STATE BOARD OF COSMETOLOGY AND BARBER EXAMINERS Will meet on Monday November 19, 2012 at 10:00 a.m. Indiana Government Center-South 402 West Washington Street, Room W064 Indianapolis, Indiana

COMMITTEE MEETINGS

10:00 a.m.

CALL TO ORDER & ESTABLISHMENT OF QUORUM

D. Demuth 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:

David Demuth, President Diane Weisheit, Vice President Diana Bonn Rebecca Bushong Gary Odell Joseph Barsic

State Officials Present:

Tracy Hicks, Board Director, Indiana Professional Licensing Agency Rae Harman, Assistant Director, Indiana Professional Licensing Agency Larry Harvey, Director of Compliance Jeanne Tucker, Compliance Division Philip Thompson, Board Advisory Counsel, Office of the Attorney General

ADOPTION OF THE AGENDA

The November 19, 2012 agenda was adopted as amended.

Weisheit/ Bonn 6/0/0 Motion carried.

ADOPTION OF THE MINUTES FROM THE SEPTEMBER 17, 2012 MEETING OF THE STATE BOARD OF COSMETOLOGY AND BARBER EXAMINERS

A motion was made and seconded to approve the minutes as amended of the September 17, 2012 meeting.

Weisheit/O'Dell 6/0/0 Motion carried.

IV. OLD/NEW BUSINESS

A. Administrative Hearings, 1:00 p.m.

1. Administrative Hearing in the Matter of Hon T. Robertson, SBCBE 11-12 ADD HER SALON, ANGEL NAILS, MS31100112, SBCBE 11-86

A motion was made and seconded to remove probation status.

Bonn/Bushong 6/0/0 Motion carried. 2. Administrative Hearing in the Matter of Stacy Strawderman, SBCBE 10-57

A motion was made and seconded to remove probation status.

Bonn/Bushong 6/0/0 Motion carried.

3. Order to Show Cause in the Matter of Tuan Quoc Phan, SBCBE 12-45

A motion was made and seconded to find Respondent in Default due to failure to appear and to issue a Cease and Desist Order.

Weisheit/Bonn 6/0/0 Motion carried.

4. Order to Show Cause in the Matter of Kara Hair Braiding, SBCBE 12-81

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

Weisheit/Bonn 6/0/0 Motion carried.

5. Order to Show Cause in the Matter of Preston Johnson, SBCBE 12-86

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

Weisheit/Bonn 6/0/0 Motion carried.

 Order to Show Cause and Consideration of Motion for Voluntary Dismissal in the Matter of Tanti Braids, SBCBE 12-83

A motion was made and seconded to approve the Motion for Voluntary Dismissal.

Weisheit/Bonn 6/0/0 Motion carried.

7. Order to Show Cause and Consideration of Motion for Voluntary Dismissal in the Matter of Sun Body Tanning, SBCBE 12-104

A motion was made and seconded to approve the Motion for Voluntary Dismissal.

Weisheit/Bonn 6/0/0 Motion carried.

8. Administrative Hearing in the Matter of Lovely Nails, MS30400047, SBCBE 12-97

A motion was made and seconded to place the license on indefinite probation with no right to petition for withdrawal of probation for one year, require a personal appearance at the May 2013 board meeting, impose a fine of \$1000 to be paid within six months from the date of the final order, pay the cost of the proceedings, and pay \$5 into the Health Records and Personal Identifying Information Protection Trust Fund.

Bonn/Bushong 6/0/0 Motion carried. 9. Administrative Hearing in the Matter of Stacie Goudy, BC21101455, SBCBE 12-84

A motion was made and seconded to place the license on indefinite probation with no right to petition for withdrawal of probation for one year, impose a fine of \$1000 to be paid within six months from the date of the final order, pay the cost of the proceedings, and pay \$5 into the Health Records and Personal Identifying Information Protection Trust Fund.

Bonn/Weisheit 6/0/0 Motion carried.

