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BEFORE THE ARKANSAS STATE BOARD OF COSMETOLOGY  
SPECIAL BOARD MEETING  
MONDAY, FEBRUARY 11, 2008

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BE IT REMEMBERED that the Arkansas Board of  
Cosmetology met on February 11, 2008 for a Special Board  
Meeting with the proceedings commencing as follows:

A P P E A R A N C E:

BOARD MEMBERS:

- CATHY CAVER-BLADE, CHAIRPERSON
- JANE POWELL
- BARBARA WARD
- PAT TURMAN
- SCOTTIE BURCHETT
- SUSAN COLLINS-BURROUGH

**ORIGINAL**

ON BEHALF OF THE BOARD:

ERIKA GEE, ASSISTANT ATTORNEY GENERAL

ALSO PRESENT:

- DEBORAH AND BILL ROOPE
- CHRIS STRAWN
- KATHY WITTUM
- JENITA HUGHES
- CARLA JONES
- PAT JACKSON
- SHEILA CAUDLE
- VEDA TRAYLOR

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P R O C E E D I N G S

CHAIRPERSON CAVER-BLADE: I guess we can call this meeting to order. At this time I will do roll call.

MS. TURMAN: Madam President, everybody is present except Joy and Joyce.

MS. BURCHETT: And Ann.

CHAIRPERSON CAVER-BLADE: Okay. At this time I guess we hear from Deborah Roope and Associates. Deborah?

(THEREUPON, there was a slide presentation by Roope and Associates.)

MS. ROOPE: Good morning. I'm Deborah Roope. I'm President of D. L. Roope Administration. This is my husband, Bill Roope. We work together.

We're a family owned business. We started our company in the year 2000 to provide administration services for the national NIC examinations.

This is a picture of our corporate office in the State of Maine. We administer our exams right in our office, which is really nice.

Our examinations are scheduled and

1 administered on dates that have been  
2 approved by the State Board of  
3 Cosmetology. And what we typically do is,  
4 we receive applications through a deadline  
5 date and if they get in by the deadline  
6 date, they're guaranteed to be scheduled  
7 even if we have to add more dates of  
8 testing. We tend to do smaller  
9 examinations and less people at one time  
10 and spread it out over more dates. We  
11 feel that it is a more user friendly  
12 environment for the test taker. I know  
13 myself I wouldn't want to go in and be  
14 tested with 100 people in a huge group and  
15 feel like we were being pushed through by  
16 cattle. So, we do a very small  
17 examination, but we do more days of  
18 testing as needed.

19 The following are pictures of  
20 examination rooms in our other states.  
21 Cathy was kind enough to send us pictures  
22 of your exam facility here and from the  
23 pictures it looks like it's really nicely  
24 set up. So, I'm anxious to have a peek at  
25 how it is laid out. But this will show

1 you some of how we set up in other states.

2 This is our practical examination  
3 room in Macon, Georgia. As you can see,  
4 what we have -- we have countertops on the  
5 wall and we have mirrors behind the  
6 counters. Each station is divided -- has  
7 a line that indicates where each station  
8 starts and stops. The illustrations are  
9 on the wall above each of the stations and  
10 then there's a station number.

11 This is our practical examination  
12 room in our office in Herman, Maine. It's  
13 laid out pretty much the same as what we  
14 have in Georgia.

15 And then this is in Washington again.  
16 You can see it's pretty much, you know,  
17 laid out the same. And in Washington we  
18 also offer exams in Spokane, because that  
19 state is separated by a mountain. And six  
20 times a year we do them in a hotel. We  
21 elevate the tables up on risers so they're  
22 comfortable for the students. I know  
23 myself as a cosmetologist I would not want  
24 to be working on a table at this height  
25 because I'm very tall. So, we do raise

1 the tables up if we happen to be in a  
2 hotel situation. And this is a hotel exam  
3 room in Boise, Idaho.

4 In the State of New Hampshire, we're  
5 fortunate that one of the schools used to  
6 have cosmetology, esthetics and nails.  
7 And now they are primarily doing  
8 esthetics. So, they have over half of the  
9 school that they no longer use. So, we  
10 are able to set up and do our exams and  
11 have a separate entrance and it works out  
12 really well in that facility. And it's  
13 pretty much the same. It has countertops  
14 around the walls.

15 I don't think I mentioned it, but we  
16 currently administer exams for the states  
17 of Maine, New Hampshire, Idaho, Georgia  
18 and Washington state. So, for practical  
19 examinations, we administer around 1500  
20 exams per month between all of the states.  
21 Georgia is our largest state. We test 500  
22 students a month. We do weekly tests.  
23 Depending on how many students -- you  
24 know, one to three, sometimes even four  
25 days in a week in order to get everybody

1 tested. Washington is our second largest  
2 state and we test around 300 to 400 a  
3 month. And then Maine -- excuse me, Idaho  
4 and Nevada are around the same size as  
5 your state. We have 90 to 100 a month and  
6 we will mainly test around 40 a month.  
7 So, it kind of varies by state. So, we  
8 work with each state and what works for  
9 their state and their students and also  
10 for the schools.

11 The examiners are trained by the  
12 National Interstate Council State Boards  
13 of Cosmetology, but they are employees of  
14 our company once they become certified by  
15 NIC. So, they have to go through the  
16 training session and before certified by  
17 NIC before they're eligible for employment  
18 with our company.

19 We contact the examiners to check  
20 availability. We make all of the  
21 arrangements and set everything up for the  
22 exams.

23 Our corporate office employs five  
24 dedicated staff members that include --  
25 that provide the following services. One

1 thing that I think is really important,  
2 our office has three licensed  
3 cosmetologists. So, if somebody calls and  
4 they have a question that is specific to  
5 cosmetology such as, you know, what does  
6 it mean by a Marcel iron or something that  
7 is specific to the industry, then we are  
8 able to help them and guide them.

9 I am also a licensed instructor. All  
10 five of us do data processing and my  
11 assistant Pam and I do all of the  
12 coordinating of the exams. So, we work  
13 directly with the examiners and with the  
14 coordinators.

15 It's funny. When we first start in a  
16 state and we call one of the coordinators  
17 or call an examiner -- like, you're  
18 calling me? We're very hands-on. We're  
19 involved in the day-to-day running of our  
20 business and if you call our office, more  
21 than likely one of us will answer the  
22 phone. And we also have three other  
23 people that answer the phone as well. So,  
24 people typically can call right in and get  
25 in. They rarely gets a busy signal,

1 because we have a rotary system. When  
2 they call, they punch a number for what  
3 state they're calling from and then it  
4 directs their call and then if that line  
5 is busy, it automatically rolls over to  
6 the next line. And we have a dedicated  
7 fax so, if they need to contact us or send  
8 in something by fax, then that's a  
9 dedicated line as well.

10 The applications are provided to all  
11 the schools and candidates. The  
12 applications are preprinted with a school  
13 code number. And this number is  
14 preassigned to ensure that the results get  
15 reported back to the proper school. And  
16 they're also reported back to the state as  
17 well.

18 Candidates may download information  
19 from our web site and that's  
20 [www.dlroope.com](http://www.dlroope.com). And our staff processes  
21 the applications on the business day they  
22 are received and our staff determines the  
23 eligible for the candidates to take the  
24 exams according to the laws and rules of  
25 the state. Most of our states -- the



1 application has -- the school signs off on  
2 the person and all of the eligibility  
3 requirements are listed on our  
4 application. And then the student gets  
5 scheduled for the examination and the  
6 school sends the final completion of their  
7 hours and their paperwork to the board  
8 directly. For out of state candidates,  
9 they usually apply to the board. The  
10 board approves them, sends them the  
11 eligibility notice with our information  
12 and then they contact us. So, it's a very  
13 smooth transition and then we send all of  
14 the data to the board.

15 All applications received by the  
16 deadline date are guaranteed to be  
17 scheduled. So, even if we have -- if we  
18 had a month where we have 500 people, you,  
19 know, that submit applications we do what  
20 we have to do to get them tested.  
21 Application received after the deadline  
22 date are scheduled based on space  
23 availability. So if we look at the  
24 numbers on the deadline date, we set up  
25 the space, we set up the examiners --

1           there's always empty spaces. So, if  
2           somebody happens to -- you know, their  
3           paperwork gets delayed in the mail or  
4           they're late sending it, then we look at  
5           the existing scheduled and we schedule  
6           them into those existing spaces. So, it's  
7           not uncommon for people to get scheduled  
8           after the deadline date.

9           We do give priority to retakes,  
10          because obviously for them -- you know,  
11          they need to get back in as soon as  
12          possible. Especially if -- you know, they  
13          get nervous and the longer they wait the  
14          more nervous they get. So, we do try to  
15          give them, you know, top priority for  
16          rescheduling.

