

Minutes of the
Arkansas Board of Cosmetology

September 20, 2004

Pursuant to notice timely given by the Director, the Arkansas Board of Cosmetology met on Monday, September 20, 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
Patricia Turman	Board Member
Sherron West	Board Member

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

MINUTES

The first order of business was to approve the minutes of the July and August exam minutes and the July 19 and August 11, 2004 Board meetings.

Johnnie Siebel moves to approve the minutes as mailed. Seconded by Veda Traylor. Motion carried.

FINANCIAL REPORT

Veda Traylor moves to approve the financial report and all expenditures for July 1, 2004 to August 31, 2004. Seconded by Nick Downey. Motion carried.

TREASURER'S
REPORT

At the last meeting, the balance was \$145.00. A bill for flowers for Mr. Downey's mother-in-law in the amount of \$49 was paid, the NIC gift amount was \$50 leaving \$46. This meeting, \$45 was collected making a balance of \$91.00.

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

GENERAL
BUSINESS

- Chairman Updates Mr. Keene stated that he didn't really have any updates. The Board had nothing so the meeting moved on.
- Conference Reports Cliff Keene, Johnnie Siebel and Mitzie McKinney gave reports regarding the NIC National Conference in Richmond, VA. The members all agreed that this was the most educational conference they had attended. It was well attended, the information was wonderful and overall a success. Something other states are licensing is the permanent makeup and tattooing but, our state is currently licensing those fields by the Health Department. Aesthetics was presented and the types of devices approved for aestheticians and a representative from OSHA.
- Exit Interview Mrs. Whitlow reported to the Board that the Auditors had finally left the office. All the findings they had were regarding the money taken and the money not being properly secured by Mr. Taylor. There will be a Legislative Council meeting in October and the Director will be "invited" to speak to the issue.
- Veda Traylor moves that the employees that repaid the missing money (Cheryl Esaw \$70 and Linda Whitlow \$1008.50) go to Claims Commission for refund of the money. Nick Downey seconded. Motion carried.
- Director Position Does the Director's position need to be advertised or what are the wishes of the Board. It does not have to be advertised since it is not a classified position.
- Johnnie Siebel makes a motion to go on record to request that Mrs. Whitlow keep a running record of the items found that pertained to the tenure of Mr. Taylor like the injunctions not filed etc. Seconded by Jane Powell. Motion carried.
- Veda Traylor makes a motion that Mrs. Whitlow and SMT conduct an audit of test booklets for the past year and a half. Seconded by Jane Powell. Motion carried.
- Johnnie Siebel moves to hire Linda Whitlow to fill position of Director. Seconded by Veda Traylor. Motion carried. Gray and West abstained.
- Cash Policy Mrs. Whitlow is initiating a cash only policy. It will be an office policy and alleviate any money being missing. Other agencies in our building have that policy and can be done. It will be published in the newsletter and on the web page. Questions were asked regarding the length of time that checks are held. Deposits are made mostly each Friday and checks will be deposited then, with the exception of renewal and that may mean checks can be held up to a month depending on when the renewal is processed.

Recorder Mrs. Whitlow requested to be allowed to purchase a recorder for use in Board meetings and transcription of the minutes. In the past, the Board has not wanted to be recorded but, it will help with not having to hire a Court Reporter for the entire meeting since that is cost prohibitive. It will also enable the person transcribing the minutes to get them done correctly for motions and items that are questioned later.

NIC Rater Training Scheduled for Rater training October 23, 24 and school overview 25. The school overview will be held in the Blue Flame Room at Child Support Enforcement. Notices will be sent to the Board.

Microdermabrasion Mrs. Whitlow requested a clarification of aesthetician/cosmetologist working in Dr's offices. The Board discussed the issue, only class 1 or class 2 devices are allowed to be used by aestheticians/cosmetologists in establishments w/out a Doctor's supervision. The definition of aesthetician is considered too broad and the rules need to clarify the scope of practice.

Mr. Jochums did write an opinion regarding this matter when Mrs. Norton was Director but, it cannot be found in the office so Mr. Jochums will look for it and send again. The Board requested that Mrs. Whitlow request an attorney general opinion regarding Microdermabrasion in a Doctor's office and permanent hair removal via laser.

Shaping and Pin Curl Mrs. Whitlow brought this back before the Board. At the July meeting, the Board voted to eliminate Shaping and Pin Curl from the NIC cosmetology examination. Mrs. Whitlow explained that examination phases are set out by law and before exam phases can be eliminated, the law must be changed.

Mitzie McKinney moves to keep shaping and pin curl in the examination and not remove it. Seconded by Veda Traylor. Motion carried.

Veda Traylor moves that the Director research and reword the law and present to the Board at the next meeting for change. Seconded by Mitzie McKinney. Motion carried.

Salaries Johnnie Siebel moves to have the Director pursue possibility of changing any verbiage to increase the salary of the inspectors. Veda Traylor seconded. Motion carried.

Veda Traylor moves to have the Director pursue possibility of changing job definitions for office staff to increase salaries. Seconded by Johnnie Siebel. Motion carried.