10. Administrative Hearing in the Matter of Beach Bunns Sun Shack, TB50500175, SBCBE 12-87

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

Bonn/Barsic 6/0/0 Motion carried.

11. Administrative Hearing in the Matter of Beach Bunns Sun Shack, TB50300155, SBCBE 12-88

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

Bonn/Weisheit 6/0/0 Motion carried.

12. Administrative Hearing in the Matter of Nyanh T. Nguyen, MA29901222, SBCBE 12-89

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

Weisheit/Bushong 6/0/0 Motion carried.

13. Administrative Hearing in the Matter of Scotty D. Rush, SBCBE 12-92

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

Weisheit/Bonn 6/0/0 Motion carried.

14. Administrative Hearing in the Matter of Lovely Nails, MS30600511, SBCBE 12-65

A motion was made and seconded to suspend the license for thirty days than it shall revert back to probation and the previous terms imposed, impose a fine of \$5000 to be paid within six months from the date of the final order, pay the consumer restitution in the amount of \$141.70, pay the cost of the proceedings, and pay \$5 into the Health Records and Personal Identifying Information Protection Trust Fund.

Weisheit/Bonn 6/0/0 Motion carried.

15. Administrative Hearing in the Matter of David Morris, BA10900140, SBCBE 12-63

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

Weisheit/O'Dell 6/0/0 Motion carried. A motion was made and seconded to rescind the license, impose a fine of \$1000 to be paid within fourteen days from the date of the final order, pay the cost of the proceedings, and pay \$5 into the Health Records and Personal Identifying Information Protection Trust Fund, forbid him from applying for another license, and refer the matter to the ID Theft Unit of the Office of the Attorney General.

Weisheit/Bonn 6/0/0 Motion carried.

16. Administrative Hearing in the Matter of Kenneth W. Floyd, Jr., BA10800034, SBCBE 12-64

A motion was made and seconded to find Respondent in Default due to failure to appear, to rescind the license, impose a fine of \$1000 to be paid within fourteen days from the date of the final order, pay the cost of the proceedings, and pay \$5 into the Health Records and Personal Identifying Information Protection Trust Fund, and forbid him from applying for another license, and refer the matter to the ID Theft Unit of the Office of the Attorney General.

Bonn/Barsic 6/0/0 Motion carried.

17. Administrative Hearing in the Matter of Timothy Shelby, BA10000220, SBCBE 12-70

Hearing was continued.

18. Administrative Hearing in the Matter of Kimberly A. Owings, BC08900841, SBCBE 12-77

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

Bonn/Weisheit 6/0/0 Motion carried.

A motion was made and seconded to verbally censured the Respondent, impose a fine of \$100 to be paid within six months from the date of the final order, pay the cost of the proceedings, and pay \$5 into the Health Records and Personal Identifying Information Protection Trust Fund.

Weisheit/Bushong 6/0/0 Motion carried.

19. Administrative Hearing in the Matter of Rebecca Sue Fry, BC08606072, SBCBE 12-79

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

Weisheit/Bonn 5/0/0 Motion carried.

A motion was made and seconded to place the license on indefinite probation with no right to petition for withdrawal of probation for one year, impose a fine of \$1000 to be paid within six months from the date of the final order, pay the cost of the proceedings, and pay \$5 into the Health Records and Personal Identifying Information Protection Trust Fund.

Bonn/Bushong 5/0/0 Motion carried.

20. Administrative Hearing in the Matter of A Cut Above, BS89000764, SBCBE 12-80

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

Weisheit/Bonn 5/0/0 Motion carried.

A motion was made and seconded to place the license on indefinite probation with no right to petition for withdrawal of probation for one year, impose a fine of \$2000 to be paid within six months from the date of the final order, pay the cost of the proceedings, and pay \$5 into the Health Records and Personal Identifying Information Protection Trust Fund.

Weisheit/Bushong 5/0/0 Motion carried.

B. Office of the Attorney General Consumer Protection Division Report

Written report filed.