17          Candidates receive their detailed  
18          admission letter approximately two weeks  
19          prior to their scheduled examination. We  
20          always work out an arrangement with a  
21          local hotel and we get a reduced group  
22          rate for that hotel and it's advertised on  
23          our admission letter. We have directions  
24          coming from every direction on our  
25          admission letter. Also directions of how

1 to get from the hotel to the testing  
2 facility.

3 You know, it's hard for students --  
4 especially if they're traveling into a  
5 city that they have never been to  
6 before -- to maneuver that city and also  
7 to know where to go and where to stay for  
8 a hotel. So, we have actually even talked  
9 with the local hotel -- the Legacy Hotel  
10 and they said they would give all the  
11 cosmetology students a reduced rate of \$69  
12 for a room. So, that's very reasonable --  
13 especially if they're traveling with one  
14 of their school mates and can share a  
15 room. That certainly relieves a lot of  
16 stress in trying to drive in the morning  
17 of the exam if they choose to do that.

18 Candidates are given a toll free  
19 number to contact our office with any  
20 questions or concerns.

21 The candidates are provided  
22 accommodations in accordance with the  
23 Americans with Disability Act of 1991. In  
24 the cases where someone has to have an  
25 oral examination due to a learning

1 disability such as dyslexia, dysgraphia or  
2 something of that nature, then we have an  
3 examiner read to them. And the reason  
4 that we do that is that if they are  
5 pronouncing words, they have to be able to  
6 pronounce them properly. Like ammonium  
7 thioglycolate -- someone that's not in  
8 this industry would not be able properly  
9 pronounce that word. So, it's really  
10 important that it is read to them -- you  
11 know, it is read to them verbatim exactly  
12 as it's printed in the written booklets.  
13 But it is important that they are being  
14 read to by someone who can properly  
15 pronounce the language.

16 All candidate concerns are responded  
17 to within 48 hours of receipt. Our  
18 procedure includes e-mailing a concern and  
19 our response to the board office and to  
20 the NIC. Our written response is sent by  
21 certified mail to the candidates within 48  
22 hours by -- or by e-mail within receipt.

23 I will tell you -- I'm very proud to  
24 say we have very few letters of concern or  
25 complaints. We had an individual call

1 last week and she was from Georgia and she  
2 took her practical exam. And she said,  
3 you know, "I want to file a complaint."  
4 And so they transferred her call to me and  
5 I talked to her. Well, what it was is  
6 that when she was scheduled -- our  
7 computer automatically schedules the  
8 candidate and then puts them in a station  
9 at random so they're not next to somebody  
10 else from their school. Well, it just  
11 happened that there was scheduled -- the  
12 room was scheduled for eight people.  
13 Well, there was only five that were  
14 scheduled for that room. So, there was  
15 four on one side of the room and four on  
16 the other. Of course, she was in that  
17 fifth station. So, she felt like she was  
18 singled out. And when I explained to her  
19 how it works and how the computer does  
20 it -- you know, then she was like, "Oh,  
21 okay. I'm totally fine with that." But  
22 she felt -- and that's good that somebody  
23 calls and let's us know that because then  
24 I in turn will let the coordinator know in  
25 the event you have three people that are

1 not there, move that other one over so  
2 they're not feeling separated or move  
3 somebody from this side so you have three  
4 on one side and two on another.

5 We're very responsive to the needs of  
6 the students. It's kind of like going for  
7 a haircut and you sit in the chair and you  
8 see things. You see the scuff marks on  
9 the wall that you can't see when you're  
10 standing behind the chair. So, we try to  
11 always get feedback from the students and  
12 from the schools. And it's really  
13 important to always be receptive to how  
14 they're feeling. Because they're  
15 already -- their anxiety level is already  
16 up to here. You know, we want to bring  
17 the anxiety level down to here. You're  
18 never going to eliminate all testing  
19 anxiety, but any little things we can do  
20 to eliminate it or make it less is very,  
21 very important.

22 Candidates may view and print their  
23 result letter on our web site on the  
24 Monday after their examination. If they  
25 don't have internet access, then they can

1 request that it be mailed to them. So,  
2 the grade sheets are sent away to SNT,  
3 which does the scanning and scoring for  
4 NIC. But what we do is, prior to those  
5 being sent, we run them through like a  
6 scanner that takes a PDF file of them so  
7 that in the event that, you know, they get  
8 waylaid or something in the process, that  
9 we have got documentation of what the  
10 scores were for each of those students.  
11 Once we have gotten confirmation from NIC  
12 that they received the grade sheets, then  
13 the PDF file is deleted.

14 We do a lot of reporting. The  
15 reports to the board and to the schools on  
16 the Friday following each examination we  
17 send to the board the original result  
18 letters and we also send an examination  
19 result roster. So, when the student logs  
20 on to the web site on Monday, their result  
21 letter says "copy" on it. But the  
22 original has electronically been sent to  
23 the board. That's the most efficient way  
24 for it to do and quite frankly it keeps  
25 people from fraudulently printing off

1 multiple copies of the result letters.  
2 Because the copy they get has red letters  
3 across it that says "copy". And it's good  
4 for them to have that for their records.  
5 But the original has been sent directly to  
6 the board.

7 Monthly reports go to the board.  
8 They receive school reports, exam result  
9 roster, pass/fail percent chart. And this  
10 is for all schools combined so it can show  
11 your state overall average of how  
12 cosmetologists are doing, how many people  
13 tested in each of the fields. And then  
14 there's also a pass/fail percent chart for  
15 each school. So, it shows each school and  
16 how their pass rate is on a monthly basis.

17 Monthly reports to all schools --  
18 every school receives school reports every  
19 month. We are currently looking at our  
20 web site vendor at the possibility of  
21 being able to have the school reports  
22 on-line so that a school can go in, put in  
23 their password, access their school  
24 reports and even do a date range. Because  
25 some schools are accredited by a calendar



1 year, some are accredited by a physical  
2 year. So, they can go in and put in a  
3 date range for their students and get  
4 their reports on-line -- which is really  
5 helpful when you're doing that paperwork.

6 Yearly reports to the board and  
7 schools at the end of the year. About two  
8 weeks into January we will send a  
9 pass/fail percent chart to each school for  
10 their school and they will also receive  
11 the pass rate for the entire state. So, a  
12 school can look at their pass/fail percent  
13 chart and they can look at the state  
14 average and say, "Wow, we're stronger in  
15 this area, but, gee, we're a little bit  
16 lower in this area" -- you know, and  
17 compare themselves with how everybody in  
18 the whole state is doing.

19 I have provided all of the board  
20 members with binders of sample  
21 information. I have put this together  
22 very quickly, so please let me know if  
23 there's any errors. I have tried to  
24 review your laws and your rules and what  
25 not. But I hope those are helpful.

1           The binders contain an application  
2 order form. This is provided to the  
3 school so they can order the preprinted  
4 applications. We also give every school a  
5 master copy that they can make their own  
6 copies if they choose to. There's a  
7 school application. There's also a  
8 separate application for out of state and  
9 out of the country candidates and -- do  
10 you have an apprentice program here? I  
11 wasn't sure. And there's a retake and  
12 rescheduling application and also a sample  
13 admission letter.

14           I have also provided candidate  
15 information bulletins for all of the  
16 fields that you currently test in.  
17 Cosmetology, nail technology, esthetics  
18 instructor and electrology.

19           And there's also a sample pass  
20 letter. I did like three letters in  
21 there. I did one for the practical, one  
22 for the written and one for the state law.  
23 The reason I did three separate letters is  
24 because with your students going to laser  
25 grade, the scores come in at different

1 times. So, they don't always go and take  
2 everything on one day. And it's really  
3 hard sometimes to try to weigh -- you  
4 don't want to hold up something. So, I  
5 found it's better to have the separate  
6 result letters for each one and that's  
7 their official result letter.

8 Sample fail letter. Now, this  
9 includes the total number of tests they  
10 missed in each of the examination  
11 sections. So, they can take this, go back  
12 to the candidate information bulletin and  
13 if there's 16 tasks in hair shaping or  
14 haircutting, then they can see, oh, I  
15 missed four tasks. That's a weak area.  
16 So, they aren't told exactly the tasks  
17 that they missed, but at least they know  
18 how many they missed in each of the areas  
19 so they can determine what is a weak area.

20 There's also a sample monthly school  
21 report and a sample pass/fail percent  
22 chart.

23 I also have samples in there of the  
24 Americans with Disability information and  
25 form. We provide free forms. And the

1 reason for that is, we want to make sure  
2 we get all of the pertinent information.  
3 It's important when someone has a  
4 disability that we meet all of their  
5 needs.

6 Form A is completed by the candidate.  
7 Form B is completed by the medical  
8 professional. Or if they have had  
9 services in the past and they have like a  
10 PET or an IEP, then they can send that in  
11 as their medical portion. And then form C  
12 is completed by the school. And that  
13 really helps us because then we can see  
14 what they have had for services while they  
15 have been taking -- while they have been  
16 in cosmetology school.

