

**State Board of Cosmetology and Barber Examiners**

**March 19, 2012**

**MINUTES  
Indiana Government Center-South  
402 West Washington Street, Room W064  
Indianapolis, Indiana**

**COMMITTEE MEETINGS**

**10:00 a.m.**

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**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, Vice President  
Diana Bonn  
Gary Odell  
Joseph Barsic  
Rebecca Bushong

**Board Member Not Present:**

David Demuth, President

**State Officials Present:**

Tracy Hicks, Board Director, Indiana Professional Licensing Agency  
Rae Harman, Assistant Director, Indiana Professional Licensing Agency  
Philip Thompson, Board Advisory Counsel, Office of the Attorney General

**I. ADOPTION OF THE AGENDA**

The March 19, 2012 agenda was adopted as amended.

Bonn/Bushong  
5/0/0  
Motion carried.

The March 19, 2012 agenda was adopted as amended to add the Proposed Settlement Agreement in the matter of California Nails, SBCBE 11-44, 11-61, and 11-62..

Bushong/Barsic  
5/0/0  
Motion carried.

**II. ADOPTION OF THE MINUTES FROM THE JANUARY 9, 2012 MEETING OF THE STATE BOARD OF COSMETOLOGY AND BARBER EXAMINERS**

A motion was made and seconded to approve the minutes of the January 9, 2012 meeting.

Bonn/Bushong  
5/0/0  
Motion carried.

#### IV. OLD/NEW BUSINESS

##### B. Administrative Hearings, 1:00 p.m.

###### 1. Administrative Hearing In the Matter of Frances Kay Smith, BC02138556, SBCBE 11-116

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

Bonn/Bushong

5/0/0

Motion carried.

###### 2. Administrative Hearing in the Matter of Harry J. Waddell, BA19600055, SBCBE 11-109

Hearing was held. A motion was made and seconded that the State has proved their case.

Bonn/O'Dell

5/0/0

Motion carried.

A motion was made and seconded to suspend the license for a period of one month, then place the license on indefinite probation with no right to petition for withdraw of probation until released from prison, pay \$1000.00 fine upon release from prison, pay the cost of the proceedings, and the \$5.00 Health Records and Personal Identifying Information Protection Trust Fund cost.

O'Dell/Bonn

5/0/0

Motion carried.

###### 3. Administrative Hearing in the Matter of Avis Nails, MS39600693, SBCBE 12-13

Hearing was continued.

###### 4. Administrative Hearing in the Matter of Michael Anthony Halliburton, BA19700068, SBCBE 11-104

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

Bonn/Bushong

5/0/0

Motion carried.

A motion was made and seconded that the State has proved their case. A motion was made and seconded to place the Respondent on Indefinite suspension with no right to petition for reinstatement for a period of 90 days, impose a fine of \$1000, impose costs of proceedings, and the \$5.00 Health Records and Personal Identifying Information Protection Trust Fund cost.

Barsic/Bonn

5/0/0

Motion carried.

###### 5. Administrative Hearing in the Matter of Lovely Nails, MS30600511, SBCE 08-27

Hearing was held. A motion was made and seconded to deny the request for removal of probation and extend the time period to file for removal of probation for a period of one year and all terms previously imposed. The inspection information shall be forwarded to the Office of the Attorney General for possible further disciplinary proceedings.

Bonn/O'Dell

5/0/0

Motion carried.

**6. Administrative Hearing in the Matter of Nail Expo, MS30500736, SBCE 08-17**

Hearing was held. A motion was made and seconded to deny the request for removal of probation, extend the time period to file for removal of probation for a period of one year and all terms previously imposed, The inspection information shall be forwarded to the Office of the Attorney General for possible further disciplinary proceedings.

Bonn/Bushong  
5/0/0  
Motion carried.

**7. Administrative Hearing in the Matter of Rose Nails, MS30600328, SBCE 10-15**

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

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

**8. Administrative Hearing in the Matter of Heather L. Jarrett, BC20501719, SBCBE 10-15A**

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

Bonn/Bushong  
5/0/0  
Motion carried.

**9. Administrative Hearing in the Matter of Richard Dan Van, MA29701428, SBCE 02-97**

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

Bonn/Bushong  
5/0/0  
Motion carried.

**C. Personal Appearances**

1. Hoang M. Do, MA20300511, SBCE 07-55 – Appeared and reported he was moving back to Colorado
2. Nail Expo, MS30500736, SBCE 08-17 - Appeared
3. Lovely Nails, MS30600511, SBCE 08-27 - Appeared
4. Rose Nails, MS30600328, SBCE 10-15 - Appeared

**D. Personal Appearances and Consideration of Application for License Renewal**

1. Truong C. Vu, MA20703858

A motion was made and seconded to deny the application for renewal based on the conviction of sexual assault.

Bonn/Bushong  
5/0/0  
Motion carried.

2. Tammy L. Taylor, BC08803638

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

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

3. Alberta Y. Thompson, BC29800188

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

Bonn/Bushong  
5/0/0  
Motion carried.

4. Cornell Louis Byrd, BA10500028

A motion was made and seconded to table the application for renewal of license pending conviction documentation.