C. Personal Appearances for Disciplinary Compliance

- 1. Hoang M. Do, MA20300511, SBCBE 07-55 NO SHOW
- 2. Lovely Nails, MS30600511, SBCBE 08-27 APPEARED, he was instructed to write out details of how he sanitizing his implements and mail to the agency.
- 3. Nail Expo, MS30500736, SBCBE 08-17 APPEARED

D. Personal Appearances and Consideration of Application for License Renewal

1. Gary T. Barr, BA08800208

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

Weisheit/Barsic 5/0/0 Motion carried.

2. Linda C. Beattey, MC02021907

A motion was made and seconded to approve the application for renewal.

Bonn/Weisheit 5/0/0 Motion carried.

3. Ashton D. Cole, BC20805609

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

Weisheit/Barsic 5/0/0 Motion carried.

4. Diana Sue Dickman, BC02376461

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

Weisheit/Barsic 5/0/0 Motion carried.

5. Ezell A. Ford, BA19700040

A motion was made and seconded to approve the application for renewal.

Bonn/Weisheit 5/0/0 Motion carried.

6. Antwan K. Henry,

A motion was made and seconded to approve the application for renewal on indefinite probation with no right to petition for withdrawal of probation until released from prison and criminal probation.

Bonn/Bushong 5/0/0 Motion carried.

7. Alexis A. Keddie, BC20600400

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

Weisheit/Barsic 5/0/0 Motion carried.

8. Amanda J. Messer, BC20402175

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

Weisheit/Bushong 5/0/0 Motion carried.

9. Denise N. Paddock, BC20402305

A motion was made and seconded to approve the application for renewal.

Bonn/Weisheit 5/0/0 Motion carried.

10. Tawanda L. Peele, BC29900471

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

Bonn/Bushong 5/0/0 Motion carried.

11. Becky Sue Shafer, BC02120644

A motion was made and seconded to approve the application for renewal upon passing the written examination. If she can show proof of payment of the 2009 renewal fee, she will not have to pass the written examination. D. Bonn opposed.

Weisheit/Bushong 4/1/0 Motion carried.

12. Heather M. Vibbert, BC20001019

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

Weisheit/Barsic 5/0/0 Motion carried.

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

- 1. Jennifer Guinn, BC29300169, SBCBE 11-117
- 2. Fred's Hair Shop, BS39400787, SBCBE 12-41
- 3. Karina Martinez, SBCBE 12-82
- 4. Tung N. Ngo, SBCBE 12-85

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

Weisheit/Bushong 5/0/0 Motion carried.

F. Consideration of Administrative Law Judge's Notice of Proposed Dismissal Order

- 1. Ronnie L. Whiteside, Sr., BA10800165, SBCBE 09-16
- 2. Brian A. Heaton, BC20601618, SBCBE 10-21

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

Weisheit/Bushong 5/0/0 Motion carried

G. Consideration of Administrative Law Judge's Order

1. Yesenia Sanchez, SBCBE 12-74

A motion was made and seconded to table consideration of the Administrative Law Judge's Order to investigate procedures further due to the fact that she indicated that she does not have a Social Security Number even though she indicated a number on her application. D. Weisheit opposed.

Bushong/Bonn 4/1/0 Motion carried

2. Shelby D. Sorrells, SBCBE 12-75

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

Weisheit/Bushong 5/0/0 Motion carried

H. Provisional Licensee Requesting Issuance of a Non-Provisional License

1. Silvia Castaneda (Personal Appearance)

A motion was made and seconded to approve issuance of a non-provisional license. D. Weisheit and J. Barsic opposed.

Bonn/Bushong 3/2/0 Motion carried

2. Denis Henriquez (Personal Appearance)

A motion was made and seconded to approve issuance of a non-provisional license. D. Weisheit and J. Barsic opposed.

Bonn/Bushong 3/2/0 Motion carried

3. Veronica Hernandez

No action. The request was to move to another salon.

