



COSMETOLOGY EXAMINING BOARD
Room 121A, 1400 East Washington Avenue, Madison
Contact: Brittany Lewin (608) 266-2112
June 23, 2016

The following agenda describes the issues that the Board plans to consider at the meeting. At the time of the meeting, items may be removed from the agenda. Please consult the meeting minutes for a record of the actions of the Board.

AGENDA

9:30 AM

OPEN SESSION – CALL TO ORDER – ROLL CALL

- A. Adoption of Agenda (1-3)**
- B. Approval of Minutes:**
 - 1. June 23, 2016 (4-6)
- C. Administrative Matters**
 - 1. Board and Staff Updates
 - 2. 2017 Meeting Schedule
- D. Legislative and Administrative Rule Matters – Discussion and Consideration (7)**
 - 1. Legislative Liaison Update
 - 2. Discussion of Practice Outside of Licensed Establishments
 - 3. Update on Legislation and Pending and Possible Rulemaking Projects
- E. Office of Education and Examinations Update**
- F. Speaking Engagements, Travel, or Public Relation Requests**
- G. Deliberation on Items Added After Preparation of Agenda:**
 - 1. Introductions, Announcements and Recognition
 - 2. Election of Board Officers
 - 3. Appointment of Board Liaison(s)
 - 4. Administrative Matters
 - 5. Education and Examination Matters
 - 6. Credentialing Matters
 - 7. Practice Matters
 - 8. Legislation/Administrative Rule Matters
 - 9. Liaison Reports
 - 10. Informational Items
 - 11. Disciplinary Matters
 - 12. Presentations of Petitions for Summary Suspension

13. Petitions for Designation of Hearing Examiner
14. Presentation of Proposed Stipulations, Final Decisions and Orders
15. Presentation of Proposed Final Decision and Orders
16. Presentation of Interim Orders
17. Petitions for Re-Hearing
18. Petitions for Assessments
19. Petitions to Vacate Orders
20. Request for Disciplinary Proceeding Presentations
21. Motions
22. Petitions
23. Appearances from Requests Received or Renewed
24. Speaking Engagements, Travel, or Public Relation Requests

H. Public Comments

CONVENE TO CLOSED SESSION to deliberate on cases following hearing (s. 19.85(1)(a), Stats.); to consider licensure or certification of individuals (s. 19.85(1)(b), Stats.); to consider closing disciplinary investigations with administrative warnings (ss. 19.85 (1)(b), and 440.205, Stats.); to consider individual histories or disciplinary data (s. 19.85 (1)(f), Stats.); and to confer with legal counsel (s. 19.85(1)(g), Stats.).

I. Deliberation on Division of Legal Services and Compliance (DLSC) Matters

1. **Administrative Warnings**
 - a) 15 BAC 096 – H.N.&S. **(8-9)**
 - b) 15 BAC 096 – T.P.P. **(10-11)**
2. **Proposed Stipulations, Final Decisions and Orders**
 - a) 14 BAC 064 – Hoang Dinh and Bellagio Salon & Spa **(12-18)**
 - b) 14 BAC 064 – Trinh T. Tran **(19-25)**
 - c) 14 BAC 076 and 14 BAC 094 – Cornell Stallworth and Tangled by Cornell **(26-32)**
 - d) 15 BAC 039 – Boa Tram Hoang Le **(33-38)**
 - e) 15 BAC 039 – Paris Salon Nails & Spa **(39-47)**
3. **Case Closures**
 - a) 15 BAC 011 and 15 BAC 107 **(48-51)**
 - b) 15 BAC 059 **(52-56)**
 - c) 15 BAC 063 **(57-60)**
 - d) 15 BAC 093 **(61-64)**
 - e) 15 BAC 096 **(65-68)**
 - f) 15 BAC 099 **(69-72)**
 - g) 16 BAC 016 **(73-76)**

