

STATE BOARD OF COSMETOLOGY AND BARBER EXAMINERS
Monday July 18, 2016 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 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
Diana Bonn
Victoria Ross
Gary Odell
Gregory Kenny
Rebecca Bushong

State Officials Present:

Tracy Hicks, Board Director, Indiana Professional Licensing Agency
Jennifer Broadbent, Assistant Director, Indiana Professional Licensing Agency
Aaron Kochar, Board Advisory Counsel, Office of the Attorney General

ADOPTION OF THE AGENDA

The agenda was adopted.

D. Bonn/G. O'Dell
6/0/0
Motion carried.

ADOPTION OF THE MINUTES FROM THE MAY 16, 2016 MEETING OF THE STATE BOARD OF COSMETOLOGY AND BARBER EXAMINERS

A motion was made and seconded to approve the minutes of the May 16, 2016 meeting.

D. Bonn/G. O'Dell
6/0/0
Motion carried.

ADMINISTRATIVE HEARINGS

A. Administrative Hearing in the Matter of Vaneta Shoulder, SBCBE 16-75

A motion was made and seconded to approve Petitioner's Motion for Continuance by Mr. Shoulder.

D. Bonn/V. Ross
6/0/0
Motion carried.

B. Administrative Hearing in the Matter of Keenyn R. Perry, BA00141393, SBCBE 05-01

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

D. Bonn/R. Bushong
6/0/0
Motion carried.

C. Administrative Appeal Hearing in the Matter of Wittney Griffin, BC20806133, SBCBE 14-54

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

D. Bonn/ R. Bushong
6/0/0
Motion carried.

A motion was made and seconded to withdrawal the previous motion.

D. Bonn/ R. Bushong
6/0/0
Motion carried.

A motion was made and seconded to withdrawal probation.

G. Kenney/D. Bonn
6/0/0
Motion carried.

D. Administrative Hearing in the Matter of Sarah Denise Watts, BC21500433, SBCBE 15-10

A motion was made and seconded to withdraw probation.

D. Bonn/R. Bushong
6/0/0
Motion carried.

E. Administrative Show Cause Hearing in the Matter of Urban Masterpiece Barber Shop, BS21200062, SBCBE 14-102A

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

D. Bonn/G. O'Dell
6/0/0
Motion carried.

F. Administrative Hearing in the Matter of Spa Nail Salon, BS91400302, SBCBE 16-47

A motion was made and seconded to approve the State's Motion for Continuance.

D. Bonn/V. Ross
6/0/0
Motion carried.

G. Administrative Hearing in the Matter of Willie L. Haynes, BA00164745, Lavitia Haynes, BC02296106, and ABC Beauty School, Inc., SC49000002, SBCBE 16-68

A motion was made and seconded to place the license on indefinite probation with no right to petition for removal for a period of one year, impose fines totaling \$4750.00 payable within one year, and impose the \$5 fee to the health records and personal identifying information protection trust fund in the matter of ABC Beauty School, Inc. D. Weisheit opposed the motion.

D. Bonn/G. O'Dell
5/1/0
Motion carried.

A motion was made and seconded to place the license on indefinite probation with no right to petition for removal for a period of one year, impose fines totaling \$100 payable within one year and impose the \$5 fee to the health records and personal identifying information protection trust fund in the matter of Willie L. Haynes, BA00164745. D. Weisheit opposed the motion.

D. Bonn/R. Bushong
5/1/0
Motion carried.

A motion was made and seconded to place the license on indefinite probation with no right to petition for removal for a period of one year, impose fines totaling \$250 payable within one year and impose the \$5 fee to the health records and personal identifying information protection trust fund in the matter of Lavitia Haynes, BC02296106. D. Weisheit opposed the motion.

D. Bonn/G.Kenny
5/1/0
Motion carried.

H. Administrative Hearing in the Matter of Bruce Markey, BA10900040, SBCBE 14-93

A motion was made and seconded to issue a notice of default.

