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NEVADA STATE BARBER'S HEALTH and SANITATION BOARD



Minutes – August 5, 2018 – Public Hearing and Regular Business Meeting

President Nathaniel LaShore called the meeting to order on Sunday, August 5, 2018, the time was 3:00 P.M. at the Masterpiece Barber College, located at 3510 East Bonanza Road, Las Vegas, Nevada.

Board members Ms. Nancy Hathaway, Mr. Nathaniel LaShore, Mr. Ihsan Azzam, and Ms. Antinette Maestas and Mr. Johnnie Williams.

The agenda was reviewed and approved as posted.

Ms. Hathaway made a motion to dispense of the reading of the minutes for the April 8, 2018 business meeting since everyone had copies and they had been read. The motion included to accept the minutes as submitted. Mr. Williams seconded the motion and all was in favor.

Ms. Hathaway made a motion to dispense of the reading of the minutes for the April 30, 2018 Public Workshop since everyone had copies and they had been read. The motion included to accept the minutes as submitted. Mr. Williams seconded the motion and all was in favor.

Ms. Hathaway made a motion to dispense of the reading of the financial report, Mr. Williams seconded and all was in favor.

Officers Report

1. Ms. Hathaway reported that she has been busy up North.
2. Mr. LaShore reported that he has been doing business as usual. Staying busy inspecting.
3. Mr. Johnnie Williams has been busy and he has been doing inspections.
4. Mr. Ihsan Azzam has nothing new to report.

Old Business –

New Business

Marieal Collins – Mr. Collins came before the Board to be able to attend school in the State of Nevada. He does have a felony on his record. He has no paperwork with him. Ms. Hathaway informed Mr. Collins that without paperwork the Board cannot make any decisions. He would have to submit a written request to the Board office by September 5, 2018 to schedule another hearing.

Matthew Bradford hearing – Mr. Bradford came before the Board to go to barber school in the State of Nevada. He has a felony's on his record. In 2002 he was charged with assault with attempt to rob, attempt to sell drugs. He was in prison from 2002-2010. Got out for 18 months and went back from 2012-2015. He was released February 10, 2017. These were all done in Michigan. He has been totally discharged. With several letters of recommendation. He has family support and claims he wants to make a better life. Ms. Hathaway made a motion that Mr. Bradford be allowed to attend school providing he agree to random drug testing. Mr. Williams seconded the motion and all was in favor. Mr. Bradford's brother thanked the Board for giving his brother a second chance.

Michael Espinosa hearing – Mr. Espinosa came before the Board to be able to attend Barber School. He has a felony on his record. He moved to Las Vegas and wanted to attend barber school and have a better life. He was trying to get a job and found it was hard for him due to felony on his record. He was charged with cultivating marijuana. He served prison time from 2006-2011. He got desperate and committed bank robbery. He served 29 months in prison. While in prison he did several programs and learned he could be a better person. He is on probation for 3 years. He was released May 23, 2018. His probation officer is Kamuela K. Kapahui 702-527-7255. After reviewing all his paperwork, Ms. Hathaway made a motion to allow Mr. Espinosa to attend barber school providing his have random drug testing. He agreed to that he has drug testing now with his Probation officer. Mr. Williams seconded the motion and all was in favor.

Royanna Pickney hearing – Ms. Royanna Pickney came before the Board to be able to take her barber examination. She is over on her time from graduating school. Ms. Pickney claims that she finished her school 3 years ago. She started school on July 31, 2013 and the last day of attendance was August 11, 2015. She took several leaves of absence for medical reasons. We are showing she has 1164 hours. She has been undergoing chemotherapy. Ms. Maestas told her she would have to get with the owner of the school and get this straightened out. She claims that the school owner is very stressful and she has a hard time dealing with the stress. Ms. Hathaway made a motion that if she is done with the hours, beings that it's been 5 years, that Ms. Pickney would complete a 250 hour refresher course. Mr. Williams seconded the motion and all was in favor.