J. Order Fixing Costs in the Matter of Disciplinary Proceedings Against Terrance S. Byrd and Fashion Impressions – Discussion and Consideration (77-84)

K. Deliberation of Items Added After Preparation of the Agenda

1. Education and Examination Matters
2. Credentialing Matters
3. Disciplinary Matters
4. Monitoring Matters

5. Professional Assistance Procedure (PAP) Matters
6. Petitions for Summary Suspension
7. Petitions for Designation of Hearing Examiner
8. Proposed Stipulations, Final Decision(s) and Order(s)
9. Administrative Warnings
10. Review of Administrative Warnings
11. Proposed Final Decisions and Orders
12. Orders Fixing Costs/Matters Related to Costs
13. Case Closings
14. Proposed Interim Orders
15. Petitions for Assessments and Evaluations
16. Petitions to Vacate Orders
17. Remedial Education Cases
18. Motions
19. Petitions for Re-hearings
20. Appearances from Requests Received or Renewed

L. Consulting with Legal Counsel

RECONVENE TO OPEN SESSION IMMEDIATELY FOLLOWING CLOSED SESSION

Vote on Items Considered or Deliberated Upon in Closed Session, if Voting is Appropriate

ADJOURNMENT

NEXT MEETING: NOVEMBER 7, 2016

**COSMETOLOGY EXAMINING BOARD
MEETING MINUTES
June 23, 2016**

PRESENT: Kristin Allison, Vicky McNally, Lori Paul, Gail Sengbusch (*via GoToMeeting*),
Denise Trokan

EXCUSED: Suresh Misra, Dianna Wachter

STAFF: Brittany Lewin, Executive Director; Nifty Lynn Dio, Bureau Assistant; and other
department staff.

CALL TO ORDER

Vicky McNally, Chair, called the meeting to order at 9:30 a.m. A quorum of five (5) members was confirmed.

ADOPTION OF AGENDA

MOTION: Lori Paul moved, seconded by Denise Trokan, to adopt the agenda as published. Motion carried unanimously.

APPROVAL OF MINUTES

MOTION: Gail Sengbusch moved, seconded by Lori Paul, to approve the minutes of April 4, 2016 as published. Motion carried unanimously.

ADMINISTRATIVE MATTERS

Board and Staff Updates:

MOTION: Kristin Allison moved, seconded by Denise Trokan, to thank Dianna Wachter for her dedication and service on the Cosmetology Examining Board and to the State of Wisconsin. Motion carried unanimously.

SPEAKING ENGAGEMENTS, TRAVEL, OR PUBLIC RELATION REQUESTS

National Interstate Council of State Boards of Cosmetology (NIC) Annual Conference on October 1-3, 2016 in Tampa, FL

MOTION: Gail Sengbusch moved, seconded by Kristin Allison, to delegate Vicky McNally to attend the NIC Annual Conference on October 1-3, 2016 in Tampa, Florida and to authorize travel Motion carried unanimously.

MOTION: Kristin Allison moved, seconded by Lori Paul, to request Brittany Lewin and Aaron Knautz attend the NIC Annual Conference on October 1-3, 2016 in Tampa, Florida and to authorize travel. Motion carried unanimously.

MOTION: Lori Paul moved, seconded by Kristin Allison, to note for the record that Vicky McNally provided her travel report from the NIC All Regions Meeting in Nashville, TN at the meeting. Motion carried unanimously.

CLOSED SESSION

MOTION: Kristin Allison moved, seconded by Denise Trokan, to convene to closed session to deliberate on cases following hearing (s. 19.85(1)(a), Stats.); to consider licensure or certification of individuals (s. 19.85 (1)(b), Stats.); to consider closing disciplinary investigation with administrative warning (ss.19.85(1)(b), Stats. and 440.205, Stats.); to consider individual histories or disciplinary data (s. 19.85 (1)(f), Stats.); and, to confer with legal counsel (s.19.85(1)(g), Stats.). Vicky McNally read the language of the motion. The vote of each member was ascertained by voice vote. Roll Call Vote: Kristin Allison – yes; Vicky McNally – yes; Lori Paul – yes; Gail Sengbusch – yes; Denise Trokan - yes. Motion carried unanimously.

