

These minutes have not been reviewed or approved by the Board.

MINUTES OF THE MEETING

Board of Cosmetology, Electrology, Esthetics, Nail Technology, and Body Art
May 18, 2026

1. ROLL CALL

The Board of Cosmetology, Electrology, Esthetics, Nail Technology, and Body Art was called to order by the Chair, Shannon Bingham, at 9:01 a.m., at the Nebraska State Office Building, 301 Centennial Mall South, Lower Level Morrill Room, Lincoln, Nebraska. The meeting was conducted In-Person and by WebEx. The following members answered roll call.

Shannon Bingham, Chair
Matt Bavougian, Member
Siobhan “Chevy” Kozisek, Member
Leslie Reed, Secretary
Bridget Anderson, Member
Marie Nordboe, Member - WebEx
Judith Wendt, New Member
Samantha “Sam” Bain, New Member

Absent: Carmela Battistelli, New Member

A quorum was present, and the meeting convened. Also present were: Sean Loving, Program Manager; Heather Ord, Health Licensing Coordinator; Jeannette Peterson, Compliance Monitor; Marly Sandberg, Department Legal; Mindy Lester, Assistant Attorney General; Tricia Allen, Hayle Alvarado, and Randy Clark, Investigators from the Investigations Unit.

Bingham announced that there is a copy of all the public documents being reviewed at this meeting available in the meeting room pursuant to the Open Meetings Act.

In accordance with Neb. Rev. Stat. § 84-1411 of the Nebraska Open Meetings Act, copies of the agenda were e-mailed to the Board members and other interested parties, posted on the DHHS web site at <https://dhhs.ne.gov/licensure/Pages/Agendas-and-Minutes.aspx> and posted in the Licensure Unit on May 5, 2026.

2. ADOPTION OF AGENDA

Anderson moved, seconded by Kozisek, to approve the agenda as presented. Voting aye: Bingham, Bavougian, Kozisek, Reed, Anderson, Nordboe, Bain and Wendt. Voting nay: none. Abstain: none Absent: Battistelli. Vacant positions: 4 Motion carried.

3. APPROVAL OF MINUTES – March 16, 2026

Anderson moved, seconded by Kozisek, to approve the minutes with the following corrections:

Throughout the document Nordboe is not listed as a vote.

Page 3: under “Legislation”. “...unrestricted license or perming...” change to “...unrestricted license or permit”.

Page 3: under “National Interstate Council of State Boards of Cosmetology (NIC)” add “in Missoula” after “Originally.”

Voting aye: Bingham, Bavougian, Kozisek, Reed, Anderson, Nordboe, Bain and Wendt. Voting nay: none. Abstain: none Absent: Battistelli. Vacant positions: 4 Motion carried.

4. INVESTIGATIONAL & CONFIDENTIAL INFORMATION/REPORTS – CLOSED SESSION

Anderson moved, seconded by Bavougian, to go into closed session at 9:04 a.m. for the purpose of review and discussion of investigative reports, licensure applications, and other confidential information, and for the prevention of needless injury to the reputation of the individuals. Voting aye: Bingham, Bavougian, Kozisek, Reed, Anderson, Nordboe, Bain and Wendt. Voting nay: none. Abstain: none Absent: Battistelli. Vacant positions: 4 Motion carried.

Left for break: 10:10 a.m.

Returned from break: 10:20 a.m.

Left for break: 11:58 a.m.

Returned from break: 12:15 p.m.

Wendt left at 12:35 p.m.

5. OPEN SESSION Application review and recommendations (initial licensure, reinstatement, convictions, administrative penalties, and mail ballot reports)

The board returned to Open Session at 12:51 p.m.

Studio K – Cosmetology Salon

Reed moved, seconded by Kozisek, to recommend the approval of the application for a Cosmetology Salon Consideration Certificate with censure, a \$5,000 civil penalty to be paid over 5 years, and completion of the jurisprudence exam for the owner within 90 days. The basis for the censure, civil penalty, and the completion of the jurisprudence exam for the owner is due to operating for one thousand six hundred forty-two (1,642) days without an active license. Voting aye: Bingham, Bavougian, Kozisek, Reed, Anderson, Nordboe, Bain and Wendt. Voting nay: none. Abstain: none Absent: Battistelli. Vacant positions: 4 Motion carried.

