

Minutes of the
Arkansas Board of Cosmetology

March 21, 2005

Pursuant to notice timely given by the Director, the Arkansas Board of Cosmetology met on Monday, March 21, 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 |
| Absent | Sherron West | Board Member |

The following individuals were also in attendance: Linda Whitlow, Director; Cheryl Esaw, Administrative Assistant and State Inspectors: Bland; Caudle; Horner and Morgan. Also attending were students from Lee's School of Cosmetology; Shelli Mitchell of Arkansas Beauty College - Russellville; Jacque Hayden of Lynndale's Academy of Cosmetology and Chris, Tamara and Wade Strawn of Arthur's Beauty Colleges.

MINUTES

The first order of business was to approve the minutes of the January and February exams and the January 17, 2005 Board meeting.

Mitzie McKinney moves to approve the minutes as mailed. Seconded by Johnnie Siebel. Motion carried.

FINANCIAL
REPORT

Financial Reports for January 1 to February 28, 2005 were mailed.

Johnnie Siebel moves to accept as mailed. Seconded by Veda Traylor. Motion carried.

TREASURER'S
REPORT

At the last meeting, the balance was \$98.38. This meeting, \$45 was collected making a balance of \$143.38.

Johnnie Siebel moves to approve the Treasurer's Report. Seconded by LaJoy Gordon. Motion carried.

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GENERAL
BUSINESS

Bill & Law Updates

Mrs. Whitlow explained that the Bill to change wording on exams was HB 1418. That bill passed and is now Act 207. The bill that Ms. McKinney gave to Rep. Creekmore has been amended. Ms. Creekmore requested a ruling from the Board as soon as possible. Mitzie McKinney; Jane Powell and Linda Whitlow discussed a meeting with Rep. Creekmore, Dr. Jim English and a representative of the Medical Board.

Veda Traylor moves to strike "B" on the amendment to the bill. Seconded by Johnnie Siebel. Motion carried.

The message was relayed to Rep. Creekmore during a brief break in the meeting. After some discussion with Mrs. Whitlow and Mrs. Powell via the telephone, she stated she would table it and get back to Mrs. Whitlow after a meeting with the Medical Board.

Crawford

Peggy Crawford spoke to the Board regarding a ruling the Medical Board wants to add to their rules. She said the Medical Board wanted to take over the practices of electrology and aesthetics. After much discussion, the Board decided that their Laws and Rules regarding Electrology and Aesthetician need to be updated.

Veda Traylor moves to have the Board and the Office work together to clarify the scope of practice and terminology for electrology and aesthetics. Seconded by Johnnie Siebel. Motion carried.

Con Ed.

Mrs. Whitlow requested clarification of the continuing education requirements for Instructors. Also, the rules do not require continuing education providers to notify all licensed Instructors of their meeting. Many Instructors, not affiliated with a school, do not get notified of meetings. In order for it to be fair and equitable for all licensees, the rules need to be changed.

Nick Downey moves to add that notification to all instructors on record with the Board must be part of the requirements for sponsors. Seconded by Patricia Turman. Motion carried.

Smart

Kay Smart will be placed on disability retirement effective April 1. The Inspector position needs to be advertised and filled.

Veda Traylor moves to form a committee to conduct initial interviews and make a recommendation to the full Board for a second round of interviews. Seconded by Johnnie Siebel. Motion carried.

The volunteers for the committee are: Johnnie Siebel; Veda Traylor; Cliff Keene; La Joy Gordon and Linda Whitlow.

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Presentation

A letter was read from Linda Lee, Director of Arkansas Alliance for Cosmetology Education (AACE). A gift was presented to Veda Traylor for her years of service to NACCAS as an evaluator.

CORRESPONDENCE

Norton

A thank you was read from Debra Norton for the plant she received during her stay in the hospital.

Jim Rough

The e-mail from Jim Rough was discussed regarding pedicure spas. The Board reiterated the fact that Rules need to be re-written regarding sanitation.

NCEA

Magazines from NCEA were handed out.

NIC By-law Committee

A letter from Wendell Petersen, Chairman of the By Laws Committee of NIC was handed out. If the Board has any changes they wish to make to the NIC By Laws, they need to send them to Mr. Petersen.

NIC Annual Conference

A letter and Tentative Agenda for the NIC 50th Anniversary conference were distributed. Just a reminder that the annual conference will be held in Washington, DC on August 27 -29, 2005. Registration information will be received at a later date.

