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ARKANSAS DEPARTMENT OF HEALTH
COSMETOLOGY SECTION
COSMETOLOGY TECHNICAL ADVISORY COMMITTEE

BE IT REMEMBERED that on Monday, the 25th day of
January 2010, the meeting of the Arkansas Department of Health,
Cosmetology Section, Cosmetology Technical Advisory Committee was
held, at 9:00 a.m., at the Arkansas Department of Health, 4815
West Markham, Fifth Floor Media Room, Little Rock, Pulaski
County, Arkansas.

TECHNICAL ADVISORY COMMITTEE:

- SUSAN COLLINS-BURROUGH, President (not present)
- CATHY CAVER BLADE (not present)
- TRACY AKARD
- NELLIE HOPPER
- JIM BUTENSHOEN
- JACQUELYN REYNOLDS
- KATHY GOSSAGE

REPORTED BY:

SUSAN B. WHITSON, CCR
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1 APPEARANCES :

2 ON BEHALF OF THE BOARD :

3 RICK HOGAN, ESQ.

4 Staff Members Present :

5 RENEE PATRICK - Interim Director

RENEE MALLORY

6 MICHELLE RUDOLPH - Administrative Assistant

TERI CRAVOTTA - Administrative Specialist

7

8 Board Inspectors Present :

9 ROSE HORNER

PAT BLAND JACKSON

10 LAVONNE LESTER

BRENDA MORGAN

11 VERA WOOD

12

13 Court Reporter :

14 Susan B. Whitson, CCR

Arkansas Supreme Court Certificate No. 158

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P R O C E E D I N G S

MS. AKARD: We're going to call the meeting to order. The meeting is now in session, and I would like to go ahead and take roll.

We have a court reporter today with us, and so if you would speak up when you do speak, and say your name so the court reporter can note your name.

So if we want to start down here on the end.

MS. REYNOLDS: Okay. I'm Jacquelyn Reynolds.

MS. HOPPER: Nellie Hopper.

MR. HOGAN: Rick Hogan.

MS. AKARD: Tracy Akard.

MS. PATRICK: Renee Patrick.

MR. BUTENSHOEN: Jim Butenshoen.

MS. AKARD: Good morning.

AUDIENCE: Good morning.

MS. AKARD: And this is a new role for me, Susan is not here today, and so this is new for me to conduct the meeting, so please bear with me. I have -- we'll have someone here to help me, so we are going to begin.

And I'm going to let Renee help me with the meeting. And, Renee, if you want to start discussing what we need to discuss.

MS. PATRICK: Okay. Thank you.

What you've got before you is a packet of quite a

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1 bit of information. With this being our January
2 meeting, we've got several reports for you that are
3 based on how -- your data, and we'll go through all of
4 that, and that is -- you know, you're welcome to ask
5 questions as much as you want because this is basically
6 for your information. You know, as a committee member
7 I think it's important for you to kind of know during
8 the calendar year what all has occurred; so this is
9 also information that Susan has asked that we provide
10 for you, so I hate that she is not here. But she is
11 stuck in Atlanta and not a bit happy about it, I will
12 tell you that. She says she is here in spirit.

13 So the first thing on the agenda are the rules and
14 regulations, so just to let you know where we are in
15 the process of those, we did conclude the public
16 hearing on December 10, and a few of you were here for
17 that. I want to say thank you, a special thank you to
18 Tracy, because she really did represent the committee
19 at that public hearing. We appreciate that.

20 There really were no major objections to the rules
21 that we are looking at revising. And as we talked
22 about at the last meeting, the public hearing and what
23 we're doing, the comments that we're taking right now
24 can only relate to the rules that we're currently
25 revising. And we talked about the fact that we will go

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1 back and look at an additional revision on particular
2 issues if we need to. And we would like to have the
3 new section chief in place to help lead that process,
4 and we'll talk about that here in a minute, too.

5 But Tracy did bring out two changes that we need
6 to make. One was on the 2,500 square feet that we had
7 in there that excluded -- or which way did we have?
8 Let me look at my notes.

9 MS. MALLORY: We put that it included.

10 MS. PATRICK: We had put included and it needed to
11 be excluded.

12 Thank you, Renee.

13 So we did change that. And the other change that
14 we made was everywhere that we had the acronym CTAC, we
15 wrote that out to say Cosmetology Technical Advisory
16 Committee so that anyone that's reading our rules and
17 regs would understand what that meant. So those were
18 the two changes that we made based on the public
19 comment.

20 We do have -- we went before the rules committee,
21 presented this, and then before a public health
22 committee last week; so these are considered to be,
23 have been reviewed. We go before the public health or
24 the board, the Board of Health next week and we will
25 present these. And at that point they will be

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1 considered approved, if there is no major problems with
2 it. And they will go into effect May the 1st. So
3 it's been a long process but we're almost to the end of
4 that.

