

1 BEFORE THE ARKANSAS STATE BOARD OF COSMETOLOGY

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5 ADMINISTRATIVE HEARINGS
6 AND
7 BOARD MEETING

8 JANUARY 26, 2009

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10

11 BE IT REMEMBERED that on Monday, the 26th day of
12 January 2009, before the Arkansas State Board of Cosmetology and
13 its department staff, at 9:00 a.m. in the South Basement
14 Conference Room of the Main Street Mall, located at 101 East
15 Capitol Avenue, Little Rock, Pulaski County, Arkansas, business
16 and administrative hearings came on for hearing as follows:

17

18

19 SUSAN B. WHITSON, CCR

20 Arkansas Supreme Court Certificate No. 158

20 9810 Woodland Drive
 Mabelvale, Arkansas 72103
21 (501) 455-1170
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SUSAN B. WHITSON, CCR, INC. (501) 455-1170

1 APPEARANCES:

2 Board Members:

3 SUSAN COLLINS-BURROUGH, President

CATHY CAVER (not present)

4 BARBARA WARD

ANN PHILYAW

5 SCOTTIE BURCHETT

ACIE FOREMAN

6 TRACY AKARD

NELLIE HOPPER

7 JOYCE SMITH

8 Staff Members Present:

9 SHEILA CAUDLE - Executive Director

MICHELLE RUDOLPH - Administrative Assistant

10

11 Board Inspectors Present:

12 ROSE HORNER

PAT BLAND JACKSON

13 LAVONNE LESTER

BRENDA MORGAN

14 VERA WOOD

15 ON BEHALF OF THE BOARD:

16 ERIKA GEE, ESQ.

Assistant Attorney General

17 323 Center Street, Suite 200

Little Rock, Arkansas 72201

18

19 HEARING OFFICER:

20 **KENDRA AKIN JONES, ESQ.**
 Assistant Attorney General
21 323 Center Street, Suite 1100
 Little Rock, Arkansas 72201

22

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1 RESPONDENTS PRESENT:

2 Debbie Bradshaw

3 ADDITIONAL WITNESSES PRESENT:

4 Wanda Iverson

5 ALSO PRESENT:

6 Nick Downey

7 Sharron West

8 Tina Bardwell

9 Garry Corrothers, Esq.

10 Tony Le

11 Nicole Hart

12 Paul Louthian

13 Bob Philyaw

14 Debbie Gilbreath

15 Court Reporter:

16 Susan B. Whitson, CCR
Arkansas Supreme Court Certificate No. 158

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

2 MS. COLLINS-BURROUGH: The meeting will come to
3 order.

4 If you have a cell phone or personal message
5 thing, turn it off and stow it, please.

6 We have Nicole Hart from the governor's office who
7 wants to take up some of our time this morning, so we
8 want to ask her to come up and say a few words.

9 MS. HART: Good morning.

10 BOARD MEMBERS: Good morning.

11 MS. HART: Well, I am here at the request of the
12 board. There was a request for you-all to meet with
13 the governor. And the board as a whole cannot meet
14 with the governor, by regulation, without it being open
15 to the press; and just due to the controversial issues,
16 I'm here on behalf of our office to answer any
17 questions that you might have in reference to Senate
18 Bill 49 --

19 BOARD MEMBERS: Thirty-nine.

20 MS. HART: -- 39, and then any other concerns that
21 you might want me to bring to the governor on your
22 behalf as it relates to that Senate bill.

23 And so it's open to you now.

24 MS. COLLINS-BURROUGH: Does anybody have anything
25 they want to say or ask?

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1 MS. SMITH: How does the governor feel about this
2 bill?

3 MS. HART: The governor is neutral on the bill.
4 If it passes -- it's already passed on the -- through
5 the Senate subcommittee and on the Senate floor, so it
6 will then go to the House subcommittee, which I believe
7 is the last opportunity for anybody that wants to speak
8 against the bill to speak on it, and then it goes to
9 the House floor.

