

**UTAH  
BARBER, COSMETOLOGIST/BARBER, ESTHETICIAN, ELECTROLOGIST AND  
NAIL TECHNICIAN LICENSING BOARD MEETING  
September 8th, 2014**

**Room 210 – Second Floor – 8:30a.m.  
Heber M. Wells Building  
Salt Lake City, UT 84111**

**CONVENED : 8:34 a.m.**

**ADJOURNED: 3:38 p.m.**

**Bureau Manager:**

Dane Ishihara

**Board Secretary:**

Sally Canavan

**Board Members Present:**

Annette Bergstrom  
Jamie Comstock  
Marti Frasier  
Christine Heathman  
Jackie Lynn McKay  
**Chad W. Price, Chairperson**  
Elaine Reintjes  
Carlotta Veasy

**Board Members Absent or Excused:** Adriane Baxter – Excused

**Division Staff Present:**

Francine Giani, Executive Director  
Tom Brady, Deputy Director  
Mark Steinagel, Division Director  
Ray W. Walker, Regulatory and Compliance Officer  
Kim Quach, Division Interpreter  
Dave Furlong, Chief Investigator  
Lynne Anthony, Investigator  
Debra Troxel, Compliance Specialist

**Guests:**

Fran Brown  
Brenda Scharman  
Candace Daly, Glo & Associates/clients  
Teresa Pham, Nail Technician  
Chi Hguyen  
Xuyen Nguyen  
Log Tran  
Liz Blaylock, Consumer Protection  
Long T. Van  
Denice Floyd, for Brittany Floyd  
Shannon Mechling NCA TATC

**Oath of Office:**

Marti Frasier  
Christine Heathman  
Jackie Lynn McKay

**MINUTES:**

**DECISIONS AND RECOMMENDATIONS**

The minutes from the June 2, 2014, meeting were reviewed by the Board. Ms. Reintjes made a motion, seconded by Ms. Comstock, to approve the minutes as written. The voting was unanimous.

**NOTICE OF AGENCY ACTIONS:**

**Recommended for revocation due to fraudulent documents submitted (without understanding and/or intent) for the following with no response filed.**

- 1- Case # 2014-334. Nhut M. Nguyen- Nail Technician
- 2- Case # 2014-335 Tien Ton, - Nail Technician
- 3- Case # 2014-336 Brenda Jessmore, Cos/Barb
- 4- Case # 2014-337. Yen Le Bang, , - Nail Technician
- 5- Case # 2014-338 Dung Thi Dao, - Nail Technician
- 6- Case # 2014-339 Mai T. Huynh- Cos/Barb
- 7- Case # 2014-340 Hoa This Vu- Cos/Barb
- 8- Case# 2014-341 Van Nguyen, -Cos/Barb
- 9- Case# 2014-34 2 Robert Loudon, Cos/Barb
- 10 -Case# 2014-343 Mai T. Nguyen, -Nail Technician
- 11- Case# 2014-353 Karina Estevez de Mirand-Cos
- 12- Case# 2014-354 Tuyet Thi Bach Tran, NT,
- 13- Case# 2014-355 Ratanak Yim, Nail Tech
- 14- Case# 2014-356 Thao Ly-Thi Nguyen, Esthetician
- 15- Case# 2014-357 Minh Tam Thi Tran, NT
- 16- Case# 2014-3458 Thuy Thi Nguyen, NT
- 17- Case# 2014-359 Quoc Dinh Nguyen, NT
- 18- Case# 2014-360 Hanh Hoang Hong Le, NT
- 19- Case# 2014-361 Binh An Nguyen, NT
- 20- Case# 2014-362 Hai Minh Tran, NT
- 21- Case# 2014-367 Ly T. Tran, NT
- 22- Case# 2014-368 Hung Sam, NT
- 23- Case# 2014-369 Ha Thi Ngoc Vo, NT
- 24- Case# 2014-370 Emmanuel Zavala, Cos
- 25- Case# 2014-371 Thanh Van Tran, NT