Bonn/Bushong  
5/0/0  
Motion carried.

5. Gary Ferguson, BC20400930

A motion was made and seconded to suspend the application for renewal of license for a period of thirty days, then on place the license on indefinite probation and require personal appearance upon release from prison.

Bonn/Bushong  
5/0/0  
Motion carried.

6. Katrina Brei Johnson, MA20400573

A motion was made and seconded to deny the application for renewal of license for failure to appear and failure to provide information regarding conviction.

Bonn/Bushong  
5/0/0  
Motion carried.

7. Megan A. Linette, BC20806184

A motion was made and seconded to deny the application for renewal of license for failure to appear and failure to provide information regarding conviction.

Bonn/Bushong  
5/0/0  
Motion carried.

8. Jennifer L. Hoffman, BC20806534

A motion was made and seconded to deny the application for renewal of license for failure to appear and failure to provide information regarding conviction.

Bonn/Bushong  
5/0/0  
Motion carried.

9. Shanea N. Salls, BC29901552

A motion was made and seconded to deny the application for renewal of license for failure to appear and failure to provide information regarding conviction.

Bonn/Bushong  
5/0/0  
Motion carried.

10. Looking Up, BS39700188

A motion was made and seconded to approve the application for renewal of license on indefinite probation with no right to petition for reinstatement for a period of one year.

Bonn/Bushong  
5/0/0  
Motion carried.

11. Sun Garden LLC, TB59700307

A motion was made and seconded to approve the application for renewal of license on indefinite probation with no right to petition for reinstatement for a period of two years.

Bushong/Barsic  
5/0/0  
Motion carried.

**E. Personal Appearance and Consideration of Request for Cosmetologist License**

1. Julia Antonieta Saloc-Socop, BCP1000016, issued 8/11/10

A motion was made and seconded to approve issuance of a cosmetologist. R. Bushong and J. Barsic opposed. Motion carried.

Bonn/O'Dell  
5/2/0  
Motion carried.

**F. Personal Appearance to Discuss Cosmetologists Learning to Shave and to Become Barbers**

1. Roy Stevenson, Reds Classic Barber Shop and Salon asked the board if cosmetologists may shave with a strait raiser. He was informed that the definition of the practice of cosmetology and the curriculum requirement do not include shaving. He also reported that some barber schools were accepting hours from cosmetology school for a barber course. It was explained to him that previous to Mr. Barsic being appointed to the board, the previous Deputy Attorney General advised the board and staff that this could be done. He asked how he could seek a statute change and was referred to his legislator.

**G. Consideration of Proposed Findings of Fact, Conclusions of Law, and Order**

1. Red Nail, MS30802389, SBCBE 11-105

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

Bushong/O'Dell  
5/0/0

2. Frances Hair Salon, BS39500706, TB59800158, SBCBE 11-107

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

Bushong/O'Dell  
5/0/0

3. Julie A. Gardiner, BC09002083, SBCBE 11-108

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

Bushong/O'Dell  
5/0/0

4. California Nails, MS39500670, and application for Esthetician salon

A motion was made and seconded to accept the Proposed Findings of Fact, Conclusions of Law, and Order. D. Weisheit opposed the motion. Motion carried.

Bushong/Bonn  
5/0/0

#### **H. Consideration of Administrative Law Judge's Order**

1. Brittany Dean, SBCBE 11-117

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

Bonn/O'Dell  
5/0/0

#### **I. Consideration of Administrative Law Judge's Notice of Proposed Dismissal Order and Objection**

1. Garabed B. Sarian, SBCBE 11-97

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

Bonn/Bushong  
5/0/0

#### **J. Application for Manicurist License**

1. Hieu T. Le

A motion was made and seconded to deny the application for license due to the fact that the records indicate Mr. Le did not take the examination, rather someone else took the examination in his place.

Bonn/O'Dell  
5/0/0

### **V. CONSIDERATION OF REQUESTS FOR WAIVER AND TRANSFERS**

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

1. Amber Blakely
2. Yolanda Hall
3. Jennay Jackson
4. Lacy Turner
5. Wendy Wilson

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

Bonn\Bushong  
5/0/0

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

1. Kelcie Brooks
2. Pamela Lynch
3. Melanie Manny
4. Samantha Mulkey

5. Erica Oldfather
6. Marisa Pierce
7. Maura Zepeda

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

Bonn\Bushong  
5/0/0

**C. Request for Waiver of 820 IAC 2-2-3(b), Passing the Examination Within Three Years Of Graduation**

1. Wesley Johnson

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

Barsic/O'Dell  
5/0/0

2. Carl Pruett

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

O'Dell/Bushong  
5/0/0

**D. Request for Waiver of 820 IAC 2-2-3(b), Sitting for Examination Within One Year and Passing the Examination Within Three Years of Graduation**

1. Yvzenia Herrera
2. Dara Radford

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

Bonn\Barsic  
5/0/0

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

**A. Shelby Dawn Sorrells**

Re: Timely Petition for Review of Failed Cosmetology Examination

A motion was made and seconded to grant the petition for review and appoint D. Demuth as the administrative law judge.