D. Bonn/R. Bushong
6/0/0
Motion carried.

A motion was made and seconded to rescind the license and not allow Respondent to reapply for a period of seven (7) years.

V. Ross/G. O'Dell
6/0/0
Motion carried.

I. Administrative Hearing in the Matter of Anna Hong Nguyen, BC21400056, SBCBE 15-115

A motion was made and seconded to issue a notice of default.

R. Bushong/V. Ross
6/0/0
Motion carried.

A motion was made and seconded to rescind the license and not allow Respondent to reapply for a period of seven (7) years and PLA shall notify any other state that Respondent may be licensed in.

G. O'Dell/V. Ross
6/0/0
Motion carried.

J. Administrative Hearing in the Matter of White Sands Hair & Nails, BS30300673, SBCBE 15-150

A motion was made and seconded to issue a notice of default.

R. Bushong/V. Ross
6/0/0
Motion carried.

A motion was made and seconded to revoke the license.

V. Ross/R. Bushong
6/0/0
Motion carried.

OFFICE OF THE ATTORNEY GENERAL CONSUMER PROTECTION DIVISION REPORT

Written report provided.

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

A. Jump In Style Salon & Wellness Spa, BS31200514, SBCBE16-46

A motion was made and seconded to approve the Proposed Findings of Facts, Conclusions of Law and Order. Diana Bonn abstained because she participated in the settlement conference. The following members, Diana Weisheit, Victoria Ross, Gary O'Dell, Gregory Kenny, and Dr. Rebecca Bushong, continued to participate in the matter.

G. O'Dell/V. Ross
5/0/1
Motion carried.

B. Art Nail, EH31200037, SBCBE 15-137

A motion was made and seconded to approve the Proposed Findings of Facts, Conclusions of Law and Order. Diana Bonn abstained because she participated in the settlement conference. The following members, Diana Weisheit, Victoria Ross, Gary O'Dell, Gregory Kenny, and Dr. Rebecca Bushong, continued to participate in the matter.

G. O'Dell/V. Ross
5/0/1
Motion carried.

C. Diamond Nails, MS30802238, SBCBE 16-56

A motion was made and seconded to approve the Proposed Findings of Facts, Conclusions of Law and Order. Diana Bonn abstained because she participated in the settlement conference. The following members, Diana Weisheit, Victoria Ross, Gary O'Dell, Gregory Kenny, and Dr. Rebecca Bushong, continued to participate in the matter.

G. O'Dell/V. Ross
5/0/1
Motion carried.

D. USA Nail, SBCBE 16-55

A motion was made and seconded to approve the Proposed Findings of Facts, Conclusions of Law and Order. Diana Bonn abstained because she participated in the settlement conference. The following members, Diana Weisheit, Victoria Ross, Gary O'Dell, Gregory Kenny, and Dr. Rebecca Bushong, continued to participate in the matter.

G. O'Dell/V. Ross
5/0/1
Motion carried.

E. Eric Huynh, MA20602563, Anh Do, MA20602584, Sassy Nails 16-79

A motion was made and seconded to approve the Proposed Findings of Facts, Conclusions of Law and Order. Diana Bonn abstained because she participated in the settlement conference. The following members, Diana Weisheit, Victoria Ross, Gary O'Dell, Gregory Kenny, and Dr. Rebecca Bushong, continued to participate in the matter.

G. O'Dell/V. Ross
5/0/1
Motion carried.

PERSONAL APPEARANCES AND CONSIDERATION OF APPLICATION FOR LICENSE REINSTATEMENT IN THE MATTER OF

A. Elan Nail Spa, MS30802195

A motion was made and seconded to reinstate the license on indefinite probation with no right to petition for removal for one year and require an approved inspection prior to removal of probation.

V. Ross/D. Bonn
6/0/0
Motion carried.

B. Nails R Us, II, MS30000875

A motion was made and seconded to reinstate the license based on J. Tucker's testimony.