Director Position

Mrs. Whitlow stated that she would retire effective September 1, 2005. The Business Controller position is currently vacant. Mrs. Whitlow suggested that the Board run the ad for the Director, interview and place the Director in the Bs. Controller position until Mrs. Whitlow retires. That way, the new Director will be in the office, learning the Law and Rules, meeting and getting acquainted with the Board and becoming familiar with exams, etc.

Mitzie McKinney moves to advertise the position and hire the new Director in the Business Controller position. Seconded by LaJoy Gordon. Motion Carried. The committee that meets for the Inspector position will conduct the preliminary interviews for this position also.

PETITIONS

Washington

Chris Strawn and Deanna Bennings stated that Ms. Washington had been dropped incorrectly and had not been re-enrolled until January 27 and requested that the hours she received during November, December and January. After some discussion about the Law and Rules covering enrollment and hours of students, the Board made a ruling.

Johnnie Siebel moves to deny the request based on evidence given. Seconded by Veda Traylor. Motion carried.

Forte

Chris Strawn requested that the hours for Shunta Renee Forte that have expired be allowed so she can complete the training and sit for examination. After much discussion regarding the Law and office policy, the Board made a ruling.

Johnnie Siebel moves to grant 350 hours due to the circumstances. Veda Traylor seconded. For: Siebel, Traylor; against: Gray; abstained: McKinney; Downey; Gordon; Turman; Powell. Motion did not pass.

Nick Downey moves to grand the hours due to a letter from the Board. Seconded by Brenda Gray. For: Gray, Gordon, Downey. Opposed: Siebel and Traylor; Abstained: McKinney, Powell; and Turman. Motion carried.

Luedecke

Rhonda Jean Luedecke was enrolled at Career Academy of Hair Design in October and received no hours for November and December and was administratively dropped. Roger Barnes requested that she be able to have the hours she obtained in January when she actually started school.

Johnnie Siebel moves to deny the request. Veda Traylor seconded. Motion carried. McKinney did not vote.

Randolph

Gewenda Randolph requested to be allowed to sit for the written examination one more time before having to retake both parts of the examination. Ms. Randolph first took the examination in October 2003. She passed the practical her first attempt and has taken the written ten (10) times since then. She should have taken both parts again in October 2004.

Jane Powell moves to allow Ms. Randolph to retake the written examination one more time with the help of a reader or extra time. If she does not pass after one more time, she will be required to retake both parts. Seconded by Mitzie McKinney. Motion carried.

HEARINGS

Baker

The Board read the charges and allegations contained in the "Order and Notice of Hearing" – No. 05-038 - In the Matter of Ella Baker, Cosmetologist. The Respondent was charged with violation of Arkansas Code Annotated Sections: 17-26-105 (1) and (12); 17-26-319 (c) and 17-26-301 (a) and Board Regulations: 17-23-401 Section 2 (A) 6. The Respondent did not appear.

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

Veda Traylor moves to enter the following order:

- 1) That the Respondent's cosmetology licenses is suspended commencing upon receipt of the Board's order and continuing until such time as the Respondent pays a fine in the amount of \$300.
- 2) It is further ordered that during this period of suspension, the Respondent shall cease and desist from practicing cosmetology.

Seconded by Jane Powell. Motion carried. Siebel abstained.

Hall

The Board read the charges and allegations contained in the "Order and Notice of Hearing" – No. 05-071- In the Matter of Mark Hall, Owner D/b/a Sport Clips. 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 Mark Hall. 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 \$26 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 license beginning 30 days from receipt of the Order and continuing for a period of 90 days from the date the Respondent relinquishes his license to the Board

Seconded by Nick Downey. Motion carried. Traylor and McKinney abstained.

Newby

The Board read the charges and allegations contained in the "Order and Notice of Hearing" – No. 05-072 - In the Matter of Stephanie Lynn Newby, Cosmetologist. The Respondent was charged with violation of Arkansas Code Annotated Sections: 17-26-301 (a) and 17-26-105 (1) and (12) and Board Regulation: 17-23-401 Section 2 (A) 6. The respondent did not appear.

