BEFORE THE ARKANSAS STATE BOARD OF COSMETOLOGY

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ADMINISTRATIVE HEARINGS
AND
BOARD MEETING
JULY 16, 2007

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BE IT REMEMBERED that on Monday, the 16th day of July 2007, before the Arkansas State Board of Cosmetology and its department staff, at 8:30 a.m. in the South Basement Conference Room of the Main Street Mall, located at 101 East Capitol Avenue, Little Rock, Pulaski County, Arkansas, business and administrative hearings came on for hearing as follows:

________________________________________________________________________

SUSAN B. WHITSON, CCR
Arkansas Supreme Court Certificate No. 158

9810 Woodland Drive
Mabelvale, Arkansas  72103
(501) 455-1170
WhitsonCCR@aol.com
APPEARANCES:

Board Members:

JANE POWELL - President
PATRICIA TURMAN - 2nd Vice President
LaJOY GORDON - Secretary
BARBARA WARD - Treasurer (not present)
ANN PICKERING
SCOTTIE BURCHETT
SUSAN COLINS-BURROUGH
CATHY CAVER-BLADE

Staff Members Present:

KATHY WITTUM - Executive Director
AMBER McCUIEN

Board Inspectors Present:

SHEILA CAUDLE
ROSE HORNER
PAT BLAND JACKSON
LAVONNE GREEN
BRENDA MORGAN

ON BEHALF OF THE BOARD:

ERIKA GEE, ESQ.
Assistant Attorney General
323 Center Street, Suite 200
Little Rock, Arkansas 72201

HEARING OFFICER:

KENDRA AKIN JONES, ESQ.
Assistant Attorney General
323 Center Street, Suite 1100
Little Rock, Arkansas 72201
ALSO PRESENT:

Veda Traylor
Suzanne Dailey, LaserGrade
Andrea Wilson, The Salon Professional Academy in NLR
Paul Wilson
Linda Lee
Sharon Jackson
Chris Strawn
Kerrie Lauck

Court Reporter:

Susan B. Whitson, CCR
Arkansas Supreme Court Certificate No. 158
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MS. POWELL: The Arkansas State Board of Cosmetology meeting will come to order.

Madam Secretary, will you take the role?

MS. GORDON: Yeah. Everybody is present except Cathy Caver.

MS. POWELL: And Barbara Ward?

MS. GORDON: Okay. Yeah.

We don't have a name tag for her.

MS. WITTUM: She notified me that she was not going to be here today, so that's why we didn't put a name plate down for her. She -- we're expecting Cathy.

MS. GORDON: You know you have to put the name tag there for me to know.

MS. POWELL: At this time I'll turn the meeting over to Director Wittum.

MS. WITTUM: Veda, on behalf of the board, we just want to say thank you for your years of service. I know I've only had an opportunity to work with you the last couple of years, but I appreciate your dedication
and your faithfulness to always be here and do exactly what we need done. You're very unselfish in that regard and I appreciate that.

MS. TRAYLOR: Well, I appreciate you all. And it's like I was saying, I've served with the best and

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I've served with the worst. I've served with the best legislators, I've served with the worst. So it was, it was time.

MS. WITTUM: Well --

MS. TRAYLOR: Because I don't -- men insulting women is about the lowest class you can get.

MS. WITTUM: Uh-huh.

MS. TRAYLOR: And I know I was talking to someone yesterday. He said, I can't believe that. He said, I -- he said, I don't know that woman. I don't believe it. And I said, well, believe it. It happened.

MS. WITTUM: Well, the board would like to give you a gift --

MS. TRAYLOR: Well, thank you.

MS. WITTUM: -- for your years of service. We have a huge cake back here that someone is going to have to develop an appetite and eat. But help yourself, and thank you very much.

And I hope you're going to open it so everybody
can see what it is.

MS. TRAYLOR: Thank you.

(Applause.)

MS. TRAYLOR: Oh, it's all done up so pretty.

MS. TURMAN: I did that, Veda.

No, I didn't.

MS. BURCHETT: Ms. Traylor, while you're opening that, I would just like to say that I know through the years we've not always agreed on things, but you know that's kind of what makes the world go around, we have to agree to disagree. And I do totally respect you and the years that you served, and -- and I do know that you -- you've done a -- you did a lot of good things during your term.

MS. TRAYLOR: Undoubtedly I did a lot of bad ones, too.

Oh, how pretty.

MS. BURCHETT: But that's not what the focus should be on anyone, and I just want you to know that I appreciate all you've done for us.

MS. TRAYLOR: That's pretty. Thank you.

MS. POWELL: Sure beats a plaque.

MS. TRAYLOR: I could have brought you one of those.
MS. POWELL: I don't want one.

MS. TURMAN: Oh, that's beautiful.

MS. TRAYLOR: I've even got one that says past president.

MS. GEE: Oh, that is beautiful.

(Ms. Caver-Blade joined the proceedings.)

MS. CAVER-BLADE: Good morning.

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MS. POWELL: Let the record show that board member Cathy Caver has attended the meeting.

MS. TRAYLOR: Thank you.

MS. PICKERING: Thank you for your time that you've served on this board and all of your knowledge.

MS. GORDON: And coaching.

MS. TRAYLOR: Thank you.

MS. POWELL: Okay. At this time I need to -- do I have a motion on the May 21st meeting minutes? The minutes for May 21st.

MS. TURMAN: I make a motion --

MS. POWELL: -- and June the 4th.

MS. TURMAN: Madam President, I make a motion that we accept the minutes from May -- May --

MS. POWELL: May 21st and June the 4th.

MS. TURMAN: May 21st and June 4th.

Because I don't have them in front of me.
MS. GORDON: Second.

MS. POWELL: I have a motion and a second.

All those in favor, raise your right hand.

(Hands raised.)

MS. POWELL: Thank you. It's unanimous.

Director Wittum, you have some committee directions. Or I'll -- should I --

MS. WITTUM: Yeah. I think you were going to do that.

MS. POWELL: That's okay.

Well, I really wanted to let the board know that the direction I would like to go with these committees that I have formed is I would like for there to be a board member chair each one of those committees, so we will be nominating a chair for each one of those committee meetings, so that we could hopefully utilize some leadership.

Thank you.

We have our director's financial reports.

MS. WITTUM: I handed you a two-page sheet that has two thousand -- monthly statements for fiscal year 2007. That's for the last fiscal year. So this will give you an idea of exactly how the appropriation was spent, and one side has the revenues and what we
collected for the year.

We did have to request 30,000 extra in operating expenses; however, as you will see at the very bottom of the expenditure side, we did have $39,360 unspent that -- from that appropriation. The reason being is the money was in characters we could not move from one area to another, so the -- the money, I believe, was all in capital outlay, character 11, and then the data processing, character 12s. Those moneys cannot be transferred into another character, and we needed the expense, the money, the 02 operating expenses.

If you have any questions about the breakdown of this information, then feel free to let me know.

You also have one that has monthly statements for fiscal year 2008 that's blank except for the appropriation column. This is the format that we will be using to let you know how the month's expenses are going and what the appropriation is that we have identified by the general ledger codes. For anyone who's not familiar with the state structure, we -- our appropriation just breaks down the money between four or five different characters, then we break it down by GL code. So all of the individual line items here, those are the GL codes that we -- we believe we'll be
using those moneys for. The 02 operating expenses are pretty much not firm in that we can -- even if we appropriate something for one general ledger code that we don't need but we need more money in another general ledger code, under the 02 operating expenses, we can shift that without going back to the legislative body. Anything, any activity that happens in the rest of it we have to go back to the legislative body and get permission to move or shift those expenses or those appropriations.

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If you -- if you have any questions about any of the expenses or how we break it down, then feel free to let me know. And one of the things that I have seen that we -- and it doesn't appear has been used in the past but I would like to see, is a computerized version of breakdown by vendor. Right now we only have the files, you have to go pull the file and calculate how much has actually been spent for a particular vendor. That's something that I'm wanting to put together and we'll have Gordon help me do for this next fiscal year so that you can also have that information.

Also in your packet is a copy of the Act 791. This is the -- our budget bill, or our budget report for 2008 fiscal year and 2009 fiscal year. We -- the
top page that you have there is an amendment. That was
money that was requested once we saw what law changes
were approved, so that we would be able to have the
money to take care of the computer enhancements or
anything that was going to be necessary in order to
make those law changes happen.

Does anybody have any questions about those?

MS. TURMAN: Kathy, I would just like to make a
comment.

I just want to tell you and the office staff how
much I appreciate what you guys have done. I'm just

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sitting here listening to you thinking how far we have
come since you've taken over. We can look at our
website, you can look at -- we are not used to getting
information like -- you know, as I know we've gotten
information before, but I just want to tell you how
much I appreciate you and the office staff for trying
to keep us informed and trying to keep everything
updated and trying to keep us in the loop of things.

MS. WITTUM: Thank you, Pat.

MS. TURMAN: We've come a long way.

MS. WITTUM: I would like to say something to
Cathy real fast. You will notice you have name plates
here. Yours actually says that you're Cathy
Carver-Blade. We've notified the Department of Corrections that they have misspelled your name and that's being corrected.

MS. CAVER-BLADE: No problem. That's happened all my life.

MS. WITTUM: Okay. Under the director updates, the codified version of the new cosmetology law has not been provided to us yet. As soon as we get that, we'll get the copies out to everyone and get that updated version posted to our website.

MS. GEE: My understanding on that is that it's at the printers, so it should be relatively soon.

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MS. WITTUM: I know there is a lot of people anxious to get it.

MS. GEE: Uh-huh.

MS. WITTUM: The -- the outsourcing contract, I'm working with Professional Credentials -- Professional Credentials Services, PCS, to get that contract established. We estimate that a start date will happen in September.

We have scheduled, as you can see, rater training for August 18 and 19 and a school overview for Monday the 20th. We are going to have to have the school overview at Sherwood Forest, again, in Sherwood. It's
our understanding from the Blue Flame Room, when we tried to book it there, that they no longer have parking for the public who comes into their building. Everyone has to park at a meter. So, to save confusion during that day with everyone trying to run out and feed the meter, we just went ahead and looked for another location.

And those of you who attended the school overview in December of '05 know that Sherwood Forest has an excellent place for us to hold this meeting.

MS. POWELL: Are we going to be setting up the tables or are they going to do it this time?

MS. WITTUM: We have to do everything.

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MS. POWELL: Okay.

MS. WITTUM: The -- the contract with PCS is -- I just wanted to kind of give you a little bit of an idea of exactly how that process is going to work. It's going to be a much different exam process than what we've had in the past.

The contract is going to call for the staff to continue to make the determination about eligibility. We will receive the exam applications, minus the fees, and we will determine whether or not the candidate has enough hours and is otherwise eligible to come in and
examine. Once that determination is made, we will send an electronic copy of the people who are eligible to PCS, so that they will have it on their records.

In addition and simultaneous to that, we'll send out a notice to the candidate to let him or her know that they are eligible to come in and examine. The -- that notice will have information on it to direct them to contact PCS and schedule -- get themselves scheduled for an actual exam.

The -- it's my understanding that PCS has a -- has the ability for the fees to be paid over the phone by credit card, or the people can send in their money directly to PCS for the cost of the exam.

PCS will send -- once they receive that, that notice from the candidate, whether they send in their money or they contact them by phone, they will send an ATT, an Authorization To Test and an Admittance Notice to that candidate giving them the specific day that they are going to come in and examine. They will also collect all of the moneys that are required for the examination process.

PCS will administer the practical exams here at our facility one day a month. There will not be four or five days a month for the exams. We will have to
make use of every available space in our exam facility
in order to have these exams going on simultaneously
throughout the day. And this is likely to mean that
our exam hours for that day are going to have to be
expanded.

In fact, Andrea and I were thinking that we will
probably have to start at eight and may even go until
six or seven, maybe even eight at night until we get
everyone examined for that day.

We will be able to use the exam facility. I
believe we can run 48 candidates through the -- the
central area, where the stations are currently, with
only the A and B sides. If we go ahead and take the
time to make some modifications to that central part of
the exam facility, then we can have A, B, and C

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stations and run 72 candidates through there.

We also can get 12 candidates, I believe, in the
classroom by setting up tables in there and letting
them come in and actually have their exam in the
classroom. We have the instructor rooms that I believe
we can run through six candidates a day in there.

So I do believe it's feasible for us to be able to
do this. It's just going to be a much different
concept than what we've had so far.
MS. PICKERING: May I ask a question as well? I know in the past that we've had a little bit of trouble with candidates signing -- I mean they sign in -- not sign in, but you make it available for them to take their test and they don't show.

MS. WITTUM: Uh-huh.

MS. PICKERING: So how are -- how is PCS going to address that? Do you know?

MS. WITTUM: They -- they have a very strict no-show policy, so I think that -- that it will probably take care of itself.

MS. PICKERING: Okay.

MS. WITTUM: I mean people who want to come in and examine and take up the space there need to -- need to fulfill that responsibility and be here when they are scheduled, unless there is a legitimate reason for not doing so.

The PCS will be responsible for all of the examiners and the rater training. We will not be involved with that, other than I or someone on the staff will have to be here to let them in to the facility here to do their rater training, since we're going to have it at the exam facility and it will be on the weekend.
The PCS will be responsible for admitting all of
the candidates into the exam facility for the
practical. We will not be involved with that. They
are also responsible for responding to all written and
oral complaints that are made about anything that takes
place in the exam process, as it pertains to practical
exams.

Yes, ma'am?

MS. GORDON: I have a question on the rater
training.

MS. WITTUM: Uh-huh.

MS. GORDON: Will they -- that is scheduled for
the 18th and 19th of August.

MS. WITTUM: Uh-huh.

MS. GORDON: At this time will they have already
chosen the people in the state of Arkansas that they
are going to use to give the exam for them to be rater
trained?

MS. WITTUM: They are working on that now.

MS. GORDON: Good.

MS. WITTUM: We've given them a list of the
licensees here in the state and they are going to be
contacting them. They are going to send out
invitations to anyone who is interested. And then the
people who express an interest, and who meet their qualifications, will be here to do the rater training.

MS. GORDON: And next year or for the rater training, they will schedule that rater training or will it still come through our office?

MS. WITTUM: It -- they will coordinate with us. Since they are going to be using the facility here, they will have to coordinate with us in order to make provisions for someone to be here to open up the room to let them in.

MS. GORDON: But they will basically be responsible for taking care of the cost?

MS. WITTUM: Right. Right. Yes.
And we, with this here in August, it's at no cost to the board. I mean this is strictly their -- their responsibility.

The board staff will continue to receive the exam scores, and we will issue the licenses to the people who pass, send the failure notices to those that fail.

They -- we will have a process in place where the candidates who fail one or more parts of the exam will not have to continue to come back through the board's office to be determined eligible, re -- eligible again. I mean we don't have any provisions for any candidates
to go get additional education or to wait a certain
time length or whatever. So anyone who fails will be
able to just contact PCS again the day they receive
their notice, if they wanted to, and get scheduled for
another, another exam.

SMT will also provide PCS the exam scores, just so
that they can keep up with their recordkeeping, and
then for them to kind of gauge who they might be having
return who failed the exam.

We are going to have to modify the exam schedule
for the rest of this year and then set up a different
section -- structure for next year. The changes will
include not only changes to the exam dates but also
changes to the exam deadline date. So as soon as we
get that ironed out with PCS, then we will be getting
that information out to the school so they will be able
to update their students.

Something that -- that has come up that is going
to require a board's decision that directly impacts

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the practical exam. They also would continue to pay
the 30-dollar board fee that would apply -- be applied
to the written portion of the exam. So the total cost
for the candidate is $95.

Currently Arkansas requires all candidates to take
the written exam here at the exam facility the first
time. They have an option to take the paper and pencil
exam for future exams if they fail, or they have the
option to do the computerized test through LaserGrade.

The current cost -- and actually I want to
introduce Suzanne.

Suzanne, do you want to come on up to the front?
This is Suzanne Dailey, she is with LaserGrade.
She flew in last night just to be here to talk to you
today about the idea that we have for the written
materials.

As I understand it, it currently costs $70 for a
candidate to take LaserGrade.


MS. WITTUM: And they still, when anyone schedules

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to take LaserGrade, they still pay the 30-dollar board
fee and pay the hundred dollars if they want to go and
take the written exam through the computer based
testing sites.
What -- what we want to kind of pitch out to the board is the possibility to move to a LaserGrade mandatory requirement here and do away with the paper and pencils. And Suzanne probably is the best person to explain exactly how that could all happen and what they are willing to do for any of the states who are willing to make that change. Suzanne?

MS. DAILEY: Thank you for allowing me to come today.

There is a few things we can do right off the bat, and one is reduce that 75-dollar fee that has been charged to Arkansas for -- I think since the initial contract, down to $50. So it would drastically reduce the price to the candidate in terms of computer-based testing.

And one of the advantages to computer-based testing is that your candidates don't have to drive to Little Rock to take that paper and pencil exam, they don't have to wait for those administrations. There is locations far closer to their home. You know, they can test in Jonesboro, whatever. And they are not spending

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the gas, perhaps hotel fees if it's an overnight situation where they have had to drive a significant distance, those kinds of things. Those are a
significant impact on a student who are already, you
know, just trying to make it and get started in the
business.

What Kathy and I have talked about is -- and we
work with PCS already on a number of states so the
transition is very smooth.

But what Kathy and I have talked about, and I hope
I'm not overstepping here, Kathy.


MS. DAILEY: Is our understanding, what Kathy
explained to me is that the board has set aside in the
neighborhood of $45,000?

MS. WITTUM: $47,500.

MS. DAILEY: For exam materials. Which you would
no longer be outlaying if you go the CBT route. You
are not going to have to buy those exam booklets, the
answer sheets, all of those will not be expended by the
board.

The candidates could continue -- if your concern
is maintaining a low fee for the candidates, the
candidates could continue to just pay the $30 that they
have always paid to the board, and the board could use

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those fees to supplement the other 50 if you go to a
mandatory requirement. So the board would pay $20 of
the exam fee, the candidates would pay $30 of the exam fee, and that would come out of that budget area that you have for exam materials. It's essentially exam materials, it's just in a computer-based environment rather than a paper and pencil. So if the concern is keeping the fees low for the candidates, that's an option.

Now, just by reducing it to $50 per exam, I mean, we've certainly drastically reduced it for those who were choosing a computer-based option, but we want to make it available to all the candidates.

And we have locations throughout the state of Arkansas. Kathy and I have also talked about the possibility of putting a location here in the board office, where we would set up the systems here in the office so there is a location right here at the board office, in addition to those throughout the state. And your candidates are available to test, not only within the geographic boundaries of Arkansas, but anywhere we have a testing center in the U.S. So a candidate who is moving to the state of Arkansas and currently lives in Oregon, could test in Oregon for the Arkansas board exam, including the Arkansas law portion of the exam.

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So there is far more availability for your candidates.
Questions?

MS. WITTUM: And to address the possibility of supplementing the cost of the LaserGrade, if the board wanted to choose to -- to utilize this 47,500 for this purpose, you have an option really of, as I see it, of a couple of ways. We could either agree to supplement it by $20, which would allow us to pay approximately 2,300 candidates to come through and examine, or we could pay the $30 and we would be able to assist with approximately 1,500 candidates.

The -- there is also the possibility of paying more than the 20 or 30, but we wouldn't be able to pay for as many candidates as what we had come through last fiscal year -- or last calendar year. I believe we had approximately 1,500 who came through 2000. So I think to play it safe, we would want to make sure that we chose a fee that would allow us to pay at least for that many candidates, if not more, so we are likely to see an increase anyway.

There is also the possibility in the future, as we modify or as we prepare future budgets, to appropriate more than the forty-seven five, if we wanted to offset the cost at any other level.

Yes?
MS. TURMAN: Kathy, are you stating that we would -- it would only be $50 paid to them and we would no longer collect the 30? Is that correct?

MS. WITTUM: That's correct.

MS. TURMAN: Okay. When you look at the math on this situation, though, if a student -- I mean if someone is going to come in and take their exam, they would spend more than $20 on gas to come in probably to take the exam. So if -- to me it would be worth that student paying the $50 and not having to come in to take the exam and being able to sit at a location near them and, you know, so they won't have to travel to take the exam. I don't see why we would have to eat any of the cost.

MS. WITTUM: Well, we had this money allocated for testing materials already, so either we're going to return it unspent --

MS. TURMAN: Okay.

MS. WITTUM: -- if we choose to make this arrangement --

MS. TURMAN: Okay.

MS. WITTUM: -- and go to a LaserGrade mandatory requirement, or we are going to use it for the purpose that it was intended.

MS. TURMAN: Okay.
MS. WITTUM: Now, the -- let me explain how state procurement handles the contracts. PCS, the contract with PCS is not going to involve any exchange of money.

MS. TURMAN: Okay.

MS. WITTUM: The candidate pays PCS directly, the board does not pay PCS anything. So the preparation of that contract is a much simpler process --

MS. TURMAN: All right.

MS. WITTUM: -- than anything else. So the $65 that they are going to pay to PCS will need to remain as is. The -- the forty-seven five currently has a contract with NIC for us to pay NIC for --

MS. TURMAN: Okay.

MS. WITTUM: -- the exam materials. And right now it's not differentiated between the written or the practical.

I've talked with Debra Norton and they, NIC, is supportive to making a move to basically a paperless system. That's why they have partnered with LaserGrade in other states. So Debra said that they would be willing to cancel their contract or us work with -- work out a cancellation of their contract in order to secure a contract with LaserGrade and thereby use these funds for that purpose.

MS. TURMAN: Okay. Thanks, Kathy.
MS. WITTUM: That's the reason why we are suggesting to supplement, not only because the money is here allocated anyway for that purpose, but also because it was my understanding from the previous meetings that there has been a concern about the substantial increase --

MS. TURMAN: Right.

MS. WITTUM: -- for the candidates to come and examine now.

MS. TURMAN: Okay.

MS. WITTUM: The $65 plus our 30, or if we go with LaserGrade, the 50 is going to be a big jump from the 30 that they experienced in the past.

So, and then in the future, if we like the idea of supplementing the cost for them, then we could make some provisions in our future budgets to be able to pay more --

MS. TURMAN: Okay.

MS. WITTUM: -- more of that fee than just either the 20 or the 30, whatever we want to go with.

MS. TURMAN: Thank you, Kathy.

MS. DAILEY: Just a couple of things to consider.

We work with PCS already, and there will be no duplication of effort in terms of making the board making those candidates eligible and transferring that
information. PCS is going to pass that over to us, so there is no additional step that Kathy and her board will have to go through in order to deem those theory candidates as eligible.

The second thing is, the candidates can retest as quickly as 48 hours after they fail, so they don't have to wait for that exam date. If they fail today they can call and reschedule for a retest on Wednesday, if they are so inclined to do so. So the waiting period is less. So once they pass those exams, you're getting qualified cosmetologists and manicurists out in the working field much faster than you would be if you were waiting for a paper and pencil scenario of testing. I'm not sure how often you test, whether it's once a month or whatever, but it gives them the ability to retest and get out into the work force faster.

MS. GORDON: You said you had how much money allocated for testing?

MS. WITTUM: 47,500.

MS. GORDON: And if we don't use that money, we will have to turn the money back?

MS. WITTUM: (Nodding head up and down.)

MS. GORDON: Well, could -- is there any way that we can use it for testing sites, like we're going to use one here? It's pertaining to using it for testing,
right, the money?

MS. WITTUM: No. It's for the purchasing of the testing materials.

MS. DAILEY: And the computer equipment that you would need to buy would be a capital expense, so I don't think they would let that fly.

MS. WITTUM: Yeah.

MS. GORDON: That's what I was trying to do.

MS. DAILEY: Now, we are happy to get as many locations in the state of Arkansas that you feel you need to provide reasonable coverage for your candidates. We have a number already and as I said, you know, the eastern portion can cross over and test in Memphis. We have two locations in Memphis, so they can cross the borders and what not. We have worked with states previously to add locations.

Now, we don't have one currently in Little Rock, but I would be happen to get one if the board decides that they wouldn't want to have a facility here, that they want to free up their staff to deal with renewals and things at hand. If you prefer to have everything at a LaserGrade location, I would be happy to recruit one in Little Rock and have a location that's convenient for the candidates.

We've worked with a number of states in doing
this. Alabama was the most recent to convert their paper and pencil to a computer-based testing environment, and it's been very successful for them.

MS. WITTUM: And it's also important to note that the state encourages us to move our processes as much to a paperless system as possible, just for the savings that it will cost -- or that it will utilize to us in the future.

MS. POWELL: Ms. Burchett?

MS. BURCHETT: I have a few questions.

So what happens if we run out of money before the end of the year and we still have students to test?

MS. WITTUM: Well, that's why I would error on the side of caution in picking how much the board would want to supplement for them, to make sure that we are going to be within the range for -- based on our 2006 stats.

MS. BURCHETT: You said we had 1,400 --

MS. WITTUM: Uh-huh.

MS. BURCHETT: -- examine last year, approximately?

MS. WITTUM: I believe so.

MS. BURCHETT: And we could -- at $20 each, we could examine approximately 2,300.
MS. WITTUM: Approximately 2,300. Uh-huh.

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MS. BURCHETT: With the increase in price, I don't see the -- I don't see us really having the drastic jump in the amount of candidates.

MS. POWELL: Not that many.

MS. BURCHETT: I think it's going to -- I think it's going to go down, if it goes any direction. But, you know, we would have to think about that. And then, you know, is this going to be something that happens every year and, you know --

MS. WITTUM: The -- paying the $30 would allow us to pay approximately 1,500. It's 1,583, to be exact.

Last year we had just shy of 1,400 that came in to examine. There has been an increase -- there has been a small increase each year, it looks like, over the number of candidates who have actually come.

Now, there is a -- there is definitely a difference between what we schedule and the number that actually comes and examines. We actually scheduled over 1,400 last year.

MS. POWELL: Can you have -- do you have the figures on which one of those -- how many of that 1,400 was retakes and first time takers?

MS. WITTUM: We -- no, I don't have the breakdown.
These stats combine everything, so I don't have the breakdown. All I can tell you is that the -- the fail rate was 35 percent last year across the board, with all of the different type exams considered in there. So that 1,400 of who was scheduled and the 13-some-odd that actually appeared, that's a mixture of ones who came for the first time and those that came to retake.

MS. POWELL: So, realistically, to think that we were going to caution or error on the side of caution, knowing that we have 1,400 last year, we could either consider that $30 --

MS. WITTUM: Uh-huh.

MS. POWELL: -- for the 1,500, knowing that we've got a 30 percent, those that failed --

MS. WITTUM: Right.

MS. POWELL: -- or retake.

MS. WITTUM: Right.

MS. POWELL: So the --

MS. WITTUM: And to answer your question directly. Scottie, if we -- if we came to April or March -- March or April of next year and we saw that our funds were being depleted faster than what we thought or we had more candidates, then we could go back to the legislators and let them know this is a change that we
made, this is why we are low on our funds, this is what we're wanting to use it for, and ask them to give us enough money to carry us through the fiscal year, and

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at the -- at the beginning of next year we'll be working -- probably will be working just to tweak our '09 fiscal year budget. And if this is a process that you want to continue, we could always pitch it to them, even to increase that forty-seven five to whatever we want it to be.

MS. BURCHETT: So at the end of the fiscal year, if we don't use the forty-seven five, whatever we don't use we lose?

MS. WITTUM: Well, it's not necessarily losing. I mean it is unspent appropriation. That money stays in our fund balance so we -- it's not throwing it down the toilet by not using it. But what -- what it does do is, at least it's my understanding, that the legislators will look to see what is being spent and what is not being spent. If we have a consistent run of unspent appropriation, then they will start wondering why are you appropriating it in the first place.

MS. BURCHETT: Right. Right.

So it would be best, to try to spend close to all
of it, look at the $30.

MS. WITTUM: Uh-huh.

MS. BURCHETT: And then if we need to change that, it will just be on a yearly basis and will have to be indicated in our rules, I would think, as to how this process happens year to year --

MS. WITTUM: Uh-huh.

MS. BURCHETT: -- that the amount is -- could change?

MS. WITTUM: Right.

MS. BURCHETT: All right.

MS. WITTUM: Whatever structure we wanted to set up on a permanent basis, especially if we see over this next year that it works well to have a LaserGrade mandatory requirement, then, you know, the board could really do any -- anything that it wanted as far as assisting the candidates. Even if you wanted to have a system that would reward the candidates who meet certain qualifications, if they finish within their contractive period, if they, you know, maintain a certain grade level or, you know, attend a certain portion of their -- their program. I mean you can -- you can use it more as a reward system to those candidates who take on the responsibility seriously to
acquire their education in cosmetology.

MS. BURCHETT: Right.

My first thoughts were to leave it at 30 because the students are used to paying that, but they also are not used to paying, you know, the larger amount for

any -- I mean that's all they are used to paying, so, you know --

MS. WITTUM: Well, if the board supplements the 30, then the candidate is actually going to be paying $85. They will pay the 65 to PCS, they pay 20 to LaserGrade, and then LaserGrade will bill us the number of candidates each month who come in and examine, and we would pay them that 30-dollar co-pay for each one of them.

MS. BURCHETT: And then each retest, each person that comes to retest would pay the same fee?

MS. DAILEY: Yes, ma'am.

MS. BURCHETT: Is that correct?

MS. DAILEY: Uh-huh.

MS. WITTUM: The only difference would be for someone who has to take just the law exam. Correct?

MS. DAILEY: Yes, ma'am. Uh-huh.

MS. WITTUM: That's a lower fee than the 50?

MS. DAILEY: Yes. We will create -- there is two
things that will happen, is that the national exams
will incorporate the Arkansas law portion if they need
to take the full exam. If they need to just take that
law portion, they are a reciprocity candidate who needs
to just take that law portion, we'll have a separate
exam, it will just be the law portion. That's a little
lower. I think it's $25.

MS. WITTUM: And that's also something that
teachers need to be aware of. As you know, the law
changes require all people who are coming in through
reciprocity to take the law exam. So it would be my
suggestion that the decision to supplement the testing
not apply to the reciprocity, because they are not
going to be out the money that the other students -- or
at least not the ones that are only going to have to
take the law exam.

Now it's your choice, if you want to include the
reciprocities for the people who have to take both the
practical and the written.

MS. DAILEY: And, again, those scenarios of the
reciprocity can include people coming in to Arkansas
who just need to take that law portion, they can take
that law portion before they actually move to the state
of Arkansas. Once the board deems them eligible to do
so, they can take it from their home state prior to moving here so that when they get here they are ready to kind of hit the ground running.

MS. BURCHETT: I feel like they need to be responsible for that coming in, that we shouldn't do anything for them.

MS. WITTUM: Are you saying just for the ones who have to take the law or for all of them?

MS. BURCHETT: For reciprocity, someone coming in.

MS. WITTUM: Okay. Okay.

MS. TURMAN: I just think this is a win-win situation for -- especially for the candidate. I mean because they can take it at their leisure. And after all, that's what we should be about.

What I was saying about the $50, you know, I agree, if -- you know, because if that's allocated for that fund, that's what we should put it for and just pay the 30. But that student -- I mean that candidate is not going to be tied up for days, they can take it at their leisure. And if they should not pass it they can -- they don't have to drive anywhere, they can simply take it again. And I just think this is a win-win situation for the candidate.

MS. WITTUM: Okay.
MS. POWELL: So, Kathy, you're saying that the total cost for a student if we implement the $30 and utilize the forty-seven five that's appropriated, the total cost to a student for a first time tester would be $85?

MS. WITTUM: Uh-huh.

MS. POWELL: And that is in itself a reward system, I believe, that you were speaking about.

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MS. WITTUM: (Nodding head up and down.)

MS. POWELL: What about the consideration for a retester on the written, what will the cost be on them? Would it still be --

MS. WITTUM: Well, they wouldn't have to take the -- they wouldn't have to pay $65 to PCS for the practical, so they would just pay the 50 or they would pay the 20 and then the board would pay the 30.

MS. POWELL: Twenty. So we could opt to consider not paying the 30 for a retest or paying the 30 for the retest, being that $50 is the bottom line for retest on the written, the second time takers or whatever.

MS. WITTUM: Uh-huh.