5 So, any questions about what we're doing with the
6 rules and regs right now?

7 MR. HOGAN: The only thing, the Board of Health
8 actually meets this Thursday.

9 MS. PATRICK: You're right. This Thursday.

10 MR. HOGAN: So if anyone wishes to attend,
11 10 o'clock this Thursday at Freeway Medical Building,
12 nine in the morning.

13 MS. PATRICK: Thank you.

14 Okay. The Section Chief position and also our
15 front desk position, we are currently in the process of
16 interviewing applicants for the Section Chief position.
17 Like you said before, it's a process in government to
18 get a position filled. We had 33 applicants that met
19 the minimum qualifications, and actually some advanced
20 qualifications. We probably had about 50 applications
21 for the position but we looked at 33. We did what's
22 called benchmarking on those 33 and we're actually
23 interviewing nine applicants. We feel like we've got
24 some pretty good applicants for the position, just to
25 let you know where we are with that.

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1 MR. BUTENSHOEN: Is anyone from the committee
2 involved?

3 MS. PATRICK: No.

4 What we can do is, on the top applicant, we can
5 present or provide an opportunity for a committee
6 member to meet and kind of talk to them on the top
7 applicant.

8 But with our, the rules the way we do it in state
9 government with our HR hiring procedures, it's not
10 really a process to be able to have a committee member
11 do that. So it is very, very strict and by the book.

12 So with the front desk position, we received 140
13 applications for that position. And we've sent out a
14 questionnaire to those 140, and those questionnaires
15 are due back February the 1st. And based on how
16 those are answered, we'll benchmark those and look at
17 who will be interviewed for that. So that's going to
18 take a little bit longer just because of the number of
19 applicants that we received for that position.

20 MS. AKARD: On the Section Chief, when do we hope
21 to have it narrowed down to that one?

22 MS. PATRICK: We hope by next week.

23 MS. AKARD: Okay.

24 MS. PATRICK: We're getting close.

25 MS. AKARD: Okay. And I'm sure that someone on

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1 the Advisory Committee would probably like to make a --

2 MS. PATRICK: Yes.

3 MS. AKARD: -- meet who y'all select.

4 MS. PATRICK: Okay. Y'all are a quiet group
5 today. Okay. Well maybe it will get louder later. I
6 don't know.

7 On the regional meetings, we finally did get
8 everything processed to send our newsletter out, and
9 that should be going out to our establishments in the
10 next week or two. And included in the newsletter is an
11 announcement that we will be doing regional meetings;
12 and we've got a tentative schedule that, once we get
13 that nailed down a little bit better, we'll get that
14 information out to you. But we will be doing the
15 regional meetings in the spring and so any -- any help
16 with that will be appreciated.

17 Like I said, the newsletter will be going out in
18 the next couple of weeks. You've got a copy of it in
19 your packet.

20 Okay. On renewals and financial -- I'm sorry. Go
21 ahead.

22 MS. LESTER: On those regional meetings, are you
23 setting up the location?

24 MS. PATRICK: Yes.

25 MS. LESTER: Okay.

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1 MS. PATRICK: We're still working on that. That's
2 kind of the thing that's hanging out there right now.

3 Okay. You've got two things in your packet on
4 both renewals and financials. One is the graph chart
5 and then one is the budget, the financials. And so
6 what we've done is, what I understand is that this is
7 information that has typically been handed out to the
8 board, at least in the past, and it's something that
9 Susan had hoped that would be available to you all.

10 I wondered if maybe the graph chart might be as
11 beneficial to you. It shows you based -- if you
12 compare 2008 and 2009, how the revenue has come in
13 month by month. And you can see that in 2009 we're a
14 little bit -- it's quite a bit different. And I think
15 that -- we just got this information, but my assumption
16 is that because we're doing two-year renewals and it's
17 based on birthdays, that we're going to see that there
18 is not going to be a huge jump, you know, in December
19 and January but that it's going to be more a stable
20 revenue stream, so pretty excited about that.

21 MS. AKARD: Well, how is that with the office of
22 getting the permits out? How is that working for them?

23 MS. PATRICK: Michelle, do you want to talk about
24 that?

25 MS. RUDOLPH: I'm sorry. The question?

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1 MS. PATRICK: In terms of trying to get it out, I
2 know that right now we're slammed, honestly; they are
3 very busy right now because the salons, most of them
4 are renewing at the end of December and so that's the
5 biggest thing right now.

6 But in terms of student permits and the other
7 licenses, we're up to -- we're up to date. Right?

8 MS. RUDOLPH: Yes.

9 We're telling everybody seven to 10 business days
10 for a turn around time for us to process and mail out
11 to get everything.

12 MS. AKARD: And is that any type of a license?

13 MS. RUDOLPH: That's salon licenses, practitioner
14 licenses, because a lot of people are unsure of when to
15 renew.

16 And the student permits, how often are they coming
17 out?

18 MS. CRAVOTTA: We're processing them daily. I
19 don't know how many a week.

20 MS. RUDOLPH: So probably three to five business
21 days on the student permit and that's probably about --

22 MR. BUTENSHOEN: You're doing about two or three a
23 day?

24 MS. RUDOLPH: I tell you this, on Friday I did
25 \$13,000 -- \$13,415 of salon renewals and some

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1 practitioner renewals.

