

**ARKANSAS
STATE BOARD
OF COSMETOLOGY**

BOARD MEETING

MINUTES

MAY 21, 2007

ARKANSAS STATE BOARD OF COSMETOLOGY

BOARD MEMBERS - PRESENT

Jane Powell, President

Ann Pickering

Patricia Turman, 2nd Vice President

Scottie Burchett

Barbara Ward, Treasurer

Cathy Caver-Blade

LaJoy Gordon, Secretary

BOARD MEMBERS - NOT PRESENT

Susan Collins-Burrough

STAFF - PRESENT

Kathy Wittum, Director

Erika Gee, Legal Counsel

Amber McCuien, Administrative Assistant

Shaunta Belmont, Document Examiner

Rose Horner, Inspector

Brenda Morgan, Inspector

Sheila Caudle, Inspector

Pat Jackson, Inspector

Lavonne Green, Inspector

OTHER PARTICIPANTS - PRESENT

Kerrie Lauck, Legislative Research

Nicole Thompson, Governor's Office

Lucille Coleman, Blytheville School of Cosmetology

Martha Love, Blytheville School of Cosmetology

Brenda Gulley, Hair Tech Beauty College

Linda Lee, Lee's Redken Premier School of Cosmetology

Margaret Thomas, Margaret's Hair Academy

Chris Strawn, Arthur's Beauty Colleges

Carla Jones, Arthur's Beauty Colleges

Jacquita Hayden, Lynndale Fundamentals of Beauty

Tracy Akard, Hot Springs Beauty College

Veda Traylor

Cliff Keene

Grant Hurst, The Hair Academy of Little Rock, a Paul Mitchell Hair Salon

Dr. Larry Moser, South Arkansas Community College

Minutes

The Arkansas State Board of Cosmetology held a meeting today in the South Basement Conference Room of the Mainstreet Mall located at 101 E. Capitol in Little Rock. Board President Jane Powell called the meeting to order at 8:30 a.m. and began with welcoming new board member, Scottie Burchett.

Director Kathy Wittum informed the Board that new board members Lydia Blaty and Kathy Gossage had notified her of their decisions to resign from the manicurist and cosmetologist positions, respectively. In addition, she read the below message from a card that new board member Susan Collins-Burroughs sent concerning her absence from the meeting today:

“Dear fellow board members and staff: Please accept my sincere apologies for not being with you on these two very important first meetings. In March, I had scheduled two out-of-state on-site accreditation evaluations to cosmetology institutions, long before learning of my appointment to the Board. I will most certainly be with you in July. I truly look forward to meeting and working with each of you.”

Cathy Caver-Blade, the new board member appointed to serve in the aesthetician position, was not present at the time the meeting was called to order; however, she arrived shortly thereafter at approximately 8:50 a.m.

Director Wittum informed the Board that the Governor’s Office needed the Board to conduct a drawing to determine the expiration years for the new board members. This request is pursuant to Act 244, which stipulates the terms shall be determined by lot. The below grid outlines the results of the drawing:

New Board Member	Expiration Year Drawn	Drawn By
Scottie Burchett	2009	Scottie Burchett
Cathy Caver-Blade	2010	Pat Turman
Susan Collins-Burrough	2011	Barbara Ward
Manicurist Position (vacant)	2012	LaJoy Gordon
Cosmetologist Position (vacant)	2008	Ann Pickering

The next item on the agenda was to elect a member to serve as the 1st Vice President. President Powell motioned for Susan Collins-Burrough to be given this position. Board member Barbara Ward seconded the motion. The motion passed unanimously.

At this time, President Powell turned the meeting over to the Board’s legal counsel, Erika Gee, Assistant Attorney General, to begin the Board’s orientation. During the course of the orientation, Ms. Gee discussed mandates and/or guidelines contained in the Freedom of Information Act (FOIA), the Administrative Procedures Act (APA), and the publications from the Attorney General’s Office (i.e.

Board Member Handbook and Model Rules of Procedure for Regulatory and Licensing Agencies). Specific issues covered are as follows:

- The Cosmetology Board has three main functions under the law:
 - Licensing;
 - Rulemaking; and
 - Complaint resolution.
- FOIA stipulates the following:
 - Only public meetings can be held by the Board and when notice has been given;
 - The public must be allowed to be present when business is being discussed or considered, which means the Board can hold discussions via telephone or e-mail only in the public forum;
 - Executive sessions apply mainly to employment related issues; therefore, an executive session cannot be called for any reason that does not concern employee issues;
 - Penalties do exist for those who violate FOIA.
- APA protects a person's right to due process when appearing before the Board; therefore, board members are not to discuss cases before hearings. Their role as a board is similar to a judge, so they must remain as impartial as possible and hear all sides of a case before a fair decision can be rendered.

