

Minutes of the
Arkansas Board of Cosmetology

January 17, 2005

Pursuant to notice timely given by the Director, the Arkansas Board of Cosmetology met on Monday, January 17, 2005. The meeting was held in the South Basement Conference Room at 101 East Capitol, Little Rock.

MEETING CALLED
TO ORDER

President Cliff Keene called the meeting to order at 8:30 a.m.

ROLL CALL

Roll was called with the following members present:

| | |
|-----------------|--------------------------------|
| Cliff Keene, | President |
| Johnnie Siebel | 1 st Vice President |
| Mitzie McKinney | 2 nd Vice President |
| Jane Powell, | Treasurer |
| Veda Traylor | Secretary |
| Nick Downey | Board Member |
| La Joy Gordon | Board Member |
| Brenda Gray | Board Member |
| Patricia Turman | Board Member |
| Sherron West | Board Member |

The following individuals were also in attendance: Linda Whitlow, Director; Cheryl Esaw, Administrative Assistant and State Inspectors: Bland; Horner and Morgan. Also attending was Linda Lee and students from Lee's School of Cosmetology; Brenda Gulley of Hair Tech; Barbara Ward and Shelli Mitchell of Arkansas Beauty College - Russellville and Tracy Akard of Hot Springs Beauty College.

MINUTES

The first order of business was to approve the minutes of the November and December exam and the November 15, 2004 Board meeting.

Johnnie Siebel moves to approve the minutes as mailed. Seconded by La Joy Gordon. Motion carried.

FINANCIAL
REPORT

Financial Reports for September 1 to October 31, 2004 and November 1 to December 31, 2004 were distributed.

Johnnie Siebel moves to accept as received. Seconded by La Joy Gordon. Motion carried.

TREASURER'S
REPORT

At the last meeting, the balance was \$136.00. This meeting, \$45 was collected making a balance of \$181.00.

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

GENERAL
BUSINESS

Smart Update

Mrs. Whitlow reported on the health of Kay Smart.

Johnnie Siebel moves to send a green plant to Kay Smart. Seconded by Mitzie McKinney. Motion carried.

Norton Update

Debra Norton, the former director, is scheduled for surgery in January.

Mitzie McKinney moves to send a green plant to Debra Norton. Seconded by Veda Traylor. Motion carried.

Bill

Mitzie McKinney reported on the bill that Dawn Creekmore is sponsoring regarding the scope of practice on aesthetics.

Tracy Akard

Tracy Akard addressed the Board regarding the scheduling of December exams. She was concerned that the exams were held over to the first week of January without prior notice to the schools. She also voiced a problem with notices to Instructors not being mailed in a timely manner. Mrs. Akard reported that she spoke with an office staff member on the Wednesday before exam and the notices had not been mailed. She stated that this is not acceptable for Instructors that need to know their subject and have time to prepare. Mrs. Akard also reported that the Instructor student was called early on the day of exam and requested to report early. The Board apologized to Mrs. Akard regarding the problems and assured her that every opportunity would be taken to correct the problems.

Exams

The Board discussed the problem with students not showing up for examination when they are scheduled. The policy now is to penalize them two exam periods (60 days). Scheduling written in advance of the practical was discussed as an option but, that would require a law change. Scheduling was recognized as a problem and different ways would be used to try to get it correct in order to maximize the student and Board Members time.

Lasergrade

A problem with Lasergrade proctor, Paul Pettell in Hot Springs, was discussed. The Board requested that Mrs. Whitlow talk to Kirby Morris, NIC President about what Lasergrade and NIC plans to do about this problem. After speaking with Mr. Morris and Arnie Jochums, the attorney, Mrs. Whitlow should make a decision about using Lasergrade and report back to the Board.

PETITIONS

Hamilton

Ms. Hamilton requested that her Instructor license be reinstated. Her license has been lapsed for 7 years. Mr. Taylor and Ms. Esaw had been working on her request in 2002 but, the paperwork fell through the cracks. Ms. Hamilton relayed the information explaining the order of things that happened in 2002.

Johnnie Siebel moves to approve her request for reinstatement of her Instructor license contingent upon receipt of continuing education from Texas and the correct amount of money of \$138 for instructor and \$30 for cosmetology. Seconded by Mitzie McKinney. Motion carried. Traylor abstained.