- 26- Case# 2014-372 Tuyet Trang Thi Nguyen, NT
- 27- Case# 2014-373 Par Za Mawi, Cos
- 28- Case# 2014-374 Julie Cer Zi, NT
- 29- Case# 2014-375 Long Thanh Van, NT
- 30- Case# 2014-376 Thu Thuy ,T. Le, NT
- 31- Case# 2014-377 Huong Thi Ngoc, Lam, NT
- 32- Case# 2014-378 Tina Thuy Trinh, Cos
- 33- Case# 2014-379 Quyen Thuy-Vu Nguyen, NT
- 34- Case# 2014-380 Christine Honghuong Lam, Cos
- 35- Case# 2014-381 Roddy Lai Suan Par, NT
- 36- Case# 2014-382 Thu Ha T. Pham, NT
- 37- Case# 2014-383 Kieu Chinh Thi Nguyen,Cos
- 38- Case# 2014-384 Thunga Thi Nguyen,NT
- 39- Case# 2014-385 Ana P. Vizoni, Cos
- 40- Case# 2014-386 Ngan Thi Huynh, NT
- 41- Case# 2014-387 To N. Nguyen, NT
- 42- Case# 2014-390 Thu V Le, NT
- 43- Case# 2014-391 Tram Thi Truong, NT
- 44- Case# 2014-422 June Nhi ai Pham, Esth
- 45- Case# 2014-425 Mui Sam Luu, NT
- 46- Case# 2014-428 Nga T. Black, Cos

The Division recommended revocation of the above licenses. They had submitted fraudulent documents to receive licensure. The above listed licensees were mailed and notice of agency action, but they did not respond. These are classified as an informal agency action. Mr. Steinagel noted for the Board that for Investigator Lynne Anthony this was a big deal. She had put a lot of time and effort into researching and coordinating a list. She stated the individual were working. Ms. Frasier made a motion seconded by Ms. Heathman to revoke names listed above. The voting was unanimous.

**Recommended for revocation due to fraudulent documents submitted (without understanding and/or intent) for the following with response filed:**

- 1-Case # 2014-387- Chi Thi Truce Nguyen – NT
- 2-Case # 2014-424- Tien Thi Nguyen- NT
- 3-Case # 2014-423- Kim Phuong Thi Phan- Cos
- 4-Case # 2014-426- Nhan Thi Bich Phan – NT
- 5-Case # 2014-427- Xuyen, Thi Kim Hguyen- NT
- 6-Case # 2014-383 Phuong Ha Buu Lam – Cos

The first five cases did provide a response, the response was the same fraudulent documents they had already submitted. Case #2014-383 did submit a letter. The letter does not overcome the fraudulent documents that are the issue and why the Division is

requesting the license be revoked. Case#2014-387 and case# 2014-427 were present. They were offered to respond through interrupter Kim Quach. They were that DOPL not revoke their nail technician licenses. They stated they were not aware the documents were fraudulent. The Board encouraged them to go back to school and get some education and then apply again. They said they had enrolled in English class but not completed it. Ms. Frasier made a motion seconded by Ms. Heathman to revoke the six licenses listed above. The voting was unanimous.

**Recommended for revocation including residual rights, due to fraudulent documents submitted for the following previously licensed individuals with no response filed:**

1-Case#2014-419- Jenny Nguyen Cosmetologist/Barber and Nail Technician. Ms. Nguyen owned a shop. She had been performing services beyond her scope of practice. It is alleged the boss misled the nail technician employees. She told them, they needed to do additional services beyond their scopes of practice. The investigators have been to her shop before. If she had any questions she could have asked while the investigators were there in her shop. Ms. Comstock made a motion seconded by Ms. Frasier to revoke her license. The voting was unanimous.

**with response filed:**

1-Case#2014-420 From the investigators point of view Jenny Nguyen approached her employees. Ms. Le did not want to do services beyond her scope. Ms. J. Nguyen told her it was okay, to do the additional services. Ms. Le felt pressured from the owner to do those services to keep her job. She had to pay cash to the e mail. The Board does not want to take both licenses. She has Cosmetologist /Barber and Nail Technician. When the investigators came in Ms. Nguyen told Ms. Le keep working.

2-Case#2014-421 Teresa Hong Thao Pham. She holds and Esthetician and Nail Technician licenses. She stated please don't take her Nail Technician license, she is trying to support her family. The Board discussed other options to try to help their situation. Ms. Veasy made a motion seconded by Ms. Heathman to issue a public reprimand to case #2014-420 and case #2014-421 and to revoke the fraudulent licenses. The voting was unanimous.

**Recommended for revocation including residual rights due to unprofessional conduct with aggravating circumstances including criminal convictions for the following with no response filed**

1-Case#2014-236 Keven Conaster is a Cosmetologist/Barber and Cosmetology/Barber Instructor. He had extensive criminal history. Ms. Heathman made a motion seconded by Ms. Veasy to revoke his license including residual rights. The voting was unanimous.