I. Discussion of Policy for Special Accommodations for Non-English Speaking Examination Applicants

A motion was made and seconded to approve the use of translation dictionaries and allow twice the normal examination time for non-English speaking candidates. Pearson VUE will provide the translation dictionaries.

Bushong/Weisheit 5/0/0 Motion carried

J. Adoption of Electronic Means Participation Policy

A motion was made and seconded to adopt the following Electronic Means Participation Policy.

- 1. At least three (3) board members must be physically present at the designated meeting site. In case of difficulty of scheduling or multiple Board members requesting electronic participation, the Chairperson of the Commission shall determine the rotation of who may attend electronically.
- 2. A board member participating via electronic means can do so by telephone, computer, video conferencing, or any other method of communication that allows for simultaneous communication and is capable of being recorded by members of the public present at the designated meeting site.
- 3. Where at least one (1) board member is participating via electronic means at a Commission meeting, all votes must be taken by roll call.
- 4. Each board member must physically attend at least three (3) board meeting a year.
- 5. A board member appropriately participating via electronic means is considered present, is counted for quorum purposes, and may vote at the meeting on all matters. A board member participating via electronic means may cast the deciding vote on any matter properly before the SBCBE and shall, and is encouraged to, fully participate in the meeting. The Policy is not intended to reduce robust debate of SBCBE matters.
- 6. A board member participating in a meeting via electronic means is not required to do so in a setting that is open to the public.
- 7. A board member attending via electronic means shall notify the President and Board Director reasonably in advance of the meeting. A board member does not require prior SBCBE authorization to participate electronically under this policy unless the President objects or must require physical participation under Section 1 herein.
- 8. The President is delegated to supervise and coordinate electronic participation with the assistance of the Board Director and Deputy Attorney General for the SBCBE.
- 9. Board members are encouraged, but not required, to attend in person all meetings possible. This Policy endeavors to balance convenience and greater membership participation with operational efficiency and quality.

This Policy shall sunset and terminate on December 31, 2014, unless earlier renewed by the SBCBE. The SBCBE intends to and may review this Policy annually or more frequently.

Weisheit/Bushong 5/0/0 Motion carried

V. CONSIDERATION OF REQUESTS FOR WAIVER

A. Request for Waiver of 820 IAC 4-1-5(d), Completion of Education Within Three Years Of Enrollment

- 1. Brittany E. Gilbert-Wycoff
- 2. Madison M. McCollum
- 3. Ebony Q. Ellis
- 4. Melissa M. Poole
- 5. A'Bryanna Price
- 6. Shelly Marie Strom
- 7. Rachel Cessna

A motion was made and seconded to approve all and allow one year to graduate.

Weisheit/Bushong 5/0/0 Motion carried

B. Request for Waiver of 820 IAC 2-2-3(b), Sitting for Examination Within One Year of Graduation

- 1. Tiana R. Cazee
- 2. Raychel C. Fitzpatrick
- 3. Lauren Taylor Gibson Schlimmer
- 4. Paula T. Hines
- 5. Denetrius M. Johnson
- 6. Janice C. Jones
- 7. Dominic Pittman
- 8. Brittney A. Shannon
- 9. Megan C. Stretshberry

A motion was made and seconded to approve all and allow three months to sit for the examination.

Weisheit/Bonn 5/0/0 Motion carried

1. Angela R. Lough

A motion was made and seconded to deny the request due to failure to provide documentation.

Weisheit/Bonn 5/0/0 Motion carried

C. Request for Waiver of 820 IAC 8-2-20 or 820 IAC 8-2-20, Passing the Examination Within Three Years Of Graduation

- 1. Ebonique Burgess
- 2. Lisa M. Flores
- 3. Anton D. Mathis Sr.
- 4. Darreion D. Stevens
- 5. Amanda R. Stout
- 6. Marsha B. Graves

A motion was made and seconded to approve all and allow three months to pass the examination.

