

KENTUCKY STATE BOARD OF HAIRDRESSERS & COSMETOLOGISTS

September 4 & 5, 2002

The September 4 & 5, 2001 meeting of the Kentucky State Board of Hairdressers and Cosmetologists was called to order by Chairman Bea Collins at 10:00 a.m. The meeting was held at the office of the board, 111 St. James Court, Suite A, Frankfort, Kentucky. Those members present were: Bea Collins, Sharon Marks, Beverly McCauley, Martha Preston, Rhonda Hurley Wharton and Carroll Roberts, Administrator. Also present Was Cheryl LaLonde-Mooney, Assistant Attorney General.

The members of the board welcomed Ms. Mooney who has been permanently assigned to the board due to Ms. Fleming's transfer to another state agency.

Martha Preston moved that the letter to Ms. Fleming concerning Malena Gail Hughes be forwarded to Ms. Fleming for response, since she had not acknowledged the letter while still employed by the Office of the Attorney General. Beverly McCauley seconded and the motion carried by a 5-0 vote.

Martha Preston noted a correction to the minutes of June 4, 2001 on page 17, paragraph 3, line 8, change "of" to "to". Sharon Marks moved to approve the June 4, 2001 minutes as corrected. Beverly McCauley seconded and the motion carried by a 5-0 vote.

Beverly McCauley moved to approve the minutes of the special board meeting held June 11, 2001. Sharon Marks seconded and the motion carried by a 5-0 vote.

Sharon Marks stated that she was not present for the June 19, 2001 special board meeting. Beverly McCauley moved to approve the minutes of the special board meeting on June 19, 2001 as corrected by removing Sharon Mark's name. Martha Preston seconded and the motion carried by a 5-0 vote.

COMMUNICATIONS

Sha'Conda Brown - Ms. Brown submitted a letter requesting an extension of time to complete 1,800 hours in a school of cosmetology. Beverly McCauley recused. Sharon Marks moved to approve Ms. Brown's request. Motion carried 4-0.

Carolyn Littlepage - Ms. Littlepage submitted a letter requesting to enroll for a brushup course in preparation for the apprentice cosmetology examination. Sharon Marks moved to approve Ms. Littlepage's request and she be allowed to enroll for a brushup course not to exceed 300 hours. Martha Preston seconded and the motion carried by a 5-0 vote.

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Brenda Doom - Ms. Doom submitted a letter requesting to enroll for a brushup course in preparation for the practical examination. Martha Preston moved to approve Ms. Doom's request to enroll for a brushup course not to exceed 300 hours. Sharon Marks seconded and the motion carried by a 5-0 vote.

Natasha Belcher - Ms. Belcher submitted a letter requesting to enroll for a nail technician course. Ms. Belcher had completed the cosmetology course and received a cosmetology license in 1992. Beverly McCauley moved Ms. Belcher be allowed to enroll in a school of cosmetology for a brushup course in nail technology not to exceed 300 hours and report for testing. Martha Preston seconded and the motion carried by a 5-0 vote.

Mary Jessica Bauer - Mrs. Bauer submitted a letter on behalf of her daughter, Marcy Jessica Bauer, requesting a special accommodation on the practical examination, to take the practical examination sitting down. Rhonda Wharton moved to approve Ms. Bauer's request for special accommodation. Beverly McCauley seconded and the motion carried by a 5-0 vote. It was also decided that Ms. Bauer may use a stool that is available in the Board's office, or she may bring her own, or bring what she uses in school.

Renicka Summers - Ms. Summers submitted a letter requesting restoration of her apprentice cosmetologist license for the third time. The board determined this item would be considered under Unfinished Business - Jo Mitra Salon.

Perry Standard - Mr. Standard submitted a letter requesting restoration of his apprentice cosmetologist license. Beverly McCauley moved that since this was Mr. Standard's first request to restore his license, the request be approved and Mr. Standard be notified that he must complete his six (6) months apprenticeship and report for examination in April 2002 as no further extensions or restorations will be considered by the board. Martha Preston seconded and the motion carried by a 5-0 vote.

Rachel Davis - The board determined this item would be considered under New Business - Lazarus.

Melanie Towles - Ms. Towles submitted a request for a hearing due to denial of the restoration of her apprentice cosmetologist license. Beverly McCauley moved to set Ms. Towles for hearing. Sharon Marks seconded and the motion carried by a 5-0 vote.

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Kathy Blanton - Ms. Blanton submitted a letter requesting to enroll for a brushup course for apprentice instructors license and also an extension on her apprentice instructor license. Rhonda Wharton moved to approve Ms. Blanton's request for a brushup course on her apprentice instructors license not to exceed 300 hours. Martha Preston seconded and the motion carried by a 5-0 vote. Beverly McCauley moved to approve Ms. Blanton's request to renew and grant an extension of time to report for the instructor's examination. Martha Preston seconded and the motion carried by a 5-0 vote.

Donna Hundley - Ms. Hundley submitted a letter requesting restoration of her cosmetologist license and advising the board she had been convicted of a felony. Rhonda Hurley Wharton moved to approve Ms. Hundley's request to restore her cosmetologist license. Beverly McCauley seconded and the motion carried by a 5-0 vote.

Lynn Hagan - Ms. Hagan submitted a request for a waiver of the continuing education requirements in order to restore her cosmetology license. Martha Preston moved to deny Ms. Hagan's request and indicated that in the future, Ms. Hagan should submit her request in advance and appropriate documentation shall accompany her request. Beverly McCauley seconded and the motion carried by a 5-0 vote.

Rhonda Wharton moved the Administrator to request written documentation before placing requests on the agenda. Martha Preston seconded and the motion carried by a 5-0 vote.

Shannon Madden - Ms. Madden submitted a letter requesting permission to report for the nail technician examination. Ms. Madden has been convicted of a felony. Beverly McCauley moved to approve Ms. Madden's request and notify her to report for the examination. Sharon Marks seconded and the motion carried by a 5-0 vote.

Jenny Davis - Ms. Davis submitted the medical documentation concerning the apprentice cosmetologist extension she requested in May 2001 (See May 2001 minutes). Rhonda Wharton moved to accept the documentation and approve her request for an extension. Sharon Marks seconded and the motion carried by a 5-0 vote.

Kimberly Goldberg - Ms. Goldberg submitted the medical documentation concerning the apprentice cosmetologist extension she requested in May 2001 (See May 2001 minutes). Martha Preston moved to accept the documentation and approve her request for an extension. Beverly McCauley seconded and the motion carried by a 5-0 vote.

Martha Preston moved that requests for third extensions be returned to the apprentices by the staff and they be notified of their right to appeal. Beverly McCauley seconded and the motion carried by a 4-1 vote. Rhonda Wharton voted no.

Avonti Caldwell - Ms. Caldwell submitted a letter requesting to report for the regular cosmetology examination. Ms. Caldwell's request had been denied in May 2001 (See May 2001 Minutes). Martha Preston moved Ms. Caldwell's third request be denied and she be notified of the appeal process. Sharon Marks seconded and the motion carried by a 4-1 vote. Rhonda Wharton voted no.

The Board moved to Unfinished Business to consider the response to the agreed Order and Counter Offer of Settlement and license renewal in the matter of the Kentucky State Board of Hairdressers and Cosmetologists vs. Carl D. Perkins Rehabilitation Center.

Appearing on behalf of the CD Perkins Center were: Mr. Barry Newill, Director, and Ms. Sue Simon, Attorney from the Workforce Development Cabinet. Mr. Newill and Ms. Simon answered questions asked by the members of the board concerning the events that had occurred and the number of hours Mr. Jim Porter had obtained while attending school, excluding any hours credited to him outside his regular school attendance.

Beverly McCauley moved that the board enter Closed Session pursuant to KRS 61.810 (1)(c) and (j) to discuss proposed or pending litigation and deliberate regarding individual adjudications. Martha Preston seconded and the motion carried by a 5-0 vote. The Board entered closed session at 11:30 a.m.

Beverly McCauley moved the board return to Open Session. Martha Preston seconded and the motion carried by a 5-0 vote. The Board returned to Open Session at 12:10 p.m.

The Board presented, through Ms. Mooney, a counter offer which included the following: The school would pay a five hundred dollar (\$500.00) fine. The school would close September 15, 2001 and would not reopen until January 2002. James Porter could not be in any of Janie Owens classes. The school be on probation from January 6, 2002 through January 5, 2003. The board will accept 1146.50 hours as the number of hours Mr. Porter completed through May 2001 unless the corrected time sheets and monthly reports from his date of enrollment through May 2001 are received by September 15, 2001. The board will accept no more than 1232.25 hours for Mr. Porter. Any future hours accrued to Mr. Porter must be obtained through his attendance in school. Beverly McCauley moved to accept the Board's counter offer as presented. Sharon Marks seconded and the motion carried by a 5-0 vote.