Well, and if you -- if you go that route, then the -- the stats that I've used here and the figures that I have here are all including written and
practical. So, you know, it may be possible to pay
more, if you're just going to do the ones who have to
take the practical or written together the first
time --

    MS. POWELL: First time takers.

    MS. WITTUM: -- or first time takers. The -- we
could probably get away with paying the -- maybe even
40 of that cost.

    MS. POWELL: Well, in trying to utilize the reward

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board office, our locations are all contracted out, so they are not our staff, they are subcontractors. So if the location is here in the board office, then someone in the board office needs to be proctoring those exams, they need to be checking in those candidates, monitoring them while they are testing, all of the things that would occur in one of our locations. So if you choose to set up a computer-based testing environment here, it's -- essentially someone provided by the board would be doing that. If we were to find a location on our own in Little Rock, then we would of course be handling all of that, because we subcontract with colleges, universities, those types of facilities, private entities to do the testing.

MS. WITTUM: If we were to bring the site here or develop a site here, we would have to utilize one of the instructor rooms back in the exam facility. The -- I think we can get three computers into one of those rooms and then Genie, who is the exam proctor now, would be responsible for checking in those candidates when they come in to take the LaserGrade and staying in the room with them to proctor the exam.

MS. BURCHETT: It would be just one day a month?

MS. WITTUM: No. We probably would be able to do
it more frequently. At least on a weekly basis, maybe two, two or three days a week for a set number of hours. It would have to be a very structured set up so that Genie would be able to get her other work done because she's going to have to be down there to do the proctoring.

MS. DAILEY: And we could still, it would just as -- it would be as though the board office was acting as a LaserGrade location, see. So we could still be taking the payments from the candidates, we would still schedule them and take that, we would actually schedule them at the board office which, whoever is in charge of proctor would be able to monitor that schedule and they would check it every day to be able to see if there are candidates scheduled for the next day. We require 24 hours notice for candidates to schedule a testing appointment for that reason, so that everyone is kind of aware of what's on their schedule for the following day. Conversely we also require 24 hours notice if they are going to cancel or reschedule that appointment.

Like PCS, if a candidate fails to show up for that exam, they are considered a no show and they forfeit their testing fee and they need to pay that to
reschedule. So as PCS we're trying to make the candidates understand we need to take this, you know, seriously. And unless there is, as Kathy mentioned earlier with PCS, unless there is a legitimate reason for not, you know, being able to be there, a medical emergency and the like, of course, we work with the candidate, but by far and large, if they just don't show up, then they forfeit their testing fee.

MS. WITTUM: And that's another thing that the board needs to also consider, that for the people that we have expended some money for for them to come in and take the test, if they just fail to show up, then the board, in my opinion, does not need to pay that money again for that person. If it's an approved absence or LaserGrade or PCS is not going to require them to pay another fee, and I believe those times are rare --

MS. DAILEY: Uh-huh.

MS. WITTUM: -- then -- then we, we should not spend our money on -- on those candidates.

MS. DAILEY: And if there is any question as to whether that should be waived, we generally contact -- we would contact Kathy and explain that, you know, Jane Smith called and this was the issue and this is why she didn't make their testing appointment, and our stance
is this, but ultimately it would be the board's
decision as to whether to allow that candidate to test.
If there is any question from the candidate we would
leave it to the board's decision.

MS. POWELL: Well, and too, we were talking
about -- Scottie was mentioning how many times we could
examine here in a month. You know, we're -- we're at
the ground breaking inventing the wheel kind of thing
here. And just like the appropriation of the
forty-seven five, the board can always opt to ask the
director to ask for more money appropriated in future
years, when the budgets are being created and we could
appropriate -- you know, we could make provisions for

additional office staff person if this -- if the exam
site was to take off and be a big eventful thing here
at this location, say more so than in another. There
is also an opportunity that we could ask for more
staffing to help facilitate that exam, if it was to
take off, my god, you know, once -- you know, every day
or, you know, more than once a week.

Yes?

MS. BURCHETT: Would the cosmetology exam be the
only one allowed to be given on these computers, or do
you -- does your company --
MS. DAILEY: We deliver --
MS. BURCHETT: -- LaserGrade everyone, whoever --
MS. DAILEY: We deliver about -- exams for 85 clients, but the only thing we would schedule here in
the board office would be the cosmetology exams.
MS. WITTUM: Not just cosmetology --
MS. DAILEY: The NIC titles.
MS. WITTUM: Yeah. Right.
MS. DAILEY: The aesthetician, your manicurist, cosmetologist --
MS. BURCHETT: Right.
MS. WITTUM: Correct.
MS. DAILEY: Those would be the only ones scheduled in the board office.

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MS. BURCHETT: Okay. So Genie now tests anywhere from two to four days a month. Correct?
MS. WITTUM: Four to five days a month.
MS. BURCHETT: So four to five days a month now. And we could get -- we could set our schedule and say these are the only days that we were going to have the --
MS. DAILEY: Yes. And in fact I stressed to Kathy that we kind of need to set a structured schedule. You need to select, you know, be it Monday, Tuesday,
Thursday, whatever the days are, pick your days and set your hours. You know, it's a two-hour exam appointment, the exams are 90 minutes long, so our system works on a full hour, so there are two-hour increments, so how ever many you would like to fit in in making the assumption that each exam takes two hours, you need to set your schedule and that would be what it is. We would show on our scheduling system in our call center that these are the days and times available for the board office, and that's the only thing that is available.

And it's -- you -- it's not as though you're kind of ringing the bell and you can't unring it. You could -- you could try the process, and if you find that it's not working to do here or you're finding that you're getting too many candidates and you're pulling your examiner away from other things that you need to get done, you know, Kathy can certainly call me and say, you know what, Suzanne, this either isn't working for us or we need another location in Little Rock so that the board is available on these days and there is another location somewhere else to help take the overflow, it's too much for the board office. So there is always that option. You're not -- you're not set in
stone. We can work with you on that.

    MS. BURCHETT: And we could just totally give it
back to you altogether?

    MS. DAILEY: Absolutely. You could say, you know
what, we don't want to do it. We want out of the
testing business. We want to outsource it all and find
another location for it, and we'll be able to do that.

    MS. TURMAN: Kathy, how do you feel about this?
Would you like -- I mean, you're going to be doing
this. What do you --

    MS. WITTUM: I'm very supportive of it. I would
love to see it happen.

    MS. TURMAN: I'm talking about the site here or
off site?

    MS. WITTUM: Well, I think it would be helpful to
have a site here.

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I know that there is probably a debate over how
many candidates like to take both the practical and the
written on the same day versus the ones who might would
want to divide them up and concentrate on just one or
the other. But if -- I think it would be good for the
board to have the facilities here to accommodate the
ones who would like to take both in the same day.

    If we're going to be doing practicals from eight
to seven or eight o'clock at night, there will be
plenty of opportunity for the ones who want to take the
written on the same day to go in and hit a computer
while they are here.

So I -- I -- I think it's a great idea.

MS. TURMAN:  Okay. Thank you. Okay.

MS. BURCHETT:  It would keep them from -- oh, I -- let me get back to my first thought.

What about a special needs person that comes in with documentation that they -- you know, like right now they can bring it in and have the test read to them.

MS. DAILEY:  Okay. How are you going to work that with PCS for practicals? Are you approving ADA accommodations?

MS. WITTUM:  Yes.

MS. DAILEY:  Okay. So Kathy's office would continue to do that. They would send us the information saying we've approved this candidate for a reader and double time, whatever the -- the accommodation is; and then we would make arrangements for a reader to read to that candidate at the location of their choice.

Now we do have -- the state of Ohio chooses that
all ADA candidates must test at the board office. That's their requirement. Other states would allow them to test anywhere, we would make arrangements for the reader and adjust the candidate's time, if that's an approved accommodation as well.

So we can work either way. You can mandate that they test here in the board office and have someone here read for them, and we would work with the office to schedule those candidates. When a reader is involved, of course, we have to close all the other testing stations, unless the facility has a private exam room, so --

MS. BURCHETT: Could they -- if you had three, could they all be tested at the same time?

You're reading the same thing?

MS. DAILEY: No. And the reason being is that in the CBT environment there is more than one form. So if you're taking the cosmetology exam, you would have

three candidates sitting next to each other, all three will have different forms.

It may be the same context, it may be a lot of overlap, but it's not exactly question for question the same exam.

MS. BURCHETT: And that's --
MS. DAILEY: And you don't want it that way.

MS. BURCHETT: Right.

MS. DAILEY: It has to be randomized.

MS. BURCHETT: So you have a computer but they are still answering on the form?

MS. DAILEY: No. They are answering on the screen.

The form refers to the questions that are --

MS. BURCHETT: Format?

MS. DAILEY: Right.

MS. BURCHETT: Okay.

MS. DAILEY: So, you know, each computer would have the same number of questions but the content itself would vary from station to station.

Our system randomizes that assignment so that you don't have two people testing and getting the same form, and it is weighted so that all of the questions in the NIC item bank are distributed evenly throughout the testing process.

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And if a candidate tests on a computer-based form today and fails and reschedules for Wednesday, they are provided a completely different exam on Wednesday. The system will not allow them to see the same one that they have seen before, so the computer automatically
generates that.

MS. POWELL: LaJoy?

MS. GORDON: On the sites that you're talking about setting up in the state of Arkansas, would there be a mild difference rating them between each site? You know we have one in Little Rock, one in El Dorado, or what would be the difference?

MS. DAILEY: Well, as I said, right now we have locations in Arkansas, we do state testing in Arkansas already. So we have locations in Harrison, Jonesboro, Fayetteville, Fort Smith, Bentonville, so we have a number of locations. And we place -- we try to place them -- if we're recruiting new sites to fulfill an obligation, like testing with the Board of Cosmetology, we're going to try and place those sites, recruit sites in areas where there is population. I mean you don't want it, you know, somewhere where everybody is going to travel 60 miles and all of 20 people live there. You want it where it's kind of centralized to a large geographic population.

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So what I would do in this case is I would talk with Kathy. We would look at the map of what we have currently. We would look at, you know, large geographic populations within the state of Arkansas and
we would come up with okay, we need one here and we
need one here, and recruit those locations. And it may
be that as we go, Kathy may get, you know, a bunch of
phone calls from one area saying it's too far, so Kathy
may call me and say, hey, do you think you can find one
in this area. And we continually work with boards to
make sure that we have coverage. I mean, our
reasonable expectation is no more than 60 miles, but
quite frankly most of our states, very few candidates
have to travel anything more than that.

So, I mean, the idea is to make it more convenient
for the candidate. You don't want them -- right now
they are all driving to Little Rock. So if they are,
you know -- and I'm not real good with my Arkansas
geography yet. But, you know, if they are driving from
the northwest corner of Arkansas all the way down here,
that's not terribly convenient for them. Nor if they
are over on the Memphis border, they can cross over the
border and test in Memphis or test in Missouri. So it
gives them -- it just gives them a lot more
availability. But I do think that we have some, right

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now I think we have some geographic holes in Arkansas
that I would -- you know, if the board decides to go
this route, I think the first phone call when I leave
here would be to my recruiting person saying, okay, get on it, this is what we need. So that's what we would do.

And most of our locations are available five days a week, and some have weekend hours to accommodate candidates who are working throughout the week.

MS. BURCHETT: Are the tests the same, basically, as the paper tests they are giving now?

MS. DAILEY: Uh-huh.

MS. BURCHETT: And does it come from the same test bank?

MS. DAILEY: Yes. Yes.

SMT validates. What happens is the candidate goes into our testing facility. They are required to present a government issued, not expired, valid ID bearing their photo and signature. That's our standard verbiage on that.

Once they're checked into the facility and their signatures are checked and they check on the screen and everything matches, they are seated at the work station. There is a tutorial that is provided to the candidates at the being of their exam that shows them how to move through the exam, how to answer, how to tag a question, they can mark a question and go back to it,
so if they are not sure about the answer, they can always go back to it at any point through the exam. That same tutorial is provided free of charge on our website, the candidate can go to any time they like and familiarized themself with the computer process. And quite frankly, if you can click a mouse on a button, that's all you need to do to move through this exam. It's really quite that simple.

They will take -- they can work through the tutorial, and they can go back through it as many times as they need to before actually starting their exam. The clock starts when they start their exam. They go through their exam. Like I say, they can review the questions. There is a review screen available so that at any time -- where they can see how many are answered, how many are unanswered, how many are tagged. In the lower right-hand corner of the screen it will tell them what question they are of the total number of questions, how much time is remaining, all of that information is right in front of them so they don't have to go, so where am I on all of this (indicating).

When they are done with their exam they are asked actually, I believe, three times if they want to quit,

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clicking on when they do that. Then when that's done, it's printed out an unofficial score report. It tells them whether they passed or failed. A failed score report will provide them diagnostic profile in addition with the candidate information bulletin, so each section will be laid out to tell them how they did. It will tell them how many questions they missed in that section. So they missed, you know, 12 out of 20 or whatever. It will give them a very good picture of what they will have weaknesses on.

The unofficial score report is provided to them. The same day those results are transmitted back to our central office in Vancouver, Washington, and we transmit them to Shorter Measurement Technologies, which is NIC's test development and psychometric partner. They validate the scores. An official score file is sent to the board office within 72 hours.

Now, once the candidate takes that exam and gets that failing score report today, they can go -- they don't have to wait for those official scores to be transmitted back to the board. If they have that failing score report, they can call tomorrow and reschedule for a retest if they feel that they are ready to do so.

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MS. BURCHETT: They will receive a printed report --

MS. DAILEY: Yes, ma'am.

MS. BURCHETT: -- of their -- the areas that they were low in and everything?

MS. DAILEY: On a failing score report, yes.

MS. BURCHETT: If they pass the --

MS. DAILEY: If they pass it, they just get passed.

There are some candidates who say, well, I want to know how I did, and, you know, see they pass.

MS. BURCHETT: That's not an option?

MS. DAILEY: It's -- you know, it's not an option, that we don't do it with any state in NIC. NIC just says passing score report. If it's something that you wanted to have incorporated on a passing score report, the diagnostic profile of how they did, then we would need to talk to the national exam committee for NIC to bring that to them. Because the exam reports or the passing and failing reports are linked to the NIC exam. It is the same report for every state.

MS. POWELL: Well, it's basically the same thing we're currently receiving?

MS. DAILEY: Uh-huh.

MS. POWELL: As paper?
MS. DAILEY: I think on the paper and pencil you get a graph? Do you get a graph of the areas of weaknesses?

MS. WITTUM: It's not a graph, it's a --

MS. POWELL: It's a grid --

MS. WITTUM: -- grid that shows the tasks.

MS. DAILEY: Yeah. This would just list the content areas and then so many questions and so many questions is listed at the bottom.

MS. BURCHETT: So do they --

MS. WITTUM: We get that currently, and that's what we send -- that's what we use to send to the candidates to let them know, if they failed, what -- out of this list of sections, this is how many questions were possible, this is how many you missed -- or you got correct, I think is the way it --

MS. DAILEY: Uh-huh.

MS. BURCHETT: That's an issue for another time. Because I think -- do you also receive the breakdown for those who pass, which would help the schools to know what areas that we're weak in.

So, anyway, I'll put that on the -- on my note for later.

MS. DAILEY: And one of the ways that you can do that is perhaps talk to Shorter Measurement and maybe
it's the score report, there could be a supplement to
the score report to kind of show it. I mean, if you're
concerned on a school level rather than on an
individual candidate level --

MS. BURCHETT: Right.

MS. DAILEY: -- Shorter might be able to help you
with that.

MS. BURCHETT: And I've received it maybe twice.
But it's very helpful, very helpful.
One more question, I think. How long is the --
how long do they have to take the exam?

MS. DAILEY: Once they are eligible?

MS. BURCHETT: No. You said they have a time
limit, they are timed?

MS. DAILEY: Oh, it's 90 minutes. Each -- each
NIC exam total is 90 minutes.

MS. BURCHETT: Okay. Thank you.

MS. WITTUM: Are there any other questions?

MS. GORDON: Will you explain it one more time to
me the cost?

You say it will be --

MS. WITTUM: Well, since -- do you want total
cost, including practical and written, or just written?

MS. GORDON: Yes. The total cost for a student.
If we do the $30, you said --
Ms. Wittum: If we do the 30, then the candidate will pay a total of $85. 65 will go to PCS for the practical, and then 20 of that would be sent to LaserGrade to cover 20 of the 30 with their cost, and then we would pay the other difference.

Ms. Powell: Eighty-five dollars is what she is saying. Yes?

Ms. Dailey: I'm sorry. There is one more thing I failed to mention. And, Kathy, something you and I talked about last week was the exam totals are available in four languages. It's available in English, Spanish, Vietnamese, and Korean. So, if the board chose, it's up to you as to whether you deliver an English only, English and Spanish, however many languages you want that are available we can make available to the candidates of Arkansas, so that is a board decision.

Ms. Wittum: Well, if you recall, from the law revisions, we removed the restriction for the exam to be given only in English, so that would allow the ones who want to choose one of the other languages to do so.

Ms. Powell: Does anybody have any other questions?

Ms. Wittum: Well, if -- if you all don't have any other questions, then we just need to get some
decisions. The first one is, do you want to do a LaserGrade mandatory requirement here?

    MS. GORDON: I know we have a period in here for public comment, but at this time maybe someone here may have a comment on what their feelings in particular about us going to that type of testing, would this be appropriate for us to have them comment at this time? Someone from the audience maybe?

    MS. GEE: It's up to the board. If you want to.

    MS. WITTUM: It's if you want to or not.

    MS. GORDON: I would like to hear some of the comments from some of the other school owners or some of the other people in the audience on how they feel about this.

    MS. LEE: I have a question about the money, if it's okay.

    The forty-seven five, is that yearly in what's -- if you're going to supplement the money for the students' exam, what's the chance of that forty-seven five not being there in 2007 or 2008? Is that something that comes up yearly?

    MS. WITTUM: Yes.

    MS. LEE: That they are going to have -- you're going to be able to do that?
MS. LEE: And will we be able to know in writing so that we can present that to the student that it's a guarantee that they will have it supplemented?

MS. WITTUM: Well, it's just a part of the appropriation, so --

MS. LEE: Right. Well, will we be able to give that to the student in some way from the board office?

MS. WITTUM: I'm sure, once we make the decision if this is what we want to go to, then we'll have some correspondence that will go out --

MS. LEE: Right. I appreciate it.

MS. WITTUM: -- that we will give to the students.

MS. POWELL: Yes?

MS. SHARON JACKSON: Once you vote on it, when will this be implemented?

MS. WITTUM: Everything will be simultaneous to outsourcing, and we expect that to occur in September.

MS. STRAWN: My name is Chris Strawn, and I think LaserGrade is great and I've often asked why we couldn't go ahead and do that.

I have a problem with the board supplementing, because I think we're kind of -- you know, do other boards supplement testing for their candidates? And I
think you're -- to me that's almost opening a can of worms and I think it's -- that would -- that concerns me. But I think LaserGrade is fine.

But I'm also concerned about some of those people that -- and it may not be this way in anybody else's industry, but I know there is some folks that are very intimidated by the computer, and that would -- I think that might hurt, you know, intimidate some students. I would hope that they wouldn't -- that they would come -- I mean, you know, we have computers at every school, but making it mandatory at this point when it's not even mandatory at -- I don't think the -- I don't know, that just scares me for some of my students. A few, very few.

MS. WITTUM: Do you have a response to that?

MS. DAILEY: I understand your point, and the states have expressed that before. And I think I have a demo here on my laptop and I'm happy to kind of -- I mean, I'll set it up out in the hallway and if anybody wants to come see it, I can show it to you. It's really as simple as it can get. With the growing number of people coming into the field being younger and having gone through the world dealing with computers, literally if you can click forward and
backward on the computer or use an arrow key, that's pretty much all it takes. So I -- and the tutorial is available. And what I talked to Kathy about is when you're doing the school overview is that either I would be there or the representatives with NIC are very familiar with how it works. But we would share with the schools the links for that, we can have a demo available. So candidates when they are going through the school, before they are made eligible to test can go and practice on that exam and familiarize themselves with it. They can do it, it's free of charge, they can do it as often as they need to to get comfortable. And that format on our system has never changed. So it's not as though we're constantly changing the way the system works and, oh, well, that's great now and in a year from now it's going to look completely different. It's the way it's always looked.

So I'm happy to sit outside and show how this works, I'm pretty sure I have it with me and I can show you. But I would encourage everybody to go on the website and familiarize themself with it. But I understand your concern.

MS. TURMAN: Madam President, may I make a motion now?
MS. POWELL: Yes.

MS. TURMAN: Can I make a motion now?

MS. POWELL: Sure.

MS. TURMAN: Okay. I make a motion that we adopt

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the LaserGrade for our theory class, or whatever it is.

MS. POWELL: Okay.

MS. PICKERING: I second that.

MS. POWELL: I have a motion and a second to adopt

the mandatory LaserGrade written examination. Is there

any discussion?

MS. COLLINS-BURRELL: As stated or are we going

to take up the financial issue?

MS. WITTUM: Those are other questions.

MS. POWELL: Those are other questions.

Okay. No further discussions being heard, all

those in favor, raise your right hand.

(Hands raised.)

Please hold your hands up so I can count them.

Okay. Four yes. All those opposed, raise your

right hand.

No.

Motion -- abstentions?

(Hands raised.)

Motion carries.
MS. WITTUM: Okay. So do you want to establish our exam facility as a LaserGrade site, if it can be arranged?

MS. TURMAN: I make a motion that we have a site here.

MS. PICKERING: I second that.

MS. POWELL: I have a motion and a second to incorporate the LaserGrade site here at the 101 East Capitol. Is there any discussion?

All those in favor, raise your right hand.

(Hands raised.)

Three.

Those opposed?

(Hands raised.)

One.

Any abstentions?

(Hands raised.)

One abstention. Motion carries

MS. WITTUM: Okay. Do you want to pay a portion of the cost to offset the candidates' cost?

MS. PICKERING: I would like to make a motion that we pay at least $30 of the students' money.

MS. TURMAN: I second.

MS. POWELL: I have a motion and a second to cover
a $30 portion of the LaserGrade fee.

MS. BURCHETT: Madam President, I move to amend
the motion to -- just to put more detail. By --
MS. POWELL: I believe the person carrying the
motion would need to make an amendment on that motion.
Would you care to amend your motion?

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Did you want to retract it? Did you --
Go ahead and make your comment.

MS. BURCHETT: I'm -- I'm not asking it to be
retracted. I just think if we're going to make a
motion, it needs -- that was great, you said exactly
what you wanted to say.

MS. PICKERING: Uh-huh.

MS. BURCHETT: However, I think there needs to be
more detail, and I can just read what I have. And
the -- and then if you guys don't want to change it to
add all of this information, then just don't second it
and it will go away.

It's one of my fears about this situation, most
people don't understand how to do it, and I don't -- I
only know enough to be dangerous. But still --

I would move to amend your motion to say that the
board pay $30 per candidate for the '07-'08 fiscal year
for candidates applying to take the written LaserGrade
exam, and the candidate would be responsible for paying $20 to the testing company, and this would be revisited according to the budget for each fiscal year.

MS. PICKERING: I'll agree to it, the amendment.

Uh-huh. I won't have to --

MS. POWELL: Did that include first time takers?

MS. PICKERING: First. Yeah, first time.

MS. POWELL: Does that include first time? Is that for first time takers?

MS. BURCHETT: Per candidate for those -- for -- I could add the words for first time candidates.

MS. PICKERING: Yes. I think that would be good.

MS. POWELL: Okay. Does everyone understand the motion?

Do you want to repeat the motion?

MS. BURCHETT: That I would move to amend her motion to read, move that the board pay $30 per candidate for the '07-'08 fiscal year, for candidates, first time candidates applying to take the LaserGrade exam. The candidate would be responsible for paying $20 to the testing company. This fee would be -- would be revisited, there may be a better word, prior to each -- to the budget being planned for each fiscal year.
MS. POWELL: Annual budget report, possibly.

MS. BURCHETT: Okay.

MS. TURMAN: Okay. Madam President, can we do this like one at a -- one thing at a time? Because we have to go over -- I don't want to pay for them to take it a second time if they fail. So there is several issues on this, this --

MS. POWELL: She said first time takers.

MS. BURCHETT: Uh-huh.

MS. TURMAN: Did you?

MS. BURCHETT: First time candidates.

MS. TURMAN: Okay. But is there anything to address that they -- I think we need to stipulate that they pay for the second time.

MS. POWELL: Well, I'm sure there will be further discussion on the second time takers, or -- I know we've got to deal with the reciprocity issues as well.

MS. TURMAN: Okay. Just as long as we do that.

MS. POWELL: Okay. I have a motion that's still been read and do I still have a second?

MS. TURMAN: I'll second it.

MS. POWELL: Okay. A motion and a second. Is there any further discussion?

All those in favor, raise your right hand.
(Hands raised.)

Three.

All those opposed?

(Hands raised.)

Is that a three -- that's a four.

MS. BURCHETT: Yeah. I made the motion, I'm going to vote for it.

MS. POWELL: All right. It's a four. And those opposed?

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(Hands raised.)

One.

MS. GORDON: I'm abstaining.

MS. POWELL: One abstention. Motion carries.

MS. WITTUM: And do we want to apply this to reciprocity candidates?

MS. TURMAN: I make a motion that they have to pay for the reciprocity, anybody coming in just taking the law, themselves.

MS. WITTUM: Do you want only the people who are having to take the law exam or all of the people who are coming in --

MS. TURMAN: All of the --

MS. WITTUM: -- through reciprocity?

MS. TURMAN: All of the people who are coming in
for reciprocity.

MS. POWELL: So the -- do I have a second?

MS. PICKERING: Second.

MS. POWELL: I have a motion and a second that the reciprocity people are not supported out of the forty-seven five or any board funds. Is that clear?

BOARD MEMBERS: Uh-huh.

MS. POWELL: Okay. All those -- is there any further discussion?

All those in favor, raise your right hand.

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(Hands raised.)

Any --

MS. GORDON: I'm sorry. I was distracted.

MS. POWELL: Okay. I have a motion. All those in favor, raise your right hand.

(Hands raised.)

All those opposed?

That's five.

Any abstentions?

MS. GORDON: I guess I'm abstaining because I was distracted and didn't hear the motion.

MS. POWELL: Oh, okay.

MS. GORDON: I'm sorry.

MS. POWELL: The motion was that reciprocity would
not -- they would support themselves. It's not part of
this financial appropriation.

MS. GORDON: That they pay for it themselves?
MS. POWELL: Yes.
MS. GORDON: Okay. We don't have to pay even
their $30?
Okay. All right. Have you got that?
MS. WITTUM: That's it.
MS. POWELL: Okay. Thank you.
MS. GEE: Do you want to do something specific for

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the nonfirst time takers? There seemed to be some
concern about that.

MS. POWELL: Does the board want to consider what
avenue they would want to appropriate for those that
are retakers. If this is not going to be appropriated
for the -- if there is appropriated for just the first
timers, and basically it's covering what the director
was talking about, it's a reward is what it is from the
state. So how would you feel on the second or third or
fourth or whatever time it takes them?

MS. TURMAN: Madam President, I make a motion that
we do not pay any kind of fund for somebody who has to
retake the test.
MS. GORDON: Second.

MS. POWELL: I have a motion and a second that second time takers not be funded any of these appropriations by the board. All those in -- is there any discussion?

All those in favor, raise your right hand.

(Hands raised.)

it's unanimous.

MS. BURCHETT: I just need to ask if she rescinded her motion or if she just allowed me to amend it. Because if I just amended it, then we didn't -- we didn't vote on her original motion as amended. We voted on my -- on the amendment.

MS. PICKERING: I thought I did.

MS. POWELL: She amended it. You amended it and she approved it.

MS. BURCHETT: But if I amended it -- she made a motion and it was seconded, then I amended it and I made a motion to amend it. But the motion to amend it passed but --

MS. PICKERING: Okay. Well, I was thinking --

MS. BURCHETT: -- but we never -- so that changed the wording of her motion, so we never actually voted on the main motion.
MS. GORDON: I thought she just -- she just added what you said to her motion. I thought she had --

MS. POWELL: You verbalized a motion twice.

MS. PICKERING: You verbalized it, I just wanted to make sure.

MS. POWELL: You read it twice.

MS. BURCHETT: All right. Just wanted to make sure.

MS. POWELL: All right. Good.

MS. WITTUM: I think we're done with this issue. Thank you very much, Suzanne, for coming.

MS. PICKERING: Thank you.

MS. DAILEY: My pleasure.

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MS. POWELL: Okay. We're going to take a 15 minute break.

(WHEREUPON, a break was held from 10:15 a.m. to 10:35 a.m.)

MS. POWELL: The meeting will come to order.

Director Wittum?

MS. WITTUM: With the board's permission, if we could skip down and do the new school, Andrea and Paul Wilson are here for that. And I think that's probably the only thing you're hanging around for.

MS. WILSON: Yeah. But it's interesting still,
so --

MS. WITTUM: If you want to come up here to the front.

MS. WILSON: Okay.

MS. WITTUM: Andrea is here to talk about a new school that she and her husband are putting in on JFK in North Little Rock, The Salon Professional Academy. And Brenda has gone and taken care of the initial inspection so she can attest to the accommodations there. We do have the formal notice from Ms. Wilson, and then we'll be in touch with her or she will be in touch with us regularly as the school is being completed.

Would you like to say anything to the board about the accommodations?

MS. WILSON: I don't know that I need to. We have a little over 7,500 square feet. We'll have three classrooms, 36 stations, an aesthetics room, and I have the floor plan all laid out.

So there is one part that Brenda brought to my attention.

MS. WITTUM: Okay.

MS. COLLINS-BURROUGH: What programs are you going to offer?
MS. WILSON: At first it's going to be just full-time cosmetology, and then we're going to offer nails and aesthetics in night classes in the spring 2008.

MS. POWELL: Do you have your 25 students?

MS. WILSON: Not yet.

MS. WITTUM: Brenda, did you want to --

MS. MORGAN: Yes. I was out there last week at the school. She's got a big place, a lot of area to cover there, a good location. We only ran into one situation that I talked to Andy about, and it was where that -- it was in our rules and regs book, it's under Rule No. 6 about the no walls to obstruct the view of the instructor. Previously our laws had said that the office, so this is -- I discussed it with her and I told her I would have an answer for her today. And as far as the board is concerned there is a private office for the instructor, but she will make accommodations on the floor, on the clinic floor, so that the instructor will not be out of the view of any of the, you know, the clinic floor, so I think that's -- I just wanted the board to know that.

So I think everything else is in order that she's --
MS. COLLINS-BURROUGH: How are you going to do that?

MS. WILSON: Well, the actual -- the actual office for the instructors are in the back of the building, the classrooms run along one side and then there is offices on the other side, and you can't see the clinic floor from those offices, but the entire clinic floor is open. So if I need to put a desk out there for the instructors on the clinic floor, that's perfectly fine.

MS. COLLINS-BURROUGH: Are you the only instructor?

MS. WILSON: No. I am not an instructor.

MS. COLLINS-BURROUGH: Okay. So you have --

MS. WILSON: I have two instructors to start with.

MS. COLLINS-BURROUGH: Full-time? Part-time?

MS. WILSON: Full-time.

MS. MORGAN: But the way the clinic floor is set up out there, there are no walls to obstruct that view from the instructor if she is on the clinic floor. There are no walls there to stop that.

MS. WITTUM: Are there any other questions for Ms. Wilson?

MS. TURMAN: How are you going to integrate your nail tech?
Are you saying you're going to have nail tech as -- in 2008?

MS. WILSON:  Uh-huh.

MS. TURMAN:  Is that correct?

MS. WILSON:  Yes.

MS. TURMAN:  How are you going to do your hours for nail tech, as for your --

MS. WILSON:  Nights is what we plan to do right now. Nail tech hours will be at night.

MS. TURMAN:  Okay.

MS. WITTUM:  Any other questions?

MS. POWELL:  Did you say when the projected opening date was?

MS. WILSON:  September 4th.

MS. POWELL:  And did you project -- let's see. This is July, August. So you project by September 4th you will have your 25 students?

MS. WILSON:  Uh-huh.