Board members were also presented a copy of the duties specific to the Cosmetology Board, which is a document generally provided as part of a new member handout. Ms. Gee outlined these issues for members to remember:

- There must be at least six members present in order for the Board to render decisions, as this constitutes a quorum.
- Three consecutive absences could result in the loss of the position held.
- A member cannot use his/her position for gain.
- A member cannot act alone, as the Board's power lies in the entire composition of the Board.
- *Ex parte* communications are prohibited.

Director Wittum stated that all references to the Board administering the examinations is removed from the duties information, as the Board will no longer be involved in the examinations when the new law is in effect.

Ms. Gee stated the Board would begin working on rule revisions because of the recent law changes. In addition, she informed the Board of her suggestion to Director Wittum to make changes to the hearings, which may result in fewer cases being reviewed at each meeting.

Ms. Burchett questioned if it is a normal practice for the Board to receive copies of hearing orders prior to the hearings. Director Wittum stated it is, but there would be some changes to the manner in which these copies have been provided before. She explained some board members in the past did not like to receive the large volume of papers. Board member Pat Turman stated she did want to receive the copies prior to hearings so she would have an opportunity to study them and know the facts beforehand. Director Wittum stated these copies would continue to be distributed prior to hearings – in an electronic format for the members with e-mail capability and a printed format for those who do not have e-mail capability. However, unlike in the past, the staff would prepare a separate packet to give the Board on the day of the hearing containing the information for only the cases to be reviewed. This would eliminate the delays and confusion currently experienced during hearings.

At this time, President Powell requested the Board to consider a new idea. She stated that typically when a member left the Board a plaque would be presented to the member. She stated one member who recently departed from the Board had served for over thirty years and a suggestion was made to purchase a watch for Veda Traylor, as opposed to a plaque. She asked the Board for a motion on this, if this is something the Board would want to do. Secretary LaJoy Gordon motioned to purchase a watch for Veda's years of service to the Board. Board member Ann Pickering seconded the motion. The motion passed unanimously. President Powell asked Treasurer Barbara Ward to check into this.

President Powell announced her intent to appoint committees to be active for the next two years. These committees and the members appointed are as follows:

- Legislative Committee – Susan Collins-Burroughs, Scottie Burchett, Ann Pickering and Cathy Caver-Blade.
- Student Advisory Committee – Pat Turman, LaJoy Gordon, and the members to serve in the vacant manicurist and cosmetologist positions.
- Equipment Use Committee – Cathy Caver-Blade and the member to serve in the vacant cosmetologist position.
- Fee Structure Committee – Ann Pickering, LaJoy Gordon, Barbara Ward and Pat Turman.
- Grievance Committee – Susan Collins-Burroughs, Scottie Burchett, Barbara Ward and the member to serve in the vacant manicurist position.

President Powell stated she carefully considered these committees and believes she selected the members who would best serve on each. Any member who believed she would be unable to perform her duties for a committee assigned were instructed to let President Powell know. She stated an annual schedule would be prepared and distributed for each committee and efforts would be made to schedule the committee meetings in conjunction with board meetings, if possible. Vice President Turman stated she considered these committees to be a positive move and something that is necessary. Director Wittum stated the meetings would need to begin after July 1st, as we are at the end of a fiscal year; however, the Student Advisory Committee's 2007 schedule has already been published. She stated there is a meeting currently

scheduled for this committee and it will be next month on June 18th in Fayetteville. She stated in the past efforts have been made to carpool when traveling to these meetings to alleviate a travel burden for committee members. The Board was informed that the packet given to them today included a copy of the Student Advisory Committee's schedule for this year.

Director Wittum informed the Board that an Attorney General's opinion officially named July 31st as the effective date for legislation that passed without an emergency clause.

These issues concluded those scheduled for the morning; therefore, Director Wittum suggested moving through the afternoon issues until time for lunch.

Examinations

This section consists of the following: 1) administered by inspectors or private-testing entity; 2) cosmetology practical exam; and 3) tentative school observation schedule.

- Administered by inspectors or private-testing entity. This part of the Examinations section required three Board decisions, which are identified below in numeric order. For simplicity, the question is stated first, followed by the discussion and ending with the answer.

1. Question: Who will administer the examinations?

- Director Wittum stated that a significant change in the law was to remove the Board of the responsibility to administer exams and give it either to the inspectors or to a private-testing entity. She stated the inspectors are strapped with their responsibilities of inspecting establishments and adding another duty of this magnitude would make it worse. She stated there are approximately 4500 to 5000 salons along with the 55 schools that have to be inspected, and there are generally 249 working days in a year minus any sick or vacation days taken. She stated the inspectors are paid salary plus mileage regardless of whether they are in their territories working or in the office administering exams. However, the impact of choosing this option would be experienced by the industry and public, as the inspectors would lose approximately 2-4 months each year to work in the exam facility, if this responsibility falls to them. Secretary Gordon motioned to outsource the exam. Vice President Turman seconded the motion.
- Board member Burchett asked if the Board could hear from the inspectors, to which Inspectors Caudle and Green expressed a desire to outsource and Inspector Jackson stated she had no opinion. Inspector Horner stated she did not mind doing the exams, but agreed with everything Director Wittum stated. Inspector Morgan stated she enjoys administering exams, but it does interfere with inspecting; therefore, she would do whatever the Board decides.
- Clarification was made by Secretary Gordon that her motion to outsource applies only to the practical exams. A discussion ensued concerning the cost associated with outsourcing. Director Wittum stated there is approximately \$47,000 earmarked for examinations at this time. She also explained that if the Board uses the figures presented by Professional