D. Bonn/G. O'Dell
6/0/0
Motion carried.

C. The Design Team, BS39500626

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

D. Bonn/V. Ross
6/0/0
Motion carried.

D. Megan Day, BC20100014

A motion was made and seconded to reinstate the license on indefinite probation pending passing the examination with no right to petition for removal until released from criminal probation.

D. Bonn/V. Ross
6/0/0
Motion carried.

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

A. Bronze Bay Tanning Center, TB50800008

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

D. Bonn/V. Ross
6/0/0
Motion carried.

B. Larry Paul Tanning Spa, TB51300027

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

D. Bonn/V. Ross
6/0/0
Motion carried.

C. Soap & Sun Laundry & Tan, TB50200022

A motion was made and seconded to renew the license on indefinite probation with no right to petition for removal for one year and require an approved inspection prior to removal of probation.

R. Bushong/G. O'Dell
6/0/0
Motion carried.

D. U.V. Beach Tanning Salon, TB50600165

A motion was made and seconded to renew the license on indefinite probation with no right to petition for removal for one year and require an approved inspection prior to removal of probation

D. Bonn/V. Ross
6/0/0
Motion carried.

E. Becky Schepers, MA20001192

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

D. Bonn/R. Bushong
6/0/0
Motion carried.

CONSIDERATION OF NOTICE OF PROPOSED DISMISSAL ORDER

A. Alberta Davis, ES21100012, SBCBE 14-80

A motion was made and seconded to dismiss the matter.

D. Bonn/V. Ross
6/0/0
Motion carried.

CONSIDERATION OF ADMINISTRATIVE LAW JUDGE'S ORDERS

A. Hai Hoang Van Vo, SBCBE 16-48

A motion was made and seconded to affirm the Administrative Law Judge's Order. D. Weisheit abstained because she participated as the Administrative Law Judge in the administrative proceeding. The following members, Diana Bonn, Victoria Ross, Gary O'Dell, Gregory Kenny, and Dr. Rebecca Bushong, continued to participate in the matter.

D. Bonn/V. Ross

5/0/1
Motion carried.

B. Muoi B. Pham, SBCBE 16-49

A motion was made and seconded to affirm the Administrative Law Judge's Order. D. Weisheit abstained because she participated as the Administrative Law Judge in the administrative proceeding. The following members, Diana Bonn, Victoria Ross, Gary O'Dell, Gregory Kenny, and Dr. Rebecca Bushong, continued to participate in the matter.

D. Bonn/V. Ross
5/0/1
Motion carried.

C. Tuan Minh Tran, SBCBE 16-50

A motion was made and seconded to affirm the Administrative Law Judge's Order. D. Weisheit abstained because she participated as the Administrative Law Judge in the administrative proceeding. The following members, Diana Bonn, Victoria Ross, Gary O'Dell, Gregory Kenny, and Dr. Rebecca Bushong, continued to participate in the matter.

D. Bonn/V. Ross
5/0/1
Motion carried.

D. Great Clips, SBCBE 16-51

A motion was made and seconded to affirm the Administrative Law Judge's Order. D. Weisheit abstained because she participated as the Administrative Law Judge in the administrative proceeding. The following members, Diana Bonn, Victoria Ross, Gary O'Dell, Gregory Kenny, and Dr. Rebecca Bushong, continued to participate in the matter.

D. Bonn/V. Ross
5/0/1
Motion carried.

E. Hoang Trang Anh Duong, SBCBE 16-52

A motion was made and seconded to affirm the Administrative Law Judge's Order. D. Weisheit abstained because she participated as the Administrative Law Judge in the administrative proceeding. The following members, Diana Bonn, Victoria Ross, Gary O'Dell, Gregory Kenny, and Dr. Rebecca Bushong, continued to participate in the matter.

