

1 BEFORE THE ARKANSAS STATE BOARD OF COSMETOLOGY

2

3

4

5 ADMINISTRATIVE HEARINGS
6 AND
7 BOARD MEETING

8 NOVEMBER 17, 2008

9

10

11 BE IT REMEMBERED that on Monday, the 17th day of
12 November 2008, before the Arkansas State Board of Cosmetology and
13 its department staff, at 9:00 a.m. in the South Basement
14 Conference Room of the Main Street Mall, located at 101 East
15 Capitol Avenue, Little Rock, Pulaski County, Arkansas, business
16 and administrative hearings came on for hearing as follows:

17

18

19 SUSAN B. WHITSON, CCR

20 Arkansas Supreme Court Certificate No. 158

20 9810 Woodland Drive
 Mabelvale, Arkansas 72103
21 (501) 455-1170
 WhitsonCCR@aol.com

22

23

24

25

SUSAN B. WHITSON, CCR, INC. (501) 455-1170

1 APPEARANCES:

2 Board Members:

3 CATHY CAVER

BARBARA WARD

4 ANN PHILYAW

SCOTTIE BURCHETT

5 ACIE FOREMAN

TRACY AKARD

6 SUSAN COLLINS-BURROUGH

NELLIE HOPPER

7 JOYCE SMITH (not present)

8 Staff Members Present:

9 SHEILA CAUDLE - Executive Director

MICHELLE RUDOLPH - Administrative Assistant

10

11 Board Inspectors Present:

12 ROSE HORNER

PAT BLAND JACKSON

13 LAVONNE LESTER

BRENDA MORGAN

14

15 ON BEHALF OF THE BOARD:

16 ERIKA GEE, ESQ.

Assistant Attorney General

17 323 Center Street, Suite 200

Little Rock, Arkansas 72201

18

19 HEARING OFFICER:

20 KENDRA AKIN JONES, ESQ.
Assistant Attorney General
21 323 Center Street, Suite 1100
Little Rock, Arkansas 72201

22

23 RESPONDENTS PRESENT:

24 Jaime Stark

25

SUSAN B. WHITSON, CCR, INC. (501) 455-1170

1 ALSO PRESENT:

2 Cliff Keene

3 Patricia Anderson

4 Alan Anderson

5 Bob Philyaw

6 Cathy Fultz

7 Nicole Hart

8 Jerree Winn

9 Chris Strawn

10 Jenita Hughes

11

12 Court Reporter:

13 Susan B. Whitson, CCR
Arkansas Supreme Court Certificate No. 158

14

15

16

17

18

19

20

21

22

23

24

25

SUSAN B. WHITSON, CCR, INC. (501) 455-1170

1 I N D E X

2	AGENDA ITEM	PAGE
3	CAPTION	1
4	APPEARANCES	2
5	CALL TO ORDER - Roll Call	7
6	TREASURER'S REPORT	7
7	PUBLIC HEARING ON FEES	8
8	PATRICIA ANDERSON	
9	Mellie's Beauty College - CAPWIZXC	20
10	ADMINISTRATIVE HEARINGS	
11	HEARING ORDER NO. 08-208	34
12	WITNESSES:	
13	Brenda Morgan	
14	Direct by Ms. Gee	35
15	Exam by the Board	37
16	Michelle Rudolph	
17	Direct by Ms. Gee	39
18	EXHIBITS:	
19	One (Notice of hearing and inspection	

20	report)	37
21	Decision by the Board	40
22	HEARING ORDER NO. 08-216	41
23	WITNESSES:	
24	Brenda Morgan	
25	Direct by Ms. Gee	43

SUSAN B. WHITSON, CCR, INC. (501) 455-1170

1	Michelle Rudolph	
2	Direct by Ms. Gee	45
3	Exam by the Board	46
4	EXHIBITS:	
5	One (Notice of hearing and inspection	
6	report)	46
7	Decision by the Board	46
8	HEARING ORDER NO. 08-514	49
9	WITNESSES:	
10	Brenda Morgan	
11	Direct by Ms. Gee	50
12	Exam by the Board	52
13	Michelle Rudolph	
14	Direct by Ms. Gee	54
15	Exam by the Board	54
16	HEARING ORDER NO. 08-515	57
17	WITNESSES:	
18	Brenda Morgan	
19	Direct by Ms. Gee	60

20 Cross by Ms. Stark 62

21 Jaime Stark

22 Direct testimony 65

23 Exam by the Board 67

24

25

SUSAN B. WHITSON, CCR, INC. (501) 455-1170

1 EXHIBITS:

2 One (Notice of hearing and inspection

3 report) 64

4 Decision by the Board 72

5 HEARING ORDER NO. 08-532 74

6 WITNESSES:

7 Rose Horner

8 Direct by Ms. Gee 76

9 Michelle Rudolph

10 Direct by Ms. Gee 79

11 EXHIBITS:

12 One (Notice of hearing and inspection

13 report) 80

14 Decision by the Board 81

15 DIRECTOR UPDATES

16 Letter re: Student hours 83

17 Dress Code for exams 94

18 Fish Pedicures 97

19 Newsletter 101

20	NIC update	105
21	ELECTION OF OFFICERS	118
22	PUBLIC COMMENTS	122
23	Reporter's certificate	138
24	---	---
25		

SUSAN B. WHITSON, CCR, INC. (501) 455-1170

1 P R O C E E D I N G S

2 MS. CAUDLE: Call to order.

3 At this time we'll do a roll call. Let's do a
4 roll call.

5 Scottie, call it.

6 MS. BURCHETT: Okay. Are we on the record?

7 COURT REPORTER: Yes, ma'am.

8 MS. BURCHETT: Okay. If everyone will just state
9 your name for the record, please.

10 MS. AKARD: Tracy Akard.

11 MS. HOPPER: Nellie Hopper.

12 MR. FOREMAN: Acie Foreman.

13 MS. WARD: Barbara Ward.

14 MS. CAVER: Cathy Caver.

15 MS. COLLINS-BURROUGH: Susan Collins-Burrough.

16 MS. BURCHETT: Scottie Burchett.

17 MS. PHILYAW: Ann Philyaw.

18 MS. CAUDLE: Joyce called me this morning and her
19 mother is ill and her daughter is still in labor, so

20 she will not be here.

21 MS. CAVER: Barbara, do you continue to go ahead
22 and do the treasurer's report?

23 MS. WARD: We paid for flowers, which was 75.95;
24 and the gift for the NIC was \$45; we collected \$40; and
25 that will leave us a balance of \$300.36 in our

SUSAN B. WHITSON, CCR, INC. (501) 455-1170

1 treasury.

2 MS. COLLINS-BURROUGH: 300 even?

3 MS. WARD: 300 even and 36 cents.

4 MS. COLLINS-BURROUGH: Thank you.

5 MS. CAVER: Do you want to approve the minutes

6 from last meeting?

7 MS. COLLINS-BURROUGH: Madam Chairman, I so move.

8 MS. CAVER: All those in favor?

9 MS. BURCHETT: Second.

10 MS. CAVER: I'm sorry.

11 All those in favor?

12 BOARD MEMBERS: Aye.

13 MS. CAVER: Okay. I guess we're going to go now

14 to the public hearing on fees.

15 I'm not sure how we do that.

16 I'm going to at this time turn it over to Sheila

17 Caudle.

18 MS. CAUDLE: Okay. This is the public hearing on

19 the fee increase that has been implemented.

20 I have a couple of letters that have come in, and
21 I would like to read those before we ask for public
22 comment.

23 This is from State Beauty Supply, Vickie Neil, she
24 wrote an e-mail that says: "I understand the need to
25 raise the license fees. I believe to jump four times

SUSAN B. WHITSON, CCR, INC. (501) 455-1170

1 the original license fee at one time during a recession
2 is unbearable. The comment was made -- was made to be
3 in line with the surrounding states. We are about the
4 same as Oklahoma, and their fees are 25 per year.
5 Arkansas is not one of the highest producing states in
6 the United States. If you want to compare our license
7 fees to others, please pick out a state with the same
8 per capita as Arkansas. Vickie Neil."

9 And this one is just signed, Concerned
10 Hairdressers of Arkansas, it's addressed to the
11 Arkansas State Board of Cosmetology. "We, a concerned
12 group of hairdressers, are aware that the state board
13 will hold a public meeting on Monday, November 17,
14 2008. This meeting is to propose revisions to rules,
15 including license fees. In reviewing the proposed
16 revisions for license renewal fees, we feel that the
17 license is excessive. This is a fourfold increase in
18 our current fees. Public notification of the proposed
19 fees increase has not reached individual hairdressers

20 in general that we are aware of. We would like to know
21 what Board of Cosmetology budget line items justifies
22 the change form -- from our current fees to the
23 proposed increased fees. We feel a timely and public
24 response to our concerns would be appreciated.

25 "Thank you for your consideration. Concerned

SUSAN B. WHITSON, CCR, INC. (501) 455-1170

1 hairdressers of Arkansas."

2 That's the only two pieces of information I have
3 received in the office on the fees as far as calls or
4 letters, e-mail, or any other type of response.

5 Does anyone in the audience have any comments or
6 responses on the fees?

7 Ms. Cathy, would you stand up and introduce
8 yourself?

9 MS. FULTZ: Cathy Fultz, Arkansas Tech University,
10 Ozark Campus.

11 Everyone I've talked to says logically we do need
12 an increase; but a fourfold increase is a little
13 excessive, unless, you know, there -- the board is just
14 in dire straits.

15 But I understand that this will weed out a lot of
16 people that just carry a license and don't ever intend
17 to work with those. But it does -- in our area it will
18 cause a burden on some cosmetologists.

19 Thank you.

20 MS. CAUDLE: Thank you.

21 Stand up and introduce yourself.

22 MR. KEENE: Cliff Keene. I'm also a former board
23 member and tried to get this done probably 10 years
24 ago.

25 When I started out in this business, which was 25

SUSAN B. WHITSON, CCR, INC. (501) 455-1170

1 years ago, the license fee was \$8. There has only been
2 one license increase in 23 years, and that was from
3 eight to 12. This was needed many, many, many years
4 ago. Unfortunately it wasn't done because this board
5 had over a million dollars at one time in its -- in
6 different funds, which was taken from us by the
7 legislature for ACISS, which left us without a lot of
8 money anymore. To go from over a million to nothing,
9 basically, is what we have now.

10 It's -- this may be a very difficult thing for
11 some people, but I believe that it is very necessary,
12 because this board is in a financial dire strait, if
13 anyone has been reading the paper. This board is
14 broke. So it's of definite, definite need.

15 I sat down and ran the figures that were in the
16 paper. I believe that they weren't quite accurate, but
17 fairly close. And for the budget that we've been
18 working -- I say we because I still kind of feel like
19 I'm part of this -- the budget we've been working with

20 at the fees that were being charged, we were still
21 going in the hole every year and having to go back to
22 the legislature and ask for more funds to keep the
23 board working. That alone should tell you that we need
24 an increase.

25 Being fourfold, I don't know if -- if it's

SUSAN B. WHITSON, CCR, INC. (501) 455-1170

1 necessary to be fourfold; but I know that we are so far
2 behind on getting increases that it may be necessary to
3 do it fourfold.

4 MS. CAUDLE: Thank you.

5 Yes, sir.

6 MR. ANDERSON: Alan Anderson, Mellie's Beauty
7 College. I also pay fees in other state agencies and
8 these fees are not out of line for what we pay there.
9 So taking into consideration what's paid in to other
10 agencies for a license, this is -- this is at the
11 bottom of the scale really, so I don't really see a
12 problem. And it's like she said, it's going to weed
13 out some of the others. I think you need that weeding
14 process to help your paperwork go a little easier, so I
15 don't see it as a problem to go this route.

16 MS. CAUDLE: Thank you.

17 Any other comments?

18 Okay. There being no other comments, let's move
19 on to the next item on the agenda, which is --

20 MS. GEE: Wait a minute.

21 The board has to vote to adopt, to adopt the rule
22 as proposed, to make changes, to reject it, we need to
23 do something.

24 MS. CAUDLE: You need to do something.

25 MS. CAVER: Okay. Would anybody like to make a

SUSAN B. WHITSON, CCR, INC. (501) 455-1170

1 motion on adopting the fee structure as it was noticed?

2 MS. HOPPER: I make a motion on adopting the fees,
3 the changes that we've made.

4 MS. CAVER: Do we have a second on it?

5 MS. PHILYAW: I second it.

6 MS. CAVER: All those in favor?

7 (All hands raised.)

8 Okay. Anybody against?

9 MS. GEE: I'm sorry. I'm sorry, you-all. There
10 was one thing that I meant to bring up and I just
11 overlooked it.

12 During the process of revision, at some point the
13 fee for the demonstrator permit was taken out of the
14 rule and then changed the demonstrator rule to add that
15 permit back in. So, in order to charge a fee for the
16 permit, you will need to add that to the rule as
17 proposed, if you want to do that. So --

18 MS. COLLINS-BURROUGH: How many demonstrators did
19 we used to have, compared to now we have none. Right?

20 MS. CAUDLE: Now we have none. And -- and now the
21 only ones that will be -- get a demonstrators permits
22 are those that are working in a salon. And that is for
23 the purpose of the inspector so that when the
24 inspectors walk in, if someone is there applying
25 makeup, they have a demonstrators permit that allows

SUSAN B. WHITSON, CCR, INC. (501) 455-1170

1 them to demonstrate in that salon. So it won't be --
2 fall under working without a license.

3 MS. BURCHETT: We added it to the rule. Right?

4 MS. GEE: Yes.

5 MS. CAUDLE: Yes. Yes.

6 MS. BURCHETT: So --

7 MS. GEE: As Sheila described it. Yes.

8 MS. BURCHETT: We need to add it to this.

9 MS. GEE: Otherwise it will just be free.

10 MS. CAUDLE: Right.

11 MS. COLLINS-BURROUGH: No.

12 MS. GEE: I think you used to charge \$15. Is that
13 right?

14 MS. CAUDLE: Yes. It was 15.

15 MS. GEE: So I don't know what you all would like
16 to do.

17 MS. COLLINS-BURROUGH: Well, we need to increase
18 that, too.

19 MS. CAUDLE: Yeah.

20 MR. FOREMAN: I have a question.

21 The gentleman from the other state, how much is
22 the fee from the other states?

23 MR. ANDERSON: No, I'm in Arkansas.

24 MR. FOREMAN: Oh.

25 MR. ANDERSON: I hold other licenses with -- not

SUSAN B. WHITSON, CCR, INC. (501) 455-1170

1 with cosmetology, but with -- with other state agencies
2 within the state of Arkansas, and their license fees
3 are -- are -- I pay a \$200 fee for a master license,
4 so --

5 MS. COLLINS-BURROUGH: For a what?

6 MR. ANDERSON: For a master license with the
7 Arkansas Department of Health. So a hundred dollars is
8 not --

9 MR. FOREMAN: This is cosmetology or barber?

10 MR. ANDERSON: No.

11 MS. CAVER: No, neither one.

12 MR. FOREMAN: Neither one?

13 MR. ANDERSON: I'm multi-talented.

14 MR. FOREMAN: All right.

15 MS. COLLINS-BURROUGH: Well, my only concern is --
16 can I talk?

17 MS. GEE: Yeah.

18 MS. CAUDLE: Yes.

19 MS. COLLINS-BURROUGH: My only concern is, you

20 know, in Russellville there is a Six Buck Chuck, and in
21 northwest Arkansas they charge \$150 for a haircut, you
22 know, and the license is the same. And I'm with
23 Ms. Fultz back there, because she's in my area, they
24 are poor as church mice. And so, you know, I agree,
25 you know, to some extent on an increase, of course.

SUSAN B. WHITSON, CCR, INC. (501) 455-1170

1 But -- and if they don't renew, that -- that is not
2 going to stop them from working, we just won't know
3 where they are at. You all have to hunt for them. So
4 I don't know. Thoughts? Comments? Concerns?

5 MS. CAVER: I don't think the increase to be too
6 much because, I mean, over a 12-month period, \$40,
7 that's a couple dollars a month. I mean that's --

8 MS. CAUDLE: (Inaudible.)

9 COURT REPORTER: I can't hear you, Sheila.

10 MS. CAVER: Are you talking demonstrator or are
11 you talking about --

12 MS. COLLINS-BURROUGH: I'm talking about just a
13 regular license.

14 MS. CAVER: Okay. On demonstrator what do you
15 think we ought to charge on that? I'm thinking 20.

16 MS. COLLINS-BURROUGH: Five-dollar increase.

17 MS. CAVER: Do you think that's -- comment?

18 MS. MORGAN: Think about what you charge for a
19 cosmetologist and their license, how many times you

20 increase that, you think about the demonstrators

21 license.

22 And sometimes those are iffy situations in the
23 salon as far as the way we're having to look at, they
24 need them, if they are going to be working at that
25 salon and their license should be no more of an

SUSAN B. WHITSON, CCR, INC. (501) 455-1170

1 importance to them than a cosmetologist.

2 It's 15 now. I -- I'm thinking \$50, but now I'm
3 not the one that makes that decision, so --

4 MS. HOPPER: I'll go with 50.

5 MS. WARD: There is somebody over there.

6 MS. ANDERSON: I have a comment. We have a new
7 salon, and it's Ulta, if you're familiar with Ulta.

8 Ulta is like a big huge retail store. They are hiring
9 30-plus people to go to work in it. We are in Fort
10 Smith and there is lots of our students who are going
11 to work there. They are covered under a student
12 permit, but they need to have the same demonstrator
13 license. The store will pay for it, so it's not like
14 it's going to come out of the pocket. If it's a large
15 store like that, it's not going to come out of the
16 pocket of that perspective student/cosmetologist later
17 on. But I feel like this is something that the
18 companies are going to pick up and pay for if you tell
19 them they have to have a demonstrator license, just

20 like they have to be licensed for state board.

21 So, you know, that's -- that's a potential of 30
22 employees that would be needing a demonstrators
23 license, possibly.

24 MS. CAVER: So does anybody want to make a motion
25 to go for the 50-dollar rate?

SUSAN B. WHITSON, CCR, INC. (501) 455-1170

1 MS. HOPPER: I make a motion to go with \$50.

2 MS. CAVER: Anybody second?

3 MS. AKARD: I second.

4 MS. CAVER: We need to clarify --

5 MS. GEE: Is that annual or --

6 MS. CAVER: We need to, for the record, make a

7 clarification on what we're making a proposal for.

8 Like 50-dollar fee for the demonstrator license. Okay?

9 MS. HOPPER: Okay. I make a motion of 50-dollar
10 fee for the demonstrator license for annually.

11 MS. CAVER: Annually.

12 Anybody second that?

13 MS. AKARD: I second.

14 MS. CAVER: All those in favor?

15 MS. COLLINS-BURROUGH: Come on now.

16 (All hands raised.)

17 MS. CAVER: No opposed? Okay.

18 Thank you.

19 MS. CAUDLE: Now we need to make a motion to adopt

20 the fees.

21 MS. GEE: Okay.

22 MS. CAUDLE: But the demonstrator one was --

23 MS. GEE: Okay. Can we get a vote on 1.7 as

24 amended with the demonstrator fee, please, just to make

25 it clear on the record?