Michael Bryant hearing – Mr. Bryant came before the Board due to a citation that was issued May 18, 2018. Mr. Bryant passed out a complaint to the Board that he wanted them to read prior to hearing him. Mr. Bryant is the owner of Studio 34 LV Barber shop. On May 9, 2018 the shop was opened. On May 18, 2018 Mr. LaShore went into the barber shop located at 3455 E. Flamingo Road Suite 105, Las Vegas, Nevada, 89121. There was a cosmetologist working in the barber area. When the shop was originally licensed, the right side of the building was barber shop with 1 room being a cosmetologist room. The whole right side of the shop is Cosmetology. Mr. Bryant states that he is representing Mr. Robert Zeek who is the Registered Barber Manager in charge and he is also representing Mr. Sega Lafaele who is the Cosmetologist working in the barber area. Mr. Bryant states the reason that Mr. Lafaele was in the barber area is that there was a problem in Mr. Lafaele's suite and the repairman had to get in there to fix the problem, so he claims that Mr. Lafaele had a client to finish with dye on his hair and this was the only time that Mr. Lafaele used the barber chair. Mr. Bryant claims that the Board's informant that works with the Board called the inspector and told him this was happening. He claims that the Board's

informant had told the shop that he was bringing the inspector to shut this shop down. He claims he has video and text of the inspector and this other individual in the parking lot. He told the Board that this informant and thugs came back to the shop to rob the shop. Mr. Bryant was asked why Mr. Lafaele was not working on the Cosmetology side, he claims that the Cosmetology was being painted. Mr. LaShore states that when the lady that works there told him he had to move, he said he didn't want to leave that area that's where he wanted to stay. Mr. Bryant states that he didn't think this was a true violation and he feels that it should just be a warning. Mr. Bryant wants to know why the Board has not shut down the other shop that is owned by the individual that came to rob his shop. He was asked if this individual has been convicted and he claims he has been indicted. Ms. Hathaway states that she does not understand about this informant information. Mr. Bryant claims that the informant put this all on Facebook. Mr. Bryant claims that he went to this informant to talk to him and he was told he did not want to talk to him, he works for the Board and he was going to shut his shop down. Mr. Williams states that he understands but if there were problems with the Cosmetology room, the Manager should have called the Board and told them that there was a problem and the Cosmetologist was going to finish his client in the barber chair. Mr. Bryant states it was only 5 minutes. Mr. Bryant states everyone breaks the law at times, and he has nothing else to say. Ms. Hathaway does not feel comfortable to make this all away. She feels that Mr. Bryant knows what happened was wrong. Mr. Bryant states to do what we have to do, and as an Attorney they do not stop so is definitely going to appeal the decision and take it to whatever court he has to. Ms. Hathaway states that there is no wiggle room. Mr. Michael Bryant, Mr. Robert Zeek and Mr. Segal Lafaele fines stands.

Jarrold Easler – Mr. Easler came before the Board due to a citation that was issued to him on May 18, 2018, at 2222 Paradise Rd., Las Vegas, Nevada, 89104. He was working as a barber in an unlicensed establishment. The shop was licensed as a Cosmetology Salon but not a Barber Shop. He thought the shop was licensed it had decals of barber poles on the windows. When the inspector drove by the location he knew that there was no record of this being a barber shop. When he stopped in there is when he found 2 barbers working in there. Ms. Hathaway made a motion that the fine stands, Mr. Williams seconded the motion and all was in favor. Mr. Easler asked if he could make payments on the fine. He was told yes contact the office to set up payment arrangements.

Pedro Tineo – Mr. Tineo did not show up for the hearing. He was issued an Apprentice license on August 18, 2016, he should have taken the June or August examination. We have not heard from him, and his letters were never signed for. Ms. Hathaway made a motion to suspend his license until he takes his registered examination. Mr. Williams seconded the motion and all was in favor.

Alejandro Ramirez - Mr. Ramirez did not show up for the hearing. He was issued an Apprentice license on June 26, 2015. He should have taken April or June. We have not heard from him. His letter could not be delivered because there was an animal there and he never went to the post office to pick it up. Ms. Hathaway made a motion to suspend his license until he takes his registered examination, Mr. Williams seconded and all was in favor.

Landon Saldana – Mr. Saldana did not show up for the hearing. He was issued an Apprentice license on August 26, 2016. He should have taken the April or June exam. We have not heard from him. Ms. Hathaway made a motion to suspend his license until he takes his registered examination. Mr. Williams seconded the motion and all was in favor.