MS. POWELL:  Okay. Ms. Burchett?

MS. BURCHETT:  That was going to be my question. At what point does she have to have the 25 students in place?

MS. WITTUM:  Well, according to 6.5, I believe --

MS. BURCHETT:  Four.
MS. WITTUM: -- four it is, and six-point -- well, 6.5 for the new schools, there is a series of information that they are required to submit in different stages, or they can do it all at one time. This right now, she's -- she's here to give just the notice to the board for the board to give their approval for the school and then as they complete the facility, then she will be in touch with the office to give us all the rest of the information that she will need. One of the last things will be the student permits and the documentation of the 25 students. At that point -- and the, also the registration fee. And at that point we'll be able to issue her a license.

MS. BURCHETT: Thank you.

MS. WITTUM: Does anybody else have any questions?

MS. GEE: So you're doing a -- the final approval of the board pending the last few things they need to submit?

MS. WITTUM: Yes. Yes.

MS. GEE: Okay.

MS. POWELL: So would there need to be a motion -- there wouldn't need to be a motion necessary for this?

MS. GEE: Well, I think there would be, because I think what we are doing here is that once the board
approves it, then the only thing lacking will be those
last few things, and then you will have the license
issued without any further action by the board.

MS. POWELL: So this is a preapproval.

MS. GEE: Well, as far as you all are concerned
this is the last time you'll see Ms. Wilson before her
school opens, so if you have any questions of her or of
the school, now is the time to ask them.

MS. TURMAN: Okay. What I was referring to, in
your cosmetology -- cosmetology curriculum, you have to
have a hundred hours of manicuring. You have to have
someone, a staff, that can provide that hundred hours
before 2008 when you -- and this is just -- this is
just, you're going to do the manicuring, you're going
to offer a course in manicuring as far as in 2008, but
you're going to have somebody do the hundred --

MS. POWELL: Pat, I think --

MS. WITTUM: Her instructors will be able to take
care of that.

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MS. POWELL: That's part of the cosmetology.

MS. TURMAN: What's that I mean. But then she
said --

MS. POWELL: She's talking about the nail tech
course.
MS. TURMAN: Okay, you guys. I am so sorry.
I'm going to get that out of my head.

MS. GORDON: Okay. Now, what we're doing now is kind of preapproving her to go --

MS. POWELL: No, you're approving.

MS. GORDON: Approving her to go ahead and open the school. So once we give her that approval or whatever today, then we won't have to do anything else until we hear from your office?

MS. WITTUM: You won't have to do anything.

MS. GEE: You won't have to do anything else.

MS. POWELL: She will just have to present the rest of the package to the director, or to the office.

MS. GEE: So just so we know, what pieces are missing? The 25 students.

MS. WITTUM: And the registration fee.

MS. GEE: The registration fee for those students?

MS. WITTUM: No. For the school.

MS. GORDON: For the school.

MS. WITTUM: Right. Ms. Wilson will provide to us

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the 25 bona fide students and their student permit fees, enrollment papers and everything, plus a registration fee of $500. In addition to that, we are waiting on a certified financial statement, the
instructors' information, the correspondence from the planning and zoning board, and the school supervisor information, and that is it.

Once all of that comes in, after this approval is given today, the staff will process the registration fee, the student permit fees, and a license will be issued to the school.

MS. GEE: Okay. And Brenda has inspected it and the facilities are -- meet all the requirements?

MS. MORGAN: Yes.

It's still in the construction stage. You have to understand that there are no inside walls up on the building. We just walked through the whole thing and I did see it.

MS. WITTUM: Brenda will make another run out there as soon as Ms. Wilson says they are ready to open the doors.

MS. GEE: For the final inspection?

MS. WITTUM: Yes. Yes.

MS. GEE: Okay.

MS. PICKERING: Is it appropriate to make a motion now?

MS. WITTUM: Uh-huh.

MS. PICKERING: I would like to make a motion that
we allow Ms. Wilson and her husband to continue with -- to open their salon -- The Salon Professional Academy in North Little Rock.

MS. TURMAN: I second.

MS. POWELL: Okay. I have a motion and a second for the approval of The Salon Professional Academy in North Little Rock.

Is there any discussion?

All those in favor, raise your right hand.

(Hands raised.)

MS. POWELL: It's unanimous. Motion carries.

MS. WITTUM: Thank you, Ms. Wilson.

MS. WILSON: Thank you.

MS. GEE: You're supposed to ask questions.

That's your job.

MS. COLLINS-BURROUGH: That's how you learn.

MS. GEE: That's right.

MS. POWELL: So do I turn that over to you?

MS. GEE: No.

MS. POWELL: Okay. At this time I'll turn the next comment over to Erika Gee.

MS. GEE: Okay. The first matter that we have to take up is the -- in the matter of Enoch Miller,
with an Order and Notice of Hearing, Mr. Miller was set for a hearing here today. And he has signed a consent agreement, which is essentially a settlement of the charges brought against him. And we're here -- I don't -- I don't know if you all have done this before. But what we're looking at is we're going to present this to you. He has already agreed to it, and if it's accepted by the board, then this will be a resolution of the charges against him and against his school. And if it is not accepted by the board, then he will be set for a hearing at the next meeting.

So just to summarize for you, the charges against him -- and it's not him as a practitioner, I should point that out, it's against the school, Enoch School of Beauty. And he was charged with failure to maintain regular school hours, with requiring students to attend more than eight hours a day, with failing to maintain a call-in instructor, failing to maintain the men's restroom in working order, and failing to provide at least five hours per week in theoretical instruction.

And Mr. Miller has agreed to surrender the license for the school and discontinue -- close the school within seven days of the board's approval of this consent agreement.
So at this stage, we don't want to go into any more detail about the charges or the evidence against him because this is not a hearing. If you all decide not to accept the consent agreement, then we will have a hearing and we will bring all of those out. But you are aware of what the charges are and what the proposed settlement is, so we just need a vote on whether or not to accept it. And if you have any questions, I will be glad to answer them.

MS. POWELL: Do I have a motion?

MS. PICKERING: I would like to make a motion that we accept this consent agreement of Mr. Miller's consent.

MS. POWELL: I have a motion and a second to accept the consent agreement.

Is there any discussion?

Ms. Burchett?

MS. BURCHETT: If he relinquishes his license, can he come back at another time and get them back again?

MS. GEE: Well, what we put in there as far as that concern, and he agreed to this, is that if in the future he applies to open a new cosmetology school, he agrees that the board can consider these allegations and charges against this school and the fact that he
voluntarily surrendered his license. So that will be something that the board could -- could take into consideration when you're deciding whether to issue a new school license.

MS. BURCHETT: Thank you.

MS. POWELL: Is there any further discussion?

All those in favor, raise your right hand.

(Hands raised.)

All those opposed?

(Hands raised.)

One -- one opposition. Motion carries.

MS. GEE: Thank you.

Next we have -- I'll turn it over to our hearing officer for the hearings that are set for today.

HEARING OFFICER JONES: Good morning. My name is Kendra Akin Jones. I'm the Hearing Officer for the Cosmetology Board, on July 16, 2007.

Before us today, I have three hearings. At this time we'll make a call for any present. The first one is 07-341, Rachel Hourston, d/b/a Ultimate Styles by Rachel. Is there anyone present?

07-341. There is no one present for Ms. Hourston.

The recommended penalty amount is $58 on 07-341.

MS. GEE: Can we do evidence -- can we go one by one?

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HEARING OFFICER JONES: Yes.

MS. GEE: Okay.

HEARING OFFICER JONES: At this time we'll hear evidence from Ms. Gee on this hearing.

MS. GEE: Okay. I would like to call Amber McCuien, please.

WHEREUPON,

AMBER McCUIEN,

having been called for examination, and having been first duly sworn by the undersigned notary public, was examined and testified, as follows:

DIRECT EXAMINATION

BY MS. GEE:

Q  Could you state your name, please?

A  My name is Amber McCuien.

Q  Okay. And can you tell us your occupation?

A  I am the Administrative Assistant II for the State Board of Cosmetology.

Q  Okay. And are you familiar with the business records as maintained by the Board of Cosmetology?

A  Yes, ma'am. I am.

Q  Okay. In the matter of Rachel Hourston, can you -- can you testify as to whether Ms. Hourston was sent and received the Order and Notice of Hearing for today?

A  Ms. Hourston received the initial hearing order which was

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sent out in April for the May hearing. And at that time she
requested a continuance and it was granted.

And sometime June 3rd, I believe, I sent out the certified
reminder of the hearing today. It was returned to me unclaimed,
however.

Q    Okay. Did you send the notice of today's hearing by regular
mail also?

A    Yes, ma'am. I did.

Q    And was that returned?

A    No, ma'am.

Q    Okay. And that was sent to the address on record with the
board?

A    Yes, ma'am.

MS. GEE: Okay. Thank you very much.

THE WITNESS: You're welcome.

MS. GEE: You might want to stay for the rest of
them.

I would like to call Brenda, please.

WHEREUPON,

BRENDA MORGAN,

having been called for examination, and having been first duly
sworn by the undersigned notary public, was examined and
testified, as follows:

DIRECT EXAMINATION

BY MS. GEE:
Q  Would you state your name for the record, please?
A  Brenda Morgan.
Q  Okay. And can you tell us your occupation?
A  I'm an inspector for the State Board of Cosmetology.
Q  Okay. Have you had occasion to visit the establishment
where Rachel Hourston works?
A  Yes, ma'am. I have.
Q  That was a bizarre question.
A  And when you visited that establishment, did you find any
violations of the cosmetology rules?
Q  I don't have a copy of that before me, so -- I'll get it.
A  Could somebody give me one of theirs?

HEARING OFFICER JONES:  Yes. You can have mine.

THE WITNESS:  I was there on February the 6th of
2007. Rachel -- Ms. Rachel's -- it says, was at salon
today, but she was not at the salon that day. That was
a mistake on my behalf there.

She did not have her '07 license posted.

BY MS. GEE:
Q  Her practitioner license?
A  Salon and practitioner were both '06s.
Q  Okay. So on your visit on February 6 of '07, both --
A  Excuse me. Salon's -- it says just salon. Because it looks
like that she had the practitioner, looks like it is -- uh-huh,
the practitioner looks like it's -- oh, it says '06. I'm sorry.
1 Yeah. I did not -- I have not seen this previously since
2 February, so --
3 Q That's fine. Take your time.
4 A Both were '06 license that were posted.
5 THE WITNESS: Thank you, Amber.
6 And this was '07. Excuse me.
7 BY MS. GEE:
8 Q Okay. So both the establishment and the practitioner
9 license --
10 A Both were not current.
11 Q -- were expired?
12 MS. GEE: Okay. Thank you very much.
14 MS. GEE: I would like to call Kathy Wittum,
15 please.
16 HEARING OFFICER JONES: Wait just a second,
17 Ms. Gee.
18 Does anybody --
19 MS. GEE: Oh, I'm sorry.
20 HEARING OFFICER JONES: -- have any questions they
21 would like to ask Ms. Brenda while she's up here?
23 MS. GEE: Okay. I would like to rescind my
24 previous plan and go ahead and recall Amber. I
25 apologize.
WHEREUPON,

AMBER McCUIEN,

having been recalled for examination, and having been first duly sworn by the undersigned notary public, was examined and testified, as follows:

DIRECT EXAMINATION

BY MS. GEE:

Q Ms. McCuien, can you tell us, based on your familiarity with the board's records, whether Ms. Hourston has renewed either her establishment or practitioner's license as of this time?

A My -- to my knowledge, no, she has not.

MS. WITTUM: She has renewed the practitioner but not the salon.

THE WITNESS: My apologies. Apparently she's renewed the practitioner and not the salon license.

BY MS. GEE:

Q Okay. So the status of the board's records, her practitioner license is current but the establishment license is not current. Is that correct?

A That's correct.

MS. GEE: Okay. I have nothing further.

HEARING OFFICER JONES: After hearing this evidence, the board can make a motion to go ahead and accept the evidence as presented and assign the
suggested amount, if you would like to do so.

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1  MS. PICKERING:  I would like to make a motion that
2  we go ahead and accept the fine to Ms. Rachel --
3  MS. GEE:  Hourston, I think.
4  MS. PICKERING:  -- Hourston.
5  HEARING OFFICER JONES:  We have a motion by
6  Ms. Pickering.  Is there a second?
7  MS. CAVER-BLADE:  I'll second.
8  HEARING OFFICER JONES:  There is a second for the
9  motion.  All those in favor of accepting the motion by
10  Ms. Pickering to accept the fine as recommended, please
11  raise your hand.
12  (Hands raised.)
13  MS. COLLINS-BURROUGH:  No discussion?
14  HEARING OFFICER JONES:  If you would like to have
15  a discussion, yes, we can have a discussion.
16  MS. COLLINS-BURROUGH:  The $58, is that for both
17  or each or --
18  HEARING OFFICER JONES:  Ms. Gee?
19  MS. GEE:  I'm sorry?
20  HEARING OFFICER JONES:  Would you please restate
21  your question?
22  MS. COLLINS-BURROUGH:  The 58-dollar fine that you
23  have listed here, is that per license or --
MS. WITTUM: That's just for the salon.

MS. POWELL: She already has -- she's already

renewed her practitioner license, so the establishment
is not --

MS. WITTUM: And her practitioner license was
renewed prior to the inspection, it just had not
reached her --

MS. COLLINS-BURROUGH: Hadn't gotten there yet?

MS. WITTUM: Yes.

MS. GORDON: Is she still working in that salon?

MS. MORGAN: I do not know.

HEARING OFFICER JONES: Is there any further
discussion?

At this time we'll take a vote on the motion
that's on the floor by Ms. Pickering to accept the
recommended amount of $58. All those in favor, please
raise your hand.

(Hands raised.)

The vote is unanimous at this time. Let the
record reflect the decision of the board and reduce it
to writing, and make service or attempted service upon
all parties, and notify the respondent that if they
care to appeal the decision, appeal may be taken under
the Administrative Procedures Act, 25-15-201, or any
such board specific provision as provided by law.

If there are no other questions or comments this hearing is concluded and the record of this hearing is closed.

Moving on, we will now go to Hearing No. 07-378. 07-378.  Is the respondent present?

There is no respondent present at this time.

Ms. Gee, would you like to present evidence for the hearing of Russell Watkins, 07-378?

MS. GEE: Yes. Thank you.

I would like to call Amber McCuien, please.

Would you state --

HEARING OFFICER JONES: We will, just to clarify, we'll go ahead and swear you all in again, even though you all testified in the first one.

(WHEREUPON, the witnesses were sworn.)

HEARING OFFICER JONES: Ms. Gee.

MS. GEE: Thank you.

I would like to call Amber, please.

WHEREUPON,

AMBER McCUIEN,

having been called for examination, and having been first duly sworn by the undersigned notary public, was examined and testified, as follows:
Q    Could you state your name and occupation for the record, please?

A    Amber McCuien, Administrative Assistant II for the State Board of Cosmetology.

Q    Okay. And are you familiar with the business records as maintained by the Board of Cosmetology?

A    Yes, ma'am.

Q    Okay. Do you have any knowledge of whether Russell Watkins, d/b/a Celebrity Styles Beauty and Barber was served with an Order and Notice of Hearing for today?

A    Yes, ma'am. He was.

Q    Okay. Can you tell us how that service was made?

A    Via certified mail. It was signed and the return receipt was delivered back to the office, and it is on file.

Q    Thank you.

Q    Do you have any knowledge of the current status of Mr. Watkins' establishment license with the board?

A    The establishment license is current. Mr. Watkins did pay his previous penalty that was issued to him in 2006 and renewed the license as well, so right now the salon has a 2007 current license.

Q    Okay. And you're referring to a penalty that was assessed
against him for an expired -- one of his employees had an expired license in 2006. Is that correct?

A    Yes, ma'am. That's correct.

Q    Okay. And he has paid that penalty?

A    Yes, ma'am.

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Q    Okay. And so his license is current, but there was a period of time in which he was allowing people to work with an expired license?

A    Yes, ma'am. That's correct.

MS. GEE: Thank you very much.

THE WITNESS: You're welcome.

MS. GEE: I would like to call Brenda, please.

MS. MORGAN: Yes.

WHEREUPON,

BRENDA MORGAN,

having been called for examination, and having been first duly sworn by the undersigned notary public, was examined and testified, as follows:

DIRECT EXAMINATION

BY MS. GEE:

Q    Can you state your name and occupation, please?

A    Brenda Morgan. I'm an inspector for the Arkansas State Board of Cosmetology.

Q    Thank you.
And did you have occasion to visit Celebrity Styles Beauty and Barber?

A  Yes, ma'am. I did.

Q  Okay. And at that visit did you find any violations?

A  Celebrity Styles did not have a current license for '07.

Q  Okay. And just to clarify, Celebrity Styles has a

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1  cosmetology establishment?

A  And barbering, yes. They do both.

Q  And a barber establishment?

A  Uh-huh.

Q  Okay. And were there any cosmetologists working at that salon? Not necessarily when you were there, but in general?

A  There are two license. Yeah, there are two.

MS. GEE: Okay. I have no further questions for you. Thank you.

THE WITNESS: Okay.

HEARING OFFICER JONES: Call your next one.

MS. GEE: Does the board have any questions?

HEARING OFFICER JONES: Does the board have any questions for Ms. Brenda or Amber, either one?

If there are none, Ms. Gee, call your next witness.

MS. GEE: I have no further witnesses.

HEARING OFFICER JONES: Okay. At this time we
would accept a motion, the board can make a motion, if
they would like, to accept the fine as recommended,
which is $122.

MS. PICKERING: I would like to make a motion that
we -- that Russell Watkins pay the board $122, or
Celebrity Style Barber and Beauty.

HEARING OFFICER JONES: There is a motion to

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accept the fine as recommended. Is there a second to
that motion?

MS. CAVER-BLADE: I second it.

MS. POWELL: There is a motion and a second.

Any discussion?

MS. COLLINS-BURROUGH: What's the 122 contain?

MS. WITTUM: It is based on $117 for the '07
license not being posted or current between February 1
and May 3rd of 2007. It is derived from a 25-dollar
base rate and one dollar a day per day, plus a
five-dollar fee for the license not being posted.

MS. GEE: And I would just like to say, the board
has for quite some time, I believe, had a schedule of
recommended fines for various violations. You -- you
can feel free to deviate from that. I mean whatever
you all feel is appropriate for a particular violation,
there is no reason that you have to follow the
schedule, if you feel like either more --

MS. COLLINS-BURROUGH: This is a base?

MS. GEE: Well, no. It doesn't even have -- the
base is zero. I mean, it's up to you, it's in your
discretion to set the fine that you believe to be
appropriate.

The way that the hearing order is set out is what
the practice has been, the recommended fine for a

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particular violation. But just whatever you feel would
be the best way to go.

HEARING OFFICER JONES: Okay. Do we have any
other discussion on the motion that's currently on the
floor, which is to accept the recommended amount of
$122?

If there is no further discussion, we will take a
vote on this motion. All of those in favor, please
raise your hand.

(Hands raised.)

Okay. The motion carries and it's unanimous.

Please let the record reflect the decision of the board
and that it is unanimous, and reduce it to writing and
attempt service upon all parties. If the respondent
cares to take an appeal, please be sure that that
appeal process is noted and that appeal is available
under the Administrative Procedures Act, 25-15-201, or any such board specific provision.

If there are no other comments or questions on this hearing, the record of the hearing will be closed.

Thank you.

And to the last one. The other hearing on the agenda for today is 07-423, Lakeysha Lawson. 07-423, Lakeysha Lawson.

Please note for the record the respondent is not present.

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Ms. Gee, would you like to present evidence for the state at this time?

MS. GEE: Yes.

Are we going to swear in the witnesses again?

HEARING OFFICER JONES: Yes. The witnesses for this hearing, please raise your right hand so you can be sworn in by the court reporter.

(WHEREUPON, the witnesses were sworn.)

MS. GEE: Okay. I would like to call Amber, please.

WHEREUPON,

AMBER McCUIEN, having been called for examination, and having been first duly sworn by the undersigned notary public, was examined and
testified, as follows:

DIRECT EXAMINATION

BY MS. GEE:

Q    Please state your name and occupation, please.
A    Amber McCuien, Administrative Assistant II for the State
     Board of Cosmetology.

Q    And are you familiar with the records maintained by the
     State Board of Cosmetology?
A    Yes, ma'am.

Q    Okay.  Can you testify as to whether Lakeysha Lawson was
     given notice of the -- excuse me -- the Order and Notice of
     Hearing of the hearing today?
A    Yes, ma'am.  She was.

Q    Okay.  And how was she served?
A    Via certified mail.

Q    Okay.  And was -- did she sign for that?
A    Yes, ma'am.  It was signed and the return receipt was
     delivered to the office and it is on file.

Q    Okay.  Thank you.

We, in the previous hearing, heard testimony about the
establishment license issued to Celebrity Styles Beauty and
Barber.  And I would like to ask you, based on your familiarity
with the board's records, was Celebrity Styles Beauty and
Barber -- did it have a current license, establishment license on
March 29, 2007?

A No, ma'am. It did not.

Q Okay. And did Lakeysha Lawson have a current license?

A Yes, ma'am. She did.

MS. GEE: Okay. Thank you.

I would like to call Brenda, please.

MS. MORGAN: Yes.

WHEREUPON,

BRENDA MORGAN,

having been called for examination, and having been first duly

sworn by the undersigned notary public, was examined and

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testified, as follows:

DIRECT EXAMINATION

BY MS. GEE:

Q Could you state your name and occupation, please?

A Brenda Morgan, inspector for the Arkansas State Board of

Cosmetology.

Q And on March 27, 2007, did you visit an establishment
called -- excuse me -- Celebrity Styles Beauty and Barber?

A Yes, ma'am. I did.

Q Okay. And at that time did Celebrity Styles Beauty and

Barber have a current establishment license?

A No. They did not.

Q Okay. And was Lakeysha Lawson working at Celebrity Styles
Beauty and Barber?
A    She was not physically working that day, but she did have --
Q    Did she have her license --
A    She had her license posted.
Q    She had her license but did not --
A    But she was not at the salon that day.
Q    Okay.  Hang on.
A    She had her license posted indicating that she worked in
Q    that establishment?
A    Yes, ma'am.
Q    Okay.  And was her license current?  Ms. Lawson's?
A    Yes.

MS. GEE:  Okay.  Thank you.
I have nothing further.

HEARING OFFICER JONES:  Does the board have any
questions of either of these two?
If there are no questions, then the recommended
amount in the Order and Notice of Hearing is $50. If
the board would like to have a discussion on the
amount, we can go off the record. If they are ready
for a motion, we can receive a motion.

MS. COLLINS-BURROUGH:  Let's do that off the
record.

HEARING OFFICER JONES:  At this time we will close
the record, except for the board's recess for deliberations. And once a decision has been made by the board, we will go back on the record for that decision.

(WHEREUPON, the Commission retired to deliberate, off the record, from 11:05 a.m. to 11:08 a.m., and returned with the following motion.)

HEARING OFFICER JONES: We'll go back on the record at this time.

Is there a motion by the board?

MS. GORDON: I make a motion that Lakeysha Lawson fine stay set at $50, and she's given a notice that she needs to come in to the board to make that payment.

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MS. PICKERING: I second that.

HEARING OFFICER JONES: We have a motion and a second to accept the fine as recommended of $50 for Lakeysha Lawson. All those in favor, please raise your hand.

(Hands raised.)

All those opposed?

(Hands raised.)

Please let the record reflect that the motion passed, it will be reduced to writing and service will be made or attempted upon all parties. Please inform
the respondent that if they care to appeal the decision
of the board, an appeal is available per the
Administrative Procedures Act 25-15-201, or any board
specific provision.

If there are no other questions or comments at
this time, the hearing is concluded and the record will
be closed.

Thank you.

That's all of them for today.

MS. GEE: Thank you.

MS. POWELL: What was that comment you said?

MS. WITTUM: Before I forget again, Suzanne Dailey
with LaserGrade said she would have her computer set up
in our conference room upstairs through lunch, if

anyone would like to go up there to see the demo. And
that's anyone who would like to go in there and take a
look at it.

(Mumblings by the board.)

MS. POWELL: Okay. Let's go.

At this time I'm going to turn the discussion over
to our legal counsel, Erika Gee.

MS. GEE: Okay. One of the -- what we're going to
talk about is Kathy and I and several other people also
have been talking about making some changes to the way
that disciplinary proceedings are brought in general
and to address some issues that -- some concerns that I
have had, some concerns that the staff has had, and
also things like you mentioned. Like that it may be
more appropriate to have people pay a bigger fine if
they don't show up, things along those lines. To try
to streamline the process a little bit, the way it's
currently done, I don't know how familiar you all are
with how it's currently done, but it takes up a lot of
staff time, and a great majority of the people who are
given notice of hearing just don't show up. And --

MS. COLLINS-BURROUGHD: Well, they don't take it
seriously.

MS. GEE: They don't take it seriously, and I
think you're absolutely right about that.

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So I think that they are -- there could be some
changes made to the way that that is done, to take up
less of the staff time, less of the board's time for
people who aren't going to come, and just generally
make it a more streamlined process, and we can also
incorporate some concerns that I think some of you have
about how -- how the penalties are determined and
things along those nature.

So we just wanted to have a little bit of a
discussion about this. I think getting down to the
nitty gritty might be more appropriate in the committee
for whoever is interested in doing that, but just to
give you an overview of how it's currently done and
then some ideas of how it might be changed. So
everybody with me? You're with me? Okay.

Well, the way that it's -- the way that it's
currently done, the Administrative Procedure Act
requires that if you're going to take an action against
somebody's license, which is what we're doing here,
then you have to have -- give them notice and a
hearing. And that's how all of these people end up,
you know, sometimes there is 40, 50 people set for a
hearing on one day, because we have to give them Notice
and Order of the Hearing.

And I think that in the context of this board,

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there might be some different ways to do that, because
the fines, generally speaking, are relatively small,
they are relatively small infraction. So I think it's
pretty obvious that a lot of the people who are set for
hearing don't think it's important enough to -- to
spend time showing up. And so one thing to consider
about that might be changing some of the fines or how
they are assessed to make it more important in some
instances maybe. I mean whatever penalties you all feel would be appropriate for particular violations. I mean, my time on the board, you know, I haven't been working with the board for a very long time, but from what I've seen, a lot of them seem to be expired licenses, seems to be a pretty common violation that is coming around. So that might be something to consider, changing the penalties that are made on that to encourage people to keep up with it a little bit better.

But as a basis prospect, when you've got -- how many people typically in a month do you have who are given citations by inspectors?

MS. WITTUM: Probably anywhere between 50 and 60, would you say, Amber?

MS. McCUIEN: Yeah. A month?

Yeah. I would say around that.

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get everybody on the staff ready, the inspectors ready, the court reporter ready, get all of that together for, you know, one or two people to show up. It just doesn't really make any sense in my mind.

So, you know, of course this is up to the board. I'm just throwing out some ideas for what you all want to do. But one thing that I've thought about and I've talked to Kathy about is setting up a system where you would have part of the board be like an intermediate committee. And how exactly we would set this up, we would have to hash out a little bit legally. But the basic idea would be that everybody who gets a citation would be funneled through the intermediate committee. And any situations that are serious, and we would have to talk about what are serious, but something that's not run of the mill type of violation would still come to the full board for a hearing. But the things that are more run of the mill, like expired licenses or things like that, could be taken care of in the intermediary committee so it would be, you know, anywhere from one to three board members would look at that and then it would save all the staff time of having to send an Order and Notice of Hearing and all of that paperwork that's involved in setting them for a
full board hearing, because that wouldn't be necessary.

So if that is something that the board is okay with
doing, with not seeing every single person who gets --
or seeing if they come, every person who gets a
violation from one of the inspectors, then I think
that's something that we ought to explore a little bit
more.

Feel free to jump in with any questions or
concerns, anybody.

MS. POWELL: Well, I would like to say, I
understand what you're saying. But in the board's
defense, prior to most recent, I would say the last
year, the board typically always did give a more
serious penalty for those people that were negligent in
appearing before the board. And they -- they
considered the base, the suggested what the base was,
but that they did -- most often exceeded that amount to
where it did address the issues, like you were talking
about. It did appear to be a more serious issue to

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them to lose that much money.

MS. GEE: Uh-huh.

MS. POWELL: And money is the motivator here.

MS. GEE: Yeah. Sure.

MS. POWELL: And, but one thing the board was
dealing with when they did do that to get the participation from the violator, they received a criticism for inconsistencies, so -- because there was not a chart to follow. So, you know, the board is going to have to deal with both sides of that coin. If they are going to continue to do as we have done, you're going to have the cheap rate or the -- the -- something that's more serious, like you were saying, but then they -- then they risk the criticism as they have in the past.

MS. GEE: Well, I think there is two ways to look at it. You can look at it that, you know, you are fined more if you don't show up, or you can look at it that you get a discount off the fine if you pay prior to the hearing, you know. And there are --

MS. POWELL: And that's basically the way it was looked at previously.

MS. TURMAN: And that would be --

MS. POWELL: As -- until just recently.

MS. TURMAN: Before we jump to something this major, we are going to have -- we have a committee that is looking at the fees, and I think we should wait before we -- I think that's a major jump. I think we should wait until what the fee committee comes up with
and look at that. And make them aware, if you don't show up, if you don't do something, there will be a penalty. But I think that's why we have this committee that we have formed to look at the fees.

MS. GEE: Well, the fees and the process are a little bit -- I mean they go together, but they are -- they are two separate processes. And I mean the basic thing that I would like to know from the board as a whole, and the reason that we're talking about this now, is whether you're okay with the general concept of having some of the disciplinary actions brought before a smaller portion of the board, and then that board member or those board members would make a recommendation to the board as a whole at the next meeting. And how this works in other boards that I've worked with, is that like say if there was one board member that was on that committee, the board member would come in and say, we looked at these 20 hearing issues, these hearing notices, and these are the recommended penalties for each one of them, and then the board would vote on whether to accept them.

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MS. GORDON: You're saying the board would kind of do what the office staff is doing now? Is looking at these complaints and determining whether or not they
should come before a hearing?

   MS. GEE: Kind of, yeah.

   MS. GORDON: Okay. So, in other words, the committee -- the board members that you're talking about could in this position, or at this point will do what the office staff has normally been doing -- where would it eliminate the paperwork, is what I'm trying to say?

   MS. GEE: Well, it's not exactly what the office staff -- I mean you would be -- the office staff doesn't, as a general rule, have the power to resolve these on their own.

   MS. GORDON: I understand.

   HEARING OFFICER JONES: Basically the committee would evaluate the Notice of Hearing and the Order and determine what -- what action the board should take. Is that what you're getting at?

   MS. GEE: Pretty much.

   HEARING OFFICER JONES: Okay.

   MS. GEE: So it would be --

   HEARING OFFICER JONES: In a short summation?

   MS. GEE: Yeah.

   MS. GORDON: Like right now when we get a complaint from the inspectors --
MS. GEE: Uh-huh.

MS. GORDON: -- and it goes in the office, then they look at it. And then the penalties are basically set, like we already have a basic scale of whatever that we kind of go by.

MS. GEE: Right.

MS. GORDON: But isn't that what they are doing now?

MS. GEE: The staff?

MS. GORDON: Yes. In bringing it to us to -- to enforce the penalty or whatever, they are kind of preparing it?

MS. GEE: Well, there is a lot of paperwork associated from the time that the staff gets the complaint until the time it comes before the board that in this scenario wouldn't have to happen.

MS. GORDON: Okay. So I'm not understanding how that's going to eliminate of some of that work?

MS. GEE: You wouldn't have to do the Order and Notice of Hearing that you get on each one of those people. The --

MS. GORDON: So the committee wouldn't get that? Just say if I'm on this group of board members that decides whether we bring this before the entire board
for a hearing or not --

MS. GEE: Right. Then you would have to do one.

MS. GORDON: -- I wouldn't get this Order?

MS. GEE: Then you would have to do that.

MS. GORDON: But I'm talking -- what I'm saying is how would that group determine whether -- what would we have? Would we have an order?

MS. WITTUM: You would sit down with the file.