SUSAN B. WHITSON, CCR, INC. (501) 455-1170

1 MS. CAVER: Okay. We need to make a motion on,
2 what, article one --

3 MS. GEE: On Rule 1.7 as amended by, with the
4 demonstrator permit fee, if y'all could -- if someone
5 could make a motion to adopt that so we have it on the
6 record.

7 MS. CAUDLE: Nellie adopted it before the
8 demonstrator fee was put in.

9 MS. HOPPER: Okay. So now what do I do?

10 MS. CAUDLE: Make a motion.

11 MS. GEE: You make a motion to adopt 1.7.

12 MS. HOPPER: I make a motion to adopt 1.7.

13 MS. AKARD: And I second.

14 MS. CAVER: All those in favor?

15 (All hands raised.)

16 MS. CAVER: Thank you.

17 MS. CAUDLE: Okay. Since the public hearing on
18 fees didn't take as long as we put in the agenda, we
19 would like to ask Ms. Patricia Anderson if she's ready

20 to --

21 MS. ANDERSON: I just need a minute to plug in a
22 computer, so -- and my helper.

23 MS. CAUDLE: Okay.

24 MR. ANDERSON: And this is a good time to get a
25 cup of coffee.

SUSAN B. WHITSON, CCR, INC. (501) 455-1170

1 MS. GEE: Always a good time for that.

2 MS. CAUDLE: We're going to take a five minute
3 break to let you guys get set up.

4 MS. ANDERSON: Thank you.

5 (WHEREUPON, a brief break was held.)

6 MS. CAVER: Okay. We're going to turn this over
7 to Patricia.

8 MS. ANDERSON: Good morning. And I'm here
9 representing our state as well as the American
10 Association of Cosmetology Schools. They have brought
11 this program to you guys so that each state has the
12 opportunity to utilize this program.

13 CAPWIZ is used by the federal government, and I
14 brought you a little handout of this because that way
15 you could follow along with it. What it does is it
16 allows us as individuals to have a voice, and this will
17 go through and tell you how to use that voice.

18 But the Cosmetology Schools Association is having
19 reps in each state go out to their boards, to their

20 associations, and connect them with this legislative
21 tool. And that's what it is. It's a tool. It's a
22 tool for you to utilize with all of your constituents
23 so that you can help pass legislation. And as you will
24 see in this, it talks about how legislation is the same
25 problem in every state. If one -- one state has an

SUSAN B. WHITSON, CCR, INC. (501) 455-1170

1 issue, the other state has the same issue, whether it's
2 fees or the structure of the law.

3 But their vision statement is that the state
4 regulations committee is to have an effective state
5 level of communication. And this is the AACCS group,
6 which is the Cosmetology Schools Association. It's
7 very important that we are able to help our
8 organization as school owners, but also the cosmetology
9 industry in general, because it affects all of us.

10 And they have a mission statement, is to develop
11 and coordinate the human and technological resources as
12 AACCS members can exchange information about state and
13 local issues. The information exchanged will enable
14 AACCS members to stay informed about issues that impact
15 our industry, our schools, our staff, our students, in
16 a highly connected world. What happens good and bad in
17 one state will soon happen in another.

18 And this is not just the school owners, this is
19 everybody, because anybody can use CAPWIZ.

20 Okay. So CAPWIZ can be used by anyone, it doesn't
21 have to be a member of the AACS. CAPWIZ is something
22 you can go on and just utilize as a public citizen.

23 Your communication with your elected officials,
24 all you have to do is sign up for the mailing list and
25 then you select a link on CAPWIZ. And I was going to

SUSAN B. WHITSON, CCR, INC. (501) 455-1170

1 bring up my Internet but this computer, I realized when
2 we picked up from the school, didn't have the new
3 little connection, but I was going to show you how to
4 get on to CAPWIZ. It's really simple, but it is a
5 separate website of its own and it's really easy. But
6 you complete your own personal information so each
7 person that does this is a voice. And that voice is
8 easily heard through the Internet. So this is a tool
9 to utilize the Internet. And so it's very simple to
10 use, it's really easy, and all you have to do is get on
11 and register.

12 So first thing is to take action. And first of
13 all, you're going to compose your message, you complete
14 your sender's information, and you include a picture
15 page. And I know you think that's really difficult but
16 it's really not. All you have to do is go down and get
17 your picture made, or if you have a webcam on your new
18 little computers, most of the laptops have little
19 webcams, you can always download that from a disk. So

20 it's really not hard, and if you have kids like mine,
21 you just ask your kids to help you. But a picture
22 always makes it easy for them to recognize who you are.
23 You know you are a voice, but you have a face with that
24 voice.

25 It's like those millions of voters that got out

SUSAN B. WHITSON, CCR, INC. (501) 455-1170

1 and voted in the last presidential election, they had a
2 voice, they wanted to be heard. Well this gives you
3 that same voice so you can be heard, so it's really a
4 neat tool.

5 The research and directly contact for your elected
6 officials. The most important part of this is it gives
7 us an advantage of most comprehensive government
8 directory. These are going to be updated constantly
9 and they are ever changing, so all of the legislators'
10 information is right there at your fingertips: Their
11 websites, their staff, everything is on there, so it's
12 easy for us to utilize.

13 The rest of this is, it's an interactive map to
14 find elected officials. You -- all you have to do is
15 enter your zip code. So everybody here is from a
16 different part of the state of Arkansas, so all you
17 have to do is enter your zip code and you will find
18 your elected officials right there, if you want to just
19 do state things.

20 Some of the things that we do, actually we need to
21 do -- know more about the government issues that are at
22 the federal government. So a lot of our financial aid
23 issues are federal government things. So you can find
24 out all of those at the stroke of a key on the computer
25 via the Internet.

SUSAN B. WHITSON, CCR, INC. (501) 455-1170

1 View the legislative bio page, and this gives you
2 your office terms, the co-sponsorship status, if there
3 are several people sponsoring something, you will know
4 who is sponsoring it, the legislators who are
5 sponsoring it, their contact information, their party
6 affiliation, political backgrounds, committees, and PAC
7 contributions. So we can find out all of these things
8 just right here at this little site. It's kind of a
9 neat little project.

10 Stay informed on important bills and votes. You
11 can track your bills, you can track who is voting on
12 them, who you need to contact. And what's the neat
13 part about this is this is just one -- we're one state,
14 but all of these states who have AACS members in them,
15 they will help you support your bills. So that's what
16 this group is wanting to do, is they are wanting to
17 come together as a group of cosmetology industry people
18 as a whole. So that will help support our bills as
19 well in the state of Arkansas and we can help support

20 their bills in whatever state they are from.

21 So it sounds like it's a big thing that we just

22 have to do ourselves, but it's really easy if we will

23 utilize the tools that are out there for us.

24 And each state -- of course, the -- this links,

25 AACCS links to all your state boards and that's what

SUSAN B. WHITSON, CCR, INC. (501) 455-1170

1 this is all about. But you can go on the AACCS website
2 and that website is easy to find, and I'll give you
3 that data for that in just a moment.

4 You know, if we have media information, we can get
5 public awareness. You were talking about the budget,
6 you were just talking about the budget and it was in
7 the newspaper. Correct?

8 So if you get public awareness of what you're
9 wanting to be supported, you're going to get a lot more
10 support. And that gives us a guide to the media, how
11 to contact them, direct contacts with staff,
12 department, e-mail, phone, fax, mailing addresses. So
13 all of those things are utilized through this CAPWIZ
14 site.

15 CAPWIZ is also called Capitol Advantage, and it's
16 a grassroots advocacy service, and it provides over
17 1,500 organizations with online tools to successfully
18 manage their outreach to state and federal elected
19 officers -- officials. Their team is the best in

20 communicating. We don't have to go out and pay
21 somebody to lobby for us, guys. We have the whole
22 country of people who are going to stand behind us and
23 help us if we utilize this tool. That's what AACS is
24 trying to do. They are trying to give us something.
25 There are several people on this committee that have

SUSAN B. WHITSON, CCR, INC. (501) 455-1170

1 served on the federal committees, so they have served
2 on the government committees for the federal government
3 for all the federal financial aid issues. Those are
4 big issues when we get into schools, because we want to
5 know that there is funding out there for our students.
6 So these things and the higher education acts that are
7 going on now as we speak. And they said the largest
8 booklet is out right now on financial aid. And so we
9 need to use a third party servicer so we don't even try
10 to dialogue the -- you know, get that book and break it
11 down. But these people, with the people from AACCS,
12 will actually help us with our legislation.

13 And so why I was chosen is because I was there, I
14 was chosen to ask you if you wanted to participate in
15 this group.

16 And my best -- my best advice is get online.
17 Be -- be a proactive person, because in doing so,
18 you're going to find that you're going to have that
19 connection, you're going to have that connection to

20 those schools across the state who will be part of this
21 AACCS community, but also those -- those schools across
22 the nation. So it's a big network for us to be a part
23 of.

24 So our issues are important, and our laws are
25 important to get passed, and so this will help us

SUSAN B. WHITSON, CCR, INC. (501) 455-1170

1 utilize that. If we put those letters and e-mails out
2 there, that's what we can all do. So it's a matter of
3 everybody having a voice and using your voice.

4 And so I think that in all, it's a not a hard
5 program for us to do. It's something that we can
6 easily do. If you want more information on it, the
7 CAPWIZ website can be found really easily if you go
8 just go into Google search and do CAPWIZ.com, or you
9 can type in Capitol Advantage. The government
10 committee, or government affairs on this has -- this is
11 off the AACS website. You can go to
12 www.beautyschools.org and go to government affairs.
13 And it lists all your state links and it tells you what
14 the Government Affairs Committee is doing, it tells you
15 who is on the government affairs.

16 So it's one of those -- one of those committees
17 that is actively working, and they are constantly doing
18 things to raise money. Just like you are raising your
19 rates, your fees, so that your organization can

20 function, well they are raising the awareness of what

21 is needed in our industry.

22 So does anybody have a question before I finish

23 and close?

24 Anybody have a question about this program and how

25 to utilize it?

SUSAN B. WHITSON, CCR, INC. (501) 455-1170

1 MS. BURCHETT: So who is taking this information
2 to the legislators?

3 MS. ANDERSON: You personally are by e-mails. But
4 whatever our issue is in the state, if we will go back
5 to this government committee, and that's my liaison
6 part, is that if you will e-mail me with your concerns,
7 after you've e-mailed, if you've gone on CAPWIZ and
8 e-mailed CAPWIZ, what happens is this government
9 committee is monitoring our states. They are looking
10 at what our state people are putting into this. With
11 that, then in turn they can help us by sending e-mail.
12 Our state just did the same thing, our state just
13 raised their fees, this is why. Whatever, whatever the
14 policy changes that you're doing are. I'm using fees
15 because that's what you're talking about today. So
16 whatever your policy changes are that you're wanting to
17 have the legislation for, then you in turn get on and
18 send your e-mail, get the constituents in your area,
19 all the salons in your area to do it in turn.

20 Our greatest resource is building a bridge to the
21 industry from the salon, the school to the salon. So
22 in that, we found that our suppliers are our greatest
23 resource.

24 I don't know how many of you use your suppliers a
25 lot, but our suppliers are our greatest resource, and

SUSAN B. WHITSON, CCR, INC. (501) 455-1170

1 so they help us getting the word out on anything we're
2 doing.

3 And so this -- this committee is made up of people
4 from all parts of the country. And so they all have
5 their different parts. And most of them are in the
6 school industry, because that's what this is from is
7 the school association. But it also -- you know, every
8 law that goes into act is going to address the school
9 as well as the salon.

10 So did I answer your question, pretty much?

11 MS. BURCHETT: Yes. I think so.

12 MS. ANDERSON: Okay. So you'll have a great group
13 of people that you're -- you know, that you're
14 enhancing, as well as getting that e-mail back to your
15 legislator.

16 So it's -- it's one way to do it without spending
17 your dollars. It's an easy way to do it without
18 spending your dollars, because they have already
19 enacted this. And CAPWIZ is a free service. It's not

20 a -- it's nothing that costs us any money to use.

21 MS. BURCHETT: So one e-mail goes to --

22 MS. ANDERSON: You would send your e-mail straight

23 to the person you are trying to represent, whether it's

24 your whole state, all the legislators in your state,

25 which is great. You know a mass e-mail is fine.

SUSAN B. WHITSON, CCR, INC. (501) 455-1170

1 What the other thing is, is that they know your
2 position. But if -- if everybody in this room gave
3 that same position -- say we're working on an issue, if
4 everybody in this room gave that same position, then,
5 yes, it looks better to them. That's something that
6 they would want to vote for.

7 So you see what I'm saying?

8 Go ahead. Mr. Anderson has something to tell you.

9 MR. ANDERSON: Well, there is a little part here
10 that might be confusing. But you also have the backing
11 of AACCS, which is the school owners association. They
12 have their -- their attorneys and all that. So any --
13 any position that you have or whatever will go to their
14 legal department, they may be obliged at that point to
15 write a legal letter back to the legislator. You know,
16 the school owners or the salon owners or whoever have
17 this to say about that as a group. So not only are you
18 getting the backing of the people in your state, you're
19 getting the backing of the people in the nation into

20 this. And that comes into -- into play when they start
21 looking at passing a bill or something. They are
22 going, wait a minute, you know, we have -- we have this
23 to say about it and these people are out here.

24 So -- so what this does is it pulls everybody
25 together as a group to have a voice, which is a -- you

SUSAN B. WHITSON, CCR, INC. (501) 455-1170

1 have an individual voice, but that individual voice can
2 be made into a large voice also.

3 MS. ANDERSON: So really what I would -- what I
4 would love for us to be able to do is to put something
5 about this on our website, if it's -- if it's okay for
6 us to do, so that we do have a liaison, you know. And
7 I'll be happy to serve that if the board thinks that's
8 okay for you guys.

9 But the nicest part about it is, is this
10 committee, the Government Affairs Committee, that is on
11 this paper, and I'll send this around to you so you can
12 see, this lists all the states, and I didn't print the
13 last page that has their names listed, but there is a
14 group of about 10 people who serve on this and they are
15 from all parts of the country. And they have had lots
16 of help. This is just the opening page to that web
17 site for the Government Affairs.

18 But they have had lots of time in state boards,
19 just like you serve on a state board. They have had

20 lots of time to know how to pass legislation. Key
21 words that, you know, help pass legislation. Sometimes
22 it's the wording, as Ms. Gee pointed out to you a while
23 ago, there were some things that were left out that had
24 to be added or amended. So sometimes the wording is
25 crucial and they have another set of eyes looking at

SUSAN B. WHITSON, CCR, INC. (501) 455-1170

1 it. I know Ms. Gee is looking at it, you have other
2 reps looking at it. But if there is something that
3 they might suggest back to the committee to work on
4 this, that's the important part.

5 And so this -- this is one of those things that
6 they are trying to be recognized and utilize tools that
7 are out there. That's -- that's really all it is, it's
8 a tool, and it's not one person's voice, it's
9 everyone's voice can be heard. You know, whether
10 you're pro, pro or con for something.

11 Anybody have a question?

12 MS. BURCHETT: I just have another comment.

13 You know, I think part of the problem that we are
14 facing right now is because the newspaper only prints
15 something that will sell, and they print complaints and
16 bad things. And, you know, and complaints have gone
17 places; but, you know, the good things that are
18 happening and have happened, you know, in the past
19 couple of years have not been shared.

20 MS. ANDERSON: Uh-huh. Right.

21 MS. BURCHETT: And someone needs to hear the good
22 things.

23 MS. ANDERSON: This has -- the CAPWIZ has a guide
24 to media. And that guide to media would help you put
25 together the right media that would attract attention,

SUSAN B. WHITSON, CCR, INC. (501) 455-1170

1 that would give them the what fors so that they would
2 know.

3 And the nicest thing is is that, it's just like
4 anything we do in our school, we may not get the
5 publication we want, but, you know, it is out there and
6 they do have PSAs they can do on the radio, they have a
7 lot of ways to reach the public. Sometimes the
8 newspapers aren't the best way, so it depends on what
9 you're wanting to reach.

10 But there is, in this CAPWIZ site, there is a
11 guide to media. So, you know, there is a lot of things
12 out there. So I think that, you know, it needs to be
13 brought maybe to a committee and, you know, utilize --
14 you know, it's another tool. I know we've got
15 legislation that's still pending out there, and it's --
16 it's necessary to -- to revise to get it to the point
17 it's ready to go and can just sail right through.
18 Because you don't want it to hang up, you want it to
19 sail through.

20 So that's just -- that's from that, so that's the

21 people who brought this to you.

22 Anybody else?

23 Thank you for your time.

24 BOARD MEMBERS: Thank you.

25 MS. CAVER: Okay. I'll turn it back over to

SUSAN B. WHITSON, CCR, INC. (501) 455-1170

1 Sheila for -- to get to the hearings.

2 MS. CAUDLE: I'm going to turn it over to Kendra
3 Akin Jones.

4 ADMINISTRATIVE HEARING NO. 08-208

5 HEARING OFFICER JONES: Good morning.

6 Is anybody here for a hearing?

7 Just before I start going through all of these, I
8 wanted to make sure there wasn't somebody here that
9 actually had one that wanted to be heard.

10 Okay. The first one we're going to start -- or,
11 good morning. My name is Kendra Akin Jones, Hearing
12 Officer today in the matter of Konia's Island, Sonya
13 Jones, owner, Hearing No. 208. It's to be heard before
14 the State Board of Cosmetology. Today is November 17,
15 2008. We're located in the conference room of the Main
16 Street Mall.

17 Is anybody present for the respondent, Konia's
18 Island?

19 Seeing no respondent present. Ms. Gee, please

20 identify yourself for the record.

21 MS. GEE: Erika Gee, attorney for the board.

22 HEARING OFFICER JONES: I'm going to go over a few
23 of the details, just so we have a good, clear record.

24 The board will base its decision today solely
25 based upon the evidence presented here. The hearing is

SUSAN B. WHITSON, CCR, INC. (501) 455-1170

1 being held under the Administrative Procedures Act.
2 And to insure the efficiency of the proceedings, I will
3 object -- grant some objections and caution the parties
4 as necessary. Board members know of the case only as
5 it appears and is set forth in the notice of hearing.
6 Anything that they want -- you want them to consider
7 must be presented. All participants should be aware
8 that these hearings are subject to the Freedom of
9 Information Act.

10 For those of you who will be witnesses in this
11 hearing today, please raise your right hand and we'll
12 have the court reporter swear you in

13 (WHEREUPON, the witnesses were sworn.)

14 HEARING OFFICER JONES: Okay. Ms. Gee, you may
15 proceed.

16 MS. GEE: Okay. I would like to call Inspector
17 Brenda Morgan, please.

18 If you could just sit right there.

19 WHEREUPON,

20 BRENDA MORGAN,

21 having been called for examination, and having been first duly

22 sworn by the undersigned notary public, was examined and

23 testified, as follows:

24 DIRECT EXAMINATION

25 BY MS. GEE:

SUSAN B. WHITSON, CCR, INC. (501) 455-1170

1 Q Could you state your name for the record, please?

2 A Brenda Morgan.

3 Q And what is your position, Ms. Morgan?

4 A I'm an inspector for the board.

5 Q Okay. For the Board of Cosmetology?

6 A Board of Cosmetology. Yes.

7 Q Okay. Thank you.

8 Did you have occasion to inspect an establishment called

9 Konia's Island?

10 A Yes. I did.

11 Q And do you recall approximately when that was?

12 A May 8, 2008.

13 Q Okay. Thank you.

14 And on that visit to Konia's Island, did you find any

15 violations of Board of Cosmetology rules and laws?