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

Nick Downey moves to enter the following order:

- 1) That the Respondent is fined the amount of \$525 payable within 30 days of receipt of the Board's order.
- 2) Further, the Respondent is Ordered to cease and desist from practicing cosmetology until such time the Respondent is properly licensed by the Board.

Seconded by Veda Traylor. Motion carried. McKinney abstained.

Truong

The Board read the charges and allegations contained in the "Order and Notice of Hearing" – No. 05-073 - In the Matter of Long Truong, Owner & Operator D/b/a OP Nails. The Respondent was charged with violation of Arkansas Code Annotated Sections 17-26- 401 (b) and 17-26-105 (1), (9) 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 Long Truong. The Board found the Respondent not guilty of violating the Code and Regulations contained in the hearing order.

Mitzie McKinney 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 cosmetology establishment and manicurist 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 Nick Downey. Motion carried. Siebel abstained.

Nguyen

The Board read the charges and allegations contained in the "Order and Notice of Hearing" – No. 05-074 - In the Matter of Thuong X Nguyen, Manicurist. The Respondent was charged with violation of Arkansas Code Annotated Sections 17-26-105 (1), (8) and (12) and Board Regulation: 17-23-401 Section 2 (A) 6. The Respondent did not appear.

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

Mitzie McKinney 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 manicurist 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. Siebel abstained.

Nichols

The Board read the charges and allegations contained in the "Order and Notice of Hearing" – No. 05-075 - In the Matter of Renee Nichols, Owner & Operator D/b/a Whole Armor Designs Beauty Salon II. The Respondent was charged with violation of Arkansas Code Annotated Sections 17-26-105 (1) and (12); 17-26-401 (a) and 17-26-4702 (a) and Board Regulation: 17-23-401 Section 2 (A) 5. The Respondent appeared per se.

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

Veda Traylor moves to enter the following order:

- 1) That the Respondent is fined the amount of \$150 payable within 30 days of receipt of the Board's order.
- 2) Further, the Respondent is Ordered to cease and desist from operating a cosmetological establishment until such time the Respondent is properly licensed by the Board.

Seconded by Jane Powell. Gray abstained and Gordon opposed. Motion carried.

Givens

The Board read the charges and allegations contained in the "Order and Notice of Hearing" – No. 05-077 - In the Matter of Sandra Givens, Owner D/b/a Picasso's Hair Gallery. The Respondent was charged with violation of Arkansas Code Annotated Sections 17-26-105 (1) and (12); 17-26-401 (a); 17-26-316 (b) and 17-26-404 (b) and Board Regulation: 71-826 and 17-23-401 Section 2 (A) 5. The Respondent did not appear.

The Board deliberated on the hearing styled – In the Matter of Sandra Givens. 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) Further, the Respondent is Ordered to cease and desist from operating a cosmetological establishment until such time the Respondent is properly licensed by the Board.

Seconded by Mitzie McKinney. Gray abstained and Turman no vote. Motion carried.

Moncada

The Board read the charges and allegations contained in the "Order and Notice of Hearing" – No. 05-078 - In the Matter of Lurvin Moncada, Owner & Operator D/b/a Cinthia's Beauty Salon. The Respondent was charged with violation of Arkansas Code Annotated Sections 17-26-105 (1) and (12); 17-26-401 (a); 17-26- and 17-26-402 (a) and Board Regulation: 17-23-401 Section 2 (A) 5. The Respondent did not appear.

The Board deliberated on the hearing styled – In the Matter of Lurvin Moncada. 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) Further, the Respondent is Ordered to cease and desist from operating a cosmetological establishment until such time the Respondent is properly licensed by 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, Johnnie Siebel 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 Veda Traylor. Motion carried.

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| 05-036 | In the Matter of Stacy Taylor | \$270 |
| 05-059 | In the Matter of Presbyterian Village | \$302 |
| 05-063 | In the Matter of Juaquita Battista | \$75 |
| 05-065 | In the Matter of Khanh Numy Ton | \$250 |
| 05-067 | In the Matter of Kim Ngo | \$250 |
| 05-068 | In the Matter of Nga Vo | \$250 |
| 05-069 | In the Matter of Dao Vo | \$250 |
| 05-073a | In the Matter of Timothy Jenkins | \$384 |
| 05-076 | In the Matter of Kristy Grueber | \$150 |

ADJOURN

The meeting was adjourned at 1:45 p.m.

Respectfully submitted

Linda Whitlow, Director
March 29, 2005