

Minutes of the
Arkansas Board of Cosmetology

November 15, 2004

Pursuant to notice timely given by the Director, the Arkansas Board of Cosmetology met on Monday, November 15, 2004. The meeting was held in the South Basement Conference Room at 101 East Capitol, Little Rock.

MEETING CALLED
TO ORDER

President Cliff Keene called the meeting to order at 8:30 a.m.

ROLL CALL

Roll was called with the following members present:

	Cliff Keene,	President
	Johnnie Siebel	1 st Vice President
	Brenda Gray	2 nd Vice President
	Jane Powell,	Treasurer
	Veda Traylor	Secretary
	Nick Downey	Board Member
	La Joy Gordon	Board Member
	Mitzie McKinney	Board Member
Absent	Patricia Turman	Board Member
	Sherron West	Board Member

The following individuals were also in attendance: Linda Whitlow, Director; Cheryl Esaw, Administrative Assistant and State Inspectors: Bland; Caudle, Horner, Morgan and Smart. Also attending was Jacque Hayden of Lynndale's Academy of Cosmetology.

MINUTES

The first order of business was to approve the minutes of the September and October exam minutes and the September 20, 2004 Board meeting.

Veda Traylor moves to approve the minutes as mailed. Seconded by Mitzie McKinney. Motion carried.

TREASURER'S
REPORT

At the last meeting, the balance was \$91.00. This meeting, \$45 was collected making a balance of \$136.00.

Johnnie Siebel moves to approve the Treasurer's Report. Seconded by Mitzie McKinney. Motion carried.

GENERAL
BUSINESS

Insp. Upgrades

Mrs. Whitlow read a letter from Amy Kirspel at Class and Comp stating that it is too late to upgrade the inspector positions for this next biennium. That paperwork would need to be completed during the next biennial budget process in 2006.

Johnnie Siebel moves to upgrade the inspector positions in 2006. Seconded by La Joy Gordon. Motion carried.

NIC Exec Mtg. The NIC Executive Board meeting will be held in Tempe, AZ on December 4, 2004.

Legislative Hearings Mrs. Whitlow reported that the Legislature approved the budget for the next biennium. A special language meeting was held and our special language was tabled.

Mr. Keene and Mrs. Whitlow attended the Legislative Audit meeting and reported on it. Several questions were asked regarding office policy about the handling of money, making of deposits and reporting procedures in case shortages should ever occur again. The responses were: no cash is being accepted now; deposits are being made weekly and during the busy season, more than once per week and any missing money should be reported to State Police and Legislative Audit.

Jan Board Meeting The meeting room cannot be obtained for January 10, 2005 so the meeting needs to be changed to January 17. Exam schedules with the changes will be mailed to the Board members.

Nick Downey moves to change the meeting to January 17. Seconded by Sherron West. Motion carried.

Law Changes Mrs. Whitlow handed out a copy of the change regarding the practical test. The Board approved the changes and requested that I try to get a Representative to present it to Legislature.

Johnnie Siebel moves to accept the law as corrected. Seconded by Mitzie McKinney. Motion carried.

Aesthetics Law Mitzie McKinney handed out the law changes she had been working on regarding Aesthetics. After much discussion, it was expressed that the Board should examine it and submit ideas to Ms. McKinney before forwarding to Mr. Jochums.

Johnnie Siebel moves to have all suggestions from Board members to Ms. McKinney by December 1 and she should forward to Mr. Jochums in order for him to report at January board meeting. Seconded by La Joy Gordon. Motion carried.

CORRESPONDENCE

Microplane A letter from Microplane Personal Care was read regarding the Foot File. The Board stated that they do not approve apparatus as such, that all apparatus should be kept sanitary.

NIC Certificates Certificates were handed out to examiners from NIC.

PETITIONS

Cole Leasa Marie Cole requested to be allowed to reinstate her hours from Mills High School in 1999 and 2000, a total of 314 hours.