17 And I thank you for allowing us to  
18 present our administration services and  
19 we're here for any questions or concerns.

20 MS. GEE: I'm Erika Gee. I'm  
21 assistant attorney general and I work with  
22 the board. I have a question for you  
23 about the process you use to sign people  
24 up for exams.

25 The way it's sounds -- that I

1 understand it is you have the school send  
2 applications directly to you and then once  
3 people have taken the exam, then they go  
4 to the board for approval for licenses; is  
5 that right?

6 MS. ROOPE: Yes. That's how we do it  
7 in all of the other states -- with the  
8 exception of the out of state candidates.  
9 They apply to the board and then they are  
10 sent an eligibility notice from the board.

11 MS. GEE: Is there any flexibility in  
12 that process?

13 MS. ROOPE: Of course, yes. I have  
14 reviewed your laws and your rules. And I  
15 think in many places it just needs to be  
16 changed to state "or the board's  
17 designee". That would probably take care  
18 of a lot of it. We could do it as an  
19 eligibility notice for all the students  
20 until -- you know, I know it takes time to  
21 get laws and rules changed. And we just  
22 run the same as with our out of state.  
23 They would send their application, their  
24 money order and the eligible notice to us  
25 and then that would serve as their

1 approval from the board.

2 MS. GEE: The eligibility notice  
3 from --

4 MS. ROOPE: From the board.

5 MS. GEE: From the board?

6 MS. ROOPE: Right.

7 MS. GEE: So, the students would be  
8 responsible for getting that and then  
9 giving it to the school and sending it?

10 MS. ROOPE: Right. They would apply  
11 to the board as I believe they do now and  
12 the board would mail them an eligibility  
13 notice saying you have been approved to  
14 take the cosmetology practical written  
15 state law and then they would just submit  
16 that with their application.

17 MS. GEE: Okay. I just wasn't sure.

18 MS. ROOPE: We are very flexible.  
19 That works the most efficiently because in  
20 the past we have tried working with boards  
21 where they send us an electronic roster.  
22 But as you know rosters don't always come  
23 through and then there's this constant  
24 checking and double checking and going  
25 back and -- it's just an incredible amount

1 of work and chance for error quite  
2 frankly. So, with the eligibility notices  
3 if those are just sent directly to the  
4 student -- and I don't know if the board  
5 has the capability of faxing, but if the  
6 board did and the student provided the  
7 board with a fax number, then they could  
8 almost instantaneously have their approval  
9 letter sent to them and then they could  
10 send that in with our scheduling form.

11 MS. GEE: Well, it probably wouldn't  
12 be an impossible task to get the statute  
13 changed. It's hard to say.

14 MS. ROOPE: Right. Right.

15 MS. GEE: Thank you.

16 MS. ROOPE: It's more efficient if  
17 the school signs off on them and then  
18 submitting the completion of our list to  
19 the board. But obviously a lot of changes  
20 take time and we do, you know, work with  
21 boards to get through that transition time  
22 if that's what they want us to do.

23 MS. GEE: Thank you.

24 MS. BURCHETT: So, kind of in that  
25 same -- on that same subject, could the

1 school -- the students submit the  
2 application to the board with the  
3 certificate of training when the -- for  
4 the student to be dropped. This could  
5 come with the paperwork to the board  
6 office and the board office as they do now  
7 I think verifies that the student has  
8 completed all of the hours and then fax  
9 this to you and -- but the student would  
10 have to communicate with you for the  
11 money.

12 MS. ROOPE: Well, typically the  
13 student would send in the application to  
14 the board. And basically the application  
15 would be for them to get approval. So the  
16 approval application to the board. The  
17 board would approve them, send them the  
18 verification of eligibility, then they  
19 would send us our application with the VOE  
20 and their money order. So, in other  
21 words, everything is sent directly to us  
22 once they have gotten approved by the  
23 board.

24 MS. BURCHETT: So, the school would  
25 send the certificate of training once the



1 student has completed their hours to the  
2 board office and they do now.

3 MS. ROOPE: Right.

4 MS. BURCHETT: And the board office  
5 would send a letter to the student saying  
6 their eligible and then the student  
7 would -- the student would complete this  
8 and send it to you with the money.

9 MS. ROOPE: That's right. Yeah.

10 MS. POWELL: By fax or mail?

11 MS. ROOPE: For us it would have to  
12 be mail because they have to send in the  
13 money order.

14 MS. BURCHETT: So, you're not able to  
15 take credit cards.

16 MS. ROOPE: We're not set up for  
17 that. We haven't been because we tried to  
18 keep our costs, you know, low so we can  
19 pass the savings on to the students.

20 MS. BURCHETT: Is that going to delay  
21 their time being able to take their exam?

22 MS. ROOPE: It will. Obviously it's  
23 quicker if you get your laws and rules  
24 changed so the students can be signed off  
25 by their school and then apply to us and

1           then we can get them scheduled and send  
2           their admission letters out to them.  But  
3           I don't think it would be any more of -- I  
4           don't think it will take any more time  
5           than what it currently is.  I think it's  
6           just a little bit different process.

7           MS. BURCHETT:  Right now it has to  
8           come to the board office and then they  
9           have to send the letter to the student and  
10          then the student contacts the company --

11          MS. POWELL:  By phone.  So they -- is  
12          that right?  So, they wouldn't be able to  
13          do that.  Contact you by phone.  They  
14          would have to complete the application and  
15          then go through the mail and then the  
16          regular process then would take place with  
17          the money.

18          MS. ROOPE:  They could send the money  
19          order to us at the same time they send the  
20          approval form to the board and then if the  
21          board just wanted to send the eligibility  
22          notices directly to us, that might be --  
23          that might work as well.

24          MR. ROOPE:  We like to have a paper  
25          form in hand so we can the right

1 information on our database.

2 MS. ROOPE: It's hard when you're  
3 talking to different people on the phone  
4 and type it in properly and get all of the  
5 information. So, we really like to have  
6 it in writing so we, you know, know  
7 everything that they're asking us for.

8 MS. POWELL: If you have transfer  
9 students in the school, that school could  
10 not send a completion of the previous  
11 hours because they would be at a different  
12 location but the board wouldn't have to go  
13 through that because they would have  
14 regular documentation. So, you may be  
15 doing duplicate work.

16 MS. ROOPE: And that would be the  
17 discretion of the board. You know, do --  
18 when a student -- I'm not familiar with  
19 how it works in your state. When a  
20 student transfers from ABC school to XYZ  
21 school, does that school automatically  
22 assume those hours or is it still two  
23 separate transcripts?

24 MS. POWELL: They don't assume them.  
25 They know they don't need to redo those

1 hours. The board keeps track of those  
2 hours that are certified, because they  
3 might have attended another school. Those  
4 hours may have not have been certified for  
5 one reason or another and then they  
6 transfer. You have to -- as a school  
7 rather than making that judgment, it's --  
8 the board keeps tract of that and we --  
9 you know, we wouldn't want to send  
10 somebody to take the exam.

11 MS. ROOPE: In that case, they would  
12 be approved by the board the same as the  
13 out of state.

14 Initially until your laws and rules  
15 are changed, everybody would have to get a  
16 verification of eligibility form. And  
17 from that point -- you know, once your  
18 laws and rules are changed then we would  
19 work out the specifics of who has to do  
20 what, how and why and where.

21 MR. ROOPE: So, we wouldn't get a VOE  
22 from the state until the hours are  
23 completed.

24 MS. POWELL: If you're getting it  
25 from the school, you may not get -- that's

1 what I'm saying. That's the reason it  
2 comes from the board. You know --

3 MR. ROOPE: Right. We require the  
4 VOE from the student. So even if they  
5 sent it in from the wrong school, we won't  
6 be able to test them until the VOE comes  
7 to us. So, that would stop that from  
8 happening.

9 MS. POWELL: What is the expense for  
10 the fee for the student to take the exam?

11 MS. ROOPE: From my conversation with  
12 Cathy, she said exams are held here in  
13 this facility. Which we typically plan on  
14 a facility charge of around ten dollars.  
15 So, like for a state this size, we  
16 normally charge \$99. But because we would  
17 be able to do the exams here in an  
18 existing location, it would be \$89 for the  
19 practical.

20 When we first were awarded the  
21 contract in Georgia, there was some  
22 concern about the price changing. Georgia  
23 had always been \$50 for as long as  
24 everybody could remember and it went to 89  
25 and -- but for most people when they

1 understood that they were going to be able  
2 to go on our web site and get their  
3 results on the Monday after and get it so  
4 much quicker and they can get to work so  
5 much sooner, then it was worth it for the  
6 difference in the price because of --  
7 first of all, the speed of getting it  
8 scheduled and getting into the exam and  
9 getting the results, getting their license  
10 and getting to work.