Weisheit/Bonn 5/0/0 Motion carried

7. Larry A. Weatherford – DENY (DEALING COCAINE AND OUT SINCE 2006)

A motion was made and seconded to deny the request.

Weisheit/Bonn 5/0/0 Motion carried

D. Request for Waiver of IC 25-8-7-3; IC 25-8-12.6-3, IC 25-8-7.2-3, Six Month Licensure Requirement To Manage a Salon

1. Heidi Anne Taylor

A motion was made and seconded to deny the request.

Weisheit/Bonn 5/0/0 Motion carried

VI. GRANTING OR DENYING PETITION FOR REVIEW AND APPOINTMENT OF ADMINISTRATIVE LAW JUDGE

A. Alex Nails Hair

Re: timely Petition for Review of Failed Barber Examination Denied March 23, 2012, petitioned October 1, 2012

Petition granted.

VII. COMMITTEE REPORTS

A. Application Committee

A motion was made and seconded to approve the Application Committee Report as follows.

Weisheit/Bonn 5/0/0 Motion carried

COSMETOLOGY APPLICATIONS

A. By Examination:

Allen, Jessie Kim - Approved

Asher, Eugena Pearl - Approved on PROBATION with no right to petition for withdrawal of probation until successful completion of criminal probation, follow statutes and rules

Baker, Denise - Approved on PROBATION with no right to petition for withdrawal of probation for a period of one year for dealing cocaine, follow statutes and rules

Beery, Amanda Louise Victoria - Approved on PROBATION with no right to petition for withdrawal of probation until successful completion of criminal probation, follow statutes and rules

Carter, Marcella - Approved on PROBATION with no right to petition for withdrawal of probation for a period of one year for operating vehicle while intoxicated, follow statutes and rules

Conners, Ashley Suzanne – Tabled, need probation information and sentencing order

Foster, Sarah F - Approved on PROBATION with no right to petition for withdrawal of probation until successful completion of criminal probation, follow statutes and rules

Garcia, Jessenia - Denied, not 18 at time of application, IC 25-8-9-3

Gilbert-Wycoff, Brittany - Approved on PROBATION with no right to petition for withdrawal of probation for a period of one year for maintaining common nuisance, follow statutes and rules Goodman, Christy Marie – Denied, application incomplete

Hanrahan, Amy - Approved

Markham, Udell - Approved on PROBATION with no right to petition for withdrawal of probation until successful completion of criminal probation, follow statutes and rules

Miller, Tasha – Approved on PROBATION with no right to petition for withdrawal of probation until successful completion of criminal probation, follow statutes and rules

Weatherford Jr, Larry - Approved

Rogers, Jennifer - Approved

B. By Reciprocity:

Danielson, Terri Lynn - Denied, license not valid in another jurisdiction, IC 25-8-4-2(a)(1) Do, Tina Trang – Denied, information conflicting with DOB and name on application Liu, Bi Chu – Tabled, conflicting name on application versus documentation Nguyen, Tuyet – Tabled, proof of school hours, transcript of classes taken Trinh, Ha Thi – Denied, does not have required education hours, IC 25-8-4-2(a)(2)

C. By Provisional:

Garcia, Heidy – Denied, does not have sufficient training or experience,IC 25-8-4-2.9(b)(1) Keil, Chin Suk Yang - Approved Le, Amy Tien - Tabled pending proof of high school education or GED Le, Le Thu Thi – Denied, names conflicting and signature appear to be different Paredes-Aguirre, Marisela – Tabled pending DOB and high school education or GED Salazar Rodriguez, Silvia E- Tabled pending proof of high school education or GED, no picture or signature Whitaker, Wilmary - Approved

MANICURIST APPLICATIONS

A. By Examination:

Bane, Marissa - Approved on PROBATION with no right to petition for withdrawal of probation for a period of one year for theft, receiving stolen, follow statutes and rules

Bryan, Kara - Approved on PROBATION with no right to petition for withdrawal of probation for a period of one year for operating vehicle while intoxicated, follow statutes and rules

