

BEFORE THE ARKANSAS STATE BOARD OF COSMETOLOGY  
BOARD MEETING & PUBLIC HEARING

BE IT REMEMBERED, that on the 16th day of June,  
2006, before the members of the Arkansas State Board of  
Cosmetology, the following public hearing was had and  
done as follows, to-wit:

A P P E A R A N C E S:

BOARD MEMBERS:

JANE POWELL - President

CLIFFORD KEENE - 1st Vice President

NICK DOWNEY - 2nd Vice President

VEDA TRAYLOR - Secretary

MITZIE MCKINNEY - Treasurer

LAJOY GORDON

ANN PICKERING

PATRICIA TURMAN

KATHY WITTUM - Director

ARNOLD JOCHUMS - Legal Counsel

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

2 THEREUPON,

3 MS. POWELL: I'll call the meeting to  
4 order. Madam Secretary, will you take the  
5 roll?

6 MS. TRAYLOR: Everybody is present except  
7 Melinda, Sherron, and Mitzie.

8 MS. POWELL: Also at this time I'd like to  
9 welcome Amber McCuien. She is a new staff  
10 person with us. Amber?

11 MS. MCCUIEN: Hello.

12 (The board members greet Ms. McCuien.)

13 MS. POWELL: This meeting has been called  
14 on a public comment session on the Rule 6.13.  
15 I have an ear infection. I'll tell you right  
16 now, I don't know how loud I am. So if I get  
17 funny faces from you-all, I'll be wondering  
18 what is going on.

19 Those that are wishing to speak on this  
20 issue -- if you haven't spoke on the issue  
21 before, I'd like for -- well, I'd like for  
22 anyone to fill out a card. The cards are up at  
23 Amber's desk (indicating). Please put your  
24 name down so we'll be able to address you.

25 We have discussed this issue approximately

1           ten months. So at this time I'd like to hear  
2           new information, anything new, or someone who  
3           has not spoken on this issue before to come up  
4           first and we'll just proceed that way.

5           At this time, I'll turn the meeting over to  
6           Kathy Wittum, our director.

7           MS. WITTUM: As President Powell stated,  
8           the meeting has been called to hear public  
9           comments concerning proposed Rule 6.13. This  
10          proposed rule would allow for students to earn  
11          credit for hours when participating in off  
12          campus activities that promote motivational and  
13          educational incentive towards their course of  
14          study.

15          The proposed rule before the board today is  
16          different from the draft that was under  
17          consideration at the March meeting, as the  
18          proposed rule today, does not limit students  
19          with regard to travel or cost. Therefore  
20          students may travel in or out of state and  
21          attend events that charge an admission fee or  
22          that are free.

23          Public notice of this meeting has been  
24          properly published in a statewide newspaper and  
25          by Internet. And copies of the draft were

1 provided to the legislative staff. No written  
2 or verbal comments were submitted in response  
3 to the public notice.

4 (Pause.)

5 MS. POWELL: Do we have -- Amber, do you  
6 have any cards or anyone that wanted to speak  
7 on this issue?

8 MS. MCCUIEN: I don't have anything.

9 MS. POWELL: Okay. Do I have any public  
10 comment?

11 (No one responded to the invitation.)

12 MS. POWELL: Okay. At this time, I'll turn  
13 it over to the board and ask you if there's any  
14 comment. I think at this time we'd like to  
15 move into the adopting of the proposed Rule  
16 6.13.

17 MR. JOCHUMS: Before you do that, I do want  
18 to mention for the board and also the audience.  
19 All of the comments that we received in several  
20 hearings before today will be concluded within  
21 the record of this decision. So don't feel as  
22 though you're acting in a vacuum. You've heard  
23 a lot of information from a lot of people in  
24 this lengthy period of time. And apparently we  
25 don't have anyone that desires to comment

1 further, so this will be, as mentioned, a time  
2 for decision with regard to this rule.

3 MS. POWELL: Thank you, Mr. Jochums.

4 MR. KEENE: Jane, would this be the time to  
5 make any changes or just adopt this?

6 MS. POWELL: I think at this time, we have  
7 -- during the public comment session, we have  
8 not received anything on changes, I think we're  
9 here to adopt this proposal as submitted at our  
10 last board meeting. Is that --

11 MS. GORDON: Can they read that again for  
12 us?

13 MS. POWELL: Pardon me?

14 MR. JOCHUMS: Sure. What --

15 MS. POWELL: What did you say?

16 MR. JOCHUMS: -- what you have before you  
17 is the document, which everybody's got. That  
18 would be the rule. Your situation here is  
19 either a motion to adopt, a motion not to  
20 adopt, or I guess there could be a third  
21 choice.

22 MR. KEENE: I thought that was the purpose  
23 of this anyway, because there was a change at  
24 the last meeting about this proposed law -- or  
25 rule, whatever it is, and that's why we're here

1           today.

2           MR. JOCHUMS:    Sure.

3           MR. KEENE:    Because there wasn't a comment  
4           period made on that change.  Am I right or am I  
5           wrong?

6           MR. JOCHUMS:   You're probably partially  
7           right, but we're also here because we were  
8           requested to consider it another time by the  
9           legislative committee.

10          MR. KEENE:    Because they felt like it  
11          wasn't done properly --

12          MR. JOCHUMS:   It was -- right.

13          MR. KEENE:    -- because we didn't have a  
14          comment period on the change that was made in  
15          the motion that we adopted, right?