Green

Ms. Jacqueline Green requested that she be allowed to renew her instructor license without continuing education.

Veda Traylor moves to deny the request. She must get continuing education in order to renew. Seconded by Mitzie McKinney. Motion carried. Downey abstained.

CORRESPONDENCE

NIC Exec Bd.

The Board members expressing an interest in attending were Traylor, Siebel, Keene and possibly Downey. A copy of the NIC survey will be sent to all Board members. If interested in attending, return forms to office or Debra Norton.

NIC

A letter from Sue Sansom was read to the Board. Mrs. Sansom resigned as Chairman of the National Examination Committee. She also sent a letter in reply to Mr. Keene's letter after the rater training in October. In his letter, he asked that the Exam Committee consider changing NIC policy regarding the annual training. The Examination Committee determined that in order to maintain the reliability and legal defensibility of the examinations, there is a need to continue the policy of annual training.

Practical Failures

An e-mail from a school owner was read requesting feedback on the reason for her students failing the practical examination when she hasn't changed her way of instructing. The Board stated that they needed more information than was given. The Board asked Mrs. Whitlow to look at and compare scores of this year versus last year.

Mr. Downey suggested an evaluation form for students to evaluate the examiners. A committee was formed to create an evaluation form. The committee formed was: Nick Downey; La Joy Gordon, Mitzie McKinney and Johnnie Siebel.

HEARINGS

Ho

The Board read the charges and allegations contained in the "Order and Notice of Hearing" – No. 05-028 - In the Matter of Thien Van Ho, Owner & Operator. The Respondent was charged with violation of Arkansas Code Annotated Sections: 17-26-105 (1), (9) and (12) and 17-26-401 (b) and Board Regulations: 17-23-401 Section 2 (A) 6; Section 2 (C) 9, 14, 24a and 25d. The Respondent appeared per se.

The Board deliberated on the hearing styled – In the Matter of Thien Van Ho. The Board found the Respondent guilty of violating the Code and Regulations contained in the hearing order.

Johnnie Siebel moves to enter the following order:

- 1) That the Respondent is fined the amount of \$610 payable within 30 days of receipt of the Board's order.
- 2) Failure to pay the fine as Ordered will result in a suspension of the Respondent's cosmetology establishment and practitioner licenses beginning 30 days from receipt of the Order and continuing for a period of 90 days from the date the Respondent relinquishes his licenses to the Board

Seconded by Veda Traylor. Motion carried. West opposed and Gray and Gordon abstained.

Gibbs

The Board read the charges and allegations contained in the "Order and Notice of Hearing" – No. 05-045- In the Matter of Todd Gibbs, Owner & Operator. The Respondent was charged with violation of Arkansas Code Annotated Sections 17-26-105 (1) and (12) and 17-26-401 (b) and Board Regulations: 17-23-401. The Respondent appeared per se.

The Board deliberated on the hearing styled – In the Matter of Todd Gibbs. The Board found the Respondent guilty of violating the Code and Regulations contained in the hearing order.

Jane Powell moves to enter the following order:

- 1) That the Respondent is fined the amount of \$204 payable within 30 days of receipt of the Board's order.
- 2) Failure to pay the fine as Ordered will result in a suspension of the Respondent's cosmetology establishment and practitioner licenses beginning 30 days from receipt of the Order and continuing for a period of 90 days from the date the Respondent relinquishes his licenses to the Board

Seconded by Mitzie McKinney. Motion carried.

Lockhart

The Board read the charges and allegations contained in the "Order and Notice of Hearing" – No. 05-048 - In the Matter of Ashley Lockhart, Owner & Operator. The Respondent was charged with violation of Arkansas Code Annotated Sections: 17-26-401 (b) and 17-26-105 (1) and (12) and Board Regulation: 17-23-401 Section 2 (A) 6. The respondent appeared per se.

The Board deliberated on the hearing styled – In the Matter of Ashley Lockhart. The Board found the Respondents guilty of violating the Code and Regulations contained in the hearing order.

Jane Powell moves to enter the following order:

- 1) That the Respondent is fined the amount of \$204 payable within 30 days of receipt of the Board's order.
- 2) Failure to pay the fine as Ordered will result in a suspension of the Respondent's cosmetology establishment and practitioner licenses beginning 30 days from receipt of the Order and continuing for a period of 90 days from the date the Respondent relinquishes her licenses to the Board

Seconded by Veda Traylor. Motion carried.