Fender, Julie - Approved on PROBATION with no right to petition for withdrawal of probation for a period of one year for operating vehicle, habitual, theft, follow statutes and rules

Hatfield, Amanda - Approved on PROBATION with no right to petition for withdrawal of probation for a period of one year for controlled substance, follow statutes and rules

Le, Bich Ngoc - Approved

Le, Will Tranh - Approved

Pham, Hue T - Approved

Phung, Kieu Trang Thi - Approved

Schubla, Nicole - Approved on PROBATION with no right to petition for withdrawal of probation for a period of one year for dealing in meth, conspiracy, follow statutes and rules

Scott, Kathryn - Approved on PROBATION with no right to petition for withdrawal of probation for a period of one year for forgery, counterfeiting, follow statutes and rules

Smith, Laverne - Approved on PROBATION with no right to petition for withdrawal of probation for a period of one year for theft, receiving stolen, follow statutes and rules

Summers, Amanda - Approved on PROBATION with no right to petition for withdrawal of probation for a period of one year for theft, receiving stolen, follow statutes and rules

B. By Reciprocity:

Bui, Hoang K – Denied, no proof of schooling, application conflicting or incomplete Bui, Ngoc Nhu – Denied, license not valid in another jurisdiction, IC 25-8-4-2(a)(1) Huynh, Chau My Thi – Denied, does not have required hours, IC 25-8-4-2(a)(2) and (c) Lam, Kim Loan Phuong – Denied, license not valid in another jurisdiction, IC 25-8-4-2(a)(1) Nguyen, Kim Dung - Approved Nguyen, Mong – Denied, attended nail tech school instead of cosmetology school Tu, Philip – Denied, does not have required education hours, IC 25-8-4-2(a)(2)

C. By Provisional:

La, Ngoc Ky – Denied, pictures don't match

ESTHETICIAN APPLICATIONS

A. By Reciprocity:

Faucett, Lesa L – Denied, unlicensed practice

COSMETOLOGY INSTRUCTOR APPLICATIONS

A. By Examination:

Frane, Melody - Approved on PROBATION with no right to petition for withdrawal of probation for a period of one year for possession of meth, possession of cocaine, follow statutes and rules Trevino, Tammy - Approved on PROBATION with no right to petition for withdrawal of probation for a period of one year for dealing in a scheduled I, follow statutes and rules

BARBER APPLICATIONS

A. By Examination:

Alexander, DaQurin – Tabled, provide current payment information Beauchamp, Thad R. - Approved Grant, Adrian – Tabled, need to provide conviction information and personal appearance Hillman Jr, Jerome - Approved

B. <u>By Reciprocity:</u>

Day, Larry Allen – Tabled, need to provide hours/transcripts from both Kentucky and Indiana schools.

C. By Provisional:

Do, Xuan Thanh – Denied, application incomplete Suarez, Amaury D - Approved Uche, Felix – Tabled, provide proof of shaving

Cosmetology School Applications

A. Cosmetology School

Chosen Christian Beauty Colleges, 6422 Georgetown Blvd, Ft.Wayne, 46815 – Approved upon successful completion of approved inspection report.

Salon Applications

A. Cosmetology Salon

Flory Beauty Salon – Approved on Probation Hair By Hotties – Tabled for proof of conviction record and inspection report

B. Manicuring Salon

Diamond Nail & Spa – Tabled proof of new owners and outcome of litigation Happy Nails & Spa, 3921-3923 45th Street, Highland, 46322, Denied- failed inspection

C. Esthetics Salon

Diamond Nail & Spa – Tabled proof of new owners and outcome of inspection report Diva Nails & Spa – Approved on Probation Happy Nails & Spa, 3921-3923 45th Street, Highland, 46322 – Denied, failed inspection report

D. Barber Shop

Ala Vista's Bootleg Fancy, 519 N Martin Street, Muncie, 47303 - Approved

VIII. ADJOURNMENT 6:50 P.M.