**Compliance Unit Report:**

Ms. Troxel reviewed the probationers being seen today.

**Aylssa Brianne Dixon**

Reintjes interviewed Ms. Dixon She stated she is a new artist. She said at her salon hair stylist are referred to as artist's. They moved her to a new location where she was doing well. She had to divorce her husband that was not so well. She stated she has her boys and has them in year round school. Her dad helped her get a condo. She is co dependent and knows it. She is taking anti depressants it helps with the codependency. At her work she pampers people with cancer. She is on her own but she does not want her boys around the drugs or alcohol her husband was using. She turned in her employer reports, her work said they love her. Everything at work is great, her sales are off the charts she is she is doing very well. She says success makes it all worth it. The Board requested to see her at the Board meeting on December 1<sup>st</sup>, 2014  
Compliant

**Camille Eileen Edwards**

Ms. Edwards did not come in for her appointment with the Board. Ms Bergstrom recommended a \$250.00 citation and fine.  
Non compliant

**Brittany Floyd**

The Board stated Ms. Floyd has missed eighteen calls. She has been making payment on the second citation and fine. The Board stated this is her third offense, which usually means revocation of an individual's license. She is working in the field. Her employer reports say they love her at work. She is compliant with all conditions in her MOU, except for calling. The Board stated all she has to do is remember to call and suggested she reach out to those who can help her. The Board asked her on a scale of 1-10 how important

is this license to you. Ms. Floyd stated a 10. The Board stated she has got to remember to call. A third citation instead of revocation must have an investigator supervisor's approval, which in her case we have. Ms. Comstock made a motion seconded by Ms. Frasier. To issues a citation and fine, the fine amount to be \$502.00. The voting was unanimous. The Board reminded her don't lose your license because of failing to make a phone call. The Board requested to see her at the Board meeting on December 1<sup>st</sup>, 2014. Ms. Anthony accompanied Ms. Floyd out of the conference room and issued her a citation.

**Joseph Thomas Gierhart**

Ms. Bergstrom conducted the interview with Mr. Gierhart. He stated his divorce is going along slowly. He is working in his did shop still and doing support groups two times per week. He said every thing is going well. He will get custody of his three and six year old children. The Board noted he is compliant. The Board requested to see him at the Board meeting on December 1<sup>st</sup>, 2014.  
Compliant

**Dana Giles**

The Board noted Ms. Giles missed fourteen calls. Most of those calls were at the beginning of the month. She now sets an alarm and is using the suggestions from the last Board meeting she is doing better since then. She stated she is paying off her criminal probations. Compliance noted she was excused on the 13<sup>th</sup>, because she tested with the third party and that was acceptable. The Board noted last time she was cited for missed checkins and test. She stated she had to leave her work to go test. The reminded her the test agency is opened 5am to 10pm. She feels she has done everything. The Board stated they are looking for 100 % compliance. They reminded her she had signed her MOU stating she would call in every day. She stated during August she was trying really hard. The test agency is now giving confirmation numbers. The Board suggested she get a little pocket calendar and write it down. When she checks her calendar if is not written down then do it make the call. This would be her second citation if one is issued. She is improving. She is being more accountable. Her employer reports say work is going great they love her at work. She fills in where ever she can. The Board stated the minimum fine would have to be \$250.00. Ms.

Bergstrom made a motion seconded by Ms. Reintjes to give her a verbal warning. If not compliant at the December meeting, she will be cited. The voting was unanimous. The Board requested to see her at the December 1st, 2014 Board meeting.

Non Compliant

**Natalie Lynn Guyre**

Ms. Guyre stated things are going very well. Ms. Veasy stated this could be her last meeting. She stated through this process she has learned that she just wants to be sober in general. This process has made her more accountable and getting reports from her own boss has been good. She is able to remember the meeting. She is a cosmetologist/barber and she absolutely loves doing hair. Hair did not matter when she was using. She is now protecting her interest. The Board stated they are proud of her. Ms. Veasy stated a license without the probationary status will be mailed to her. The Board reminded her to keep doing what her MOU requires until she gets a paper from Division with signatures.

Compliant

**Stephanie Marlese Helmick**

She brought her employer reports to the Board meeting. She did not realized there were two more chapters in the book. She is almost done with the essay. She needs two more days. Ms. Helmick does not want to do the class half way there is a test at the end of each chapter. Ms. Troxel pulled the course off the internet and gave Ms. Helmick the web address. Ms. Troxel stated it was one she had used before for probationers. She has great employer. She has been teaching others at work. She has three bulging discs and has arthritis but keeps fighting it. The Board recommended she finish the ethics course. Her last meeting she missed because she did not receive the notice. She stated she would never have missed on purpose. It is great to feel like you have someone behind you. Her work helps keep her on track. She has been good at letting us know what was going on. This is her last Board meeting. The Board reminded her to keep doing probation requirements until signed papers are received from the Division.