11 MS. POWELL: They couldn't go to work  
12 until they actually receive their license  
13 though.

14 MS. WARD: Deborah, is that also  
15 including those students in the event that  
16 you were to give the examination say like  
17 on Monday and you needed four days or  
18 three days? If you don't give the exam --  
19 let's just say you give the exam Monday,  
20 Tuesday, Wednesday, the Wednesday  
21 testers -- will they be able to --

22 MS. ROOPE: Everybody's will go out  
23 on Monday.

24 MS. WARD: On Monday?

25 MS. ROOPE: Exactly. We have a

1 Wednesday exam. The score sheets are sent  
2 to NIC. They get them Thursday. They get  
3 them scored by Friday. Most of the time  
4 they get the scores back to us on Friday,  
5 but if they don't, they definitely have  
6 them to us by Monday morning. And we tell  
7 everybody they're available to download  
8 after five on Monday.

9 Nine times out of ten they're there  
10 first thing on Monday morning, but we give  
11 us that extra day, you know, kind of  
12 having it after five. But if NIC is  
13 extremely backed up or for some reason the  
14 scores don't get sent to us as quickly,  
15 then we have got that day also to get the  
16 scores. But almost 99 percent of the time  
17 we have the scores by Friday and we push  
18 them out on Monday. So, we get them on  
19 Friday. We send the board all of their  
20 paperwork. That way they have a chance to  
21 print everything and then the scores are  
22 put out on the web site on Monday.

23 MS. WARD: Is there any cost  
24 difference? If you were to examine on  
25 just one day a week or --

1 MS. ROOPE: No. It's the same.

2 MR. ROOPE: We bring in more  
3 examiners.

4 MS. ROOPE: You know, we just feel  
5 it's much more efficient and that's  
6 figured in our price. We're planning on  
7 having more days of testing and having  
8 smaller days and, you know, more personal  
9 service than trying to get everyone tested  
10 all in one day.

11 Plus we always like it to be  
12 standardized that every cosmetologist is  
13 on the same type of station and every nail  
14 tech is on the same type of a table  
15 typically. And that's really important.  
16 You don't want to have some students that  
17 are at a comfortable height, you know,  
18 working on station and somebody else  
19 working on a table. They're put at a  
20 disadvantage because they're not working  
21 in a comfort level.

22 MS. BURCHETT: How do you choose your  
23 examiners? What is the process you go  
24 through?

25 MS. ROOPE: We typically meet with



1           them and interview them. They have to go  
2           through the NIC training. I also  
3           personally go to the trainings. With the  
4           new states I go to as many exams as I need  
5           to until I feel confident that things are  
6           really running smoothly. We have someone  
7           that lives in Missouri that worked for us  
8           for many years and coordinated exams --  
9           that we would bring her in to do the --  
10          every single month coordinating.  
11          Obviously we can't come every single  
12          month. So, she would be here and we would  
13          work with her and train her. She's so  
14          efficient. I just love to clone her. So  
15          she's just a phenomenal coordinator.

16                 MS. BURCHETT: How do you begin that  
17          process though?

18                 MS. ROOPE: I can tell you what we  
19          have done in other states. When we  
20          started up in Washington, we got a list of  
21          all of the licensees in the state and we  
22          did a mass mailing to over 500 people.  
23          And from that we did phone interviews with  
24          over 200 people and we have, you know, set  
25          questions and criteria that they have to

1 meet. Then at that point we schedule  
2 personal interviews and my husband and I  
3 flew out and met with over 80 percent  
4 people and did personal interviews and we  
5 hired 35. And then after the training, I  
6 believe 30 of them became certified. So,  
7 that's the process we use there.

8 In Georgia we could not access the  
9 licensees' information to contact  
10 licensees directly. So, we did a mailing  
11 to all of the salons and then did the same  
12 interview process over the phone and  
13 meeting with examiners. And then they  
14 have to go through the training. And then  
15 we work with them. And if there's a  
16 problem -- I have actually pulled someone  
17 off the floor and let them go on the very  
18 first day that they worked if I see that  
19 there's a problem.

20 In the beginning we always have extra  
21 examiners and we have staff to shadow the  
22 examiners to know -- they're grading, but  
23 we're shadowing them to make sure that  
24 they're understanding the NIC standards  
25 and that they're grading according to the

1 requirements. So, we really put a lot of  
2 time and effort into the examiners and  
3 what they're doing on the exam floor.  
4 We're pretty strict.

5 MS. POWELL: How long do you shadow  
6 these examiners?

7 MS. ROOPE: Well, usually for the  
8 first couple of months. And then  
9 unless -- if I have a concern -- but,  
10 yeah, the training really targets any  
11 potential problem examiners and they're  
12 eliminated before they even start. So, by  
13 the time we actually get to the exams, we  
14 have already done so many processes.

15 MS. BURCHETT: When you say training,  
16 you're talking about the rater training?

17 MS. ROOPE: Yeah. The NIC examiner  
18 training. I also worked for NIC as a  
19 trainer for four years and did the  
20 program -- did all of the school overviews  
21 and all of that before I started working  
22 as an administration company. And the two  
23 overlapped for a couple of years, but then  
24 it got so my plate was so full I wanted to  
25 focus on my own states.

1 UNIDENTIFIED: What is your ratio of  
2 examiner to student?

3 MS. ROOPE: NIC recommends one to  
4 eight. Typically you get some no shows.  
5 So, it's almost always ends up with six to  
6 seven on the board. But the scheduled  
7 ratio is one to eight.

8 CHAIRPERSON CAVER-BLADE: Does anyone  
9 else have any more questions or -- thank  
10 you.

11 At this time are we going to -- are  
12 we going to decide on this right now or  
13 are we going to take some time and think  
14 on it? I don't know.

15 MS. TURMAN: I think we ought to have  
16 some discussion.

17 CHAIRPERSON CAVER-BLADE: I would  
18 like to get an opinion from school owners  
19 and so -- what are you thinking? Let's  
20 take a break and come back in about ten  
21 minutes.

22 (THEREUPON, there was a brief period  
23 off the record.)

24 CHAIRPERSON CAVER-BLADE: We will  
25 call the meeting back to order.

1 Cathy has handed out something from  
2 PCS.

3 MS. WITTUM: Francine Tilley is here  
4 monitoring the exams today and she asked  
5 me to make a copy of this and hand out to  
6 you. It just basically says that they are  
7 willing to do more than one exam day a  
8 month and that this outline -- what that  
9 is -- and on the back side of that sheet  
10 is a revised exam day with a deadline day  
11 if you choose to do that.

12 CHAIRPERSON CAVER-BLADE: This says  
13 testing administration decision. At this  
14 time -- what do you think? I think we  
15 need to take at least 30 days to find out  
16 whether we're going to get rid of PCS.

17 MS. COLLINS-BURROUGH: Process all  
18 the information.

19 CHAIRPERSON CAVER-BLADE: Yeah. It's  
20 too quick. Get back feedback from the  
21 school owners and people out in the field  
22 and get a sense of where we need to go.

23 MS. POWELL: I agree.

24 CHAIRPERSON CAVER-BLADE: Thirty days  
25 on that review of proposed rule revisions.

1 I think we're all done with everything  
2 that we want to submit.

3 MS. WITTUM: I e-mailed it around.  
4 If you brought your copy, you won't need  
5 this one.

6 CHAIRPERSON CAVER-BLADE: Anybody  
7 have anything on the rules and revisions?  
8 Everything looks good.

9 MS. BURCHETT: Are we just going to  
10 do reports from each committee or how are  
11 we going -- how is this to be handled?

12 CHAIRPERSON CAVER-BLADE: I don't  
13 know. Good question. Okay. From like  
14 the fee -- the fee committee. Is that  
15 Pat? Let's do it from each committee. As  
16 far as you know, everything is good on --

17 MS. TURMAN: Okay. Guys, you have  
18 before you the graph for the civil penalty  
19 guide. You can see what we -- what the  
20 previous -- what the current was and what  
21 we suggested. And everything shaded in  
22 the -- in the darkened shade is a  
23 mandatory hearing before the board. So --  
24 by the way, my name is Pat Turman and I  
25 was chairman of this committee. And I do

1 appreciate the work and especially the --  
2 Cathy -- how she has helped us with this  
3 committee.

4 You can look at it and see what you  
5 think. Do you have any discussions on it?

6 CHAIRPERSON CAVER-BLADE: Looks good.

7 MS. TURMAN: Do we need a motion to  
8 accept it?

9 CHAIRPERSON CAVER-BLADE: We need a  
10 motion to --

11 MS. POWELL: I move.

12 CHAIRPERSON CAVER-BLADE: All those  
13 in favor? Those against?

14 (THEREUPON, the board voted.)