MS. GEE: You would have --

MS. WITTUM: That establishment file. And we have -- we have the violation, we have the inspector who wrote the violation, we have all of that information for that committee to look at.

MS. GORDON: So it won't be on paper?

MS. WITTUM: Exactly.

MS. GORDON: It won't be?

MS. GEE: Well, you have -- you have the inspection report.

I mean there are some of these issues that we can kind of do however we need to have them done in order to make people feel comfortable with it. But the basic idea is that you would informally resolve these before it got to the point where you have to do an Order and Notice of Hearing under the Administrative Procedure
Act. Because I think that -- I think that that might be more appropriate for the sort of violations that are often happening in front of this board.

Now, saying that, it doesn't really matter what I think. I mean, if you guys don't want to do it that way, we don't have to do it that way. That's just an idea.

MS. COLLINS-BURROUGH: So what you're saying basically is they are trying to cut down our time here --

MS. GEE: Right.

MS. COLLINS-BURROUGH: -- by making another statement. I understand that.

MS. GEE: Uh-huh.

MS. COLLINS-BURROUGH: However do we have a maximum?

MS. GEE: A maximum what?

MS. COLLINS-BURROUGH: Penalty?

MS. GEE: A thousand dollars.

MS. COLLINS-BURROUGH: Okay.

MS. BURCHETT: Per?

MS. COLLINS-BURROUGH: Per offense?

MS. GEE: Yeah.

MS. COLLINS-BURROUGH: So we can go from a zero to a thousand dollars, depending on the mood of the board.
We can do that now. So what they are saying is to try to get a group together to alleviate some of the back wash, if you will, from the day of the meeting.

MS. GEE: Yes. So if the hearing came to the full board in one of these kind of meetings, it would be something that was more serious, not a run of the mill kind of violation.

MS. POWELL: Erika, do you have an idea of how often these -- this -- well, this particular branch of the board would have to meet to resolve these type of habitual offenses? Do you know?

MS. GEE: Well, Kathy and I talked about that a little bit. We were thinking like every other month. So it wouldn't necessarily take up a whole lot of time.

MS. WITTUM: And then the board meeting, the full board not meeting every other month, but once a quarter.

MS. GEE: Yeah. Well, I mean maybe. We -- that is one of the things that could possibly happen. If you didn't have to have very many hearings and board meetings, you might be able to meet as a full board less frequently, if that's something that you want to do.

HEARING OFFICER JONES: Okay. My question is, and I guess I'm just more of an observer in this, because I
want to be sure that I'm running things like you all
want with the hearings, but what -- how would it be
determined what -- what was considered a violation that
could go before this committee and violations that
would just automatically come before the board?

MS. GEE: I don't know. I mean that's what I --
the kind of thing I'm talking about would be better
resolved I think in a committee, if --

HEARING OFFICER JONES: Okay.

MS. GEE: -- if you all are interested in
exploring that possibility further.

I mean, nothing is going to happen tomorrow.

MS. COLLINS-BURROUGH: Yeah.

MS. GEE: I mean, I know Ms. Turman was concerned,
that it seemed like a big step.

MS. TURMAN: Yeah. Yeah.

MS. GEE: I'm just trying it out there as an idea.

MS. COLLINS-BURROUGH: To chew on.

MS. GEE: To chew on. To talk about, to see what
you all think. I'm gathering that some of you don't
like this idea, and that's fine. It's not going to
hurt my feelings. It's just an idea.

MS. POWELL: Well, I'm not certain that I pick up
that some don't like it. I think that it's a big
change.
MS. TURMAN: Yes, definitely.

MS. POWELL: And I think it's one that they are cautious about to try to make --

MS. GEE: Well, and I have --

MS. POWELL: -- to take a board and get a board as a whole is another big issue, to get us all together and operating as a functioning board. But then when you split it --

MS. GEE: Uh-huh.

MS. POWELL: -- we want a -- I think, in what I'm feeling from my board, is that they are concerned how this is going to be facilitated, that they can divide and come back to -- in the -- the main board meeting and concur. I mean how, the division and then to come back together again as a whole, I think is the -- where they are uncertain if they can accomplish it.

MS. GEE: Uh-huh.

MS. POWELL: I don't think the idea is necessarily bad or -- or -- I think it's a concern.

MS. GEE: Well, and that very well may be that, you know, this -- this is something that you might want to consider in the future a little more.

MS. POWELL: Right.

MS. GEE: I just wanted you all to be aware that there are other ways of organizing the hearings and the
disciplinary issues, and if you are interested in exploring those, we can explore them.

MS. POWELL: Well, I would be interested in exploring them because I think that so many times we get here, it's the same thing, and it's not having a license and not renewing the license in a timely manner. But then you get like we are today with, you know, them not showing up.

And I do know the cost. I mean you can look at your budget and see what it's costing for printing or copying and all that, plus not to mention the manpower in the office to print those notices and only -- and then to -- to distribute them to the board members so that they are privy to information and don't have to come to a board meeting just clueless of what's going on. That's a lot of work, that's a lot of paper, a lot of ink, and I would like to see something explored that way so that we could resolve those type of issues to be cost -- and it would be cost effective.

Now, how to get there, I guess we'll have to count on you to --

MS. GEE: Well, okay. I guess my first question is whether you all would like to explore the possibility of having a smaller group of the board deal
with some of these disciplinary issues. So if that's

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an idea that is not appealing or not appealing at this
time, then I need some direction on that so we can --
we can start looking at some other ideas.

MS. GORDON: I personally think a lot of people
simply take us as a joke, because there is no other way
for us to enforce, you know. They can't go to jail if
they don't pay it.

MS. GEE: Right.

MS. GORDON: You know, so that's something I think
we maybe should look into more so of how we could
enforce. Because if we take their license, they just
go underground.

MS. GEE: Well --

MS. GORDON: So, I mean, that's something I would
like to see us look at. I don't know where we would
start or how we could go about doing that, but they
laugh at us.

MS. GEE: Well, I can tell you that's an issue
that all licensing boards struggle with.

HEARING OFFICER JONES: That's not uncommon.

MS. GEE: Because really the only real good
enforcement tool that you have is the license, and if
they don't care about losing their license, there is
not a whole lot you can do, unfortunately. And that is the case across the board with licensing.

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There is -- there is not -- I mean really the only option you would have available is to institute collection actions against people for not paying the fine, which is really not -- would not be practical or cost effective with these size fines. It would cost you way more to try to enforce it than the actual fine. So usually the way that most licensing boards do it is that you have to pay whatever outstanding fine you have in order to renew your license for the next year.

MS. WITTUM: And we do that.

MS. GEE: And I'm sure you do.

So that's -- that's pretty much the best way to go, although I understand that it's not terribly effective in some cases.

MS. PICKERING: Can I ask a question about that?

MS. GEE: Sure.

MS. PICKERING: Could we think about, maybe the fee structure committee think about maybe adding one or two more on there and us, along with you, our attorney, I know you are always there and Kathy Wittum, but could we think about, instead of having a meeting every month
or whatever, could that committee do that type of work?

I mean we're going to have to do something about taking their license if they -- I mean that's the only

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thing I know of. We -- we can't go to the expense of taking them to court, small claims court and all that.
So we know, being in the -- being on the City Council in Earle, I know that that's not very productive. I mean, when you take them to small claims court you may get paid and you may not, and there is tunnels of work, paperwork. So is that an idea that the fee structure committee could explore?

I mean, we need to do this as a board, but is that -- could we maybe put a heavier penalty on them, take their license away from them after two violations or --

MS. GEE: Sure. I mean I think that would be appropriate for the fee structure committee to think about. Yeah.

MS. TURMAN: But, you know, we -- I don't think we go as -- may I -- may I please say something?

I'm sorry.

MS. POWELL: Ms. Turman, you're recognized.

MS. TURMAN: Thank you.

I don't think we really go as the mood of the
board. I think we have tried to be fair.

Every circumstances is different. You can't have a structured, so structured that we can't go out of that, that frame, to -- the fine or -- because every,

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every case is different. Most generally it's just with the license and things like this. But we do have -- we should be charging them $25 more when they don't show up.

But I really feel like we are a board, we should -- we should be a board. Once you start dividing a board up, you lose some of that -- that -- well, meeting and discussing, you lose something when you start dividing a board up.

We've all been -- been appointed as board members --


MS. TURMAN: -- and I think we should stay board members.

Because I may disagree with -- with Scottie about something, but when we come together and we discuss, that's what the board is all about.

I'm not -- I -- it isn't that I don't like changes. I just think that we can change and still maintain our board structure, our board -- how our
board is structured now. Because if you start making
little committees here -- I mean, we should have
committees. And I think that's what -- that's how we
should go with our changes, have our committees, but
we're still a board and we operate as such, as a board.

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We need to be able to -- to get some information
out with -- I don't know how we can do it without
costs. We need to look at that. But still we are a
board and -- and three or four people coming together
and saying, well, this is the way it should be, I don't
care what you're doing, you're eliminating part of that
board except when they come together to make that final
vote.

MS. POWELL: Ms. Pickering?

MS. PICKERING: Okay. I know we've got several
groups within our board. We've got the fee structure,
we've got grievance committees, we have the legislative
committee, and all of us last year that was on one of
those committees had to bring back our report to the
full committee.

MS. TURMAN: Right.

MS. PICKERING: We've already got several
committees already set up.

But we've -- last year, we did not do -- make any
decision. Say on the legislative committee, we brought all of those suggestions back to the board --

MS. TURMAN: Absolutely.

MS. PICKERING: -- for the board to vote on. So is that what you're saying, Pat?

MS. TURMAN: Yes.

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MS. PICKERING: That we need to continue to do that as a board?

MS. TURMAN: Uh-huh.

MS. PICKERING: And I know everyone is on maybe one -- I know one, maybe two committees already.

MS. TURMAN: Uh-huh.

MS. GEE: But if I could just say, I don't know if I made myself clear, but the committee, it would be the same structure. That the committee that looked at these would bring recommendations to the full board, and you can discuss them or not discuss them as much as you want to.

MS. TURMAN: Okay.

MS. GEE: I mean, I don't know if that makes any difference.

MS. TURMAN: Okay.

MS. GEE: But I just wanted to throw that out there.
MS. POWELL: Scottie?

MS. BURCHETT: I think that clarifies it, because it would just be a committee that would bring the recommendations back to the board. The committee is not going to make the decision --

MS. POWELL: Based on certain issues, exactly.

MS. BURCHETT: Exactly.

But for a few to together and be able to really research and dig and get definite things on paper, just line items to bring, and get rid of all the junk, more or less, you know, that everybody has to scramble through would make it so much, so much easier for us to act on in here. And then --

MS. TURMAN: But I think that's -- that's not the question.

I think what she said is they would make the decisions on certain ones.

MS. WITTUM: No.

MS. GEE: Not a final decision, just a recommendation.

MS. BURCHETT: Because I know, I think -- I thank you for saying this before the committee meets, because that committee is so important. Because I think a lot of these things are going to be taken care of and
streamlined if the -- if the fee schedule gets structured enough, you know. And I thank you for what we have. I'm not knocking anything that we have, but, you know, in going through the Notices of Hearing, you know, I find one person is fined five dollars for something and then I look through my fee schedule or I look through my law and there is nowhere in here that says we can fine them $5. It's 25 to 500 in the one

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I'm looking at right now, or -- let me see, 25 -- not more than -- not less than 25, not more than 500, or by imprisonment in a county jail for a period of not more than 90 days, or by both fine and imprisonment. So that's -- you know, that's in our law.

MS. GEE: What? The criminal penalties?

MS. POWELL: Yes. The criminal penalties.

MS. GEE: Most of these statutes have criminal penalties. Practically speaking --

MS. POWELL: Ours is a thousand dollars for civil penalty.

MS. GEE: -- the prosecutor's office is not going to prosecute for that.

MS. BURCHETT: I understand that. But still, you know, if we started -- if they are more structured and a committee can look at each, each specific infraction
and make sure that each one is tagged the correct amount of penalty, whatever that might be, then it's going to -- it's going to be consistent, it's always going to be that way, and then there will be penalty for not showing up. And -- and, you know, if it's -- because most of them don't care. They just pay. But if it were more it would make a difference.

MS. POWELL: Susan?

MS. COLLINS-BURROUGH: This profession doesn't get any respect anyway.

MS. BURCHETT: Exactly.

MS. COLLINS-BURROUGH: You hit them in their pocket, get their attention, then I think they might have a little more respect for the prospect for their license that they went to school for and earned.

MS. TURMAN: That's why I say wait and see what the fee committee, see what happens there.

MS. POWELL: Well, I think really -- I mean, I think it's up in the air. And I think the question, if I'm not mistaken, that Erika is asking is, do you all want her to consider avenues of -- of tweaking this? I mean not committing to anything at this time.

MS. GEE: No.

MS. POWELL: But she's trying to get you to hear
her say it needs some fixing.

MS. BURCHETT: Absolutely.

MS. POWELL: And it's not going to be resolved just in the money, because you do have a limit on that.

So maybe if she could do some research on how other boards are doing and what we could do to be cost effective. I mean we don't know how it's going to get there. That was an idea. And the -- and there is probably -- there is a lot more ways to skin a cat than one. So if you all want to leave things status quo,

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say so. If you want her to use her expertise and opportunity to research and find out what we can do to better ourselves, then let's give her the word and move on.

MS. PICKERING: I -- I agree with you, Jane. I think that she needs to research the matter, because it has to be changed for us to have progress that we need.

MS. TURMAN: I don't mind --

MS. POWELL: The changes to --

MS. TURMAN: -- if they are not making a decision, if it's like a committee, they are bringing it to us, I don't have a problem with that.

MS. PICKERING: But I'm saying our attorney would be -- she is an expert on the law, so she would be the
one to research avenues for us.

MS. COLLINS-BURROUGH: And then we can decide what we want to do then.

MS. TURMAN: I don't have a problem with that. Just as long as you're not dividing the board, I don't want that to happen.

MS. PICKERING: Right.

MS. POWELL: So thank you. So do I have -- do we need to put this to motion or just we need to tell you to get busy?

MS. GEE: No. That's okay.

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MS. POWELL: Get busy.

MS. GEE: All right. Thank you.

MS. POWELL: Thank you, Erika.

MS. COLLINS-BURROUGH: That's more work for her.

MS. WITTUM: Okay. I just wanted to update everyone. I've gotten a phone call from some people who believe that they are going to be putting a school in the Jonesboro area. I don't have any paperwork on that at this time, but I notice that that was going to be coming through at some point in the future.

Also on -- in your handouts, I gave you all a copy of some information that we received from NIC about an advanced aesthetic examination, that that's for your
information purposes. If you have anything -- we don't have an advanced aesthetics program offered here in Arkansas, but if this is something that you're interested in, I bet there is going to be some information about it at the national conference, for those who are attending. But if you have -- if anyone who is not attending, if you have specific questions about that that you would like for any of us to find out at the conference, then you can let us know.

The NIC conference is in August, next month, Rapid City, South Dakota.

I've got registrations made for -- for everyone except Jane and Pat. I believe you all were the ones who were not going to be able to go. I've made the motel reservations for six members. That's Susan, Barbara, LaJoy, Ann, Scottie, and Kathy. I hope that you all are working on your flight reservations.

I did find that it was -- I wasn't able to get a flight out that would bring me back on Monday before midnight or one o'clock Tuesday morning, so I started looking at some -- some other flight arrangements, and I'm actually going to Memphis instead of Atlanta. I think the ones, the examples that I gave you all were taking -- were routing through Atlanta, and it actually
turned out to be a little cheaper to go through Memphis.

But do you --

MS. GORDON: The return flight you're talking about?

MS. WITTUM: No. Going.

MS. GORDON: Getting there.

MS. WITTUM: Uh-huh.

MS. CAVER-BLADE: So leaving from Memphis or Little Rock?

MS. WITTUM: I'll leave from Little Rock and go to Memphis. And then it goes, I believe, to Minneapolis, but you don't change planes there, you -- it's just a stop over. And then that one goes straight into South Dakota.

MS. GORDON: So you're up and down twice?


MS. GORDON: What airline is that on?

MS. WITTUM: It was -- I believe it is Northwest. Northwest Airlines.

MS. GORDON: And you said that was the only one you could get a flight, a return flight that wasn't into midnight?
MS. WITTUM: Yes. And I am going to have to stay over Monday night.
I was going to try and come back Monday so I could be back in the office Tuesday, but I couldn't do that and attend the workshops for Monday morning, and there were some of those that I wanted to be there for.

MS. GORDON: So the conference actually ends on Monday. Right?

MS. PICKERING: Monday night.

MS. WITTUM: Monday night will be the banquet that they always have.

MS. GORDON: Okay. So we normally schedule to return on Tuesday?

MS. WITTUM: Right. Right.

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MS. PICKERING: And I found that the flights out of Memphis are cheaper than out of Little Rock.

MS. GORDON: But you can't get to Memphis from where I'm at.

MS. POWELL: Do we also need to talk about -- I know Barbara Ward is not here today, and I don't have the treasury report.

I do know that --

MS. COLLINS-BURROUGH: Can we get it tomorrow?

MS. POWELL: -- purchased -- flowers were
purchased for the board for Shaunta, and so I'm not
certain of how much is exactly left, but I do know that
next time we have -- we did not collect money today,
but the next time that we do have our meeting, we need
to be certain to put enough in there to cover what we
didn't do today and cover next time, too.

But we do need to consider the NIC gift, state
gift. And typically -- I think last year -- typically
Veda always got that gift, and it usually ran around
$50. I think last year it went up to about 75 to give
what we felt to be a decent gift.

MS. WITTUM: And for anyone who is not familiar
with the gifts, all of the states are asked to bring a
gift, and they use those basically as door prizes.
They will do drawings at the different workshops, and

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if you're present at the workshop and your name is
drawn, you get a gift.

MS. POWELL: A lot of times those gifts consist of
something specific to your state, like a gift basket,
you know, from, I don't know, I guess we could Riceland
or Tyson chicken or something --

MS. WITTUM: Or the Arkansas store.

MS. POWELL: -- I don't know; but, you know,
something relevant. And I know, you know, there is the
Arkansas store and things at the little capitol or where ever, I don't know. But do -- I need a volunteer that would like to be -- that is going, to be going, that would be responsible to pick this gift up.

MS. TURMAN: We can go out and kill a pig.

MS. POWELL: Yeah.

MS. BURCHETT: I would -- I will do it, Jane.

MS. POWELL: Ms. Burchett says that she will volunteer to be responsible for the state gift.

MS. GORDON: I have a question. I'm almost afraid to ask this question, but have we ever contacted the State Rice Commission --

MS. POWELL: Yeah. I think they have.

MS. GORDON: -- to see if they will donate a gift or a basket with rice or whatever?

MS. POWELL: I don't know.

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MS. GORDON: I'm just -- I'm scared to ask that question because you might ask me to do it.

MS. POWELL: Well, you can call them. You sure can.

MS. GORDON: I was just wondering if it had ever been done.

MS. POWELL: I don't know.

I would like to advise Board Member Burchett that
my understanding is when you come into the -- and you may check with Director Wittum or past board member Veda Traylor, they have more experience in that state gift than I do, so -- but I think you have to bring it in and check it in and get it to them and give them, you know, a specific area and --

MS. TRAYLOR: They have a gift committee.

MS. POWELL: You will have to have it flown and handle all that.

MS. TRAYLOR: Yes. They have a gift committee that takes care of all of that.

MS. POWELL: There is a committee at NIC that handles all of that, so --

MS. BURCHETT: How do I get their guidelines?

MS. POWELL: I don't know that there is specific guidelines. I think it's just coming from experience.

MS. BURCHETT: From the one that knows it?

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MS. POWELL: Yeah.

MS. BURCHETT: Like where to fly it to and whatever --

MS. POWELL: When she takes it, she will fly it in a box or whatever. Isn't that how you've typically done it, Veda?

MS. TRAYLOR: Yes.
MS. BURCHETT: You take it with you?

MS. POWELL: Yeah, you take it with you, and you don't --

MS. TRAYLOR: Yes. You hand carry it.

MS. POWELL: Yeah.

MS. TRAYLOR: You could send it to them, but I carry it to --

MS. POWELL: Well, I hate --

MS. WITTUM: You can have it sent to the hotel, if you -- if you want to.

MS. BURCHETT: See, yeah. To be shipped, they would be responsible for it, plus --

MS. TRAYLOR: Yeah. But they lose it.

MS. BURCHETT: -- there is so little that you can take on a plane now, you know.

MS. POWELL: Usually something like that.

MS. BURCHETT: Well, I know, but everything -- you can't have anything more than three bottles, three ounce bottles that can fit in one Ziploc bag, if you carry on. And if you check it, they are going to throw it.

MS. GORDON: Yeah. Ship it.

MS. POWELL: I think last year there was a little bit of confusion over the gift thing --
MS. TRAYLOR: It was lost.

MS. POWELL: -- it was lost, and so I'm just saying --

MS. TRAYLOR: We shipped it.

MS. POWELL: -- I think you need to do the research to find out what happened in the past, because I'm not sure which one, six of one, dozen --

MS. WITTUM: We can talk to Kay Kendrick. She's the chair person for that committee, so we can talk to her and find out what other states are doing.

MS. POWELL: Thank you, Scottie, for volunteering for that.

MS. BURCHETT: You're welcome, I think.

MS. POWELL: And we'll -- we're probably going to safely say we can propose 50 to $75 for that, based on what you can come up with.

MS. BURCHETT: Okay.

MS. TRAYLOR: And the rest of it comes out of your pocket.

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MS. POWELL: Right. The gift wrapping usually does.

MS. BURCHETT: I'm used to that.

MS. WITTUM: The -- just an update on the school exams. We've had 19 of the 57 schools to have a
representative here or be scheduled to come here to
observe the cosmetology practicals. Of those we've
had -- of the 19, we've had six who actually appeared,
four have canceled, three failed to appear, one
expressed no interest, and we still have five scheduled
for the July exams. That would be continuing tomorrow
and next week.

The -- let's jump down to the bottom of the first
page of the agenda, on Arkansas Code Annotated
17-26-103(b). I had gotten a phone call from an
instructor from a school who was interested in
providing services to homebound persons and was
inquiring if it would be legal or not. When Erika and
I reviewed this particular provision, it does say that
a licensed person can perform these services when they
are coming from a licensed cosmetological
establishment. So, you know, if this person is coming
from a school, we just want to make sure that -- that
the board is okay with a licensee from a particular
school to actually go and provide those type services.

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We kind of believe the intent was for it to be
someone from an establishment or a school, but just
because there is that language difference, we need to
make sure before I give this person any answers.
MS. POWELL: So basically you're talking about the staff?

MS. WITTUM: Uh-huh.

MS. POWELL: The licensed practitioner that's an instructor?

MS. WITTUM: Right.

MS. POWELL: To operate as a cosmetologist, because they are using the school facility location as their establishment --

MS. WITTUM: Right.

MS. POWELL: -- as opposed to a beauty salon. Correct?

MS. WITTUM: Right.

MS. GORDON: Did you say going into someone's home? Did I hear that?

MS. WITTUM: Yes. For incapacitated persons who are not able to leave.

And the law does allow for a licensee to go in and provide those type services, but it does say that that person is coming from a licensed cosmetological establishment.

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So do you care if it's a school or do you care if it's taking the words literally?

MS. COLLINS-BURROUGH: No.
MS. GORDON: So you're asking us if a -- if we
care if the students --


MS. PICKERING: The instructors of the students.

MS. GORDON: Oh, okay. Okay. So it's a licensed
cosmetologist?

MS. POWELL: Well, I think the fact that they are
a licensed practitioner, they shouldn't be penalized
because they chose to teach.

MS. GEE: I think it was probably an oversight.

MS. POWELL: I think the intent of it, I'm sure,
was to say an establishment.

MS. TURMAN: I think as long as they are licensed,
it should be any establishment. They should be --

MS. COLLINS-BURROUGH: Even if they are an
establishment --

MS. POWELL: Well, I would say --

MS. TURMAN: Instructors are crazy anyway.

MS. WITTUM: We might want to take a break before
we go into the computer enhancements and updates.
That's going to take a little bit of time. So if you
all want to have lunch first.

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MS. GEE: Is everybody coming back after lunch?

MS. GORDON: Huh-uh.

MS. GEE: No?

MS. GORDON: Oh, I'm just kidding.

MS. GEE: Well, I wasn't sure how much was left.

MS. WITTUM: Just the computer enhancements and then we'll be ready to move into the legislative committee.

MS. GEE: Is everybody coming back?

MS. POWELL: So we can come back at one o'clock.

Right?

MS. WITTUM: Yeah.

MS. POWELL: Meeting is adjourned until one o'clock.

(WHEREUPON, a lunch break was held from 11:52 a.m. to 1:05 p.m.)

MS. POWELL: The meeting will come to order.

At this time we have a report on the computer enhancements by the director.

MS. WITTUM: We've been working to get the -- what's necessary to make the law revisions happen. There are some computer enhancements that have to be made to accommodate our computer software, and then we also have to purchase the equipment to actually
physically put the photos on the licenses and the permits.

Once -- once we were able to kind of see which revisions were definitely going to be a part of the law revisions, I started soliciting estimates on how much it would cost to do all of that, so that we could amend, get our budget amended before the session ended so that we would have the funds to be able to do all of this. The computer enhancements, what would be necessary to actually update our software are estimated to be around 64,000. The website enhancements to keep us moving in a direction of having more information available on the website, plus have the schools still be able to report their monthly hours to the website, are going to be around 16,000. The -- the equipment, the equipment necessary to put the photos on, at the time that I was soliciting the estimates, I had talked with the Department of Finance and Administration, their driver's licensing and testing program, to find out who they use, because it would be similar to what they do with our driver's licenses and our state ID cards. Their -- they use a company called Viisage, V-I-I-S-A-G-E. That's who I talked to when I was trying to get the estimate in order to be able to
modify our budget. They were kind of costly. Their --
their estimate for getting us set up to be able to put
the photos on the licenses and the permits was 80,000.
So we -- we did go ahead and amend the budget to give
us an extra $170,000, roughly, to be able to take care
of all of this.

But after I started meeting with the people at
DIS, the Department of Information Systems who takes
care of our IT needs, and I met with the Director of
the Driver's Licensing and Testing Program to kind of
find out more about what they actually do, they
encouraged me to do some more research because they
thought that I would be able to go with a different
vendor and purchase the equipment ourselves instead of
going through this vendor, and be able to satisfy our
needs. So I did that and believe that I found a
company that is going to take care of all of our needs
and at substantially less than what was previously
amended.

IDENTACard is a company that is used by a lot of
different government agencies, as well as just some
businesses, that takes care of all of the software and
the computer needs for people who are doing just what
we're doing. And these cards here are what we're going
to be moving to. They are basically the size of a
driver's license or a state ID card and the software will actually embed the -- print a picture on this card so that there is no chance that it can be altered.

The Administrative Office of the Courts uses IDENTACard. They actually have the equipment and I went and saw it last week. And this is what they have set up. It's kind of a rubbery, and I'll pass this around so you all can see it, but it -- they picked which design they wanted. I don't know if you've ever been at their offices but this is actually a picture of their office building, and then they put the state seal on it, and then their software actually puts the picture on here when they run it all through their system.

On the back side of the card is this general information here that just is standard. Which is something that we will want to do is have standard language on the back of it so there is no changing of the licenses.

But if you want to just pass that around and take a look at it, I was only able to get one copy of it, and I'll pass this around so that you all can see it.

MS. BURCHETT: And then it will go through a laminator or something?

MS. WITTUM: Uh-huh.

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MS. BURCHETT: Okay.

MS. WITTUM: We -- our set up will be just a little bit different than what AOC uses. They use it only for their staff, so they have a smaller printer than what we would have to have. But it -- and they also have a separate laminating machine. Once they take the picture and it shoots out in that format, then they take it out of the little covering and put it in the laminating cover and then send it through their laminating machine.

Ours will have to be different just because of the volume that we're going to be talking about. Our printer will do the laminating and printing and everything at one time, instead of it being a two-step process.

This picture here kind of gives you a real good view of exactly what the equipment is going to be. The -- we will supply the computer that the software is going to go on, so we'll just use one of our computers there.

This -- it's hard to kind of see in the picture, but this is actually the camera, the digital camera there. It sits on a tripod that either can sit on a table top or it can stand on the floor, whichever we need. And then the printer, they didn't have a copy of
the printer in this brochure, but it's basically a
table top printer. It's not anything that's going to
take a huge amount of space.

And I'll send that.

MS. TURMAN: Kathy, can I ask you?

MS. WITTUM: Uh-huh.

MS. TURMAN: Are they going to be able to get
everything like aesthetician and all that on the --

MS. WITTUM: Yes.

MS. TURMAN: -- the cards?

MS. WITTUM: Yes.

MS. TURMAN: Okay.

MS. WITTUM: We'll be able to take care of --
we'll be able to take care of everything.

And I wasn't -- I don't have any -- yes, I do.

Here is the printer on this brochure that you can see
there. It's just a table top printer.

MS. GORDON: And it will say on the card what you
are, instructor or cosmo, manicurist?

MS. WITTUM: Yes. What we had -- what we talked
about previously, and you all correct me if I've got
anything confused, but it was my understanding that we
wanted to include language on these cards or the
licenses to specifically say what a cosmetologist,
aesthetician, manicurist, instructor can do.
MS. GORDON:  Right.

MS. TURMAN:  Yes.

MS. WITTUM:  So it will be -- it will be detailed to the point that anyone would be able to show that to someone. For example, I think this whole issue was brought up because of the cosmetologist who some people think can't do aesthetics work.

MS. GORDON:  Right.

MS. WITTUM:  It will clearly say that they can, that's within their scope of practice. But it will need to be, obviously, abbreviated enough to fit on the back of that card.

MS. GORDON:  And then they will have to come into the office to get the picture done and everything?

MS. WITTUM:  They either will come in -- that's why we're going to make sure that we have the digital camera, so that we can actually take their pictures here if they choose to come in. But they also will have the option of, for the people who want to mail in their renewals, they can mail in a picture that we'll be able to scan and put into the software and manipulate it onto the license before we actually send it out. Or for the people who are doing online renewals, they will be able to upload a picture, so that that can be incorporated, too, because we don't
want to lose the people who are renewing online.

So I think with all of this equipment we'll be able to pretty much cover anyone who is going to be renewing. And the best part of all is that it's at a much cheaper rate.

The IDENTACard will give us the IDENTACard System that includes the digital camera, the accessories, the software, the printer, training for the staff, a three year warranty, assortment of supplies, and they also said that they could download our current data into their computer system so that it's already in that computer system, or that software. They can do that all for $32,600. Substantially less than the 80,000 that Viisage was going to charge us.

MS. PICKERING: Did you say 32?

MS. WITTUM: $32,600.

In addition to that, the only thing that IDENTACard does not provide, other than the PC, which we already have, will be the photo scanners, and we can get photo scanners for roughly $175 per.

We are exploring the possibility to get more than one scanner, just because when renewal does hit, how ever hard it's going to be with our new two year renewal cycle, there will be more than one person
probably needing to scan photos. But I think at that price it certainly would be worthwhile to get, you
know, enough for all five of us to be able to do that.

Does anybody have any questions about any of this equipment or --

MS. TURMAN: I just know -- did we get the money?

MS. WITTUM: Yes, we did. So we're good to go.

MS. TURMAN: Okay.

MS. GORDON: So right now we're looking at IDENTACard, right, instead of the other one?

MS. WITTUM: Yes.

MS. GORDON: Didn't you show us two different --

MS. WITTUM: Well, Viisage, I didn't even ask them to come and demo theirs simply because I don't think it's cost effective to get -- spend that much money when we can go this route. This is going to give us everything that we need. And AOC is very happy, not only with the equipment that they have but also with the service that they get from IDENTACard.

So once -- so I told Karen, who is the rep I've been working with, that I was just going to present this to you guys. If there is any problems with it, then we can go to Plan B, but I really don't think that at this stage we should have any problems with saving
some money. And, in fact, that money is actually going
to help us in some other ways, too, that I will

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explain.

MS. TURMAN: I just love the way the card looks. There is no -- you cannot tamper with it. You know, it's --

MS. WITTUM: Right. Someone could try, but it would be easy to identify.