16 A Yes, ma'am. I did.

17 Q Could you please summarize them for us?

18 A This salon had relocated without an authorization letter

19 from our office, also that they had no license posted whatsoever

20 for their practitioner, and the owner is also the practitioner in
21 this case. They just didn't have the proper paperwork to make
22 the move. They had been over on Geyer Springs and they moved
23 to -- no, they had been on 65th Street, I believe, and they moved
24 to the Mabelvale Pike area. I just happened to see the sign.
25 Q Okay. Thank you.

SUSAN B. WHITSON, CCR, INC. (501) 455-1170

1 And I believe one of the exhibits that will be entered into
2 the record from the board is a copy of the inspection report that
3 you filled out during that visit. Is that correct?

4 A Yes.

5 Q Okay. And you've marked those violations that you've
6 summarized on here, as well?

7 A Yes, ma'am. I have.

8 MS. GEE: Thank you.

9 I have no further questions for Ms. Morgan.

10 HEARING OFFICER JONES: And the inspection report
11 will be admitted as Exhibit 1 for the record.

12 (WHEREUPON, Board's Exhibit No. 1 was received in
13 evidence.)

14 HEARING OFFICER JONES: Ms. Morgan, does the board
15 have any questions for Ms. Morgan?

16 MS. COLLINS-BURROUGH: So this was not a routine
17 inspection? You just --

18 THE WITNESS: I was on my routine route. It just
19 was in the area where there is other salons.

20 MS. COLLINS-BURROUGH: And you just saw, oh, new

21 sign?

22 THE WITNESS: Yeah. They had been kind of iffy,

23 so I didn't know she had relocated.

24 MS. COLLINS-BURROUGH: How long had she been

25 there?

SUSAN B. WHITSON, CCR, INC. (501) 455-1170

1 THE WITNESS: She was still putting some things
2 together there in the salon, but there were people --
3 there were barbers also working there. The barber
4 license were current, but at the time that I came,
5 their license don't become -- they do not become
6 expired until July, so they were okay. But they still
7 had no salon license, no authorization letter, no
8 application for authorization to be relocated. And
9 Sonya Jones is the owner and she did not have a license
10 at all.

11 MS. COLLINS-BURROUGH: What was the date on her
12 old license?

13 THE WITNESS: She didn't have any posted. None.
14 I didn't have her old license number either.

15 MS. COLLINS-BURROUGH: So, is she current now
16 or --

17 THE WITNESS: I have no idea.

18 HEARING OFFICER JONES: Okay. Further questions
19 for Ms. Morgan?

20 If there are no further questions, Ms. Gee, call

21 your next witness.

22 MS. GEE: I do have one follow-up question for

23 Ms. Morgan.

24 I'm sorry.

25 HEARING OFFICER JONES: Sure. Okay.

SUSAN B. WHITSON, CCR, INC. (501) 455-1170

1 BY MS. GEE:

2 Q Ms. Morgan, can you tell the board what the proposed penalty
3 is for the violations you discovered at Konia's Island?

4 A Proposed penalty?

5 Q Yes, ma'am. According to the board's established policy.

6 A \$375.

7 MS. GEE: Thank you very much. Nothing further.

8 I would like to call Michelle Rudolph, please.

9 WHEREUPON,

10 MICHELLE RUDOLPH,

11 having been called for examination, and having been first duly

12 sworn by the undersigned notary public, was examined and

13 testified, as follows:

14 DIRECT EXAMINATION

15 BY MS. GEE:

16 Q Ms. Rudolph, could you tell us your position, please?

17 A My position is the administrative assistant to the Board of
18 Cosmetology, and I am the person responsible for sending out
19 letters for the violations and the inspection reports.

20 Q Thank you very much.

21 And if you, I don't think you have a copy, but if you will

22 borrow Ms. Morgan's copy of what has been marked and introduced

23 as Board's Exhibit 1, could you turn to the last page, please,

24 and identify that document?

25 A Yes. This is the correspondence receipt from the person

SUSAN B. WHITSON, CCR, INC. (501) 455-1170

1 that -- from Ms. Jones that did receive correspondence from our
2 office.

3 Q Okay. So, certified mail receipt?

4 A Yes, ma'am. It is.

5 Q Okay. And what was the date on that that she received it?

6 A October 23, 2008.

7 MS. GEE: Thank you very much.

8 I have nothing further.

9 HEARING OFFICER JONES: Does the board have any
10 questions for this witness?

11 If there are none, thank you very much.

12 Ms. Gee, call your next witness.

13 MS. GEE: I have no further witnesses.

14 HEARING OFFICER JONES: Okay. Anything you would
15 like to say in closing argument?

16 MS. GEE: No, ma'am.

17 HEARING OFFICER JONES: Okay. At this time the
18 record will be closed and made complete, except for the
19 board's recess for deliberations and a decision. Once

20 a decision has been reached, we'll go back on the
21 record.

22 (WHEREUPON, the Commission retired to deliberate,
23 off the record, and returned with the following
24 motion.)

25 HEARING OFFICER JONES: Okay. We'll go back on

SUSAN B. WHITSON, CCR, INC. (501) 455-1170

1 the record at this time.

2 Is there a motion? It has to be stated as a
3 formal motion.

4 MS. BURCHETT: Okay. I move that the fine for
5 Konia's Island be approved as stated, \$375.

6 HEARING OFFICER JONES: Okay. We have a motion.
7 Do we have a second?

8 MS. COLLINS-BURROUGH: Second.

9 HEARING OFFICER JONES: Motion and a second. All
10 in favor?

11 (All hands raised.)

12 Very good.

13 Let the record reflect the decision of the board
14 is unanimous, please reduce that decision to writing
15 and make or attempt service upon all parties. Please
16 notify the respondent that if they care to appeal the
17 decision, an appeal can be taken under the
18 Administrative Procedures Act, found at 25-15-201, et
19 seq., or any specific provisions of this board.

20 If there are no other questions or comments, this

21 hearing is concluded and the record is closed.

22 ---0---

23 ADMINISTRATIVE HEARING NO. 08-216

24 HEARING OFFICER JONES: Next. Okay. Very good.

25 My name is Kendra Akin Jones. I'm the Hearing

SUSAN B. WHITSON, CCR, INC. (501) 455-1170

1 Officer today in the matter of Sassa Frass Studio,
2 owner Kimberly Lankford and Jody Rickett, Hearing
3 No. 216, to be heard before the Arkansas State Board of
4 Cosmetology. Today is November 17, 2008. We're
5 located in the conference room of the Main Street Mall.

6 Is the respondent present?

7 Kimberly Lankford or Jody Rickett, anyone on
8 behalf of Sassa Frass Studio?

9 Please note for the record that the respondent is
10 not present.

11 Counsel for the state, please identify yourself
12 for the record.

13 MS. GEE: Erika Gee, Assistant Attorney General.

14 HEARING OFFICER JONES: Thank you.

15 And at this time I'll go over an explanation of
16 the proceedings just for -- to make a clear record.

17 The board will base its decision solely upon the
18 evidence presented here today. This hearing is being
19 held under the Administrative Procedures Act, which

20 means that there is certain latitudes to allow evidence
21 to be entered. The board members know of this case
22 only as it appears and is set forth in the notice of
23 hearing. Anything you want the board to consider needs
24 to be offered into evidence today or it will not be
25 considered. And all participants of this hearing

SUSAN B. WHITSON, CCR, INC. (501) 455-1170

1 should know that it is open to the Freedom of
2 Information Act.

3 All the witnesses, please raise your right hand to
4 be sworn in by the court reporter for this hearing.

5 Has everybody been sworn in? Great.

6 Ms. Gee, you may proceed.

7 MS. GEE: Thank you.

8 I would like to call Brenda Morgan, please.

9 WHEREUPON,

10 BRENDA MORGAN,

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

14 DIRECT EXAMINATION

15 BY MS. GEE:

16 Q Ms. Morgan, could you please state your position for the
17 record?

18 A My name is Brenda Morgan and I'm an inspector for the State
19 Board of Cosmetology.

20 Q Thank you.

21 And have you gone on an inspection of an establishment

22 called Sassa Frass Studio?

23 A Yes. I have.

24 Q And we have marked as Board's Exhibit 1 documents which

25 include something entitled inspection report. Is that the

SUSAN B. WHITSON, CCR, INC. (501) 455-1170

1 inspection report you filled out on that visit?

2 A Yes, ma'am. It is.

3 Q And what was the date of that visit?

4 A Seventh month, 17th day of '08.

5 Q Thank you very much.

6 And on that visit, did you determine that there were
7 violations of cosmetology law and rules?

8 A Yes. There were.

9 Q Could you summarize those for us, please?

10 A Yes. There were no salon license that were current, no
11 practitioner license that were current. So that meant that both
12 license that were posted were old.

13 Q Thank you, ma'am.

14 And based on the board's established policy, what is the
15 recommended penalty for those violations?

16 A The recommended fee is \$77.

17 MS. GEE: Thank you, ma'am.

18 Nothing further for this witness.

19 HEARING OFFICER JONES: Does the board have any

20 questions for Ms. Morgan at this time?

21 If there are none, Ms. Gee, you can call your next
22 witness.

23 MS. GEE: I would like to call Michelle Rudolph,
24 please.

25 WHEREUPON,

SUSAN B. WHITSON, CCR, INC. (501) 455-1170

1 MICHELLE RUDOLPH,
2 having been called for examination, and having been first duly
3 sworn by the undersigned notary public, was examined and
4 testified, as follows:

5 DIRECT EXAMINATION

6 BY MS. GEE:

7 Q Ms. Rudolph, could you state your position for the record?

8 A Administrative assistant.

9 Q And under -- in that position, are you responsible for
10 sending out Order and Notice of Hearing to respondents?

11 A Yes.

12 Q And did you in this case?

13 A Yes. I did.

14 Q Okay. And looking at what's marked as Board's Exhibit 1 on
15 the last page, could you identify that document, please?

16 A It is the certified mail receipt, ending in four digit 1009.

17 This person did sign but they did not put a date of delivery.

18 Q Okay. But it was accepted?

19 A Yes.

20 MS. GEE: Thank you.

21 I have nothing further for this witness.

22 I would like to introduce Board's Exhibit 1,
23 please.

24 HEARING OFFICER JONES: It will be so admitted as
25 Exhibit 1, the packet of information containing the

SUSAN B. WHITSON, CCR, INC. (501) 455-1170

1 inspection report and the certified mail receipt.

2 (WHEREUPON, Board's Exhibit No. 1 was received in
3 evidence.)

4 HEARING OFFICER JONES: Does the board have any
5 questions of Ms. Rudolph at this time?

6 MS. AKARD: Have they obtained --

7 THE WITNESS: Yes. Their license are current at
8 this time.

9 HEARING OFFICER JONES: Further questions from the
10 board?

11 If there are none, Ms. Gee?

12 MS. GEE: I have nothing further.

13 HEARING OFFICER JONES: Okay. At this time the
14 record will be closed and made complete except for the
15 board's recess for deliberations and a decision. Once
16 a decision has been reached, we will go back on the
17 record.

18 (WHEREUPON, the Commission retired to deliberate,
19 off the record, and returned with the following

20 motion.)

21 HEARING OFFICER JONES: We'll go back on the
22 record at this time for the motion to be made for the
23 record.

24 MS. PHILYAW: I make the motion that she pay the
25 amount of \$77 in fine.

SUSAN B. WHITSON, CCR, INC. (501) 455-1170

1 MR. FOREMAN: Second.

2 HEARING OFFICER JONES: We have a motion and
3 a second.

4 Is there any discussion?

5 MS. COLLINS-BURROUGH: I agree. But I would like
6 to put it in there as, if she doesn't pay it within 30
7 days, it will be suspended.

8 Motion to amend.

9 MS. BURCHETT: Second.

10 HEARING OFFICER JONES: All those in favor?

11 (All hands raised.)

12 HEARING OFFICER JONES: All right. And this is in
13 favor of the amendment, just to keep this clear, to add
14 the 30 days.

15 So the motion, as it stands now with the amendment
16 accepted, will be that she will pay the fine of \$77
17 within 30 days, or have her license suspended.

18 Okay. Do we have a second for that motion?

19 MS. AKARD: Second.

20 HEARING OFFICER JONES: Okay. A motion and
21 a second. All those in favor, please raise your hand.
22 (All hands raised.)
23 Thank you.
24 Let the record reflect that the decision of the
25 board is unanimous and reduce the decision of the board

SUSAN B. WHITSON, CCR, INC. (501) 455-1170

1 to writing and attempt service upon all parties.
2 Please notify the respondent of their right to appeal
3 under the Administrative Procedures Act found at
4 Arkansas Code Annotated 25-15-201 et seq., or any
5 specific provision of this board.

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

8 ---0---

9 ADMINISTRATIVE HEARING NO. 08-227

10 HEARING OFFICER JONES: Next we're going to 227,
11 just for you-all's information ahead of time, hearing.

12 Okay. My name is Kendra Akin Jones. I'm the
13 Hearing Officer today in the matter of Lil' Cuz
14 Barbering, owner Marvin Falls, Hearing No. 227, to be
15 heard before the Arkansas State Board of Cosmetology.
16 Today is November 17, 2008. We're located in the
17 conference room of the Main Street Mall.

18 Is the respondent present?

19 Anybody from Lil' Cuz Barbering or the owner

20 Marvin Falls?

21 Time out.

22 We're off the record for a second.

23 (WHEREUPON, a brief discussion was held off the

24 record.)

25 HEARING OFFICER JONES: Never mind. We're not

SUSAN B. WHITSON, CCR, INC. (501) 455-1170

1 doing that one.

2 Just kidding.

3 MS. GEE: Just kidding.

4 ADMINISTRATIVE HEARING NO. 08-514

5 HEARING OFFICER JONES: I'm just going by the list

6 I have.

7 So we're going to move on to 514, Aspire Salon.

8 Does that work for everyone?

9 Okay. We're going to try this again with 514.

10 My name is Kendra Akin Jones. I'm the Hearing

11 Officer today in the matter of Aspire Salon, owner Greg

12 Shields, Hearing No. 514, to be heard before the

13 Arkansas State Board of Cosmetology. Today is

14 November 17, 2008. We are located in the conference

15 room of the Main Street Mall.

16 Is the respondent present?

17 Anybody from Aspire Salon or Greg Shields?

18 Please note for the record that the respondent is

19 not present.

20 Counsel, please identify yourself.

21 MS. GEE: Erika Gee, Assistant Attorney General.

22 HEARING OFFICER JONES: Thank you.

23 For the respondent's benefit, since they are not

24 here, but to make the record, I'll explain that the

25 board will base its decision solely on the evidence

SUSAN B. WHITSON, CCR, INC. (501) 455-1170

1 presented here today and that this hearing is being
2 held under the Arkansas Administrative Procedures Act,
3 which means that the strict rules of evidence do not
4 apply. And as Hearing Officer I have certain latitude
5 to allow evidence to be entered for the efficiency of
6 the proceeding.

7 The board members know of this case only as it
8 appears and is set forth in the Notice of Hearing.
9 Anything you want the board to consider, which has not
10 been previously submitted, must be offered into
11 evidence today. All participants to this hearing
12 should know that these hearings are open to the Freedom
13 of Information Act, and that includes all of the
14 deliberations of the board.

15 Ms. Gee, has everybody been sworn in as a witness?

16 MS. GEE: Yes.

17 HEARING OFFICER JONES: Yes. Go ahead, Ms. Gee.

18 MS. GEE: I would like to call Sheila Caudle,
19 please.

20 WHEREUPON,

21 SHEILA CAUDLE,

22 having been called for examination, and having been first duly

23 sworn by the undersigned notary public, was examined and

24 testified, as follows:

25 DIRECT EXAMINATION

SUSAN B. WHITSON, CCR, INC. (501) 455-1170

1 THE WITNESS: Sheila Caudle, Arkansas State Board
2 of Cosmetology.

3 BY MS. GEE:

4 Q Ms. Caudle, what's your current position?

5 A Director.

6 Q Okay. And what was your previous position?

7 A Inspector.

8 Q Thank you.

9 As an inspector, did you have occasion to visit Aspire
10 Salon?

11 A I did.

12 Q And we have marked as Board's Exhibit 1 several documents,
13 including what's titled inspection report. Is that your report?

14 A Yes. It is.

15 Q And what was the date of your visit?

16 A 6/4/2008.

17 Q And on that visit, did you find any violations of the
18 board's rules and law?

19 A I did. They were storing their clean disinfected implements

20 on top of their rollabouts, which is not correct procedure, they
21 have to store them in a clean covered place. Also the young
22 ladies that were there told me that the owner was Catherine
23 Miller. She was not there today and they did not know if she had
24 done a change of ownership for that salon. Amanda, the young
25 lady that was there, said that she had mailed something in on

SUSAN B. WHITSON, CCR, INC. (501) 455-1170

1 Saturday but wasn't sure what it was, and to this date we have
2 not received a change of ownership on this salon.

3 Q Okay. And is there a proposed penalty, according to the
4 board's established policy?

5 A Yes. \$25.

6 MS. GEE: \$25.

7 Thank you.

8 Nothing further for this witness.

9 HEARING OFFICER JONES: Does the board have any
10 questions for Ms. Caudle?

11 MS. COLLINS-BURROUGH: Was this a routine
12 inspection?

13 THE WITNESS: Yes. It was.

14 HEARING OFFICER JONES: Further questions from the
15 board?

16 MS. AKARD: So what we're fining them for is just
17 for the -- for the --

18 THE WITNESS: For the disinfecting.

19 MS. AKARD: Okay. And not for the ownership?

20 THE WITNESS: (Shaking head from side to side.)

21 Because that has not been proved yet. And they

22 refused our certified mail.

23 MS. HOPPER: What?

24 MS. BURCHETT: Is it continuing to be

25 investigated?

SUSAN B. WHITSON, CCR, INC. (501) 455-1170

1 THE WITNESS: No. Not at this time. Not until
2 the next inspection.

3 MS. BURCHETT: So do they have current ownership
4 papers in the office for this salon?

5 THE WITNESS: We have the original ownership
6 papers in the office for this salon.

7 MS. BURCHETT: Okay.

8 MS. COLLINS-BURROUGH: And that's Greg Shields?

9 THE WITNESS: That's Greg Shields.

10 MS. COLLINS-BURROUGH: So --

11 THE WITNESS: And Greg Shields is the one who
12 refused the certified.

13 HEARING OFFICER JONES: Okay. Please be sure,
14 when y'all talk, that y'all are loud enough so the
15 court reporter can hear you.

16 MS. COLLINS-BURROUGH: Okay. So you were just
17 told by --

18 THE WITNESS: By an employee of the salon.

19 MS. COLLINS-BURROUGH: -- an employee?

20 THE WITNESS: (Nodding head up and down.)

21 HEARING OFFICER JONES: Further questions from the
22 board?

23 If there are none, Ms. Gee, you can call your next
24 witness.

25 MS. GEE: I would call Michelle Rudolph, please.

SUSAN B. WHITSON, CCR, INC. (501) 455-1170

1 WHEREUPON,

2 MICHELLE RUDOLPH,

3 having been called for examination, and having been first duly

4 sworn by the undersigned notary public, was examined and

5 testified, as follows:

6 DIRECT EXAMINATION

7 BY MS. GEE:

8 Q Ms. Rudolph, can you state your position?

9 A Administrative assistant and responsible for violation

10 letters.