The Board convened into closed session at 10:16 a.m.

RECONVENE TO OPEN SESSION

MOTION: Denise Trokan moved, seconded by Lori Paul, to reconvene into open session. Motion carried unanimously.

The Board reconvened into open session at 10:36 a.m.

VOTING ON ITEMS CONSIDERED OR DELIBERATED ON IN CLOSED SESSION

MOTION: Kristin Allison moved, seconded by Gail Sengbusch, to affirm all motions made in closed session. Motion carried unanimously.

DELIBERATION ON DIVISION OF LEGAL SERVICES AND COMPLIANCE (DLSC) MATTERS

Administrative Warnings

15 BAC 074 – D.E.N. & H.G.

MOTION: Denise Trokan moved, seconded by Lori Paul, to issue an Administrative Warning in the matter of DLSC Case No. 15 BAC 074 against D.E.N. & H.G. Motion carried unanimously.

Proposed Stipulations, Final Decisions and Orders

MOTION: Lori Paul moved, seconded by Denise Trokan, to adopt the Findings of Fact, Conclusions of Law and Order in the matter of disciplinary proceedings in the following cases:

1. 14 BAC 069 – Cori L. Harris
2. 14 BAC 071 – Autumn R. Leibbrandt
3. 14 BAC 071 – Cassie L. Cordy
4. 14 BAC 074 – Brittany Treml
5. 15 BAC 047 – Aileen X. Nguyen
6. 15 BAC 047 – Bich T. Kim
7. 15 BAC 047 – Elite Nails of Appleton, L.L.C.

Motion carried unanimously.

CASE CLOSINGS

MOTION: Lori Paul moved, seconded by Vicky McNally, to close the following cases according to the recommendations by the Division of Legal Services and Compliance:

1. 14 BAC 071 (L.J.K.) – *Prosecutorial Discretion (P3)*
 2. 14 BAC 071 (J.M.K.) – *Lack of Jurisdiction*
 3. 14 BAC 074 (S.S.&S.) – *Prosecutorial Discretion (P2)*
 4. 14 BAC 074 (B.T.) – *No Violation*
 5. 15 BAC 016 (N.S.) – *Prosecutorial Discretion (P1)*
 6. 15 BAC 016 (G.H.&N.S.) – *Prosecutorial Discretion (P3)*
 7. 15 BAC 030 (L.B.B.S.S.) – *No Violation*
 8. 15 BAC 061 (A.W. & B.A.P.) – *Insufficient Evidence*
 9. 15 BAC 095 (I. & K.B.) – *No Violation*
 10. 15 BAC 122 (K.N.) – *Prosecutorial Discretion (P1)*
 11. 15 BAC 122 (D.W.S. & S.) – *No Violation*
 12. 16 BAC 006 (T.C.) – *No Violation*
 13. 16 BAC 039 (K.S. & A+N.&S.) – *Prosecutorial Discretion (P7)*
- Motion carried unanimously.

PROPOSED FINAL DECISIONS AND ORDERS

Terrance S. Byrd and Fashion Impressions

MOTION: Lori Paul moved, seconded by Vicky McNally, to delegate to Michael J. Berndt, Department Chief Legal Counsel, the Board's authority to preside over and resolve disciplinary matter 13 BAC 152 against Terrance S. Byrd and Fashion Impressions. Motion carried unanimously.

Steve D. Duong

MOTION: Vicky McNally moved, seconded by Lori Paul, to delegate to Michael J. Berndt, Department Chief Legal Counsel, the Board's authority to reside over and resolve disciplinary matter 15 BAC 019 against Steve D. Duong. Motion carried unanimously.