15 CHAIRPERSON CAVER-BLADE: Thank you.

16 We have the grievance committee next.

17 MS. BURCHETT: Yes. I was the chair  
18 of the grievance committee and my  
19 committee consisted of Jane Powell,  
20 Barbara Ward, Cathy Caver-Blade, Susan  
21 Collins-Burrough, Kathy Whittum, Joyce  
22 Smith and Erika Gee.

23 And we thought this was going to be  
24 the quickest committee and it took the  
25 longest. I apologize for that. But I do

1 appreciate all the input that everyone  
2 had. And I don't know if you have a copy  
3 of what's previously in place for rule  
4 ten, which was called consumer complaints.  
5 But what you have in front of you is on  
6 page 36 of the proposed revisions.  
7 Thirty-six and 37. Rule ten. We're  
8 proposing that it be called complaint  
9 policy. And everything you see in red or  
10 pink or whatever color that is. I'm not  
11 sure. Those are the proposed revisions.

12 And then the official complaint  
13 procedures and form is a separate document  
14 and it follows rule ten as it's written.  
15 And this is the actual form that would  
16 have to be submitted. So, if you will  
17 just take a minute to look at that and if  
18 we have any public comment, I welcome that  
19 and also comments from the board. This  
20 does come as a recommendation from the  
21 committee to the board.

22 CHAIRPERSON CAVER-BLADE: All those  
23 in favor?

24 MS. WARD: I move to accept the  
25 proposed changes.



1 MS. TURMAN: I second.

2 CHAIRPERSON CAVER-BLADE: All those  
3 in favor?

4 (THEREUPON, the board voted.)

5 CHAIRPERSON CAVER-BLADE: The next  
6 one would be the equipment and chemical  
7 use. Okay. You guys want to look over  
8 that? I think we have pretty much  
9 finalized everything on that. Any changes  
10 or suggestions?

11 MS. POWELL: I move to accept the  
12 changes.

13 CHAIRPERSON CAVER-BLADE: Okay.

14 MS. TURMAN: I second.

15 CHAIRPERSON CAVER-BLADE: All those  
16 in favor?

17 (THEREUPON, the board voted.)

18 CHAIRPERSON CAVER-BLADE: So, I guess  
19 on the proposed rule revisions everything  
20 is a go. We're done? Okay.

21 The next -- I guess we go to public  
22 comments.

23 MS. TURMAN: The legislation. We can  
24 move --

25 MS. WARD: I move to accept the

1 legislative changes.

2 MS. TURMAN: Second.

3 CHAIRPERSON CAVER-BLADE: All in  
4 favor?

5 (THEREUPON, the board voted.)

6 CHAIRPERSON CAVER-BLADE: Thank you.  
7 Now we're done with that.

8 MS. GEE: Before you move on, if I  
9 could just make a suggestion? In other  
10 words to actually adopt those rules we  
11 will have to publish them for public  
12 comment and have a hearing on them and go  
13 through the whole legislative committee  
14 process. I know some of you are very  
15 familiar with that, but some of you  
16 aren't.

17 My suggestion would be in light of  
18 the staff changes in the office you might  
19 want to delay that. So when the office is  
20 full of staff again -- it's going to be  
21 quite a process. And right now I don't  
22 know who would do that.

23 CHAIRPERSON CAVER-BLADE: Okay.

24 MS. GEE: That's just my suggestion.

25 MS. POWELL: Do we need a motion to

1                   postpone --

2                   MS. GEE: You know, you shouldn't  
3 have to make a motion one way or the  
4 other.

5                   MS. WARD: I move to postpone the  
6 process and further action on the rule  
7 revision until the office staff is  
8 staffed.

9                   MS. TURMAN: I second.

10                  CHAIRPERSON CAVER-BLADE: All those  
11 in favor?

12                  (THEREUPON, the board voted.)

13                  CHAIRPERSON CAVER-BLADE: It will be  
14 postponed until the office is staffed.

15                  MS. WARD: Thank you.

16                  CHAIRPERSON CAVER-BLADE: Okay. The  
17 next on the list -- it says we go to  
18 public comments. So anybody -- do we have  
19 anybody out there that have any concerns  
20 or questions or anything?

21                  WITNESS: Yes. We have a lot of  
22 calls about the lifetime license --  
23 whether there will be a fee or not a fee  
24 for that. I'm hearing a lot of flack from  
25 the public. And I just wonder what's

1 going to go with that.

2 CHAIRPERSON CAVER-BLADE: I think the  
3 decision on that was the first time no  
4 charge.

5 UNIDENTIFIED: No charge? We were  
6 not aware of that. So --

7 MS. WITTUM: That's what been  
8 proposed.

9 CHAIRPERSON CAVER-BLADE: It's not  
10 finalized yet.

11 UNIDENTIFIED: The next time it will  
12 no charge? Is that what I understand?

13 CHAIRPERSON CAVER-BLADE: Yeah. They  
14 don't have --

15 MS. WITTUM: They can't do a lifetime  
16 license right now.

17 CHAIRPERSON CAVER-BLADE: We're  
18 trying.

19 UNIDENTIFIED: After this renewal?  
20 It's not been set? Okay.

21 MS. WARD: It's part of the new rule  
22 revision. We decided at the last board  
23 meeting that or was it actually the  
24 committee meeting we decided that there  
25 would be no charge for the first --

1 CHAIRPERSON CAVER-BLADE: Anything  
2 else?

3 MS. WARD: I move we go into  
4 executive session.

5 MS. TURMAN: I second.

6 (THEREUPON, the board went into  
7 executive session.)

8 CHAIRPERSON CAVER-BLADE: I'm going  
9 to call the meeting back to order.

10 And we went over what we're going to  
11 do about filling Kathy's position and  
12 we've formed a committee of Kathy,  
13 Barbara, Scottie and Jane. We're going to  
14 basically -- I'm going to get the resumes  
15 and we're going to review them through our  
16 four and kind of narrow it down. And  
17 Kathy to post the position. Can you get  
18 it posted today? We have to figure out  
19 where we're going to have -- where we're  
20 going to send the resumes.

21 MS. WITTUM: You will be able to get  
22 them on-line.

23 CHAIRPERSON CAVER-BLADE: The only  
24 way to accept them is on-line? I was  
25 worried about mailing them out.

1 MS. WARD: If they were to get them  
2 hand delivered, should they include that?

3 MS. WITTUM: They can, but we just  
4 need to have -- yeah, we have a contact or  
5 address where they can be mailed to.

6 CHAIRPERSON CAVER-BLADE: Okay. And  
7 as far as -- the administrative assistant  
8 is the position we're talking about? Is  
9 that --

10 MS. WITTUM: There are 75 applicants  
11 on the on-line system right now who  
12 applied to that position.

13 CHAIRPERSON CAVER-BLADE: Didn't you  
14 narrow it down?

15 MS. WITTUM: I interviewed two people  
16 before you told me you wanted me to just  
17 wait. And I would have chosen one of  
18 those two, but that's up to you guys.

19 CHAIRPERSON CAVER-BLADE: I think we  
20 want you to recommend and make the  
21 decision.

22 MS. WARD: And give that person the  
23 information.

24 MS. WITTUM: The name of the person  
25 is Angela Frierson.

1 CHAIRPERSON CAVER-BLADE: Angela who?

2 MS. WITTUM: Frierson, F R I E R S O  
3 N. She has been to cosmetology school but  
4 is not a licensed cosmetologist.

5 MS. WARD: Frierson?

6 MS. WITTUM: Yes. She will have to  
7 give two weeks notice I'm sure.

8 MS. POWELL: Yeah. She meets all the  
9 qualifications?

10 MS. WITTUM: Yes.

11 CHAIRPERSON CAVER-BLADE: What else?

12 MS. POWELL: That's it. You will be  
13 calling the committee together to review  
14 the resumes and -- and also, Kathy, until  
15 the administrative assistant -- until that  
16 administrative assistant is on the job, we  
17 will be taking the -- monitoring the  
18 office staff and inspectors -- whoever is  
19 in there on their rotation like y'all have  
20 been doing. The working in the office.

21 CHAIRPERSON CAVER-BLADE: Scheduling.

22 MS. POWELL: That's the word I'm  
23 trying to look for.

24 CHAIRPERSON CAVER-BLADE: I can't be  
25 there every day obviously, but I can kind

1 of help with scheduling. So, I guess I  
2 can get with Gordon or whoever on that.

3 And I just want to say thank you to  
4 Kathy for -- you really worked hard and I  
5 appreciate that. I haven't known you that  
6 long. I wish you luck in your new  
7 position.

8 MS. WITTUM: Thank you.

9 MS. TURMAN: I would just like to say  
10 thank you for the opportunity of working  
11 with you. I think you have done a lot for  
12 bringing this board forward and getting  
13 this done -- getting things on the web and  
14 things of that sort. So, I appreciate all  
15 the thought you have done and I hope you  
16 have a very successful career.