10 If it makes it to him he's going to sign off on
11 it, but if it doesn't make it to him, he's just neutral
12 in between.

13 MR. FOREMAN: Why is the board so, in all of these
14 things that's happening, so complete -- hearing these
15 things about the board members knowing about it and all
16 of those things. Why is that?

17 MS. HART: Why what?

18 MR. FOREMAN: We need more time, you know, don't
19 you think? We -- I mean do you think the governor

20 should really be prepared for these things that's

21 happening, you know, like more time --

22 MS. HART: More time to --

23 MR. FOREMAN: Yeah.

24 MS. HART: -- handle --

25 MR. FOREMAN: Yeah.

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1 MS. HART: From what --

2 MR. FOREMAN: To answer some of these questions
3 that this Senator is asking. Maybe you can -- I'm new
4 to the board and most all of this is new to me and
5 these things have happened before.

6 MS. HART: Uh-huh.

7 MR. FOREMAN: But I can't understand why it's
8 taken so long to get this thing settled. I understand
9 you had a hearing or whatever a couple of weeks ago. I
10 didn't know anything about it. Some of the board
11 members probably would have gone to that.

12 MS. HART: A hearing? You're talking about the --

13 MS. COLLINS-BURROUGH: The Senate committee
14 meeting.

15 MS. HART: Okay. Well, it's up to each individual
16 board to follow, they have a website and it's in the
17 paper. If you have something about a bill that comes
18 up that has to do with your board, it's up to each
19 board member or as a board to kind of check that bill

20 and find out what's happening to it, when it's going to
21 go to the Senate committee, when you have the
22 opportunity to speak against it or for it or what have
23 you. It's up to the discretion of you-all to find out
24 that information. It's not our place or, I guess, our
25 place to keep you guys informed about where that bill

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1 is.

2 So, it's pretty much -- I think Ms. Caudle made
3 you-all aware of when that bill was going to go to that
4 committee, and it's up to you-all to kind of go speak
5 against it or for it.

6 So I don't necessarily -- I think that everything
7 that has happened is a result of a continuous problem
8 that some feel, not all, but some feel is a continuous
9 problem with this board. And it's just up to you-all,
10 if you feel like that's not the case and you guys
11 represent a different generation or direction, that's
12 up to you-all to speak for or against that.

13 MR. FOREMAN: Me, I'm taking that the people are
14 the ones that want this in Ouachita County, Ouachita
15 County, some of them, you know.

16 I started a petition down there, and I've got over
17 500 signatures in a couple of days.

18 MS. HART: Uh-huh.

19 MR. FOREMAN: And I don't know whether they are

20 right. I would like you to see what they are. And I'm

21 pretty sure that in a week I will have a thousand.

22 MS. HART: Uh-huh.

23 Well, I think the important thing is to follow the

24 bill to find out when it's going to actually go to the

25 House Committee. I'm not sure I have that information.

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1 And I don't think last Friday when I checked, it hadn't
2 been assigned to a committee.

3 MS. CAUDLE: Still not assigned as of this
4 morning.

5 MS. HART: Okay. Okay. So it's just your
6 opportunity. And also you need to talk to your
7 representatives, your local legislators about it. So
8 if you have petitions from individuals in your
9 community, they will contact their local legislator
10 about them being in favor or against that particular
11 bill.

12 MR. FOREMAN: I talked to some of them and I
13 represented two of them and they are with this. And I
14 appreciate you being here.

15 MS. HART: Uh-huh.

16 MR. FOREMAN: Matter of fact, I sent them a letter
17 and said they was concerned about it.

18 MS. HART: This is pretty much the legislative
19 process. The governor's office is actually the last

20 stop in this process. It starts with your local
21 representative or senator, your local legislator, and
22 it goes through those committees and through those
23 floors and the governor is the last stop.

24 So I don't want you-all to be misinterpreting the
25 fact that you believe you should come to us first,

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1 because it's actually you need to go to those other
2 people first.