D. Bonn/V. Ross
5/0/1
Motion carried.

F. Kiet Ta Duong, SBCBE 16-53

A motion was made and seconded to affirm the Administrative Law Judge's Order. D. Weisheit abstained because she participated as the Administrative Law Judge in the administrative proceeding. The following members, Diana Bonn, Victoria Ross, Gary O'Dell, Gregory Kenny, and Dr. Rebecca Bushong, continued to participate in the matter.

D. Bonn/V. Ross
5/0/1
Motion carried.

CONSIDERATION OF APPLICATION FOR BARBER LICENSE

A. Emerson Thomas III

A motion was made and seconded to approve the application. Dr. Bushong was not present in the room for this matter.

D. Bonn/V. Ross
5/0/1
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. Niki J. Correa

A motion was made and seconded to approve the application and allow one year to pass the examination.

D. Bonn/G. O'Dell
6/0/0
Motion carried.

B. Gerald Edwards

A motion was made and seconded to approve the application and allow one year to pass the examination.

R. Bushong/D. Bonn
6/0/0
Motion carried.

C. Tia Q. Rile

A motion was made and seconded to approve the application and allow one year to pass the examination.

D. Bonn/G. O'Dell
6/0/0
Motion carried.

D. Jeremy Soberanis

A motion was made and seconded to approve the application and allow one year to pass the examination.

D. Bonn/G. O'Dell
6/0/0
Motion carried.

DISCUSSION OF PROPOSED RULE DRAFT AND LANGUAGE REGARDING THE USE OF STRAIGHT RAZORS BY COSMETOLOGISTS.

A Motion was made and seconded to promulgate rules to include the use of a straight razor in the definition of cosmetology (IC 25-8-2-5). G. O'Dell and G. Kenny opposed the motion.

V. Ross/R. Bushong
4/2/0
Motion carried.

DISCUSSION OF BEAUTY CULTURE SCHOOL LICENSE REQUIREMENTS FOR SCHOOLS OFFERING BARBER COURSES ONLY

This was not addressed.

DISCUSSION OF 2016 PSI EXAMINATION REVIEW COMMITTEE

Meetings will be held in person. Diana Bonn would like to be added as an SME for manicuring, Greg Kenny would like to be added as an SME for barbering, V. Ross would like to be added as an SME for esthetics and instructor, and D. Weisheit would like to be added as an SME for cosmetology.

REQUEST FOR APPROVAL TO REINSTATE LICENSE WITHOUT PASSING THE EXAMINATION

A. Rex Strimple, BA00152774, Exp. 9/1/09

A motion was made and seconded to deny the request.

R. Bushong/G. Kenny
6/0/0
Motion carried.

B. Wynn Samuels, Jr., BA19600072, Exp. 9/1/08

A motion was made and seconded to deny the request.

R. Bushong/G. Kenny
6/0/0
Motion carried.

APPLICATION COMMITTEE REPORT

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

D. Bonn/V. Ross
6/0/0
Motion carried.

COSMETOLOGY

A. By Examination

Crawford, Jacqueline Nicole: APPROVED.

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

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

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

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

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

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

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

Schapker, Ashley M.: APPROVED.

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

Stone, Jamilea Ragan-Renee: Approved on PROBATION with no right to petition for withdrawal of probation until successful completion of criminal obligations.

Taylor, Courtney D: APPROVED.

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

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

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

B. Reciprocity

Chau, Huong Kim: DENIED; IC 25-8-4-2(a)(2) not substantially equal.

Hanna, Mena: DENIED; IC 25-8-4-2(a)(2) not substantially equal.

Harvey, Melissa: APPROVED.

Huynh, Loan Thi Kim: DENIED; IC 25-8-4-2(a)(2) not substantially equal and IC 25-1-11-5(b) for potential fraudulent document.

Martinez, Sarai: DENIED, IC 25-1-11-5(b), possible fraudulent documentation.

Nguyen, Quynh: DENIED; IC 25-8-4-2(a)(2) not substantially equal.

Powers, Beth A.: APPROVED.

Tong, Jill: DENIED; IC 25-8-4-2(a)(2) not substantially equal.