16          MR. JOCHUMS:   I think that's -- I think  
17          you're right.

18          MR. KEENE:    Okay.  I want to make sure I'm  
19          following -- we don't want to have another  
20          public hearing on this.

21          MS. GORDON:   And that change is not in this  
22          proposal --

23          MR. JOCHUMS:   It is.

24          MS. GORDON:   It isn't.

25          MR. JOCHUMS:   What --

1 MS. GORDON: It says --

2 MR. JOCHUMS: -- what --

3 MS. GORDON: -- what I -- I mean, -

4 MR. JOCHUMS: It says, "students may  
5 receive credit toward their chosen study  
6 through discretionary off-campus hours. These  
7 hours may be obtained by attending seminars."  
8 The language about being free and in-state has  
9 been stricken.

10 MR. KEENE: And as I remember it, I made  
11 the comment that we would like to have -- to  
12 where they could go in or out-of-state, --

13 MR. JOCHUMS: Right. And that would be  
14 possible.

15 MR. KEENE: -- which there wasn't any  
16 problem with that.

17 MR. JOCHUMS: Right.

18 MR. KEENE: The other comment that I made  
19 was that I'd like it to be that they could not  
20 pay or they did not have to pay for this  
21 education.

22 MS. TRAYLOR: That's right.

23 MR. KEENE: And that's where our problem  
24 came in, as I best remember it, because at that  
25 point a motion was made to close the hearing

1 and didn't allow for public comment to that.

2 Am I right?

3 MS. GORDON: And that's the part that has  
4 been stricken on this proposal. And that's not  
5 what we voted on at the last meeting.

6 MS. TRAYLOR: No, it's not what we voted.

7 MS. GORDON: We voted --

8 MR. KEENE: So I guess what I'm saying  
9 here, is I -- personally, I still feel that the  
10 students be allowed to go where ever they want  
11 to go for their education, but they not be  
12 charged for it.

13 MS. TRAYLOR: I agree with you a hundred  
14 percent. They pay for those hours one time.

15 MS. WITTUM: Well, why don't we take a few  
16 minutes. Let me go get a copy of the minutes  
17 of that meeting and we'll see exactly what was  
18 decided on, because I don't recall that being  
19 the decision from the last meeting. The May  
20 15th meeting, as I recall was strictly to give  
21 them the 30 hours for cosmo, the 12 for  
22 specialty, and have no limitations with regard  
23 to travel or payment.

24 MS. GORDON: They weren't supposed to pay.

25 MS. PICKERING: That's the way I understood



1           it.

2           MS. GORDON: The students were not supposed  
3 to pay.

4           MS. TRAYLOR: That's right.

5           MS. POWELL: All right. We'll take a short  
6 break.

7           (WHEREUPON, a short break was taken after  
8 which the proceedings resumed as follows, to-  
9 wit:)

10          MS. POWELL: The meeting is back in order.  
11 At this time -- we took a recess. There was  
12 some confusion over the Rule 6.13 as submitted  
13 for public comment. I'm going to turn this  
14 over to the director, so that she can revisit  
15 the minutes and make clarification on this  
16 event.

17          MS. WITTUM: Okay. At the May 15th  
18 meeting, the Board looked at the proposed  
19 drafts that were issued on May 6th -- or after  
20 May 6th and March -- or excuse, March 6th and  
21 March 27th. There are two variations that  
22 y'all looked at between those two dates. What  
23 was decided was that you would take the Rule  
24 6.13, allowing students to travel in or out of  
25 state and take out the limitation that they

1           could only go if they were not charged. So  
2           what that did is bring us to the copy that you  
3           have in front of you today that was published  
4           for public comment after the May 15th meeting.  
5           It says that students may receive credit hours  
6           towards their chosen course of study through  
7           off-campus -- discretionary off-campus hours.  
8           It does not have any other limitations in it.  
9           It also specifies that cosmetology students can  
10          have 30 hours and the specialty students can  
11          have 12 hours. Are there any questions?

12                 MS. POWELL: I'd like to state that Mr.  
13          Downey made that motion and that Mr. Keene  
14          seconded it. And you all have a copy of that  
15          proposal in front of you, correct?

16                         (No response.)

17                 MS. POWELL: At this time, we'd like to  
18          entertain a motion on Rule 6.13.

19                 MR. DOWNEY: Madam Chairman, I make a  
20          motion that we accept the Rule as proposed as  
21          it's written.

22                         MS. PICKERING: I second that motion.

23                 MS. POWELL: I have a first and a second.  
24          Is there any discussion?

25                         (No response.)

1 MS. POWELL: All those in favor, raise your  
2 right hand.

3 (Show of hands.)

4 MS. POWELL: All those opposed?

5 (Show of hands.)

6 MS. POWELL: Any abstentions?

7 (Show of hands.)

8 MR. JOCHUMS: I got two, "Yes; two, "No";  
9 and two "Abstain".

10 MS. POWELL: I'm sorry.

11 MR. JOCHUMS: Two, "Yes". Two, "No". Two,  
12 "Abstain." You can break the tie.

13 MS. POWELL: I vote "Yes".

14 MS. WITTUM: I think that's it.

15 MS. POWELL: Meeting adjourned.

16 (WHEREUPON, the proceedings of the meeting  
17 were concluded.)

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