3 MR. FOREMAN: The legislators?

4 MS. HART: Yes.

5 MS. HOPPER: Nicole, has -- have you-all gotten
6 anything back from the public in your office? Any
7 e-mails or letters or anything?

8 MS. HART: To my knowledge, no, ma'am.

9 Michael, have you received anything yet?

10 No. We've gotten one call in reference to an
11 issue regarding someone not having received their '08
12 license, and she inquired as to how many people had
13 called about having problems with this board, but that
14 has literally been all that we've had in reference to
15 this.

16 MS. HOPPER: Okay.

17 MS. HART: Yes, ma'am.

18 MS. PHILYAW: Nicole, I have -- I have a letter
19 here first of all that I would like to ask you to

20 deliver to the governor. We couldn't get through to
21 him on e-mail. But I've talked to many people in
22 around Quitman and Cross County, especially the
23 legislators, and I've just let them know how we feel as
24 a board or how I feel as a board. I've been on the
25 board, I've been a gosh, since '66 -- I've been a

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1 cosmetologist since '66 and a business owner, own my
2 own shop. And I would hate to see this go to the
3 health department. I really would. I think it would
4 be a tragic, tragic mistake to go to the health
5 department.

6 I think we're doing good, we have a fairly new
7 board, we have a good director, new director, and she's
8 excellent. And I just think it would be an awesome,
9 awesome mistake to go to the health department.

10 Would you accept this letter and take it to the
11 governor for me?

12 MS. HART: Yes, ma'am.

13 MS. HOPPER: Nicole, did you receive my letter?

14 MS. HART: Yes, ma'am.

15 MR. FOREMAN: I also have got a letter to send,
16 too.

17 MS. COLLINS-BURROUGH: Does anybody else have
18 anything to say?

19 MS. HART: So as a board you-all are against the

20 bill. Correct?

21 MS. AKARD: I can't say that I am. I'm not going

22 to go down as saying that.

23 MS. HOPPER: I am against it.

24 MS. SMITH: I am against it.

25 MS. WARD: I'm against it.

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1 MS. HART: I think I know the rest.

2 MR. FOREMAN: Excuse me. Will you accept this?

3 MS. HART: Well, would you like to make copies?

4 Is there a way that --

5 MR. FOREMAN: I really would.

6 MS. HART: Yeah.

7 MS. CAUDLE: If you will hand those to Michelle,

8 Mr. Foreman.

9 MS. HART: And you do you all have copies of the
10 letters that you gave to me? I want you to know how
11 important it is to get it to the appropriate people
12 before it goes to the governor.

13 So you have a copy of the letter?

14 MR. FOREMAN: Yes.

15 MS. HART: And you have a copy of your letter?

16 MS. PHILYAW: Yes.

17 MS. COLLINS-BURROUGH: I'm against it as well, as
18 written and presented.

19 MS. HART: Okay. Is that all?

20 MS. BURCHETT: As written I'm also against it.

21 I don't believe you have enough information at

22 this point, but --

23 MS. COLLINS-BURROUGH: Premature. It's premature.

24 MS. BURCHETT: That's correct.

25 MS. SMITH: Can I say something?

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1 MS. HART: Yes, ma'am.

2 MS. SMITH: This -- this is what I have a problem
3 with.

4 We're here to protect the public. Is that
5 correct?

6 BOARD MEMBERS: Right.

7 MS. SMITH: Okay. If we're here to protect the
8 public, and most of us here are familiar with
9 cosmetology, then I personally don't feel that the
10 health department will cover the bases, some of the
11 things, the knowledge that we have that would answer
12 some of the questions or that will protect the public.

13 When we come to this room, we make decisions that's
14 based on health, that's going to be helpful, that's
15 going to be safety, safety for the public.

16 Am I correct?

17 I don't feel that the health -- health
18 department -- it's hard to put it in words, but I work
19 at -- but let me say, put it like this, I work in

20 surgery in Children's Hospital, as well as doing this
21 job. I make more money at Children's, but I give up a
22 whole day's pay to come here because the industry is
23 that important to me. So I feel like that no one here
24 can go and do my job they have not been trained for it,
25 you see what I'm saying.