Mr. Newill and Ms. Simon accepted the Board's counter offer. Ms. Mooney will prepare the Agreed Order.

The Board moved to New Business to hear Ms. Adina O'Hara, Kentucky Approving Agency for Veterans Education. Ms. O'Hara explained how the approval would be done, the form to be approved by the board and answered questions from the board members. Beverly McCauley moved to wait for the additional information/confirmation before any action is taken by the board. Martha Preston seconded and the motion carried by a 5-0 vote.

The Board moved to New Continuing Education Programs. Beverly McCauley moved to approve the application submitted by Tony Kendall for the French Lick Hair Show. Martha Preston seconded and the motion carried by a 5-0 vote. Mr. Kendall had submitted a request to appear before the board. The members of the board and Ms. Mooney answered questions from Mr. Kendall concerning his class that was approved and the statutes and administrative regulations of the board. Mr. Kendall was advised that if he had any questions pertaining to any matters not on the agenda, he was welcome to submit those questions/inquiries in writing and he would again be placed on the agenda.

The members of the board returned to the agenda as prepared.

Apprentice Cosmetologist Extensions (1st Requests)

Martha Preston moved to accept the following requests for the first extensions except LaDonna Young, who also appears on Additional Items. Beverly McCauley seconded and the motion carried by a 5-0 vote:

Lisa Ball

Gwina Hurst

Cindy M. Phillips

Chaquita Barber

Lisa

Kelley

Mary

S.

Pierce

Tammy Cooper

Tina R. Lee

Anthonette

Robertson

Jennifer Cox

Yvette Lee

Danna Shaw

Kimberly Daniels

Nicole

D.

Martin

Charle

s

Smith

Tammie Edison

Jamie Miller

Christopher
Spaudling
Bobbie Jo Fields
Jaclyn Noel
Nicole M. Williams
Tracy Flynn

Julie
A.
Opper

Karen
Wood
s

Anjoli R. Headen
Danette Orangias

Apprentice Cosmetologist Extensions (2nd Requests)

Martha Preston moved to deny the following requests for extensions. Sharon Marks seconded and the motion carried by a 4-1 vote. Rhonda Wharton voted no.

Antonia L. Mink
LaShawnda R. Stewart
Lisa M. Welch

Apprentice Cosmetologist Extensions (3rd Requests)

Sandie Ford - Beverly McCauley moved that Ms. Ford be allowed to renew her apprentice cosmetologist license and report for examination in October and she be advised that no further extensions will be considered. Martha Preston seconded and the motion carried by a 4-1 vote. Rhonda Wharton voted no.

Tysie Milliken - Beverly McCauley moved to deny Ms. Millikin's request. Martha Preston seconded and the motion carried by a 4-1 vote. Rhonda Wharton voted no.

Yolanda Young - Beverly McCauley moved to deny Ms. Young's request. Sharon Marks seconded and the motion carried by a 4-1 vote. Rhonda Wharton voted no.

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Continuing Education Waviers

2000-2001 Request:

Anna J. Corbett - Medical waiver - cosmetologist & salon - Beverly McCauley moved to approve Ms. Corbett's request for a medical waiver. Martha Preston seconded and the motion carried 5-0 vote.

Louie Demumbrun - hardship waiver - cosmetologist & salon - Sharon Marks moved to accept the request submitted by Ms. Demumbrun's son requesting, on her behalf, a hardship waiver. Martha Preston seconded and the motion carried by a 5-0 vote.

Sandra Denney - medical waiver - cosmetologist & salon - Rhonda Wharton moved to approve Ms. Denney's request for a medical waiver. Sharon Marks seconded and the motion carried by a 5-0 vote.

Sharon Marks moved to approve the following requests for waivers. Martha Preston seconded and the motion carried by a 5-0 vote.

Wilma Hughes - family medical & hardship waiver - cosmetologist & salon

Donald Lee - medical waiver - cosmetologist

Lois Ann Middleton - medical waiver - cosmetologist

Genetha Muse - medical waiver - cosmetologist

Beverly Poole - medical waiver - cosmetologist

Rena Quire - military waiver - nail technician

George Edward Spencer - medical waiver - cosmetologist & salon

2001-2002 Request:

Hazel S. James - hardship waiver - cosmetologist - Beverly McCauley moved to approve Ms. James' request for a hardship waiver of her cosmetologist license. Martha Preston seconded and the motion carried by a 5-0 vote.

NEW BUSINESS

Johnnie Hood - Ms. Hood submitted a request to appear before the members of the board during the September board meeting. After being notified of the date and time to appear, Ms. Hood submitted a letter advising she could not be present on the date and time indicated. (See Additional Items) Martha Preston moved that Ms. Hood be notified of the date and time of the next board meeting and to request her to also advise of the subject matter she wanted to discuss in the event it would be necessary for staff to prepare copies of correspondence or documents. Beverly McCauley seconded and the motion carried by a 5-0 vote.

Glenda Lawrence - Academy of Cosmetology - Maysville - Ms. Lawrence submitted a request to change the days of operation of the school. Beverly McCauley moved to approve Ms. Lawrence's request. Martha Preston seconded and the motion carried by a 5-0 vote.

Deborah Johnson - Appalachian Beauty School, S. Williamson - Ms. Johnson submitted a request to change the hours of operation of the school. Beverly McCauley moved to approve Ms. Johnson's request. Sharon Marks seconded and the motion carried by a 5-0 vote.

Angela Adkins - Edith Dotson, Regency School of Hair Design - Ms. Adkins submitted a letter of complaint against Ms. Dotson, Owner of the school, concerning the number of hours she had attended versus the number of hours she received. Beverly McCauley moved Ms. Adkins be credited with the number of hours she received for the date of her enrollment in January 2001. Martha Preston seconded and the motion carried by a 5-0 vote.

Martha Preston moved Ms. Dotson be requested to appear before the board to explain the financial aid Ms. Adkins received and how the payments and hours were provided. Sharon Marks seconded and the motion carried by a 5-0 vote.

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Janette Crowe, Mabel's House of Beauty - Shirlene Conley, Inspector - Ms. Crowe submitted a letter of complaint against Ms. Conley concerning her conduct during a recent inspection. Ms. Conley responded to the complaint. Beverly McCauley moved that Ms. Crowe be notified that the members of the board found no violations of the statutes and administrative regulations of the board or inappropriate behavior on the part of Ms. Conley, and Ms. Conley will continue to inspect the establishments assigned to her. Martha Preston seconded and the motion carried by a 5-0 vote.

Duc Ngoc Nguyen - Mr. Nguyen was found cheating on the nail technician written examination. He had a "cheat sheet" with answers to the questions in his lab jacket pocket and looked in his pocket at the paper numerous times during the examination. Beverly McCauley moved Mr. Nguyen wait six (6) months before reporting for re-examination for the nail technician examination. Sharon Marks seconded and the motion carried by a 5-0 vote.

Suburban Beauty Salon, 621 Elm Street, Ludlow - Tracy Collins, Owner - According to the inspection reports from salon inspector Mary Class, an unlicensed person named Debra Parr was working as a cosmetologist on two (2) different occasions. Sharon Marks moved an Agreed Order be issued suspending the salon license for 30 consecutive working days. In lieu of suspension, Ms. Collins may pay a fine of \$500.00 and the salon close for 10 consecutive working days. Martha Preston seconded and the motion carried by a 4-1 vote. Rhonda Wharton voted no.

Beverly McCauley moved an Agreed Order be issued to Linda Boaz, manager of Suburban Beauty Salon, suspending her cosmetologist license for four (4) days. In lieu of suspension, Ms. Boaz may pay a fine of \$25.00 per day for 4 days, not to exceed \$100.00. Martha Preston seconded and the motion carried by a 5-0 vote.

Beverly McCauley moved an Agreed Order be issued to Debra Parr giving her an option of waiting six (6) months to report for the cosmetologist examination or pay a fine of \$500.00 for working in a salon without a Kentucky cosmetologist license. Martha Preston seconded and the motion carried by a 5-0 vote.

Martha Preston moved the administrator investigate the cost of **photographing applicants** on the day they report for the examination. Beverly McCauley seconded and the motion carried by a 5-0 vote.

Fingertips Salon, 2415 Lime Kiln Lane, Louisville - Jenny Snead, Owner - According to the salon inspector, Sherry Braden's report, Athena Schroder was working in the salon without the supervision of a licensed cosmetologist. Sharon Marks moved that an Agreed Order be issued to the salon owner, Jenny Snead, to suspend the salon license for 30 days or in lieu of suspension, the salon may pay a fine of \$500.00 and the license be suspended for 10 days. Martha Preston seconded and the motion carried by a 4-1 vote. Rhonda Wharton voted no.

Sharon Marks moved an Agreed Order be issued to Michelle Knuckles, manager of Fingertips Salon, to suspend her cosmetologist license for 30 days or in lieu of suspension she pay a fine of \$500.00 and her license be suspended for 10 consecutive working days. Beverly McCauley seconded and the motion carried by a 4-1 vote. Rhonda Wharton voted no.