Credentialing Services (PCS) when they appeared before the Board in November 2006, the cost would be \$65 per candidate if PCS arranges for examiners to be trained and purchases the practical materials; or, it would be \$40 per candidate if the Board arranges for the examiners to be trained and purchases the practical materials.

- Secretary Gordon asked if the Board drops our fee would the candidates pay only PCS, to which Director Wittum stated yes.
 - Vice President Turman stated she believes the Board should consider what the inspectors would lose in the field and not just concentrate on the cost.
 - Board member Pickering asked about the impact on the staff if outsourcing is chosen. Director Wittum stated it would not be more and would potentially be less, as PCS has a complaint system that would assist candidates who have a bad experience while examining. At this time, there is no system like this in place with the Board.
 - President Powell asked about outsourcing the written exams to which Director Wittum stated it would increase the cost for the candidate to \$140 for everything to be outsourced based on the information from PCS. She voiced her hesitation to include both for this reason. She stated there are other options with PCS and the total cost varies depending upon what the Board chooses for PCS to do.
 - Vice President Turman stated she believes the Board should consider the consumer and questions how the consumer could be protected if the inspectors are not working in their territories.
 - Board member Pickering asked if it would be less stressful for the office to have the practical and written outsourced. Director Wittum stated yes, as the office is understaffed, but the choice comes down to the cost per candidate or the burden on the office. She stated it is not her intent to pressure the Board, but a decision needs to be made today on this issue so the proper process can begin for whichever option is chosen.
 - Board member Burchett made a request for the motion to be restated before the vote. President Powell stated the motion on the floor was to outsource the practical exams. Secretary Gordon affirmed the motion she made earlier. Vice President Turman affirmed the second to the motion she made earlier. The motion passed unanimously.
1. Answer: The practical examinations will be outsourced to a private-testing entity. The Board's staff will continue to administer the written examinations.
 2. Question: Will the private-testing entity be responsible for rater training of the examiners and purchasing the practical exam materials from NIC/SMT?
 - Director Wittum requested a vote on whether to have the private-testing entity be responsible for everything (i.e. rater training and purchasing the practical materials), which (based on the figures from PCS) would result in a \$65 fee for each candidate. She explained the other option would be to have the Board retain responsibility for rater training and purchasing the practical materials, which (based on the figures from PCS)

would result in a \$40 fee for each candidate. Vice President Turman motioned for the \$65 fee. Secretary Gordon seconded the motion.

- Board member Burchett asked who would choose the examiners to which Director Wittum responded that the private-testing entity would choose them from a list of qualified licensees in Arkansas.
- Secretary Gordon asked if only one outsourcing company had presented a proposal to which Director Wittum responded yes. She stated that PCS was the only entity who expressed an interest in November 2006 when an invitation was extended for proposals to be given to the Board.
- President Powell stated a motion and second was on the floor for each candidate to pay \$65 to examine. Board members voting for the motion were Ward, Pickering and Caver-Blade. Board member Burchett voted against the motion. Ms. Gee informed President Powell that six votes would be needed to pass the motion. President Powell stated that her vote was for the motion, thereby passing the motion to have each candidate pay \$65 to examine.

2. Answer: The private-testing entity will have responsibility for rater training of examiners and purchasing of practical materials from NIC/SMT.

3. Question: Will the Board continue to require a \$30 exam fee from candidates?

- Director Wittum stated the next decision to be made is whether the Board will continue charging a \$30 exam fee. Secretary Gordon asked if the Board would continue paying for the written materials, if the \$30 exam fee is not charged. Director Wittum stated yes, the cost for the written materials is \$15 and would still be paid by the Board regardless of the above decision.
- Vice President Turman motioned for the Board to continue charging a \$30 exam fee. Board member Pickering seconded the motion. President Powell asked for discussion to which Treasurer Ward commented the candidate is still receiving a license and the Board is actually “going in the hole” with each exam given.
- Board members voting for the motion were Ward, Gordon, and Caver-Blade. Board member Burchett voted against the motion. President Powell voted for the motion, thereby passing the motion to have the Board continue charging a \$30 exam fee.

3. Answer: The Board will continue to require a \$30 exam fee from candidates, which will cover the purchasing of written exam materials and subsequent costs to provide licenses.