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1 MS. HART: Uh-huh.

2 MS. SMITH: So, someone from the health department
3 or someone that you hire needs to be in the industry,
4 and I didn't get enough information about the health
5 department. So, yes, I was bothered by this
6 information because if the health department could do
7 what we do, make decisions that's going to protect the
8 public and be informed, well informed about what's
9 going on in the -- on the cosmetology board.

10 I can get a petition if need be. I've asked some
11 of the cosmetologists that I deal with and they are not
12 pleased with this decision as well, but I'm sure we're
13 not all informed. But I'm -- I'm really, really
14 bothered by this, because I love this industry, I enjoy
15 being on this board. When all the ruckus in there and
16 all that was taking place, I wasn't here, but I think
17 we've done a great job in fixing things. We've met.
18 Yes, we, a lot of people, we have the right to disagree
19 and we do disagree, but I think the board, it's better

20 than what it was. And we've cleaned up a lot of things
21 that needed to be cleaned up. A lot of questions
22 weren't asked in the past and now the questions are
23 being asked, because now we -- actually the issues that
24 took place taught us to ask questions and to make good
25 decisions.

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1 MS. HART: You do understand that in the bill
2 there is an advisory committee that consists of five
3 members that represent the cosmetology industry?

4 MS. SMITH: I know that. Yeah.

5 MS. HART: Okay.

6 MR. FOREMAN: There is another option, isn't it?
7 The Barbers Board, why couldn't we, rather than go to
8 the health department, the Barbers Board? We as
9 cosmetologists, we have license to practice above the
10 skin, hair, and different things.

11 MS. HART: I'm not sure I understand what you are
12 suggesting.

13 MS. CAUDLE: He's asking instead of us being moved
14 to the health department to be moved to the Barbers
15 Board.

16 MS. HART: Thank you.

17 MS. WARD: I've got something to say, too.

18 We're not just concerned about -- we're concerned
19 about more than one thing. We're concerned about the

20 education the cosmetologists get. The ones on the
21 health department don't know anything about that, they
22 don't have any idea what they have to learn. And for
23 them to take over and be able to check the schools to
24 make sure that they are doing what needs to be done and
25 that the education -- because that's where it starts.

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1 And that's all for the public, to protect the public.

2 And we need, we need to make sure that all of that is,
3 you know, taken care of. And if it goes to the health
4 department, they are not going to have the vaguest idea
5 of what needs to be done, what needs to be, to make
6 sure everything is being taught to these people that
7 are going out there so they are prepared and know how
8 to take care of that public and protect them from
9 everything that comes along.

10 So that is -- you know, it's not just protecting
11 the public, it's as the cosmetology is protecting the
12 public, it's the schools also teaching them how to.
13 And the health department, I don't think -- I think
14 we're going to be regretting it in the near future,
15 very near future, because of what's going to happen,
16 things that are going to be going on.

17 MS. HART: Will all of you that are speaking
18 against the bill be at the committee meeting,
19 subcommittee, in the House?

20 MS. WARD: This afternoon?

21 MS. HART: No. It hasn't been -- when it is, do

22 you all plan on --

23 MS. WARD: I will try to be there. Yes.

24 MS. SMITH: I'll try to.

25 MS. HART: Okay.

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1 MS. PHILYAW: And so may I ask you,
2 talking about the House?

3 MS. HART: Committee when it goes to that.

4 MS. PHILYAW: Okay. But the Senate slips this in
5 on us and we don't know about the Senate people. It
6 goes in, they discuss it 10 minutes, they vote on it,
7 it's gone. But they did not let us as a board know
8 that they were meeting. So will this -- will we know
9 about the House?

10 House of Representatives, will we know that in
11 time to come to Little Rock?

12 Now we're talking about most of us an hour, two
13 hours, three hours away, so we need to know more than
14 the afternoon to make arrangements to be here.