Johnnie Siebel moves to deny the request. Seconded by La Joy Gordon. Motion carried. West opposed.

Dunnahoo Ms. Dunnahoo is currently licensed in Florida and requested to be allowed the transfer her license without taking the practical examination as prescribed by Arkansas law.

Johnnie Siebel moves to deny the request. Seconded by Mitzie McKinney. Motion carried.

Lightfoot Ms. Lightfoot took the cosmetology examination and failed the practical portion of the exam by one (1) point. She requested that she be given a licenses as there were errors made in the paperwork mailed from the office.

Nick Downey moves to deny the request. Seconded by La Joy Gordon. Motion carried. West Opposed, McKinney and Siebel abstained.

HEARINGS

McCaslin The Board read the charges and allegations contained in the "Order and Notice of Hearing" – No. 04-288 - In the Matter of Clinton McCaslin, Owner & Operator. The Respondent was charged with violation of Arkansas Code Annotated Sections: 17-26-105 (1) and (12); 17-26-316 (b); 17-26-404 (b) and 17-26-401 (a) and Board Regulations: 17-23-401 Section 2 (A) 5. The Respondent appeared did not appear.

The Board deliberated on the hearing styled – In the Matter of Clinton McCaslin. The Board found the Respondent guilty of violating the Code and Regulations contained in the hearing order.

Nick Downey moves to enter the following order:

- 1) That the Respondent's cosmetology establishment and cosmetology licenses are suspended commencing upon receipt of the Board's Order and continuing until such time the Respondent pays a fine in the amount of \$200.
- 2) It is further ordered that during this period of suspension, the Respondent shall cease and desist from operating an establishment and practicing cosmetology.

Seconded by Johnnie Siebel. Motion carried.

Foster

The Board read the charges and allegations contained in the "Order and Notice of Hearing" – No. 05-007- In the Matter of Lisa Foster, Owner & Operator. The Respondent was charged with violation of Arkansas Code Annotated Sections 17-26-105 (1) and (12); 17-26-301 (a); 17-26-401 (a); 17-26-404 (b) and 17-26-319 (c) and Board Regulations: 17-23-402 Section 2 (A) 5 and 6. The Respondent did not appear.

The Board deliberated on the hearing styled – In the Matter of Lisa Foster. The Board found the Respondent guilty of violating the Code and Regulations contained in the hearing order.

Nick Downey moves to enter the following order:

- 1) That the Respondent's cosmetology establishment and cosmetologist licenses are suspended commencing upon receipt of the Board's Order and continuing until such time the Respondent pays a fine in the amount of \$221.
- 2) It is further ordered that during this period of suspension, the Respondent shall cease and desist from practicing cosmetology and operating a cosmetological establishment.

Seconded by Johnnie Siebel. Motion carried.

Bowman

The Board read the charges and allegations contained in the "Order and Notice of Hearing" – No. 05-012 - In the Matter of Josie Bowman, Owner & Operator. The Respondent was charged with violation of Arkansas Code Annotated Sections: 17-26-401 (a) and (b), 17-26-105 (1) and (12) and 17-26-402 (a) and Board Regulation: 17-23-401 Section 2 (A) 5 and 6. The respondent did not appear.

The Board deliberated on the hearing styled – In the Matter of Josie Bowman. The Board found the Respondents guilty of violating the Code and Regulations contained in the hearing order.

Nick Downey moves to enter the following order:

- 1) That the Respondent's cosmetologist and cosmetology establishment licenses are suspended commencing upon receipt of the Board's Order and continuing until such time the Respondent pays a fine in the amount of \$254.
- 2) It is further ordered that during this period of suspension, the Respondent shall cease and desist from practicing cosmetology and operating a cosmetological establishment.

Seconded by Johnnie Siebel. Motion carried.