2 MR. BUTENSHOEN: Great.

3 MS. RUDOLPH: So we're trying to do them as much
4 as we can.

5 MS. PATRICK: Yeah.

6 You know, the issue is that the front desk
7 position does a lot of the data entry on this for a lot
8 of this; and without that person available, then Teri
9 and Michelle are really having to double up on that.
10 Our inspectors have been helping us out and will help
11 us the next couple of weeks until we get up to date.
12 But I think during this, once we get through this
13 period, then things will stabilize for the office
14 staff.

15 MS. AKARD: Well, I'm sure that you are already
16 seeing a little bit differently how it had been in the
17 past when you were doing everything at one time?

18 MS. RUDOLPH: Um --

19 MS. AKARD: Are you?

20 MS. CRAVOTTA: Well, right now we're getting a lot
21 of phone calls, people don't know what to do with their
22 license because they have a card license, so that's
23 kind of slowing us down; but, yeah, I've seen a --
24 there is not as much --

25 MS. AKARD: A light at the end of the tunnel?

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1 MS. RUDOLPH: Yeah. There is going to be a light
2 at the end of the tunnel, we're positive.

3 MS. CRAVOTTA: We have a lot of salons, though.

4 MS. RUDOLPH: Yeah.

5 A lot of salons; and a lot of practitioners that
6 are renewing now, but their birthday may not be until
7 May or June but they want to go ahead and do it.

8 MS. AKARD: Just because that's the way they have
9 customarily done it.

10 MS. CRAVOTTA: We are having a lot of birthdays in
11 January.

12 MS. PATRICK: Any questions about that
13 information?

14 (Ms. Kathy Gossage entered the room.)

15 The next thing in your packet is the copy that
16 we're doing to turn into a fact sheet, that's not the
17 format that's come in but we're going to do a --

18 MR. HOGAN: Go ahead and announce to the court
19 reporter that one board member has entered.

20 MS. PATRICK: Thank you.

21 This is -- there is, like Michelle said and Teri,
22 we're getting a lot of questions about folks who either
23 didn't realize that the fees were going up dramatically
24 or they don't know when to renew, that sort of thing,
25 we're trying to put together a fact sheet, and this

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1 looks like it's called Schedule for Renewal of
2 Practitioner License.

3 Does everybody have this? Did it end up in the
4 packet? This one. Did everybody get this? We'll pass
5 it around the room.

6 And this is something that we did work with our
7 financial management simply to ensure that they
8 understand how we're applying the fee schedule and that
9 we're all clear on how that it's being applied. So we
10 will be putting this on our website and providing this
11 as kind of a fact sheet to inspectors they can take out
12 and hand out for folks who don't understand what we're
13 doing. I guess it's kind of a -- even though this went
14 into effect January of '08, it still seems to be new
15 information to a lot of people for some reason.

16 Okay. And then you will see in your packet a
17 handout on the state boards, the exams, and you will
18 see pass and fail rates for January through December of
19 '09, and in terms of each individual study, course of
20 study that we provide. So that's just information for
21 you to have available to you.

22 And that's all the information that I have to
23 provide as a primary update. Do you have any questions
24 for me?

25 MR. BUTENSHOEN: I do.

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1 MS. PATRICK: Okay.

2 MR. BUTENSHOEN: The revenue part of the budget
3 that's here, did I miss the expense part?

4 MS. PATRICK: No. You didn't. We just provided
5 the revenue.

6 MR. BUTENSHOEN: Okay. What are SR fees?

7 COURT REPORTER: I didn't hear that, sir.

8 MR. BUTENSHOEN: What are SR fees? Do you know?

9 MS. PATRICK: No, I don't know. And Gordon is not
10 here to answer.

11 I don't know. We'll get that information for you.

12 MR. BUTENSHOEN: Okay.

13 MS. PATRICK: I'm not sure. State revenue.
14 Couldn't be.

15 Hey, Michelle, could you call Gordon and ask him
16 that?

17 MR. BUTENSHOEN: It kind of sounds like a
18 negative.

19 MS. PATRICK: It does. It does.

20 MS. HOPPER: I have a question on the licensing
21 fees. I have a hairdresser that had to -- is not
22 working now, she had melanoma, she's been really sick
23 and her license expired, does she -- and she is also
24 over 65 and has the lifetime license; does she have to
25 pay the part that she, like last year's -- well, no,

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1 she's -- never mind. I just remembered something.

2 MS. PATRICK: Okay. Okay. Any other questions?

3 That's all I have.

4 Rick, do you -- you do?

5 MR. BUTENSHOEN: I wonder why -- if there is a
6 reason why revenue has dropped in '09 versus '08?

7 MS. PATRICK: You know my assumption, we'll see if
8 this follows out, is that we started the two-year
9 license in January '08. That's my assumption but we'll
10 have to wait and see if that's the reason.