The Hair Gallery – Cosmetology Salon

Anderson moved, seconded by Kozisek, , to recommend requesting more information. Voting aye: Bingham, Bavougian, Kozisek, Reed, Anderson, Nordboe, Bain and Wendt. Voting nay: none. Abstain: none Absent: Battistelli. Vacant positions: 4 Motion carried.

DryBar – Cosmetology Salon

Anderson moved, seconded by Bavougian, to recommend the approval of the application for an Cosmetology Salon Consideration Certificate with censure, a \$2000 civil penalty to be paid over 2 years, and completion of the jurisprudence exam for the owner within 90 days. The basis for the censure, civil penalty, and completion of the jurisprudence exam for the owner is operating for two hundred fourteen (214) days without an active license and aiding and abetting employees in practicing in an unlicensed salon. Voting aye: Bingham, Bavougian, Kozisek, Reed, Anderson, Nordboe, Bain and Wendt. Voting nay: none. Abstain: none Absent: Battistelli. Vacant positions: 4 Motion carried.

Sakoon the Spa – Cosmetology Salon

Bavougian moved, seconded by Kozisek, to recommend approval of the application for a Cosmetology Salon Consideration Certificate, with censure, a \$ 3,000 civil penalty to be paid over 3 years, and completion of the jurisprudence exam for the owner within 90 days. The basis for the censure, civil penalty, and the completion of the jurisprudence exam for the owner is due to operating for nine hundred forty-nine (949) days without an active license. Voting aye: Bingham, Bavougian, Kozisek, Reed, Anderson, Nordboe, Bain and Wendt. Voting nay: none. Abstain: none Absent: Battistelli. Vacant positions: 4 Motion carried.

Sakoon the Spa – Body Art Facility

Bavougian moved, seconded by Kozisek, to recommend approval of the application for a Cosmetology Salon Consideration Certificate, with censure, a \$5,000 civil penalty to be paid over 3 years, and completion of the jurisprudence exam for the owner within 90 days. The basis for the censure, civil penalty, and the completion of the jurisprudence exam for the owner is due to operating for one thousand eight hundred sixty eight (1,868) days without an active license. Voting aye: Bingham, Bavougian, Kozisek, Reed, Anderson, Nordboe, Bain and Wendt. Voting nay: none. Abstain: none Absent: Battistelli. Vacant positions: 4 Motion carried.

Breely Smith - Esthetician

Kozisek moved, seconded by Bavougian, to recommend approval of the application without limitations. Voting aye: Bingham, Bavougian, Kozisek, Reed, Anderson, Nordboe, Bain and Wendt. Voting nay: none. Abstain: none Absent: Battistelli. Vacant positions: 4 Motion carried.

Emily Ochsner – Cosmetology Reinstatement

Bavougian moved, seconded by Bingham, to recommend approving the reinstatement application for a Cosmetology license, with censure and completion of the jurisprudence exam within 90 days. The basis for the censure and the completion of the jurisprudence exam is due to failure to report convictions and misrepresentation of material facts. Voting aye: Bingham, Bavougian, Kozisek, Reed, Anderson, Nordboe, Bain and Wendt. Voting nay: none. Abstain: none Absent: Battistelli. Vacant positions: 4 Motion carried.

Karla Gibbs – Nail Technician/Nail Technology Instructor Reinstatement

Reed moved, seconded by Kozisek, to recommend approving the reinstatement application for both Nail Technician and Nail Technology Instructor licenses, with censure and completion of the jurisprudence exam within 90 days. The basis for the censure and the completion of the jurisprudence exam is due to the misrepresentation of material facts. Voting aye: Bingham, Bavougian, Kozisek, Reed, Anderson, Nordboe, Bain and Wendt. Voting nay: none. Abstain: none Absent: Battistelli. Vacant positions: 4 Motion carried.

Jhade Allred – Cosmetologist Reinstatement

Bavougian moved, seconded by Bingham, to recommend approving the reinstatement application for a Cosmetology license, with censure, a \$500 civil penalty to be paid over 1 year, and completion of the jurisprudence exam within 90 days. The basis for the censure, civil penalty, and the completion of the jurisprudence exam is due to practicing three hundred thirty nine (339) days without an active license. Voting aye: Bingham, Bavougian, Kozisek, Reed, Anderson, Nordboe, Bain and Wendt. Voting nay: none. Abstain: none Absent: Battistelli. Vacant positions: 4 Motion carried.