17 MS. WITTUM: Thank you.

18 CHAIRPERSON CAVER-BLADE: That's it.  
19 Any public comment or anything?

20 MS. STRAWN: I was actually  
21 downstairs just sitting waiting. My name  
22 is Chris Strawn with Arthur's Beauty  
23 College. I was downstairs having a cup of  
24 coffee and I saw one of my students and I  
25 spoke to her. She's from my Fort Smith



1 campus.

2 And to make a long story short, that  
3 girl owes me a lot of money. And I sent  
4 my paperwork correctly to the board  
5 office. And I don't know how she slipped  
6 through the crack, but here's the  
7 paperwork. I got a copy of it down there.  
8 It's clear her hours are not certified. I  
9 caught her -- you know, I said something  
10 to her. She was pulled out of the exam  
11 and then she was allowed to go on in.

12 I talked to Erika about that and  
13 Erika said who is ultimately responsible  
14 for things that go on in the office is  
15 this board. So my question is, why would  
16 she be allowed to go -- you know, this  
17 happened to Margaret, too. And Margaret  
18 was told to take the girl to civil court.  
19 There wasn't anything they could do about  
20 it.

21 You know, we have got to be able to  
22 count on our paperwork meaning something  
23 when it hits the board office. Why was  
24 she allowed -- since I caught her, you  
25 know, prior to her being -- the argument

1 before was they couldn't take away her  
2 license. But why was she allowed to  
3 license or allowed to test? Because my  
4 staff clearly said she wasn't eligible  
5 because she owes me money. That happened  
6 30 minutes ago. She wasn't in the exam  
7 yet.

8 UNIDENTIFIED: She was pulled into  
9 the office and the decision was made to go  
10 ahead and let her go in and take the test.

11 MS. STRAWN: Her name is Tracy. I  
12 said, "Tracy, you're not eligible for  
13 board." She said, "Well, I thought it was  
14 kind of" -- and I said, "You owe me money.  
15 You know that. Well, I'm going to pay  
16 you."

17 You know? I don't understand if I do  
18 my part, you know, who is responsible?  
19 According to Erika it's this board for  
20 anything that goes on down there.

21 MS. BURCHETT: We don't see the  
22 paperwork to allow us to --

23 MS. ROOPE: According to Erika --

24 MS. BURCHETT: I see this sitting in  
25 front of me, but do you see what I'm

1 saying? The board meets every other month  
2 and we don't see what paperwork comes  
3 through the office. We don't approve  
4 paperwork that comes through the office or  
5 disapprove it or --

6 MS. STRAWN: I wish Erika was here.  
7 She stood right out there -- because I  
8 said, you know, what do I do? Do I call  
9 my attorney? What do I do here? You  
10 know, what do I do to stop this sort of  
11 thing? Because the girl -- I have got to  
12 be able to count on the board office to do  
13 the paperwork correctly.

14 MS. BURCHETT: She hasn't received a  
15 license yet.

16 MS. STRAWN: I'm sure she's getting  
17 ready to. My deal is, I saw her. You  
18 know, immediately I called the Fort Smith  
19 school. I called the corporate office to  
20 see, because I knew the girl owed a lot of  
21 money and I was frankly surprised to see  
22 her. And glad, because I don't want a  
23 student not to go to board obviously. But  
24 I do need to be paid for what I do. Just  
25 like all of us do. And --

1 MS. TURMAN: Where did you get this  
2 certification of hours form?

3 MS. STRAWN: Where did I get it?  
4 That came from your office.

5 MS. TURMAN: In the office?

6 MS. STRAWN: Uh-huh.

7 MS. POWELL: You didn't bring it --  
8 this is the original -- into the office?

9 MS. STRAWN: Yes. No. This was  
10 faxed, but I saw the paperwork in the  
11 office downstairs.

12 MS. POWELL: You saw the original  
13 that you --

14 MS. STRAWN: Yes. Yes.

15 MS. POWELL: You or your staff would  
16 have sent?

17 MS. STRAWN: Yes. Yes. It says  
18 they're not certified.

19 MS. POWELL: Clearly it's showing  
20 then that a student was registered for  
21 examination that did not pay for or that  
22 did not have certified hours.

23 MS. STRAWN: Right.

24 MS. POWELL: More importantly -- so,  
25 whoever in the office that was handling

1 this on the date she received her  
2 information obviously sent her an  
3 application to examine as I see it. Is  
4 that how you see it?

5 MS. STRAWN: Yes.

6 MS. POWELL: Then being -- it may the  
7 board needs to find out who was the  
8 responsible office personnel that did  
9 that, one, and, two, you need to get legal  
10 counsel as to what legally could be done  
11 based on our law. And possibly -- as the  
12 board member said -- the license has not  
13 been issued and there could be a -- there  
14 could be a hold put on those -- if the  
15 legal counsel says that's possible.

16 I mean, this is obviously a bird in  
17 flight here that we have just been made  
18 aware of and I feel that the board is --  
19 or I cannot speak for the board, but I  
20 would be interested in finding out who  
21 sent out -- the notice to examine might  
22 be, how this process was facilitated and  
23 where we can fix it.

24 MS. STRAWN: Another thing I would  
25 like to say -- I wasn't able to be here at

1 the last meeting and I'm sorry. I would  
2 like to have my paperwork back I presented  
3 to you guys. And I know that it was in  
4 executive session, but there were windows  
5 and there were people watching and a lot  
6 of the paperwork was not looked at by all  
7 board members. None of the paperwork was  
8 looked at by all board members.

9 Once again, according to legal  
10 counsel you guys are responsible for what  
11 goes on in that board office. And for the  
12 last couple of years it's not -- the  
13 paperwork has not been right. I have been  
14 told I have to -- everything I say I have  
15 to back it up with documentation. And I  
16 did that.

17 Y'all really -- we need some help in  
18 the office. Desperately. And you school  
19 owners know more than anybody how driven  
20 we are by paperwork and how vitally  
21 important it is right now. We have got  
22 lots of trouble. And that is like the  
23 icing on the cake.

24 I can't believe I saw the girl today.  
25 Had I not come today, I would have never

1 known it.

2 MS. POWELL: Well, I know the office  
3 has been very busy. I know that all the  
4 inspectors have been involved to see that  
5 the daily operations are functioning as  
6 status quo. I will be the first to say  
7 that that doesn't mean that there couldn't  
8 be mistakes made. But I know that we are  
9 willing to address those.

10 MS. JONES: My name is Carla Jones  
11 and I work at Arthur Beauty College as  
12 director of education. My question to the  
13 board is, why would -- after seeing the  
14 applicant before she went in to test, was  
15 brought to the board office, shown the  
16 paperwork and told her right there right  
17 now that you are not eligible to take the  
18 test because you owe the money? She said,  
19 "I know I owe the money," and she was  
20 taken to the office and the decision was  
21 still made for her to take the test. She  
22 could have been stopped right there. She  
23 shouldn't been able to go and sit to take  
24 the test and get licensed and have them  
25 held for any reason at all. She could

1            have been stopped right there and it could  
2            have been done with.

3            But the decision was still made right  
4            there in that office just a few minutes  
5            ago for her to go ahead and take that exam  
6            when they knew full well that she owed the  
7            money. I know the mistake was made. I  
8            know the office has been busy and there  
9            hasn't been a lot of people working in  
10           there. Once the mistake was discovered  
11           before the girl took the exam, why would  
12           they allow her to go down and take that  
13           test to get a license? Why would the  
14           board allow her to do that? And the board  
15           is responsible for that office.

16           Another thing is that the office down  
17           there does not realize that you -- they  
18           work for you. And they need to be aware  
19           of that. Because that shouldn't have  
20           happened today when it was caught ahead of  
21           time. Even though the mistake was made  
22           with the paperwork and the girl was sent  
23           the letter, she was told before she went  
24           into that exam room that she was not  
25           eligible and she knew it.



1 MS. STRAWN: She knew she wasn't  
2 eligible. She said that. She said, "I  
3 thought someone was just being nice" -- or  
4 whatever. And she owes me a lot of money.  
5 A lot.

6 MS. BURCHETT: The board was not in  
7 the office. So, the board did not make  
8 that decision. So, you know, if this is a  
9 board's decision then to override the  
10 decision that was in the office, then that  
11 would be our place. But we were not in  
12 the office and we were not the ones that  
13 made that decision.

14 MS. STRAWN: I understand that,  
15 Scottie, and I agree with that. I'm going  
16 to tell you that's what legal counsel said  
17 to me in that hall. She said ultimately  
18 everything that goes on in that office  
19 ultimately is -- this board is responsible  
20 for at the end of the day.

21 MS. BURCHETT: Well, recently  
22 licenses were sent out of the office by  
23 mistake and revoked. And that -- in my  
24 opinion, this person should not -- the  
25 license should not be sent if she passed

1 boards. But that -- if she passed her  
2 exam, but that's a board's decision.