Beverly McCauley moved an Agreed Order be issued to Athena Schroder to suspend her apprentice cosmetologist license for 30 consecutive working days or in lieu of suspension, Ms. Schroder pay a fine of \$500.00 and her license be suspended for 10 consecutive working days. Martha Preston seconded and the motion carried by a 5-0 vote.

Lazarus, 5000 Florence Mall Road, Florence - According to the inspection report submitted by inspector Mary Class, unlicensed persons were providing cosmetology services by applying makeup at the makeup counter. It was noted that the Board's previous letter and the date of the inspection may have crossed in the mail, and the Regional Manager had not been notified. Beverly McCauley moved a letter be sent to the Regional Manager advising that the store must comply with the statutes and administrative regulations of the board or the board will take further action. Martha Preston seconded and the motion carried by a 5-0 vote.

Winchester Nail Salon, Inc., 740 By Pass Road, Winchester - Phung Van Nguyen, Owner and Manager - (See Additional Items) According to the salon inspection report, an unlicensed person, Loan Nancy Tran, was providing nail technician services. Sharon Marks moved to issue an Agreed Order suspending the salon license and the owner, Mr. Nguyen's license, for 20 consecutive working days. Martha Preston seconded and the motion carried by a 4-1 vote. Rhonda Wharton voted no.

Beverly McCauley moved a Cease and Desist letter be issued to Loan Nancy Tran for working without a nail technician license. Martha Preston seconded and the motion carried by a 5-0 vote.

LA Nails, 2480 US Hwy 1, Henderson - Dien Son Le, Owner & Manager - According to the inspection report, Tan Huu Nguyen, was working in the salon without a license. Beverly McCauley moved an Agreed Order be issued to Mr. Le and the salon, LA Nails, suspending Mr. Le's nail technician license and the salon license for 30 consecutive working days or in lieu of suspension, Mr. Le pay a \$500.00 fine for his nail technician license and a \$500.00 fine for the salon license and his nail technician license and the salon license be suspended for 10 consecutive working days. Martha Preston seconded and the motion carried by a 4-1 vote. Rhonda Wharton voted no.

Beverly McCauley moved a Cease and Desist letter be issued to Tan Huu Nguyen for working without a license. Martha Preston seconded and the motion carried by a 5-0 vote.

Salon 502, 1001 W. Broadway, Louisville - Marilyn Bernal, Owner and Manager - According to the inspection report submitted by inspector Sherry Braden, two apprentices were in the salon. One, Sherryle Hammond, was working without the supervision of a licensed cosmetologist. The other apprentice, Yolanda Horton, stopped her client in the parking lot and did not provide services. Martha Preston moved to issue an Agreed Order to Marilyn Bernal as owner/manager, to pay a \$500.00 fine and suspend the salon license and cosmetologist license for 30 consecutive working days. In lieu of the 30 day suspension, Ms. Bernal may pay a fine of \$500.00 for her cosmetologist license and \$500.00 for her salon license and her cosmetologist license and the salon license be suspended for 10 consecutive working days. Sharon Marks seconded and the motion carried by a 4-1 vote. Rhonda Wharton voted no.

Martha Preston moved that an Agreed Order be issued to Sherrylle Hammond suspending her apprentice cosmetologist license for 30 consecutive working days and in lieu of suspension, Ms. Hammond pay a fine of 4500.00 and her apprentice cosmetologist license be suspended for 10 consecutive working days. Sharon Marks seconded and the motion carried by a 4-1 vote. Rhonda Wharton voted no.

Michelle's Hair Studio, 104 S. Main Street, Nicholasville - Michelle Rhinehimer, Owner and Manager - According to the inspector's report, an apprentice, Kristen O'Nan, was found working without the supervision of a licensed cosmetologist. Sharon Marks moved an Agreed Order be issued to Michelle Rhinehimer, Owner and Manager of the salon, Michelle's Hair Studio, suspended the salon license and Ms. Rhinehimer's cosmetologist license for 30 consecutive working days and pay a \$500.00 fine, or in lieu of suspension, Ms. Rhinehimer pay a fine of \$500.00 for the salon license and \$500.00 for her cosmetologist license and the licenses be suspended for 10 consecutive working days. Martha Preston seconded and the motion carried by a 4-1 vote. Rhonda Wharton voted no.

Sharon Marks moved an Agreed Order be issued to Kristen O'Nan to suspend her apprentice cosmetologist license for 30 consecutive working days or in lieu of the suspension, Ms. O'Nan pay a fine of \$500.00 and her apprentice cosmetologist license be suspended for 10 consecutive working days. Martha Preston seconded and the motion carried by a 4-1 vote. Rhonda Wharton voted no.

Tina Nail, 2241 Hikes Lane, Louisville - Kim Phuong Thi Trinh, Owner and Manager - According to the inspection report of inspector Sherry Braden, an unlicensed person, Kim Anh Trinh, was working without a license. Beverly McCauley moved an Agreed Order be issued to Ms. Trinh and the salon, to pay a \$500.00 fine and suspend the salon license and Ms. Trinh's nail technician license for 30 consecutive working days, or in lieu of suspension, Ms. Trinh pay a \$500.00 fine for the salon license and the nail technician license and both license shall be suspended for 10 consecutive working days. Martha Preston seconded and the motion carried by a 4-1 vote. Rhonda Wharton voted no.

Beverly McCauley moved a Cease and Desist letter be issued to Kim Anh Tran for working without a license. Martha Preston seconded and the motion carried by a 5-0 vote.

Beverly McCauley moved that if Kim Anh Trinh is enrolled in a school of cosmetology for a nail technician course, she be issued an Agreed Order that she wait six (6) months to report for examination or pay a fine of \$500.00. Sharon Marks seconded and the motion carried by a 5-0 vote. (Note: Kim Anh Trinh is not enrolled in a school; therefore, an Agreed Order was not issued.)

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EnVogue Salon, 9902 Old Third Street Road, Louisville - Kimberly Padgett, Owner - Gloria J. Lake, Manager - According to the inspection report submitted by Sherry Braden, Inspector, an apprentice, April Davis, was working without the supervision of a licensed cosmetologist. Sharon Marks moved an Agreed Order be issued to Kimberly Padgett, Owner, to suspend the salon license for 30 consecutive days, or in lieu of the suspension, the salon pay a fine of \$500.00, and the salon license be suspended for 10 consecutive working days. Beverly McCauley seconded and the motion carried by a 4-1 vote. Rhonda Wharton voted no.

Sharon Marks moved that an Agreed Order be issued to Gloria Jeanee Lake, Manager, to suspend her cosmetologist license for 30 consecutive working days or in lieu of suspension, she pay a fine of \$500.00 and her cosmetologist license be suspended for 30 consecutive working days. Martha Preston seconded and the motion carried by a 4-1 vote. Rhonda Wharton voted no.

Martha Preston moved an Agreed Order be issued to April Davis to suspend her apprentice cosmetologist license for 30 consecutive working days, or in lieu of suspension, she may pay a fine of \$500.00 and her apprentice cosmetologist license be suspended for ten (10) consecutive working days. Beverly McCauley seconded and the motion carried by a 4-1 vote. Rhonda Wharton voted no.

Belle' Hair and Nails, 1160 West Indian Trail, Louisville - Shadonna Roberson, Owner and Manager - According to the inspection report submitted by Sherry Braden, Salon Inspector, an apprentice cosmetologist, Duan Edwards was working without the supervision of a licensed cosmetologist. Beverly McCauley moved an Agreed Order be issued to Shadonna Roberson to pay a \$500.00 fee and suspending the salon license and Ms. Roberson's cosmetologist license for 30 consecutive working days, or in lieu of suspension, Ms. Roberson pay a fine of \$500.00 for the salon license and \$500.00 for her cosmetologist license and her salon license and cosmetologist license be suspended for 10 consecutive working days. Martha Preston seconded and the motion carried by a 4-1 vote. Rhonda Wharton voted no.

Martha Preston moved that an Agreed Order be issued to Duan Edwards to suspend his apprentice cosmetologist license for 30 working days and in lieu of the suspension, Mr. Edwards pay a fine of \$500.00 and his apprentice cosmetologist license be suspended for 10 consecutive working days. Beverly McCauley seconded and the motion carried by a 4-1 vote. Rhonda Wharton voted no.

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Rich Nails, 406 Flemingsburg Road #7, Morehead - Tuan Anh Pham and Hung Anh Pham, Owners & Managers - According to the report of the inspector, an unlicensed person, Tim Huynh, was working without a license. Beverly McCauley moved that Cheryl Mooney call the client whose name, address and telephone number were indicated on the report, and if the client verifies the report, an Agreed Order be issued to Tuan Anh Pham and Hung Anh Pham suspended the salon license and both of the nail technician licenses for 30 consecutive working days. In lieu of suspension, Tuan Anh Pham and Hung Anh Pham may pay a \$500.00 fine for each of their licenses and the salon license (total \$1,500.00) and the salon license and the nail technician licenses would be suspended for 10 consecutive working days. Martha Preston seconded and the motion carried by a 4-1 vote. Rhonda Wharton voted no.