Beionka Wallace - Cosmetologist

Bavougian moved, seconded by Kozisek, to recommend approval of the application for Cosmetologist license, on probation for 1 year, with no money handling, no solo practice, the usual terms and conditions, and completion of the jurisprudence exam within 90 days. The basis for the probation and the completion of the jurisprudence exam is due to conviction history and lack of good character. Voting aye: Bingham, Bavougian, Kozisek, Reed, Anderson, Nordboe, Bain and Wendt. Voting nay: none. Abstain: none Absent: Battistelli. Vacant positions: 4 Motion carried.

Isabel Warner - Esthetician

Kozisek moved, seconded by Nordboe, to recommend denial of the application for the initial esthetician license. The basis for the denial is due to conviction history and substance use issues. Voting aye: Bingham, Bavougian, Kozisek, Reed, Anderson, Nordboe, Bain and Wendt. Voting nay: none. Abstain: none Absent: Battistelli. Vacant positions: 4 Motion carried.

Melanie Garringer – Esthetician Reinstatement

Kozisek moved, seconded by Bingham, to recommend denial of the application for the reinstatement of the esthetician license. The basis for the denial is disciplinary history on cosmetology license, misrepresentation of facts, lack of good character, and conviction history. Voting aye: Bingham, Bavougian, Kozisek, Reed, Anderson, Nordboe, Bain and Wendt. Voting nay: none. Abstain: none Absent: Battistelli. Vacant positions: 4 Motion carried.

Miguel Tapia – Tattoo Artist

Reed moved, seconded by Anderson, to recommend denial of the application for the reinstatement of the esthetician license. The basis for the denial is failure to disclose material facts on the application. Voting aye: Bingham, Bavougian, Kozisek, Reed, Anderson, Nordboe, Bain and Wendt. Voting nay: none. Abstain: none Absent: Battistelli. Vacant positions: 4 Motion carried.

Merissa Smallfoot - Esthetician

Koziesek moved, seconded by Bavougian, to recommend approval of the application for an Esthetician license, on probation for 4 years, with the standard terms and conditions. Voting aye: Bingham, Bavougian, Kozisek, Reed, Anderson, Nordboe, Bain and Wendt. Voting nay: none. Abstain: none Absent: Battistelli. Vacant positions: 4 Motion carried.

Kristina Valle - Esthetician

Bavougian moved, seconded by Anderson, to recommend that more information be requested. Voting aye: Bingham, Bavougian, Kozisek, Reed, Anderson, Nordboe, Bain and Wendt. Voting nay: none. Abstain: none Absent: Battistelli. Vacant positions: 4 Motion carried.

Justin Sadd – Body Artist

Anderson moved, seconded by Reed, to recommend that more information be requested. Voting aye: Bingham, Bavougian, Kozisek, Reed, Anderson, Nordboe, Bain and Wendt. Voting nay: none. Abstain: none Absent: Battistelli. Vacant positions: 4 Motion carried.

Jeremiah Ritchie – Tattoo Artist Preliminary Conviction Review

Anderson moved, seconded by Bingham, to recommend that the convictions that were reviewed by the board would not disqualify Ritchie from applying for a Tattoo Artist license in the State of Nebraska. Voting aye: Bingham, Bavougian, Kozisek, Reed, Anderson, Nordboe, Bain and Wendt. Voting nay: none. Abstain: none Absent: Battistelli. Vacant positions: 4 Motion carried.

6. UPDATES/FOLLOW UP

a. Legislation and Regulations

There are no updates at this time.

b. National Interstate Council of State Boards of Cosmetology (NIC)

Nordboe presented the following information pertaining to the National Interstate Council of State Boards of Cosmetology (NIC) Spring Virtual Conference from April 27, 2026:

1. Legal Standards and Tort Liability in Esthetics

- a. **Standard of Care & Tort Law:** *A practitioner's quality of care is benchmarked by what a "reasonably trained professional" would do. Establishing a tort requires demonstrating a Duty of Care, a Breach of Duty, Causation directly linking the breach to the injury, and actual physical or emotional Damages.*
- b. **Vicarious Liability:** *Business owners and supervising physicians function as "tortfeasors" if they fail to maintain safety. Under vicarious liability, employers face strict liability for the negligent actions of employees committed within the scope of employment.*
- c. **Misleading Titles:** *Using unauthorized titles like "medical esthetician" creates severe legal risks, including potential allegations of practicing medicine without a license, triggering regulatory investigations.*