Bonn\Bushong  
5/0/0

**VII. COMMITTEE REPORTS**

**A. Application Committee**

A motion was made and seconded to deny the application for barber school license in the matter of The Barber Academy due to the lack of chairs and only two lavatories/shampoo bowls. D. Weisheit and R. Bushong objected. D. Bonn abstained. Motion failed.

Barsic/O'Dell  
2/2/1

A motion was made and seconded to approve the application for barber school license in the matter of The Barber Academy. J. Barsic and G. O'Dell opposed the motion. Motion carried.

Bonn/Bushong  
3/2/0

A motion was made and seconded to approve the application committee report.

Bonn/Bushong

5/0/0

## **COSMETOLOGY APPLICATIONS**

### **A. By Examination:**

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

Garr, Tonja - Approved on PROBATION with no right to petition for withdrawal of probation for a period of one year for possession of paraphernalia, follow statutes and rules

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

Mayberry, Amanda. - Approved on PROBATION with no right to petition for withdrawal of probation for a period of one year for dealing in schedule I, follow statutes and rules

Morrison, Amanda Approved on PROBATION with no right to petition for withdrawal of probation for a period of one year for dealing in schedule I, follow statutes and rules

Sneed, Melissa - Approved on PROBATION with no right to petition for withdrawal of probation for a period of one year for dealing in methamphetamine, follow statutes and rules

Stork, Tamica - Approved on PROBATION with no right to petition for withdrawal of probation for a period of one year for possession of cocaine, follow statutes and rules

Taylor, Sheree - Approved on PROBATION with no right to petition for withdrawal of probation for a period of one year for possession of cocaine, follow statutes and rules

Abel, Kelly - Approved on PROBATION with no right to petition for withdrawal of probation for a period of one year for non-support of a dependent, follow statutes and rules

Adamou, Michelle – Approved

Allen, Charles – Approved

Allen, Ericka – Approved

Barrett, Shahein – Approved

Bohnert, Michele – Approved on PROBATION with no right to petition for withdrawal of probation for a period of one year for dealing in methamphetamine, follow statutes and rules

Brown, Tara – Approved

Buttermore, Katherine – Approved

Grimes, Martha – Approved

Miller, Eric - Approved

### **B. By Provisional:**

Torres, Alejandrina – Denied, no perms or waxing education



## MANICURIST APPLICATIONS

### A. By Examination:

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

Basham, Christina - Approved on PROBATION with no right to petition for withdrawal of probation for a period of one year for burglary, check fraud, follow statutes and rules

Beem, Tamathy - Approved on PROBATION with no right to petition for withdrawal of probation for a period of one year for burglary, follow statutes and rules

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

Jaime, Amy - Approved on PROBATION with no right to petition for withdrawal of probation for a period of one year for prescription fraud, armed robbery follow statutes and rules

Lawson, Kelly - 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

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

Boone, Ashley - Approved

### A. By Provisional:

Le, Tuan – Denied, attended nail school

## ESTHETICIAN APPLICATION

### A. By Reciprocity:

Haire, Mary Beth, Denied, not cosmetology school

## COSMETOLOGY INSTRUCTOR APPLICATIONS

### A. By Examination:

George, Kimberly - Approved

## ELECTROLOGIST APPLICATIONS

### A. By Reciprocity:

Shafer-Dunworth, Valerie – Denied, not cosmetology school

## BARBER APPLICATIONS

### A. By Examination:

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

Luallen, Johnnie Lee, Jr. – Approved

Pruett, Carl – Approved

Smith, Frances - Approved on PROBATION with no right to petition for withdrawal of probation for a period of one year for murder, voluntary manslaughter, murder, follow s statutes and rules

Williams, Anthony, Jr. – Tabled pending personal appearance

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

## **BARBER SCHOOL APPLICATIONS**

### **A. Barber School**

The Barber Academy, 422 Spring Street, Jeffersonville, Approved with a 10 chair variance

New Castle Correctional, 100 Van Nuys Road, New Castle, IN 47362 - tabled pending financial statement certified by C.P.A, cannot have manicuring, and shows no corporate filing

## **SALON APPLICATIONS**

### **A. Cosmetology Salon**

Alex Nails Hair, 7490 South Madison Avenue – Denied, failed inspection due to IC 25-1-11-19(a)(1)(B) and IAC 3-1-10(b)

Shear Madness, 104 E. Lincoln Street – Denied, unlicensed practice

### **B. Esthetics Salon**

Hot Nails, 5625 W 38<sup>th</sup> Street – Denied, failed inspection due to unlicensed practice, IC 25-1-11-5(9)(b)

### **C. Manicuring Salon**

Regal Nails, 2505 N. Oak Road – Denied, failed inspection due to unlicensed practice

### **D. Tanning Facility**

Tiki Tan - Approved

### **E. Barber Shop**

Twins Barbershop – Approved

Virgil's Fountain Square Barber Shop & Salon – Denied, failed inspection, displaying an expired license that has been altered by hand.

## **VIII. ADJOURNMENT 5:05 p.m.**

**Next Scheduled Meeting:**

Monday, May 21, 2012