MS. TURMAN: Yeah.

MS. WITTUM: The guard at the AOC who was showing me how they use it told me that there are some people who might try and take a little thumbnail picture and try and glue it on the top of it, but you would be able to tell that it had been altered. So the inspectors when they are out, if they, you know, just run their finger across the face of the license, they will be able to tell it's been tampered.

MS. GORDON: So are you needing us to say yes?

MS. WITTUM: If -- I'm needing more for you to say no. If there is a problem, then I need to know and I'll stop the plans that I've been making so far.

MS. GORDON: I don't have a problem with it.

MS. WITTUM: The -- also the website enhancements, it looks like, are going to be roughly 190 billable
hours at $85 an hour that's going to -- that's where
the 16 -- I think it's $16,150 to be --

MS. GORDON: What?

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MS. WITTUM: Sixteen -- 190 hours at $85 an hour.
Yes, ma'am?

MS. GREEN: How are you going to be able to
determine, if they mail a picture in here, that that
picture is actually the person that is -- is actually
the person?

MS. COLLINS-BURROUGH: Claiming to be?

MS. GREEN: Yeah.

MS. WITTUM: There is no way to do that. I mean
we'll put -- we'll put whatever picture they send in
here, and then you guys will probably be able to come
across anyone who is using either a fictitious picture
or a fictitious name at some point during the
inspections. But there is -- there is no foolproof
system, so -- either what we're doing now or -- or
this.

MS. POWELL: Well, and you would also have a
backup from their driver's license. The picture that's
on the driver's license would -- would typically have
to match or look like the person.

MS. WITTUM: So for the inspectors --
MS. POWELL: That's what I'm saying.

MS. WITTUM: Now we're not going to require the driver's license.

MS. POWELL: Right. Well, we don't have anything right now in place in the office --

MS. WITTUM: Right.

MS. POWELL: -- to prove anybody's license is anyone's.

MS. GREEN: That's true.

MS. POWELL: So now you would have the driver's license and then this license.

MS. GREEN: That would be better.

MS. POWELL: You know you can always ask for both. I mean that's all they have got right now is a driver's license.

MS. GORDON: So if I have a fictitious driver's license and send in your name.

MS. CAUDLE: Sometimes we don't even have that.

MS. WITTUM: Right.

MS. TURMAN: Well, you can sit here and go if, if, if, if forever, there is no foolproof.

MS. GORDON: Well, I don't -- I think it's something we need to do, really.

MS. TURMAN: We do.
MS. WITTUM: Well, we have to now. It's in the law.

MS. GORDON: And I like the IDENTACard. You know, it's like the ones they do at school, you know, for the children.

MS. WITTUM: Uh-huh. Right.

MS. GORDON: So do we need a motion, move, say okay?

MS. WITTUM: Well, it's my understanding that -- that I present this for informational purposes, and --

MS. POWELL: I mean this has already --

MS. GORDON: So we have --

MS. POWELL: It's already a law.

MS. WITTUM: I just want you to know what directions I'm making. I have not gone to the limit of signing the dotted line yet, but that's where I'm moving to.

MS. GORDON: Well, you go right ahead.

MS. TURMAN: Sounds great.

MS. GORDON: Because, you know, you're that --

MS. POWELL: So is it the consensus of the board that the $32,000 is a whole lot better than the 80?

MS. COLLINS-BURROUGH: Yeah. That would be better.
MS. POWELL: We're headed in the right direction?

MS. GORDON: It's the decision of the board to go ahead and you're doing what is right.

MS. POWELL: Okay. Well, hearing no objection, we'll give you our blessing.

MS. WITTUM: Well, I appreciate that.

The other part that I wanted to talk to you about, just to let you know what -- again, what direction I'm taking, is on -- it still has to do with the computer enhancements. As you know, we moved into a computer system called GL Suite in October of last year. And it -- there are no proper words to describe what it has been like for the office staff or for the inspectors.

MS. POWELL: Or for the industry.

MS. WITTUM: Well, I -- I don't think the industry has had to suffer as much as the office staff and the inspectors, but it certainly has given -- because of the lack of quality that this particular computer system provides, it certainly makes the office look bad because we -- we occasionally have to send out a duplicate license just because we can't tell from the computer system if one has been generated or not. So it -- it certainly has repercussions on the full board.

The -- I've been concerned about this particular
computer system and whether or not it was going to be suitable for us for several months, but I think my mind was made up about them after I got the estimate from them on making the enhancements that we're going to have to have in our software, and the fact that they have said it's going to take at least, quote, a good two years of transitioning to make these law revisions possible. It -- most specifically getting the photos on the licenses and changing that whole renewal cycle.

I don't think -- I'm not a computer person, but I don't think it should take two years for us to make a change like that.

They did quote -- quote me an estimate of $60,900 to make the enhancements that would be necessary to change the renewal cycle, put the photos on, do the lifetime license, all of that stuff that's going to in some way impact our computer system that we have right now.

The -- for this reason, because I just don't believe that this is going to be a quality system for this office, I am looking to change our computer system to secure a programmer who will build us an access data base that will, I think, be better fitting for our needs.
And -- and one of the most significant problems that we've had with GL Suite has been dealing with the inspectors. We -- we went to the expense of buying their laptops for them to take and set them up to be able to directly enter their inspection findings as they are taking place, because GL Suite told us that they would be able to make that happen. And we did discuss the fact that there would be some areas in Arkansas that they wouldn't be able to connect to the Internet to be able to get access to our data base and the salon records, and GL Suite's response to that was that they could put a copy of our data base on each one of the laptops where the inspector wouldn't even have to worry about whether or not there is a connection, they could just work in that copy on their -- their computer, and then we would have a system here in the office where we could upload that information and get all of our records updated as we needed to. We went to the expense of buying the laptops, we bought the docking station to be able to upload, we've done all of that but GL Suite has not followed through on developing that part of the technology to make that happen, and they are not going to, basically. The last word we've gotten, I've gotten from them is that they
are not going to finish what little bit of development is necessary to actually make that happen.

So we -- I think that we have been misled by GL Suite and bordering on being lied to from them, by them, on what we can actually make happen with our inspection -- with our inspection division.

So all of that together, plus the fact that of the five of us Arkansas boards and commissions that signed on with GL Suite back, I think in 2004, no one is happy. We all -- we all have the same complaints about them, we're all having the same problems with our data bases, and I'm not the only one looking for another vendor at this point.

So we can -- I've gone ahead and talked with State Procurement about getting an access -- access data base programmer. I've talked with the company called Computer Aid, who has the state contract for that purpose. I've already talked with a programmer who would be able to provide that service. And it will be at substantially less than the 60,000 and some-odd dollars that GL Suite has quoted us.

It appears that we would be able to get a computer, an access data base built for roughly 54,000, and they -- they can probably have us up and moving in
it in about three to six months.

So, again, this is more for informational purposes, but if you have any oppositions against me taking these steps, then I need to know this now before we sign the contract with -- with them and then start pursuing notification to GL Suite of this change.

MS. TURMAN: Evidently that one computer programmer they have is extremely busy.

MS. WITTUM: They have a team of --

MS. TURMAN: I was being sarcastic.

MS. WITTUM: Are you talking about GL Suite?

MS. TURMAN: Yes. One programmer.

MS. WITTUM: They actually have a team of people, and several times have told us that we're the top priority, that's all we've been working on. But I also have been told by the other boards and commissions they have been told that same thing, and sometimes it's even been during that same time period that they were working on us. So I --

I think that GL Suite, for those of you who are not familiar with them, they are an Oregon based company who solicited to come into Arkansas and start developing licensing software for government agencies or state agencies.
MS. GORDON: So with this new one, new -- when you decide to change, which is obviously that's what we need to do is look into something else, the inspectors will still have the laptops, or will they go through a different system or will it be basically the same?

MS. WITTUM: No, the computer, the access programmer I've talked to said that he can make that happen. And --

MS. GORDON: Use the same --

MS. WITTUM: It would be the same set up, they would use their computers, get into the system automatically or by another way if they don't have the connection. But it won't be the hassle. And you're welcome to talk to any of the staff. I only have Genie and Shaunta in here as far as what we've gone through on the staff and --

MS. GORDON: Amber.


And all five of the inspectors are here, so you're welcome to ask them any questions you would like to about the frustrations. But I think across the board, and you all can speak up if I am speaking out of line, but I think across the board everyone is very frustrated with this computer system, and it doesn't
look like it's going to change any as far as what they are going to be able to do for us.

And another thing that I think it's important also to note is that GL Suite is a computer system that is designed to require only their people to work in. So, for example, something as simple as the board members -- I mean our office letterhead, that has had the board members' names on it, the copy that we had to send to GL Suite we ended up having to take off the board members' names because of the changes that were happening, because we're having to pay GL Suite every time we need to remove a name or add a name to that.

An access database would allow us to do that ourselves. Plus the programmer is right here in Arkansas, so if we had any major problems, we would be able to contact that programmer and probably get immediate assistance, instead of having to work long distance with somebody who really couldn't care less about what's happening here in Arkansas.

MS. TURMAN: I think we need to take care of that yesterday, you know what I mean. I mean it is -- that's terrible.

MS. COLLINS-BURROUGH: Is there any recourse we can take to recoup the money, the headache, the issues
that they promised and did not deliver?

MS. WITTUM: That would probably be a legal question.

MS. COLLINS-BURROUGH: Could we combined with the other boards and commissions that has had the trouble as well?

MS. WITTUM: I don't know what routes they are taking. My understanding, from what the DIS rep has told me, is that everyone is just so ready to get rid of them that they just want them to go away.

MS. COLLINS-BURROUGH: They are just ready to dump it --

MS. WITTUM: Right.

MS. COLLINS-BURROUGH: -- and not recoup anything?

MS. WITTUM: Right.

And I will tell you that GL Suite, the president of GL Suite, the person who designed the whole program is an attorney, and he -- you know, he's probably taken care of any possibility for that to happen through his contract.

Erika has a copy of the contract, she has reviewed it some, we're going to have to review it in more detail when we start preparing the notice to them to let them know that we are going to look elsewhere, go
elsewhere for our service. But I -- I think it may not be possible to recoup anything from them.

And as far as I'm concerned, I'm with the other boards, it's just better to get rid of them and not waste any more money.

This money that we have here that we were able to get for the -- this particular purpose, to update our system to account for these law revisions, I think could be better spent than being sent to GL Suite, which in my opinion is no different than walking into that restroom in there and flushing the money down the toilet. I mean there is absolutely nothing they are going to be able to do to make this computer system work for us.

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MS. POWELL: While you're talking at $60,000 --

MS. WITTUM: Right.

MS. POWELL: -- to attempt it, where you're talking 54,000 to get it --

MS. WITTUM: Right.

MS. POWELL: -- with another local agency?

MS. WITTUM: Right.

And we have already paid GL Suite somewhere in the neighborhood of 70,000 for what we do have. And it's not a quality system. At least by my standards it's
not a quality system. And it certainly has a lot of holes in it that are affecting the office, as well as the inspectors.

MS. TURMAN: Are you going to be able to get out of the contract?

MS. GORDON: Yeah.

MS. WITTUM: That's what we're moving to. And again, Erika wants to review it in a little bit more detail, but, you know, we'll have to give them notice, obviously, that we're going to be getting out of it. But we're going to have to also finish getting the contract established with the other programmer at the same time.

MS. BURCHETT: Then do we need to go back to the paper system for a while as far as hours are concerned?

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MS. WITTUM: No. I don't think we will have to.

The programmer, the access programmer that I spoke with and that I have also worked with before, because he built the Crime Victims data base over at the AG's office, he has assured me that we can identify what is most important for him to work on and he can have that going in relatively a few weeks. I know when the Crime Victims data base crashed at one time, he had the most important part of that data base working within a
week's time, so that there wasn't a lot of manual work
that had to be done.

And it's at a good timing as far as moving into
this IDENTACard. We're all -- and outsourcing with
PCS, there is going to be so many changes that are
going to be taking place that there will be -- it won't
be manual by our standards because we're not going to
be handwriting, we're going to have computer systems to
help us go through that process, but we can start
working in other ways to move us towards building that
data base that we want to ultimately have.

MS. PICKERING: Ms. Wittum, I agree that I think
all of us as board members and staff know what the
exam -- I mean the inspectors have gone through since
the GL Suite. It's still a headache for every one of
them. More time consuming, more -- more paperwork for

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them.

MS. WITTUM: Uh-huh.

MS. COLLINS-BURROUGH: Well, do they even need to
have a computer and take that and lug it with them
in -- I mean is that really, really necessary?

MS. WITTUM: Well, in order to have a paperless
system and have it automated, yes. I mean they, the
whole purpose of the laptop is for them to be able to
get into that salon's record in our data base, and
instead of handwriting an inspection report that they
would send in to the office to be manually entered,
they will enter their findings automatically -- or
electronically. That will update that person's record.
So that there is not the need for someone to sit down
and actually enter that information.

And then what GL Suite was supposed to develop
that has not been developed is that for any of them
that have violations found, there is, should be an
automatic feature that would alert Amber to the fact
that this salon has a violation, so that she can
concentrate just on the list of people who have
violations in getting the notices out and getting them
scheduled for a board meeting. So that's a feature
that we want to have that's not here yet. And it's,
again, it's not likely to happen with GL Suite.

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MS. TURMAN: So you're saying, Kathy, if they do
not -- if they do not have this computer, then they
have to write it up and then an office staff has to
write it up also, so that's --

MS. WITTUM: Right. That's the way it has been
done in the past.

MS. GORDON: So that just skips a step in the
computer, is what you're saying?

MS. POWELL: But now it's --

MS. GORDON: If you --

MS. POWELL: Order, please.

MS. BURCHETT: Now it's where they -- they can take their paper in and at a later time enter it into the computer? They don't have to take the computer in and do it on site?

MS. WITTUM: Well, it saves them time to take their computer in. And their computer, I don't know if anybody has their computer, but it's a very small computer.

MS. BURCHETT: Right.

MS. WITTUM: It's not anything cumbersome. And they -- they can actually go through the inspection report on the computer and click if there is a violation or not.

MS. BURCHETT: Yeah. I've seen it and done it with her.

But would they have the option of not carrying it in? I mean, sometimes it depends on where they are, you know.

MS. WITTUM: Uh-huh. Well, if there is --
MS. BURCHETT: And they feel more comfortable not carrying it in.

MS. WITTUM: If that connection is not available, that's the only reason why I would think they should not be using the actual computer while they are in the salon. If that connection is not there, then we did give them the ability to use a summary inspection report that's not the long one that's been used in the past that they could actually go through and fill out and leave with the people. But they at a later time have to go back in and key that in.

And the problem with constantly going back and saving that entry for a later time is that, you know, if they have done their inspections for their ten hour day, then it's going to kick them over to overtime, which is something that we don't need to -- to do on a regular basis.

I mean, the whole point of having that laptop is to go in there and simplify the process. It hasn't been simple with GL Suite, but that doesn't mean that it can't be.

MS. BURCHETT: I think we just really need to look at that for them to not -- not lock them into something that is not the better way to do it for them, you know.
And if it's -- you know, if they choose to not do it that way and then they want to -- to enter some -- I mean, you know, I'm not talking about everything, but if they choose to enter some after the fact, that that be their choice, but when their ten hours is up, it's up, but they still have a job to do. So it's something we need to look at. I hate to put a rope around their neck and drag them and say this is how you have to do it when, you know -- we just need to, I think, hear from them when it comes to that time --

MS. WITTUM: Uh-huh.

MS. BURCHETT: -- before we just say, this is how it's going to be, you know. They are the ones doing it, is what I'm saying. You know, we can say stuff real easy here, but they are the ones out there actually doing it.

MS. WITTUM: I think Sheila is wanting to comment.

MS. CAUDLE: I would like to just, my point of view is, yes, it is a small computer system. The paper input work was much easier, no doubt.

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We are responsible for this piece of equipment, which has no insurance on it. If something happens to it, we are responsible, we have to replace it, pay for it, whatever. We had to sign something to this effect.
In every beauty salon that you go into, you have water, you have perm solution, you have rain getting in and out of the car, which all last week, I left mine in the car all week and then keyed in my things.

If we're going to be held responsible for these things, I don't think that we should be so mobile with them, and that's my opinion.

MS. WITTUM: But, Sheila, I don't recall giving you anything that said you would be held responsible.

MS. CAUDLE: You had me sign a waiver.

MS. WITTUM: I didn't have you sign a waiver.

MS. CAUDLE: Yes, ma'am, you did. And I asked you did you carry insurance on them and you said, no, it would be too costly. And you said that in a meeting with us inspectors.

MS. WITTUM: Well, I'll definitely look into the insurance, but I don't believe I had you sign a waiver that said you would be held completely responsible to replace.

MS. CAUDLE: You said that we would be responsible for this equipment and we had to sign off on it, yes, ma'am, when we first got them.

MS. COLLINS-BURROUGH: Okay. Say something happens, say something happened to them, then all the
information that they were -- that was in there, where
would it be should it be lost?

MS. POWELL: In the office.

MS. COLLINS-BURROUGH: Because they send it --

MS. POWELL: That's the point.

MS. COLLINS-BURROUGH: -- when they leave a salon --

MS. POWELL: When they hit submit it goes into the office, so it's securing the information.

Am I --

MS. WITTUM: Yes.

MS. COLLINS-BURROUGH: So they don't have any backup with them, then? The inspection form?

MS. WITTUM: Right. They have their condensed form that they can handwrite if they need to, if they can't use the actual equipment.


MS. POWELL: Ms. Turman?

MS. TURMAN: If they don't fill this information in while they are there, don't you guys -- of course, this has happened before -- run the risk of saying, I didn't sign it?

MS. CAUDLE: How do you fill it in when you have no Internet connection?
MS. TURMAN: Okay. I'm just wanting to know, and which has happened before when the report has been different, you know, that they say, well, I didn't sign this and --

MS. CAUDLE: That's why I have a carbon copy on my condensed form, and whatever I leave them is exactly what I --

MS. TURMAN: That's what I mean, though, if you was entering it on the computer and you left the office or the shop and then you entered it, then you couldn't leave them a report, is that right? That's -- I'm just trying to --

MS. CAUDLE: Right. On the computer, you're right, there would not be --

MS. GREEN: There wouldn't be anything, only that we sign our name on their license. That's their only proof that we were there.

MS. COLLINS-BURROUGH: Oh.

MS. WITTUM: No. They have a short form --

MS. CAUDLE: No, they have a condensed form that we leave.

MS. POWELL: They have a paper carbon copy, or whatever it is, to leave in the instances where they can't utilize their computer. Is this -- at least
that's my understanding.

MS. WITTUM:  (Nodding head up and down.)

MS. POWELL: They have a form that they created.

MS. WITTUM: And they also have printers that they chose, and asked the board when they were going to the condensed form to not have to carry the printer with them to print it out. But they do have printers that came with the laptops, that should they need to print up something, that they don't have any other way of leaving a copy with them, they could print that off.

MS. TURMAN: But they could not do that if they went out into the car and entered that information. That's what I'm trying to get at.

MS. POWELL: Well, yeah. But they would have to go back in and take them a copy.

MS. TURMAN: That's what I mean.

MS. POWELL: So that's why they have this other form.

MS. TURMAN: That's why they do it while they are there.

MS. GORDON: I have a question.

MS. PAT JACKSON: Well, going to completely paperless, or as paperless as possible, we are not -- and if I'm right, Kathy, or wrong, let me know, we are
not necessarily having to leave a form if there is no violation.

MS. WITTUM: Right.

MS. PAT JACKSON: So we don't have to leave anything whatsoever.

MS. GREEN: Except that we sign the license. That's their proof that we were there.

MS. PAT JACKSON: Right.

MS. POWELL: So basically if there is a violation, it is entered into the system as promptly as possible. If they have the computer with them and the --

MS. PAT JACKSON: And a condensed form.

MS. POWELL: And then -- and a condensed form and it's in their car, or as far as their car, and it's taken one person, one man to enter that data, collect the data and enter the data and submit it to the state as opposed to a two man process without -- with being -- without computer based.

MS. PAT JACKSON: And, Ms. Powell, we don't go into a salon without paper.

MS. POWELL: Right.

MS. PAT JACKSON: So, you know, I mean we carry our laptops, but we also carry paper with us. We document whatever, whether -- if there is a connection and a violation, we document that on our laptops and
also on our condensed form that we send in to the
office for a violation. So we don't go back out to our
vehicle and get a piece of paper and try to remember
what was in there or go back in there. We take that
with us as we go.

MS. POWELL: No. What I was trying to say,
though, Pat, is like Ms. Turman was saying, if you
chose to not carry the printer --

MS. PAT JACKSON: Oh.

MS. POWELL: -- you could have had the printer in
the car and you could have gone and done it that way as
well so you wouldn't have to carry it with the rain
issue and the liability issue and all these other
issues.

MS. PAT JACKSON: Sure.

MS. POWELL: So, I mean, but they do have the
opportunity to enter the data. It's -- and submit it
to the state. The state is privy to the information as
expedient as possible through the computer system, and
as well they have a summary report that they have
created to include all the pertinent information that
they felt was -- or that was established to be relevant
to this inspection, if there wasn't an opportunity for
this submission of data due to the not being online,
and also the form for no violation issues, a simplified
form, if that's what you call it, is what I understand.

MS. GORDON: All right. So I'm understanding that they are still doing paper, doing the paper? You just said a condensed form. They have the --

MS. POWELL: They have the option, yes.

MS. GORDON: Okay. So, but did I hear her say they still carry them in or something anyway?

MS. WITTUM: Well, they carry the condensed form so that if the salon has a violation, they can make that note on the actual condensed form.

MS. GORDON: Okay.

MS. WITTUM: Get the person's signature on it.

MS. GORDON: Okay.

MS. WITTUM: Because the computer does not capture the signatures, like it was intended to do but it's not.

MS. GORDON: But so they are still doing both paper -- it's not a paperless system yet?

MS. WITTUM: Not yet. Right.

MS. GORDON: But that's what, when we change from GL Suite to somebody else, it's the hope or the --

MS. WITTUM: Uh-huh.

MS. GORDON: -- intent is for it to become where they don't have to -- they don't carry, I know they don't have to, but they still carry the paper with them
and do the report on the paper and have the person sign it?

MS. WITTUM: Uh-huh. Right.

MS. GORDON: So when we get a computer system that works, the shop owner, manager, whoever, will be able to indicate on the computer system that this was me and I was in violation?

MS. WITTUM: Yes.

GL Suite was supposed to develop, another part of their development was to have it possible for the salon owner to actually sign the inspection report after the inspector goes through that list and notes if there were any violations or not. And that signature would be captured in the computer system so it would -- we would have it on file. That's why they are getting the signatures for the people who have violations now, and then either making a carbon copy or writing another copy out for the person to keep, that way we each have a copy with a signature.

MS. GORDON: So we have to give a report even on the salons that have no violations?

MS. POWELL: You have to give an inspection report. Yeah.

MS. GORDON: You do an inspection report on them?

MS. WITTUM: That's the only way for us to keep up
with where -- which salons have been inspected and when.

MS. POWELL: There has to be a record documentation of the inspection.

MS. GORDON: Oh, okay. So each salon is documented that this salon was visited on this day anyway, and then the ones with violations is written up?

MS. WITTUM: Uh-huh.

MS. GORDON: And put into the computer?

MS. WITTUM: Uh-huh.

MS. GORDON: So, they are still doing two things, which will be eliminated once the system is set up?

MS. WITTUM: Right.

MS. POWELL: Brenda?

MS. MORGAN: Got to say my say-so about the computer.

I'm probably, of the five of us, I'm probably the least --

MS. GREEN: Uh-huh.

MS. MORGAN: -- informed about the use of the computer, I'm illiterate about it, and I have learned a lot of things and I still have a lot to learn about it. It's very difficult for me especially, which I'm
learning now that a lot of it is GL Suite, a lot of it

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is our server, whom I don't even know who that is.

But, for instance, I've had some salons this week and
some violations, and I had to bring some to Amber
because I couldn't even get to the inspection part of
what I was supposed to do. Whether it be the computer
or whether it be me, I don't know which to blame,
probably both of us.

But let's just go to 10 or 12 blocks from here and
let's go into a place, and there is people going out
the back door on me and there is people loitering
outside and everything, I lots of times will leave the
computer into my car and I do not take it in. I do my
report. I don't know how the others do that. But we
all, all five of us have places that we go into that
you don't need any extra baggage when you go in. You
take your car keys, you go in, you go out, you do your
inspection to the best of your ability. It's
dangerous. Every day, every shop is a different
picture.

I'm willing to learn, but this system must have
been a really bad one for me to start on, I'll tell you
that right now, because it's been, it's been very
difficult. I've come as close to quitting since last
24 year. Since we got the computers in July, I cried all
25 of July, in August I got out there and I tried, but

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1 it's been hard for me.

2 MS. POWELL: Well, I can say, Brenda, it's been
3 hard for everybody with GL Suite. I think the bottom
4 line --

5 MS. MORGAN: Well, I understand that, but at first
6 I didn't because I thought it was me.

7 MS. POWELL: Yeah.

8 No.

9 MS. MORGAN: And I'm finding that it is not all me
10 but it is really -- we think we can -- we can summarize
11 and say this shop can be done that way and that school
12 can be done this way, but every one of them is a
13 different picture out there. When you go to them,
14 every area is different, every inspector is different.
15 But I, even right here at the office sometimes,
16 Kathy knows, Amber knows, I can't even get a connection
17 like I should just to get into the system to see if I
18 can check a license number. And that's very, very
19 difficult.

20 MS. COLLINS-BOROUGH: Brenda, is that wireless or
21 do you have to carry cords and plugs and --

22 MS. MORGAN: That's wireless. That's wireless.
MS. COLLINS-BURROUGH: Okay. Are --

MS. PAT JACKSON: We do carry cords and plugs.

MS. GREEN: We do carry all the cords.

MS. MORGAN: I do have cords in my office. But even here in the office, no connection half the time, most of the time here. Any big buildings in Little Rock you cannot get it.

MS. GREEN: Any time you get in a building like this.

MS. COLLINS-BURROUGH: Big buildings, don't they have signal blockers?

MS. PAT JACKSON: Yeah. Any big structures, their metal in them.

MS. MORGAN: That's part of it, too.

MS. GREEN: It's not practical.

MS. POWELL: Well, you know, I see that in the name of progress sometimes we're going to have to always make adjustments to those situations to where you do have, like we have found -- I mean we found that GL Suite was an issue and have been dealing with it diligently for year and a half? Two? How long has it been?

You know as a school owner I know I deal with it, and I know I deal with it with you all when you
complain about the -- the issues of having to learn a system. Hey, we've all dealt with trying to learn this system. And I think, you know, you eventually have to get to the point of you're going to give -- you know,

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you just have to let the sinking ship lie, and I think that's where we are with this particular computer system.

Now -- and I would never believe that even if we got into the -- the best system in the world that an inspector is never going to get in a position to where they couldn't carry a computer in somewhere. They may not even be able to walk in themselves somewhere, let alone carry a computer or a purse or whatever, but that's -- those are issues that we will have to deal with and that's the beauty of still being, you know, having trees and paper, I guess. So, I mean, we will still be able to do that in those instances.

But I think I, for one, just think that this has -- this has been a beating with trying to implement this computer system that was more or less forced on us, and it has been proven to be faulty. It's inferior and to me it's the system that I'm focusing, has nothing to do with my special needs as a school owner, has nothing to do with your special needs as an
inspector. I just see it that every time they go to fix something, they break something else that was working perfectly the day before. So, I guess I -- I just need the board to either acknowledge that they hear that and that they want to move to fixing the

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problem with this particular plan or go down with the ship with GL Suite, and that's where we're going.

MS. PAT JACKSON: I think, Jane, too, Brenda and Rose both were not computer literate whatsoever and -- and I could, I could illustrate that by saying when I first learned to do a -- look at a computer, a lady was -- took me over to the office, I was at J.C. Penney, and I had no idea of computer knowledge. And she said, okay, turn it on. And I said, well, I don't know where the switch is, you know. Now here is someone that's like most everyone here, they know all about computers.

I said, wait just a minute. I ran back to the salon and I came back and I handed her a pair of shears, and I said, here, I got a head of hair for you to go cut. She said, I don't know how to cut hair. I said, I don't know anything about a computer.

So in that respect this is where we have two inspectors who have not only been frustrated with the
system but frustrated because they don't know what an icon is, they don't know what a file is so, you know --

MS. MORGAN: We do now.

MS. PAT JACKSON: You do now.

But so that's been part of their frustration.

MS. POWELL: Absolutely. Absolutely.

MS. PAT JACKSON: Not necessarily all GL Suite, but I could see the frustration, too.

MS. POWELL: Well, I'm sure, I mean, it's like any system or any agency or any business, when you go from paper to paperless, that as we have been directed to do, I know in my business, I hated it. I was the first one kicking and screaming. But I like the security of paper. But, you know, we're not there, and --

MS. PAT JACKSON: And I didn't mean you any disrespect whatsoever.

MS. MORGAN: You know, I love what I do, I love the industry or I, obviously, would not be here, because there are good -- you know, I have good inspections and I have good schools and I have good things, it's just been a real trying time.

MS. POWELL: Sure. I understand. As I know it has been for that office. And I think that's why I
hear them pleading that someone help us help you.
That's what I keep hearing. You know, and -- and it's
a team effort here. It's got to work through the
inspection, into the office, into the director, and
into the board. It -- it's just a circle, it's a
chain. And it's -- it's -- it's going to take a decent
computer based system to get it to operate, and it's

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just not.

MS. TURMAN: You know, some -- when -- I've got
one even better than that. I know in my office I have
somebody call me and wanting to tell me that their --
their cup holder was broken. It was their CD, you
know, they have used that for their coffee. That's
what they thought it was for. So --

MS. PAT JACKSON: That's a good one, Pat.

MS. TURMAN: So, you know, everybody has to go
with this.

MS. POWELL: Yes, Amber?

MS. McCUIEN: I just wanted to say that I just
started working here May of last year, and we got into
GL Suite in October, but we were working on it as early
as, I believe, June or July, getting us trained to work
in the system. And I think that the office and the
entire staff has gotten a really, really bad rep
because of GL Suite. People think that we are idiots, they think that we are -- we don't have the capacity to renew licenses. They want to know why they are getting two licenses, why they received three. They just think that we're idiots, and it's because of GL Suite. And we just want some help. That's it.

MS. POWELL: Okay. Point well taken.

MS. McCUIEN: Thank you.

MS. POWELL: Do you have anything else?

MS. WITTUM: Well, with these -- with these changes, all computer related, going into IDENTACard, changing to an access data base, making all of the revisions that are necessary to -- or all of the enhancements that are necessary to implement the law revisions, are estimated to cost around 103,000, which is substantially less than the 170,000 that we thought at the onset it was going to cost, and that we actually have funding for. So -- so I think even though it's going to mean some changes and it's going to be another few months of dealing with yet another computer system, I think it's -- it's going to be well worth it in the long run, plus it's going to cost -- save us some money. So, again, I just wanted to let you all know these are the directions that we're moving into, and if
you -- if you do have some concerns about either using
IDENTACard or -- or changing to an access programmer,
then I just need to know that now before I get into the
final stages of the contract.

MS. TURMAN: Kathy, I don't want to sound like a
broken record, but I want to take what Amber said, I
certainly think that's what happened to you guys, and
I'm going to say this once again today. I have said it
this morning and I'm going to say it this afternoon, I

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think we are very, very fortunate to have our office
staff, we're very fortunate to have Kathy do all this
research and all this stuff. This takes time.

Our -- and our -- our inspectors, they don't sit
around on their thumbs all the time not doing anything,
you guys. I mean, what she has accomplished and what
she has given us, I'm comparing it with what we had
before and what we have now. We have got to get
behind -- it's Kathy's office staff, not this board's,
and they do a wonderful job. And I think it's time
that we recognize this and I -- I know, I've heard some
remarks about our office staff, and let me assure you,
I don't like it. And -- and I just want to say that I
appreciate all the -- I mean I know everything,
everybody has suffered some criticism, and sometimes
it's justified with all of us. But what they have gone through, and I'm -- I just do appreciate them and -- and everybody has got to pull together to get this thing going and get this matter corrected. But I just want to say thank you to all you guys again.