- Cosmetology practical exam

- The next decision to be made in the Examinations section concerned the cosmetology practical exam. Director Wittum stated that NIC has instituted phases they identify as the core domain (i.e. set up and client services, thermal curling, haircutting, chemical waving,

hair lightening and hair coloring, and chemical). In addition to these, the Board has selected optional services as part of the cosmetology practical exam (i.e. shaping and pin curl placement, facial and manicure). The cosmetology practical exam generally takes approximately 3-1/2 hours to complete. Director Wittum stated if the optional services are removed from the exam, then it would eliminate approximately 90-minutes and would possibly allow for a third group of examinees and reduce the number of days needed each month for exams.

- President Powell stated that administering the cosmetology practical exam is difficult because of its length and there are no breaks; therefore, she requested the Board to consider the idea of eliminating the optional services. Board member Burchett motioned to eliminate the optional services as part of the cosmetology practical exam. Vice President Turman seconded the motion. The motion passed unanimously.
- Tentative school observation schedule
 - Director Wittum stated there have been several people requesting for the Board to reinstitute the ability for schools to have a representative observe the practical exams. Therefore, a schedule has been drafted that will enable a representative from each school to observe the cosmetology practical exam beginning with the June exams and ending with the November exams. She stated this would consist of eight schools per month attending the exams for this purpose. She stated a schedule for the specialty courses would be made later after a list could be compiled of the schools who are interested in observing the manicure, aesthetics and instructor practical exams. Secretary Gordon motioned to accept the school observation plan. Board member Pickering seconded the motion. The motion passed unanimously.
- NIC contract/rater training/school overview
 - Director Wittum informed the Board that the contract with NIC had been renewed through June 2008. She stated the decision to outsource the exams nullified the need to hold a rater training on June 23-24, as scheduled at this time, but the school overview could continue as planned on June 25.
 - A discussion ensued on whether schools should be limited in the number of representatives they send to the school overview. Board member Burchett stated she did not agree with limiting the number of representatives unless the registration reflected there would not be enough space to accommodate the registrants.
 - Director Wittum stated she had not limited the attendance in the past two years and believes the Blue Flame Room would be able to accommodate this gathering.

Scope of Practice

Director Wittum stated there have been several instances when inspectors encountered practitioners using equipment that may or may not be permitted under the scope of their practice. Therefore, she recommended for this issue be referred to the Equipment Use Committee and be brought before the Board in rule form when they have researched it and are ready to propose a rule on equipment use.

- Ms. Gee stated that she has communicated with the Arkansas Medical Board and they are concerned about lasers and laser-like devices being used outside of medical supervision. She stated it is currently not clear as to who can and cannot use a laser or laser-like device.
- President Powell stated that she, Ms. Gee and Director Wittum would participate in the Equipment Use Committee as this issue is being considered.

Licensing

This section consists of the following: 1) Cosmetologist seeking Aesthetician license and 2) Glamour Shots and similar businesses.

- Cosmetologist seeking Aesthetician license
 - Director Wittum stated there have been instances where a licensed cosmetologist requested to be issued an aesthetics license, which apparently comes from the public's lack of understanding that a cosmetologist can perform skin care services.
 - President Powell stated she had received a call from a cosmetologist who came to Arkansas and was given an aesthetics license after examining. No additional education or hours were necessary. This appears to have been a decision made by a previous composition of board members, so the newly composed Board is requested to rule on this issue and provide guidance for current and future calls of this nature. She stated she does not understand why a cosmetologist would need an aesthetician license but agreed that it is likely public opinion and their lack of understanding of the scopes of practice.
 - Treasurer Ward questioned aestheticians having to be tested on certain equipment, and if so, why they cannot simply post the certificates with the cosmetology license.
 - Director Wittum stated the scope of practice is something the Equipment Use Committee will review, but that is not the issue to address at this time. Instead, the issue is whether a cosmetologist could receive an aesthetics license, and if so, do they need to examine in order to obtain it.
 - President Powell stated the Board needs to consider the big picture, and posed the question of which of the following each Board member believes:
 - A cosmetologist needs to receive the license without further hours but with examination;
 - A cosmetologist needs to obtain further hours and examine;
 - A cosmetologist needs to obtain further hours but not examine;