11 MR. BUTENSHOEN: That sounds logical.

12 MS. PATRICK: That's the only thing I could come
13 up with.

14 Rick, did you have any hearings that came up
15 and -- let's see.

16 MR. BUTENSHOEN: This is good information.

17 MS. AKARD: Yes, it is very good information.
18 Thank you very much for providing it.

19 MR. BUTENSHOEN: I'm just shocked that we've made
20 it.

21 Excuse me, I was just here on my --

22 MS. PATRICK: Well, we don't want to be too
23 predictable, you know.

24 MR. BUTENSHOEN: It's very good information.

25 MS. PATRICK: Oh, okay. Okay. SR, the red is

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1 like bank fees; so it's what we have to pay to process
2 the funding.

3 MR. BUTENSHOEN: All right.

4 MS. PATRICK: So that's what that is.

5 Okay. We have violations and they are in the
6 packet? They are in the packet?

7 MS. RUDOLPH: There should be three for \$125. It
8 will be much more in the second --

9 MS. PATRICK: If I could get a copy of that.
10 Somehow I don't --

11 MR. HOGAN: Do you have a preference, Madam
12 Chairman?

13 MS. AKARD: No, I don't have a preference.

14 MS. PATRICK: Just do it.

15 MR. HOGAN: Okay. Madam Chairman, members of the
16 committee, we have three matters this morning that were
17 violations of our rules and regulations of the
18 cosmetology section. The first is License No. 66651,
19 this will be Hearing No. 09-2013. The name of the
20 salon and practitioner is Phase II, that's Roman
21 Numeral II, Barber & Salon; the owner is Loretta Moore.
22 Inspector was Ms. Morgan; the amount of the agreed
23 penalty is \$50 and it has been paid.

24 I'll go ahead and read all of these into the
25 record and ask for a vote en mass of all of them.

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1 The second is Hearing No. 09-2014; this is Kim's
2 Hair & Nail Salon, License No. 53600; Lynn Nguyen,
3 that's N-g-u-y-e-n, inspector was Ms. Horner; the
4 amount of the violations, the fine is \$25 and it has
5 been paid.

6 And then finally the Hearing No. 09-2019, Margaret
7 I think that's, is that Froud?

8 MR. BUTENSHOEN: Froud.

9 MR. HOGAN: Froud? F-r-o-u-d Salon, Symmetrax
10 Salon & Day Spa, License No. 2900; I guess she's also
11 the owner; the inspector is Ms. Lester; and the amount
12 is \$50 and it has been paid. For a total amount of
13 paid penalties of \$125.

14 So, Madam Chair, I would ask for a motion from the
15 committee to accept, first of all, finding that there
16 were violations of the -- of the code and the
17 regulations; and then, secondly, to accept these
18 penalties and in satisfaction of those violations.

19 MS. AKARD: Okay. Does anybody want to make a
20 motion?

21 MR. BUTENSHOEN: I make a motion to accept.

22 MS. HOPPER: I second.

23 MS. AKARD: Okay.

24 MR. BUTENSHOEN: In favor?

25 (Hands raised.)

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1 MS. AKARD: Let the record show that it's
2 unanimous, we find all the violations.

3 Okay. Our next thing on the agenda, it says New
4 Private School Application Criteria.

5 MS. PATRICK: May I interrupt you?

6 MS. AKARD: Absolutely. Go ahead.

7 MS. PATRICK: We, at the section, received several
8 faxes last week requesting that we put this on the
9 committee's agenda and that we look at how the code and
10 the rules are written and how they are interpreted and
11 how we will administer those, and also if there needs
12 to be changes. That's pretty much the base of the
13 request. And so in your packet you will find a letter,
14 a signed letter from our legal counsel, Rick Hogan. He
15 did do a review. It should be in the very back of your
16 packet. He did do a review of the code and the rules
17 and regs, and his interpretation is in that letter.

18 And I think some of the committee members don't
19 have that, Michelle, so --

20 MS. RUDOLPH: The?

21 MS. PATRICK: The letter on the reg. Oh, and
22 neither does Tracy. Okay.

23 And so what we would like to hear from the
24 committee is, one, we're going to ask Rick to talk
25 about the letter and his interpretation; but we also

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1 want to hear from the committee what the concern is,
2 because we want to make sure that we understand and are
3 clear what the issue is around this particular
4 question.

5 So, Rick, do you want to --

6 MR. HOGAN: I will be happy to.

7 First of all, this is kind of an inherited issue.
8 It came from the -- as you all recall, some of you may
9 that were on the board previously to the transfer over,
10 there was a challenge as to what was meant by the Code
11 Section 17-26-407, and also what was -- how that
12 coincided or how that would be interpreted with page,
13 now on Page 21 of our rules and regulations,
14 Paragraph 11.