2. Laser Safety, Regulatory Compliance, and Training

- a. **OSHA & ANSI Standards:** *Individual operators hold primary liability for laser safety. OSHA enforces compliance by incorporating the national consensus standard ANSI Z136.3 (Safe Use of Lasers in Health Care) by reference, making it the definitive minimum standard of care.*
- b. **Medical Laser Safety Officers (MLSO):** *Facilities operating high-powered Class IIIB or Class IV lasers must establish a formal laser safety program managed by a designated MLSO. The MLSO is legally responsible for hazard evaluations, enforcement, and maintaining documented, device-specific safety training for all exposed personnel.*
- c. **Safety Protocols & Audits:** *Mandatory Standard Operating Procedures (SOPs) serve as a medical-legal record of safe practice and are subject to state/OSHA inspections. Formal laser safety audits must be conducted prior to laser operation to safeguard against future litigation.*

- d. **Severe Liability Example:** *Malpractice cases occur when there is permanent damage. A case study was reviewed where an esthetician improperly used an Intense Pulse Light (IPL) device on a client's eyelid, permanently blinding them and underscoring the vital rule to escalate serious conditions to a medical director rather than trying to handle them independently.*

3. **Nail Salon Exposure Risk Assessment**

- a. *An assessment of occupational exposure in nail salons highlighted ongoing struggles with meeting updated ventilation codes due to high costs and architectural constraints in older buildings.*
- b. *Notably, natural seasonal ventilation significantly reduced hazards (by 82% in Spring). However, the assessment raised alarm bells over the persistent, illegal presence of methyl methacrylate (banned since the 1970s) in some salons.*

4. **Modern Leadership Frameworks (Presentation by Tabatha Coffey)**

- a. **Trust vs. Compliance:** *Leadership should move away from forcing compliance to building trust and working side-by-side with staff. Leaders must care deeply about purpose, encourage team members to think for themselves, and welcome questions from younger generations to spur organizational growth.*
- b. **The Lighthouse Metaphor:** *A leader should act like a lighthouse—providing consistent direction and stability—but should avoid stepping in to over-remedy a situation, which restricts a person's development.*
- c. **Core Leadership Objectives:** *Leaders should continuously evaluate themselves through three central pillars: Serving the team, Empowering individual growth, and Elevating personal expression.*

5. **Artificial Intelligence in the Profession**

- a. *Attendees held a group discussion concluding that AI should be implemented strictly as a supportive tool rather than a replacement.*
- b. **Practical Uses:** *Highly helpful for drafting legislative bills, staff reviews, organizing interactive assignments, and cross-checking data.*
- c. **Risks & Industry Innovations:** *Attendees cautioned against image/photo manipulation without permission, while noting successful current integrations like Redken's color formulation app.*

The national convention will be held October 19-22, 2026, in Billings, Montana.

Anderson moved, seconded by Bingham, to send Kozisek and Nordbore as Nebraska Board representatives to the annual national convention in Billings, Montana, October 19-22, 2026. Voting aye: Bingham, Bavougian, Kozisek, Reed, Anderson, Nordboe, Bain and Wendt. Voting nay: none. Abstain: none Absent: Battistelli. Vacant positions: 4 Motion carried.

c. **Statistics: Examination, Licensing, disciplinary/non-disciplinary information, and renewals**

The board reviewed the statistics without discussion.

6. **ADVISORY OPINIONS**

The board discussed creating an advisory opinion committee to update the current advisory opinions on the website. The committee members include: Kozisek, Bavougian, Bain, and Bingham.

7. **PUBLIC COMMENT**

No public comment at this time.

8. **ADJOURNMENT**

The board discussed the next meeting to be scheduled for July 20, 2026, at 9:00 a.m. and declared the meeting adjourned at 1:50 p.m.

Submitted,

Board of Cosmetology, Electrology, Esthetics, Nail Technology, and Body Art
Summarized by Heather Ord, Health Licensing Coordinator, Licensure Unit