- Director Wittum stated this issue was brought up in the last Student Advisory Committee meeting and a suggestion was made to include detailed information about the scope of practice on the redesigned license. This would give a cosmetologist something tangible to show the public when needed and may assist in alleviating the problem cosmetologists are facing when they want to focus primarily on skin care services.
 - Vice President Turman questioned if a cosmetologist cannot practice aesthetics, then why require them to complete 100 hours in skin care services. President Powell confirmed they are allowed to perform skin care services.
 - Secretary Gordon motioned to do nothing at this point and include the scopes of practice on the redesigned licenses. Treasurer Ward seconded the motion. The motion passed unanimously.
 - There was some confusion over the above decision as evident when Board member Burchett stated she believed a cosmetologist should be allowed to receive a specialty license upon paying the applicable fee and when President Powell stated the Board needs to consider whether or not to give specialty licenses to cosmetologists if they desire one.
 - Director Wittum stated the passing of the above motion to redesign the licenses and include the scopes of practice resolves these issues. Clarification was made that the Board would not issue a separate license to a cosmetologist who wants to work in a specialty area.
- Glamour Shots and similar businesses
 - Another issue to review under the Licensing section is whether to require businesses such as Glamour Shots to be licensed and only cosmetologists, aestheticians and manicurists allowed to perform services. Ms. Gee stated that A.C.A. §17-26-103 lists exemptions from the cosmetology law and it includes employees engaged in theatrical, motion picture, etc. for licensure requirements. She stated the Board needs to decide if they want to interpret this section of the law to exclude photography studios and businesses such as Glamour Shots.
 - Treasurer Ward stated her concern is sanitation and the fact that instruments are reused. A discussion ensued concerning whether to require them to have a permit as opposed to a license. Director Wittum stated that issuing a permit implies to the public that the place and people are being monitored by the Board. She encouraged the Board to consider the number of businesses that could be affected by the decision to hold businesses like Glamour Shots responsible for following licensure requirements, as photography studios and the like would potentially be affected as well.
 - Secretary Gordon stated she believes these businesses should be required to hire a cosmetologist but realizes this issue has already been lost since these type businesses have not been required to do that in the past.
 - A discussion ensued on whether the product counters at Dillard's, J.C. Penney's and similar businesses are required to have a demonstrator's permit. Director Wittum stated the Board is not requiring these places to obtain a demonstrator's permit, and as far as she

could tell, they had never been required to do so. The licenses issued to these places have been for salons that are part of a local store.

- President Powell referred to the law concerning demonstrator permits and its prohibition to receiving compensation for demonstrated services. Secretary Gordon stated that Mary Kay representatives introduce the product to the person and the person applies it themselves. She questioned how these people have been allowed to operate without a license.
- Board member Burchett stated the law states they must have a permit and she teaches her students they cannot apply cosmetics without a license. She stated they are hardly ever asked to apply make-up for prom any longer because Dillard's is doing it for free, and she commented that this is not right when the law says that places like Dillard's should at least have a demonstrator's permit.
- President Powell stated these groups have been excluded by the previous board.
- Board member Pickering stated she did not see how the Board could regulate Mary Kay, Dillard's, etc. She stated the inspectors cannot handle the additional load, and she questioned why the Board would want to become involved in this when it would involve regulating hundreds of additional businesses who have not been regulated before by this Board.
- Board member Burchett stated she is not asking the inspectors to take over all the Dillard's, but she is teaching her students they cannot do what is being done at product counters in Dillard's and similar businesses.
- Ms. Gee stated this issue is being discussed because the demonstrator's permit is not being enforced. She stated the Board has the power to regulate it; however, the question is whether or not the Board wants to use its resources to regulate these businesses.
- President Powell asked for a motion. Vice President Turman motioned for these type businesses to be excluded until the rules can be revised. Board member Pickering seconded the motion. The motion passed unanimously.

The Board recessed for lunch at 11:30 a.m. and instructions were given to return to the conference room at 1:00 p.m. when the Board would reconvene.

President Powell called the meeting to order following the lunch break and requested Treasurer Ward to provide a Treasurer's Report. Treasurer Ward stated the Board had a beginning balance of \$177.67 and had collected \$80 today, which gives the Board an ending balance of \$257.67.

The first item of business for the afternoon session was to address the new schools. There were five new school approvals and/or updates on the agenda as follows:

1. Eaton Beauty Stylist College in Little Rock

- Grant Hurst appeared before the Board, as the managing member and President of Paul Mitchell Partner School (PMHS) and the authorized person to accept service of notice from the Board and to transact all business negotiations on behalf of the school.
 - Director Wittum informed the Board that Dawn Creekmore sold Eaton Beauty Stylist College on March 1, 2007 and the new owners will be renaming it The Hair Academy of Little Rock, a Paul Mitchell Partner School. She stated the approval was delayed when the March board meeting was cancelled; however, she gave Mr. Hurst permission to continue to operate in order to avoid disrupting the education of the current enrollees. She stated the fee to change the ownership will be prorated for the remainder of the year and the Board would need to decide the time period for which the prorated period would apply:
 - \$83.10 for ten months between March and December, since this represents the period of time under operation, or
 - \$58.31 for seven months between June and December, since the official approval for the change of ownership did not occur until the May board meeting.
 - Director Wittum also stated there would be a \$7 fee to change the name of the school.
 - President Powell asked for a motion on the prorated period. Board member Burchett questioned if the school has been allowed to conduct business as usual to which Director Wittum responded they had been allowed to continue to operate, but were not permitted to accept new enrollments.
 - Vice President Turman motioned to give the school approval and for the prorated period to be the ten months between March and December, which would require a fee of \$83.10. She stated her decision is based upon the fact that the school has been operating since March 2007. Treasurer Ward seconded the motion. The motion passed unanimously.
2. South Arkansas Community College (SACC) in El Dorado
- Dr. Larry Moser appeared before the Board to represent this community college in their quest to implement a cosmetology program. At Director Wittum's request, Dr. Moser explained the college has been operating under a third party contract to offer a cosmetology program. He stated they have two fine schools in El Dorado but believe their efforts to bring a cosmetology program to the college are needed. He stated they have a 5,000 square foot floor plan but the plan is not yet available pending approval to proceed. He stated there is no facility at this time, as high school students and post-secondary students are taking courses off-campus through a third-party agreement. He stated the new facility would allow better oversight of students in the cosmetology program and that SACC is simply transferring the supervision from the third-party to SACC.
 - President Powell recognized a member of the audience, Chris Strawn, owner of Arthur's Beauty Colleges, for a question/comment. Ms. Strawn stated there are two beauty colleges and a barber college in that area of the state. She stated it is hard to compete with the state's money and as long as there is not a need for it the Board should look at the effect this would have on the private schools. Dr. Moser responded by stating that PCEC (one of the schools in