Sharon Marks moved a Cease and Desist letter be issued to Tim Huynh for working without a license. Martha Preston seconded and the motion carried by a 5-0 vote.

Lazarus, 4809 Outer Loop, Louisville - Willa Dean Neal, Manager - According to the report submitted by salon inspector, Sherry Braden, an apprentice cosmetologist, Rachel Davis, was working without the supervision of a licensed cosmetologist. It was also noted that Gail Weddle, who is not licensed in Kentucky, is titled Director, and was present at the time of the inspection. Martha Preston moved that an Agreed Order be issued to the Lazarus Salon suspending the salon license for 30 consecutive working days, or in lieu of the suspension, the salon may pay a \$500.00 fine and close the salon for 10 consecutive working days. Beverly McCauley seconded and the motion carried by a 4-1 vote. Rhonda Wharton voted no.

Beverly McCauley moved that an Agreed Order be issued to Rachel Davis, to suspend her apprentice cosmetologist license for 30 consecutive working days, or in lieu of suspension she pays a fine of \$500.00 and her apprentice cosmetologist license shall be suspended for 10 consecutive working days. Sharon Marks seconded and the motion carried by a 4-1 vote. Rhonda Wharton voted no.

Martha Preston moved a Cease & Desist letter to issued to Gail Weddle. Beverly McCauley seconded and the motion carried by a 5-0 vote.

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Salon Utopia, 156 Bellerive Blvd, Nicholasville - Mullen-Gentry, F. Wilson and C. Curtsinger, Owners - Carri Curtsinger, Manager - According to the inspectors report, Michelle Ritter, an apprentice cosmetologist, was working without the supervision of a licensed cosmetologist. Beverly McCauley moved that an Agreed Order be issued to each of the three (3) owners and the manager to pay a \$500.00 fine and have their licenses suspended for 30 days (includes the salons, owners, and managers), or in lieu of suspension, they pay a \$500.00 fine for the salon license, a \$500.00 fine for each of the owners licenses, and a \$500.00 for the manager's license (total \$2,500.00) and all licenses shall be suspended for 10 consecutive working days. Sharon Marks seconded and the motion carried by a 4-1 vote. Rhonda Wharton voted no.

Beverly McCauley moved to issue an Agreed Order to Michelle Ritter to suspend her apprentice cosmetologist license for 30 consecutive working days or in lieu of suspension, she pay a fine of \$500.00 and her apprentice cosmetologist license be suspended for 10 consecutive working days. Sharon Marks seconded and the motion carried by a 4-1 vote. Rhonda Wharton voted no.

Hollywood Nails, 5101 Hinkleville Road, Paducah - Minh Vinh Do, Owner and Manager - Van Thi Pham - According to the inspection report and photographs submitted by the inspector, Judy Myatt, an unlicensed person, whose name is not known, was working with a nail technician license issued to Van Thi Pham. Beverly McCauley moved an Agreed Order be issued to Minh Vinh Do to pay a \$500.00 fine and suspend the salon license and Mr. Do's nail technician license for 30 consecutive working days and Mr. Do provide the Board with the name of the individual who has been working with the license issued to Van Thi Pham. In lieu of the 30 day suspension, Minh Vinh Do may pay a fine of \$500.00 for each of the licenses and the salon license and nail technician license shall be suspended for 10 consecutive working days. Martha Preston seconded and the motion carried by a 4-1 vote. Rhonda Wharton voted no.

Truong Hai Le - Paris Nails - Burlington - According to the inspection report submitted by Mary Class, Salon Inspector, Truong Hai Le was in the salon (but not seen working) during his suspension from an Agreed Order. Beverly McCauley moved to file the inspection report away as there was no action to be taken. Martha Preston seconded and the motion carried by a 5-0 vote.

Sharon S. Cantrell - According to an investigation report submitted by the salon inspector, Ms. Cantrell is operating a salon in her home without the proper salon license. The second report of this violation appears on Additional Items. Beverly McCauley moved that a Cease and Desist letter be issued to Ms. Cantrell until such time as the salon is properly licensed and her cosmetologist license be suspended for 30 days, or in lieu of the suspension, she may pay a fine of \$500.00 and her cosmetologist license shall be suspended for 10 consecutive working days. Sharon Marks seconded and the motion carried by a 5-0 vote.

Myrna Gibbs - An advertisement for "house calls" being done by Ms. Gibbs was received in the office of the board. Beverly McCauley moved that a Cease and Desist letter be issued to Ms. Gibbs. Sharon Marks seconded and the motion carried by a 5-0 vote.

Joanne Herzog - According to the inspector's report, Ms. Herzog is operating a nail salon without a salon license in an antique shop in Owen County. This is Ms. Herzog's second offense. Beverly McCauley moved to issue a Cease and Desist letter to Mary Rose, Owner of Bob and Mary's Antiques. Sharon Marks seconded and the motion carried by a 5-0 vote.

Martha Preston moved to issue an Agreed Order to Joanne Herzog to suspend her nail technician license for 30 consecutive working days, or in lieu of suspension she pay a fine of \$500.00 and her nail technician license would be suspended for ten (10) consecutive working days and that she must cease and desist the illegal practice of working without a salon license. Beverly McCauley seconded and the motion carried by a 5-0 vote.

Brenda Van Hoose - Beau Monde Beauty Salon - According to the inspection report, Ms. Van Hoose has allowed an unlicensed person, Elita Clark, to practice nail technology in her salon without the proper license. Ms. Clark's nail technician license had expired. Martha Preston recused. Beverly McCauley moved that an Agreed Order be issued to Brenda Van Hoose to pay a \$500.00 fine and suspend her salon license and cosmetologist licenses for 30 consecutive working days, or in lieu of suspension, Ms. Van Hoose pay a fine of \$500.00 for the salon license and her cosmetologist license and both licenses would be suspended for ten (10) consecutive working days. Sharon Marks seconded and the motion carried by a 3-1 vote. Rhonda Wharton voted no.

Beverly McCauley moved an Agreed Order be issued to Elita Clark to suspend her nail technician license for 30 consecutive working days, or in lieu of the suspension, she may pay a fine of \$500.00 and her nail technician license would be suspended for ten (1) consecutive working days. Sharon Marks seconded and the motion carried by a 3-1 vote. Rhonda Wharton voted no.

Election of Officers - Martha Preston moved to keep the officers as is: Bea Collins, Chairman; Beverly McCauley, Vice-Chairman; and Rhonda Wharton, Secretary. Sharon Marks seconded and the motion carried by a 5-0 vote.

Continuing Education:

Previously Approved:

Class Cancellations:

Salon Education Services - Internet for Salon Professionals & C3 - A New Dimension to Cut, Color & Curl

Donna Wolf - Personal Focus

KCE - Imogene Whitson - Clipper Cuts - Scissor Cut & Style - Makeup Artistry - Increasing Your Income

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Tanya Key - Razor Cutting - Color Wheel
Chris Ashlock - Advanced Color, Cut & Perms
Bellefonte Academy of Beauty - Hair Lightening Techniques & Advanced Haircutting

Additional Program Dates:

Dot Wilson - Professionalism
Donta School of Beauty Culture - Flat Top - Long Hairstyling & Quick Color Techniques
CNC - Six Steps to Increasing Your Income
Pennyroyal Prevention Center - Prime for Life in the Workplace
Narita Rose - MSDS, Conquering the Green Monster, Spring/Summer Trends
Johnnie Hood - Owning Your Own Salon
Bluegrass Health & Safety - Salon Safety & First Aid for Hairdressers
Mary Lou Kiser - Turn Key Salon Success
GLS - 2001 Trend Cuts/Color/Finish
Great Clips - Advanced Customer Service & Technical Training
State Beauty Supply, Paducah - Texture, Shimmer, Success
B. Keith Adams - A Hairy Ordeal
Barnum Beauty Systems - Spa Experience
Owensboro Technical College - Microsoft Publisher, Intro to Computers, Internet/Email/Intermediate Microsoft Word
Jeanie Stephens - Makeup and Updo's - Foiling/Weaving
Carolyn Dunn/Patricia Lewis - The Art of Acrylic Nails & Spa Pedicure
Kentucky River Regional Prevention Center - Prime for Life in the Workplace
Caldwell Co. Technical College - CPR

Patricia Logsdon - Salon Education Services - Ms. Logsdon submitted a letter of complaint concerning continuing education class she attended sponsored by Salon Education Services. Mr. Art Bradshaw responded to the complaint. The board determined no action would be taken and the complaint be dismissed.