15 The previous challenge was that Paragraph 11 under
16 the regulation states that 25 student enrollment forms
17 are all -- and all required supporting documentation
18 was one of the requirements for a new school. Now I
19 don't know how far back that goes, I'm not sure when
20 that language was first inserted in the regulations.
21 All I can tell is that it's been in there for some
22 time. But I do know the statute and how -- how long
23 that's been in effect. And the statute clearly says
24 that there must be a minimum of not fewer than 25 bona
25 fide students and that not fewer than 25 bona fide

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1 full-time student registration requests have been
2 received in the case of any new school.

3 So I spoke to the Attorney General's Office about
4 it and was there at the meeting in which the former
5 board took this issue up, and I was aware that the
6 Attorney General's interpretation is that the
7 regulations are in fact consistent with the statute in
8 that there must be at least 25 bona fide student
9 registration requests having been received in order for
10 a new school to open. And that was their
11 interpretation and it's my interpretation; and the
12 letter is really just a reflection of -- of that.

13 Now, it may be in the future you want to go back
14 and change the language in your regulations. This --
15 this regulatory change does not effect, it doesn't
16 change it in any way, but if you want to do that, of
17 course, you can in the future. But, of course, you
18 could not change it to be inconsistent with what the
19 statute requires, which is where we are now, that there
20 has to be 25 bona fide full-time student registration
21 requests in order for a new school to be accepted,
22 their application be accepted, and that's basically
23 what my letter states. I believe that's what our
24 regulations provide in harmony with our -- with our
25 statutes.

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1 I'll take any questions.

2 MR. BUTENSHOEN: Please define bona fide.

3 MR. HOGAN: You know, I think it -- there should
4 be some supporting documentation. I don't know what
5 the legal definition is off the top of my head, Jim. I
6 think --

7 MR. BUTENSHOEN: Well, what --

8 MR. HOGAN: You know, consistent with the -- the
9 affidavit that we had in the -- in the packet
10 previously, I think y'all have that in your packet
11 today.

12 MS. AKARD: Are talking about this one?

13 MR. HOGAN: Yes. I thought you had it in there.

14 MS. PATRICK: I did, too.

15 MR. BUTENSHOEN: Okay.

16 MR. HOGAN: Let's get some copies of that before
17 everybody is --

18 MR. BUTENSHOEN: Because this is different than an
19 enrollment form.

20 MR. HOGAN: Well --

21 MR. BUTENSHOEN: I mean if an enrollment form
22 qualifies a student as bona fide, then that's not what
23 I thought the intent was. The intent was 25 bodies or
24 something of -- of more substance than an enrollment
25 form.

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1 MR. HOGAN: Well, I think, you know, it
2 requires --

3 MR. BUTENSHOEN: This affidavit is more
4 substantive than an enrollment form, but it doesn't say
5 in here in the rules about an affidavit.

6 MR. HOGAN: No, it doesn't.

7 MR. BUTENSHOEN: Now, I --

8 MR. HOGAN: And that's a legitimate interpretation
9 of what could be included as a bona fide. I think
10 it -- you know, it would include some type of good
11 faith. Obviously someone paying the required
12 application fee, filling out the form. In any
13 instance, if there were some fraud along the way, then
14 that -- all bets are off anyway if they --

15 MR. BUTENSHOEN: I understand.

16 My point is, though, I can have an application
17 from 25 people, and they will never show up, but I
18 could still open the school with one person, one
19 student, but I've got 25 applications. Am I in
20 compliance?

21 MR. HOGAN: Well, that would be something the
22 board would have to decide, based on the statute that
23 says -- you know, we would have to fall back on what
24 the statute says, 25 bona fide full-time registration
25 requests. What's a registration request?

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1 MR. BUTENSHOEN: I know what the statute says, but
2 our rules and regulations don't say that. All that
3 says is 25 student enrollment forms.

4 MR. HOGAN: Well, my interpretation is that, and
5 that of the AG's, is that the regulation would have to
6 be construed in harmony with what the statutes require.

7 MR. BUTENSHOEN: Okay.

8 MR. HOGAN: And that the regulations say 25
9 student enrollment forms and all required supporting
10 documentation. All required supporting documentation
11 would be just that, what's required under your, you
12 know, part of the process. It's --

13 MS. AKARD: Well, think that if -- that this, this
14 needs to be part of the packet.

15 MR. HOGAN: Oh, I agree. I think it does, too.

16 MS. AKARD: This needs to be part of --

17 MR. HOGAN: And I think it has been in the past.
18 For some reason it hasn't been recently.

19 MS. AKARD: This needs to be -- I've never seen
20 this before. This needs to be part of the packet. And
21 I think that it -- that it should read that.

22 MR. BUTENSHOEN: The regulation?

23 MS. AKARD: Yeah. It should read that in here,
24 that it's not just the enrollment forms, that it needs
25 to read --

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1 MR. BUTENSHOEN: Well, it says all supporting
2 documentation, but it should reference the statute,
3 should it not?

4 MR. HOGAN: Well, it certainly could. I mean
5 any -- like I say, you can make the changes to this
6 language in the future if you wish to do that.