11 Q Okay. And did you send a copy of this Order and Notice of

12 Hearing to Aspire Salon, care of Greg Shields?

13 A Yes. I sent it via certified and regular mail, and it was

14 refused on October 30. And we received the second on, the

15 regular refusal of regular mail on November the 3rd.

16 Q Okay. So they were both marked refused?

17 A Uh-huh.

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

19 HEARING OFFICER JONES: Questions from the board?

20 MS. AKARD: How do we usually handle that?

21 MS. CAUDLE: We've never had that from the board.

22 HEARING OFFICER JONES: Wait, wait. Sheila, you
23 have to speak up.

24 COURT REPORTER: I can't hear you, Sheila.

25 MS. AKARD: Okay. When -- okay. When they refuse

SUSAN B. WHITSON, CCR, INC. (501) 455-1170

1 their mail, do we go ahead and propose a penalty today
2 and they refuse the mail, what happens at this point,
3 and they don't -- they don't get their mail, even
4 though it's to the salon and to the correct address?

5 Do you just carry it to them the next time that
6 you go there, or how is that handled?

7 MS. CAUDLE: That has been done in the past, it
8 has been hand delivered. It's to the discretion of the
9 board.

10 MS. AKARD: I mean, I don't think we should make a
11 special delivery for \$25; but, you know, obviously they
12 are playing a game. I just didn't know how that was
13 handled.

14 HEARING OFFICER JONES: Ms. Ward?

15 MS. WARD: Was the letter sent to the owner's
16 name, Greg Shields, or to salon -- the name of the
17 salon?

18 MS. CAUDLE: It was sent to the salon.

19 HEARING OFFICER JONES: Wait. Wait. Sheila, that

20 question is for Michelle.

21 Sorry.

22 THE WITNESS: Both names were on the envelope.

23 MS. WARD: Okay. Both?

24 THE WITNESS: Yes, ma'am. It said Greg Shields

25 and the name of the salon, which was Aspire Salon.

SUSAN B. WHITSON, CCR, INC. (501) 455-1170

1 MS. WARD: Okay. If you put -- they could have
2 refused because he may not have been there and nobody
3 else has authorization to sign for --

4 THE WITNESS: His name was signed on the refusal
5 form.

6 MS. WARD: Oh, he signed the refusal?

7 THE WITNESS: Yes.

8 MS. WARD: Okay.

9 HEARING OFFICER JONES: Further questions from the
10 board?

11 MR. FOREMAN: This was a disinfecting thing,
12 solution?

13 MS. CAUDLE: They weren't being -- the implements
14 weren't being properly stored.

15 HEARING OFFICER JONES: Other questions?

16 MS. COLLINS-BURROUGH: When are they due for
17 another inspection, roughly?

18 MS. CAUDLE: That is an open territory right now.

19 HEARING OFFICER JONES: If there are no further

20 questions, Ms. Gee?

21 MS. GEE: I have nothing further.

22 HEARING OFFICER JONES: Okay. At this time the
23 record will be closed and made complete, except for the
24 board's recess for deliberations and decision. Once a
25 decision has been reached by this board we will go back

SUSAN B. WHITSON, CCR, INC. (501) 455-1170

1 on the record.

2 (WHEREUPON, the Commission retired to deliberate,
3 off the record, and returned with the following
4 motion.)

5 HEARING OFFICER JONES: Okay. We're going to go
6 back on the record.

7 The Hearing No. 514 will be suspended until
8 further notice, and that Greg Shields can receive
9 notice via mail or some other method, since he has
10 refused both the certified mail and the regular mail.

11 At this time the record will be closed for now to
12 be opened at a later date.

13 ---0---

14 HEARING OFFICER JONES: Okay. One thing before we
15 move on to the next hearing, let's try to keep
16 questions to the witness at hand, I kind of let y'all
17 go on that one just because, but your questions need to
18 either be directed at whoever the inspector is, when
19 those are appropriate, and to Michelle when they are

20 appropriate at that time. We can't cross back and

21 forth, we've got to keep us a clean record.

22 So, anyway, moving on to 515. Correct?

23 ADMINISTRATIVE HEARING NO. 08-515

24 Hearing No. 515, Hair Performance, John Stark.

25 MS. STARK: Would you want me now?

SUSAN B. WHITSON, CCR, INC. (501) 455-1170

1 HEARING OFFICER JONES: Yes. Come right on. Yes.

2 Okay. I take it you're here for the respondent?

3 MS. STARK: I'm Jaime Stark.

4 HEARING OFFICER JONES: Okay. Very good.

5 Then we will go on the record at this time now and
6 start this hearing.

7 My name is Kendra Akin Jones, Hearing Officer
8 today in the matter of Hair Performance, owner John
9 Stark, Hearing No. 515, to be heard before the Arkansas
10 State Board of Cosmetology. Today is November 17,
11 2008. We're located in the conference room of the Main
12 Street Mall.

13 Would you please identify yourself for the record
14 as the respondent?

15 MS. STARK: I am Jaime Stark, co-owner of Hair
16 Performance.

17 HEARING OFFICER JONES: Thank you.

18 And, Ms. Stark, do you have counsel with you
19 today?

20 MS. STARK: No. I do not.

21 HEARING OFFICER JONES: Okay. And you did receive
22 a copy of the Order and Notice of Hearing concerning
23 today's matter?

24 MS. STARK: I did.

25 HEARING OFFICER JONES: Okay. State's counsel,

SUSAN B. WHITSON, CCR, INC. (501) 455-1170

1 please identify yourself for the record.

2 MS. GEE: Erika Gee, Assistant Attorney General.

3 HEARING OFFICER JONES: Thank you, Ms. Gee.

4 For the respondent's benefit and the benefit of
5 anybody present today who may not have appeared before
6 an administrative hearing, I will explain that the
7 board will base its decision solely on the evidence
8 presented here today. This hearing is being held under
9 the Arkansas Administrative Procedures Act, which means
10 that the strict rules of evidence do not apply. And as
11 Hearing Officer I have certain latitude to allow
12 evidence to be introduced, for the efficiency of these
13 proceedings. Board members know of this case only as
14 it appears and is set forth in the Notice of Hearing.
15 Anything that you want the board to consider today that
16 has not been previously submitted, it must be offered
17 into evidence today. These hearings are open to the
18 Freedom of Information Act, and that includes the
19 deliberations.

20 For those of you who will be a witness today, if
21 you have not already been sworn in, please raise your
22 right hand and you will be sworn in by the court
23 reporter.

24 (WHEREUPON, the witnesses were sworn.)

25 HEARING OFFICER JONES: Okay. Ms. Gee, you may

SUSAN B. WHITSON, CCR, INC. (501) 455-1170

1 proceed.

2 MS. GEE: I would like to call Sheila Caudle,

3 please.

4 WHEREUPON,

5 SHEILA CAUDLE,

6 having been called for examination, and having been first duly

7 sworn by the undersigned notary public, was examined and

8 testified, as follows:

9 DIRECT EXAMINATION

10 BY MS. GEE:

11 Q Ms. Caudle, could you state your position with the board?

12 A Sheila Caudle, Director of State Board of Cosmetology.

13 Q And prior to holding that position, what position did you

14 hold?

15 A Inspector.

16 Q Okay. And as an inspector for the board, did you visit a

17 salon called Hair Performance?

18 A I did.

19 Q Okay. And there are a group of documents including one

20 entitled inspection report that are marked as Board's Exhibit 1?

21 A Correct.

22 Q And is that your report --

23 A Yes. It is.

24 Q -- from that visit?

25 And what was the date of that visit, please?

SUSAN B. WHITSON, CCR, INC. (501) 455-1170

1 A 5/28/08.

2 Q And on that inspection visit, did you find any violation of
3 cosmetology rules or law?

4 A Yes. I did.

5 Q Could you summarize what those were, please?

6 A The work station was dirty, the brushes were very dirty and
7 not being disinfected, used implements were not being placed in a
8 labeled container, and the clippers needed to be cleaned and
9 disinfected.

10 Q Okay. And was Jaime Stark present at the time of your
11 visit?

12 A Yes. She was.

13 Q And did you discuss those violations with her?

14 A Yes. I did.

15 Q And is there a recommended penalty for these violations?

16 A Yes. It's a hundred dollars.

17 MS. GEE: Thank you.

18 I have nothing further for this witness.

19 HEARING OFFICER JONES: Ms. Stark, do you have any

20 questions you would like to ask Ms. Caudle?

21 MS. STARK: Yeah, I have a few questions and
22 statements.

23 HEARING OFFICER JONES: Questions only at this
24 time.

25 MS. STARK: Questions? Okay.

SUSAN B. WHITSON, CCR, INC. (501) 455-1170

1 HEARING OFFICER JONES: Yes. And then I'll give
2 you plenty of time to make your statement, but right
3 now just questions for Ms. Caudle.

4 CROSS-EXAMINATION

5 BY MS. STARK:

6 Q One question I have is if it was such a severe penalty, why
7 in May of -- May 28th was I not notified at that time how
8 severe it was? And then it was waited to be certified mailed to
9 me until October. If it was a severe disinfectant problem, I own
10 my business and want my customers, you know, very sanitary, so
11 why was the lapse in time?

12 THE WITNESS: Can I answer her?

13 HEARING OFFICER JONES: Go ahead.

14 THE WITNESS: This is your notification that you
15 have right here, this is your inspection form. This is
16 telling you what the violations was that needed to be
17 corrected at the time of my visit.

18 BY MS. STARK:

19 Q And one question I do have for you, because you have here

20 that, on this one that was checked, the electrical instruments
21 have foreign matter removed and disinfected prior to each use,
22 and you have "no" marked.

23 Did you see me use my clippers at the time that you were
24 there?

25 A No.

SUSAN B. WHITSON, CCR, INC. (501) 455-1170

1 Q So how can you tell me that my clippers are not being
2 disinfected or cleaned prior to each use?

3 A Because they were gunked.

4 Q No. I disagree with that statement.

5 There was hair on my clippers at the time you --

6 HEARING OFFICER JONES: Wait. Questions.

7 Questions only.

8 MS. STARK: Sorry.

9 HEARING OFFICER JONES: You can ask any questions
10 you want, but --

11 BY MS. STARK:

12 Q Can you -- can you define the word gunked to me? That's
13 kind of a harsh statement.

14 A When you look at your clippers, with as much hair that's up
15 under that piece that's on there, the back piece, when the hair
16 and oils and things are packed in there, that tells me that that
17 clipper has not been cleaned in quite some time.

18 Q And you took my four guard or my three guard or whatever
19 guard on that clipper off to see that?

20 A You don't have to take it off to see it.

21 Q Okay. And did you walk in my room more than a minute or
22 two?

23 A I probably did. Long enough to write up the inspection
24 report.

25 Q Did you know I was seven and a half months pregnant at that

SUSAN B. WHITSON, CCR, INC. (501) 455-1170

1 time?

2 A No.

3 MS. STARK: Okay.

4 HEARING OFFICER JONES: Questions from the board
5 for Ms. Caudle?

6 MS. COLLINS-BURROUGH: Was this a routine visit?

7 THE WITNESS: Yes. It was.

8 HEARING OFFICER JONES: Further questions from the
9 board members for Ms. Caudle?

10 If there are no further questions, Ms. Gee, call
11 your next witness.

12 MS. GEE: I have no further witnesses.

13 I would like to introduce Board's Exhibit 1,
14 please, for the record.

15 HEARING OFFICER JONES: Okay. Any objection to
16 that? It's the inspection report and notice of
17 hearing.

18 MS. STARK: No.

19 HEARING OFFICER JONES: Then that will be

20 introduced as Board's Exhibit 1. It is a packet
21 containing an Order and Notice of Hearing and
22 inspection report.

23 (WHEREUPON, Board's Exhibit No. 1 was received in
24 evidence.)

25 HEARING OFFICER JONES: Okay. Ms. Stark, do you

SUSAN B. WHITSON, CCR, INC. (501) 455-1170

1 have any witnesses you would like to call?

2 MS. STARK: No. Just me.

3 HEARING OFFICER JONES: Okay. Well then you can
4 make your statement then.

5 WHEREUPON,

6 JAIME STARK,

7 having been called for examination, and having been first duly

8 sworn by the undersigned notary public, was examined and

9 testified, as follows:

10 DIRECT TESTIMONY

11 THE WITNESS: As I said, I do not feel my work

12 station was dirty. The first thing on it, clean your

13 work station. I have my -- my appointment book, if

14 anybody would like to see, that it was a 442-dollar day

15 for me only, so I was extremely busy at the time of the

16 inspection. I did not feel that you spent enough time

17 to even know I was hugely pregnant, that to have this

18 degree of telling me my brushes were very dirty, not

19 being disinfected. Yes, I did have some hair in my

20 brushes. I was extremely busy that day. I do not
21 think it was to the point to charge me a hundred
22 dollars.

23 I have been employed and owned Hair Performance
24 for 12 years, and Hair Performance has been in business
25 for 25 years. We have never received a penalty of this

SUSAN B. WHITSON, CCR, INC. (501) 455-1170

1 nature or been fined in any way, me or any other
2 cosmetologists or the barber in this salon.

3 Stating that, and I do respect all the
4 cosmetology's laws, I came here 12 years ago from
5 Louisiana. I was not -- I did not receive my license
6 through Arkansas, so if there are other things that I
7 need to know or do as in labeling my containers -- I
8 have never had a labeled dirty or clean basket on my
9 shelf. I can say that now, and if that needs to be
10 done, I will be happy to adhere to that and start doing
11 that.

12 Cleaning and disinfecting my clippers, I just do
13 not think that that is something that you knew or did
14 not know. I, every time I use my clippers, I can use a
15 retractable blade on my Osters and I use a Wahl blade
16 occasionally. And every time before it's used, my
17 clippers, the guards will be put in my disinfectant, in
18 my Barbicide, and all of the hair will be brushed off
19 and sprayed with a Wahl cleaner. If that is not

20 sufficient, please let me know what cleaner is
21 sufficient so that I can -- I can keep my business as
22 clean and sanitary and as happy as I've always thought
23 it was.

24 I take pride in my work. I enjoy what I do, and
25 that's why I'm here, to state my case and make sure I

SUSAN B. WHITSON, CCR, INC. (501) 455-1170

1 am doing everything that the board approves of also.

2 I mean it's a hundred dollars. I made 450 that
3 day. It's just the principal of I want to make sure
4 that me and Hair Performance is sanitary.

5 And that's all.

6 HEARING OFFICER JONES: Thank you, Ms. Stark.

7 Ms. Gee, do you have any questions of Ms. Stark?

8 MS. GEE: I have no questions.

9 HEARING OFFICER JONES: Would the board like to
10 ask Ms. Stark any questions?

11 MR. FOREMAN: As a barber, I just go on

12 (inaudible) --

13 COURT REPORTER: Speak up, sir, please. I didn't
14 hear that.

15 HEARING OFFICER JONES: You're going to have to
16 speak up so the court reporter can hear you.

17 MR. FOREMAN: I'm sorry.

18 As a barber, aren't you supposed to sterilize your
19 equipment immediately or remove --

20 THE WITNESS: I --

21 MR. FOREMAN: -- remove all hair from the hair --

22 I mean, to me, as many diseases as we have now --

23 THE WITNESS: Right.

24 MR. FOREMAN: -- going, such as AIDS, dandruff,

25 after cutting the hair --

SUSAN B. WHITSON, CCR, INC. (501) 455-1170

1 THE WITNESS: I agree.

2 MR. FOREMAN: -- you should get all that residue
3 off. Gunked.

4 THE WITNESS: I -- as a barber, I am -- I'm not a
5 barber. I do use Oster clippers, if you're familiar
6 with those, and the Wahl clipper. I have multiple
7 clippers in my room. And every time before they are
8 used it is brushed off and sprayed, I have the stuff
9 that's there.

10 At the time that she came in, as I can look at my
11 book, I did do a few men's -- a man's haircut, but then
12 I did one man's haircut and then all the day, I did not
13 do another man's haircut until the end of the day. I
14 was applying color when she came into my salon and I
15 had a color processing. So the clippers had not been
16 used at that time, but before I used them, you know, I
17 would never not clean a clipper before I put it in
18 somebody else's head.

19 If I need to do another process, I will be glad to

20 start doing it that way. You know, I mean, but after
21 12 years of doing hair, maybe we get a little lax and a
22 little bit more into our social time with our clients,
23 and I am more respected -- I would respect the board to
24 do anything that y'all suggest, keep it sanitary. But
25 at this time I think a severe penalty of a hundred

SUSAN B. WHITSON, CCR, INC. (501) 455-1170

1 dollar fine, hoping that a warning could be sufficient.

2 I have never spread any disease or had any problem
3 like that or any reports to do that matter to the
4 board. There has been no complaints on my salon.

5 MR. FOREMAN: I don't know about Louisiana, but
6 most states, if you have a broken tooth in your comb,
7 that's a violation, and with gunk in your clippers --

8 THE WITNESS: Well, that is her --

9 MR. FOREMAN: -- that's a --

10 MS. STARK: -- that is her word, not mine. I mean
11 I wish I would have brought some of my clients with me.
12 I'm sure they --

13 MR. FOREMAN: I don't think the inspector would
14 falsify anything. I mean --

15 THE WITNESS: I don't think she would falsify
16 anything. I don't think they were gunked up. They
17 were not being used at the time. She -- I mean she
18 didn't realize I was seven and a half months pregnant.
19 How much time did she spend?

20 MR. FOREMAN: Yeah, but pregnant, that has nothing

21 to do with nothing here.

22 THE WITNESS: Okay.

23 MR. FOREMAN: Because you're pregnant --

24 THE WITNESS: Okay.

25 MR. FOREMAN: -- the law is the law is the law.

SUSAN B. WHITSON, CCR, INC. (501) 455-1170

1 THE WITNESS: Right. It is.

2 MR. FOREMAN: That has nothing to do with it. I

3 mean that has nothing to do with the inspector.

4 They're there to do a job.

5 THE WITNESS: Uh-huh.

6 MR. FOREMAN: And that's it.

7 HEARING OFFICER JONES: Further questions from the

8 board?

9 MS. COLLINS-BURROUGH: I have one.

10 You say you use a Wahl?

11 THE WITNESS: It's a cleaner, lubricant and spray.

12 MS. COLLINS-BURROUGH: Is it a disinfectant agent?

13 THE WITNESS: Yes. It says lubricating and

14 cleaning on the can. Then again, if there is something

15 else -- now, all of my plastic guards are put in my

16 Barbicide.

17 MS. COLLINS-BURROUGH: Yeah.

18 Well, there is a difference in cleaning and

19 sanitizing.

20 THE WITNESS: Okay. And can you recommend

21 something of that nature so that I know?

22 MS. COLLINS-BURROUGH: Well, you just need to

23 check with your supplier. They just have --

24 MR. FOREMAN: Yeah. They have little --

25 THE WITNESS: That's what they directed me

SUSAN B. WHITSON, CCR, INC. (501) 455-1170

1 towards, so but I will check again so I'll know.