Ho

The Board read the charges and allegations contained in the “Order and Notice of Hearing” – No. 05-019 - In the Matter of Hai Viet Ho, Owner & Operator. The Respondent was charged with violation of Arkansas Code Annotated Sections 17-26- 316 (b); 17-26-401 (b) and 17-26-105 (1), (2) and (12) and Board Regulation 17-23-401 Section 2 (A) 7. The Respondent appeared per se.

The Board deliberated on the hearing styled – In the Matter of Hai Viet Ho, Owner & Operator. The Board found the Respondent not guilty of violating the Code and Regulations contained in the hearing order.

Johnnie Siebel moves to enter the following order:

- 1) That the Respondent is fined the amount of \$500 payable within 30 days of receipt of the Board’s order.
- 2) Failure to pay the fine as Ordered will result in a suspension of the Respondent’s cosmetology establishment and practitioner licenses beginning 30 days from receipt of the Order and continuing for a period of 90 days from the date the Respondent relinquishes his licenses to the Board.

Seconded by Mitzie McKinney. Motion carried. Opposed: West, Gray and Gordon.

Tran

The Board read the charges and allegations contained in the “Order and Notice of Hearing” – No. 05-020 - In the Matter of Ha Thi Diem Tran. The Respondent was charged with violation of Arkansas Code Annotated Sections 17-26-105 (1) and (12); 17-26-301 (a) and 17-26-316 (b) and Board Regulations: 17-23-401 Section 2 (A) 7. The Respondent appeared per se.

The Board deliberated on the hearing styled – In the Matter of Ha Thi Diem Tran. The Board found the Respondent guilty of violating the Code and Regulations contained in the hearing order.

Jane Powell moves to enter the following order:

- 1) That the Respondent is fined the amount of \$500 payable within 30 days of receipt of the Board’s order.
- 2) It is further ordered that the Respondent cease and desist from practicing cosmetology until such time the Respondent is properly licensed by the Board.

Seconded by Mitzie McKinney. Motion carried. West and Gordon opposed.

Nguyen

The Board read the charges and allegations contained in the “Order and Notice of Hearing” – No. 05-021 - In the Matter of Thanh Nguyen, Manicurist. The Respondent was charged with violation of Arkansas Code Annotated Section 17-26-105 (1), (8) and (12) and Board Regulation: 17-23-401 Section 2 (A) 6. The Respondent did not appear.

The Board deliberated on the hearing styled – In the Matter of Thanh Nguyen. The Board found the Respondent guilty of violating the Code and Regulations contained in the hearing order.

Jane Powell moves to enter the following order:

- 1) That the Respondent's manicurist license is suspended commencing upon receipt of the Board's Order and continuing until such time the Respondent pays a fine in the amount of \$525.
- 2) It is further ordered that during this period of suspension, the Respondent shall cease and desist from practicing manicuring.

Seconded by Johnnie Siebel. Motion carried.

Braggs

The Board read the charges and allegations contained in the "Order and Notice of Hearing" – No. 05-023 - In the Matter of La Keisha Braggs, Owner & Operator. The Respondent was charged with violation of Arkansas Code Annotated Sections 17-26-105 (1), (9) and (12); 17-26-316 (b); 17-26-401 (a) and (b); and 17-26-404 (b) and Board Regulations: 71-826 and 17-23-401 Section 2 (A) 5 and 6. The Respondent appeared per se.

The Board deliberated on the hearing styled – In the Matter of La Keisha Braggs. The Board found the Respondent guilty of violating the Code and Regulations contained in the hearing order.

Mitzie McKinney moves to enter the following order:

- 1) That the Respondent's cosmetology establishment license is suspended commencing upon receipt of the Board's Order and continuing until such time the Respondent pays a fine in the amount of \$1000.
- 2) It is further ordered that during this period of suspension, the Respondent shall cease and desist from operating a cosmetological establishment.

Seconded by Jane Powell. Motion carried.