Bridgitte Bautista, Sergio Ochoa, Alejandro Ramirez, Pedro Tineo, and Landon Saldana no showed.

Kevin Garcia, Kevin Tiner, Jorge Torres-Colon, Thomas Garvey and Michael Roche took the exam today and no need to have hearing with them.

PUBLIC HEARING

Ms. Maestas read each NAC individually.

Proposed changes to NAC 643.XXX (SB 69) – License by endorsement for possible action.

Section 1. Chapter 643 of NAC is hereby amended by adding thereto a new section to read as follows:

1. The Board may issue a license by endorsement to an applicant who:

(a) Holds a corresponding, valid and unrestricted license as a barber in the District of Columbia or any state or territory of the United States;

(b) Possesses qualifications that are substantially similar to the qualifications required for the issuance of a license to practice as a barber in this State; and

(c) Attests that he or she meets the requirements prescribed in paragraphs (a) to (f), inclusive, of subsection 2 of NRS 622.530.

2. To apply for a license by endorsement as a barber, an applicant must submit with his or her application:

(a) A copy of the current, valid and unrestricted license from the District of Columbia, state or territory of the United States;

(b) The attestation required pursuant to subsection 1;'

(c) A copy of his or her high school diploma or general equivalency diploma;

(d) A complete set of fingerprints and written permission authorizing the Board to forward the fingerprints to the Central Repository for Nevada Records of Criminal History for submission to the Federal Bureau of Investigation for its report or proof that the applicant has previously passed a comparable criminal background check;

(e) The statement required pursuant to NRS 425.520;

(f) Proof satisfactory to the Board that the applicant:

(1) Has achieved a passing score on a nationally recognized, nationally accredited or Nationally certified examination or another examination approved by the Board;

(2) Has completed the requirements of an appropriate school of barbering or other Program of study for barbers approved by the Board;

(3) Has practiced as a licensed barber for a period of 5 years preceding the date the Applicant submits the application for licensure by endorsement to the Board; and

(4) Possesses a sufficient degree of competency in barbering, which must include, Without limitations, two affidavits from individuals who have previously worked with The applicant in his or her position as a licensed barber;

(g) A certificate signed by a licensed physician certifying that the applicant is free from Tuberculosis and other communicable diseases:

(h) An affidavit stating that the information contained in the application and any accompanying material is true and complete; and

(i) Any other information required by the Board.

3. Upon receiving an application for licensure by endorsement as a barber, the Board will comply with the requirements of subsection 4 of NRS 622.530.

Ms. Hathaway made a motion to adopt as read, Mr. Williams seconded the motion and all was in favor.

Sec. 2 NAC 643.010 is hereby amended to read as follows: For possible action.

643.010 1. An applicant for examination for a license as an apprentice must:

(a) Have ~~completed the 12th grade~~ a high school diploma or ~~the~~ its equivalent;

(b) Have completed 1,500 hours of instruction in a barber school approved by the Board;

and

(c) Be an American citizen or lawfully entitled to live and work in the United States.

2. If the applicant has ever been convicted of a felony, the applicant must appear before the Board for a hearing to determine whether he or she will be permitted to take the examination. A convicted felon has the burden of showing that a license should be issued. The Board will consider the date of conviction, the nature of the crime, the applicant's record of rehabilitation, the applicant's experience since conviction, personal and employment references and any other evidence which the Board deems relevant.

Ms. Hathaway made a motion to adopt as read, Mr. Williams seconded the motion and all was in favor.

Sec. 3. NAC 643.070 is hereby amended to read as follows: For possible action.

643.070 The fee for an examination is ~~[\$90.] \$100.~~

Sec. 4. NAC 643.160 is hereby amended to read as follows: For possible action.

643.160 1. The initial fee paid by an apprentice or a barber for a license issued not more than 6 months before its renewal date may be prorated at the rate of \$3 per month.

2. A licensed barber or apprentice may renew his or her license by paying a fee of ~~[\$50.] \$60.~~

3. A barber or an apprentice whose license has been expired for less than 2 years may restore it by paying the restoration fee of ~~[\$100.] \$120.~~

Ms. Hathaway made a motion to adopt as read, Mr. Williams seconded the motion and all was in favor.