2 MR. FOREMAN: You now have those little clear
3 Barbicide, like in a -- the film out in the little
4 containers like that, do you have any of those in the
5 salon?

6 THE WITNESS: Formaldehyde tablets.

7 Yeah, I assume that's what that is, what he's
8 talking about.

9 MS. WARD: If you looked for something that says
10 IPA approved, that would help you.

11 THE WITNESS: Okay. Thank you.

12 HEARING OFFICER JONES: Further questions from the
13 board?

14 MS. CAUDLE: Yeah.

15 THE WITNESS: Yeah. I saw it on this.

16 HEARING OFFICER JONES: If there are no further
17 questions, Ms. Gee, you can make your closing statement
18 at this time.

19 MS. GEE: The only statement I would like to make

20 in closing is just to remind the board that the
21 credibility of the witnesses is for you to determine.
22 We've had some conflicting testimony here about the
23 condition of implements at this salon, but you can
24 determine which witness you find to be more credible.
25 And we ask that you find that there has been a

SUSAN B. WHITSON, CCR, INC. (501) 455-1170

1 violation.

2 Thank you.

3 HEARING OFFICER JONES: Ms. Stark, anything you
4 would like to tell to the board in a closing argument?

5 MS. STARK: I understand that there are some
6 things that I need to take care of in a different
7 manner. I do not think it was so severe as a penalty
8 with a fine.

9 I would rather use that fine money to go and
10 supply my business with things that I need to keep it
11 more sanitized. Since I am here, and we are all here
12 together, if that can be accepted by the board, and
13 then that way we don't have to worry about these
14 violations again, if that's okay.

15 HEARING OFFICER JONES: Okay. At this time the
16 record will be closed and made complete, except for the
17 board's recess for deliberations and a decision. After
18 a decision has been reached, we will go back on the
19 record.

20 (WHEREUPON, the Commission retired to deliberate,
21 off the record, and returned with the following
22 motion.)

23 MS. PHILYAW: I would like to make a motion that I
24 find that allegation to be true, to ask the respondent
25 to pay within 30 days a hundred dollars that's proposed

SUSAN B. WHITSON, CCR, INC. (501) 455-1170

1 as the fine.

2 MS. CAVER: Does anybody second that?

3 MS. AKARD: I second that.

4 MS. CAVER: All those in favor?

5 MS. COLLINS-BURROUGH: Finish, Ms. Ann. Ms, Ann,
6 finish.

7 MS. BURCHETT: Finish reading the whole --

8 MS. PHILYAW: Am I supposed to read the whole
9 thing?

10 MS. COLLINS-BURROUGH: Yes.

11 I'm sorry. Yes.

12 MS. PHILYAW: Okay.

13 HEARING OFFICER JONES: Wait a minute. Let's make
14 sure that we're back on the record. Let's make sure
15 the court reporter gets this in the record.

16 COURT REPORTER: Yes, ma'am.

17 MS. PHILYAW: Okay. Finding the allegation to be
18 true, I move to order the respondent to pay the fine in
19 the amount of \$100 within 30 days of the receipt of the

20 board's order. Failure to pay the fine as ordered will
21 result in a suspension of the respondent's license,
22 beginning 30 days from the receipt and continuing for a
23 period of 90 days from the date respondent relinquishes
24 her license to the board.

25 MS. BURCHETT: Second.

SUSAN B. WHITSON, CCR, INC. (501) 455-1170

1 MS. CAVER: Second?

2 MS. AKARD: I second.

3 MS. CAVER: All those in favor?

4 (All hands raised.)

5 HEARING OFFICER JONES: Okay. Please let the
6 record reflect that the decision of the board is
7 unanimous, please reduce that decision to writing and
8 make service upon all parties. If the respondent cares
9 to appeal the decision of the board, an appeal may be
10 taken under the Arkansas Code Annotated Administrative
11 Procedures Act, found at 25-15-201 et seq., or any
12 specific provision of this board, if one does exist.

13 If there are no other questions or comments, the
14 hearing is concluded and the record is closed.

15 Thank you, Ms. Stark.

16 ---0---

17 ADMINISTRATIVE HEARING NO. 08-532

18 HEARING OFFICER JONES: Okay. Our next one is
19 going to be 532. 532. Shabby Chic.

20 Okay. My name is Kendra Akin Jones. I'm the
21 Hearing Officer today in the matter of Shabby Chic,
22 Christine Michelle Thomas, owner, Hearing No. 532, to
23 be heard before the Arkansas State Board of
24 Cosmetology. Today is November 17, 2008, and we're
25 located in the Main Street Mall Conference Room.

SUSAN B. WHITSON, CCR, INC. (501) 455-1170

1 Is the respondent present?

2 Anybody for Shabby Chic?

3 Shabby Chic?

4 Christine Michelle Thomas?

5 Please note for the record that there is no

6 respondent present in this matter.

7 Board's counsel, please identify yourself for the

8 record.

9 MS. GEE: Oh, I'm sorry.

10 Erika Gee, Assistant Attorney General.

11 HEARING OFFICER JONES: And for the record, I'll

12 explain that the board will base its decision solely on

13 the evidence presented here today, and that this

14 hearing is being held under the Arkansas Administrative

15 Procedures Act, which allows me as the Hearing Officer

16 to have certain latitudes as to evidence that may be

17 entered and to run the hearing as efficiently as

18 possible. The board members know of this case only as

19 it appears and is set forth in the Order and Notice of

20 Hearing. If there is anything that you would like for
21 the board to consider today, it must be introduced into
22 evidence or it will not be considered. And all parties
23 to this hearing should be aware that it is open to the
24 Freedom of Information Act.

25 All witnesses have been sworn in.

SUSAN B. WHITSON, CCR, INC. (501) 455-1170

1 So, Ms. Gee, you may proceed.

2 MS. GEE: I would like to call Rose Horner,
3 please.

4 WHEREUPON,

5 ROSE HORNER,

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

9 DIRECT EXAMINATION

10 BY MS. GEE:

11 Q Ms. Horner, can you state your position for the record?

12 A Inspector for the State Cosmetology Board.

13 Q Okay. You have a copy of what is entitled inspection
14 report?

15 A Yes, ma'am.

16 Q Is that correct?

17 A Uh-huh.

18 Q Okay. And that's part of what's marked as Board's Exhibit

19 1.

20 And did you have an occasion to inspect an establishment

21 called Shabby Chic?

22 A I did.

23 Q Okay. And is this the inspection report from that visit?

24 A Yes, ma'am.

25 Q And what was the date of your visit?

SUSAN B. WHITSON, CCR, INC. (501) 455-1170

1 A 6/11 of this year.

2 Q Thank you.

3 And when you visited, did you find any violations of the
4 board rules or cosmetology law?

5 A There were licenses that weren't posted, I didn't know if
6 they were current or not, and Barbicide jars are full of combs
7 and brushes and Barbicide solution is dirty.

8 Q Okay.

9 A And I left a note that they needed to change the solution.

10 Q Okay. And can you tell us whose license or which license
11 was not posted? Was it a salon license or --

12 A I did not mark --

13 Q -- practitioner license?

14 A Practitioner, looks like.

15 Q Practitioner license?

16 A Uh-huh. Chelsea Mahoffey and Christy Phelan.

17 Q Okay. And what is the recommended penalty for this
18 violation?

19 A Looks like \$25.

20 MS. GEE: Thank you, ma'am. I have nothing

21 further.

22 HEARING OFFICER JONES: Does the board have any
23 questions for Ms. Horner?

24 Go ahead.

25 MS. COLLINS-BURROUGH: Was this a routine

SUSAN B. WHITSON, CCR, INC. (501) 455-1170

1 inspection?

2 THE WITNESS: Yes.

3 MS. COLLINS-BURROUGH: And what date was that?

4 THE WITNESS: Looks like June 11, I believe, of
5 this year.

6 MS. COLLINS-BURROUGH: Of this year?

7 MS. BURCHETT: So you found two violations that --
8 the dirty Barbicide and no license posted?

9 THE WITNESS: Right. There were several
10 practitioners that were not posted. One -- one of the
11 practitioners that -- I don't know what day of the week
12 this was, but she worked only on Friday. I don't
13 recall if they were working that day, but there were
14 two practitioner licenses not posted, and that was June
15 of this year.

16 HEARING OFFICER JONES: Are there any other
17 questions?

18 MS. BURCHETT: But the licenses that were posted
19 were current?

20 THE WITNESS: I'm sorry.

21 MS. BURCHETT: Or there were no --

22 THE WITNESS: There were two people that did not
23 have licenses posted.

24 MS. BURCHETT: But they -- but they weren't
25 working that day?

SUSAN B. WHITSON, CCR, INC. (501) 455-1170

1 THE WITNESS: I didn't write that down. I don't
2 know.

3 MS. BURCHETT: Okay.

4 HEARING OFFICER JONES: Further questions from the
5 board?

6 MS. COLLINS-BURROUGH: How many people total
7 worked there?

8 THE WITNESS: I have seven listed.

9 MS. COLLINS-BURROUGH: So, of the seven, five were
10 posted?

11 THE WITNESS: Uh-huh.

12 MS. COLLINS-BURROUGH: Okay.

13 HEARING OFFICER JONES: Anything further from the
14 board?

15 Ms. Gee?

16 MS. GEE: I would like to call Michelle Rudolph,
17 please.

18 HEARING OFFICER JONES: Thank you, Ms. Horner.

19 Ms. Rudolph?

20 WHEREUPON,

21 MICHELLE RUDOLPH,

22 having been called for examination, and having been first duly

23 sworn by the undersigned notary public, was examined and

24 testified, as follows:

25 DIRECT EXAMINATION

SUSAN B. WHITSON, CCR, INC. (501) 455-1170

1 BY MS. GEE:

2 Q Ms. Rudolph, can you state your position, please?

3 A Administrative assistant for the Board of Cosmetology.

4 Q And are you responsible for sending out Orders and Notices
5 of Hearing for the board?

6 A Yes, I am.

7 Q And did you send this Order and Notice of Hearing to Shabby
8 Chic and Christine Michelle Thomas?

9 A Yes. And she signed for the certified letter on November 3,
10 2008.

11 Q Okay. So she did receive the Order and Notice of Hearing?

12 A Yes.

13 MS. GEE: I would like to introduce Board's

14 Exhibit 1 for the record, please.

15 And I have nothing further for this witness.

16 HEARING OFFICER JONES: The packet will be

17 introduced as Exhibit 1 and attached to the record.

18 (WHEREUPON, Board's Exhibit No. 1 was received in
19 evidence.)

20 HEARING OFFICER JONES: Does the board have any

21 questions for Ms. Rudolph?

22 If there are no questions, Ms. Gee, anything you

23 want to say in closing?

24 MS. GEE: No, ma'am.

25 HEARING OFFICER JONES: Okay. At this time the

SUSAN B. WHITSON, CCR, INC. (501) 455-1170

1 record will be closed and complete, except for the
2 board's recess for deliberations and a decision. Once
3 a decision has been reached, we will go back on the
4 record.

5 (WHEREUPON, the Commission retired to deliberate,
6 off the record, and returned with the following
7 motion.)

8 HEARING OFFICER JONES: At this time we'll go back
9 on the record. Is there a motion?

10 MS. BURCHETT: I have one.

11 Finding the allegations being true, I move to
12 order the respondent to pay a fine in the amount of
13 \$25, payable within 30 days of receipt of the board's
14 order. Failure to pay the fine as ordered will result
15 in a suspension of the respondent's cosmetology license
16 beginning 30 days from receipt of the order and
17 continuing for a period of 90 days from the date the
18 respondent relinquishes his or her license to the
19 board.

20 HEARING OFFICER JONES: Is there a second?

21 MS. COLLINS-BURROUGH: Can I clarify?

22 HEARING OFFICER JONES: Clarification. Go right
23 ahead.

24 MS. COLLINS-BURROUGH: Practitioner or
25 establishment license?

SUSAN B. WHITSON, CCR, INC. (501) 455-1170

1 MS. GEE: Establishment.

2 MS. BURCHETT: I would probably say the
3 establishment --

4 MS. COLLINS-BURROUGH: Okay.

5 MS. BURCHETT: -- instead of cosmetology. Okay?

6 HEARING OFFICER JONES: So, would you read that
7 again with the clarification, so we all know what's
8 what?

9 MS. BURCHETT: Finding the allegations being true,
10 I move to order the respondent to pay a fine in the
11 amount of \$25 payable within 30 days of receipt of the
12 board's order. Failure to pay the fine as ordered will
13 result in suspension of the respondent's establishment
14 license beginning 30 days from receipt of the order and
15 beginning for a period of 30 days from the date the
16 respondent relinquishes his or her license to the
17 board.

18 MS. COLLINS-BURROUGH: Second.

19 MS. CAVER: All those in favor?

20 (All hands raised.)

21 HEARING OFFICER JONES: Please let the record
22 reflect that the decision of the board is unanimous,
23 reduce the decision to writing, make or attempt service
24 upon all parties. Please let the respondent know that
25 the decision can be appealed under the Administrative

SUSAN B. WHITSON, CCR, INC. (501) 455-1170

1 Procedures Act, found at Arkansas Code Annotated
2 25-15-201, et seq., or any specific provisions of this
3 board that may exist.

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

6 And that's all we have for today.

7 MS. CAUDLE: Okay. I would like to let everyone
8 know that we sent out a total of \$9,278 in proposed
9 civil penalties, we received payment back of \$8,253,
10 all noncollected was \$1,025.

11 MS. AKARD: Excuse me. Say that again.

12 MS. CAUDLE: All of it?

13 MS. AKARD: No. Just what did we get back?

14 MS. CAUDLE: We got back \$8,253 and noncollected
15 so far is \$1,025.

16 MS. CAVER: Okay. At this time let's take a 15
17 minute break.

18 (WHEREUPON, a break was held from 10:50 a.m. to
19 11:13 a.m.)

20 MS. CAVER: All right. Let's call the meeting
21 back to order, and turn it over to Sheila with the
22 director updates.

23 MS. CAUDLE: Okay. In your packet that's laying
24 before you, you have a letter dated November 4, 2008,
25 from Terry Lynn Augusta Jefferson.

SUSAN B. WHITSON, CCR, INC. (501) 455-1170

1 Ms. Jefferson has said that she attended Vogue
2 Cosmetology School in Pine Bluff, Arkansas, in 1987 or
3 1988, that she clocked 1,400 hours, and she is trying
4 to locate the hours. And she's requesting the
5 opportunity to meet with the Board of Cosmetology
6 discussing locating her missing hours.

7 She is not here but she did send a signed
8 affidavit, signed by Judith Azlin, an instructor. And
9 Ms. Azlin wrote on August 6, 2008, to the director,
10 "Terry August was enrolled at Vogue Beauty College,
11 located in Pine Bluff, Arkansas, from August 1987 to
12 June of 1988. I was employed by Vogue at the time as
13 an instructor. I taught Terry in the classroom and on
14 the clinic floor. She clocked approximately 1,400
15 hours.

16 "If you have any questions, feel -- please feel
17 free to call me. I'm currently employed at Mark's
18 To-Beauty Academy in Pine Bluff, Arkansas." And then
19 she gives her telephone number and signs it and it is

20 notarized.

21 My question to the board is, Ms. Jefferson is
22 saying that she has 14 hours and Ms. Azlin is saying
23 she has approximately 14 hours. Since these hours are
24 no longer kept -- were not kept in the office at this
25 time because the three-year rule did not exist, I need

SUSAN B. WHITSON, CCR, INC. (501) 455-1170

1 to know how many hours we actually need to give this
2 young lady, since there is no documented proof anywhere
3 of how many hours she obtained.

4 MS. AKARD: What happened -- what happened to
5 Vogue? Did somebody buy out Vogue?

6 MS. CAUDLE: Vogue went under in the early '90s.

7 MS. AKARD: Okay. Did somebody buy that school?

8 MS. CAUDLE: I can't remember that, Tracy, whether
9 they bought it or it just closed down.

10 MS. AKARD: If we can remember, because I had my
11 records for 24 years.

12 MS. CAUDLE: Right. But you're the exception to
13 the rule.

14 MS. HOPPER: Is there no time limit on --

15 MS. CAUDLE: (Shaking head from side to side.)

16 MS. CAVER: No.

17 MS. CAUDLE: No. No.

18 MS. HOPPER: Okay.

19 MS. CAUDLE: And up until July of this -- this

20 year, the Cosmetology Board deleted all of these hours
21 as they became three years old, because that was the
22 law, we only had to keep those hours for three years.
23 So we have no record.

24 MS. AKARD: I think what we have to be real
25 careful to do -- because we're setting precedence right

SUSAN B. WHITSON, CCR, INC. (501) 455-1170

1 here.

2 MS. CAUDLE: That's right.

3 MS. COLLINS-BURROUGH: Uh-huh.

4 MS. AKARD: If we -- if we allow her to say about,
5 then we -- then we are opening that -- that gate.

6 And I know we have that same problem there in Hot
7 Springs, there was a school there, Spa Beauty, and I
8 have ran into this before, where people have come in
9 and they cannot get a hold of this chick that owned the
10 school and they do not have a clue of how many hours
11 that they have. So whatever we're deciding here, we
12 are opening -- we are making a --

13 MS. CAUDLE: Uh-huh.

14 MS. AKARD: -- a decision.

15 But that's why I'm trying to find out if anybody,
16 whoever bought the school, might perhaps have those
17 records.

18 MS. CAUDLE: Cosmetique may have bought that
19 school. I can't remember, that's been so many years

20 ago. But Cosmetique doesn't exist anymore either.

21 MS. AKARD: Okay. Then did somebody buy

22 Cosmetique?

23 MS. CAUDLE: No. They are gone.

24 MS. CAVER: So this girl was never licensed?

25 MS. CAUDLE: No. She only completed 1,400 hours,

SUSAN B. WHITSON, CCR, INC. (501) 455-1170

1 she's saying, and Ms. Azlin is saying approximately
2 1,400 hours.

3 MS. CAVER: Twenty years ago.

4 MS. AKARD: Well, and that -- and let me tell you,
5 people's memories aren't real good.

6 MS. CAVER: Yes, Patricia?

7 MS. ANDERSON: If I might comment from the floor,
8 having a school that I've acquired and somebody else
9 owned it and the records went back to 1955, I have
10 people calling me on an ongoing basis, I had hours,
11 this is how many hours I had. And my statement to them
12 is, that was a long time ago, you have to pass the
13 board and it's my name that's going to go on that
14 certification. So I make sure that they take,
15 especially somebody that comes in with that many hours,
16 I make sure they take at least half the training,
17 because then I can guarantee that they will have at
18 least one time through the cosmetology book. And if
19 they are not willing to do that, then they are not

20 willing to be licensed, because things have changed
21 since 20 years ago. Many techniques have changed, many
22 things are updated and current. So my policy from my
23 school is that they have to have at least 750 hours.

24 Now, if they are coming as a barber, that's a
25 little bit different. They have a prerequisite number

SUSAN B. WHITSON, CCR, INC. (501) 455-1170

1 of hours. If they are transferring in, we try to get
2 them, you know, as close to 750 as we can. Because we
3 know, unless they are a current student that's enrolled
4 some place else, they are current, they do have current
5 techniques. So if they are way back there, I tell them
6 they've got to have at least 750 hours. I won't credit
7 more than that as a school owner.