MS. PICKERING: I agree.

MS. POWELL: Ms. Burchett?

MS. BURCHETT: I agree that we need to go that direction and look. But I'm real interested in knowing what kind of training is going to be available for everybody, staff, inspectors. You know, it's just not fair to give somebody something new and expect them to do it without being trained and so I'm concerned about that, and just want to recommend that that be a big part of what questions you ask whenever you, you know, are going that direction.

MS. WITTUM: Well, I know that the access programmer gives one-on-one, basically one-on-one training with whatever he develops, so we will have training on that particular issue.

In addition, the state used to offer very reasonable computer classes for state employees, which I have found since I came here that they don't do any more. But we have located a company in Little Rock
that does do computer training. And it's just a matter of getting -- getting everyone scheduled for a day or two, how ever long they are going to need for that training. We will have to pay for it, of course, but --

MS. MORGAN: I want 30 days of it.

MS. WITTUM: I think everyone would agree that it will be well worth the expense.

MS. BURCHETT: Right. And I truly do, too. As well as training for the board as far as parliamentary procedure and meeting protocol. You know, I've been trying for 30 years to be in -- to have a part in -- in it, but, you know, I still know just enough to be dangerous, and am still not real comfortable with it. But for someone to come on -- on -- on the State Board of Cosmetology and not have any training, I mean offered to them, if they -- if they want it, you know, as to how the board should operate and how they can be recognized and if they don't hear something said, how do -- how do, how to be heard, you know. I mean there -- there are ways to do it. And I think it's important, if we're going to operate as a board, that the board knows how to operate. And I talked to Erika, and to Kendra, and they were very excited to know that
we might want that. And so I would like to recommend
that -- that you talk to Erika and see about setting up
some kind of training; and I guess if they don't want
it they don't have to come. But, you know, I knew
whenever I -- I knew whenever I was in -- in
cosmetology school and I came and observed the state
board meeting, that I better learn something about it,
you know, because I saw the person in the chair, in the
hot seat, and she didn't have -- she didn't have an
attorney and she knew nothing about parliamentary
procedure, and she could have had her thing thrown
completely out, but she didn't know that. So, you

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know, because somebody said -- you know, something was
stated wrong and handled wrong. And we need, if we're
going to be a professional board, then we need to be
trained how to be a professional board. So --

And I'm saying, me, too. All these fingers are
pointing at me, too, you know. Just because I know
something doesn't mean that I'm -- you know, I'm far
from knowing any -- much about it.

MS. WITTUM: Well, we can set that up with Erika
and Kendra and just put a place on the agenda for our
next board meeting, if you all can put it together by
then.
MS. GEE: (Nodding head up and down.)

MS. BURCHETT: Thank you.

MS. WITTUM: Uh-huh.

Are there any other questions? Comments?

MS. BURCHETT: Before we go to the committee meeting?

MS. WITTUM: That's what we will be moving into.

MS. BURCHETT: Is that what the next meeting is?

MS. WITTUM: Uh-huh.

MS. BURCHETT: And I know you're tired of hearing from me, but I'm on the board so, sorry.

But this is something that's very important.

Kathy -- I mean, I'm sorry. Jane, I want to thank you for putting me on the committees that you did. I appreciate that, and I just want you to know that I'm taking that very seriously.

And I just need everyone to listen carefully to what I'm about to say. Because as I read through my responsibilities on this committee, it says I'm going to evaluate rules necessary for revision, consisting of and soliciting feedback from industry and making proposal to the full board to bring rules and laws into agreement, and that I'm to evaluate the laws necessary for revision. And so, as I -- as I've done this -- and
I'm not doing any of this for me. You have to know I'm only sitting here because this is the position that I have. But everything that I do is going to -- it's going to touch everybody in the profession. And so I have researched this, I've talked to instructors, school owners, stylists, students, I've -- I am told that they are starting up petitions that have to do with this, and my concern, Madam President, is that according to Robert's Rules of Order, Page 304 to 321, under the section to reconsider, after thoroughly reviewing the law, our law, Section 14, 17-26-303, part A, which reads -- and I hope the board is paying close attention, please pay close attention -- our law reads that the examination of applicants for a license in any of the branches or practices of cosmetology shall include both a practical demonstration and written test and shall embrace the subjects concerning the particular branch or branches, practice or practices for which a license is applied. And then in C, it reads, the examination shall be consistent in both practical and technical requirements of sufficient thoroughness to satisfy the State Board of Cosmetology as to the applicant's skill and knowledge of the practice of the occupation or
occupations for which a license is sought.  

So the bottom line is, our law tells us that we have to have a practical exam, which we still do. But it also tells us that -- that they shall embrace all the subjects concerning the particular branch or branches. In other words, if they are testing for cosmetology, they need to embrace all areas of that exam that a cosmetologist would be doing, all the major areas.

So the motion that was made on May 21st, and it passed, it took us from just -- from doing core and optional to just the core part of the exam. In the optional portion of the exam, you will find facials and manicures, and those are two critical parts of what it takes to -- what you have to be taught to get a

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MS. BURCHETT:  Section 14, Section 14, 17-26-303(a) and (c).

MS. TURMAN:  Two?

MS. POWELL:  303.

MS. BURCHETT:  Okay. The law states there -- read it again? Is that what you said?

MS. GEE:  No. I said 303.

I'll find it.

MS. BURCHETT:  The law states there that we have to have -- I'm talking about an exam, a demonstration exam or an exam for a cosmetology license. Okay. That's all I'm talking about right now.

And it says that this shall include both a practical and demonstration and written test and shall embrace the subjects concerning the particular branch, branches, practice or practices for which the license are being applied. So if they are testing for cosmetology, it says that they should be able to demonstrate all areas, basically is what that says. Not -- not by written or practical, you know, all the areas are going to be covered in the written exam. But this tells me that it's supposed to be also in the demonstration part of the exam.

MS. COLLINS-BURROUGH:  So what you're saying is
you want them to do the entire scope of practice?

MS. BURCHETT: I -- I'm saying that they at least need to cover -- add facial and manicure back in to the -- to what the -- you know, with the core, to be able to -- for us to -- you know, in my opinion, I don't feel like we are -- I feel like that the motion that was made and passed goes against our law, the way our law is written.

MS. POWELL: Well, I may have misunderstood our law, but I thought it was saying that they would be examined with a practical and a written exam based on the state mandated curriculum, what, what they would be, in a cosmetology curriculum.

I do know that in the past, when the state chose to go with the NIC exam, that was a discussion at the time on what would be included in the exam, since NIC didn't -- or the -- when they put the exam facility over here, there wasn't going to be the shampooing and NIC didn't have a shampooing section with the exam. And I know that they opted -- NIC's response was that particular subject matter was covered in the written examination, and they still concluded that they, the student was being examined on it.

Now, I don't believe that our -- and you can
correct me if I'm wrong, but I don't believe our law stated how that each subject matter would be tested.

MS. BURCHETT: Well, what -- what made me really realize it is the fact that it says shall be -- shall include both a practical demonstration and written test and shall embrace the subjects concerning the particular branch or branches of which the license they are applying for.

And then in C, it says, the examination shall be consistent in both practical and technical requirements, and of sufficient thoroughness to satisfy the State Board of Cosmetology as to the applicant's skill, and that's another key word, and knowledge. It doesn't say or knowledge, it says and knowledge of the practice of the occupation or occupations for which the license is sought.

And -- you know, and there was some discussion -- there wasn't any discussion, and it's another fear of mine and concern of mine that -- that you hear -- I hear things from the board, not one on one, but just hear, hearing them saying, and even -- even on record that -- that they don't agree with something after they vote for it. And I think it's just like this, I don't think they understand but they don't know how to -- how
to get that understanding.

MS. PICKERING: Let me correct myself. Let me correct myself.

I know the law, but I don't understand you.

MS. BURCHETT: I know.

But I'm talking about understanding when we're ready to vote for something and how to --

MS. PICKERING: Well, I -- I am very offended that you point out, now, board members, you listen to this. I think I have as much knowledge as you do. Excuse me.

MS. BURCHETT: That's not why I said that, you know, and I'm sorry that you took it that way. I just, I just hope that you would understand, because I heard several talk about --

MS. PICKERING: Well, you didn't hear me after -- at a board meeting.

MS. BURCHETT: That's fine. I apologize on record if I offended you. That is certainly not the reason that I said that.

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Therefore, Madam President, I move reconsideration of the motion that was made and passed on May 21, 2007, which would eliminate the optional services from the practical exam. If passed, the optional services, with a minimum of the facial and manicuring, would be added
back to the practical exam for the candidates for the
state of Arkansas.

    MS. GEE: I would like to just throw something in
there, while you all are considering the motion that's
on the table.

    I looked at this today. We talked about this a
little bit earlier. And I don't think that it's a
violation of that statute the way that the -- that you
all voted to have the practical exam. I think that
based -- the statute does require there to be a
practical and written exam, that is the baseline there.
And I think that the fact that it's -- it's couched in
the terms of sufficient thoroughness to satisfy the
State Board of Cosmetology, I think that there is some
discretion as far as the board goes on how and what you
think ought to be tested in what way.

    So that -- that's my legal opinion of the meaning
of the statute.

    Now, what should happen, that's up to you all,
what you think is the appropriate way to go.

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MS. POWELL: Ms. Turman?

MS. TURMAN: I make a motion, because I'm reading
this, and it says written and oral test shall embrace
the subjects concerning the practical branch or
branches practiced or practices for which the certificate of registration and license is applied.

MS. GEE: The oral was changed?

MS. TURMAN: Yes. Uh-huh.

And I feel like -- I feel like we should leave our motion as stands.

MS. PICKERING: I second that, if that's in order.

MS. GORDON: Seeing as what -- the motion she made, leave it as it stands, or the previous motion that was made?

MS. TURMAN: The previous, because our legal counsel said she doesn't think we have done anything wrong on this, that it did not make any difference. So I'm going to go --

MS. GEE: Well, let me say again, I'm -- I have no position on what should be covered in the exam. I'm not a cosmetologist, I have no idea. I'm just saying, if -- I don't think that it's a problem with the statutes. That's all I'm saying.

MS. TURMAN: Okay. Well, that's what I mean.

MS. POWELL: Well, when it says sufficient with

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the board and the board making a ruling on it, it must be sufficient if it wins by a majority.

MS. GEE: Uh-huh.
MS. POWELL: So if there is not legal counsel to say that it's a violation, and if NIC, the testing agency, does say that it's not -- that other agencies are practicing as well that and feeling sufficient, I'm not concerned.

MS. TURMAN: That's --

MS. POWELL: But now, if you are -- okay. I have a motion and a second. Is there any other further discussion?

MS. PICKERING: Whose motion are we --

MS. POWELL: I have a motion to --

MS. TURMAN: Let the original -- as made --

MS. COLLINS-BURROUGH: The original motion made and a second.

MS. POWELL: Huh?

I've got two motions on the floor. I don't have a second on --

MS. COLLINS-BURROUGH: The first motion.

MS. TURMAN: Okay.

MS. POWELL: -- yeah, the first motion, Ms. Burchett's, so I suppose that motion dies for failure of a second.

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MS. TURMAN: Okay. So --

MS. POWELL: I have a second motion on the floor.
MS. TURMAN: Well, we don't -- do we actually need the motion, mine, since hers died? Because wouldn't it stand anyway?

MS. POWELL: You don't need it, huh-uh. There is nothing else to vote on.

MS. TURMAN: That's what I thought.

MS. COLLINS-BURROUGH: Okay. Let's talk about this some more.

What are you afraid of? I mean what -- why do you want facials and manicurists? Are you afraid your students wouldn't want to do those? Or they are going to be --

MS. BURCHETT: Huh-uh. No. My students are going to be tested over everything on the CIV, whether it's core or optional or whatever at my school, so it's not about me. It's about, we're going to put on the license what all they are licensed to do and, you know, I -- like I said, I'm here because of -- of who I'm here for, you know. And -- and when so many people keep coming to me and saying, that does not need to be off, they said it on the record at the end of the meeting after this motion was made, and I made the motion. I made the motion in hopes that -- that those wanting to do totally away with the practical exam
would at least meet halfway, but I don't know that
that's going to happen. And so if we eliminate part of
it and it be okay, even though it's facial and
manicuring, so we're not going to test them on that,
then, you know, I just didn't think that everybody was,
was really and truly wanting to get rid of that part of
the -- of the exam, after -- after the fact. And so
that's the reason I brought it up.

MS. PICKERING: So -- okay.

MS. BURCHETT: I didn't even think that it was
even legal for me to bring it up. I found in Robert's
Rules of Order it was legal. You know, no student has
been tested at this time under the new test, so you
know, what -- what we're doing is not testing on
facials and manicures, once this, once this starts
happening. And -- and I think those two are important,
just like with -- would Cathy Caver hire a
cosmetologist in her salon and allow them to do -- you
know, what's it going to look like to everybody else if
we don't test on facials and manicurists?

MS. PICKERING: The same thing though --

MS. GORDON: Excuse me. May I?

MS. POWELL: I believe it's going to look like the
same thing that it looks like when we don't examine

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them on practical, on shampooing, scalp treatments, light therapy, pedicuring. There is a lot of things that -- a lot of things that we do in our industry that we don't have time to facilitate in the practical exam. And -- and it is, by hiring an agency as NIC, I think the board felt competent that those issues were being addressed on health and safety standards, and that is our business, to regulate and protect the public on health and safety issues. And I felt like NIC was the guarantee there.

But -- Ms. Gordon?

MS. GORDON: Well, I was just going to basically, I guess, say what you just said, because we do shampoos, we do pedicures, we do other things that we're not tested, testing in the testing site, so I was just going to make, I guess, the same comment that you -- you made.

MS. POWELL: Yeah.

MS. GORDON: We don't test on everything that we do, but...

MS. POWELL: And, you know, you're right. And, you know, Scottie, I can appreciate that you probably had some second thoughts --

MS. GORDON: I did, too.

MS. POWELL: -- because everybody does, I think,
whenever you are dealing with comments from the public. You're going to have as many of those come to you and question that they like that decision as those that come to you and say they didn't like that decision. And, you know --

MS. BURCHETT: And is that not why we're here?

MS. POWELL: That's exactly why we're here.

MS. BURCHETT: Or are we just here to listen to what is said in this room and then make a decision on it? That's another concern of mine.

MS. PICKERING: But we've already made that decision, so are you saying that you're trying to undermine that decision?

MS. BURCHETT: Well, it was my motion.

I just feel like for -- for the best of our profession, and I think Cathy would probably support me in this, because --

MS. PICKERING: Which Cathy?

Excuse me. Which Cathy are you talking about?

MS. BURCHETT: Cathy Carver or Caver.

We're going to have to get that out of there.

MS. CAVER-BLADE: And I have a comment to make on that, too, because I mean, me being a spa owner, I like professionals, I would like them to be aestheticians. I, on the other hand, I did hire a cosmetologist to
do -- and she did facials, too. I usually have them
give me one, practice on me, let me know what your work
is like before I actually hire them, so I don't have --
I mean, if they are talented and good in that field,
you know, I don't have a problem with someone being a
cosmetologist giving facials. It's kind of like six of
one and half a dozen of the other.

MS. BURCHETT: But if they are not saying -- if
they are not tested on the state level practically --

MS. CAVER-BLADE: But like they are still doing
pedicures and everything and not being tested in the
state.

MS. POWELL: Tweezing and a lot of things --

MS. CAVER-BLADE: They should be covered in
school, you know. It's something they all get trained
in, in my opinion.

MS. POWELL: You have to -- you know, there is
always going to be that time where you've got to -- you
know, we are not going to be able to see and know and
etched in stone that everybody is capable of giving
this high tech quality treatment to someone. I think
we have to assume at some point as a board that we
regulate to the nth degree that we can, but assuming
that the schools are going to be the ones ultimately
held responsible for education.

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MS. TURMAN: I just, I --

MS. BURCHETT: We don't have to say anything else. Everybody has made their point, so that's fine. We need to go on, I'm sure, for the sake of time.

MS. TURMAN: Well, I just want to say something. I -- I second guess -- when I'm driving home after one of these meetings I'm thinking, did I do right? And I know what you're saying. But it's just like this, that's the reason why it's so valuable that this board meets and we discuss things like this, because, you know, so if anybody has a different opinion, that we can -- but I go, every time I have a board, every time we have a board meeting and I'm going home, what, you know, that's what I'm thinking about. And I think everybody thinks that because you just try to make the best decision you can every day that you're here to benefit, you know, the public and things. So I understand the second guessing, because sometimes you just absolutely do it.

MS. BURCHETT: I didn't second guess my decision.

MS. TURMAN: Okay. I did mine sometimes.

MS. BURCHETT: I just --

MS. TURMAN: I don't second guess my decision, but I think if I did it right.

MS. POWELL: Okay. Well, I appreciate your
comments, and we're going to take a 15 minute break and
then we're going to be coming back to meet with the
legislative committee, and I appreciate you all
participating.

Thank you.

(WHEREUPON, a break was held from 2:24 p.m. to
2:42 p.m.)

MS. POWELL: Okay. We're going to open the
meeting for the legislative committee.

My legislative committee members are Susan
Collins-Burrough, Scottie Burchett, Ann Pickering,
Cathy Caver-Blade, and we have our legal counsel, Erika
Gee, and Director Wittum.

And I think the first item of business would be
that we appoint -- elect a chair for this position.

Do I have a motion?

MS. WITTUM: Anybody want to volunteer?

MS. POWELL: Anybody want to volunteer?

MS. PICKERING: What does it consist of?

MS. POWELL: I don't know. Chairing the
committee.

MS. WITTUM: Just chairing the legislative
committee.

MS. GEE: Being in charge of the committee.

MS. POWELL: Chairing this committee.
MS. PICKERING: I will be glad to.

MS. POWELL: I appreciate it, Ms. Pickering. We have a volunteer.

Any objection?

Hearing no objection, we will -- I will turn this over to Ms. Pickering.

Come on.

MS. PICKERING: Come on?

Let me withdraw.

MS. POWELL: Come on. Get up here.

MS. WITTUM: Okay. What you're -- what I'm handing out to you are copies of Act 223. You also have a little color coded sheet that kind of goes through all the different statutes that have -- whether they had revisions or not, and then I've given you an easier to read copy of the rules to go through or to go by.

MS. COLLINS-BURROUGH: These -- we'll be able to see them?

MS. WITTUM: Yes.

MS. POWELL: This is after the revision. Correct, Kathy?

Is this --

MS. WITTUM: Yes.
MS. WITTUM: Well, no. That's what we're going to work from to make the revisions that we want to make in the rules.

MS. POWELL: Okay. Okay.

MS. PICKERING: Are you ready for me to start, Kathy?

MS. WITTUM: Whenever you are.

MS. PICKERING: Okay. Last year in '06 I was on this committee, the legislative committee, and we met in four different locations throughout the state of Arkansas. And I just really need to know if you want to do that this year or if you want to meet here.

Now last year we met -- when we met, one of our meetings was in Fayetteville, one in Little Rock.

MS. COLLINS-BURROUGH: Better that way.

MS. PICKERING: One was in West Memphis, one in --

MS. WITTUM: Texarkana.

MS. PICKERING: -- one in Texarkana. I believe that was it.

MS. WITTUM: Yeah. And then one here.

MS. PICKERING: And one here.

MS. BURCHETT: Do you think those meetings were productive to go to the different areas more so than
having them in one location? Do you think you had more
input?

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MS. PICKERING: To be truthfully, we didn't have a
good turnout in Little Rock -- I mean in West Memphis
at all.

MS. POWELL: We didn't have that good of a turnout
in Texarkana, either.

MS. PICKERING: Texarkana. Probably --

MS. POWELL: I think the majority of the
population that participated was Little Rock.

MS. PICKERING: Uh-huh.

MS. POWELL: And Fayetteville.

MS. PICKERING: Yeah. Little Rock and
Fayetteville was the --

MS. POWELL: But I think --

MS. PICKERING: -- most attended.

MS. POWELL: -- at that time the suggestion was a
legislative suggestion that -- or was it?

MS. WITTUM: That we go to each congressional
district.

MS. POWELL: We would want to participate with
each congressional district, making certain that when
we went through those first initial legislative changes
that we, for those that could not travel or whatever,
we would make it access -- ourselves accessible to
them.

MS. PICKERING: Uh-huh.

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MS. POWELL: I know that when we have our other
meetings, the student advisory meetings and things like
that, it seemed to be a better turnout in Little Rock.
It seemed like they like to come to Little Rock.

MS. PICKERING: Uh-huh.

MS. POWELL: I think going some place where
it's -- where they have more to do when they are not in
the meeting.

MS. PICKERING: Well, most -- I attended all four
of the meetings. We had a lot of the same people --

MS. POWELL: Just repeat.

MS. PICKERING: -- you know that went to all four
meetings, or at least three of the four meetings.

I think -- I really think it would be just as
beneficial to come to Little Rock and have our meetings
here, because of the other two that West Memphis and
maybe Russellville that would -- we didn't have very
much participation.

MS. POWELL: Well, and I think about the people
that come from the -- the four corners of the state, at
least they have only got to come halfway across the
state.

MS. PICKERING: Uh-huh.

MS. POWELL: Whereas if you are in West Memphis and you've got to get to Fayetteville, you've got to

travel the whole state by that time. So, it makes it hard -- I mean, it's all the same, I think, for the board to only travel halfway across.

MS. BURCHETT: The reason for being anywhere is for the public to be there to hear the committee meeting. Is that correct?

MS. PICKERING: Right. Where -- right, uh-huh.

MS. BURCHETT: Did they get --

MS. PICKERING: Certain issues, you may want to bring up -- the committee may want to talk about certain issues, and we would have a form or format type thing at each session, each -- maybe trying to cover several different issues, and maybe not doing all those issues in, say, one place. But that's the purpose of it.

MS. WITTUM: When -- that's the structure that we did with the last.

MS. BURCHETT: Okay. But I mean was -- why have the public? Are they allowed to -- are they allowed comment?
MS. WITTUM: That's the whole purpose of the meetings is to get the information from the public.

MS. BURCHETT: Do they get to comment --

MS. GEE: For this meeting?

MS. WITTUM: No.

If we want to start soliciting comments from the industry on what rule revisions they would like to have done over and above what law revisions, then that was the purpose of our law revision regional meetings that we had was to solicit the information from them so that the legislative committee could go through it and make recommendations on to the full board on what was actually to be placed or sent over to the session.

MS. GEE: Well, the only comment I have there is that that's kind of two things. I mean we're talking about looking at the changes that have been made to the statute --

MS. WITTUM: Uh-huh.

MS. GEE: -- and making the rule changes that need to be made for that, and then you will have a separate public comment period for those rule changes.

MS. PICKERING: Uh-huh.

MS. GEE: And then if you -- I mean I know that
there has been some talk about making some changes to
the rules in general, and that would be a separate
thing, too. So I'm just wondering if you want to
combine them all together or if you want to separate
them all out.

I don't know that I made any sense there to

anybody. Did anybody follow what I was saying?

MS. COLLINS-BURROUGH: One was the rules and one
is the laws, is what you're saying?

MS. GEE: Well, it's kind of a couple of different
processes, and they can be put all together in one. It
just might take a while to do all of that in one group
at one time.

MS. PICKERING: Well, in '06 we did not make -- we
listened to all the issues and comments and then we had
to bring it back to the board. We did not make a
decision. The committee did not make a decision by
ourselves about any of the changes or issues. We
brought back to the board for the board to listen to
and to vote on changes, laws, and issues, certain
issues.

MS. WITTUM: Would you suggest that we separate
them out and concentrate on the law revisions and then
do a separate run through on any issues that might need
to be changed or that people would want to look at us changing?

    MS. GEE: Well, my only concern is that since the statute is about to go into effect with some changes, some changes in the way things have been done, that needs to be the first thing that's addressed by this committee, I think, in order to make sure that the board is working on getting the rules into compliance with the statute. And then look at the overall situation with the rules and maybe making some changes on that. Just because it would take a long time to try to do everything at once, and that would delay getting the rule changes that need to be done because of the statute --

    MS. WITTUM: Okay.

    MS. GEE: -- is my thought. So --

    Because we have to identify what rules need to be changed and then decide what they need to be changed to and then have the whole public comment period for -- that you have to go through to change the rules, which is not, you know, a super speedy process.

    MS. PICKERING: So what do you all -- what would you want to do? Would you want to make -- just meet in Little Rock or --
MS. COLLINS-BURROUGH: I think so. Yeah.

MS. PICKERING: You think so?

MS. BURCHETT: Fine.

MS. PICKERING: Okay.

MS. BURCHETT: If -- if rules are being changed to coordinate with the laws, do we have to have public comment? I mean that's -- it's not optional?

MS. GEE: No. It's not optional. You still have to have public comment.

MS. BURCHETT: We still have to have public comment --

MS. GEE: Uh-huh.

MS. BURCHETT: -- even if we're just aligning the rule with the law?

MS. GEE: Uh-huh.

MS. BURCHETT: Okay.

MS. WITTUM: So do we want to just start today going through them or --

MS. PICKERING: Can we take them home?

MS. WITTUM: We've got plenty of time this afternoon, or do you want the -- do you want to work as a group to do it? Do you want to work on your own and bring back what you've identified? What process? And maybe Erika can suggest what would be the easiest.
MS. GEE: What would be the easiest?
MS. PICKERING: Could we, could we not look at them at our own time and then come back? Is that too time consuming for you, Kathy?
MS. WITTUM: It doesn't matter to me. We can do it whichever way you all want to.
MS. PICKERING: What do you think?
MS. COLLINS-BURROUGH: Well, I think we all should be together so we discuss them, because if we get them home and we look at them we don't have anybody to discuss them with, so --
MS. PICKERING: Okay.
MS. COLLINS-BURROUGH: -- that's just my thought.
MS. BURCHETT: Or at least, you know, we're not going to do, we're not going to do the whole thing today, so at least get, get started so that everybody is going in the same direction, doing the same thing, even if -- even when we do spend time on our own, then at least we're all doing the same thing.
MS. PICKERING: Okay. All right. Where do we start, Kathy? Just here?
MS. WITTUM: The first one. Yeah.
MS. PICKERING: Okay. On the first one is no
revisions.

Is that what you're talking about?

MS. WITTUM: Uh-huh.

MS. PICKERING: Mostly clean up of definitions.

Well, look at that first one there.

MS. WITTUM: The first one that we will need to start with deals with the definition -- or the definitions.

MS. GEE: Is there any substantive change in the definitions?

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MS. WITTUM: Huh-uh. Well, they are but they are not actually in the rules. There is no definition in the rules so they would not apply. I don't think they will apply to the rules.

MS. GEE: Probably in 102, this off premises services, we might need to talk about that.

MS. WITTUM: Uh-huh.

MS. PICKERING: Can we --

MS. GEE: Let's see. Looking at 17-26-102, what is that, (A) (2) (B) on the second page of the act handout. The new language is underlined, that little underlined block.

MS. COLLINS-BURROUGH: Oh, I see.

MS. GEE: I mean, that's a new provision. Right?
MS. WITTUM: Yes.

And if we want to add anything into the rule pertaining to this, now is the time to compose it.

MS. GEE: Do you -- I mean as a basic question is, do you all feel like there needs to be something in the rules addressing that particular provision? Do there need to be more details or guidelines given on that?

MS. WITTUM: I know the intent of putting this in was to allow licensees to be able to go and help with charity events or weddings or things like that without them blatantly violating the law, because previously there were only certain conditions where they could actually go and work outside the establishment.

MS. BURCHETT: So, are things in the law named the same thing in the rules?

I mean do -- can you look in the law and know exactly where to go in the rule?

MS. GEE: No.

Which would be handy.

MS. BURCHETT: That's what I thought.

You know, that -- they kind of -- you know, it needs to be more user friendly. So, I haven't -- I still haven't found where that is.

MS. COLLINS-BURROUGH: So how do --
MS. GEE: Is that in the rules now?

MS. WITTUM: No. There is nothing about that in the rules, it's brand new. It has never been addressed in the rules before.

MS. BURCHETT: It doesn't say that in the rules?

MS. WITTUM: Right.

MS. BURCHETT: But it might say something contrary to that in the rules?

MS. GEE: Well, that is entirely possible. Yes.

MS. WITTUM: I don't believe there is anything that limited -- because the only definitions that are currently in the rules are under Rule 4.1, and under the practitioner, it doesn't limit them to working within the confines of the establishment.

MS. POWELL: I know that when we went through the rule revision before the last time, if we stayed focused on that that was in the law to not repeat it in the rule, have it stated once was sufficient and more clear --

MS. GEE: Uh-huh.

MS. POWELL: -- than this making these little addendum kind of things, just repeating even and just --

MS. GEE: Right. Well, I mean, there is no reason
Some of the changes in here are specifically
directing the board to have rules on particular topics,
but this is not one of them.

"No person shall practice any phase of cosmetology
and its related occupations with the intent of
receiving compensation when the person does not hold a
current valid license issued by the Board, nor can any
licensed cosmetologist practice any phase of
cosmetology and its related occupations other than in a
licensed beauty salon or wig salon."

MS. GEE: You're absolutely right.

MS. BURCHETT: So that contradicts the law.

MS. GEE: That contradicts. So that will need to be changed.

MS. POWELL: To include the new language from the law?

MS. GEE: Uh-huh.

Do you all feel like there should be some more guidance given as to what a special event is, or what do you think?

MS. BURCHETT: I think we could start splitting hairs then, and then just it -- you know. Who is going to determine anyway?

MS. GEE: Well that's my question.

MS. BURCHETT: Who is going to check on it, you know.

MS. COLLINS-BURROUGH: There is no way to monitor that.

MS. BURCHETT: If they call it a special event, it's a special event.

MS. GEE: Okay.

MS. BURCHETT: So, are we going to find these and then someone is going to work on rewriting them or --
MS. BURCHETT: -- what's the process?

MS. PICKERING: Is that the --

MS. WITTUM: But this is going to be different than -- than what he was doing, right, because this we actually have to compare the rules with the law.

MS. PICKERING: Okay.

MS. WITTUM: Now, if we want to -- if we want to either not have redundancy or to make sure it's stated clearly, the -- on Page 2 of the act, down at the bottom, we -- we have changed the definition of student to just clarify that it means any person enrolled and engaged in learning or acquiring the knowledge of the occupation of cosmetology or any branch of cosmetology in a licensed school of cosmetology under a licensed instructor.

And Rule 4.1 F also includes a definition of student. So either -- we may want to rechange or restate that definition or take it out completely, since it's in the law.

MS. PICKERING: Which the --

MS. BURCHETT: Okay. So, are we moving on or are we still working on the same one?

MS. WITTUM: We're just moving down the act to
look at the substantive changes and whether or not there is something in the rules that addresses that change.

MS. BURCHETT: Okay. So we're going to come back and rewrite this at a later date?

MS. WITTUM: Well, actually I believe we just provided it to -- no. We will rewrite it.

MS. GEE: Provided it to --

MS. WITTUM: Yeah.

There is no one to provide it to.

MS. BURCHETT: You were getting scared, weren't you?

MS. GEE: Well, I was wondering.

I think Kerrie should rewrite it, don't you?

MS. LAUCK: Boy, I tell you, as much time as I've spent on this, I mean, I would, but I don't know whether that's my role.

MS. GEE: I think maybe probably what we should do is go through a certain number of them and identify what changes should be made, and then at the next committee meeting we should have some drafts with whoever we can rope in to do some drafts, and then --

MS. WITTUM: I don't mind drafting the language.

MS. GEE: And then talk about the next chunk.
MS. WITTUM: And just could do it in sections.

MS. COLLINS-BURROUGH: I think it would be a lot easier.

MS. WITTUM: Might be a lot easier to manage that way.

MS. COLLINS-BURROUGH: And concentrate on specific ones.

MS. WITTUM: Do you want to see how long you want to go in today's meeting?

MS. GEE: As long as it takes. See how long it takes.

So, are we done with B then? Everybody okay with that?

MS. COLLINS-BURROUGH: B. Which one --

MS. GEE: The one about special events.

