient experience and training.

Nguyen, Dung T.: Denied, IC 25-8-11-8, insufficient experience and training.

Nguyen, Hoan T.: Denied, IC 25-8-11-8, insufficient experience and training.

Vo, Duyen Phuoc: Denied, IC 25-8-11-8, insufficient experience and training.

BARBER

A. By Examination

Perkins, Abraham: APPROVED.

Wilburn, Donald Keijan: Approved on PROBATION with no right to petition for withdrawal of probation until successful completion of criminal obligations.

B. By Reciprocity

Venturella, Arielle: Denied, IC 25-8-4-2(a)(1), no valid license.

C. By Provisional

Blanco, Yadiel Mallea: Denied, IC 25-8-12.1-13, insufficient experience and training.

FACILITY APPLICATIONS

A. Beauty Culture Salon

A1 Nails: 708 East Coliseum Blvd, Fort Wayne, IN 46805: APPROVED.

Angel Nails: 5884 US Highway 6, Portage, IN 46368: DENIED, failed inspection

LA Nails: 1516 West 86th Street, Indianapolis, IN 46260: Approved on PROBATION with no right to petition for withdrawal of probation for a period of one year and a passed inspection.

Rockstar Nails LLC, Owner: Mai D. Lu: Approved on PROBATION with no right to petition for withdrawal of probation until successful completion of criminal obligations.

Sky Nails: Approved on PROBATION with no right to petition for withdrawal of probation for a period of one year and a passed inspection.

Tipnotik Nail Studio, Owner: Erica Baird: Approved on PROBATION with no right to petition for withdrawal of probation until successful completion of criminal obligations.

VIP Nail & Spa: 3324 N. Franklin Street, Muncie, IN 47303: DENIED, failed inspection.

VI. ADJOURNMENT

A motion was made and seconded to adjourn at 5:44 pm.

D. Bonn/V. Ross

5/0/0

Motion carried.