8 MS. HOPPER: I feel like that's a lot of hours for
9 somebody that's been out of the -- the loop for that
10 long a period of time. I mean there has been a lot of
11 changes in this length of time. I feel like 750 hours
12 is way too many.

13 MS. CAUDLE: Yeah. But the thing that you're
14 forgetting is, there was a law passed saying that their
15 hours are forever good if they can provide proof that
16 they earned those hours.

17 MS. ANDERSON: But I don't have proof. In my
18 case, I don't have proof. Those records are no longer
19 there.

20 MS. HOPPER: So we're just going to go by hearsay?

21 This --

22 MS. CAUDLE: We have a notarized document, is what
23 we have, and that's why I brought it to the board.

24 Chris?

25 MS. STRAWN: I have -- I'm just telling you, Tracy

SUSAN B. WHITSON, CCR, INC. (501) 455-1170

1 was saying you're setting a precedent, and you really
2 are. Because I've got a girl that I know finished
3 manicuring, and we can't -- you know, that's scary to
4 me just saying --

5 MR. ANDERSON: Same thing. We get them all the
6 time, I've got hours, but --

7 MS. STRAWN: Yeah. So, I mean, you guys know, you
8 know, just saying -- just someone saying -- now I'm not
9 saying -- I don't know. That's just scary to me, not
10 having any kind of proof.

11 MS. CAVER: Yes?

12 MS. WINN: Has this person been out of school and
13 has not taken her board? Is that what it is?

14 MS. CAUDLE: Right.

15 MS. HUGHES: I personally think that she needs to
16 go back to school.

17 MS. COLLINS-BURROUGH: Well, and by her own
18 admission, she's not got the 1,500.

19 MS. STRAWN: It's like -- it's like on one of my

20 former students. I've had students call me and ask me
21 to verify that, you know, sign a statement saying in
22 it. I personally, that's scary to me, because if I
23 don't have the records, the only -- I've only got one
24 student that I remember completely how many -- how many
25 hours. I mean she's gone to school twice for right at

SUSAN B. WHITSON, CCR, INC. (501) 455-1170

1 1,500 hours, and she's the only one that I can think of
2 that I would feel completely confident in signing my
3 name to it.

4 MS. CAVER: Barbara?

5 MS. WARD: And she doesn't have written
6 documentation, she's got somebody remembering back that
7 many years. How accurate is your memory going to be?
8 That's my question.

9 MS. CAVER: And I know it's 20 years ago. I mean
10 that's --

11 MS. WARD: Yeah.

12 MS. CAVER: I mean, why didn't she go, I mean,
13 finish and take her boards back then? I mean --

14 MS. AKARD: She probably owed the school.

15 MS. CAVER: Well, yeah.

16 MS. WINN: I think she would have to take it over.
17 I mean, personally, I don't know why she would want to
18 just go take the board.

19 COURT REPORTER: Could you identify yourself,

20 please?

21 MS. WINN: I'm sorry?

22 COURT REPORTER: Could you tell me your name,
23 please?

24 MS. WINN: Jerree Winn.

25 COURT REPORTER: Thank you.

SUSAN B. WHITSON, CCR, INC. (501) 455-1170

1 MS. AKARD: Is there something in the -- you're
2 finding --

3 MS. GEE: We were talking about the section that
4 used to be in there about partial credit, about having
5 to -- the hours will only count for three years for the
6 exam, which has been removed in the last session.

7 MS. CAUDLE: Removed.

8 MS. GEE: That's no longer the law.

9 MS. BURCHETT: Well, that's what was the law at
10 this time, when she was there, when she finished those
11 hours.

12 MS. CAUDLE: Correct.

13 MS. BURCHETT: You know, so, you know, when you're
14 in -- when you're in college you're under the
15 catalog -- you're under the catalog that you enter
16 under, so, you know, I just think that -- that we ought
17 to think about that. These hours were obtained when
18 the law said they are only good for three years, and
19 then that way we could have a date to where, unless

20 they bring -- unless the school provides certificate of
21 training form or, you know, if it -- if we say we have
22 to have proof.

23 MS. CAVER: I agree with that.

24 Chris?

25 MS. STRAWN: I agree with part of what Scottie

SUSAN B. WHITSON, CCR, INC. (501) 455-1170

1 said and I disagree with part of it.

2 If you can prove that -- if a school can bring
3 proof, just like we have to do with every other student
4 that we send the board, if they can come up with proof,
5 I think that they need to be accepted regardless of
6 what the school catalog said. But if they can't
7 produce anything, then I mean, shoot, you know, they
8 have to be able to produce something, I think.

9 MR. ANDERSON: Along the same lines as Chris, I
10 mean, monthly we give them written documentation of
11 their hours they've appeared. You know, if she had
12 been that concerned about coming back with those, she
13 should have those pieces of paper from each month.

14 MS. ANDERSON: Contract, something.

15 MR. ANDERSON: Contract, something.

16 MS. STRAWN: I mean I have documentation for my
17 students from the day that I bought the school in '99,
18 so that's a heck of a lot longer than three years ago,
19 but, and you know, I have all of that in my computer.

20 So if -- but 24 years ago, if they don't have the -- if
21 they don't have documentation, they just don't have
22 documentation. And I think somebody signing is not
23 good enough.

24 MS. CAVER: That's not enough.

25 MS. STRAWN: I mean, people will sign -- and, you

SUSAN B. WHITSON, CCR, INC. (501) 455-1170

1 know -- and I'm not saying this lady isn't being
2 truthful, I'm not saying that. I'm just saying -- I
3 don't know.

4 MR. ANDERSON: It's amazing what you get people to
5 document.

6 MS. CAVER: Do you guys want to make a decision on
7 this right now?

8 MS. COLLINS-BURROUGH: Well, I think that, you
9 know, until such time as she can provide documentation,
10 to deny her request to just sit for the exam.

11 MS. CAUDLE: Do you want to make that in a motion?

12 MS. COLLINS-BURROUGH: I so move.

13 MS. HOPPER: I second.

14 MS. CAVER: Do we need to state what the motion is
15 exactly for the record?

16 MS. COLLINS-BURROUGH: I do not. I don't know
17 what I said.

18 I want to deny this until she can prove
19 documentation.

20 MS. CAVER: Anybody second that?

21 MS. HOPPER: Second.

22 MS. CAVER: All those in favor?

23 (All hands raised.)

24 Okay.

25 MS. COLLINS-BURROUGH: And you pretty it up how

SUSAN B. WHITSON, CCR, INC. (501) 455-1170

1 ever.

2 MS. CAUDLE: Got you.

3 Okay. Second on my list is dress code for exams.

4 We do not have a dress code per se for exams, since PCS

5 had the exam. PCS's only provision was that everyone

6 had to wear a white lab coat.

7 We held exams last Monday, we'll hold exams again

8 tomorrow. That dress code is still in force, and some

9 have questioned if we wanted to reenact a dress code or

10 keep the dress code the same as just a white lab code.

11 MS. COLLINS-BURROUGH: For the students?

12 MS. CAUDLE: For the students.

13 MS. COLLINS-BURROUGH: Well, how are they coming,

14 predominantly?

15 I mean, if they are coming in flip flops, they

16 need shoes.

17 MS. CAUDLE: We have flip flops, we have jeans.

18 MS. COLLINS-BURROUGH: No. I don't like that. I

19 don't like that.

20 MS. CAUDLE: We have some dress professionally,

21 you know. We have --

22 MS. BURCHETT: I realize the examiners are only

23 supposed to look from here to here (indicating).

24 MS. CAUDLE: Uh-huh.

25 MS. BURCHETT: But, you know, I really liked it

SUSAN B. WHITSON, CCR, INC. (501) 455-1170

1 when they all looked alike. I think it's a -- more of
2 a fair shake. And they need to be safe, and if they
3 don't have their -- if they don't have closed-toe shoes
4 on, they are not safe. So we're allowing them to come
5 in there and not be safe, so I don't think that's
6 right.

7 MS. CAUDLE: Okay.

8 MS. BURCHETT: I would like to see it go back to
9 what it -- what -- the way we used to do it. Either
10 white to the waist and black from the waist down, or
11 full white.

12 MS. CAUDLE: Okay.

13 THE WITNESS: Their choice.

14 MS. COLLINS-BURROUGH: What do y'all think?

15 MS. AKARD: I think they need to be looking
16 professional, too.

17 MS. COLLINS-BURROUGH: Professional?

18 MS. HOPPER: Me, too.

19 MS. AKARD: I don't think we need to get to where

20 it's a nit picking, where it's ridiculous, but I don't
21 tell my students otherwise. I lead them to believe
22 that that's the way you have to go.

23 MS. COLLINS-BURROUGH: Do you need a motion on
24 that?

25 MS. CAUDLE: We need a motion on that so we can

SUSAN B. WHITSON, CCR, INC. (501) 455-1170

1 post it on the web page as far as the dress code for
2 the next exam.

3 MS. AKARD: So no flip flops.

4 MS. BURCHETT: Yeah. I move that our dress code
5 should be, for the exam for the candidates, should be
6 white from the waist up, a lab coat, with a lab coat,
7 and black from the waist down, or full white, and
8 closed-toe shoes.

9 MS. AKARD: And not any more specific than that,
10 because then that gives them room to --

11 MS. COLLINS-BURROUGH: Free reign.

12 MS. AKARD: That gives them room to where it's a
13 broad description.

14 MS. CAUDLE: Right.

15 MS. BURCHETT: Like tennis shoes or white tennis
16 shoes.

17 MS. AKARD: It's a broad description.

18 MS. WARD: I think it needs to state that they are
19 clean, because otherwise -- sometimes I see them when

20 they look like they have been sleeping --

21 MS. CAUDLE: The only thing with that is if they
22 are not clean, that can mean -- that's a specification
23 of the exam, so --

24 MS. WARD: Well, you don't want them to come in
25 looking like they have been sleeping in what they are

SUSAN B. WHITSON, CCR, INC. (501) 455-1170

1 wearing. How can you --

2 MS. BURCHETT: Well, I would just like my motion
3 as I stated it.

4 MS. CAUDLE: Questions from the board?

5 MS. COLLINS-BURROUGH: Second.

6 MS. FULTZ: I just have a question. Does this
7 include black jeans?

8 MS. AKARD: I think that's fine.

9 MS. CAUDLE: Yes. It just says color, it doesn't
10 say fabric.

11 MS. CAVER: You second her motion?

12 MS. COLLINS-BURROUGH: (Nodding head up and down.)

13 MS. CAVER: All those in favor?

14 (All hands raised.)

15 All right. Thank you.

16 MS. CAUDLE: Okay. Next on the list is fish
17 pedicures.

18 You guys have the handout that I sent you from NIC
19 in front of you. This bulletin here, it tells you the

20 states that are allowing it and disallowing it, what
21 some of the responses are from the different states. I
22 do -- I have heard that there are some in this area
23 that are already giving these fish pedicures, and in
24 the Little Rock area, especially. So we really need to
25 move on this and decide whether it is legal or not.

SUSAN B. WHITSON, CCR, INC. (501) 455-1170

1 It was a big deal at NIC conference. All states
2 are really dealing with it. Washington, the state of
3 Washington has actually encountered a lawsuit for their
4 neglect to let -- to not let the practitioners use it.
5 And so they do have a case pending in Washington state.

6 MS. COLLINS-BURROUGH: So they are suing their
7 board because they can't offer them?

8 MS. CAUDLE: Exactly.

9 MS. BURCHETT: Well you can't disinfect a fish
10 without killing it.

11 MS. CAUDLE: That's right.

12 And if you will read some of these statements from
13 the other states, that's what some of them say.

14 MS. GEE: That's what California --

15 MS. CAUDLE: Yeah.

16 MS. MORGAN: Sheila, would it be possible that we
17 could get a copy of that, too, because I've not --

18 MS. CAUDLE: The fish pedicure?

19 MS. MORGAN: Yeah.

20 And I just have something to say about the fish

21 pedicure. I can't help it.

22 MS. CAUDLE: Yeah. It's the same as the copy that
23 you had before.

24 MS. MORGAN: Have I had it before? I don't recall
25 that I have.

SUSAN B. WHITSON, CCR, INC. (501) 455-1170

1 MS. CAUDLE: Yeah. I gave it to you at the last
2 meeting.

3 MS. BURCHETT: You can have this one, Brenda.

4 MS. MORGAN: Okay. Whatever. I've slept since
5 then so I don't know about the copy, I can't remember.
6 I'll get a copy.

7 Fish pedicures, think about those fish. They are
8 scavengers, they are going to eat the goop off your
9 feet, and then they are going to be put back in the
10 tank with the rest of the fish, and guess what's going
11 to happen to that gunk they ate off your feet. I know
12 this is gross, and I'm just trying to be very explicit
13 with it. They are going to do their business in that
14 tank and everybody else that's in that tank is going to
15 eat that up, and they are going to go back in on
16 your -- huh-uh. Please, don't let it --

17 MS. BURCHETT: Well, they may not wait until they
18 get back in the tank.

19 MS. MORGAN: Exactly. So, please --

20 MS. COLLINS-BURROUGH: That's just not

21 professional, you all.

22 MS. MORGAN: There you go.

23 It just gives me the creeps to think about it, you

24 all, so I've said my say.

25 MS. CAVER: Yes.

SUSAN B. WHITSON, CCR, INC. (501) 455-1170

1 MR. ANDERSON: I think she brought up a very good
2 implement -- how are you going to disinfect the fish,
3 because they are a tool, they are an implement. How
4 are you going to disinfect that implement, using them
5 in that way?

6 MS. BURCHETT: Because they are a fish, you're
7 going to kill them.

8 MS. COLLINS-BURROUGH: Well, you know, that's a
9 wonderful thing and all that, you know, but really this
10 is our profession. Do we really want to be known for
11 that?

12 I mean we've got enough problems. I mean we have
13 a credibility trouble as it is, we don't need to be
14 jacking this around.

15 MS. CAUDLE: I have 27 states here that have voted
16 against it.

17 MS. COLLINS-BURROUGH: Prohibited it?

18 MS. HOPPER: I make a motion that we vote against
19 the fish pedicures.

20 MS. PHILYAW: I second that.

21 MR. FOREMAN: I second it.

22 MS. CAVER: All those in favor of abolishing,
23 doing away with that?

24 (Hands raised.)

25 MS. BURCHETT: Wait. Any opposed?

SUSAN B. WHITSON, CCR, INC. (501) 455-1170

1 MS. AKARD: I'm not voting because I don't have an
2 opinion.

3 MS. COLLINS-BURROUGH: Did it carry?

4 MS. CAVER: Yes.

5 MS. CAUDLE: Yes.

6 Okay. Next is newsletters.

7 We have prepared these in the office to serve as a
8 newsletter, just as -- the information on it, let me
9 tell you, is not correct. It's just a piece of paper
10 right now that we have prepared to show you what we're
11 wanting to do to save cost as far as -- as far as doing
12 our mail outs for our renewals.

13 If you will open the newsletter -- on the
14 front, first of all, is where we can put the address
15 label to mail it out.

16 MS. COLLINS-BURROUGH: Okay.

17 MS. CAUDLE: Then if you open the cover, there is
18 a note from the director, a note from the chair of the
19 board, and then there will be the renewal process in

20 the center. And where it says renewal across here, it
21 will be renewal application. Anyone who is due to
22 renew for this season, there will be an application
23 printed there for them to send in and renew their
24 license. That will save us money by -- these have to
25 go out to everyone. It will save us money because the

SUSAN B. WHITSON, CCR, INC. (501) 455-1170

1 renewal application will be posted here, instead of
2 sending out this plus a renewal application.

3 Last year postage to send out the renewal notices
4 was \$9,425.34 for postage only. Postage has increased
5 this year. We haven't got a quote yet as to what it
6 will be. But if we had to send them out at 42 cents
7 apiece, it will be around \$12,600 to send this out.

8 So what we tried to do is make a single mailing
9 out of what would be two mailings, to the ones that are
10 due to renew and to everybody.

11 On the back there is a -- the administrative
12 staff. Where the seal is is the board members, and on
13 the back there will be exam dates and board meeting
14 dates and examination dates. In the center will be all
15 the fee schedules and everything put in there.

16 So all of the information as far as what's going
17 on will be here, as long as -- as well as the website
18 and tell everyone to check the website for any changes.

19 MS. COLLINS-BURROUGH: And so how much is this

20 going to cost?

21 MS. CAUDLE: If we have to pay 42 cents apiece,
22 which we have not contacted anyone yet to see if we can
23 get a reduced rate, it will be around \$12,600.

24 MS. COLLINS-BURROUGH: So we don't have a bulk
25 permit?

SUSAN B. WHITSON, CCR, INC. (501) 455-1170

1 MS. CAUDLE: We don't. But we can get a company
2 that actually mails them out for us, like we did last
3 year.

4 MS. COLLINS-BURROUGH: And how much does that
5 cost?

6 MS. CAUDLE: That cost last year \$9,425.34.

7 MS. COLLINS-BURROUGH: How much was this?

8 MS. CAUDLE: It doesn't tell me.

9 MS. COLLINS-BURROUGH: So it wasn't 42 cents?

10 MS. WARD: Aren't something like this less than a
11 letter to mail it?

12 MS. CAUDLE: Well, it's the same as a letter but
13 we can do a bulk rate. Size is --

14 MS. COLLINS-BURROUGH: You're thinking of
15 postcards.

16 MS. CAUDLE: You're thinking of postcards.

17 MS. WARD: No. I thought if you do flyers like
18 this --

19 MS. CAUDLE: No. It's the same as a letter.

20 MS. WARD: Okay.

21 MS. AKARD: Very good idea, since we just got to
22 do one instead of two.

23 MS. CAUDLE: So I just need a ruling on this, if
24 everyone would like for us to design it in this style.

25 MS. CAVER: We've got a question.

SUSAN B. WHITSON, CCR, INC. (501) 455-1170

1 MS. BURCHETT: Stand up. Stand up.

2 MR. ANDERSON: With the Internet -- with the
3 Internet age, can that not be made up and just put on a
4 website, on your website, if --

5 MS. CAUDLE: Pardon me?

6 MR. ANDERSON: With the age of the -- I mean with
7 the exception of the renewal, could this not just be
8 done as an Internet thing? Put it on the website?

9 MS. CAUDLE: Well, but you have to remember how
10 many of our people do not have the Internet.

11 MR. ANDERSON: Oh, yeah. They're getting it.
12 They're getting it.

13 MS. CAUDLE: You know, and that -- that's some of
14 the calls that we've had on other things, you know, I
15 don't have the Internet and I don't get the Arkansas
16 Democrat paper. So this goes out, a newsletter goes
17 out every year to every licensee, once a year.

18 MR. ANDERSON: Once a year?

19 MS. CAUDLE: Once a year.

20 MS. COLLINS-BURROUGH: And is our addresses mostly

21 good, as far as we know?

22 MS. CAUDLE: As far as we know, since we've got

23 into the Access Program, but you know there is always

24 going to be some that's not.