3 Personally -- you know, our rules  
4 clearly says that, you know, that's the  
5 only reason that licenses can be  
6 uncertified -- if they owe money. And we  
7 need to back up what our documents say.

8 MS. STRAWN: Y'all, this could happen  
9 to anybody. Anybody that's in the school  
10 business. And we cannot operate. If we  
11 cannot get our money, we cannot operate.  
12 And, you know, this girl was in school way  
13 too long. You know, she had one excuse  
14 after another.

15 She's precious. You know, I really  
16 like her and all of that. She's a young  
17 widow. I feel bad about all of that. But  
18 still, you know, she should have come to  
19 school correctly. She should have paid  
20 the money. She didn't. She knew better.  
21 She admitted it down there, too.

22 MS. POWELL: I agree with the legal  
23 counsel that the board is ultimately  
24 responsible. And the board will find a  
25 means to resolve the issue. But the

1 office has administrative duties and  
2 that's what the board hires that to  
3 happen.

4 MR. ANDERSON: I'm Alan Anderson of  
5 Melody's Beauty College.

6 Scottie just said it and if it was  
7 put in the form of a motion it could be  
8 resolved. And that is, you know, she's  
9 taken the test. She's geared up to take  
10 the test. You do not have to issue the  
11 license. You can right now revoke the  
12 license -- make a motion to revoke that  
13 license until her contract has been met.  
14 You know.

15 MS. POWELL: There's been discussion  
16 by legal counsel whether at this time in  
17 the current rules that it is clear whether  
18 we can withhold hours based on  
19 non-payment. Now, I know that that has  
20 always been our understanding. And at  
21 what point it changed, I don't know. But  
22 I do know --

23 MR. ANDERSON: Well, what you're  
24 making the motion on is withholding the  
25 license per this form. There was a

1 mistake made in the office and you're  
2 revoking -- you're going to issue the  
3 license and revoke it at the same time.  
4 You can't revoke something that hasn't  
5 been issued. So, she's taken the test and  
6 the license will get issued, but it will  
7 not get sent out. It will be revoked  
8 admittedly due to the error in the  
9 paperwork and the form that you have that  
10 is the correct form and you're going to  
11 revoke on those grounds. Now, Erika may  
12 tell you the legal jargon for that, but  
13 that's what I see the discussion going  
14 toward.

15 Yes, you're bound -- you told that  
16 student they can come -- they can come and  
17 test. They're here testing because you  
18 don't have the authority to not let them  
19 test. But you have the authority to  
20 revoke that license once it's issued. It  
21 doesn't say you have to revoke it five  
22 days, 30 days, 100 days later. You can  
23 revoke it immediately.

24 MS. POWELL: That's only if the  
25 statute would support that decision and

1 that's a contradiction I continue to hear.

2 MS. WARD: What she said the last  
3 time we had a meeting is that legally we  
4 are -- they're not supposed to withhold in  
5 taking their state board exam because they  
6 owed school money. As a school owner I  
7 thought that was a blow. Because -- but  
8 legally from what I understood I thought  
9 that was going to be researched further if  
10 hours could be held. That was something  
11 that in question. Until we found out, you  
12 know, if it's possible --

13 MS. POWELL: That's why the committee  
14 was trying to be so precise in its  
15 language as to make certain that what they  
16 believe to be the language is the correct  
17 language in the past was now going to be  
18 in the rule clearly. Now --

19 MS. WARD: That was one of the  
20 things.

21 MS. POWELL: It isn't.

22 MS. WARD: Yeah. The legal issue she  
23 was going to make sure that we could do --

24 MR. ANDERSON: Have y'all looked at  
25 your testing company? They're sent the

1 applications, too. They could have --  
2 they certified her as being eligible to  
3 take the exam. They could have taken a  
4 look at the certification.

5 MS. POWELL: They didn't get the  
6 certification.

7 MS. COLLINS-BURROUGH: It's still a  
8 contract issue. They didn't fulfill their  
9 contract regardless of what it is.  
10 Whether it's money or whether the wrong  
11 clothes or whatever. It is financial.

12 MS. STRAWN: The only thing is,  
13 according to the way the rules and regs  
14 are written and the law and all of that  
15 mess -- I don't understand all of that.  
16 According to the paperwork we're given to  
17 fill out, we can withhold but only if the  
18 office reads the paperwork and, you know,  
19 follows through.

20 Who do I go to now if -- I mean, are  
21 you now saying you are not going to be  
22 able to withhold the license? Or -- you  
23 know --

24 MS. POWELL: I'm saying we need legal  
25 counsel to make a decision on that,

1 because what we thought in the past  
2 recently has been disputed.

3 MS. STRAWN: By who though?

4 MS. POWELL: The attorney. Legal  
5 counsel.

6 MS. STRAWN: I know. I remember all  
7 of that, but it's --

8 MS. POWELL: It's not changed.

9 (THEREUPON, there was a brief period  
10 off the record.)

11 CHAIRPERSON CAVER-BLADE: I will call  
12 the meeting back to order.

13 The last discussion we were having  
14 is, Chris had a student that was able to  
15 test with uncertified hours. This is an  
16 Erika question. Help.

17 MS. GEE: What is the question?

18 MS. STRAWN: It wasn't my question.  
19 It was Scottie's question. I was just --

20 MS. BURCHETT: I understand that  
21 ultimately everything comes back to the  
22 board. The board that sits -- and this  
23 board, not the board office. But if the  
24 board -- this board that sits here does  
25 not make the decisions about the paperwork

1 on a daily basis that comes through the  
2 office, we have no way of saying this  
3 student doesn't have her hours certified.  
4 So, they're not eligible for board. We  
5 don't sit down in the office and say yes  
6 or no.

7 So, that was my question as to -- if  
8 we're responsible, then -- we're not there  
9 to do it. It doesn't come before us in a  
10 meeting. We're responsible for the  
11 results now, but -- you know, you have to  
12 help us understand.

13 We need to do something about this  
14 situation. It doesn't matter who sent the  
15 letter in error. A letter was sent and  
16 shouldn't have been. That's -- we realize  
17 that because of what our rule says and --  
18 but so if we're responsible for this  
19 mistake, then we need to know how we can  
20 correct this mistake.

21 MS. GEE: Okay. The board is  
22 responsible for setting policies that are  
23 put in place by the office and for  
24 supervising everybody who works in the  
25 office. That doesn't mean you're



1 responsible for everything that happens  
2 day-to-day in the direct way. You're  
3 responsible in an overall supervisory kind  
4 of way.

5 But to your specific question, you  
6 will need to decide as a board how you  
7 think that situation should be handled.

8 This is not the first time this has  
9 ever happened. My understanding is that  
10 this student was mistakenly allowed to  
11 take the test. I don't know that for  
12 sure. I don't know that that's exactly  
13 what happened. But if that's the case,  
14 then you will have to decide what you want  
15 to do. Whether you want to say to the  
16 student you can't have your license  
17 because you were mistakenly allowed to  
18 take the test or how you want to handle  
19 that.

20 I'm not sure I'm answering your  
21 question, but I'm trying. Am I answering  
22 your question?

23 CHAIRPERSON CAVER-BLADE: Legally we  
24 can revoke or not allow them to get their  
25 license.

1 MS. GEE: The last time my legal  
2 advise was you don't have the basis to  
3 revoke somebody's license on that basis.  
4 It doesn't clearly say anywhere in your  
5 law or rules that people have to have paid  
6 their tuition before they can take the  
7 exam. It doesn't say that. That's been  
8 the board's policy. That's been how  
9 things have been for I don't know how  
10 long. Forever, I guess.

11 MR. ANDERSON: Isn't that what this  
12 says? The one stricken from here?

13 MS. GEE: That's not in place.

14 MR. ANDERSON: That's the old rule.  
15 If the training was provided in the state,  
16 the applicant must provide the following.

17 MS. GEE: Paid in full contract.

18 MR. ANDERSON: That's the old law  
19 that's been stricken out.

20 CHAIRPERSON CAVER-BLADE: So, it's  
21 still there.

22 MS. GEE: That's something that  
23 happens. The last time we talked about  
24 this nobody brought that up.

25 MR. ANDERSON: The new rules -- it's

1 over here.

2 MS. GEE: We talked about moving it  
3 into the new rules.

4 UNIDENTIFIED: Well, we don't have to  
5 revoke a license if she doesn't have one.  
6 She doesn't have one. She just took the  
7 test. That's kind of an academic question  
8 I think.

9 MS. STRAWN: She will pass.

10 MR. ANDERSON: If they withhold, that  
11 issue becomes --

12 MS. GEE: Sure. You can say you took  
13 the exam and you otherwise would get the  
14 license. You didn't meet the criteria  
15 that you were supposed to have met, so  
16 we're not going to give you the license.  
17 You can say that if that's how y'all want  
18 to do it.