15 MS. BURCHETT: Do you know what time it's posted
16 on the web?

17 MS. HART: Huh-uh. I don't.

18 MS. PHILYAW: Is it posted on the web?

19 MS. COLLINS-BURROUGH: They do.

20 They are supposed to. Yeah.

21 MS. PHILYAW: Did the Senate post it on the web?

22 MS. COLLINS-BURROUGH: Yes.

23 MS. HART: Yes.

24 MS. PHILYAW: And what time of the day and what

25 day? In the afternoon?

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1 HEARING OFFICER JONES: Just to interject
2 something real quick, there is a 48-hour requirement
3 for agendas. It must be on the agenda 48 hours before
4 it can be heard by the committee, just as a general
5 rule.

6 MS. HART: And was it --

7 MS. PHILYAW: So was it? Was it 48 hours on the
8 Senate Committee, probably?

9 HEARING OFFICER JONES: I don't know. I just know
10 as a general rule from working with the legislature,
11 it's 48 hours on an agenda before it can be heard. So
12 it has to be put on two days before, so --

13 MS. PHILYAW: Supposed to be.

14 HEARING OFFICER JONES: It has to be. It's the
15 rules of the -- it's the rules of the assembly, so --

16 MS. AKARD: I do want to talk about this a little
17 bit further, I just don't want to take up her time.

18 MS. BURCHETT: Well, Nicole, I would just like to
19 say before -- before you're finished, that one of my

20 big concerns is, and I hear you saying the board, the
21 board, the board, well as the -- as the board has
22 evolved, you know, and a fairly new board sits, has
23 it -- apparently it hasn't been seen that changes have
24 taken place in the office that have made things start
25 going the right direction. And under the current board

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1 is not where -- you know, it's where things -- things
2 got to the point to where when the current board
3 realized it they started making changes. And, you
4 know, I mean, like I said, we just don't have enough,
5 enough information for one thing, I don't think, and --
6 and I'm not sure who has that information as far as
7 more details about what's written in the bill.

8 MS. HART: Oh, do you not have a copy of the bill?

9 MS. BURCHETT: Yes.

10 But, you know, what does it say between the lines?
11 You know, what does some of it mean and where -- where
12 is all the other information that, you know --

13 MS. COLLINS-BURROUGH: Do you think it needs
14 clarification, Scottie?

15 MS. BURCHETT: Does Senator Faris have all the
16 answers?

17 Pardon me?

18 MS. COLLINS-BURROUGH: Do you think it needs more
19 clarification? Is that what you're asking?

20 MS. BURCHETT: Absolutely. There are a lot more
21 details than what are outlined in there.

22 But still what I started to say is my concern is
23 the board is getting the blame for everything when --
24 when there is no -- you know, nothing positive has come
25 out about what's taking place, you know, the changes

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1 that have been made.

2 MS. COLLINS-BURROUGH: Well that's why I think as
3 a board we need to quit pointing fingers and blaming.
4 We need to fix this and move forward.

5 MS. BURCHETT: I didn't point --

6 MS. COLLINS-BURROUGH: No. No. I'm just saying,
7 I think that they think we are trying to blame others
8 and -- or that's the way I feel, and that's not really
9 the case. We found this and we're -- we need to move
10 forward.

11 MS. WARD: It's almost like they don't recognize
12 that we found -- we figured out some of the faults of
13 some of the things that were wrong and we tried to find
14 and we found ways of correcting them and improving them
15 so everything could go smoother and we can work
16 together and there is no misunderstandings. Because at
17 one time when you could say something could be taken
18 more than one way, we corrected a lot of the -- the
19 imperfections, I guess, or the problems that we were

20 having, but at -- we weren't even aware of at the very
21 beginning. And then when we were made aware of them we
22 start going in and trying to correct them and fix them
23 and we have, and nobody seems to recognize what we have
24 done. All they talk about is what was done before,
25 instead of the improvements that have been made and how

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1 things are working now. And I think that needs to be
2 brought out.