Tana Clay - American Red Cross, Woodford County - Ms. Clay included a note with her renewal concerning the class she attended at the Woodford County American Red Cross. The board determined no action would be taken and the complaint be dismissed.

Laura Gillis, Executive Director - Shelby County American Red Cross - Ms. Gillis had written a note at the bottom of a sign in sheet from one of the classes held by the Shelby County American Red Cross. The Board determined this to be board information.

Lexington Community College - A letter of response and clarification of the fall schedule concerning the sign-in sheets and location of programs was received. The Board determined this to be Board Information.

Louisville Area Chapter, American Red Cross - An explanation of the sign-in sheet and explanation of correction of hours was received. The board determined this to be board information.

SalonWare - All About Color Techniques - Perm of the Future - Creative Hair Design III
- The inspector submitted reports from monitoring of classes indicating products were taught in both the color class and perm class. Sharon Marks moved the approval of SalonWare classes be withdrawn for one (1) year due to noncompliance of the statute and administrative regulations of the board. Martha Preston seconded and the motion carried by a 5-0 vote.

JoAnn Peterson - State Beauty Supply, Somerset - According to the inspector's report, the class was in compliance; therefore, no action was taken.

Sign-In Sheets not received within Thirty Days of Program Date:

Tanya L. Key - program held June 4, 2001, sign-in sheet received July 9, 2001. Sharon Marks moved to withdraw approval of Ms. Key's class for one (1) year. Martha Preston seconded and the motion carried by a 5-0 vote.

Lexington American Red Cross - program held December 7, 2000, sign-in sheet received July 9, 2001 - Sharon Marks moved to suspend approval for one (1) year. Martha Preston seconded and the motion carried by a 5-0 vote.

Beverly McCauley moved to withdraw approval of the following sponsors/classes for one year due to sign-in sheets not being received in 30 days as required by 201 KAR 12:200. Sharon Marks seconded and the motion carried by a 5-0 vote.

Norton-Audubon Hospital - American Heart Association - program held June 9, 2001, sign-in sheet received August 2, 2001

S & S Beauty Supply, Lexington - program held April 23, 2001, sign-in sheet received July 5, 2001

Northern Kentucky Area American Red Cross - program held July 2, 2001, sign-in sheet received August 20, 2001

Barbara Delaney - program held November 13, 2000, sign-in sheet received July 16, 2001; program held April 29, 2001, sign-in sheet received June 29, 2001

Shirley Pennington - program held June 16, 2001, sign in sheet received July 23, 2001; program held May 19, 2001, sign-in sheet received July 9, 2001

American Red Cross Chapters: (Program schedules and letters requesting approval of programs)

Big Rivers Chapter - Owensboro
Hardin/Larue Office - Elizabethtown
Graves County Chapter - Mayfield
Cincinnati Area Chapter - Cincinnati/Northern Kentucky

New Programs:

Martha Preston moved to accept the following new programs, changes in cost or instructors. Beverly McCauley seconded and the motion carried by a 5-0 vote.

JoAnn Peterson - Statewide

The 3C's of Cosmetology - change of program cost

Terry Foody, RN, MSN - Statewide

Healthy Bodies, Heads and Hands: Taking Care of Yourself While Taking Care of Clients - change of program cost

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Bowling Green Technical College - Bowling Green
Change of Instructors for computer classes

Jeana Fleitz - Louisville
You Think I Said What - request to offer program on cruise lines
Managing Change & Improving Service & Productivity

Yellowwood Franchise Services - Fantastic Sams - Statewide
Razor Cutting
Clipper Cuts/Flat Tops

Owensboro Technical College - Owensboro
Keyboarding
Intermediate Microsoft Excel
Intermediate Microsoft Word

Tony Kendall - French Lick, IN - **See Communications**
French Lick Hair Show

JC Penney - Joyce Gorley - Mt. Sterling
Progressive Color, Cuts & Makeup

Barnum Beauty Systems - Covington
Personal Success in Beauty
7 Key Fundamentals to Salon Success

Royal Beauty Supply, Inc. - Knoxville, TN
Get Busy, Make Money, Be Happy

Heil Beauty Systems - Paducah - **See Additional Items**
NCA Fall Trend Haircuts & Color

State Beauty Supply - Elizabethtown
The 3C's of Cosmetology: Cut, Color, Cosmetics

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Joyce Stollings - Chesapeake, OH
Advanced Applications of Acrylic Nails & Proper Use of the Drill

Bennie Pollard - Louisville
Hey Dude! Where's My Scissors? A Freestyle Experience

Superior Image, Inc. - Lawrenceburg
A Day Spa Experience

Linda Peak - Louisville
Complimenting Cuts/Color/Long Hair

NCA Kentucky Educational Committee - Louisville
Kentucky's Educational Committee Hands On Workshop

Johnnie Hood - John's Hairstyles II - Louisville, Bardstown
Hair Cutting Trends and Techniques
Corrective Hair Coloring
Owning Your Own Salon - Salon Business
Chemical and Thermal Services in the Beauty Salon

JC Penney - Kathy Murphy - Florence
Spa Treatments

NCA of Kentucky - Owensboro
Basic Cuts & Styles and Trend Cuts & Color
Fungal Myth - MSD - Trend Art - Nail Art - Using the Drill

Noel German - Louisville/Lexington - Trends 2001 - Martha Preston moved that Noel German be notified that his class cannot be approved and if he submits clarification as to the time schedule and course outline, the board will reconsider his application. Sharon Marks seconded and the motion carried by a 5-0 vote.

OLD BUSINESS

Beverly McCauley moved that after the terms of an Agreed Order are approved, they shall be drafted and mailed without further board action. Martha Preston seconded and the motion carried by a 5-0 vote. The board also determined that as the Agreed Orders are signed and returned, they will be placed on the agenda as Board Information.

UNFINISHED BUSINESS

The hearing in the matter of **Ruth Gabehart** has been set for Tuesday, November 27, 2001 at 10:00 a.m. This was considered board information.

A Head of the Times - Teddy Davenport, Beverly DeMoss, Joyce Bryan - The individuals submitted a letter requesting to pay the fines instead of license suspension. Beverly McCauley moved to accept the counter offer. Martha Preston seconded and the motion carried by a 5-0 vote.

Jan Rowland - The Hair Design School - Ms. Rowland submitted a letter requesting to offer continuing education classes. Beverly McCauley moved that Ms. Rowland be advised she must sign the Agreed Order that was sent to her a year ago before the board could consider her request. Martha Preston seconded and the motion carried by a 5-0 vote.

Angela Renfro, Andrea Gabbard - Hair and Nails, Etc, Lexington - A letter was received from Mr. Stan Lee, the attorney representing Ms. Renfro and Ms. Gabbard, requesting additional time to prepare and present additional information and a formal pleading to the board. (See Additional Items). Beverly McCauley moved this matter be tabled until the October board meeting. Martha Preston seconded and the motion carried by a 5-0 vote.
Connie Prather - There has been no response from Ms. Prather regarding the Agreed Order. Beverly McCauley moved this matter be tabled until the October board meeting. Sharon Marks seconded and the motion carried by a 5-0 vote.

Flora Knight - Flora's Beauty Emporium - Louisville - Ms. Knight had signed the Agreed Order and submitted a check for her fine. She then submitted a letter indicating she had changed her mind and wanted a hearing. Sharon Marks moved Ms. Knight be set for hearing. Beverly McCauley seconded and the motion carried by a 5-0 vote.

Jeri Brannen - Teresa Hester - House of Beauty, Maysville - Ms. Brannen and Ms. Hester submitted a letter requesting a hearing. Beverly McCauley moved they be set for hearing. Sharon Marks seconded and the motion carried by a 5-0 vote.

Laura Sturgill, Ashland - Letters from Representative Rocky Adkins, Representative John Vincent, Brenda Hale, Coordinator, Fairview FRYSC, and Carolyn Hughes, were received and reviewed by the board. Martha Preston recused. Beverly McCauley moved a new Agreed Order be issued giving Ms. Sturgill an option of a 60 day suspension or a fine of \$500.00. Sharon Marks seconded and the motion carried by a 4-0 vote.

Bradley Pruitt, Attorney - Lee Nails Salon, Louisville - Mr. Pruitt submitted a letter requesting a hearing for his client, Lee Nails Salon. Beverly McCauley moved the matter be set for hearing. Sharon Marks seconded and the motion carried by a 5-0 vote.

Bruce Clark, Attorney - Regis Corporation - Mr. Clark submitted a letter and counter offer to the Agreed Order of behalf of his client, the Regis Corporation. Sharon Marks moved to accept the counter offer of a \$250.00 fine and no suspension. Beverly McCauley seconded and the motion carried by a 5-0 vote.

