



CANNON BUILDING
861 SILVER LAKE BLVD., SUITE 203
DOVER, DELAWARE 19904-2467

STATE OF DELAWARE
DEPARTMENT OF STATE

TELEPHONE: (302) 744-4500
FAX: (302) 739-2711
WEBSITE: WWW.DPR.DELAWARE.GOV

DIVISION OF PROFESSIONAL REGULATION

PUBLIC MEETING MINUTES:	Board of Cosmetology and Barbering
MEETING DATE AND TIME:	Monday, October 27, 2008 at 9:00 a.m.
PLACE:	861 Silver Lake Boulevard, Dover, Delaware Conference Room A , Second Floor of the Cannon Building
MINUTES APPROVED:	January 26, 2009

MEMBERS PRESENT

Marina T. Pini, President, Professional Member
Leila Lord-Dufaj, Professional Member
Richard Shultie, Jr., Professional Member
Madelyn Nellius, Secretary, Public Member
Kathryn Lord, Professional Member
Mark A. Rubio, Public Member
Brenda Porter, Professional Member

DIVISION STAFF/DEPUTY ATTORNEY GENERAL PRESENT

Eileen Kelly, Deputy Attorney General
Judy Letterman, Administrative Specialist III

MEMBERS ABSENT

Cecilia Jones, Public Member
John H. Cook, Vice-President, Professional Member

OTHERS

Barbara Gadbois, Deputy Attorney General
Joyce Green-Miles
Samuel Poole
Leonard Gaston

CALL TO ORDER

Ms. Pini called the meeting to order at 9:10 a.m.

REVIEW OF MINUTES

A motion was made by Ms. Nellius seconded by Mr. Rubio to approve the September 29 2008 minutes as amended. The motion was unanimously carried.

UNFINISHED BUSINESS

Disciplinary Hearing-Piez Nguyen

The hearing was called to order at 9:13 a.m.

Ms. Kelly stated that the reason for the hearing was due to a complaint, 08-13-07, filed by the Office of the Attorney General.

Board members were introduced.

Mr. Nguyen notified the Board he would not be in attendance.

Barbara Gadbois, State Deputy Attorney General, informed the Board that the licensee's temporary license expired on July 31, 2008 and on or about August 3, 2007, he gave Joyce Green-Miles a pedicure and during the pedicure she received a cut on her heel and as a result, suffered pain, required medical treatment and has a permanent scar.

Ms. Miles was sworn in.

Ms. Miles stated that she was a "walk-in" for a pedicure appointment in August 2007 and as Mr. Nguyen began the pedicure, she asked that he to use a clean file which he told her it would be an extra cost. He preceded with the pedicure and she felt pain in her heel and found it bleeding. He apologized and informed her that it happens all the time and offered her a free pedicure. He treated the injury with anti-septic and a band aid. The next morning she has severe pain in her heal and went to the doctor who gave her antibiotics and pain medication. She continued to have pain and return visits to the doctor's office with medical bills totaling \$1054.94. She contacted the shop concerning the injury and the medical bills. Mr. Nguyen has not acknowledged the injury. She also stated that she obtains about three pedicures a month and has never had any problems.

Ms. Gadbois stated that Mr. Nguyen was in violation of section 5113 (a) (2).

The Board went off the record and into deliberations

The Board went back on the record.

A motion was made by Ms. Porter, seconded by Ms. Nellius to suspend his license until he comes before the Board and that the Board found him negligent and incompetent in his practice of nail technology. The motion was unanimously carried.

Re-Review of Applications

A motion was made by Ms. Nellius, seconded by Ms. Lord to approve the applications of Colleen Geiter, David Phan, Xclusives, A Touch of Class, Azure Sky Salon & Spa, Altered Images Hair Studio, Sky Nails, Pamper Me Nail Cottage, Tina's Hair Care, Elayne James Salon of Greenville, and Anglean Walton. The motion was unanimously carried.

Propose to Deny Hearings

Leonard Gatson

Ms. Kelly stated the reason for the hearing was to propose to deny Mr. Gaston's instructor examination application due to being convicted of a crime which is substantially related to the practice of cosmology and barbering.

Board members were introduced and Mr. Gaston was sworn in.

Mr. Gatson stated that this incident happened over 25 years ago, he has no incidents since 1983; he has worked in the trade as a barber since 1995 and would like to become an instructor.

The Board went into deliberations

The Board went back on the record

A motion was made by Ms. Nellius, seconded by Ms. Lord to approve him for the examination. The motion was unanimously carried.

Verbatim testimony was taken by the court reporter

Samuel Pool

Ms. Kelly stated the reason for the hearing was to propose to deny Mr. Poole's examination application due to previous disciplinary by this Board.

Ms. Kelly present into evidence his application, the letter to Mr. Poole proposing to deny his exam application, a copy of the March 30, 1999 Board Decision and Order and the February 28, 2000 Board Decision and Order.

Mr. Poole stated he did not realize he could have an attorney at today's hearing.

Ms. Kelly asked him if he received his propose to deny letter and he stated yes but he did not recall received the hearing notice.

Ms. Kelly informed him that he had a right to have an attorney and asked if he wanted to proceed with the hearing. He stated that he was prepared to go forward.

Board members were introduced and Mr. Poole was sworn in.