El Dorado) has been looking for a buyer of the school for two years and are seeking to get out of the business. He stated there is no program in El Dorado that allows the students a chance to receive a two-year certificate and college credit simultaneously. He stated SACC has polled the area and the public appears receptive to the need for this type program.

- Vice President Turman questioned how a student would obtain a certificate. Dr. Moser responded by explaining that a student could complete the cosmetology course and add approximately fifteen hours to it in order to receive an Associates Degree in Applied Science. He stated SACC believes they can provide value by allowing students to accumulate academic hours above and beyond the cosmetology license. Secretary Gordon requested clarification on whether the students are currently receiving college credit for the cosmetology courses to which Dr. Moser stated they are not. He explained this cannot be done currently because the third-party provider is not recognized by the state education oversight.
- Ms. Gee stated that at this point in the process the Board staff and school are working with the Department of Education to review the issues and get approval by both boards. She stated today is not the day for the Board to give final approval for the school. Dr. Moser stated it was his understanding that today's meeting was to receive the preliminary approval that would allow SACC to take with them to the Department of Education's meeting in August. Ms. Gee affirmed that to be her understanding as well.
- President Powell recognized a member of the audience, Tracy Akard, owner of Hot Springs Beauty College, for a question/comment. Ms. Akard stated it sounded like students would receive clock and academic hours. She also expressed an interest in seeing the poll he referred to as evidence of the need for another cosmetology program in that area of the state. Dr. Moser stated the Department of Education allows joint credit to be given to students and the survey results are included in the proposal.
- Vice President Turman questioned President Powell on how binding a preliminary approval would be for the Board, if given today. President Powell stated she did not know, but is interested in asking Board member Burchett about high school students receiving both clock hours and college credit. Board member Burchett stated this is similar to what is done at Saline County Career Center where she is Director of the cosmetology program.
- President Powell recognized a member of the audience, Linda Lee, owner of Lee's Redken Premier School of Cosmetology, for a comment/question. Ms. Lee questioned if SACC would attempt to receive pell grants in the future. Dr. Moser stated this is not SACC's concern, but rather to add value for the students.
- Vice President Turman motioned for the Board to accept the proposal. Board member Pickering seconded the motion. Members voting for the motion were Ward, Burchett and Caver-Blade. There were no members voting in opposition; however, Board member Gordon abstained from the vote.

3. Cossatot Community College in Nashville

- Director Wittum updated the Board on the progress for this school. She stated this school is not yet ready to open its cosmetology program, but will hire an instructor in July in preparation for classes to commence in August.

4. Career Academy of Hair Design in Siloam Springs

- Director Wittum updated the Board on the progress of this school. She stated this school has had to change the location of the school facility; therefore, arrangements are being made for an inspector to inspect the new location. Jim Butenschoen, owner of Career Academy of Hair Design, will notify us when he is ready for this new school to be placed on a future agenda.

5. The Salon Professional Academy

- Director Wittum informed the Board that this school has not initiated the approval process, but were found to be distributing a catalog stating they were licensed by the State Board of Cosmetology. They were instructed to cease and desist from distributing the catalog and otherwise portraying the school as licensed when it is not. She stated the school has changed the catalog and have indicated they will apply for new school approval at a later date.

Margaret Thomas

The next item on the agenda was Margaret Thomas, owner of Margaret's Hair Academy in Monticello and Russellville. President Powell invited Ms. Thomas to address the Board, as requested. Ms. Thomas stated she has an issue with a student from the Monticello school who was allowed to examine but owes the school \$1,600. She stated the student passed, which is great, and she has a signed promissory note from the student, but questions how she is going to get her money now and how can this issue be resolved when Director Wittum made a mistake. She questioned what the Board was going to do since the student is currently working. She stated the student knew she could not take the exam because of the unpaid tuition, but she was allowed to and is now telling students in Monticello that she got through without paying the school. She stated the student's tuition is her livelihood.