25 MS. COLLINS-BURROUGH: Sure. Sure. Sure.

SUSAN B. WHITSON, CCR, INC. (501) 455-1170

1 MS. CAUDLE: But when we transferred from GL Suite
2 to Access, I hope they are.

3 MS. COLLINS-BURROUGH: You anticipate them to be
4 more accurate than what they have been?

5 MS. CAUDLE: I do. I do.

6 MS. COLLINS-BURROUGH: I do, too.
7 So do we need a motion or what?

8 MS. CAUDLE: We do.

9 This was our cost cutting thing for the year.

10 MS. CAVER: So does anybody want to make a motion
11 on this?

12 MS. HOPPER: Okay. I make a motion that we do
13 this mail out.

14 MS. COLLINS-BURROUGH: I second.

15 MS. AKARD: Do this mail out.

16 MS. COLLINS-BURROUGH: I second.

17 MS. CAVER: All those in favor?

18 (All hands raised.)

19 MS. CAVER: Thank you.

20 MS. CAUDLE: Okay. At this time we would like to
21 give an NIC update, and since I've talked enough, I
22 would like to turn it over to Scottie, Susan, and
23 Mr. Foreman, and Barbara. Who wants to tell what we
24 learned at NIC?

25 MS. JACKSON: We know y'all played around and --

SUSAN B. WHITSON, CCR, INC. (501) 455-1170

1 MS. BURCHETT: Well, it was a very informative
2 conference. I appreciate so much the opportunity to go
3 and to see that we're not the only state with issues,
4 but we're -- other states are like us, trying -- trying
5 hard to handle our issues in a positive way. And did
6 get some good ideas from other states as far as the way
7 they -- they do things.

8 A lot of companies were there that shared their
9 products with us, their -- the things that they have to
10 offer, so that we could come back and -- and have --
11 have ideas from them also.

12 I was real interested in the exam portion, the
13 exam committee, and was able to sit in on a meeting
14 with them, and did find out a lot of things and made
15 some suggestions, and I think they were heard.

16 So it was good to be able to -- to visit with
17 other states as far as the way they do things even in
18 their schools, you know, with -- you know, with
19 coming -- being in a school. So, you know, I just,

20 again, appreciate the opportunity to be able to have
21 gone.

22 And the -- the fish pedicure thing I think was
23 probably the biggest thing there. And to hear the
24 other states and just what they -- what they are
25 thinking about it and how they are feeling about it.

SUSAN B. WHITSON, CCR, INC. (501) 455-1170

1 And I just wish we could have -- bring back everything
2 that we sat through for everybody to hear, because
3 there is really no way to tell about it all.

4 So they had several -- there were people there
5 that talked to us as a board about, you know, how to
6 handle things and everything. And that was very, very
7 informative to us.

8 So, you know, and I just wish all the board
9 members would have been able to go because it -- I
10 think it was very beneficial.

11 MR. FOREMAN: That was my first time of going, and
12 I really learned quite a bit from it, especially the
13 new disease and all these things are happening today.
14 Spoke about one person who, lady had shaved their leg
15 and had gone to get a pedicure. And by her leg being
16 laying on the foot rest or where ever, she got a very
17 bad disease that the people hadn't heard of. I think
18 she's from Arizona, isn't she?

19 MS. CAUDLE: I think one of them was. Yes.

20 MR. FOREMAN: One of them was. And I think that
21 all of the board members should try to follow up on
22 those things as far as sanitation of the pedicures and
23 all of those things. And a sad situation, brought
24 tears to most of the board members. They actually had
25 pictures of the leg.

SUSAN B. WHITSON, CCR, INC. (501) 455-1170

1 MS. WARD: They brought out some -- a lot of
2 information about sanitary procedures and what happens
3 and why it's so important. And problems other states
4 are having with lawsuits because of things happening
5 because of sanitation. Also on their lasers and what
6 some states are using, scarring is occurring and why
7 they shouldn't, but they brought out a lot of things
8 that we -- you know, we -- and we're dealing with this
9 part of it in hair removal and facial -- I can't think
10 of the word.

11 MS. CAUDLE: Hair removal.

12 MS. WARD: Well, yeah, hair removal and --

13 MS. CAVER: Resurfacing?

14 MS. WARD: Yeah. And resurfacing and things. And
15 they were showing the problems that occur by people in
16 some states where they didn't regulate it as well as
17 they should have, and permanent scarring and lawsuits
18 and things. So they really, you know, let us know
19 things that we need to look at as far as what we can

20 approve, what we can't approve, and the reasons for it
21 and where we are doing the right thing. It just
22 reinforced, I think, a lot of things that we are doing
23 because of the problems other states are having.

24 So I think it was really informative in a lot of
25 different areas.

SUSAN B. WHITSON, CCR, INC. (501) 455-1170

1 MS. COLLINS-BURROUGH: I, in particularly, enjoyed
2 the board's attorney from Missouri. She was -- she put
3 out a break out session that was great. Told us about
4 our duties as a board member, how fair we must be, how
5 consistent we need to be, and then how we interact with
6 each other was very good, I thought. Decisions.
7 Because, you know, decisions are hard, hard to do. And
8 they, they deserve -- all licensees deserve our
9 attention and consistency. She talked about, and I --
10 she was great. I really would like for her to come
11 here and give us a little talk because she was that
12 good.

13 But the duty that you owe to fellow board members
14 as well as licensees as well as to the public. And how
15 to make decisions, because they are not always easy.
16 Some are, some aren't, but they are always different.
17 And to show, you know, no self interest, no favoritism,
18 no prejudice, that sort of thing. And I really -- I
19 really enjoyed that. And I have her presentation if

20 you would like to have Sheila make a copy of it.

21 I also have a copy of their boards' rules and

22 regulations. This is real interesting. You know, we

23 think we've got troubles. We're not the best ones but

24 we're not the worst ones either, and I think we need to

25 remember that, even though we've taken a few lumps once

SUSAN B. WHITSON, CCR, INC. (501) 455-1170

1 in a while, there are worse.

2 Ultronics gave a really good thing about state
3 infection regulations. It's every state and their
4 rules and regs for sanitation. That's really
5 interesting. If you want a copy of that, Sheila can
6 make you a copy of that as well.

7 I also attended a rule making session. I don't
8 remember who gave that talk.

9 Do you all remember who gave the rule making? I
10 didn't write it down.

11 MS. CAUDLE: No. I attended Darla's.

12 MS. COLLINS-BURROUGH: Who?

13 MS. CAUDLE: I attended Darla's at that time.

14 MS. COLLINS-BURROUGH: Is that the one who gave
15 it?

16 I forget, I didn't write it down. But it's also
17 very interesting and there is a little printout about
18 that. If you would like it as well, I have it. But it
19 was very informative. They always are. They always

20 are. I've always come away with something.

21 And that's it.

22 MS. CAUDLE: Okay. Let me add a couple of things

23 to that.

24 NIC as well as Regas Salon, Sports Clips, several

25 of your big chain salons, they are trying to get a

SUSAN B. WHITSON, CCR, INC. (501) 455-1170

1 mobility of license going, which means -- they are
2 working real hard on this -- but if someone is licensed
3 in the state of Arkansas and they decide to move to
4 Illinois, they are trying to make it -- all the states
5 come together to make it easier for that person to
6 leave this state and go to that state and go to work.
7 Same if they are coming from Illinois, coming to
8 Arkansas, to make it a general across the border
9 license to try to get all states to come together with
10 the same requirements for a reciprocity candidate so
11 that there is not a hardship put on that person when
12 they move from state to state. They are working real
13 hard and spending lots of dollars on doing this, so
14 that may be something that may be coming up.

15 Most states now it's not that complicated, it's
16 just a timely situation, with the exception of a few
17 states. Like in our law now it states that they have
18 to have the national exam. Well, if you have someone
19 that was examined 30 years ago, national exam didn't

20 exist, so when they are coming -- moving from these
21 states to states to states, then they are having to
22 re-examine, unless they have been in a state where they
23 have to take the national exam. And I know most of us
24 here have had a license for several years and it would
25 be kind of hard to move and re-take a practical and

SUSAN B. WHITSON, CCR, INC. (501) 455-1170

1 written exam. So they are working real hard on that so
2 that may be something that's coming up.

3 MS. COLLINS-BURROUGH: Is that what they call the
4 license for license?

5 MS. CAUDLE: Yes. Yes. That was the mobility of
6 license is what it was called.

7 Also Kim, the attorney from Missouri that Susan
8 was talking about, she gave an administrators meeting
9 also on how administrators need to deal with board
10 members and the consumer. And she asked a few
11 questions on here that I'm going to throw out at you
12 guys, just because it's something that I think needs to
13 be -- her -- who do I owe a duty to? You should ask
14 yourself as a board member. The public? Licensees?
15 Fellow board members? Executive director and staff?

16 On the licensees, the service, you need to make
17 sure that when they are doing their area of service
18 there, that they are actually licensed and they know
19 that the Board of Cosmetology sets those regulations,

20 and you need to make sure that each licensee has those
21 regulations so they know what to follow.

22 Fellow board members, everyone brings something to
23 the table and should be allowed to speak. Every office
24 is there to support the profession. Every one of us is
25 here to support this profession.

SUSAN B. WHITSON, CCR, INC. (501) 455-1170

1 And the executive staff and director, be cautious
2 of the impact of your decision on your staff when you
3 make a decision.

4 But that was about the best part out of it. That
5 and stick to the facts, personal issues should never
6 enter into your opinion when you are making a decision.

7 And stick to the law. First make sure that the public
8 knows what the law is or the rule in order to make a
9 decision. But this was very informative. It's very
10 important to be fair, always be fair, treat everyone
11 that comes in with the same case exactly the same.
12 Prejudice. Don't be prejudice can against race, color,
13 gender, religion, national origin, ancestry or age. Do
14 not stereotype. Because someone comes in looking
15 different, they should not be put in a class of their
16 own. And favoritism, everyone should remember to never
17 show favoritism.

18 But that was just a few things that she laid out
19 that I thought was very important and probably very

20 effective, if we listen to it.

21 The NIC conference was wonderful. They are trying
22 to get something started, I don't know if it will be in
23 the next year or the year after, but for the
24 inspectors, so that the inspectors may attend on the
25 health and safety side of it. I think it would be very

SUSAN B. WHITSON, CCR, INC. (501) 455-1170

1 very good for the inspectors to attend because health
2 and safety is a real issue out there right now.

3 Also they -- you may start seeing some of these
4 salon lasers. What it is, it is -- it's actually they
5 have documented proof that it grows hair. It is
6 actually a Class One device, and under our new law that
7 we are adopting it will qualify. I've done the
8 research on it. What it is, it's just, it looks like a
9 dryer hood, and they clean the scalp and they sit the
10 client under this laser and it's supposed to penetrate
11 to promote hair growth. So --

12 MS. HOPPER: Does that work?

13 MS. CAUDLE: Exactly. They are calling it a laser
14 but it is not actually a laser.

15 MS. WARD: Okay. They made a statement that if
16 your hair has not grown for six months, that it won't.

17 MS. CAUDLE: It won't work.

18 MS. WARD: It won't work.

19 MS. CAUDLE: Right.

20 MS. WARD: But if somebody is losing their hair,
21 then it will work. Okay. But they said if they have
22 been bald for six -- for six months, it won't.

23 MS. CAUDLE: But I don't know, I'm not promoting
24 the product. I just want you to know that you may see
25 some of those out there.

SUSAN B. WHITSON, CCR, INC. (501) 455-1170

1 MS. BURCHETT: It was confusing, though, because
2 it says it's a Class Three laser. Is that not true?

3 MS. CAUDLE: It says it's a Class Three laser, but
4 it is a Class One device, and our law goes by the class
5 of the device.

6 MR. FOREMAN: And the price is 5,000 up.

7 MS. WARD: Five to 8,000.

8 It's not where you take a laser and you're going
9 back and forth on the skin. You just --

10 MS. CAUDLE: Sit under it.

11 MS. AKARD: Right.

12 MS. CAVER: It's like those conventions where they
13 all have machines and everybody promises something.

14 MS. CAUDLE: Right.

15 Cathy?

16 MS. FULTZ: I have a question I've been trying to
17 get clarified about hair dryers for schools.

18 MS. BURCHETT: Stand up.

19 MS. FULTZ: The old law said you had to have ten

20 dryers, the new law says sufficient equipment. So I
21 would like that clarified, please, while we're all
22 together.

23 Thank you.

24 MS. CAUDLE: Sufficient equipment.

25 MS. FULTZ: Sufficient equipment, does that mean

SUSAN B. WHITSON, CCR, INC. (501) 455-1170

1 five dryers?

2 MS. CAUDLE: How many does it take for your school
3 to operate effectively?

4 MS. ANDERSON: Do they all need a dryer? Do they
5 do roller sets?

6 MS. COLLINS-BURROUGH: I guess it would depend on
7 your student body or your judgment.

8 MS. CAUDLE: Right. You usually have a 25 student
9 class every semester, so it's probably going to take
10 the ten, by the time they put their mannequins and
11 their clients and --

12 MS. FULTZ: (Shaking head from side to side.)

13 MS. CAUDLE: No?

14 MS. FULTZ: They hardly ever use the --

15 MS. CAUDLE: They want to use the blow dryers?

16 MS. FULTZ: Yes, ma'am.

17 MS. CAUDLE: Sufficient equipment.

18 That's all I have, except for I didn't show --
19 this is what the new license will look like.

20 MS. BURCHETT: Let's get them out here.

21 MS. CAUDLE: Well, we don't have them yet. They
22 will be on this type of paper. This is just a copy of
23 the shop.

24 MS. COLLINS-BURROUGH: Are we still going to have
25 our little one that we can cut out?

SUSAN B. WHITSON, CCR, INC. (501) 455-1170

1 MS. CAVER: Yep.

2 MS. CAUDLE: Yes.

3 MS. COLLINS-BURROUGH: Yeehaw.

4 MS. CAUDLE: Also I need to know if you guys want
5 a grace period on these licenses. The license used to
6 expire December the 31st, the grace period was until
7 January the 31st of each year.

8 MS. HOPPER: That's enough time.

9 MS. AKARD: I think you need to give a 30-day
10 grace.

11 MS. CAUDLE: Thirty day grace.

12 MS. COLLINS-BURROUGH: Yeah.

13 MS. CAUDLE: Okay. Make a motion on that so that
14 we will have it.

15 MS. AKARD: I think I make a motion that we have a
16 30-day grace period on the license renewal.

17 MS. COLLINS-BURROUGH: Second.

18 MS. HOPPER: I second.

19 MS. CAUDLE: All those in favor?

20 (All hands raised.)

21 MS. CAVER: Passes.

22 I like it. That looks good.

23 MS. CAUDLE: They will be on the linen type paper.

24 One will be the gray colored, one will be the green. I

25 just didn't have the green paper in yet.

SUSAN B. WHITSON, CCR, INC. (501) 455-1170

1 MS. COLLINS-BURROUGH: Oh, I like that. Yeah.

2 MS. CAUDLE: We took the water mark seal out of
3 the back of it and put it up in the corner as a smaller
4 seal, like on the books and just rejumbled some things,
5 made the numbers a little smaller as far as the year.

6 MS. COLLINS-BURROUGH: How much will this cost?

7 MS. CAUDLE: I haven't got the invoice in on the
8 paper yet. I ought to have that by the next meeting.

9 Very minimal compared to what we're spending now.

10 MS. COLLINS-BURROUGH: We can put a tourniquet on
11 that one.

12 MS. CAUDLE: Actually the linen paper was in the
13 supply room and we're going to use it on that gray.

14 MS. COLLINS-BURROUGH: I'm all about that.

15 MS. CAUDLE: So we already had that paper.

16 MS. HOPPER: Yeah.

17 MS. CAUDLE: Enough to do it.

18 MS. CAVER: Okay. So thank you.

19 I guess at this time we're done with all the

20 director updates so we'll go into the election of

21 officers.

22 MS. HORNER: I have a question.

23 MS. CAVER: Yes, ma'am.

24 MS. HORNER: On the dryer thing, a new school has

25 to have ten dryers and chairs. So what -- does that

SUSAN B. WHITSON, CCR, INC. (501) 455-1170

1 mean anything now?

2 MS. CAUDLE: Those haven't been updated, Rose,
3 those initial inspections. It says "sufficient" now,
4 we just got to update that old form that's on there.

5 MS. HORNER: The old what?

6 MS. CAUDLE: The old form that's on there for the
7 initial. It just -- they regrouped that wording and
8 said "sufficient".

9 MS. HORNER: Okay.

10 MS. CAVER: Okay. So does anybody have any
11 nominations for --

12 MS. CAUDLE: You've got to vacate.

13 MS. CAVER: Oh.

14 MS. CAUDLE: I'm kicking you out.

15 MS. PHILYAW: So what are we doing?

16 MS. CAVER: We're electing officers.

17 MS. GEE: You do it.

18 MS. CAUDLE: Okay. Do I have any nominations for
19 chair?

20 MS. HOPPER: I nominate Susan.

21 MS. CAUDLE: Do I have any nominations for chair?

22 MR. FOREMAN: I second.

23 MS. CAUDLE: Do I have any nominations for chair?

24 MS. BURCHETT: Move nominations cease and Susan be
25 elected by acclamation.

SUSAN B. WHITSON, CCR, INC. (501) 455-1170

1 MS. CAUDLE: There you go.

2 Now you can come finish running this.

3 MS. COLLINS-BURROUGH: Thank you for your
4 confidence. I will do my very utmost to try to help
5 us.

6 Okay. We need a nomination for first vice.

7 MS. WARD: Nominate Scottie.

8 MS. COLLINS-BURROUGH: Nomination for first vice?

9 MS. CAVER: I second that.

10 MS. COLLINS-BURROUGH: Okay. All in favor?

11 (Hands raised, six to one.)

12 MS. COLLINS-BURROUGH: Okay. We need a nomination
13 for treasurer. Oh, I'm sorry. Second vice.

14 We've got too many.

15 Second vice?

16 MS. AKARD: I nominate Cathy for second vice.

17 MS. COLLINS-BURROUGH: Okay. Second vice, any
18 more nominations?

19 Okay. Let's move to a vote. Acclamation?

20 (All hands raised.)

21 MS. COLLINS-BURROUGH: Okay. Treasurer?

22 Nominations for treasurer?

23 MS. AKARD: I nominate Nellie.

24 MS. COLLINS-BURROUGH: Oh, the keeper of the

25 money.

SUSAN B. WHITSON, CCR, INC. (501) 455-1170

1 MS. HOPPER: Yea.

2 MS. COLLINS-BURROUGH: Nominations for treasurer?

3 Okay. All in favor?

4 MS. BURCHETT: I move nominations cease and Nellie
5 be appointed by acclamation.

6 MS. COLLINS-BURROUGH: Okay. Secretary?
7 Nominations for secretary?

8 MS. AKARD: I nominate Ann.

9 MS. PHILYAW: Oh, no. I decline.

10 MS. COLLINS-BURROUGH: Ms. Philyaw declines.
11 We need another nomination.

12 MS. WARD: Nominate Tracy.

13 MS. COLLINS-BURROUGH: Any more nominations?

14 MS. CAVER: I nominate Barbara.

15 MS. WARD: (Shaking head from side to side.)

16 MS. CAVER: Okay. Never mind. I'm just -- I
17 thought maybe, you know, you could have some
18 competition this year.

19 Tracy, do you want it?

20 MS. COLLINS-BURROUGH: Okay. Any more

21 nominations?