Mr. Poole stated he was passionate about his profession and that people look to him as a trend setter. He also explained to the Board that the complaint from 1999 had gone to arbitration and thought everything was taken care of.

Ms. Kelly asked if he had seen the previous Decision and Orders which states that the Board disciplined and then revoked his license.

Mr. Poole stated he had moved to Georgia to help his grandparents and was not familiar with the Decision and Order

Mr. Poole requested a continuance.

A motion was made by Ms. Nellius, seconded by Mr. Rubio to approve his request for a continuous for the November meeting. The motion was unanimously carried.

Discussion of Examinations and Temporary Permits

A motion was made by Ms. Nellius, seconded by Ms. Lord to table discussion until the November meeting. The motion was unanimously carried.

Revision to Exemption for Public School Students

A motion was made by Ms. Nellius, seconded by Mr. Shultie to table discussion until the November meeting. The motion was unanimously carried.

ADA Accommodations Request

A motion was made by Ms. Lord, seconded by Ms. Nellius to approve Jamie Twyman's request for ADA accommodations for the examination. The motion was unanimously carried.

New Business

Review of Applications

A motion was made by Ms. Nellius, seconded by Ms. Lord to approve the applications of Traci Nguyen, Diann Kane, Cara Lewis, Oanh Ngoc, Joy Giordanok, Kimerly Le, Kimberly Maher, Hamlyn Baldeo, Belinda Harper, Huong Thanh-Thi Tran, Anabelle Parrish, Hien T. Nguyen, Minh Nhuat Nguyen, Bi Nguyen and Katherine Sklar. The motion was unanimously carried.

Review of Salon/School Applications

A motion was made by Ms. Nellius seconded by Ms. Lord, to approve the applications of Super Nails & Spa, Kim's Hair and Nails, Legendary Cuts & Beauty Salon, Rhina's Beauty Shop, V. Ruth West, US Male Modern Barbershop, Bonnie's Beauty Solutions, Inc. Alternative Beauty Supply & Salon, Nail Art, Classic Hair Sculptors, Signature Salon, Unique Styles & Designes. . The motion was unanimously carried.

A motion was made by Ms. Nellius, seconded by Ms. Lord to approve contingent the application of Shannon's Shop pending a Division of Revenue business license in the name of the shop. The motion was unanimously carried.

A motion was made by Ms. Nellius, seconded by Mr. Shultie to table the application of Precise Cuts pending a hand wash sink, For Your Nails Only , pending a hand wash sink, Bronzage West Salon pending a hand wash sink, Tropical Spa The motion was unanimously carried. pending a hand wash sink and Division of Revenue Business license, Polly Drummond Coiffure t/a Penache pending a hand wash sink, Hair Shop pending a hand wash sink, Tropical Glamour Hair Designes pending a hand wash sink, Jackie's Ultimate Touche pending a hand wash sink and Division of Revenue Business license, The Mane Event Inc pending a hand wash sink and a licensed employee and Peggy's Beauty Shop pending a hand wash sink and Division of Revenue Business license. The motion was unanimously carried.

Discussion of Reciprocity Applications Approval Process-James Collins

Mr. Collins asked the Board to consider extending the delegation of issuing licenses to the Division for applicants applying by reciprocity from a State which is substantially similar to Delaware. He informed the Board that other professional boards have given the Division delegation to approve these licenses which allows the Board to work on other issue such as their strategic plan, rule and regulations or proposed legislation. Once the licenses have been issued, the applications would be ratified by the Board at the next meeting. Currently, the Division reviews, approves and issues temporary and permanent licenses to apprentice and examination applicants.

A motion was made by Ms. Nellius, seconded by Mr. Shultie to extend the delegation to the Division to issue licenses for reciprocity applicants from a state that is substantially similar to Delaware. The motion was unanimously carried.

Complaint Status

08-01-08- Open
08-02-08- Closed
08-03-08- Open
08-04-08- Forward to AG office
08-05-08- Closed
08-07-08- Schedule Hearing
08-08-08- Schedule Hearing
08-09-08- Assigned/Closed
08-10-08- Close to JP Court

08-11-08- Closed
08-12-08- Assigned
08-13-08- Assigned
08-15-08- Assigned/Closed
08-16-08- Assigned/Closed
08-17-08- Closed
08-18-08- Assigned/Closed
08-19-08- Assigned
08-21-08- Assigned/Closed
08-22-08- Assigned/Closed
08-23-08- Assigned/Closed
08-24-08- Assigned/Closed
08-25-08- Assigned/Closed
08-26-08- Assigned
08-45-08- Assigned

Schedule Rule to Show Cause Hearing

The hearing for Samaya M. Toler will be scheduled for the November meeting.

Review of Applications-Eileen Kelly

Ms. Kelly reviewed the application to insure compliance with Rule 18.0.

Other Business Before the Board

No other business.

Public Comment

None

Next Scheduled Meeting

The next meeting will be held on Monday, November 24, 2008 at 9:00 a.m. in Conference Room A, second floor of the Cannon Building, 861 Silver Lake Boulevard, Dover, Delaware.

Adjournment

A motion was made by Ms. Lord seconded by Ms. Porter to adjourn the meeting. The motion was unanimously carried. The meeting adjourned at 12:25 p.m.

Respectfully submitted,

Judy Letterman
Administrative Specialist, III