7 MR. BUTENSHOEN: Or the Cosmetology Department in
8 terms of enforcement is clear on that. Because I know
9 when we opened the school, Rose was right there
10 counting the students, you know.

11 MS. AKARD: Well, unfortunately, the one of them
12 that did open, it -- it -- they accidentally counted
13 part time students instead of full-time.

14 MS. GOSSAGE: Well, if you've got this and
15 notarized or whatever, you can't be responsible. I
16 mean the student says I'm full time --

17 MR. BUTENSHOEN: I wouldn't be there --

18 MS. AKARD: Right, I know. And that's why I'm
19 saying, I've never seen this one before --

20 MS. GOSSAGE: So if this report will cover you,
21 you can't be responsible if the student shows up or
22 not --

23 MS. AKARD: -- if this report is used --

24 MS. GOSSAGE: -- as long as you have an affidavit
25 that they are a full-time bona fide student --

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1 MR. BUTENSHOEN: What else can you do?

2 MS. GOSSAGE: -- you've done your part.

3 MR. BUTENSHOEN: Right.

4 That would exclude high schoolers because they are
5 not full time. Correct?

6 MR. HOGAN: I don't know. That's something the
7 staff would have to --

8 MS. PATRICK: Well, yeah, I think that --

9 MR. HOGAN: It says bona fide full-time student
10 registration requests, that's what the statute says,
11 full time. Now, whether or not a person could go to
12 school and still be full time, I mean, I don't know, I
13 would have to look at the facts behind that to see if
14 that's the case. I don't -- I don't know. If you say
15 they can't, you know more about it than I do.

16 MS. AKARD: Can't be enrolled in two places.
17 Can't be enrolled in two schools.

18 MR. HOGAN: My opinion is that our regulations are
19 consistent with the statute; and as long as we have an
20 affidavit, that is the --

21 MR. BUTENSHOEN: This affidavit is great. I just
22 want to know about the -- you know, the Cosmetology
23 Department's interpretation and enforcement.

24 MS. PATRICK: Of the affidavit?

25 MR. BUTENSHOEN: And of the 25 student rule.

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1 MS. PATRICK: We -- we are doing that. We
2 currently have an application for a new school and they
3 do have 25, actually more than 25 student applications.
4 But we have not used the affidavit form but we can. I
5 mean we still have time to require them to go back and
6 do that, if that's -- if that is -- if that will help
7 ease the committee's mind on that particular issue,
8 then we can absolutely add that.

9 MR. BUTENSHOEN: That would be appreciated.

10 MS. PATRICK: Okay. And we'll do that.

11 MR. BUTENSHOEN: And the interpretation that high
12 school students who attend less than full time would
13 not be considered a bona fide --

14 MS. PATRICK: That what? I'm sorry.

15 MR. BUTENSHOEN: High school students that do not
16 attend full time will not be considered full time.

17 MS. PATRICK: Right. Right. I mean they are
18 either full time or they are not, based on this.

19 MR. BUTENSHOEN: Okay.

20 MS. PATRICK: And we need a vote.

21 MS. HOPPER: You can't count them as full time if
22 they are part time. Right?

23 MR. BUTENSHOEN: It's been done in the past, I
24 have been told. I don't know if that's true or not.

25 MS. PATRICK: So is there a motion from the

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1 committee that we --

2 MS. AKARD: Can I get a motion from the committee
3 to --

4 MR. HOGAN: Does this include the affidavit in the
5 packet? Is that what you're --

6 MR. BUTENSHOEN: Is that what we're --

7 MS. AKARD: Yeah. I make a motion to -- can I get
8 a motion from anybody to use the affidavit in the
9 committee -- I mean to use the affidavit?

10 MS. HOPPER: I make a motion to use the affidavit.

11 MR. BUTENSHOEN: Second.

12 MS. AKARD: Okay. And a vote?

13 (Hands raised.)

14 Okay. Show it's unanimous.

15 MR. HOGAN: Just for the record, too, for the
16 court reporter, give her a copy of the affidavit so she
17 will have it for her records.

18 MR. ANDERSON: I should have said something
19 before, but -- before you did that, but was there a way
20 to, if you're a full-time student, is there a way to
21 state on here what course they are taking? Or does it
22 make a difference?

23 MR. BUTENSHOEN: The cosmetology versus --

24 MR. ANDERSON: Would it make a difference --

25 COURT REPORTER: I cannot hear you, sir.

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1 MR. ANDERSON: Would it not make a difference, or
2 would it, to know what they are enrolling as a
3 full-time student for?

4 MR. BUTENSHOEN: I'm not sure.

5 MS. CRAVOTTA: Aren't they supposed to be
6 cosmetology if it's a new school?

7 MR. ANDERSON: That's what I thought.

8 MS. AKARD: I think you are correct.

9 MS. CRAVOTTA: If they are -- they already have
10 their 25 students, they wouldn't have to use this form.
11 Is that correct?