Zhao, Liai: DENIED; IC 25-8-4-2(a)(2) not substantially equal.

C. Provisional

Kshatriya, Shilpa: DENIED; IC 25-1-11-5(b), possible fraudulent documentation.

Le, Muot Thi: APPROVED.

Le, Nhuong Thi: APPROVED.

Tran, Thuy Thi Thanh: DENIED; IC 25-1-11-5(b), possible fraudulent documentation.

ESTHETICIAN

A. By Examination

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

Hoover, Heather: DENIED, IC 25-1-11-19(b) for unlicensed practice.

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

MANICURIST

A. By Reciprocity

Dinh, Mai Anh Thi: DENIED; IC 25-8-4-2(a)(2) not substantially equal.

Dinh, Nguyen Nguyen: DENIED; IC 25-8-4-2(a)(2) not substantially equal.

Glidic, Uyen Thi Phuong: DENIED; IC 25-8-4-2(a)(2) not substantially equal and IC 25-8-4-2(a)(1), no valid manicurist license

Hong, Thuy Dung T.: DENIED; previously denied for fraudulent documentation. IC 25-1-11-5(b).

Huynh, Duc Van: DENIED; IC 25-8-4-2(a)(2) not substantially equal and IC 25-8-4-2(a)(1), no valid manicurist license.

Tran, Thu: DENIED; IC 25-8-4-2(a)(2) not substantially equal and IC 25-1-11-5(b) for potential fraudulent document.

B. Provisional

Duong, Lanh T.: DENIED; IC 25-1-11-19(b) unlicensed practice and IC 25-1-11-5(b) for potential fraudulent documentation.

Duong, Mui Thi Thu: DENIED; IC 25-1-11-5(b), possible fraudulent documentation.

Nguyen Dao T.: DENIED; IC 25-1-11-5(b), possible fraudulent documentation.

Pham, Muoi: DENIED; IC 25-8-11-8, insufficient education and training.

Ta, Quy V.: DENIED; IC 25-1-11-19(b) unlicensed practice and IC 25-1-11-5(b) for potential fraudulent documentation.

Vo, Hai Hoang Van: DENIED; IC 25-8-11-8, insufficient education and training.

Vu, Yen: DENIED; IC 25-1-11-19(b) unlicensed practice and IC 25-1-11-5(b) for potential fraudulent documentation.

BARBER

A. By Examination

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

Emerson, Thomas, III: Approved

B. Provisional

Garcia, Juan: DENIED; IC 25-8-11-8, insufficient education and training and IC 25-1-11-5(b) for potential fraudulent documentation.

C. By Upgrade

Velez, Bonifacio: APPROVED.

FACILITY APPLICATIONS

A. Beauty Culture Salon

Best Nail Spa, 906 Erskine Plaza, South Bend, IN 46614: DENIED; failed inspection at previous location.

Coco Nails, 5868 East 71st Street, Suite K, Indianapolis, IN 46220: Approved on PROBATION with no right to petition for withdrawal of probation until successful completion of criminal obligations.

Diva Nails & Spa, 8007 Highway 311 #B, Sellersburg, IN 47172: Tabled pending inspection.

Hair Iz My Passion Hair Studio, 3736 Dr. Martin Luther King, #C, Indianapolis, IN 46260: APPROVED.

Kim An's Nail Salon LLC, 881 East North Street, Kendallville, IN 46755: DENIED, failed inspection.

Sunny Nails, 5956 B Stellhorn Road, Fort Wayne, IN 46815: DENIED, failed inspection.

B. Beauty Culture School

Lil Lou's Barber College LLC, 835 Beachway Drive Suite 110A, Indianapolis, IN 46224: Denied, failed inspection.

Loricee's Beauty & Barber Academy, 115 East 61st Avenue, Merrillville, IN 46410: Denied, unlicensed practice.

ADJOURNMENT

A motion was made and seconded to adjourn at 6:20 pm.

D. Bonn/V. Ross

6/0/0

Motion carried.