Sec. 5. NAC 643.230 is hereby amended to read as follows: For possible action.

643.230 Each barber may employ apprentices in the ratio of ~~[one apprentice]~~ *not more than two apprentices* to each licensed barber working in the barbershop, but may not employ more than six apprentices in ~~[a shop.]~~ *the barbershop.*

Ms. Hathaway made a motion to adopt as read, Mr. Williams seconded the motion and all was in favor.

Sec. 6. NAC 643.350 is hereby amended to read as follows: For possible action.

643.350 1. At least ~~[two]~~ *one* covered waste ~~[receptacles]~~ *receptacle* must be provided for each barber's chair. ~~[Used shaving papers]~~

2. All single-use items including, without limitation, neck strips, must be ~~[deposited in one]~~ *disposed of immediately in the waste* receptacle ~~[and used towels must be deposited in the other.]~~ *after a single use.*

Ms. Hathaway made a motion to adopt as read, Mr. Williams seconded the motion and all was in favor.

Sec. 7. NAC 643.355 is hereby amended to read as follows: For possible action.

643.355 ~~[For each barber's chair in a barbershop, there must be provided:]~~

1. ~~[A container of sufficient depth for the immersion of those implements listed in paragraph (f) of subsection 1 of NRS 643.200. The container must contain a solution of not less than 4 percent formalin or 5 percent phenol or the equivalent.]~~ *Before a barber or apprentice uses any implement, the implement must be:*

(a) Cleaned using:

(1) Soap or detergent and rinsing with clean water; or

(2) *A blade wash.*

(b) *Disinfected with a disinfectant that meets the requirements of subsection 4 by:*

(1) *Immersing the implement, including, without limitation, any handles of the implement, in a disinfectant; or*

(2) *If the implement is not an implement described in paragraph (f) of subsection 1 of NRS 643.200, using a disinfectant in spray or wipe form; and*

(c) *Rinsed with clean water and dried with a clean towel or by allowing the implement to air dry.*

2. ~~[An airtight cabinet sterilizer which must be equipped with:~~

~~(a) A small glass tray containing 1 tablespoon of borax and 1 tablespoon of formaldehyde or three formal tabs or the equivalent maintained at full strength at all times; or~~

~~(b) Germicidal lamps]~~ *An electric implement used by a barber or apprentice must be:*

(a) *Cleaned by removing hair and other debris from the electric implement;*

(b) *Disinfected with a disinfectant that meets the requirements of subsection 4 by:*

(1) *If the implement is described in paragraph (f) of subsection 1 NRS 643.200, immersing the implement, including, without limitation, any handles of the implement, in the disinfectant; or*

(2) *If the implement is not an implement described in paragraph (f) of subsection 1 of NRS 643.200, using a disinfectant in spray or wipe form; and*

(c) *Dried with a clean towel:*

3. *After an implement has been cleaned and disinfected pursuant to subsection 1 or 2, as applicable, the implement:*

(a) *May not be carried in clothing, tool belts or pockets; and*

(b) *Except as otherwise provided in this paragraph, must be stored in a clean, covered container or drawer until the implement is used. An electric implement that is not required to*

be kept in a closed compartment pursuant to NRS 643.200 may be stored on a hook or a stand.

4. Any disinfectant used to meet the requirements of this section must be:

(a) Registered with the United States Environmental Protection Agency in accordance with the Federal Insecticide, Fungicide and Rodenticide Act, 7 U.S.C. §§ 136 et seq.;

(b) Bactericidal, virucidal and fungicidal;

(c) Used in accordance with the instructions on the manufacturer's label, including, without limitation, the required contact time; and

(d) If the disinfectant is used to disinfect an implement described in paragraph (f) of subsection 1 of NRS 643.200, boiling water or a solution of 2 percent carbolic acid, or its equivalent.

Ms. Hathaway made a motion to adopt as read, Mr. Williams seconded the motion and all was in favor.

Sec. 8. NAC 643.380 is hereby amended to read as follows: For possible action.

643.380 1. *A clean and unused towel must be used for each patron and may not be used again on another patron until it has been laundered:*

2. A covered and vented receptacle must be available for depositing used towels.

3. A used towel which is left on or near any washbowl, basin, workstand or place other than in the proper receptacle will be considered prima facie evidence of an intent to use the towel without it being laundered.