CORRESPONDENCE

Licause Letters from Rhonda Licause regarding attending school while she has Hepatitis C. Mrs. Whitlow relayed information gleaned from the Health Department regarding Hepatitis C. They do not consider it a disease that is communicable in a cosmetological setting. The Board requested a letter from the Health Department stating the facts. The Board directed Mrs. Whitlow to notify Mr. Pipes at Riverside that the student could attend school.

Bio-Therapeutic, Inc.

Letter to NIC members read to Board. Letter addressed 5 pre-requisites for device manufacturers to meet for esthetic devices used in the state. Board requested that a copy of letter be sent to Mrs. McKinney to work on the aesthetic rules.

PETITIONS

Tammy Wroten requested to be allowed to take the aesthetician exam without having taken the training. The Board informed her that our Board cannot be challenged but, since she lives and works in Texas, to contact the Texas Board because they do accept challenges to the Board.

HEARINGS

Brewer

The Board read the charges and allegations contained in the "Order and Notice of Hearing" – No. 04-157 - In the Matter of Stacy Brewer, Owner & Operator. The Respondent was charged with violation of Arkansas Code Annotated Sections: 17-26-105 (1) and (12) and 17-26-401 (b) and Board Regulations: 17-23-401 Section 2 (A) 6. The Respondent appeared per se and stipulated to the charges.

The Board deliberated on the hearing styled – In the Matter of Stacy Brewer. The Board found the Respondent 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 Ordered to pay a fine in the amount of \$126 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 license beginning 30 days from receipt of the Order and continuing for a period of 90 days from the date the Respondent relinquishes her license to the Board.

Seconded by Mitzie McKinney. Motion carried. Traylor abstained.

Vaught

The Board read the charges and allegations contained in the "Order and Notice of Hearing" – No. 04-221- In the Matter of Deborah Vaught, Cosmetologist. The Respondent was charged with violation of Arkansas Code Annotated Sections 17-26-105 (1) and (12); 17-26-301 (a) and 17-26-319 (c) and Board Regulations: 17-23-402 Section 2 (A) 6. The Respondent did not appear.

The Board deliberated on the hearing styled – In the Matter of Deborah Vaught. 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 cosmetologist 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 \$151.

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

Seconded by Mitzie McKinney. Motion carried. Traylor abstained.

Phillips

The Board read the charges and allegations contained in the "Order and Notice of Hearing" – No. 04-260 - In the Matter of Debra Jo Phillips, Manicurist. The Respondent was charged with violation of Arkansas Code Annotated Sections: 17-26-301 (a), 17-26-105 (1) 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 Debra Jo Phillips. 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 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 \$120 plus \$25 administrative cost, total of \$145.
- 2) It is further ordered that during this period of suspension, the Respondent shall cease and desist from practicing cosmetology.

Seconded by Veda Traylor. Motion carried.

Ardon

The Board read the charges and allegations contained in the "Order and Notice of Hearing" – No. 04-080 - In the Matter of Sonia Ardon. The Respondent was charged with violation of Arkansas Code Annotated Sections 17-26- 301 (a); 17-26-316 (b) and 17-26-105 (1) and (12) and Board Regulation 17-23-401 Section 2 (A) 7. The Respondent did not appear.

The Board deliberated on the hearing styled – In the Matter of Sonia Ardon. The Board found the Respondent not guilty of violating the Code and Regulations contained in the hearing order.

Nick Downey moves to enter the following order:

- 1) That the Respondent is fined the amount of \$250 plus \$25 administrative cost, total of \$275 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 Veda Traylor. Motion carried.

Thach

The Board read the charges and allegations contained in the "Order and Notice of Hearing" – No. 04-275 - In the Matter of Thai Minh Thach. 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 Thai Minh Thach. 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 is fined the amount of \$250 plus \$25 administrative cost, total of \$275 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 Veda Traylor. Motion carried.

Bailey

The Board read the charges and allegations contained in the "Order and Notice of Hearing" – No. 04-297 - In the Matter of Victoria Dawn Bailey, Cosmetologist. The Respondent was charged with violation of Arkansas Code Annotated Sections 17-26-301 (a) and 17-26-105 (1) and (12) and Board Regulation: 17-23-402 Section 2 (A) 6. The Respondent did not appear.

The Board deliberated on the hearing styled – In the Matter of Victoria Dawn Bailey. 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 cosmetologist 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 \$125 plus \$25 administrative cost, total of \$150.
- 2) It is further ordered that during this period of suspension, the Respondent shall cease and desist from practicing cosmetology.

Seconded by Veda Traylor. Motion carried.

Shaw

The Board read the charges and allegations contained in the "Order and Notice of Hearing" – No. 04-146 - In the Matter of Angela Foots, Owner. The Respondent was charged with violation of Arkansas Code Annotated Sections 17-26-105 (1) and (12); 17-26-316 (b); 17-26-401 (a); and 17-26-404 (b) 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 Angela Fouts. 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 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 \$109 plus \$25 administrative cost, total of \$134.
- 2) It is further ordered that during this period of suspension, the Respondent shall cease and desist from operating a cosmetological establishment.