MS. BURCHETT: I think they moved on already.

MS. GEE: Okay.

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MS. POWELL: So, to answer your deal, Kathy, on the student definition, are we to eliminate repeat --

MS. WITTUM: If we want to -- if we want to keep it to where, if it's stated in the law we don't restate it in the rules, then it looks like the student definition in the rules would need to come out. And that's on Page 8 of your copy of the big rules, number
MS. POWELL: Have you gone so far as to see if it would involve any of the other definitions? Or it's just the student one?

MS. WITTUM: It's just the student one.

And in -- currently in the law, there was some different variations of a student definition. This particular one was student aesthetician.

MS. POWELL: Right.

MS. WITTUM: But we made it universal to where the definition of student would apply to any --

MS. POWELL: Any?

MS. WITTUM: -- any course.

MS. POWELL: Uh-huh. I can appreciate that simplified language.

MS. GEE: Maybe just want to change that so it's the same as the statute.

MS. WITTUM: Do you want to restate it?

MS. GEE: Well, either that or just get rid of the definition entirely in that.

MS. BURCHETT: I would think you would have definitions in both that match or only have definitions in one, period.

MS. WITTUM: Which would you all prefer to do?
MS. POWELL: Well, it seemed like to me since we've already gone through the law, we would be able at this time to be working with the rule.

MS. WITTUM: But do you want to remove what's in the rules that's also in the law, or do you just want to go in and conform the language to match what's in the law?

MS. POWELL: I --

MS. WITTUM: There is just a section of definitions here in Rule 4.1. So, of those that are here, if they are also in the law, do you want to keep them in the rule or do you want to remove them?

MS. POWELL: I would say remove them.

MS. GEE: Are all --

MS. PICKERING: I would say remove them.

MS. GEE: Are all of these terms defined in the statute? I don't think they are.

MS. WITTUM: Not all of them.

MS. POWELL: Well, then that was my earlier question. If they are not, they either need to be all in one or the other, and if they are not and we would have to go through a law revision to get there, then I think it's going to keep us at a -- in a position to try and keep them all in the rule right now --
MS. GEE: Uh-huh.

MS. POWELL: -- and deal with that law thing later.

MS. WITTUM: Okay. So, you want to just change the language.

MS. GEE: Make sure they match.

(Ms. Gordon left the room.)

Is that it on that definition?

MS. WITTUM: I think so, because the rest of it is more or less just clarification.

MS. GEE: Okay. I don't think 103 has anything we need to be concerned about.

MS. WITTUM: No. It was just clean up on that.

The areas that will apply to --

COURT REPORTER: I can't hear you, Kathy. I can't hear you.

MS. WITTUM: I was just asking her a question off the record.

(WHEREUPON, a brief discussion was held off the record between Ms. Wittum and Ms. Gee.)

MS. WITTUM: What I was asking Erika is, on the areas that may overlap with one of the other committees, do we want the other committee to take the lead role on those sections instead of this committee?
For example, the penalties are all going to fall under the -- some of the things that the fee structure committee is going to be working on. So, to make our jobs in this committee a little easier, we may want to let them take care of those sections and us concentrate on the sections that are not going to be addressed in one of the other committees.

MS. POWELL: I think so.

MS. WITTUM: It might -- might expedite these.

MS. POWELL: I think so.

I wanted to ask you, too, Kathy, on this, the rule -- that 3.8, Page 7.

MS. WITTUM: Where are you at?

MS. POWELL: 3.8. Did I skip too far?

MS. WITTUM: Okay.

MS. POWELL: You're showing where that's going to be, that's going to have to have a change of language in it?

MS. WITTUM: Yeah, we'll have to go through and change that.

MS. GEE: Okay. So are you saying that Section

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17-26-104.

MS. WITTUM: Which is the penalties?

MS. GEE: About -- well, yeah, about penalties and
unlawful practices, that we should talk about that in
the fee structure committee?

MS. WITTUM: Uh-huh. Would that be a problem?

MS. GEE: No. That's fine.

MS. WITTUM: Actually that would also carry
forward with 105, that's going to deal with the fee
structure committee.

MS. GEE: Okay.

MS. WITTUM: So 20 --

MS. GEE: Is it?

Well, what about this guideline on use of the
chemicals and equipment, is the fee structure committee
going to work on that?

MS. WITTUM: Uh-huh.

MS. GEE: I think you need to rename the
committee. It's getting bigger and bigger.

I mean, are they going to come up with what those
guidelines are?

MS. WITTUM: Yeah. They are the ones that's going
to not only work on the fees but also the -- all of the
changes that have been made to the penalty section.
The inclusion of the workshops for the people who are

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going to be required to attend a workshop and who
are -- or in conjunction with the penalty.
MS. GEE: Well, that's not really a penalty. I guess that's why I'm asking. Guidelines on the use of chemicals and equipment.

MS. WITTUM: Okay.

MS. POWELL: Well, there is an equipment committee.

MS. GEE: Is that where that goes? I just want to make sure somebody is working on that.

MS. WITTUM: Right.

MS. POWELL: I would think that the guidelines on the use of chemicals and equipment would be on the equipment committee.

MS. WITTUM: Do you think so?

MS. POWELL: Well, yeah, I mean because basically that's what that area is talking about in the rules on laser and things like that.

MS. WITTUM: Okay.

MS. POWELL: So it would be the equipment committee. Right?

MS. GEE: Okay.

MS. WITTUM: So 104 is going to be the fee committee, 105 the equipment.

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MS. PICKERING: 104 is what?
MS. WITTUM: The fee committee. Is that okay?

MS. GEE: Sure, that's fine.

MS. WITTUM: Speak up if you think that should be someone else. I would just hate to see this committee start doing something that one of the other committees could be working on.

MS. GEE: That's fine. Well, it does kind of go hand in hand with the equipment committee.

MS. WITTUM: And then at some point there is --

MS. POWELL: However there is a conviction issue there so --

MS. GEE: There is a --

MS. WITTUM: But at some point we may want to bring the two committees together, once the proposal is lined out in bold, so it can be hashed out before it's actually sent to the board.

MS. POWELL: Right. It's going to take both because you are dealing with the convictions and then you're dealing with illegal use of equipment. So those two committees are going to have to get on the same page.


MS. GEE: Yeah. That's true.

MS. WITTUM: Okay. So 201 is dealing with the
board member.

MS. GEE: I don't think there is any changes on it.

MS. POWELL: Are you on 204 at this time?

MS. GEE: I am.

MS. POWELL: Okay. I'm ready.

MS. WITTUM: And I think the --

MS. POWELL: Come on.

MS. WITTUM: And I think the language in Rule 102 is general enough that it probably does not need any changes.

MS. POWELL: What page is that on? Where are you at?


MS. POWELL: Okay.

MS. GEE: The board composition or what are you talking about? The inspectors?

MS. WITTUM: Well, no. 201 is -- are the changes that took place to the board composition and the law. The board composition information that's in the rule is so general --

MS. GEE: Uh-huh.

MS. WITTUM: -- that it probably doesn't need to be changed.
MS. GEE: No.

MS. WITTUM: Or doesn't have to be.

MS. GEE: Okay. 204 on the inspectors, I don't think that the changes in the statute conflict with the rule. I mean basically they just took out investigators and the mandatory retirement age.

MS. POWELL: I don't know who would want to do it after that, but they may.

MS. WITTUM: I don't think 205 requires any changes to the administrative division.

(Ms. Turman left the room.)

MS. POWELL: Where was that -- in the 204, where was that in the rule?

MS. GEE: 204, that's 1.4.


MS. GEE: Yes, ma'am. The inspection division. Am I crowding you?

MS. WITTUM: Huh-uh. I'm fine.

MS. GEE: Are you all right?

MS. WITTUM: I'm fine.

MS. POWELL: So, are we going to include that language in 1.4 or are we going to --

MS. GEE: Which language?

MS. WITTUM: There is no language to incorporate.

MS. POWELL: Oh, I thought it was talking about
the mandatory 65 retirement age.

MS. WITTUM: It's taken out.

MS. POWELL: Oh, it's taken out so we won't have to include it?

MS. GEE: Right. It's gone.

MS. WITTUM: None of the changes in 205 are --

MS. GEE: The changes in 205 are mostly terminology. Aren't they?

MS. WITTUM: Yeah. They are.

206 is probably going to be the first one for --

MS. GEE: Major changes.

MS. WITTUM: A lot of changes. Yeah. Dealing with the examinations.

MS. PICKERING: What page?


MS. GEE: Probably just going to have to rewrite those --

MS. WITTUM: Yeah.

MS. GEE: -- pretty much entirely, I think.

MS. WITTUM: We also have to make the changes to account for the new process with the outsourcing, in that the board will not actually collect the fee from the candidate.

MS. GEE: One issue that I would like to throw in
on this examination, this topic, that has come up before, is the certified, uncertified hour situation, that you have to have certified hours in order to be eligible to examine, to take the examination. If you're going to rewrite these rules, I think that there should be -- that should be a little more clear as to what that means, if you want to make that distinction, and who decides whether hours are certified or uncertified. Because it's come up a couple of times --

    MS. WITTUM: Uh-huh.

    MS. PICKERING: Uh-huh.

    MS. GEE: -- just since I've been working with the board. And it's -- there is no one place in the rule that, to me, is very clear how that is supposed to work. So, I know that it's been -- been done in a particular way, but...

    MS. WITTUM: Does the board want the ability to not allow a candidate to examine if they have not paid their contract in full? Because I think that's really basically the only reason why we currently would accept uncertified hours from a school.

    MS. POWELL: I think that the only place I ever saw it was when we had it in the rule where -- or the law where we were talking about transfer students, and since that's been taken out, it seems to have removed
this certification of hours, all tuition paid clause, the only place I remember seeing it.

I think the school should have the response -- the responsibility and the opportunity to decide if those hours are certified or uncertified, based on the student's academic progress, as it has been in the past, on the certification of hours form; and I think it should be to protect them, that the charges are paid.

MS. GEE: Okay. So I'm hearing you say that you want to continue requiring certified hours in order to be eligible to take the exam?

MS. POWELL: Exactly.

MS. GEE: Okay. And that would be both academic --

MS. POWELL: Academic and payment.

MS. GEE: -- academic and payment. Okay.

MS. POWELL: That would be the guidelines that the schools would use to establish whether they were certified or not. And, you know, that's --

MS. COLLINS-BURROUGH: When did it change?

MS. POWELL: -- been the certification of hours form that we've submitted all these years to verify that the state mandated curriculum was met, and then
the school has their guidelines on graduation requirements.

MS. GEE: Uh-huh.

MS. WITTUM: Now, I know we generally have looked at whether or not the tuition has been paid, and if it's not, then hours can be uncertified, but what's the satisfactory progress, how does that factor in there?

MS. POWELL: Well, I don't know that satisfactory progress does factor in there.

I think the state mandated curriculum that is on the certification of hours form that we send in --

MS. WITTUM: Uh-huh.

MS. POWELL: -- that certifies, the school is certifying that that has been, those needs have been met, they have been trained in those areas.

MS. WITTUM: Uh-huh. What --

MS. POWELL: And I don't know that we would necessarily say that -- or should say that it -- the contract has to be paid in full before the hours are considered certified. It might be that the schools would prefer that they can certify those hours based on what they believe to be -- they may want to give them a promissory note and still let them take an exam. I don't know how the language would cover them, but --
but some schools want their students to examine and
they just give them a promissory note and those charges

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are not paid for in full, but they have made provisions
so that the school feels satisfied that their needs are
being protected and then yet the student gets to
examine as well.

MS. WITTUM: I guess what --

MS. POWELL: It's been kind of addressed both ways
with different schools.

MS. WITTUM: Well I -- I guess my concern is if we
throw satisfactory progress in there, in that
evaluation somewhere, that it's -- it's going to be a
lot harder to prove or disprove satisfactory progress,
wouldn't it, than -- for the board and the staff than
whether or not tuition has been paid?

MS. POWELL: I didn't say include satisfactory
progress, I'm saying don't. Satisfactory progress
didn't come out of my mouth. I said the certification
of hours form, the little yellow form that says 120
hours, a thousand hours in hair dressing, 50 in dah dah
dah.

MS. WITTUM: Uh-huh. Right.

MS. POWELL: That is what I'm talking about. As
long as the school is submitting that they vouch that
the student has had that, that's part of the satisfactory progress.

MS. WITTUM: Okay.

MS. POWELL: But now the financial part of it is where we're at today considering the change.

MS. WITTUM: Uh-huh.

MS. POWELL: And I believe the board should continue to help monitor this, what is certified hours and what is not, based on that certification form.

MS. WITTUM: Uh-huh.

MS. POWELL: And some type of satisfactorily meeting the needs of the schools to see that the student is -- or that the school hours have been paid for or will be paid for. So --

MS. WITTUM: So, would Rule 3 here be the appropriate place to add in language, do you think?

MS. GEE: Uh-huh.

MS. WITTUM: Okay.

MS. GEE: I'm trying to figure out how you do that.

MS. POWELL: Well, and then that's my concern, because I know that in the past it was just a blanket statement that all hours would be paid for prior -- before the hours would be certified.
MS. GEE: Uh-huh.

MS. POWELL: Well, I know for a fact that there are schools --

MS. GEE: That don't do that?

MS. POWELL: -- that are letting the students take the exam and they are giving them a promissory note.

MS. GEE: Uh-huh.

MS. POWELL: Which our law makes no provisions for, but those students are examining. Now, should you stop that because it's not in our rule or our law? You know, I don't know that we would want to go that direction. I think we would maybe want to make our language --

MS. GEE: Well, there is nothing in the law about that issue.

MS. POWELL: Right.

MS. GEE: And there is -- you know, it's mostly just what the policies have been.

MS. POWELL: Right.

MS. GEE: What has been done.

There is -- so, I mean, from my point of view, it's an issue of how you want to do it, and then we figure out how to make that happen if -- in the language and the rule.
So, I mean, if that's --

MS. POWELL: Well, I would just like for the committee to consider that the schools are going to need some type of protection in this area, because of the students, the controversy of what is certified.

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MS. GEE: Uh-huh.

MS. POWELL: And yet you've got to make it friendly for the student and you've got to make it friendly for the school to be protected. So -- and how that's accomplished I don't know. I mean, and I don't know that we even want to get into it. I don't know if we would be better off to stay out of it.

MS. GEE: What, the certified, not certified?

MS. POWELL: Well, no. Stay say certified, but determining what is certified, do we want to get into the mix of what classifies certified or do we just say, upon the certification form or upon the office receiving certification?

MS. WITTUM: I think we need to provide the clarity --

MS. POWELL: Provide guidance?

MS. WITTUM: -- on what certified hours is. I mean, just like Erika says, it's not defined anywhere in the law or in the rules.
MS. POWELL: Okay.

MS. GEE: Well, I think if we don't have some kind
of guidelines as to how, what the board thinks it
means, then we're just asking for controversy between
schools and students.

MS. POWELL: Right. And I think that was the
reason that it was included in that small area in the
past.

MS. GEE: Which is, you know, not -- not a great
place for the board to be.

MS. POWELL: Right.

MS. GEE: In between the middle of the schools and
the students.

MS. POWELL: Right.

MS. COLLINS-BURROUGH: And we don't want to
legislate on how schools should run their schools.

MS. GEE: Right. Right.

MS. BURCHETT: So, is the only place it's stated
is on the back of the certificate of training form,
where you -- or front or back, where you say certified
or uncertified. If it's uncertified you turn it over
and put the amounts, you give the breakdown of how much
they still owe tuition wise?

MS. POWELL: You're talking about the balance due
MS. BURCHETT: Uh-huh.

MS. POWELL: Well, at the bottom of the certification hours form is the only place you would check if it was certified or uncertified, on that certification form.

MS. BURCHETT: And I believe it's written somewhere, I'm just not sure where, that that is the only reason that we cannot certify student hours, is if their tuition is not paid in full, they still owe a balance.

MS. POWELL: Well, and that's what I'm saying, I thought was in -- only in the area of the law that was just taken out when they were discussing transfer in students. I don't remember seeing it anywhere else.

MS. WITTUM: Currently in 4.16, and it is one of the revisions in your law -- law revisions there, it does specifically say that students transferring or failing to complete the entire course shall be given a certificate by the school evidencing the number of hours completed, provided that the required tuition has been paid. And I think that's the only place that clearly says the tuition has to be paid. And that's all dealing with the three year law that was removed.
MS. GEE: But that's gone now.

MS. WITTUM: Uh-huh.

MS. GEE: And that only ever applied to transfer students anyway.

MS. WITTUM: Even though it was being applied across the board for everyone.

MS. GEE: Right.

MS. BURCHETT: Well, schools need some way to not allow that student to go to board and get their license and go away forever if they still owe tuition.

MS. POWELL: And that's what I'm saying and that's what we fell back on in the past. But because of the law revision for this three year rule, that being gone now, we are -- we're at the --

MS. WITTUM: But even with that, it was not being properly applied.

I mean it, like Erika said, it dealt only with the transferred students. It didn't deal with someone who came into your school and stayed for the duration of their program at your school.

MS. POWELL: Well, it may not have been clearly stated that way, but I believe that was the intent of the way the board operated.

MS. GEE: Well, that was -- yeah.
MS. POWELL: Yeah.

MS. WITTUM: But instead of let's -- instead of going just on intent, let's make sure it's clear. This is the perfect opportunity.

MS. POWELL: Exactly. And maybe we need to address that with the heading of certified, uncertified hours. I mean just some specific to deal with just that issue.

MS. GEE: That's what I'm thinking would be a good idea.

MS. POWELL: Yeah. I love that.

MS. GEE: So there is no question about what that means.

MS. POWELL: Exactly. Put it in one spot and under the proper heading, certified uncertified.

MS. GEE: What if you said that in order to be eligible for the examination, one of the requirements is that hours must be certified by the school. And certified means -- I mean, not exactly this language, but certified means that tuition has either been paid in full or there has been a promissory note that is acceptable to the school.

MS. POWELL: The school is satisfied.

MS. GEE: The school is satisfied for, you know --
MS. POWELL: With the financial or whatever.

MS. GEE: Yeah. With the financial situation, however you word it.

MS. POWELL: Because schools sometimes give scholarships, so that would not involve either one.

MS. GEE: Yeah.

MS. POWELL: So it would need to be the school is satisfied with the payment options or --

MS. GEE: The payment arrangements or whatever.

MS. POWELL: Yeah.

MS. GEE: That would be the bottom line, we would have to figure out how to word it.

MS. POWELL: Right.

MS. GEE: But that would be one of the requirements to sit for the exam.

MS. POWELL: I agree. I agree with that.

MS. GEE: And that would just have it be more clear, then there wouldn't be any question about -- in anybody's mind what they had to have together.

MS. WITTUM: Right.

MS. GEE: And there isn't anything in the law now that says anything about that. I mean it just says that you have to meet the requirements set by the board of cosmetology, is pretty much what it says, so...
MS. POWELL: Right. Which that meant we never did address specific core domain or curriculum or anything, so...

MS. GEE: So, I mean, if you want to have more specifics about that, now is the good time to do it. I mean I don't know if you do or not, but that's just one of the things that have come up for me, so I wanted to have that addressed more specifically.

There might be some other areas also, as far as the exam goes and being eligible to sit for the exam and, I mean, you all would be the experts on that.

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MS. WITTUM: Currently it's just that they completed the number of -- required number of hours that we have, you know, all of their, their application, their fee, exam fee, and that's pretty much it. Once we have that in place and then based on the policy of the tuition be paid, being paid --

MS. POWELL: Well, I think that's sufficient.

MS. BURCHETT: But isn't that on the back of the form already, or on the form, whichever side?

MS. WITTUM: Well, on the certification form, that's where they note if the tuition is paid or not paid. And if it's not paid there is another form that's filled out.
MS. BURCHETT: Another form.

MS. WITTUM: Right.

MS. BURCHETT: Yeah. So it's on a form.

MS. WITTUM: And then we could modify that form to address letting the school know that they are satisfied with the payment arrangements. And we don't really care what payment arrangements they are, just that the school is satisfied with how ever they are going to collect on that debt.

MS. BURCHETT: Well, if the school has made that arrangement, then they would not have any reason to not certify the hours.

MS. WITTUM: Uh-huh.

MS. BURCHETT: So the only -- the only thing is, if they send in a form that says uncertified, then apparently the tuition is the only reason the school cannot certify hours. And then all you would do is just file that, apparently, until the school sends another one in that says it's certified?

MS. WITTUM: Uh-huh.

MS. BURCHETT: You don't need to deal with explanations.

MS. WITTUM: Right.

MS. BURCHETT: And that's up between them and the
school.

MS. WITTUM: Right.

MS. BURCHETT: Just the certified or uncertified, and once they are certified you can accept the application for the exam.

MS. WITTUM: Right.

MS. BURCHETT: But if it's on a form it should be in a rule book, which is what we're saying.

MS. WITTUM: Uh-huh.

MS. BURCHETT: So...

MS. GEE: Okay.

MS. BURCHETT: Did we figure out where?

MS. WITTUM: Under the exam, under 3.1 is where --

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MS. GEE: Well, Rule 3 is going to have to be --

MS. WITTUM: Totally rewritten.

MS. GEE: -- substantially rewritten, with the outsourcing of the exams, so somewhere in there.

MS. WITTUM: And I -- I can draft something based on how we know the practice or the process is going to be with PCS to try to make sure that we cover everything that might need to be covered in there and then we can tweak it as we need to.

MS. GEE: I would say let's not make it too specific.
MS. WITTUM: Okay.

MS. GEE: Because you know it's not easy to change the rules.

MS. WITTUM: Okay.

MS. GEE: We can just -- since the board is not going to be responsible for most of it --

MS. WITTUM: Okay.

MS. GEE: -- we can leave it sort of general. But we can work with that.

MS. WITTUM: I know that the exam deadline is going to have to be rewritten, and that -- I won't have any information on exactly how it needs to be rewritten until PCS, LaserGrade, and I get together and get the contracts in the works.

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MS. POWELL: Well, the same thing on that 3.3 with cancellations and the language and --

MS. WITTUM: Uh-huh. And one thing, too, that I -- it didn't come up this morning, when Suzanne was here, but with the language, I know we -- well, it did, too, because she commented about the different versions that are going to be available.

Apparently, when I was talking with Andrea, Francine, and Suzanne, I learned that Arkansas is about the only state that they are aware of that allows
interpreters during an exam. If -- if a person, nonEnglish speaking person needs assistance, you know, then they are not allowed an interpreter. They can do the reader and have extra time, because those are covered under the ADA, but language barriers is not covered under the ADA. So they do not allow interpreters, which is going to be a significant change for what we've been doing, because we have been allowing the interpreters to come in, not only with the written assistance but also with the practical.

So that, this whole section under 3.4 will have to be tweaked, too.

MS. BURCHETT: But they can be for readers, she said.

MS. WITTUM: Yeah. The readers and the extra

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... time. Any -- if there is a medical reason why that person needs --

MS. BURCHETT: But not just a language barrier?

MS. WITTUM: Right. Right.

MS. POWELL: Well, because, I mean, they can give that in those other language -- in several other languages.

MS. WITTUM: Right.

MS. POWELL: Plus, you know, we've had the issues
of integrity issues on interpreters.

MS. WITTUM: Right. Exactly.

MS. POWELL: And I know that the board has had difficulty contracting with interpreters.

MS. WITTUM: Uh-huh.

MS. POWELL: And, you know, I think that's a good decision.

MS. GEE: Well, they have it available in four languages.

MS. WITTUM: Right.

MS. GEE: So, hopefully that would cover most of who might want to take it.

MS. WITTUM: And it pretty much covers --

MS. POWELL: Well, yeah.

MS. WITTUM: We've had some off-the-wall languages requested that we haven't been able to provide them for. But it just, in my opinion, just even more compromises the security of our testing materials to allow someone -- for example, I believe we had someone recently from Ukraine. Ukraine is not a language that NIC has translated, nor are there any certified interpreters in the state of Arkansas that provide that assistance.

MS. BURCHETT: How did they go to school?
MS. GEE: That's a good question.

MS. WITTUM: But they insist that they need an interpreter.

MS. GEE: So, are you saying that --

MS. WITTUM: There will be no --

MS. GEE: -- with the outsourcing, there will be no interpreters?

MS. WITTUM: There will be no interpreters.

MS. BURCHETT: Then it will be off our back. That's their rule.

MS. WITTUM: Yes. And according to -- Suzanne and Andrea wracked their brains and they can't think of -- I'm going to ask more at the administrators conference, but to their knowledge there is no other state that allows interpreters to come into the exam facility, so that is something that is unique to Arkansas that probably does need to be changed.

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MS. BURCHETT: Even for hearing impaired?

MS. GEE: No. That's a disability.

MS. WITTUM: That's a disability under ADA.

MS. BURCHETT: So that's covered.

MS. GEE: Anything you can't help will be covered.

MS. BURCHETT: That's right.

MS. WITTUM: So, we know that all of Rule 3 is
going to have to be completely rewritten. We may not
want to spend a whole lot of time -- well, at least as
far as the exams go. There are some other sections
dealing with that.

MS. GEE: Is there other issues you --

MS. WITTUM: I don't --

MS. GEE: I mean, because it seemed to me that
maybe we should just draft a new Rule 3 and then just
let everybody look at it.

MS. WITTUM: Okay. I can look at it.

MS. GEE: Because, I mean, it has to be changed so
much, I'm not sure what we would even --

MS. WITTUM: Yes.

MS. GEE: It will be a lot shorter.

MS. WITTUM: Yes. We can definitely shorten it.

And where are we? That was 206.

207, it looks like, is just terminology clean up.

And we tried to consistently go through the law

when we were doing the terminology clean up, take out
the references to cosmetician and just simply state
cosmetologist.

And the -- all of the student information is
changed to permitting, since that's the term we tend to
use in the office and on our correspondence and stuff,
take out all the references to registration, and then all of the licensees information is consistently restated to be licensing.

208, I know the attorneys that we were dealing with during the law changes seemed to think that what is currently in 208 was not clear. That's why all of that has been redacted. And -- and instead something new has been written in here. Do you think we need anything in the rules pertaining?

MS. GEE: Well, yeah, you do, because it says you will conduct investigations and inspections as promulgated by the rule. So, you probably need to have a rule.

MS. WITTUM: Well, and the -- I believe it's referring to this process here in 1.4, under the inspection division, because I think it --

MS. GEE: Well, kind of.

MS. WITTUM: Or we can restate that. Or under Rule 4.1 we can just add a subsection for the hearings.

MS. GEE: Well, I think you all need to have a rule that says how complaints are going to be treated. I mean you have a section on consumer complaints, but that doesn't -- I mean it's limited to consumer complaints. It's not -- it's not a situation where you
have an overall here is how we're going to deal with
complaints and hearings and all of this. I mean I
think you need a rule about that.

MS. WITTUM: Well, that is something the grievance
committee is going to be working on.

MS. GEE: Okay.

MS. WITTUM: Because they are going to re --
revamp the consumer complaint area of the rules, plus
add in rules addressing complaints against the board,
staff, and inspectors, I think is what that language in
there says.

MS. GEE: Well, just anybody, complaints against
anyone.

MS. WITTUM: Yeah.

MS. GEE: But that's fine. I mean, this would be
one of the sections that came into play when we were
thinking about making some changes as to how all of
that goes, so --

MS. WITTUM: So 208 would need to be put into the
grievance committee.

209 are the fees, so it's going to be the fee
committee.

MS. PowELL: Okay. We're going to get through
with this better than I thought. Let's just keep
giving this to other committees and, hey, this one is
going to be the best committee of all.

MS. WITTUM: 302 it looks like is just terminology

MS. WITTUM: Now, there might be something in the
rules under that one Section D that's being stricken
because that has to do with the exams.

And it does kind of -- well, it does address the

grades.

MS. GEE: Where are you? 30 --


MS. GEE: Is that in the rule?

MS. WITTUM: Well, there is a section about grades

but it doesn't talk about one part having more weight

than the other. It just gives the scores that are

required under the grades.

MS. GEE: Okay. Well, we're changing that anyway.

MS. WITTUM: Huh?

MS. GEE: That grade thing.

MS. WITTUM: Uh-huh. Yeah.

304 was consolidating all of the exam
requirements, instead of restating the whole thing four
or five times.
MS. GEE: So, you -- you took out this good moral character and temperate habits? You don't want that anymore?

MS. WITTUM: If you would define it for me then we can have it.

MS. POWELL: Well, that would almost get rid of anybody in cosmetology.

MS. WITTUM: Yeah. Every time somebody asked me what that meant, I had to tell them I don't know.

MS. GEE: It means what we want it to mean.

MS. WITTUM: What's your definition of a moral character?

MS. GEE: It's pretty vague.

MS. WITTUM: And I believe there is not --

MS. GEE: 305 repealed.

MS. POWELL: Is this where we're talking about in 304, would this examination prerequisites, is this where we might possibly want to put the information on --

MS. WITTUM: Certified, uncertified?

MS. POWELL: -- certified, uncertified hours for an examination?

MS. GEE: Well, I suppose you could have, if you wanted to put it in the law, in the statute. You can
put it in the rule, though.

MS. POWELL: Okay.

MS. WITTUM: Just remember, there is not necessarily a rule that's following in line here.

MS. POWELL: You're exactly right. Never mind. Forget I said that. Okay?

Will you all forget I said that?

MS. COLLINS-BURROUGH: Scratch.

MS. POWELL: Let's scratch that.

MS. BURCHETT: But that's the problem, it doesn't follow. There is no flow.

MS. POWELL: Right. I got ahead of myself.

MS. WITTUM: Well, I don't know, Erika may want to cover her ears, but after we pull together what revisions we want to make, we might want to restructure the rules themselves to see if we can bring them in to align with this.

MS. GEE: I don't think that's a bad idea. I mean if -- from my standpoint, if you are going to be prosecuting a case against somebody for a rule violation, it would be very helpful if things --

MS. BURCHETT: If the law were referenced.

MS. GEE: Well, if the law were referenced and if you had things that were divided up like they are in
the statutes, where you have Section A, Section B, Section -- instead of just having like a big block of information. It makes it easier for people to miss things in there. Easier for everybody to miss things, I think. A lot of times it seems like there is something that is relatively important that's just sort of buried in a big paragraph.

MS. POWELL: On the back page.

MS. GEE: On the back page.

MS. POWELL: When it was on the subject on the front page. Exactly.

MS. GEE: So we could work on that, I think, make it a little clearer for everybody.

MS. WITTUM: All right. Sounds good.

Do you all want to keep going?

Say stop whenever you are ready.

MS. BURCHETT: So, on 17-26-304 --

MS. WITTUM: The examination?

MS. BURCHETT: Every -- uh-huh. Everyone who applies -- of course I know that's going to change some with the examination, but, you know, when -- when we start with them, with the -- with PCS, are they just going to say, we're going to do 10 a month and that's all? I mean since they are only going to do one month,
and I mean, I just pulled ten out of the air, but are they going to say, there is no way we're ever going to test more than once a month?

MS. WITTUM: Well, they told me that if -- you know, if we had a large slough of people apply in July, then -- that couldn't be accommodated within the day hours that we normally have for exams, then they could see what provisions could be made to keep people overnight and have them come and examine another day. But keep in mind that the decision today to go to a LaserGrade mandatory requirement will pretty much make those times rare, if -- if they could ever happen anyway. Because the -- the exam facility will be used for just the practical exams. So we can -- we can rotate those people in the one area where the stations are, especially if we have the three stations. And I believe we can do what's necessary to make those changes to make sure that we have -- PCS only allows six candidates per examiner. So, we will have six going down A, B, and C. And we can -- I forget how many my number was, but I mean we can run through like 72 people.

MS. POWELL: Well, eight per exam, in two hours, so you know, you're saying the exam now would only take two hours, or --

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MS. WITTUM: Yeah. PCS was thinking with us not
doing the optionals --

MS. POWELL: Two and a half.

MS. WITTUM: Well, it would be two and a half.

MS. POWELL: Two and a half, so --

MS. WITTUM: Because right now it's 3 1/2 hours to
do the cosmo practical.

MS. GEE: So, you could do at least two, two
rounds a day.