3 MS. COLLINS-BURROUGH: Well that's why I say I
4 think it's premature.

5 MS. WARD: Uh-huh.

6 MS. COLLINS-BURROUGH: Okay.

7 MS. HART: What have you done?

8 What have you -- what problems have you guys
9 resolved?

10 MS. AKARD: Financial.

11 MS. PHILYAW: What problems have we solved?

12 MS. HART: You all said that when you came in
13 there were situations that you saw that needed
14 correcting and you corrected them. Can you give me
15 some examples?

16 MS. PHILYAW: One example is, well, we did not
17 fire our previous director but she got another
18 position. We have a new director that's going the
19 right direction, helping us in every way that she knows

20 how. She knows the industry. And so that's one of the
21 big, the biggest things that we've corrected.

22 MS. COLLINS-BURROUGH: Well, the backlog of the
23 licensures wasn't opened, mail wasn't opening, phone
24 calls weren't returned.

25 MS. WARD: But having somebody in there that

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1 understands the -- what has to go on in the office to
2 make it run smoothly. And when there was somebody that
3 came in as a director, not knowing that caused a lot of
4 confusion in the office.

5 And it took us -- you can't just -- you know,
6 finding the right person sometimes you can't do it
7 instantly. And then when you can and get them in that
8 position and then get everything running smoothly and
9 organized like it should be, because the office was
10 chaos for a while there, but that was before. And
11 then, you know, the board was not always aware of
12 everything that was going on until we -- things were
13 chaotic in the office.

14 And then we were -- became aware of it, then we
15 tried to figure out, okay, we've got to correct it and
16 a lot of things have been corrected and with the new
17 director and everything, things are going smoothly.
18 And we've solved the problem that came up about the
19 licenses being sent out, we've corrected that. They

20 will go out on time, we won't have that problem again.

21 The financial we've corrected. The things that were

22 not getting done in the office are getting done. The

23 staff has changed in the office so that it will be done

24 properly. And when you have a bad staff and you hire

25 somebody, you know, when they get somebody in there, if

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1 they are not doing their job, it can cause a lot of
2 problems. Now we've got people in there that can do
3 their jobs and are doing them and, you know -- but all
4 and all it's running smoothly, we're getting things the
5 way they should be. But by getting the wrong person in
6 there, everything just went haywire, I guess you could
7 say.

8 MS. HOPPER: We've also gone from -- back to our
9 paper license, which is less expensive than the plastic
10 that was -- Kathy Wittum did in 2008, and that saved us
11 quite a bit of money.

12 MS. CAUDLE: And time.

13 MS. HOPPER: And time. A lot of time.

14 MS. BURCHETT: I believe that many things were
15 cleverly hidden from the board through the previous
16 administration, and that assisted in the things getting
17 to the point that they were. And when we were -- when
18 we started to find out things and started to ask
19 questions and started to -- well this was before I was

20 even on the board, but started to try to make some
21 changes, that's when -- that's when things got rocky
22 with that happening, basically. And, you know, and
23 then from that point on things continued to be hidden.
24 And then after that point, then I was -- I was on the
25 board, came on the board, then we were told that we

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1 needed to get more involved in what was happening in
2 the office and ask more questions and dig deeper and we
3 did. And that's when we started to make serious
4 changes. And then found out how serious changes the
5 changes were that needed to be made. You know, it
6 can't happen overnight. It didn't get this way
7 overnight and it takes a while to make corrections.

8 MS. COLLINS-BURROUGH: Does anybody have anything
9 else?

10 Okay. Do you have anything for us?

11 MS. HART: No.

12 MS. COLLINS-BURROUGH: Well, I don't want to take
13 up all your day, so...

14 MS. HART: Thank you.

15 MS. BURCHETT: Can we or anyone e-mail you
16 comments as they, you know, as they come across. If
17 someone comes to us, you know, can they do that?

18 MS. HART: Yeah.

19 Is there anybody that doesn't have my contact

20 information?