12 MS. PATRICK: No. They will still have to use it.

13 MR. BUTENSHOEN: They will, they must all use it.

14 MS. CRAVOTTA: Oh.

15 MS. AKARD: Yeah. So it does need to say on there
16 which course it is.

17 MR. ANDERSON: If you're including this in the
18 packet for everybody, then it needs --

19 MR. BUTENSHOEN: But this would be required of, I
20 believe you mentioned, somebody who is trying to open a
21 school who has already got 25 applications but they
22 don't have that?

23 MS. PATRICK: Right. That's what we have.

24 MR. BUTENSHOEN: You will require that?

25 MS. PATRICK: Yes, we will.

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1 MR. ANDERSON: But it's for every school from this
2 day forward. Right?

3 MS. PATRICK: Every new school, yes, every new --

4 MR. ANDERSON: Every new school or every
5 registered student, period?

6 MS. PATRICK: Right, for every new school.

7 MR. ANDERSON: Just for the new schools?

8 MR. BUTENSHOEN: Wouldn't be for existing schools?

9 MS. PATRICK: Right.

10 MR. ANDERSON: Okay.

11 MS. AKARD: We do need to put our course on this.

12 MS. PATRICK: Okay. So how should that read?

13 We're --

14 MR. ANDERSON: You can just read in that
15 paragraph, if they are full time, they can just put
16 cosmetology, medical care, they can just circle one.

17 MS. PATRICK: All right. And it needs to be
18 cosmetology and then all of the --

19 MS. AKARD: All of the other.

20 MS. PATRICK: All right.

21 And there will be somebody there to count students
22 if there is one of them open.

23 MR. BUTENSHOEN: Good.

24 MS. PATRICK: Yeah.

25 And if they are not doing the 25 that they said

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1 would be there, there has to be a very good reason why,
2 so -- very, very good reason, as in death in the family
3 or, you know, some sort of reason like that.

4 MS. AKARD: Okay. Do we want to talk about the
5 new -- do we want to talk about the member training?

6 MS. PATRICK: Yes.

7 On the member training agenda item, because we do
8 have some new members, your Madam Chair would like for
9 us to do some training in March. So what we're looking
10 at doing is setting that up from 9 o'clock until noon
11 in March, and we'll do a -- a mock hearing with people
12 here to testify and show you how that procedure is
13 arranged, and just a little bit of information about
14 cosmetology and also the APA process, the rules and
15 regs change and that sort of thing, we'll talk about
16 that a little bit, but and then we'll have our meeting
17 actually in the afternoon, if that is okay with you
18 guys. That was her suggestion.

19 MS. HOPPER: Is that the 18th of March?

20 MS. PATRICK: Yeah.

21 MR. BUTENSHOEN: It's the 18th?

22 MS. MORGAN: It's the 15th.

23 MS. AKARD: 18th of March is Thursday.

24 MS. MORGAN: The schedule says 15th, unless I
25 can't see.

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1 MS. PATRICK: Oh, okay.

2 MR. BUTENSHOEN: Do lunch.

3 MS. AKARD: Yeah.

4 MS. PATRICK: All right. Great. We'll plan on
5 doing that.

6 MS. GOSSAGE: Meet here at nine still?

7 MS. PATRICK: Uh-huh.

8 MS. AKARD: Do we have any public comments or
9 thoughts or anything anybody would like to share today?

10 MS. GOSSAGE: Can I talk about something besides
11 the agenda for just a moment?

12 MS. PATRICK: Uh-huh.

13 MS. GOSSAGE: Is there any way that we can have a
14 parking decal or something? I was here 15 minutes
15 before nine and every parking lot I went in said
16 "unauthorized vehicles will be towed," and I almost --
17 you know, you get desperate, I'm just going to park
18 anywhere, and then my conscious says, just as soon as I
19 do, I'll be towed. So that's why I was late, because,
20 you know, I'm back here on the north 40 or whatever.

21 MS. MORGAN: We are, too.

22 MS. GOSSAGE: And having to walk forever.

23 MS. MALLORY: Nothing down here in front?

24 MS. GOSSAGE: Nothing. I drove around forever and
25 ever and ever.

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1 MS. MORGAN: We have a parking decal, too, and
2 we're on the back 40, too.

3 MS. HOPPER: I park over here on the stadium.

4 MS. MORGAN: It says if you park there, you'll be
5 towed.

6 MR. HOGAN: We need valet.

7 MS. GOSSAGE: It says if you park over there you
8 will be towed.

9 MS. MALLORY: What we'll do is, we're talking
10 about going to Freeway.

11 MS. PATRICK: Okay. We'll see if we can move to
12 Freeway Medical Building, and there is not a parking
13 problem there. But we'll see if we can get that to
14 you.

15 MS. GOSSAGE: Okay.

16 MS. PATRICK: Parking is hard, it's a bad
17 situation.

18 MR. DOWNEY: I've got a request, if y'all update
19 your web page, there is stuff up there from 2008 and
20 nothing current.