Ms. Hathaway made a motion to adopt as read, Mr. Williams seconded the motion and all was in favor.

Sec. 9. NAC 643.415 is hereby amended to read as follows: For possible action.

643.415 Barbers and apprentices may not **remove**:

1. **Remove** by any method, warts, moles or skin blemishes of any kind **+**; or

2. Perform a service on a person when the area to he worked on has skin that is open, reddened, ulcerated or swollen.

Ms. Hathaway made a motion to adopt as read, Mr. Williams seconded the motion and all was in favor.

Sec. 10. NAC 643.430 is hereby amended to read as follows: For possible action.

643.430 1. An applicant for a license as a student must:

- (a) Have ~~completed the 12th grade~~ *a high school diploma* or ~~an~~ *its* equivalent; and
- (b) Be an American citizen or lawfully entitled to live and work in the United States.

2. If the applicant has ever been convicted of a felony, the applicant must appear before the Board for a hearing to determine whether he or she will be permitted to enroll in a barber school. A person who has been convicted of a felony or a crime of moral turpitude has the burden of showing that a student's license should be issued. The Board will consider the date of conviction, the nature of the crime, the applicant's record of rehabilitation, the applicant's experience since conviction, personal and employment references and any other evidence which the Board deems relevant.

Ms. Hathaway made a motion to adopt as read, Mr. Williams seconded the motion and all was in favor.

Sec. 11. NAC 643.440 is hereby amended to read as follows: For possible action.

643.440 1. No student will receive a student's license or be permitted to enroll in a barber school while he or she has an infectious, contagious or communicable disease.

2. ~~Each~~ *Before a student's license will be issued, each* student must undergo a physical examination, including:

- (a) *A one-step tuberculosis screening test or a chest X ray* ~~is~~ ;
- (b) *A blood test* ; and ~~any~~
- (c) *Any* other test which the Board considers necessary. ~~before a student's license will be~~

~~vapor or light immediately before each use.—~~

~~2. For each barber's chair in a barber school, there must be provided:~~

~~(a) A container of sufficient depth for the immersion of those implements listed in subsection~~

~~1. The container must contain a solution of not less than 4 percent formalin or 5 percent phenol, or the equivalent.~~

~~(b) An airtight cabinet sterilizer equipped with:~~

~~(1) small glass or glass tray containing 1 tablespoon of borax and 1 tablespoon of formaldehyde;~~

~~(2) A glass or glass tray containing three formal tabs or the equivalent maintained at full strength at all times; or~~

~~(3) Germicidal lamps.] cleaned, disinfected and stored in the same manner required~~

Pursuant to NAC 643.355.

Ms. Hathaway made a motion to adopt as read, Mr. Williams seconded the motion and all was in favor.

Sec. 15. NAC 643.580 is hereby amended to read as follows: For possible action.

643.580 1. A *clean and unused towel [that is] must be* used ~~[on one]~~ *for each* patron *and* may not be used again on another patron until it has been relaundered.

2. *A covered and vented receptacle must be available for depositing used towels.*

3. A used towel which is left on or near any washbowl, basin, workstand or place other than in the proper receptacle will be considered prima facie evidence of an intent to use the towel without it being laundered.

Ms. Hathaway made a motion to adopt as read, Mr. Williams seconded the motion and all was in favor.

Sec. 16 NAC 643.645 is hereby amended to read as follows: For possible action.

~~issued.]~~

Ms. Hathaway made a motion to adopt as read, Mr. Williams seconded the motion and all was in favor.

Sec. 12. NAC 643.450 is hereby amended to read as follows: For possible action.

643.450 ~~[1.]~~ An examination for an instructor's license will be given not more than twice a year and will consist of written questions pertaining to all phases of the science of barbering, the management of a barbershop, ethics, salesmanship, applicable state laws and regulations, and any other questions the Board may deem required of instructors. Applicants will also be required to pass questions on teaching in the classroom and oral practical instruction on any or all phases of practical barbering services which the Board may prescribe.

~~[2. A minimum of three members of the Board will be present to administer the instructor's examination.]~~

Ms. Hathaway made a motion to adopt as read, Mr. Williams seconded the motion and all was in favor.