Patricia Helt

MOTION: Kristin Allison moved, seconded by Gail Sengbusch, to delegate to Michael J. Berndt, Department Chief Legal Counsel, the Board's authority to reside over and resolve disciplinary matter 15 BAC 041 against Patricia Helt. Motion carried unanimously.

ADJOURNMENT

MOTION: Kristin Allison moved, seconded by Lori Paul, to adjourn the meeting. Motion carried unanimously.

The meeting adjourned at 10:44 a.m.

**State of Wisconsin
Department of Safety & Professional Services**

AGENDA REQUEST FORM

| | | | | | | | | | | | | | | | |
|---|--|--|--|--------------------------|---------------|-----------------|---|--|------|--------------------------|--|------|--|--|------|
| 1) Name and Title of Person Submitting the Request: Greg DiMiceli, Administrative Rules Coordinator | | 2) Date When Request Submitted: August 15, 2016 | | | | | | | | | | | | | |
| | | Items will be considered late if submitted after 12:00 p.m. on the deadline date which is 8 business days before the meeting | | | | | | | | | | | | | |
| 3) Name of Board, Committee, Council, Sections: Cosmetology Examining Board | | | | | | | | | | | | | | | |
| 4) Meeting Date: August 25, 2016 | 5) Attachments: <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No | 6) How should the item be titled on the agenda page? Legislative and Administrative Rule Matters – Discussion of practice outside of licensed establishments – discussion and consideration. | | | | | | | | | | | | | |
| 7) Place Item in: <input checked="" type="checkbox"/> Open Session <input type="checkbox"/> Closed Session | 8) Is an appearance before the Board being scheduled? <input type="checkbox"/> Yes (Fill out Board Appearance Request) <input type="checkbox"/> No | 9) Name of Case Advisor(s), if required: | | | | | | | | | | | | | |
| 10) Describe the issue and action that should be addressed: Staff to provide information regarding research of surrounding state laws and rules. Board to discuss and provide recommendations. | | | | | | | | | | | | | | | |
| <table style="width: 100%; border-collapse: collapse;"> <tr> <td style="width: 30%; border-bottom: 1px solid black;">11) Greg DiMiceli</td> <td style="width: 40%; text-align: center; border-bottom: 1px solid black;">Authorization</td> <td style="width: 30%; text-align: right; border-bottom: 1px solid black;">August 11, 2016</td> </tr> <tr> <td style="border-bottom: 1px solid black;">Signature of person making this request</td> <td></td> <td style="text-align: right; border-bottom: 1px solid black;">Date</td> </tr> <tr> <td style="border-bottom: 1px solid black;">Supervisor (if required)</td> <td></td> <td style="text-align: right; border-bottom: 1px solid black;">Date</td> </tr> <tr> <td colspan="2" style="border-bottom: 1px solid black;">Executive Director signature (indicates approval to add post agenda deadline item to agenda)</td> <td style="text-align: right; border-bottom: 1px solid black;">Date</td> </tr> </table> | | | | 11) Greg DiMiceli | Authorization | August 11, 2016 | Signature of person making this request | | Date | Supervisor (if required) | | Date | Executive Director signature (indicates approval to add post agenda deadline item to agenda) | | Date |
| 11) Greg DiMiceli | Authorization | August 11, 2016 | | | | | | | | | | | | | |
| Signature of person making this request | | Date | | | | | | | | | | | | | |
| Supervisor (if required) | | Date | | | | | | | | | | | | | |
| Executive Director signature (indicates approval to add post agenda deadline item to agenda) | | Date | | | | | | | | | | | | | |
| Directions for including supporting documents: 1. This form should be attached to any documents submitted to the agenda. 2. Post Agenda Deadline items must be authorized by a Supervisor and the Policy Development Executive Director. 3. If necessary, provide original documents needing Board Chairperson signature to the Bureau Assistant prior to the start of a meeting. | | | | | | | | | | | | | | | |