Seconded by Veda Traylor. Motion carried.

Carloss

The Board read the charges and allegations contained in the "Order and Notice of Hearing" – No. 04-302 - In the Matter of Sonya M Carloss, Cosmetologist. The Respondent was charged with violation of Arkansas Code Annotated Sections 17-26-301 (a) and 17-26-105 (1) and (12) 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 Sonya M Carloss. 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 cosmetologist 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 \$141 plus \$25 administrative cost, total of \$166.
- 2) It is further ordered that during this period of suspension, the Respondent shall cease and desist from practicing cosmetology.

Seconded by Veda Traylor. Motion carried.

Beckwith

The Board read the charges and allegations contained in the "Order and Notice of Hearing" – No. 04-312 - In the Matter of Carrie Susan Beckwith, Cosmetologist. The Respondent was charged with violation of Arkansas Code Annotated Sections 17-26-105 (1), and (12) 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 Carrie Susan Beckwith. 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 cosmetologist 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 \$155 plus \$25 administrative cost, total of \$180.
- 2) It is further ordered that during this period of suspension, the Respondent shall cease and desist from practicing cosmetology.

Seconded by Veda Traylor. Motion carried.

Brown

The Board read the charges and allegations contained in the "Order and Notice of Hearing" – No. 04-329 - In the Matter of Shannen Denise Brown, Cosmetologist. The Respondent was charged with violation of Arkansas Code Annotated Sections 17-26-105 (1), and (12) 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 Shannen Denise Brown, Cosmetologist. 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 cosmetologist 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 \$105 plus \$25 administrative cost, total of \$130.
- 2) It is further ordered that during this period of suspension, the Respondent shall cease and desist from practicing cosmetology.

Seconded by Veda Traylor. Motion carried.

Collins

The Board read the charges and allegations contained in the "Order and Notice of Hearing" – No. 04-331 - In the Matter of Kelli Ann Collins, Cosmetologist. The Respondent was charged with violation of Arkansas Code Annotated Sections 17-26-105 (1) and (12) and 17-26-301 (a) 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 Kelli Ann Collins. 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 cosmetologist 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 \$108 plus \$25 administrative cost, total of \$133.

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

Seconded by Veda Traylor. Motion carried.

Keener

The Board read the charges and allegations contained in the "Order and Notice of Hearing" – No. 04-341 - In the Matter of Malcolm Keener, Owner. The Respondent was charged with violation of Arkansas Code Annotated Sections 17-26-316 (b); 17-26-404 (b); 17-26-105 (1) and (12) 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 Malcolm Keener. 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 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 \$188 plus \$25 administrative cost, total of \$213.
- 2) It is further ordered that during this period of suspension, the Respondent shall cease and desist from operating a cosmetological establishment.

Seconded by Veda Traylor. Motion carried.

Freeman

The Board read the charges and allegations contained in the "Order and Notice of Hearing" – No. 04-342- In the Matter of Deborah Freeman, Owner & Operator. The Respondent was charged with violation of Arkansas Code Annotated Sections 17-26-301 (a); 17-26-401 (a); 17-26-404 (b) and 17-26-105 (1) and (12) and Board Regulations: 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 Deborah Freeman. 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 is fined the amount of \$300 per license, totaling \$600, payable within 30 days of receipt of the Board's 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 Nick Downey. Motion carried. Siebel and Turman opposed. Gray and Traylor abstained.

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 Mitzie McKinney. Motion carried.

04-207	In the Matter of Tina Culclager-Rice	\$ 60
04-303	In the Matter of Suzanne Perkins	\$175
04-317	In the Matter of Jashena Lynn Turner	\$121
04-328	In the Matter of Robin Ross	\$405
04-333	In the Matter of Sara B Paulsen	\$106
05-001	In the Matter of Donna Watson	\$325
05-002	In the Matter of Minnesota Regis	\$275
05-003	In the Matter of Karen Vo	\$300
05-004	In the Matter of Teresa Goslee	\$ 75
05-005	In the Matter of Gladis Pineda	\$198
05-006	In the Matter of Somphone Lee	\$191
05-008	In the Matter of Phyllis Cline	\$125
05-009	In the Matter of Iva Adams	\$150
05-010	In the Matter of Lang Nguyen	\$146
05-011	In the Matter of Mong Diep Thi Pham	\$ 98
05-014	In the Matter of Tommie Milton	\$193
05-015	In the Matter of Outlook Pointe	\$160
05-017	In the Matter of Darrell Major	\$250
05-019	In the Matter of Thangnga Vu	\$ 75
05-020	In the Matter of Ben Nguyen	\$ 75
05-021	In the Matter of Thao Thu Ho	\$125

ELECTION OF OFFICERS

The following individuals were elected to office for the 2004/05 year.

Cliff Keene – President
Johnnie Siebel – 1st Vice President
Mitzie McKinney – 2nd Vice President
Veda Traylor – Secretary
Jane Powell – Treasurer

ADJOURN

The meeting was adjourned at 1:30 p.m.

Respectfully submitted

Linda Whitlow, Director
September 30, 2004