Director Wittum stated Ms. Thomas contacted her on April 25th about this situation concerning Tina Adams. She stated the student's documents contained an original certification of training form dated 12-19-06 that reflected an unpaid tuition balance of \$1,382 and 1501.86 uncertified hours. She stated a copy of that form was recently submitted to the office and indicated the tuition was paid in full and the hours were uncertified. She stated the tuition box on the copy has "yes" circled (indicating the tuition has been paid) and the previously circled "no" is marked through with an "x" and "Error MT" is written beside it. In addition, the number of hours earned are printed in the uncertified box, which indicates an unpaid tuition balance based on the Board's policy to not certify hours unless all tuition has been paid. She stated the error made in the office was to not call the school about the conflicting information and clarify whether the hours were certified or not. Ms. Thomas interrupted and expressed the fact that she disputed the information given by Director Wittum to which Director Wittum stated she has the form in front of her. Ms. Thomas stated, "I don't care." President Powell called for order and stated Director Wittum had the floor.

Ms. Gee stated it is not written in the rules or law that the Board can refuse to allow a student the opportunity to examine because of an unpaid tuition balance. She stated the Board only has the power given to them by the Legislature.

Ms. Thomas questioned President Powell and Treasurer Ward who are school owners as to how they would accept something like this if it were to happen to them. President Powell stated she is not going to respond on a personal level to Ms. Thomas' questions and believes the Board has explained themselves to her. Ms. Thomas responded by stating that "we know" that President Powell does not care about the schools. She stated that all the Board is saying to her is there is nothing the Board can do about this situation. President Powell stated Ms. Gee has instructed Ms. Thomas to seek clarification from the Legislature. She stated the paperwork is here for the Board to review to see if they could have made the same mistake. (A copy of the most recent certificate of training form was given to Ms. Thomas for review and the copy submitted to the Board with the student permit attached to it was passed around the table for the Board members to review.)

Vice President Turman questioned Ms. Thomas about who changed the form, as it has clearly been changed. Ms. Thomas responded by stating it was not changed at the school and had to have been changed in the office.

Board member Burchett questioned Ms. Thomas as to whether she had copies of the papers sent to the office. Ms. Thomas stated she does have copies but not with her.

Board member Burchett questioned Ms. Thomas as to how the Board received a copy of the permit that is attached to the drop. Ms. Thomas stated the student has two permits, one that is at the office and one that is at the school.

Secretary Gordon questioned how that could have happened to which Ms. Thomas responded that it happens and that one permit is in the file and one is on the wall.

Board member Burchett stated that both parts of the permit are attached to the certificate of training forms contained in the student's documents.

Treasurer Ward questioned how someone would have access to the permits if they are at the school.

President Powell stated she is concerned about learning that there is nothing in the rules or law that prohibits students from examining because of an unpaid tuition.

Ms. Thomas stated the Department of Education has three requirements for a student to meet in order to be eligible to examine and one of them is paying the tuition in full. She questioned if the Board is saying that the students are not allowed to examine until the tuition is paid in full.

Ms. Gee stated she did not believe the Board could resolve this issue to Ms. Thomas' satisfaction.

Board member Burchett stated her concern about the form they complete not being questioned by the staff. She asked if the form is good for anything. Ms. Wittum stated the form is used to let the office know if a student is eligible to examine. She also stated she believes Jeanie should have questioned the form because of the inconsistent information it contains.

Ms. Thomas stated to Director Wittum that she had faxed Director Wittum a copy of the form and that Director Wittum had responded by acknowledging that she saw where the mistake was made. Director Wittum stated again that she believes Jeanie should have questioned the form and the conflicting information it contains.

Ms. Thomas stated that this “was a wasted trip because no one gives a hoot about the school owners.”

Board member Caver-Blade stated this situation seems like fraud to her on the student’s behalf and questioned if the license could be revoke until the tuition is paid. President Powell disagreed that this is fraud.

Secretary Gordon questioned if the hours were certified to which Director Wittum stated it depends on which form you look at. She expanded by stating that if you look at the box about tuition, then it indicates the tuition is paid. If you look at the certification box, then it indicates the hours are uncertified.

Ms. Gee stated it seems clear that the staff made a mistake in allowing the student to examine in light of the fact that the Board’s policy has been to not permit a student to examine until the tuition has been paid; however, there is no solution to resolving this mistake.

Treasurer Ward stated someone had to have had access to the copy. She suggested checking with the office staff if Ms. Thomas has the copy that was not brought with her today. In addition, Treasurer Ward questioned Ms. Thomas about the security of the permits at the school. Ms. Thomas stated the permits are hanging in a cabinet in the school. She acknowledged the cabinet is locked when questioned by Treasurer Ward; however, she admitted that she does not continuously keep the cabinet locked when she is updating the permits in the cabinet. Ms. Thomas stated she cannot watch the cabinet at all times. Treasurer Ward stated she keeps the cabinet in her school locked at all times and suggests Ms. Thomas do the same.