Reynolds

The Board read the charges and allegations contained in the "Order and Notice of Hearing" – No. 05-022 - In the Matter of Karen Reynolds, Owner & Operator. The Respondent was charged with violation of Arkansas Code Annotated Sections 17-26-301 (a); 17-26-401 (a); 17-26-402 (c) and 17-26-105 (1) and (12) and Board Regulations: 71-826 and 17-23-401 Section 2 (A) 5. The Respondent did not appear.

The Board deliberated on the hearing styled – In the Matter of Karen Reynolds. The Board found the Respondent guilty of violating the Code and Regulations contained in the hearing order.

La Joy Gordon moves to enter the following order:

- 1) That the Respondent is fined the amount of \$1000, payable within 30 days of receipt of the Order.
- 2) It is further ordered that the Respondent cease and desist from operating a cosmetological establishment and practicing cosmetology until such time the Respondent is properly licensed by the Board.

Seconded by Johnnie Siebel. Motion carried. Traylor opposed.

Erwin

The Board read the charges and allegations contained in the "Order and Notice of Hearing" – No. 05-025 - In the Matter of Lonnie Erwin, Owner. The Respondent was charged with violation of Arkansas Code Annotated Sections 17-26-105 (1), and (12); 17-26-405 (c); 17-26-301 (a) and 17-26-401 (a) and Board Regulations: 71-826 and 17-23-401 Section 2 (A) 5. The Respondent did not appear.

The Board deliberated on the hearing styled – In the Matter of Lonnie Erwin, Owner. The Board found the Respondent guilty of violating the Code and Regulations contained in the hearing order.

Sherron West moves to enter the following order:

- 1) That the Respondent is fined the amount of \$1000, payable within 30 days of receipt of the Board's order.
- 2) It is further ordered that the Respondent shall cease and desist from operating a cosmetological establishment until such time the Respondent is properly licensed by the Board.

Seconded by Jane Powell. Motion carried. Gordon and McKinney opposed and Traylor abstained.

Stone

The Board read the charges and allegations contained in the "Order and Notice of Hearing" – No. 05-026 - In the Matter of Rita Stone, Owner. The Respondent was charged with violation of Arkansas Code Annotated Sections 17-26-105 (1), and (12); 17-26-316 (b) and 17-26-301 (a) and Board Regulations: 17-23-401 Section 2 (A) 6. The Respondent did not appear.

The Board deliberated on the hearing styled – In the Matter of Rita Stone, Owner. The Board found the Respondent guilty of violating the Code and Regulations contained in the hearing order.

Jane Powell moves to enter the following order:

- 1) That the Respondent's cosmetology establishment license is suspended commencing upon receipt of the Board's Order and continuing until such time the Respondent pays a fine in the amount of \$525.

- 2) It is further ordered that during this period of suspension, the Respondent shall cease and desist from operating a cosmetology establishment.

Seconded by La Joy Gordon. Motion carried. McKinney opposed.

AFFIDAVITS

The Board deliberated on the following hearings and accepted each Respondent's plea of no contest to the charges contained in their respective "Order and Notice of Hearing". Finding the allegations being true in each case before the Board, Nick Downey moves to impose the penalty warranted by each citation, to accept the affidavits filed by the Respondents and to find that acceptance of the penalties submitted by each Respondent will achieve the desired disciplinary results. Seconded by Johnnie Siebel. Motion carried.

04-290	In the Matter of Vicki Bilyeu	\$175
05-013	In the Matter of Charlotte Wallace	\$164
05-018	In the Matter of Anita Evans	\$325

EXECUTIVE SESSION

The Board met in Executive Session to discuss the National Exams.

GENERAL BUSINESS CONT:

Mitzie McKinney moves to place the changes discussed in Executive Session into effect. La Joy Gordon seconded. Motion carried.

ADJOURN

The meeting was adjourned at 1:00 p.m.

Respectfully submitted

Linda Whitlow, Director
December 2, 2004