21 MS. PATRICK: Okay.

22 MR. DOWNEY: You know, I got on the Internet and
23 trying to figure out where this meeting was, when it
24 was, it's not on there.

25 MS. CRAVOTTA: It's up there.

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1 MS. PATRICK: Okay.

2 MR. DOWNEY: It does not tell where the meeting
3 was at and what time it was.

4 And again, on that parking, I was here in plenty
5 of time but I had to search the north 40, too, for a
6 parking spot because it's horrific.

7 MS. PATRICK: It is, it's horrific. And we will
8 check the website. We thought we had that information
9 on there, but we will check it and update it.

10 MR. DOWNEY: There is a lot of things on there
11 that's just way outdated. It really needs to be
12 brought to date because more and more people go to the
13 Internet for information.

14 MS. PATRICK: Okay.

15 MR. DOWNEY: Out of state and in state.

16 MS. AKARD: We need to update it because a lot of
17 people do still go to that one.

18 MS. PATRICK: We just need to update.

19 COURT REPORTER: I'm having a hard time hearing
20 you.

21 MS. AKARD: Okay. Any other thoughts or comments
22 or anything?

23 Go right ahead.

24 MS. PATRICK: Thank you.

25 I would just like to say that our office staff

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1 has -- has had some problems keeping a front desk
2 person. They have had several different people come in
3 to help us out. Teri and Michelle have kept this thing
4 running. They are doing renewals, they are doing
5 permits, they are doing new shop applications, they are
6 helping us, they are helping Ms. Renee and Ms. Renee,
7 they are awesome, and Gordon, and we really appreciate
8 everything and the effort they have -- they have given.
9 They have -- they have gone 120 percent.

10 MR. DOWNEY: That says you need more employees.

11 MS. PATRICK: Thank you. And we appreciate it.

12 (Applause.)

13 MS. MORGAN: And the foot traffic is something
14 else, too. When that little bell rings up front, foot
15 traffic can really get -- keep them busy.

16 MS. AKARD: I'm sure that it can.

17 MS. PATRICK: Thank you.

18 MS. AKARD: Nothing?

19 Nothing?

20 MS. HUGHES: Well, when I was here last month they
21 were in a small office and planning to move into a
22 larger one. I haven't heard, have y'all moved or where
23 are you at, are you still in the same spot?

24 MS. MORGAN: We're still in the same spot. We did
25 talk about an additional --

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1 MS. PATRICK: I'll talk about that.

2 Yeah. We are actually pretty excited because
3 space in this building is at a premium, but we were
4 able to get additional space. If you go there, we've
5 put up now a glass door so it looks more like you are
6 actually entering an office area they are in. The
7 large room to the left, that first room, we are going
8 to get that area. Right now they are renovating an
9 area to move those two ladies into and then we will
10 renovate that area and make that two office spaces.
11 And then we also received an office space across the
12 hall. So once we get the larger room and get it
13 renovated, the office across the hall done, then we can
14 get all of our furniture in there and get organized,
15 it's going to be a much better space to live in. It's
16 not a good space, period, but it's going to be much
17 better than it was before, so we're pretty excited
18 about that. The agency, you know, to get that kind of
19 support for a new program is huge in this agency to
20 give us that space. So, yeah.

21 Thank you for asking, though.

22 MS. AKARD: Anything -- going once, going twice,
23 anybody else have anything they would like to bring up,
24 talk about? Anything?

25 All right. Then we'll call this meeting over and

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we're adjourned.

(WHEREUPON, at 9:53 a.m., the above-entitled
proceedings were concluded.)

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JANUARY 25, 2010

CERTIFICATE

1
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 meeting of the Arkansas Board of Health,
9 Cosmetology Section, Cosmetology Technical Advisory Committee,
10 held January 25, 2010, was taken by me in Stenotype and reduced
11 to computer-generated typewritten form by me or under my
12 direction and supervision; and that the same is a true and
13 correct reflection of the proceedings that occurred, to the best
14 of my knowledge and ability.

15 I FURTHER CERTIFY that I am neither counsel for,
16 related to, nor employed by any of the parties to the action in
17 which these proceedings were taken; and, further that I am not a
18 relative or employee of any attorney or counsel employed by the
19 parties hereto, nor financially interested, or otherwise, in the
20 outcome of this action; and that I have no contract with the
21 parties, attorneys, or persons with an interest in the action
22 that affects or has a substantial tendency to affect
23 impartiality, that requires me to relinquish control of an
24 original transcript or copies of the transcript before it is
25 certified and delivered to the custodial attorney, or that

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

JANUARY 25, 2010

1 requires me to provide any service not made available to all
2 parties to the action.

3 SIGNED AND SWORN this _____ day of
4 _____.

5

6

7 SUSAN B. WHITSON, CCR, #158

8 NOTARY PUBLIC IN AND FOR

9 PULASKI COUNTY, ARKANSAS

10

11 My Commission Expires: June 4, 2012.

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