Sec. 13. NAC 643.550 is hereby amended to read as follows: For possible action.

643.550 *1.* At least ~~[two]~~ *one* covered ~~[receptacles]~~ *waste receptacle* must be provided for each workstand. ~~[Used shaving papers, paper towels and]~~

2. All single-use items including, without limitation, neck strips, must be [deposited in one] disposed of immediately in the waste receptacle [and used linens and towels must be deposited in the other.] after a single use.

Ms. Hathaway made a motion to adopt as read, Mr. Williams seconded the motion and all was in favor.

Sec. 14. NAC 643.570 is hereby amended to read as follows: For possible action.

643.570 ~~[1. Combs, razors, scissors, brushes, blades for clippers, neck dusters, tweezers, parts of vacuums and vibrators, and all other]~~ *All implements [which come in contact with the skin or hair of the head, face or neck] used by a student or instructor must be [immersed in a germicidal solution or kept in a closed airtight compartment which is equipped with a germicidal*

643.645 A Student or an instructor may not ~~remove~~:

1. *Remove* by any method, warts, moles or skin blemishes of any kind~~+~~ ; or
2. *Perform a service on a person when the area to be worked on has skin that is open,*

Reddened, ulcerated or swollen.

Ms. Hathaway made a motion to adopt as read, Mr. Williams seconded the motion and all was in favor.

Sec. 17 NAC 643.736 is hereby amended to read as follows: For possible action.

643.736 1. The 400 hours of instruction for cosmetologists must be completed within ~~60~~
75 days after the first date of enrollment ~~+~~ *in a barber school.*

2. A student enrolled in such instruction may not receive more than 8 hours of instruction in 1 day or more than 40 hours of instruction in 1 week.

Ms. Hathaway made a motion to adopt as read, Mr. Williams seconded the motion and all was in favor.

Sec. 18. NAC 643.340, 643.390, 643.510, 643.540 and 643.590 are hereby repealed.

TEXT OF REPEALED SECTIONS For possible action.

643.340 Cuspidors and ashtrays. Cuspidors and ashtrays must be cleaned every day, and a disinfectant must be left in cuspidors at all times. For possible action.

643.390 Containers for hair. Hair must be kept in a separate closed container before disposal. For possible action.

643.510 Posting of sign concerning free services and materials. Signs must be conspicuously posted in all barber schools which state that: For possible action.

1. There is no charge for services rendered by students;
2. The tipping of students or instructors is not allowed; and
3. There is no charge for materials or linens used by the students.

643.540 Ashtrays and cuspidors. For possible action.

1. Sufficient ashtrays must be provided and must be cleaned every day.
2. Cuspidors are prohibited in barber schools.

643.590 Containers for hair. Hair must be kept in a separate closed container before disposal. For possible action.

Ms. Hathaway made a motion to repeal all of the repealed section as read, Mr. Williams seconded the motion and all was in favor.

Ms. Hathaway made a motion to have anyone with the Board that is able to attend the NABBA Conference in Kansas City, Missouri, September 15-20, 2018, be elected to go, She feels that the Board brings home so much knowledge from these conferences. Mr. Williams seconded the motion and all was in favor.

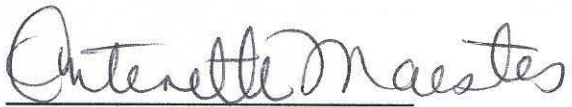
Ms. Maestas stated that she has 1 applicant for an instructor's examination. Ms. Hathaway made a motion to schedule the instructor's examination and Mr. Williams seconded the motion all was in favor.

Public Comment

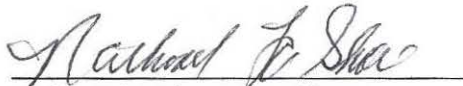
Mr. Johnnie Williams spoke to the Board and stated that he thought the Board was doing a great job!


Ms. Hathaway made a motion to adjourn the meeting, Mr. Williams seconded and all was in favor.

There being no further business before the Board the meeting was adjourned.


Submitted by: 
Antinette Maestas, Secretary/Treasurer

Approved this 7th day of October, 2018, by:


Nathaniel LaShore, President


Nancy Hathaway, Vice President

Ihsan Azzam, Health Officer


Johnnie Williams, Board Member