Compliant

**Rachel Marie Horsley**

Ms. Horsley was involved in a bad car accident. She stated she is okay. She is getting along day by day.

The insurance company is not working well with her. This is her initial interview with the Board. She is a single mom. Has never been in trouble before. Her MOU says she needs to drug test. She is doing the calling in and testing. She is working in the field. Employer reports are great they love her at work. She is doing everything she is expected to do. The Board told her stay compliant with her MOU. The Board wants to help her succeed. She has been compliant. The next Board meeting will be December 1<sup>st</sup>, 2014. If she is compliant she may not be required to come in to that Board meeting.

Compliant

### **Sean Ma Gee**

Mr. MaGee was having difficulty following his MOU. The Board had requested a new MOU for him. Ms. Troxel found information on current charges. He has new criminal events in August. He currently is non compliant he has no supervisor. No employer reports have been received. He needs a behavior modification support group. It appears he is not able to follow the new MOU. He did not come in for his appointment with the Board today. Ms. Veasy made a motion seconded by Ms. Heathman to cite Mr. MaGee \$350.00 for being non compliant. The voting was unanimous. The Board reviewed the charges. Theft is highly unacceptable in the cosmetology and related professions field. Because of the ease of theft in these professions, it becomes a very serious charge. Ms. Frasier made a motion seconded by Ms. Bergstrom to offer him a voluntary surrender. If he does not sign it move to revoke it. Ms. Frasier made a change to the previous motion seconded by Ms. Bergstrom to move forward with the Division recommendation for voluntary surrender. The voting was unanimous. Mr. Ishihara said the Division would move forth for a voluntary surrender.

Non Compliant

### **Allison Perry**

The Board noted Ms. Perry had two dilute test results. She told the Board she is a runner and needs to stay hydrated so she can run. She runs marathons all year. A dilute is normally a citable offense, two dilutes however may be situational. She has been compliant in the past. She is working in the field. She still needs to call and then test when requested. Keep doing what she is doing The Board recommended testing earlier

in the day. Ms. Comstock made a motion seconded by Ms. Frasier that Ms. Perry test early in the morning when she needs to test and then hydrate later. The voting was unanimous.

Compliant

**Amanda Reutlinger-Carlston**

Ms. Reutling – Carlston talked to Ms. Troxel. She has requested to surrender. This was to be her last meeting with us. She is taking her education in a different direction. Ms. Veasy made a motion seconded by Ms. Bergstrom to offer her a surrender if she does not sign the voluntary surrender move for a revocation. The voting was unanimous.

Non compliant

**Shanna Lynn Gilchrist**

Ms. Gilchrist is working with Vocational Rehabilitation (VR). She is not working in the field because she is at the mercy of the other governmental agencies. The Board is trying to pin down when she will be working in the field. She met with (VR) in August. She has turned in all paper work. Currently she is waiting for Health Department to inspect. She said every time she needs to meet with them it a two month wait. It is very time consuming. Her mou states that it is a part of her probation agreement that she work. It has been seven months and she still has not worked in the field. She missed one testing check in. The Board suggested they moved her probation time longer. The Board recommended her perspective employer call Ms. Troxel. Tell employer you will be there you will show up. She is putting in five applications per week required by (VR). She has been doing this for two months. The Board told her she could go back to school to get and Instructors license and that could count as working in the field. Ms. Heathman made a motion seconded by Ms. Frasier that the Board waits until the next Board meeting to make a recommendation on possibly extending her probationary period. The Board needs to see if she is working or going to school. So the Board will withhold that. The voting was unanimous. The Board requested to see her at the December 1st, 2014 Board meeting.