Mike and Rita Wells, Owners - The Styling Company, Ft. Thomas - Mr. & Mrs Wells submitted a request for a change of owner and manager of the salon. Beverly McCauley moved to approve the request for change of owner and manager and a new salon license be issued. Martha Preston seconded and the motion carried by a 5-0 vote.

Debbie Malina, Manager - Ms. Malina submitted a letter advising she did not know that she was listed as manager of The Styling Complaint in Ft. Thomas. Beverly McCauley moved that this matter be set for hearing. Martha Preston seconded and the motion carried by a 5-0 vote.

P. Phuc Cong Vinh Ta - Magic Nails, Henderson - Trung Tiet Duong - Beverly McCauley moved this matter be set for hearing since there was no response to the Agreed Order and the salon had changed owners and managers and that Kenny Le be subpoenaed to appear at the hearing. Sharon Marks seconded and the motion carried by a 5-0 vote.

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Sharon Marks moved to approve the following signed Agreed Orders and/or payments of fines. Beverly McCauley seconded and the motion carried by a 5-0 vote.

East Kentucky Beauty College, Pikeville - signed Agreed Order
Ecotage Salon, Federated Department Stores, Louisville - signed Agreed Order and fine
Status Hair Studio, Louisville - Aaron Whitaker & Arthur Featherstone - signed Agreed Orders and Fines
Nail & Hair Studio, Bowling Green - signed Agreed Order and Fine
Immy Moberly - Expressions Salon & Spa - signed Agreed Order and Fine
P. Malen Chea - Nails Pro, Mt. Sterling - signed Agreed Order and fine
Tuan Anh Trinh - signed Agreed Order
JoMitra Coleman - Jo Mitra Hair Salon, Louisville - signed Agreed Order and fine
P. Hat Thi Mai - Nail Etc, Lexington - signed Agreed Order and fine

Cheri Hicks - Cheri's Beauty Salon, Louisville - Martha Preston moved to accept the signed Agreed Order and fine from Ms. Hicks. Sharon Marks seconded and the motion carried by a 4-1 vote. Rhonda Wharton voted no.

Renika Summers - Ms. Summers did not respond to the Agreed Order. Ms. Summers had also submitted a request to restore her apprentice cosmetologist license (See Communications). Beverly McCauley moved that Ms. Summers sign the Agreed Order and pay the fine before the board will consider her request to restore. Martha Preston seconded and the motion carried by a 5-0 vote.

The Board recessed at 6:00 p.m. and will reconvene on Wednesday, September 5, 2001 at 9:00 a.m.

Wednesday, September 5, 2001

Chairman Bea Collins called the meeting to order at 9:10 a.m. All members were present. Also present were Carroll Roberts, Administrator, and Cheryl LaLonde-Mooney, Assistant Attorney General.

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LaTonya Powell - Ms. Powell did not pay the fine in accordance with the Agreed Order. She had submitted a request to renew her license. Beverly McCauley moved that upon receipt of the fine, Ms. Powell be allowed to renew her license. Martha Preston seconded and the motion carried by a 5-0 vote.

Katie Shell - Ms. Shell submitted a request to renew her apprentice cosmetologist license. There is a pending Agreed Order against Ms. Shell's apprentice cosmetologist license. Beverly McCauley moved that Ms. Shell be permitted to renew her apprentice cosmetologist license upon receipt of the signed Agreed Order. Martha Preston seconded and the motion carried by a 5-0 vote.

Final Orders - The Final Orders for Tuan Thanh Ngo, Phung Van Nguyen, Thu Oanh T. Ta, Tuyet Anh Thi Ta, Marietta R. Ciriaco and Junette Ky had not been signed and returned to the office by Ms. Wharton at the time the agenda was prepared and mailed to the board members. Ms. Wharton subsequently hand delivered the signed Agreed Orders to the office of the board and they appear on Additional Items.

Pending Matters from True Phan Hearings

May 28, 2000:

Ming Fang Li - The board had requested an Agreed Order be prepared; however, Ms. Fleming had not prepared the Agreed Order. Ms. Mooney will prepared the Agreed Order.

Kim-Nhu Thi Vu - An Agreed Order was not prepared by Ms. Fleming as requested by the board. The Agreed Order was for the voluntary suspension of the license since the individual lives out of state. Ms. Mooney will prepare the Agreed Order.

Final Orders Pending:

Thu Oanh T. Ta - Sent to Ms. Wharton - Were received August 28, 2001

Tuyet Anh Thi Ta - Send to Ms. Wharton - Were received August 28, 2001

Hein Kim Quach - The Agreed Order was submitted. Beverly McCauley moved to approve the Agreed Order. Martha Preston seconded and the motion carried by a 5-0 vote.

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June 4, 2000:

Final Orders Pending:

Marietta R. Ciriaco - Sent to Ms. Wharton - Were received August 28, 2001

Junette Ky - Sent to Ms. Wharton - Were received August 28, 2001

Lam Danh - \$500.00 fine not received until August 4, 2001. Beverly McCauley moved to renew Lam Danh's nail technician license. Sharon marks seconded and the motion carried by a 5-0 vote.

Nam Thi Dao - \$500.00 fine was not received until August 4, 2001. Beverly McCauley moved to renew Nam Thi Dao's nail technician license. Sharon Marks seconded and the motion carried by a 5-0 vote.

Hoang Thanh Le - The board had approved a Default Order suspending the license for 1 year. The Default Order was not prepared by Ms. Fleming.

Billy Quang Nguyen - The Board had approved a Default Order suspending the license for 1 year. The Default Order was not prepared by Ms. Fleming.

Cau Van Nguyen - The Board had approved a Default Order suspending the license for 1 year. The Default Order was not prepared by Ms. Fleming

The individuals had signed for their notice of hearing more than 20 days before the hearing and the return green cards were received in the office of the board. The individuals did not appear on the date and time of the hearing. Ms. Mooney advised that the hearing officer should prepare the Default Orders. Martha Preston moved that Tom Hellman, who served as Hearing Officer, prepare the Default Orders. Beverly McCauley seconded and the motion carried by a 5-0 vote.

Did not comply with the terms of the Agreed Order:

Tuu Van Ho - Beverly McCauley moved that Ms. Mooney notify Tuu Van Ho to comply with the Agreed Order or the matter will be set for hearing. Martha Preston seconded and the motion carried by a 5-0 vote.

Lanh V. Tran - The fine was received after the deadline given in the Agreed Order. Beverly McCauley moved to accept the payment of the fine. Martha Preston seconded and the motion carried by a 5-0 vote.

Nga H. Tran - Beverly McCauley moved that Ms. Mooney notify Nga H. Tran to comply with the Agreed Order or the matter will be set for hearing. Martha Preston seconded and the motion carried by a 5-0 vote.

June 11, 2000:

The board determined that Mr. Hellman be requested to issue the Default Orders as applicable to the following individuals. Ms. Mooney will prepare the Agreed Orders.

Lam Tri Huynh - Agreed Order requesting voluntary surrender of the nail technician license. Ms. Fleming did not do. Ms. Mooney will prepare the Agreed Order.

Bonnie Morris - Default - 1 year suspension - Ms. Fleming did not do. Mr. Hellman will be requested to prepare.

Nhi Yen Nguyen - Default - 1 year suspension - Ms. Fleming did an Agreed Order which was not correct. A correction was not made by Ms. Fleming. Mr. Hellman will be required to prepare the correct Default Order.

Kiet Tuan Tran - Default - 1 year suspension - Ms. Fleming did an Agreed Order which was not correct. A correction was not made by Ms. Fleming. Mr. Hellman will be requested to prepare the correct Default Order. Mr. Tran has now requested a hearing.

Linh Thi Tuyet Vu - An Agreed Order was never prepared by Ms. Fleming. Ms. Mooney will prepare the Agreed Order.

Pending Final Orders:

Phung Van Nguyen - Sent to Ms. Wharton - Were received August 28, 2001

Other request/matters for consideration:

Tracy Pham - Beverly McCauley moved that Tracy Pham comply with the Agreed Order that was signed and the board will then consider the request to renew. Martha Preston seconded and the motion carried by a 5-0 vote.

Be Thi Nguyen - Beverly McCauley moved that Be Thi Nguyen comply with the Agreed Order that was signed and the board will then consider the request to renew. Martha Preston seconded and the motion carried by a 5-0 vote.

Dien Tung Nguyen - Submitted a letter requesting to dismiss the charges as continuing education was not required for the first year of licensure. Beverly McCauley moved to dismiss. Martha Preston seconded and the motion carried by a 5-0 vote.

Thien Hoang - The Agreed Order due to default was hand delivered by the inspector. There has been no response to the Agreed Order although his attorney contacted Ms. Mooney. Martha Preston moved that Thien Hoang's license not be renewed until the Agreed Order is signed. Beverly McCauley seconded and the motion carried by a 5-0 vote.

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Nhut Minh Quang Bui - Ms. Fleming issued an Agreed Order. A Default Order should have been prepared. Nhut Minh Quang Bui has not requested a hearing. The matter was considered under Additional Items.