22 MS. BURCHETT: Okay. I move nominations cease and

23 Tracy be elected by acclamation.

24 MS. COLLINS-BURROUGH: So be it.

25 Thank you girls, guys.

SUSAN B. WHITSON, CCR, INC. (501) 455-1170

1 Okay. We have the public comment.

2 MS. MORGAN: I'm going to shut up when the meeting
3 is over.

4 I spoke to Cathy earlier about something that
5 was -- I don't know if --

6 MS. CAVER: Yeah. A clarification on the license
7 for the --

8 MS. MORGAN: Demonstrators.

9 MS. CAVER: Demonstrators license.

10 And it was my understanding, and I hope it was the
11 rest of the board's, that it was the same price as
12 cosmetology license, so \$50 annually.

13 MS. MORGAN: I just wanted to clarify for me to
14 make sure I -- okay. It was \$50 per year?

15 MS. CAVER: Per year. Is that what we all --
16 okay. Chris?

17 MS. STRAWN: I have a question and I guess a
18 comment. I don't understand why there is a problem
19 with people -- and don't blast me when I say this, I'm

20 just asking. Okay? Why is it a problem for people to
21 have multiple license on the wall from years past?
22 They are not -- they are not valid any longer, so
23 why -- why is that such a big deal? You know, as long
24 as they've got a current one there, you know, why is it
25 a big deal that -- you know, when you walk into a salon

SUSAN B. WHITSON, CCR, INC. (501) 455-1170

1 if they have got history on the wall, why is that a big
2 deal?

3 MS. CAVER: I didn't know it was.

4 MS. COLLINS-BURROUGH: I didn't know it was
5 either.

6 MS. STRAWN: I thought you got a ticket, I thought
7 you got in trouble if you had a -- you do, you get a
8 fine if you have an old license --

9 MS. AKARD: You can't have an expired license.

10 MS. CAUDLE: Our law states that only a current
11 license may be posted.

12 MS. STRAWN: What?

13 MS. CAUDLE: Our law says that only a current
14 license may be posted.

15 MS. STRAWN: That's what I --

16 MR. ANDERSON: In that retrospect, a current
17 license be posted at the work station or whatever. If
18 you have a memory wall over here, that's not
19 necessarily posted as the work posting place. Is

20 that --

21 MS. CAUDLE: That's still posted. You can't.

22 MS. STRAWN: Yeah. They are not supposed to be
23 posted, and I've walked into one of the schools before
24 when, like, one of my schools when I realize somebody
25 is not there anymore and I see a license and I'm like,

SUSAN B. WHITSON, CCR, INC. (501) 455-1170

1 oh, my god, it's like -- and I don't understand why
2 that's an issue, other than that it's the law. But I
3 wondered why that's the law.

4 No reason, just that it's law?

5 MS. ANDERSON: Maybe they just want to clean it
6 up.

7 MS. MORGAN: I have salons that do have, maybe not
8 at their stations but another part of the salon, one
9 comes to my mind immediately that she, I think she's
10 had from day one every license she's ever held, and it
11 pretty well takes up a whole -- I mean, you know, a
12 whole area on her wall, but not at her station. She
13 has the current one at her station. So how would you
14 handle that?

15 MR. ANDERSON: Wallpaper.

16 MS. CAUDLE: It's not supposed to.

17 MS. MORGAN: It's posted? Would you say that
18 would be a violation?

19 MS. CAUDLE: By the law as it's written now, yes.

20 MS. MORGAN: But how would I handle that as an
21 inspector's point of view? Would I write it up and it
22 comes before the board? I mean, now I've got a big
23 question in my mind about it.

24 If I wrote her up and it came to board, what would
25 we do?

SUSAN B. WHITSON, CCR, INC. (501) 455-1170

1 MS. STRAWN: Sorry.

2 MS. MORGAN: I'm sorry, Chris.

3 MS. STRAWN: I'm sorry I brought up.

4 MS. COLLINS-BURROUGH: Well, now, you know you
5 have been a problem for years.

6 MS. STRAWN: I know. I know.

7 MS. MORGAN: I'm sorry, but I mean, that just
8 brought the question to my mind about this one
9 particular salon.

10 And it's more of a memory wall, as Mr. Anderson
11 said, instead of posting her license, but they are --

12 MS. CAUDLE: All it says is no license which has
13 expired or become invalid for any reason whatsoever
14 shall be displayed by any person in connection with the
15 practice of cosmetology or any of its branches. Any
16 licensee so displayed -- any license so displayed shall
17 be surrendered to the board upon its request.

18 MR. ANDERSON: Take a box.

19 MS. BURCHETT: Take a scrapbook.

20 MS. COLLINS-BURROUGH: So I guess take that with
21 you when you go, and if you run across that, say here
22 it is.

23 MS. HOPPER: Say here it is.

24 MS. ANDERSON: Scrapbook.

25 MS. MORGAN: Well, I have an issue with that one.

SUSAN B. WHITSON, CCR, INC. (501) 455-1170

1 MS. COLLINS-BURROUGH: And if it continues, I
2 guess then it would become an issue.

3 MS. STRAWN: Yeah. Could they get a
4 warning first?

5 MS. CAUDLE: Have them take them down.

6 MS. COLLINS-BURROUGH: And if you run back into it
7 I guess --

8 MS. JACKSON: Some people keep their first dollar.

9 MS. COLLINS-BURROUGH: I had to use my first
10 dollar. I don't have it no more.

11 I'm just kidding.

12 MR. PHILYAW: File them the way she does, in a
13 metal lockbox.

14 MS. PHILYAW: Yeah.

15 MS. COLLINS-BURROUGH: Any more comments,
16 concerns, questions?

17 MS. WINN: I have one about every salon needs to
18 have their own washer and dryer. Is that correct?
19 They cannot take their towels home now?

20 MS. CAUDLE: No.

21 MS. WINN: Okay. Another one which is not really

22 clear to me, we have to have our license for three

23 years before we can teach -- I mean before we can be --

24 MS. CAUDLE: Combination. Combination of

25 cosmetology instructor.

SUSAN B. WHITSON, CCR, INC. (501) 455-1170

1 MS. WINN: Correct.

2 MS. CAUDLE: The combination of the two license
3 you have to be licensed for three years.

4 MS. WINN: But that's not stated in this new book,
5 is it?

6 MS. CAUDLE: Yes. It is somewhere.

7 MS. WINN: Okay. Because I couldn't -- it didn't
8 make -- it wasn't clear enough to me.

9 MS. CAUDLE: It's a combination of the two
10 license, you must be licensed in the field, if you
11 will, of cosmetology for three years before you are
12 able to be a supervisor instructor.

13 MS. WINN: Correct. Just making sure. I
14 didn't -- didn't see that this time. I did in the last
15 book, but the revised one I didn't.

16 MS. HUGHES: I thought they took it out because
17 now you can be a supervisor by phone and elsewhere.

18 MS. WINN: Yeah, I thought, too, because -- so
19 that's what's not clear to me.

20 MS. ANDERSON: It was the supervisor.

21 MS. CAUDLE: Every school shall at all times be in
22 charge of and under the supervision of a licensed
23 cosmetologist manager/operator who has had at least a
24 total of three years of practical experience in the
25 practice of teaching -- in the practice or teaching of

SUSAN B. WHITSON, CCR, INC. (501) 455-1170

1 all of the branches of cosmetology, except the branches
2 of electrology, in a licensed cosmetology establishment
3 or in a licensed school of cosmetology and who holds an
4 instructor's license.

5 And that's still in the law book. I just
6 didn't --

7 MS. WINN: Okay. I just didn't find it in the
8 revised rule book.

9 MS. CAUDLE: Yeah. It's not in the little reg
10 book, it's in the law book.

11 Any more comments?

12 MS. COLLINS-BURROUGH: Yeah. If I could talk to
13 you just a second?

14 Okay. Since our agenda says we were supposed to
15 be here until roughly four anyway, why don't we -- oh,
16 I'm sorry.

17 MS. HART: I was just going to -- I was summoned
18 by your board. My name is Nicole Hart, I represent the
19 Office of Governor Mike Beebe.

20 And just to, I guess, open the floor for you guys
21 to just ask me any questions that you have, and then
22 I'll make a few statements just from my observations
23 since we took office and what I've observed, as
24 recommendations for the board.

25 MS. COLLINS-BURROUGH: Okay.

SUSAN B. WHITSON, CCR, INC. (501) 455-1170

1 MS. HART: Does anybody have any questions for me?

2 MS. COLLINS-BURROUGH: Oh, come on. Surely
3 somebody has questions.

4 MS. CAUDLE: Explain to us what happened last
5 week.

6 MS. COLLINS-BURROUGH: No. You tell us what you
7 got to say and then we might have questions after that.
8 How about that?

9 MS. HART: Okay. My first recommendation to the
10 board members would be to --

11 Am I speaking loud enough?

12 COURT REPORTER: Yes, ma'am.

13 MS. HART: Okay. For all of you that are new
14 appointees or even old appointees, take the time out to
15 read the manual and understand what your role is and
16 your authority is as board members. You are the
17 governing body for the profession of cosmetology, and
18 so it's just important that you understand what your
19 role is and where your authority lies. Sometimes when

20 you have decisions that are brought before the board,
21 sometimes it does take research and finding out the
22 answers if you don't have the answers right then and
23 then coming back and not always looking to someone else
24 to provide the answer for you, but just taking the time
25 to go out and get the answer yourself.

SUSAN B. WHITSON, CCR, INC. (501) 455-1170

1 Another recommendation, I guess, would be just
2 to -- when you have the board meetings and the
3 hearings, be cognizant that you represent the
4 profession of cosmetology as it stands, and so with
5 that, I guess there is a little competence that you
6 need to have in yourself as a board member in
7 understanding the profession and all of its aspects, so
8 that just you represent that profession, so making sure
9 that you are well informed and knowledgeable about the
10 profession, its procedures, what needs to happen, what
11 doesn't need to happen.

12 And I guess that would be -- that would be it.

13 MS. COLLINS-BURROUGH: Well I was just -- it's
14 funny that you mentioned that, because we were supposed
15 to be here until four o'clock anyway, and I was
16 thinking we take -- let's go to lunch and then come
17 back and let's go through the board member handbook as
18 Sheila gave to us.

19 Do you -- does everyone have that? No? Maybe we

20 can share?

21 MS. CAUDLE: Yes. They should have that.

22 MS. COLLINS-BURROUGH: They do, they just don't

23 know where it's at.

24 But I would like just -- just for our, for all of

25 our benefit, because there is lots of good information

SUSAN B. WHITSON, CCR, INC. (501) 455-1170

1 in here that comes from the Attorney General's Office,
2 and there is just tons of information that even I
3 didn't know, and this is not my first rodeo. But there
4 is things that, you know, we all can learn something
5 from this. And so if that's okay, is that something
6 y'all would --

7 MS. AKARD: Well, I think before we do that,
8 because I think maybe some people might not want to
9 come back after lunch but they do have some questions
10 that they might want to ask about Thursday, instead of
11 doing that.

12 MS. COLLINS-BURROUGH: Yes. Yes. But I'm just
13 proposing that, if it's okay with y'all, let's meet
14 back here and go through this chapter by chapter, or
15 whatever. It won't take very long. Okay?

16 MS. HART: Another thing is, a lot of the
17 complaints that we get in our office, which directly
18 come to me, I talk to the governor about them if there
19 is a need to, but if it's something that I can take

20 care of myself then I'll try to handle it, has to do
21 with the time management as far as getting information
22 back to individuals that maybe have submitted stuff to
23 get a license renewal or anything like that. Or maybe
24 the procedures as they stand, they don't necessarily
25 agree with them. And just if there -- if there

SUSAN B. WHITSON, CCR, INC. (501) 455-1170

1 isn't -- if it's not communicated to them by the staff
2 members or the board members what the law states, and
3 it is as a -- you know, as it is, that you can't go
4 somewhere else and try and change a law, then they
5 think that they can. And so, you know, if you're
6 telling them an answer that you know is a law and this
7 is your final decision, then it's your final decision.
8 And then that, a lot of times, will alleviate them
9 calling us thinking that we can change, because we
10 cannot change the law as it stands. The governor's
11 office doesn't do that.

12 Our -- my job as a liaison to the board, is to
13 handle problems from constituents that do have issues
14 with the board. And I on the record will state that
15 they typically are taken care of in a timely manner in
16 the times that I have called the board about a problem.
17 And then just also if I could serve in any capacity to
18 assist in advising you all, if you have questions for
19 me individually, I do that.

20 And that's it.

21 MS. CAUDLE: Can you explain to everyone here what
22 took place last week and what that means for us?

23 MS. HART: I cannot.

24 MS. CAUDLE: Cannot?

25 MS. HART: No. I cannot.

SUSAN B. WHITSON, CCR, INC. (501) 455-1170

1 MS. CAUDLE: Okay.

2 MS. HART: But I can find out specifically and get
3 the information back to you, but at this time I can't.

4 MS. CAUDLE: Okay. I appreciate that.

5 MS. AKARD: What -- when you say that you have --
6 that people have called the governor's office, is that
7 correct?

8 MS. HART: Uh-huh.

9 MS. AKARD: And that they have had complaints?

10 MS. HART: Uh-huh.

11 MS. AKARD: How often has that occurred?

12 MS. HART: When we first took office, very often.
13 But recently with the new board appointments and the
14 change of staff, not regularly.

15 MS. AKARD: Okay. When did you all first begin
16 that -- when you said you first took --

17 MS. HART: '07. January of '07.

18 MS. AKARD: In January of '07?

19 MS. HART: Uh-huh.

20 MS. AKARD: And so about how many calls were

21 there?

22 MS. HART: We probably had maybe a hundred.

23 MS. AKARD: And what were most of those

24 concerning? Getting their license? Is that what you

25 said?

SUSAN B. WHITSON, CCR, INC. (501) 455-1170

1 MS. HART: Uh-huh.

2 MS. COLLINS-BURROUGH: A day?

3 A hundred a day?

4 MS. HART: Yeah. No.

5 MS. AKARD: A hundred total?

6 MS. HART: Around. That's a round about figure.

7 I don't have the --

8 MS. AKARD: Did you say a day?

9 MS. COLLINS-BURROUGH: No, no, no. I did that. I
10 was just being facetious. I'm sorry.

11 MS. AKARD: About a hundred, and it was about
12 getting their license.

13 MS. HART: Yes.

14 MS. BURCHETT: So you've had about a hundred to
15 date?

16 MS. HART: Yes.

17 MS. BURCHETT: Since '07?

18 MS. HART: Yes. And that's a round about figure.

19 MS. BURCHETT: Right.

20 MS. COLLINS-BURROUGH: And that's because those
21 were in those boxes up there in the room upstairs.
22 That's where that was coming from.

23 MS. BURCHETT: Yeah. We're aware of that.

24 MS. AKARD: And you're wanting info about the
25 talks about the whole merger.

SUSAN B. WHITSON, CCR, INC. (501) 455-1170

1 MS. BURCHETT: Since January of '08, could you
2 give us an idea of approximately how many complaints?

3 MS. HART: Maybe 20. It hadn't been that many,
4 compared to --

5 MS. COLLINS-BURROUGH: So it's down like by
6 two-thirds?

7 MS. HART: Really it's down.

8 MS. BURCHETT: This is what needs to be in the
9 paper.

10 MS. HOPPER: Uh-huh.

11 MS. BURCHETT: You know good things need to be out
12 there, the good things that are happening, the things
13 that are better. Those are the things that need to be
14 talked about.

15 MS. AKARD: Nicole, do you handle other agencies
16 or just the cosmetology?

17 MS. HART: No. I have -- I cover about five
18 agencies, and then I have about 25 other --

19 MS. AKARD: Okay. What about other agencies, are

20 there -- are there others that have -- that are typical
21 about having problems with their license renewals or --
22 MS. HART: No. You guys are pretty special.
23 MS. AKARD: We're the only one?
24 MS. COLLINS-BURROUGH: We're special.
25 MS. AKARD: Well, we also have a large number,

SUSAN B. WHITSON, CCR, INC. (501) 455-1170

1 correct, in comparison to other people?

2 MS. HART: Uh-huh. I've --

3 No, not necessarily, no. There are some areas
4 that I do cover. I think the Massage Therapy Board,
5 I'm going to say -- no. No. No. I would have to
6 check.

7 MS. AKARD: I'm sure we have more than massage
8 therapy.

9 MS. HART: I will have to check.

10 MS. AKARD: How many licenses do we have?

11 MS. CAUDLE: With shops and practitioners
12 altogether, somewhere close to 30,000.

13 MS. AKARD: So we're very large.

14 MS. COLLINS-BURROUGH: That's why we need to take
15 care of our own business.

16 MS. AKARD: We're very large. Very large.

17 MS. HART: Any other questions?

18 MS. CAVER: Nicole, do you work with Senator Faris
19 at all? I mean do you -- are you familiar, have you

20 guys --

21 MS. HART: I am familiar, I know Senator Faris.

22 MS. CAVER: Have you talked?

23 MS. HART: But I haven't spoken with him about the

24 board.

25 MS. CAVER: Okay. I mean, I don't know if I want

SUSAN B. WHITSON, CCR, INC. (501) 455-1170

1 to be on record, because I did speak with him and I
2 know there are rumors flying.

3 MS. AKARD: Is there a time that we can speak off
4 record, Erika?

5 MS. GEE: You can be off the record any time you
6 want to. You can't close the meeting, but you don't
7 have to have a transcript of it.

8 MS. CAVER: I want to go off the record.

9 (WHEREUPON, at 12:55 p.m., the record was
10 concluded.)

11 ---0---

12

13

14

15

16

17

18

19

20

21

22

23

24

25

SUSAN B. WHITSON, CCR, INC. (501) 455-1170

1 CERTIFICATE

2

3 STATE OF ARKANSAS)

4 COUNTY OF PULASKI)

5

6 I, SUSAN B. WHITSON, Certified Court Reporter and
7 notary public in and for Pulaski County, State of Arkansas, do
8 hereby certify that the witnesses were duly sworn by me prior to
9 the taking of testimony as to the truth of the matters attested
10 to and contained therein; that the meeting and hearings before
11 the Arkansas State Board of Cosmetology, held November 17, 2008,
12 was taken by me in Stenotype and reduced to computer-generated
13 typewritten form by me or under my direction and supervision; and
14 that the same is a true and correct reflection of the proceeding
15 that occurred, to the best of my knowledge and ability.

16 I FURTHER CERTIFY that I am neither counsel for,
17 related to, nor employed by any of the parties to the action in
18 which this proceeding was taken; and, further that I am not a
19 relative or employee of any attorney or counsel employed by the

20 parties hereto, nor financially interested, or otherwise, in the
21 outcome of this action; and that I have no contract with the
22 parties, attorneys, or persons with an interest in the action
23 that affects or has a substantial tendency to affect
24 impartiality, that requires me to relinquish control of an
25 original transcript or copies of the transcript before it is

SUSAN B. WHITSON, CCR, INC. (501) 455-1170

1 certified and delivered to the custodial attorney, or that
2 requires me to provide any service not made available to all
3 parties to the action.

4 SIGNED AND SWORN this _____ day of
5 _____.

6
7 _____

8 SUSAN B. WHITSON, CCR, #158

9 NOTARY PUBLIC IN AND FOR

10 PULASKI COUNTY, ARKANSAS

11

12 My Commission Expires: June 4, 2012.

13

14

15 ---O---

16

17

18

19

20

21

22

23

24

25

SUSAN B. WHITSON, CCR, INC. (501) 455-1170