This concluded the petition from Ms. Thomas to address the Board.

Linda Lee

The last official item on the agenda was Linda Lee, who petitioned to address the Board. A copy of the letter Ms. Lee sent to Director Wittum was distributed to the Board for review.

Ms. Lee stated the staff had complained about hours not being reported correctly. She stated the complaint had to have come from the staff because no one else heard about it. She stated she tries to follow the law and believes in following the law, as she appreciates the opportunity the Board gave her to re-open the school after the Board revoked her parent’s school license. She stated she wished all of us could be on the same page. She stated there are so many things they could complain about, but when she is accused of falsifying records it bothers her. She stated she does not know how to correct these hours at hand. Ms. Lee stated that she and Director Wittum had gone back and forth on this and that Director Wittum accused her of altering hours that Ms. Lee knows she did not do. She stated she has never had any problems with the Board before the last two years and believes if Director Wittum does not care about them then they should find someone who does.

Although Ms. Lee’s letter reflects three points to address with the Board, her question today stemmed from #3 (i.e. how to report hours to the Board that have been earned and verified by a school staff member when a student fails to properly clock in or out.)

Board member Burchett responded by stating her students sign in and out, as well as clock in and out. She stated they do not usually forget to do both, but if they do, the hours are not reported.

President Powell stated she would like to hear the opinions of Director Wittum and Ms. Gee before the Board agrees with that method. Director Wittum stated she does not have an opinion on it. Ms. Gee did not offer an opinion, but stated that Rule 6.15 requires schools to notify the Board of corrections within thirty days of submission.

Ms. Lee questioned if she needs to verify it with a signature. President Powell stated for clarification the Board needed to know what is adding or taking away hours that is not allowed. She stated Ms. Lee is trying to get validation of hours based on what she knows and what the time card says and questioned Ms. Gee if there is anything that would clarify who makes the corrections. Ms. Gee stated the rule does allow schools to do this. President Powell clarified this is dealing with the monthly reporting of hours to which Ms. Gee responded "correct." President Powell and Ms. Gee again conversed on the fact that schools are authorized to make daily validations on student attendance and then have thirty days to make corrections on the hours reported to the Board.

This concluded the petition from Ms. Lee to address the Board.

President Powell opened the meeting for public comments, which were as follows:

Tracy Akard, owner of Hot Springs Beauty College, had the following questions:

- How do things get placed on the agenda, such as exam issues? She stated the removing of optional services as part of the cosmetology exam is believed to be a move towards eliminating the practical exam altogether and that the School Owners Association does not support doing this.
 - Director Wittum stated the agenda is comprised of issues that she has received calls on, or that a board member or legal counsel suggested to be placed on the agenda. She stated the exam issues specifically addressed today are ones she has had posed to her and today was an opportunity for the new board to make decisions on them.
- How can she/they have things placed on the agenda for discussion?
 - Director Wittum referred to Rule 1.6 that requires persons seeking to address the Board to do so ten days prior to a meeting.
- Has it ever been discovered who initiated the effort to eliminate the practical exam?
 - Director Wittum stated it was something suggested to her and she mentioned it to Senator Steve Faris.

Chris Strawn, owner of Arthur's Beauty Colleges, had the following comments:

- It is concerning that the Board is eliminating the optional services of the cosmetology exam, as she believes it is a forerunner to eliminating the practical exam.

- She questions if it is legal for the state to come in and put two people out of business (referring to the new school proposal in El Dorado). She stated she does not have a problem with the state school in Nashville, as there is nothing in that area; however, there is no need for another cosmetology program in the El Dorado area. She requested the Board to consider the impact this would have on the small schools. She also stated the state schools in Oklahoma have partnered with the private schools.

Linda Lee, owner of Lee's Redken Premier School of Cosmetology, had the following comments:

- In Oklahoma, they are putting school salons in the mall so when it hits you at home in your wallet, then you will take notice.

After no additional comments were forthcoming from participants, the floor was closed for public comments.

Director Wittum requested for the Board to let her know who is interested in attending the NIC annual conference in Rapid City, South Dakota. She stated she did not need to know at this moment, but requested the Board to review their calendars and let her know.

President Powell recognized Board member Ann Pickering who addressed her comment to the audience. She stated she considers this afternoon to be a "Kathy-Wittum-bashing" and she did not appreciate it. She stated Director Wittum works very hard for the Board and is very smart and capable of fulfilling her responsibilities as the Director.

Ms. Lee commented from the audience that she knows Director Wittum works hard, as she gets e-mails from her at 8 or 9 o'clock at night.

Vice President Turman stated Director Wittum does her research and works long hours. She stated she will defend Director Wittum because of where she has brought the Board and where she is taking the Board.

President Powell reminded the Board to notify Director Wittum about the NIC annual conference.

After no additional comments were forthcoming, the meeting was concluded at 2:45 p.m.

*** End of Report ***

Report prepared by:

Kathy Wittum, Director