Did not comply with the terms of the Agreed Order:

Dung Truong Le

Hai Nguyen

Beverly McCauley moved that Dung Truong Le and Hai Nguyen not be allowed to renew until they comply with the terms of the Agreed Order they signed. Martha Preston seconded and the motion carried by a 5-0 vote.

June 18, 2000:

Brooke Hornback - Charges were dismissed. Ms. Fleming did not prepare an Order of Dismissal. Ms. Mooney will prepare the Order.

Thuy Tung Nguyen - Board approved Dismissal Order during the special board meeting on June 19, 2001. Ms. Mooney will prepare the Order to Dismiss.

Pending Orders from Hearing:

Trinh T. Phan - Matter was dismissed. Ms. Fleming did not prepare the Order. Ms. Mooney will prepare the Order of Dismissal.

Kim Lan Thi Nguyen - There has been no response to the Agreed Order mailed on April 30, 2001. Beverly McCauley moved Kim Lan Thi Nguyen be given until November 1, 2001 to respond. Sharon Marks seconded and the motion carried by a 5-0 vote.

Did not comply with Agreed Order:

Tuan Quoc Nguyen - Beverly McCauley moved Tuan Quoc Nguyen be given until November 1, 2001 to respond. Sharon Marks seconded and the motion carried by a 5-0 vote.

Janie Caudill - Agnes Sipple, Attorney - Ms. Sipple submitted a letter regarding an unsigned complaint against Janie Caudill; however, she did not address the **signed** complaint that had been forwarded to Ms. Caudill for response. Sharon Marks moved to set this matter for hearing due to Ms. Caudill's failure to respond within 10 days. Martha Preston seconded and the motion carried by a 5-0 vote.

Outstanding Notices - Hearing Schedule - See Additional Items

BOARD INFORMATION

Martha Preston moved to approve the following items. Beverly McCauley seconded and the motion carried by a 5-0 vote.

May, June & July 2001 Financial Statements
May, June & July 2001 Recap of Receipts
May, June & July 2001 Cash Receipts
Employees Time and Attendance Records

National-Interstate Council - The 2001 Annual Conference registration packet was received. No action necessary. Board Information.

James Rough, Ohio Board of Cosmetology - An email concerning the MMA Article appearing in a Roanoke, Virginia, newspaper was received. No action necessary. Board information.

State Representative Larry Clark - A letter and copy of BR 165 relating to body piercing and tattooing was received from Representative Clark. No action necessary. Board information.

A Newspaper article concerning body piercing was received. No action necessary. Board information.

Julie Schum - The Hair Design School - Ms. Schum submitted a letter signed by several other students enrolled in the school expressing concerns about identity theft and the posting of permits. Ms. Roberts responded to the letter. No action was necessary. Board information.

Ashland Technical College - The school submitted a revised price list for services rendered in the school The price list will be placed in the school file. No action necessary. Board information.

Lexington Beauty College - A letter was submitted advising of the dates of closing for vacations and holidays. No action necessary. Board information. The letter will be placed in the school file.

The Washington Post - A newspaper article appearing in the Washington Post, concerning nail technicians, was received. No action necessary. Board information.

Jamie Jameson - Masuru Kubota - Mr. Jameson submitted a newspaper article from a Murray, Kentucky, newspaper concerning guilty plea entered by Mr. Kubota. No action necessary as Mr. Kubota has not been convicted and sentenced as of this date.

Francette Durbin - Ms. Durbin submitted a letter concerning the continuing education program at Graham Chiropractic. No action necessary. Board information and all investigative reports are being forwarded to the appropriate agencies. Letter will be acknowledged as received.

Jeanie Benz - Lisa Mosley - Ann McManis - Deborah Perry - Pamela Welsh - These individuals submitted a letter concerning the continuing education program at Graham Chiropractic. No action necessary. Board information. Letter will be acknowledged as received.

Gladys Campbell - Ms. Campbell submitted a letter expressing her opinion of the requirements to restore an inactive cosmetologist license. No action necessary as Ms. Campbell is aware of the requirements. The letter will be acknowledged.

Nga T. Tran - Nail Graphics - Diana Pontrich - The Board of Podiatry had responded to the complaint. Theng Chea, Owner, Nail Graphics, responded to the Board's letter concerning Nga T. Tran; however, the dates of employment were not indicated. Sharon Marks moved Ms. Mooney write Theng Chea once again, requesting the dates of employment of Nga T. Tran. Beverly McCauley seconded and the motion carried by a 5-0 vote.

Applications for Enrollment, Felony Convictions

Krista D. Cline - Appalachian Beauty School, S. Williamson
Brandon Roberts - Barrett & Co School of Hair Design, Nicholasville

Apprentice Instructor Licenses Issued

Carrie Allen - The Hair Design School, Radcliff
Charlotte Vasquez - The Hair Design School, 4160 Bardstown Rd, Louisville
Angela Richards - West Kentucky Technical College, Paducah
Rhonda Gilliam - Barrett & Co School of Hair Design, Nicholasville
Holly Cunningham - Paducah Beauty School, Paducah
Scarlet Stumbo - East Kentucky Beauty College, Pikeville
Brandi Kidd - Trend Setters Academy, Elizabethtown

ADDITIONAL ITEMS

Sally Beauty Supply - Sally Beauty Supply submitted the signed agreed order and fine. Sharon Marks moved that the board enter Closed Session pursuant to KRS 61.810 (1)(c) and (j) to discuss proposed or pending litigation and deliberate regarding individual adjudications. Beverly McCauley seconded and the motion carried by a 5-0 vote. The Board entered closed session at 10:10 a.m.

Beverly McCauley moved to enter open session. Martha Preston seconded and the motion carried by a 5-0 vote.

Beverly McCauley moved to accept the Agreed Order. Martha Preston seconded and the motion carried by a 5-0 vote.

Heil Beauty Systems, Paducah - The promotional brochure for the Heil Beauty Systems Fall Show was received in the office of the board. The time of the continuing education class was listed as 12:00 pm to 6:00 pm. These times did not correspond to the time schedule submitted for approval which was 12:00 pm to 6:30 pm. Sharon Marks moved to approve the class **provided** corrections were made on the time of the class in the brochure. Beverly McCauley seconded and the motion carried by a 5-0 vote. Sharon Marks moved that Heil Beauty Systems be notified that their brochure is misleading advertising and in the future, such classes will not be approved. Martha Preston seconded and the motion carried by a 5-0 vote.

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Sandra Stephens - Ms. Stephens submitted a request to restore her license for the third time. The board had also requested an Agreed Order be issued to Ms. Stephens (See April minutes) which Ms. Fleming did not do. Sharon Marks moved that an Agreed Order be issued to Ms. Stephens as previously requested and once Ms. Stephens signs the Agreed Order and pays the fine, she be permitted to restore her license and report for the regular examination. Martha Preston seconded and the motion carried by a 5-0 vote.

Yolanda Harvell - Ms. Harvell submitted a letter requesting an extension of time to complete her six months apprenticeship and report for the examination. This is Ms. Harvell's first request. Sharon Marks moved that Ms. Harvell be given until April 2202 to complete her six months apprenticeship and report for the examination and that **no further extensions** will be approved. Martha Preston seconded and the motion carried by a 5-0 vote.

Rochelle Burks - Ms. Burks submitted a letter requesting to renew her apprentice cosmetologist license, an application for examination and permission to report for examination. This is her first request. Sharon Marks moved that Ms. Burks be permitted to renew her apprentice cosmetologist license and report for the examination in October and that **no further extensions** will be approved. Martha Preston seconded and the motion carried by a 5-0 vote.

Erica Clark - Ms. Clark has been an apprentice cosmetologist since 1995 and has restored her license twice. She submitted a letter requesting to renew her apprentice cosmetologist license and report for the examination. Sharon Marks moved that Ms. Clark be permitted to renew her apprentice cosmetologist license and report for the examination in October and that **no further extensions** will be approved. Martha Preston seconded and the motion carried by a 5-0 vote.

Jeanie Unseld - Ms. Unseld submitted a letter requesting to renew her apprentice cosmetologist license and report for the examination. This is her second request. Sharon Marks moved that Ms. Unseld be permitted to renew her apprentice cosmetologist license and report for examination in October and that **no further extensions** will be approved. Beverly McCauley seconded and the motion carried by a 5-0 vote.

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Elizabeth Lindsey - Ms. Lindsey submitted a letter requesting to renew her apprentice cosmetologist license and report for examination. Ms. Lindsey has held an apprentice cosmetologist license since 1992. She has restored her license twice and this is her second request for an extension. Beverly McCauley moved that Ms. Lindsey be allowed to renew her apprentice cosmetologist license and report for the examination in October and that **no further extensions** will be approved. Martha Preston seconded and the motion carried by a 5-0 vote.