19 CHAIRPERSON CAVER-BLADE: I think she  
20 needs some recourse in there. We need to  
21 say that --

22 MS. POWELL: Are you saying that the  
23 rule at this time does not allow -- it  
24 states a paid in full contract and we have  
25 not -- typically the office has never

1 received a paid in full contract.

2 MS. GEE: I don't know what the  
3 office has received. I have never heard.

4 MS. POWELL: They received a  
5 certificate of training either stated  
6 certified or not certified. I'm assuming  
7 that the certified means that the contract  
8 has been honored and paid off. And I  
9 believe that's where the board initially  
10 went with this certified/non-certified  
11 paid in full contract. Withholding  
12 certification based on payment or for  
13 fulfilling the contractual agreement.

14 MS. GEE: As a general issue, this  
15 has been -- has been concerning to me  
16 because taking someone's license away or  
17 refusing to give them a license is a  
18 pretty serious thing to do as a state.  
19 So, you need to make sure you have good  
20 reasons for it and a good basis for it.  
21 So, that's where my concern has come in  
22 because everybody's understanding of what  
23 the rule is doesn't -- isn't in the rule  
24 or the law in a clear way in my opinion.  
25 I'm not telling you what the policy should

1 be. That's not my decision. That's  
2 y'all's decision. If y'all want that to  
3 be the policy, then we need to put it in  
4 the rule. That's why the rule revisions  
5 came around the way they did.

6 We had this whole conversation.  
7 That's where my concern is coming from.  
8 Y'all made the decision before that you  
9 want to put it in the rule that you have  
10 to pay everything in full before you can  
11 take the exam. And when the rule  
12 revisions go into effect, it will be in  
13 there.

14 MS. BURCHETT: On the drop form where  
15 as a school we certify or do not certified  
16 hours, it says if there is a balance due  
17 on the tuition then a certification of  
18 balance due on tuition form must be  
19 attached. Non-payment of tuition is the  
20 only reason to withhold hours according to  
21 the law.

22 So, this says that it's uncertified.  
23 And on the back it typically what you have  
24 to fill out -- or the second page to  
25 verify -- that's the only reason we cannot

1 certify hours is if they still owe money.  
2 And it clearly says that here. And so  
3 there would not be -- if we certify them,  
4 that means they don't owe any money.  
5 Because it says, "Yes or no, tuition is  
6 paid in full. Yes or no." And no is  
7 circled. And it's not -- the hours are  
8 not certified.

9 And so, you know, our paperwork --  
10 MS. GEE: That's not the law. That's  
11 the form.

12 MS. BURCHETT: What's the policy if  
13 it's not a rule or law?

14 MS. GEE: That's what I'm saying. It  
15 needs to be written down. It needs to be  
16 written down so you can refer to it.  
17 Everybody knows what -- it needs to not be  
18 a policy. It's on the form. This is kind  
19 of a different issue we're talking about  
20 today.

21 MS. BURCHETT: What is already in  
22 place right now? We're talking about  
23 what's already in place right now.

24 MS. TURMAN: May I ask a question?  
25 Can we legally -- can we legally be a

1 collection agency for a school? And  
2 literally that's what --

3 MS. COLLINS-BURROUGH: That's not the  
4 point.

5 MS. TURMAN: If they say -- I don't  
6 understand. I want -- if they say they  
7 can't get their license until they've paid  
8 in full, do we say -- is that -- isn't it  
9 like a connection agency?

10 MS. WARD: No, because you're not  
11 collecting the money. You tell them you  
12 have to take --

13 MS. TURMAN: I'm not saying -- I want  
14 to know what legality --

15 MS. POWELL: I would like to ask the  
16 legal counsel in this instance with the  
17 rules that is in place would she be able  
18 to represent the board on the decision to  
19 not issue a license to this person based  
20 on the information that we have now?  
21 Would you be able to support and defend us  
22 if this was to go to court?

23 MS. GEE: Okay. I'm not sure how to  
24 answer that. My job is to represent the  
25 board and to advise the board. I give you

1 my opinion. I give you my advice. You  
2 make the decision that you can make and we  
3 will go from there.

4 MS. POWELL: To be specific, what is  
5 your opinion? What is your advice?

6 MS. GEE: With this particular person  
7 or in general?

8 MS. POWELL: In this particular  
9 instance.

10 MS. GEE: In this particular instance  
11 the way that the board has done things and  
12 the policy that the board has in place  
13 would mean this girl would not have a  
14 license -- will not get a license.  
15 Whether or not she took the exam. That's  
16 what you all have done.

17 We have talked on several occasions  
18 about why I think that's not necessarily a  
19 good idea. But that's what you have done.  
20 So --

21 MR. ANDERSON: I don't think in this  
22 instance -- they already talked to this  
23 person and the person already said, yes, I  
24 know. I thought it was a fluke. She's  
25 not going to fight the decision. She's



1 going to say, oh, well. I have to -- and  
2 that's going to push her. She already has  
3 a job waiting on her.

4 CHAIRPERSON CAVER-BLADE: If she goes  
5 and hires an attorney we're going to point  
6 this rule out and --

7 MR. ANDERSON: And the attorney is  
8 going to say, well, you admitted --

9 CHAIRPERSON CAVER-BLADE: I think we  
10 as a board do not need to issue the  
11 license. Let's go --

12 MS. POWELL: I move the board  
13 withhold the license from the examinee  
14 until the documentation represents a paid  
15 in full contract.

16 CHAIRPERSON CAVER-BLADE: I second.

17 MS. BURCHETT: Second.

18 CHAIRPERSON CAVER-BLADE: All those  
19 in favor?

20 (THEREUPON, the board voted.)

21 CHAIRPERSON CAVER-BLADE: Okay. So,  
22 we as a board -- she's not going to get  
23 her license. I think that needs to stand  
24 in any situation like this.

25 MS. COLLINS-BURROUGH: The office

1 needs to be directed to flag her account.

2 CHAIRPERSON CAVER-BLADE: If she  
3 wants her license, she's going to pay you  
4 the money.

5 MS. TURMAN: It's still -- legally  
6 you are the director.

7 MS. BURCHETT: Kathy, when the  
8 letters come in saying she passed her test  
9 and it's entered in the commuter, will it  
10 just be no license issued?

11 MS. WITTUM: I won't be here.

12 MS. BURCHETT: I understand that.  
13 You know what I'm talking about -- about  
14 how it's set up. And is that what would  
15 have to happen is just no license issued?

16 MS. WITTUM: If that's what y'all  
17 chose to do.

18 MS. BURCHETT: That's what we just  
19 chose to do.

20 MS. WITTUM: You would have to flag  
21 her record -- put a note on the  
22 documentation down there not to issue a  
23 license.

24 CHAIRPERSON CAVER-BLADE: Should PCS  
25 be contacted right now or --

1 MR. ROOPE: It's a moot thing for  
2 them.

3 MS. TURMAN: Once you get the  
4 information, you have to -- I want to make  
5 sure we had everything legal. That's why  
6 I was asking my question.

7 CHAIRPERSON CAVER-BLADE: I don't  
8 know how to flag the account. I guess I'm  
9 going to learn.

10 Chris, do you have anything else?

11 MS. STRAWN: I just want to thank you  
12 for that.

13 And, Erika, I wish you would say --  
14 we had this discussion out here and I wish  
15 you would say to them what you said to me  
16 as far as who is responsible for stuff.  
17 Because what you said to me was strong I  
18 felt like and I feel the board members  
19 would want to know what you said to me  
20 about who is responsible and --

21 MS. GEE: I think I said that the  
22 board is responsible.

23 MS. STRAWN: It was a little clearer  
24 out there. It was very clear out there to  
25 me. To me you were saying that if I had

1 to do something -- if I had to take it a  
2 step further or whatever who would be  
3 ultimately responsible would be the Board  
4 of Cosmetology for the things that go on  
5 correctly or incorrectly in the office.

6 MS. GEE: Okay. I'm not sure what  
7 you mean by that, but the board is  
8 responsible for supervising the staff, for  
9 hiring the staff, for setting up the  
10 office policies and all of that stuff.  
11 I'm not exactly sure if we're talking on a  
12 personal level responsible for the form  
13 that was filled out wrong, I'm -- that's  
14 not what I'm saying.

15 But you're the one that is under the  
16 law are responsible for that office. So,  
17 I don't know if that's what Chris is  
18 saying or not, but that's the case.

19 MS. STRAWN: Yes, ma'am.

20 CHAIRPERSON CAVER-BLADE: Since we  
21 have that whole thing settled, I'm going  
22 to go flag that account. Can we call the  
23 meeting -- adjourn the meeting? Any more  
24 questions?

25 Meeting is adjourned.

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(WHEREUPON, the meeting adjourned at  
12:15 p.m.)