MS. WITTUM: More than that. We can do three,
maybe even four, depending on how long we want the
hours to be per day. But that's just in that one
section. The classroom won't have to be used for paper
and pencil exams anymore, and we've got tables and more
than enough room in that classroom to set up, I believe
I set up 12 comfortable to where we can also have --

MS. POWELL: Nail --

MS. WITTUM: -- classes of those coming in as
well, whether it be aestheticians, manicurists, or
cosmos in there. Then we've got the instructors only
using the instructor room, and we can do at least six
of those in a day, maybe even more.

If we don't conform one of the instructor rooms
for a LaserGrade site, we have two instructor rooms
that we could do 12 a day of instructor exams. We

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don't generally have that many of those, though, per month.

So, I don't think that with all of the changes that are happening that we're going to find those times where we have no seats available. I think we'll be able to accommodate. We may only have three people in one class, but we at least will be able to get the people who applied done without there being any problems. And PCS will -- they are responsible for arranging for those examiners to stay for however long we're going to guesstimate that day to be. And that could even change depending on the number of candidates. We may not need to be here until seven or eight o'clock most months, but, you know, we may have a couple of months where we need to be, be here that long.

MS. BURCHETT: Okay. Thank you.

MS. GEE: I lost track of where we were.

MS. WITTUM: I think 304 was where we stopped, and it's also dealing with examinations. It could be that that's going to need to be tweaked just a little bit, because of the -- or it may have some other places.

I think all of the exam information in the rules is under that Rule 3.

MS. GEE: All right.
MS. WITTUM: So 306, that's also dealing with exam pre-reqs. I think this one is dealing with the electrology exam.

MS. GEE: Well, I just thought that --

MS. WITTUM: I don't think that one is going to need anything.

I know the references to the cosmetology instructor exam, there may be some places in the rules that refer to the instructor program, strictly as a cosmetology instructor program. That will all need to be changed, since we're allowing anyone to go through, any licensee to go through the instructor program.

MS. GEE: This section in 306 about electrologists?

MS. WITTUM: Uh-huh.

MS. GEE: It says, training and practice for such period as shall be specified by rules of the board.

Is that specified? It is, right?

MS. WITTUM: Yes.


MS. WITTUM: I think --

MS. GEE: 6.12?

MS. WITTUM: Well, that's dealing with the electrology, but this --

MS. GEE: That's a different one.
MS. WITTUM: The instructor training has a rule all its own.

Rule 7 will have to be completely revamped; one, to take out the con ed; and two, to take out any references that it may have to only a cosmetology --

MS. GEE: The electrology instructor section, is that what you're talking about?

MS. WITTUM: No. I was on the instructor. And actually I may just be jumping ahead. I just didn't want to forget that.

MS. GEE: Well, just tell me what section you're on.

MS. POWELL: Page 20.

MS. WITTUM: The examination in general, pre-reqs for the examination in general because the instructor, I believe, is --

MS. GEE: That says just electrology instructor. Am I missing something?

MS. COLLINS-BURROUGH: No.

MS. WITTUM: I may be jumping ahead.

MS. COLLINS-BURROUGH: Are you wanting to do this cosmetology instructor, instructor changing?

MS. WITTUM: Well, we made that change --


MS. WITTUM: -- of the law.
No, I've got that. But we made that change in the law.

MS. GEE: What change?

MS. WITTUM: For the instructor, for not limited to just a cosmetology anymore.

I'm probably just jumping ahead.

MS. GEE: Well, I don't know.

MS. WITTUM: Well, we'll just keep going one by one, until you all tell -- say stop.

So we've done 306 and 307.

308 is repealed.

309 is going to deal with the examinations.

310 says that we'll promulgate rules addressing the no shows. Do you want to just add language in three to be consistent with what our contracting or outsourcing contract is going to --

MS. GEE: Well, it's currently in three. Right?

MS. WITTUM: I think it is.

MS. GEE: Seems like I saw it there.

MS. WITTUM: Yeah. Well, it's got explanations. Yeah. It does. It addresses the no shows, too.

MS. GEE: Okay.

MS. POWELL: So that would be included, 310 would now be included with 3.3. Right?
MS. GEE: With Rule 3-point -- yeah.

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1 MS. WITTUM: Yeah.
2 MS. POWELL: Okay.
3 MS. WITTUM: And we're going to totally rewrite Rule 3.
4 MS. POWELL: Yeah, that. Right.
5 MS. WITTUM: Yeah.
6 312 looks like it's just clean up.
7 313 is out.
8 314, clean up.
9 MS. POWELL: In that 315, do you think that's where we were -- would want to include language that we had discussed today on reciprocity issues on board funds?
10 MS. WITTUM: Yes.
11 And, actually, the whole reciprocity rule, which is Rule 8, is going to need to be completely rewritten.
12 MS. POWELL: Okay.
13 MS. GEE: Okay. Where are we now? 316?
14 MS. WITTUM: 316, I think. There will need to be --
15 MS. COLLINS-BURROUGH: I just found something I didn't like.
16 Where about -- says wear the license on his or her
person while practicing cosmetology. That's crap.

MS. WITTUM: Where is -- is that in the rule or

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the law?

MS. COLLINS-BURROUGH: It's in the law.

MS. BURCHETT: The law.

MS. GEE: It says display or wear.

MS. COLLINS-BURROUGH: It says wear the license on

his or her person while practicing cosmetology, No. 29.

MS. WITTUM: Yeah, or.

MS. GEE: But subsection one says display the

license, blah, blah, blah, or wear it.

MS. WITTUM: Or. You had the choice.

MS. COLLINS-BURROUGH: I still didn't like it.

MS. WITTUM: But there are some people who

didn't -- who wanted to wear a badge instead of having

it posted at their station, so this at least gives

people the option to choose.

MS. BURCHETT: Right.

MS. POWELL: It helped the inspectors when someone

starts to run out the back door. If they got the badge

on --

MS. BURCHETT: Well, but then if they had it on,

there is no way to record what license went out the

back door or who, you know.
MS. PICKERING: You don't know who it was.

MS. POWELL: If they had a license, though, they wouldn't be going out the back door, more than likely.

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MS. PICKERING: Unless they don't have one period.

MS. POWELL: Uh-huh.

MS. COLLINS-BURROUGH: Unless they wear someone else's.

MS. BURCHETT: Yeah.

MS. WITTUM: 316 is addressing including photo IDs on the licenses. There is probably going to be some sections in the rules that's going to need to address that.

MS. POWELL: Well, give them more explanation as to how that's going to be accomplished for the photo ID, right? Which one would be accepted, how it will be received and how it's going to be submitted. Right?

MS. WITTUM: Uh-huh.

MS. GEE: Well, I have a question. Are you contemplating that people are going to have to do a new picture every time they renew?

MS. WITTUM: No.

MS. GEE: Just basically do a picture one time?

MS. WITTUM: Uh-huh.

MS. GEE: And that's it?
MS. WITTUM: (Nodding head up and down.)

MS. GEE: Okay.

MS. WITTUM: Did the board -- did you all, as the board, did you see that being any different?

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MS. POWELL: I thought they would get a picture each time, just like you would renew every three or four years with your driver's license.

MS. BURCHETT: I did, too.

MS. POWELL: Otherwise why would you do it, because I would keep the one when I was 21.

MS. COLLINS-BURROUGH: For all of us.

MS. POWELL: And 110, okay?

MS. WITTUM: Well, since they are --

MS. POWELL: That's not going to help.

MS. WITTUM: Since they are going to be renewing every two years --

MS. POWELL: Right.

MS. WITTUM: -- it's not going to be that big of a burden.

MS. POWELL: Right.

MS. WITTUM: Plus it's going to be on their birthday, so it won't -- it won't be the problem that it is right now with everybody renewing December 31st.
MS. POWELL: Exactly.

MS. WITTUM: So, we can include that that is a requirement.

MS. PICKERING: I think we might need to do that. I have red hair today, I might be gray in four years.

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MS. POWELL: I mean, if we were using the whole concept behind this was for identification purposes, especially in our industry, golly, people, we can change, we can do a 180 in a hurry.

MS. WITTUM: We can include that language, then. Definitely the renewal site is going to have to be addressed, I'm sure, in the rules.

Now, the lifetime license is a whole new concept and there is nothing about it in the rules. Would you suggest we have a rule addressing it?

MS. POWELL: Since it's in the law, we wouldn't have to put that in a rule, would we? I mean it's kind of a blanket statement. I mean 65, you're more or less home free.

MS. WITTUM: Well, 65 and has been actively engaged for 30 years.

MS. POWELL: Uh-huh. And that's in the law, so we wouldn't have to be redundant.

MS. GEE: That's all right.
MS. WITTUM: There is also the provision to allow for the medical waiver. Do you want that to be addressed by the fee committee or do you want this committee to do it?

MS. PICKERING: I think the fee committee ought to do that.

MS. GEE: Me, too, except -- wait. Will I be in the fee committee?

MS. WITTUM: Yes, ma'am. But you can't be there tomorrow, though. You have another meeting.

MS. GEE: That's right. But Kendra will be there. I asked her.

MS. WITTUM: Good. What we added in the law is that a licensee for whose license has lapsed for failure to -- oh, failure to renew, and who is or was under the direct supervision of a physician for an extended or long term condition, may request from the State Board of Cosmetology a waiver of the reinstatement fee.

I think it should be with the fee committee.

MS. GEE: Sure.

MS. WITTUM: 320, 321, no provisions. 323 is the fee committee. 401 is clean up.
MS. GEE: You are just trucking along there.

MS. WITTUM: There is a back page. There is a back page to your sheet, too, if you didn't see this.

MS. POWELL: Kathy?

MS. WITTUM: I'm sorry. I didn't put together this law.

---

MS. POWELL: What were you looking at on the 323 when we were talking about the inclusion to cover costs associated with penalty change?

MS. WITTUM: To mandate a health and safety workshop for those, if the board chooses to do that for --

MS. GEE: That's what I was just trying to figure out, what that was.

MS. POWELL: Well, now, are we talking about that should be visited with the fee structure committee?

MS. WITTUM: The fee, yeah. They will do that.

MS. POWELL: Okay. That was my question.

MS. WITTUM: They will also be responsible for organizing those workshops, deciding what kind of workshop and all that stuff.

MS. POWELL: Okay.

MS. WITTUM: Now, it is 10 after four. Do you
want to continue or do you want to stop?
MS. PICKERING: How long do you think it will take us to do?
MS. POWELL: Let's keep going. I mean, if --
MS. WITTUM: Okay. I don't want to wear you out.
MS. POWELL: Well, you've worn me out. I was worn out at eight o'clock in the morning. I can take this beating.

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MS. WITTUM: 403 is terminology clean up.
404 is terminology.
MS. POWELL: 405 is just the removal of 168 square foot, which is --
MS. WITTUM: It's not in the rule, anyway, I don't believe.
MS. POWELL: Right.
MS. WITTUM: Well, wait a minute, it may actually be.
Is it under the -- no, it doesn't look like it is.
MS. POWELL: Well, and if we happen today to have missed it in its secret place, we can always bring that up next time.
MS. GEE: Yeah. It is.
MS. WITTUM: Where is it at?
MS. GEE: It's in rule -- what rule is that?
Rule 5.

MS. POWELL: Floor space?

MS. GEE: 5.5, floor space. Isn't that what it is?

MS. POWELL: Yeah. It says floor space.

MS. GEE: Fifteen on my copy of the rules.

MS. POWELL: 168 square feet of floor space. It's on Page 15.

MS. COLLINS-BURROUGH: So now there is no recommendation for floor space?

MS. POWELL: So, it will be removed totally.

MS. WITTUM: Yeah.

MS. BURCHETT: There will be shops --

MS. COLLINS-BURROUGH: Well, there will be shops in someone's closet.

MS. POWELL: They were there before. Yeah. But 168 square feet is almost a closet.

MS. COLLINS-BURROUGH: It's tiny. It's tiny.

MS. GEE: That's kind of a weird number, 168.

MS. POWELL: I think they went out back in '50, 1950 and measured the utility room and that's when they said, okay, we want to get it out of the houses so let's measure the utility room, whatever holds a washer, a dryer, that's us. That's -- that's, you
know, it has to be bigger than that.

So the only thing I remember as far as floor space now from here on will be the building information.

MS. BURCHETT: The schools.

MS. POWELL: Floor surfaces, but not -- not square footage.

MS. WITTUM: Right.

MS. POWELL: Square footage is only going to be mentioned in the schools, as I understand it.

MS. WITTUM: Right.

MS. POWELL: Okay. Okay.

MS. WITTUM: 406 is addressing the addition of language to deny a license to a school or licensee upon evidence of public health safety being jeopardized. Do we want to clarify what that means?

MS. GEE: I would like you all to clarify, I don't know what that means. What does that mean?

MS. POWELL: I think -- wasn't this a spin off of that moral character kind of thing? Communicable diseases and moral character? The one that --

MS. WITTUM: See, I remember Kent saying that the law currently did not specify that a license could be denied to a person. I think the only language was to deny it to a school. But -- but also --
MS. POWELL: Well, if you -- I think the intent was to consider if there was, like an act of malice or --

MS. WITTUM: Uh-huh.

MS. POWELL: -- you know, a health reason --

MS. WITTUM: Uh-huh.

MS. POWELL: -- you could pull it.

MS. WITTUM: Uh-huh.

MS. GEE: That's not taking it away, though.

That's refusing to give it to them.

MS. WITTUM: Would that apply at renewal?

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MS. POWELL: Well, I think, too, like if you were to shut someone down, you have to have just cause to shut someone down. And you would have had to have had just cause to reestablish them.


MS. POWELL: And also wasn't there a felony conviction?

MS. GEE: Yeah. It's in the different --

MS. POWELL: Is that in --

MS. WITTUM: That's one of the -- 105, if I remember right, grounds for dismissal or discipline.

MS. GEE: Well, like what -- what sort of situation would jeopardize the health and safety of the
public?

MS. POWELL: Well, let's just say, for instance, this issue of the TB that we had, you know, where maybe they could -- felt like it was, they were intentionally going out and contaminating people or something, you know. That -- I'm not --

MS. COLLINS-BURROUGH: Or sanitation of your implements.

MS. POWELL: Or, you know --

MS. COLLINS-BURROUGH: Your facilities.

MS. WITTUM: If they have had numerous violations for health and safety issues.

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MS. COLLINS-BURROUGH: You know, storage of their implements.

MS. GEE: But you could pull their license with the existing law for stuff like that. I'm just -- I'm just having a little bit of trouble picturing what that would apply to --

MS. WITTUM: Well, I seem to --

MS. GEE: -- but that doesn't mean it's bad.

MS. WITTUM: Well, I seem to remember that initially the first draft of language that was done did deal with the moral character, but no one could define that.
MS. GEE: Yeah. So --

MS. WITTUM: So --

MS. POWELL: I mean, that's kind of what got us here by those type issues, I thought, and yet by being so vague, it was almost as though there was nothing saying you could pull or you could not issue a license.

MS. WITTUM: Uh-huh.

MS. POWELL: It was just if they paid the fee they got the license, because we couldn't define moral turpitude, you know.

MS. WITTUM: Uh-huh.

MS. POWELL: So, it seemed like the intent was to make sure that we could if it was proven and obvious that this was an intent to defraud or --

MS. WITTUM: Uh-huh.

MS. POWELL: -- to inflict an issue on the public health and safety.

MS. WITTUM: I guess the -- the thing that comes to my head would be if a school all at once learned that they had an asbestos problem or something.

MS. POWELL: Right.

MS. WITTUM: But, again, that still is not renew -- or revoking an existing license, not denying someone from the onset, unless we had documentation
that the building was not meeting code.

MS. POWELL: Well, let's just say, what if you had someone that had a -- a conviction, would that not address this, to eliminate giving them a license, if they had a --

MS. WITTUM: I mean, if you had a convicted sex offender or somebody.

MS. POWELL: That's what I'm saying, you're dealing with 16 year olds in this industry. So I know -- don't they have guidelines in the public school system to eliminate employees from -- they are supposed to. They probably miss it a lot, but --

MS. BURCHETT: You're probably right.

MS. POWELL: But, I mean, it's an opportunity to try and protect the student body.

MS. WITTUM: But this one may -- I think I hear you saying it would be better to clarify exactly what we mean by this. Right?

MS. GEE: Well --

MS. WITTUM: To make it easier for us in the future?

MS. GEE: Well, maybe. I mean I -- I'm just saying that I'm not -- I'm not sure that I understand what exactly this language is supposed to do, in
addition to what's already there, but it doesn't
necessarily matter. I mean we can just kind of see
what happens, see if --

MS. BURCHETT: It sounds to me like in A, if -- if
they give you information and -- if they give us
information and we say, okay, we approve for them to
have a school license, and then we come back and find
out that part of that information was false.

MS. GEE: Uh-huh.

MS. BURCHETT: That's what I understand out of
that paragraph.

MS. GEE: Yeah. But I was talking about the new
language in B.

MS. BURCHETT: Oh.

MS. GEE: The underlined part.

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MS. BURCHETT: I'm figuring out the one that's
already figured out.

MS. GEE: A is the same as it was.

MS. CAVER-BLADE: I've got to go.

MS. GEE: We don't -- I was just asking because we
were on that section. I mean we could just see how it
goes and see if situations come up.

MS. POWELL: Well, if you're talking about health
and safety, that can address the student body, the
public. I mean it could lean either way.

MS. CAVER-BLADE: I'll just set this here.

All right. Thank you.

See you tomorrow. Thanks.

(Ms. Caver-Blade left the room.)

MS. GEE: Is that out of place --

MS. WITTUM: Well, but it may be that as we continue to go through the revisions that some ideas come to mind on exactly what language could be included in the rule to kind of clarify that language.

MS. GEE: Okay.

MS. WITTUM: And it may be -- I know we were trying to simplify things because we couldn't define moral turpitude, and it may be that this is not the language that is going to help us to clarify anything.

MS. POWELL: Well, and, two, you know, as a board,

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we keep hearing how, you know, we -- we have the authority to not let someone open up a business, too, and get a license. But free enterprise controls what this board does, so it appears to me it would have to address a health and safety issue.

MS. WITTUM: Uh-huh.

MS. POWELL: So if we're going to clarify it, that's where we're going to have to clarify it, because
you're certainly not going to stop someone from opening a business.

MS. WITTUM: Uh-huh. So that one is going to need some work.

MS. POWELL: Well, maybe we need to call Kent. He was so -- did he write it? Can we bring this on him?

MS. WITTUM: Well, I believe he wrote it with our help.

MS. POWELL: Well, tell him to remind -- can he give us our notes, who said what and what city it was in that it was said?

MS. WITTUM: Okay. So 407 and 408, there --

MS. BURCHETT: Possibly the school that just gave up their license would fall into that category, because the -- you know, the not working restroom is health and safety, and, you know, I mean that -- I think that partly would fall under that.

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MS. GEE: Maybe.

MS. BURCHETT: So no hot water or hot water can't be controlled or not hot enough water or -- I don't know. You know, anything that the school is supposed to have, but it doesn't have to be health and safety, but -- you know, I -- but it's still real big. I think that's its problem. That sentence is five lines long
MS. POWELL: Maybe that clarification of the board may deny or revoke license to a school or licensee upon -- I would think that should be across the board. I don't know why it's talking school. It should be any establishment.

MS. BURCHETT: Yeah.

MS. POWELL: Of course, you know --

MS. BURCHETT: Well, that section is talking about school --

MS. WITTUM: Yeah, this whole section deals with schools.

MS. BURCHETT: School license. Right.

MS. WITTUM: I believe the -- the addressing of the establishment or licensee is in one of the provisions that the fee committee is going to deal with. Because that -- I believe it is across the board that the board can revoke or deny a license to anyone that they feel is not deserving of a license, basically.

409 this -- I think the substantive change that was made to this one was to remove the word immediate, under the school supervisor, but that's basically the only thing that changed.
The instructor qualifications, this is where we made the change to allow any licensee to enter the instructor program and receive an instructor license. And that will directly impact Rule No. 7.

Found the one on the point you jumped ahead on.

MS. GEE: Okay.

MS. WITTUM: 410.

MS. GEE: Okay.

MS. WITTUM: And it will impact Rule 7.

MS. GEE: Okay.

MS. WITTUM: 411 is just clean up.

412 is just clarifying that the cosmetology course may not exceed six days per week. I think it said that in the other, the specialty courses, but not in the cosmetology program.

That's pretty good. I've not seen that happen too many times.

MS. PICKERING: He had too much blood, he couldn't fly any longer.

MS. GEE: Do we need to change that 614? I bet there should be some changes.

MS. WITTUM: Yeah. 6.7 deals with the registration requirements, so that's going to have to be taken care of.
416 is out completely.

MS. GEE: Is there something about this volunteer services in the rules right now?

MS. WITTUM: No.

MS. GEE: We're going to have to write a whole new rule on that.

MS. WITTUM: Yeah.

MS. GEE: I'm expecting that that's going to be fun.

MS. WITTUM: It will be challenging.

MS. GEE: Challenging.

MS. WITTUM: So, we need a new rule for volunteerism.

And then 418 is just clean up.

MS. GEE: Yeah. We're going to have to figure out a rule on 417.

MS. WITTUM: Okay.

MS. PICKERING: So that's it, then?

MS. GEE: That's it.

MS. WITTUM: Does anybody see anything else in the --

MS. BURCHETT: Well, you know, I guess what we're going to have to do kind of on our own is go through and make sure that we can relate every -- if -- every
rule in here to here, every rule that relates, document it? No?

MS. GEE: Uh-huh.

MS. WITTUM: And I can start drafting what we've ironed out needs to be drafted, and then if you all want to just start going strictly through the rules and see if you see anything that we missed today, since we've ran through them pretty quickly. And --

MS. GEE: I don't -- I mean, and I don't want to discourage any suggestions for other changes that should be made to the rules. We went through this a lot faster than I thought we would.

MS. BURCHETT: But we really didn't go through the rule.

MS. WITTUM: Right.

MS. GEE: Right.

MS. BURCHETT: You really looked at the law.

MS. GEE: Right. Well, I mean, and that's what I'm saying.

MS. BURCHETT: So --

MS. GEE: If people want to go through the rules with some ideas for revisions they think might want to be made, I think we probably would have time to look at that.
MS. WITTUM: Right.

MS. BURCHETT: Not today, but we are going to meet more than just once.

MS. GEE: Right. Well, not today.

MS. POWELL: Well, and we're going to have public comment, too, that's going to focus on issues that we may not know is an issue.

MS. GEE: Right. That's true.

MS. PICKERING: Also, let me say, I think I took off more than I can chew. I need to be -- this is too mind boggling. Can I step down as chairman now?

MS. BURCHETT: No.

MS. WITTUM: No.

MS. PICKERING: No? I can't?

MS. COLLINS-BURROUGH: That's what this committee -- we'll help you.

MS. PICKERING: You'll help me? You better.

MS. WITTUM: It won't be by yourself.

MS. PICKERING: You need to. It's so mind boggling, I think.

MS. WITTUM: Now, August I know is going to be kind of busy with the conference and stuff, but that's toward the end of the month. Would -- would you all want to try to meet some time in August, to keep us
from waiting until the next board meeting -- board meeting in September?

Maybe we could get a little bit more work done at another meeting and then have --

MS. BURCHETT: Then be ready for public comment?

MS. WITTUM: Possibly, maybe. I don't know if we will pull it together that quickly, or do we want to do public comment after everything is done?

MS. BURCHETT: Well, didn't we --

MS. POWELL: I think if we --

MS. BURCHETT: I mean do we not want to finish everything we are going to do until we hear something from them? Isn't that correct?

MS. POWELL: Well, I think it's like what Erika said --

MS. BURCHETT: Otherwise why have public comments?

MS. POWELL: Well, I think it's like what Erika had said earlier about getting this thing going with what we know has to be changed based on the law revisions, then you're going to have to pull in and incorporate getting that lined out for us right now would be a big --

MS. GEE: Right.

MS. POWELL: -- tackle.
MS. WITTUM: Because it's my understanding it really doesn't matter what the public is going to say as far as what the law is going to require us to change.

MS. POWELL: But you're putting in --

MS. GEE: No. You're changing rules. You've got to go through the rule making process. You have to have public comment.

MS. WITTUM: Okay.

MS. POWELL: So but we've got to get first what's in the revision of the law incorporated into the language of the rule. Then put that in and then get the public comment on how -- as to how that's reading. Correct?

MS. GEE: Well, what -- what we need to do is come up with a draft of rule changes, based on the law that we've been talking about today.

MS. POWELL: Yeah.

MS. GEE: Then and what I was thinking we would do is the next committee meeting we would have a draft and then we would go over and see if everybody is okay with that draft, and if not, make whatever changes need to be made and then present that to the board and say this is what we are recommending as the changes that need to
be made, and if the board approves that, then it would
go for public -- would be, the public would be put on
notice of the proposed rule changes and you have to
have the 30-day comment period.

MS. POWELL: Oh, okay. That's --

MS. GEE: It's a process.

MS. POWELL: Okay. I was thinking --

MS. GEE: We can't just do it overnight.

MS. POWELL: Okay. Do we want to have -- well,
then how long is it going to take Kathy to get that
drawn up so we can --

MS. WITTUM: Well, here is my question, are we
going to be doing this on a committee by committee
basis, or are each of the committees going to get their
revisions done, pull it all together, put it to the
board at that time that here is the recommendation for
all of the changes that need to be done as they relate
to the law revisions?

MS. GEE: Well, I guess that's for you all to
decide. I guess it depends on how long the other
committees take. I mean --

MS. WITTUM: Well, as far as what needs to be done
to bring us into compliance with the law, I don't think
any committee is going to be able to drag their feet.
I think that we're all going to have to get in here and
get things moving. So --

MS. GEE: Well, I'm thinking -- and correct me if I'm wrong, but I'm thinking that the other committees are addressing changes that just maybe need to be made but not necessarily because of the statute.

MS. WITTUM: Huh-uh. No. Because just like the fee committee, I mean they are mandated by these law changes --

MS. GEE: Oh, yeah. They are.

MS. WITTUM: -- to take care of the -- in fact, I think every one of the committees has a mandated change that they need to address, except maybe the grievance committee.

MS. GEE: Okay. Well, then that's -- that's up to you all, then. I mean --

MS. BURCHETT: Okay. So is it the proper way or the required way to do it, make all of our decisions and do all of our voting before we listen to public comment?

To me that doesn't make sense. We don't -- it's like saying we don't care what the public says, we're doing to do all our stuff, just listen to them because we have to?

MS. GEE: Well, okay. Part of the rule making process incorporates public comment, and if you want to
have more public comment than that you can have more public comment. I mean it just --

MS. BURCHETT: Well, how do you mean incorporate? How does it?

MS. GEE: You have to put the proposed rules, the proposed new rules, give people notice of them, publish them, I guess you put them on the website, I'm not sure how else you give them notice of it, so people will know, we're proposing to make these rule changes. And make them aware of when there is going to be a meeting to have public comment, and anybody can come and say anything they want to say about those proposed rules. I mean that's part of the rule making process.

So if you want to add more public comment than that, more on the front end, like say at the meeting where you present -- the committee presents the proposed rules to the board to consider, if you want to get the public involved at that point, there is nothing to keep you from doing that. It just will slow things down more, but that's up to you all.

MS. BURCHETT: Well --

MS. WITTM: And it's not to say that at the time that it's presented to the board and the public has the opportunity to step up and say something, that what they have to say might not impact the proposal. It may
very well impact it. The board may say we don't want
to go with this because of whatever the public is
saying, we think this committee needs to revisit this,
and it's -- it's--

MS. GEE: The public is absolutely part of the
process. It's just -- I mean this is a public meeting.
If anybody wanted to come and say whatever they wanted
to say, there is -- there would be an opportunity for
that.

MS. BURCHETT: Right.

MS. GEE: I mean, so, I mean, if you mean like
travel around -- around the state like was done
before --

MS. BURCHETT: No. I just meant that it seemed to
me like we were going to do all that we were going to
do and then present it for comment after we've already
made our decisions. So --

MS. WITTUM: Well, you are going to be presenting
your recommendation. This committee is going to be
presenting its recommendation to the board based on
what we identify needs to be changed because of a law
revision. And then, you know, any of the other board
members or any of the public can -- can comment
accordingly, and it may or may not impact what
recommendations this committee has made.
MS. COLLINS-BURROUGH: But at least you've listened.

MS. WITTUM: Exactly.

MS. BURCHETT: So the board won't vote until after they have heard the public comment?

MS. GEE: The board cannot adopt a rule until there has been public comment.

MS. BURCHETT: Okay.

MS. GEE: That has to happen before you can adopt a final rule, and then it still has to go to the legislature to be approved.

MS. BURCHETT: Right.

MS. GEE: So, and I'm sure if anybody felt like their comments were not heard, they could go to the legislature and tell them, hey, we made these comments and they didn't listen. There is opportunities for several stages along with the way for people to weigh in on it, which I agree with you is important.

MS. POWELL: But the purpose of this committee is to form and to establish opinion based on what we can gather here with what we've got.

MS. BURCHETT: Right.

MS. POWELL: Then open ourselves up to the rest of the board and the public to say, now this is --
MS. GEE: Right. Somebody has got to get something together to look at.

MS. POWELL: Give them something, give them a bone here.

MS. COLLINS-BURROUGH: And then explain our side and --

MS. POWELL: Don't you copy that.

MS. WITTUM: So, again, do you all want to try to have a meeting in August?

And if so, the calendar is getting full so we probably need to figure out what date would be best. Or do you want me to just see what day we can get a room for?

MS. POWELL: Why don't you do that, Kathy, find out when you can, and then schedule --

MS. WITTUM: Do you all prefer a Monday? Does everybody prefer a Monday?

MS. PICKERING: I prefer a Monday, but I'm just one person.

MS. POWELL: Probably so. Probably so. Since we're going to meet here in Little Rock, that might be the best.

MS. WITTUM: Okay.

MS. BURCHETT: And the next meeting is the 13th of
September, isn't it?

MS. WITTUM: No. It's the 20th.

MS. BURCHETT: Oh, it changed.

MS. WITTUM: That's not on your agenda.

MS. BURCHETT: I just didn't change it in here.

MS. GEE: I don't know what my schedule is for August.

MS. WITTUM: Well, why don't we compare -- get your schedule and find out what days you would be available, I can find out what days we can get a room here, it may not be this one, but then we can start getting with all of you and find out when --

MS. POWELL: Well, is -- Madam Chair, are you going to close your committee meeting?

MS. PICKERING: Oh, I'm sorry. We're closed.

MS. POWELL: Okay. I need to ask for public comment.

MS. TURMAN: Yeah. It's time to go home.

MS. POWELL: Then I guess my meeting is closed -- is adjourned.

(WHEREUPON, at 4:42 p.m., the above-entitled proceedings were concluded.)

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CERTIFICATE

STATE OF ARKANSAS )
COUNTY OF PULASKI )

I, SUSAN B. WHITSON, Certified Court Reporter and notary public in and for Pulaski County, State of Arkansas, do hereby certify that the witnesses were duly sworn by me prior to the taking of testimony as to the truth of the matters attested to and contained therein; that the meeting and disciplinary hearings, held before the Arkansas State Board of Cosmetology, July 26, 2007 was taken by me in Stenotype and reduced to computer-generated typewritten form by me or under my direction and supervision; and that the same is a true and correct reflection of the proceedings that occurred, to the best of my knowledge and ability.

I FURTHER CERTIFY that I am neither counsel for, related to, nor employed by any of the parties to the action in which this proceeding was taken; and, further that I am not a relative or employee of any attorney or counsel employed by the parties hereto, nor financially interested, or otherwise, in the
outcome of this action; and that I have no contract with the
parties, attorneys, or persons with an interest in the action
that affects or has a substantial tendency to affect
impartiality, that requires me to relinquish control of an

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original transcript or copies of the transcript before it is
certified and delivered to the custodial attorney, or that
requires me to provide any service not made available to all
parties to the action.

SIGNED AND SWORN this _______ day of
_____________________________ ________.

_____________________________

SUSAN B. WHITSON, CCR, #158
NOTARY PUBLIC IN AND FOR
PULASKI COUNTY, ARKANSAS