Non Compliant

**LUNCH:** 12:05 p.m.

1 hour

## NEW ORDERS:

### **Bevin Frei Vanderwerff**

This is Ms. Vanderwerff initial interview with the Board. She had an accident many years ago, she now needs physical therapy (PT). She stated her son is her motivation. Currently she is not working in the field. Her plan is to go back to working in the field. Her (PT) wants her to wait a little bit longer, he thinks he can get her to the point where she will be able to have her posture to support her. She has paid off all fines on probation she has 1 ½ yr left. She has to go to treatment for three months. The Board noted the two probations are completely separate there is a court probation and an administrative probation. She is already signed up with affinity. The Board told her to contact the city or county to make sure she has any kind of license they may require for working at home. The Board discussed her situation. Ms. Bergstrom made a motion seconded by Ms. Comstock that Bevan be able to keep a log at her house be able to do eyelash extensions in order to work eight hours a week in the profession or hair and possibly do Esthetics when she has a license. The voting was unanimous. The Board requested to see her at he December 1<sup>st</sup>, 2014 Board meeting.

Compliant

### **Albert Joseph Archuleta**

This is his initial interview with the Board. He has successfully terminated court probation one year ago. He learned a profession, he chose a barber school. He is calling Affinity and will be doing the 12 steps program. He is doing all he is supposed do. He just got a job today. His long term goals are he wants to get a house, raise his kids, be a good dad and own his own Barber shop one day. The Board reminded him to call Ms. Troxel with any questions. The Board requested to see him at the December 1<sup>st</sup>, 2014 Board meeting.

Compliant

### **Natasha Syrina Lexington ASL**

Ms. Lexington is hearing impaired. Ms. Troxel arranged for Crystal to interpret for Ms Lexington. This is her initial interview with the Board. She is calling in for testing, has not missed any calls and has obtained a job, working in the field. She is staying busy and developed a good clientele. The Board

stated they expect her to comply with everything she agreed to in her MOU. It sounds like she knows what she needs to be doing. If she has any questions she can call Ms. Troxel. Ms. Lexington said Ms. Troxel made everything very clear. The Board requested to see her at the next Board meeting on December 1st, 2014, unless she is compliant.

Compliant

## **DISCUSSION ITEMS:**

### **Annual appointment**

The Board noted the Board chair may be changed every year. Mr. Price was nominated to continue as the Board chair. No other nominations were made. Ms. Veasy made a motion seconded by Ms. Comstock. The Board voted to keep him on as chair. The voting was unanimous.

### **Education and Enforcement Fund**

Mr. Steinagel suggested another use to the Education and Enforcement fund. He said the fund had grown substantially and the investigations unit would like to hire one person out of that fund. To be dedicated 100 % of their time to go to spas etc and check people's licenses. The investigations unit has nine people per unit and eight different professions. Ms. Frasier made a motion seconded By Ms. Heathman to follow the recommendation of Mr. Steinagel and the Division that the appropriate funds be used to hire a full time investigator for the cosmetology umbrella licenses. The voting was unanimous.

### **Proposed Rule changes**

The Board discussed all the changes in the proposed rules. The Board discussed at length the proposed rules. The Board discussed the definitions of acrylic nails and non living skin cells. The non living skin cells are technically called a cornel site. The Board and Ms. Daley agreed to put in non living skin cells and in parentheses put in corneal cyte. Ms. Daley stated she has to explain things to legislators if it has a technical name. That we need to use the common name along with the technical name. The Board and Ms. Daley agreed to put in non living skin cells and in parentheses put in cornel cyte. The Board also discussed micro needling. Ms. Frasier made a motion seconded by Ms. Veasy to remove the additional definition on manicuring and pedicuring that have been proposed and approve the remaining proposed rules. The voting was unanimous.

in Phoenix, Arizona. It will be November 14<sup>th</sup>, through November 17<sup>th</sup>, 2014 and Marti handed out registration for the conference. If Board member call the number she gave NIC will pay for their registration. The rooms are \$200.00 per night. The registration is between \$450.00 and \$600.00 so that is a very nice benefit. There is so much education. Ms. Scharman invited the Board to an event on November 15<sup>th</sup>, Saturday at 7:30 for the State Relations Committee. Every state in the nations will be there. She is chairing the committee. For further information talk to Marti Frasier or Brenda Scharman. Mr. Ishihara will check with Ms. Giani to see if there are any conflicts of interest or any issues.

**ADJOURN: 3:38 p.m.**

No motion required

*Note: These minutes are not intended to be a verbatim transcript but area dead skin cells. intended to record the significant features of the business conducted in this meeting. Discussed items are not necessarily shown in the chronological order they occurred.*

12-1-14  
Date Approved

(ss) Madeline  
Chairperson  
Barbering, Cosmetology/Barbering, Esthetics,  
Electrology and Nail Technology Licensing Board

12-1-14  
Date Approved

(ss) ED Ish  
Bureau Manager  
Division of Occupational & Professional Licensing