Freeman

The Board read the charges and allegations contained in the "Order and Notice of Hearing" – No. 05-049 - In the Matter of Kawasha Freeman, Cosmetologist. The Respondent was charged with violation of Arkansas Code Annotated Sections 17-26- 301 (a); 17-26-319 (c) and 17-26-105 (1), (2) and (12) and Board Regulation 17-23-401 Section 2 (A) 6. The Respondent appeared per se.

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

Jane Powell moves to enter the following order:

- 1) That the Respondent is fined the amount of \$205 payable within 30 days of receipt of the Board's order.
- 2) Failure to pay the fine as Ordered will result in a suspension of the Respondent's practitioner license beginning 30 days from receipt of the Order and continuing for a period of 90 days from the date the Respondent relinquishes her licenses to the Board.

Seconded by Mitzie McKinney. Motion carried.

Bui

The Board read the charges and allegations contained in the "Order and Notice of Hearing" – No. 05-052 - In the Matter of Jay Bill Bui, Cosmetologist. The Respondent was charged with violation of Arkansas Code Annotated Sections 17-26-105 (1) and (12); 17-26-301 (a) and 17-26-316 (b) and Board Regulations: 17-23-401 Section 2 (A) 7. The Respondent did not appear.

The Board deliberated on the hearing styled – In the Matter of Jay Bill Bui. The Board found the Respondent guilty of violating the Code and Regulations contained in the hearing order.

Jane Powell moves to enter the following order:

- 1) That the Respondent is fined the amount of \$500 payable within 30 days of receipt of the Board's order.

- 2) Failure to pay the fine as Ordered will result in a suspension of the Respondent's practitioner license beginning 30 days from receipt of the Order and continuing for a period of 90 days from the date the Respondent relinquishes her licenses to the Board.

Seconded by Veda Traylor. Motion carried.

AFFIDAVITS

The Board deliberated on the following hearings and accepted each Respondent's plea of no contest to the charges contained in their respective "Order and Notice of Hearing". Finding the allegations being true in each case before the Board, Veda Traylor moves to impose the penalty warranted by each citation, to accept the affidavits filed by the Respondents and to find that acceptance of the penalties submitted by each Respondent will achieve the desired disciplinary results. Seconded by Jane Powell. Motion carried.

| | | |
|--------|---|-------|
| 04-338 | In the Matter of Ginnie Oliver-Jaworski | \$107 |
| 05-027 | In the Matter of Linda Thi Le | \$750 |
| 05-029 | In the Matter of JC Penney Corp | \$150 |
| 05-031 | In the Matter of Glenda Bowers | \$250 |
| 05-032 | In the Matter of Betty Whitaker | \$110 |
| 05-033 | In the Matter of Han Van Tran | \$ 80 |
| 05-034 | In the Matter of AJ Gilbert | \$126 |
| 05-037 | In the Matter of Bertha Germany | \$185 |
| 05-039 | In the Matter of Daniel Pearson | \$203 |
| 05-040 | In the Matter of Leo Gonzalez | \$500 |
| 05-041 | In the Matter of Ester Chipollini | \$500 |
| 05-042 | In the Matter of Kim Ngo | \$350 |
| 05-043 | In the Matter of Terrence Harris | \$205 |
| 05-044 | In the Matter of Nedra Morrison | \$203 |
| 05-046 | In the Matter of Margaret Lindley | \$204 |
| 05-047 | In the Matter of Marilyn Carlock | \$230 |
| 05-051 | In the Matter of Luong Thi Nguyen | \$500 |
| 05-053 | In the Matter of Anh Tran | \$250 |
| 05-054 | In the Matter of Hung Khai Nguyen | \$250 |

EXECUTIVE SESSION

The Board met in Executive Session to discuss personnel issues.

GENERAL BUSINESS CONT:

The Board requested that Mrs. Whitlow advertise the Document Examiner II and Business Controller II positions in the office. A committee was formed (Powell, Keene and Traylor) to look over the applicants for the positions and give back to Mrs. Whitlow for interviews and hiring of those positions.

The Board also requested that Mrs. Whitlow find out when they can advertise for her position since she is retiring in September 2005.

ADJOURN

The meeting was adjourned at 1:15 p.m.

Respectfully submitted

Linda Whitlow, Director
January 31, 2005