Jessica Bishop - Ms. Bishop submitted a request to renew her apprentice cosmetologist license and an extension of time to complete her six months apprenticeship. Sharon Marks moved that Ms. Bishop be permitted to renew her apprentice cosmetologist license and complete her six month apprenticeship and report for examination in January 2002 and **no further extensions** will be approved. Martha Preston seconded and the motion carried by a 5-0 vote.

Super Nails LLC, 213 London Shopping Center, London - Ha Yuan Tran - According to the inspectors report, Ha Yuan Tran was working in the salon without a license. Sharon Marks moved an Agreed Order be issued to suspend the salon license for 30 consecutive working days, or in lieu of the suspension, the salon pay a fine of \$500.00 and the salon license be suspended for 10 consecutive working days. Martha Preston seconded and the motion carried by a 4-1 vote. Rhonda Wharton voted no.

Martha Preston moved an Agreed Order be issued to the manager, Hong Thi Ngoc, to suspend her license for 30 consecutive working days, or in lieu of suspension, she pay a fine of \$500.00 and the nail technician license shall be suspended for 10 consecutive working days. Sharon Marks seconded and the motion carried by a 4-1 vote. Rhonda Wharton voted no.

Martha Preston moved a Cease and Desist letter be issued to Ha Yuan Tran. Sharon Marks seconded and the motion carried by a 5-0 vote.

Sexy Nails, 9301 New LaGrange Road, Louisville - According to the inspectors report, Ki Anh Nguyen was working in the salon without a license. Martha Preston moved an Agreed Order be issued to the salon and the owner and manager, Nga Thi Phan, to suspend the salon license and the owner and managers nail technician license for 30 consecutive working days, or in lieu of the suspension, Nga Thi Phan may pay a fine of

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\$500.00 for the salon license and \$500.00 for her nail technician license and both licenses shall be suspended for 10 consecutive working days. Sharon Marks seconded and the motion carried by a 4-1 vote. Rhonda Wharton voted no.

Martha Preston moved a Cease and Desist Order be issued to Ki Anh Nguyen. Beverly McCauley seconded and the motion carried by a 5-0 vote.

Sharon Cantrell - Ashland - Second report of Ms. Cantrell working in her home without a salon license. (See New Business)

Paula Terry - Ms. Terry submitted a request to retake the nail technician examination on September 3, 2001. Beverly McCauley moved Ms. Terry be notified to report for re-examination in October as her request was received as the deadline for September examinations. Martha Preston seconded and the motion carried by a 5-0 vote.

Laura Appleby - Ms. Appleby submitted a request to enroll for a brushup course in preparation for the Kentucky State Board examination. Martha Preston moved to approve Ms. Appleby's request and she be allowed to enroll for a brushup course not to exceed 300 hours. Sharon Marks seconded and the motion carried by a 5-0 vote.

Jimmy Roy - Mr. Roy submitted an application for change of owner of the State Beauty College, Campbellsville, from Holly Price to Jimmy Roy. Beverly McCauley moved to approve the application. Martha Preston seconded and the motion carried by a 5-0 vote. The board determined that since the school has been closed for over 2 years, an inspection be completed prior to issuing the license. An inspection will be conducted on Monday, September 24, 2001 at 11:00 a.m.

Eugene Dickerson - Sandra Clemons - East Kentucky Beauty School - Complaint and response - Mr. Dickerson filed a complaint and documents indicate he had also filed a suite in small claims court against Ms. Clemons as the owner of the school. Ms. Clemons responded to the complaint. Beverly McCauley moved that Mr. Dickerson be advised that based on his complaint and documents filed in Small Claim Court and Ms. Clemons response, the board found no violations of the statutes and administrative regulations of the board. Martha Preston seconded and the motion carried by a 5-0 vote.

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Lee Ann Reinhardt - E'Jay's Styling Salon, Florence - According to the inspectors report, Lee Ann Reinhardt was working in E'Jay's Salon with an expired license. Martha Preston moved that a Cease and Desist Order be issued to Lee Ann Reinhardt. Beverly McCauley seconded and the motion carried by a 5-0 vote.

Martha Preston moved that an Agreed Order be issued to the salon and the owners, Greg and Suzanne Wichelhaus, to pay a \$500.00 fine and be suspended for 30 consecutive working days, or in lieu of the 30 day suspension, they pay a fine of \$1000.00 for the licenses and shall be suspended for 10 consecutive working days. Sharon Marks seconded and the motion carried by a 5-0 vote.

Johnnie Hood - The item was acted on under New business

Nail Tech Salon, 10357 Dixie Highway, Louisville - This salon has complied with the plumbing code and submitted a signed application. No action necessary. Board information.

Van Thi Pham - See New Business

Nhut Minh Quang Bui - Linh Van Than - The two nail technicians submitted a request for a change of owner of the salon. The license for a change of owner was not processed due to pending matters in regard to True Phan. Martha Preston moved to deny the change of owner until the matter of True Phan is resolved. Beverly McCauley seconded and the motion carried by a 5-0 vote. Beverly McCauley moved a Default Order be prepared by Tom Hellman. Martha Preston seconded and the motion carried by a 5-0 vote.

Nhut Minh Quang Bui - Mr. Bui requested a hearing in the matter of True Phan. A hearing was already scheduled, and he was held in default for failure to appear.

LaDonna Young - Ms. Young submitted a request for an extension of time to complete her six (6) months apprenticeship and report for examination. Sharon Marks moved to approve the request since this is her first request and she be advised she must complete her six (6) months apprenticeship and report for examination by April 2002 and **no further extensions** will be approved. Martha Preston seconded and the motion carried by a 5-0 vote.

Final Orders In the Matter of True Phan - The following Final Orders were signed and returned by Ms. Wharton on August 28, 2001:

Tuan Thanh Ngo
Phung Van Nguyen
Thu Oanh T. Ta
Marietta Rayco Ciriaco
Junette Ky

Proposed Hearing Dates - A schedule of proposed hearing dates had been prepared by Ms. Mooney and Ms. Roberts. Beverly McCauley moved to accept the proposed hearing dates and no continuances be granted except in the event of extenuating circumstances such as illness, or conflict with attorney's scheduling. If a continuance is granted, it shall be for a short time period. Martha Preston seconded and the motion carried by a 5-0 vote.

Hair and Nails Salon - Angie Renfro and Andrea Gabbard - J. Stan Lee, Attorney - (See Unfinished Business)

Nail Dimensions Salon - Anh T. Nguyen - Anh T. Nguyen signed the Agreed Order for the salon, but the Agreed Order for the nail technician license has not been signed. Beverly McCauley moved Anh T. Nguyen comply with the Agreed Order by October 1, 2001. Martha Preston seconded and the motion carried by a 5-0 vote.

Office of the Attorney General - The Office of the Attorney General, Administrative Hearings Branch, will be conducting a Seminar on Administrative Hearings. Beverly McCauley moved Ms. Roberts be approved to attend if possible. Martha Preston seconded and the motion carried by a 5-0 vote.

Lisa Wilson - Ms. Wilson has not pad the \$500.00 fine that was due by June 1, 2001. Martha Preston moved that Ms. Wilson have until October 1, 2001 to pay the fine or the matter will be set for hearing. Sharon Marks seconded and the motion carried by a 5-0 vote.

Rose Mary Davenport - Ms. Davenport submitted a letter requesting to renew her apprentice cosmetologist license and an extension of time to complete her six (6) months apprenticeship. Martha Preston moved that Ms. Davenport be permitted to renew her apprentice cosmetologist license and she be granted an extension to report for the examination in November 2001 and **no further extensions** will be approved. Beverly McCauley seconded and the motion carried by a 5-0 vote.

Yellowwood Franchise Services - Continuing Education Classes - The correction on dates and additional of two previously approved classes was considered board information and no action is necessary.

Cheryl LaLonde-Mooney - Ms. Mooney submitted a request for the board to pay her expenses to attend wither the FARB or ASAAA's Seminar. Martha Preston moved to approve the request. Beverly McCauley seconded and the motion carried by a 5-0 vote.

Lesley Renee Coleman - Ms. Coleman submitted a request to renew her apprentice cosmetologist license and an extension to complete her six months apprenticeship. Martha Preston moved to approve Ms. Coleman's request and she report for examination in October as **no further extensions** will be granted. Beverly McCauley seconded and the motion carried by a 5-0 vote.

Denise Hayden - Ms. Hayden submitted a request for an extension of time in order to obtain her continuing education hours and restore her license. Beverly McCauley moved Ms. Hayden obtain six (6) hours of continuing education and restore her license by October 31, 2001. Sharon Marks seconded and the motion carried by a 5-0 vote.

ADJOURNMENT

Beverly McCauley moved the September 4-5, 2001 board meeting adjourn. Martha Preston seconded and the motion carried by a 5-0 vote.

The board meeting adjourned at 12:20 p.m.