21 MS. WARD: Yeah. Could we have your card?

22 MS. HART: I'll just make --

23 I guess the only thing that I will leave you all

24 with is just everything that you said to me that you're

25 going to have me take back to the governor, just I

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1 think it's important for you all to understand how
2 important it is that you also reflect -- make those
3 same comments to your legislators and when the
4 committee sees your bill, to the committee.

5 That's all. Okay?

6 Thank you.

7 BOARD MEMBERS: Thank you, Nicole.

8 MS. COLLINS-BURROUGH: Okay. Nellie, will you do
9 the treasurer's report, please?

10 MS. HOPPER: Yes.

11 Okay. When I took over the board, we had \$280.36.

12 And I purchased a candle for Tracy when she was in the
13 hospital, brought it down to 252.10. And Scottie just
14 handed me a bill for Laser Beam, and 128.24, and I have
15 103.76, and board dues, I collected \$40, all except for
16 yours. And that brings it to 143.76 for now.

17 MS. COLLINS-BURROUGH: 123.76?

18 MS. HOPPER: 143.76.

19 MS. COLLINS-BURROUGH: Thank you.

20 MS. BURCHETT: Just for the record, the Laser Beam

21 bill was for plaques for former board members.

22 MS. HOPPER: Oh, okay.

23 MS. COLLINS-BURROUGH: Thank you.

24 Thank you.

25 We need approval of the minutes from the November

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1 meeting. Do I have a motion?

2 MS. BURCHETT: So move.

3 MS. WARD: Second.

4 MS. COLLINS-BURROUGH: Scottie first, Barbara

5 second, approval of minutes.

6 All in favor, say, "Aye."

7 BOARD MEMBERS: Aye.

8 MS. COLLINS-BURROUGH: Okay. Motion passes.

9 Okay. Director Caudle?

10 MS. CAUDLE: Yes. I would like to introduce a new

11 employee. We've hired Vera Wood from the Hot Springs

12 area. She will be the inspector for the west central

13 part of the state, she will be taking my place.

14 And this is Ms. Vera Wood.

15 MS. COLLINS-BURROUGH: Welcome aboard, I think.

16 MS. CAUDLE: Welcome.

17 (Applause.)

18 As far as office updates, everything coming in to

19 the office is processed on a daily basis now. The

20 computer updates are going great. Most of that is
21 complete with the exception of some reports that I am
22 working with Lance to get complete to help us with
23 financial issues at the end of the fiscal years when we
24 need that information, so that we can report how many
25 actual cosmetologists renewed or manicurists or

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1 aestheticians or whatever so we can break out those
2 moneys at the end of each fiscal year to help with
3 budgeting. Even though there is a two-year license,
4 there will be a way we can run that report and divide
5 it by two to give us each fiscal year independently.

6 In front of you I have laid a couple of reports,
7 the first one being this one. This is what is in our
8 bank accounts right now. And it's listed out by months
9 of deposit.

10 The second one is something that Mr. Louthian's
11 department, Maggie helped me, she created this for us
12 to do on a monthly basis. You will be seeing one of
13 these in your packet each month. It lays out what
14 moneys came in, this is for the month of December. It
15 lays out what moneys came in during that month and
16 where those moneys went. As far as cosmetology permit
17 fee, aesthetician permit fee, license renewal,
18 restatement fees, new salons, penalties, certification
19 of transfer. It's all labeled out as to what all the

20 funds were. And so for the month of December, if you
21 look at the back sheet, we brought in a total of
22 \$34,116 for that month. And you will be getting one of
23 these each month. But you will be getting two, since
24 we only meet on a bimonthly basis you will be getting
25 two, but this is -- that's what this form is,

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1 explaining to you all the funds that came in.

2 MS. BURCHETT: Sheila?

3 MS. CAUDLE: Yes, ma'am.

4 MS. BURCHETT: Is there a report similar to this
5 for funds that go out?

6 MS. CAUDLE: Actually there is, and that's on the
7 trial balance, and we haven't quite developed one of
8 those yet. That's on the ACISS system, and but I can
9 give you those as far as those vouchers. I can make a
10 list from the vouchers and tell you what goes out.

11 Sure can.

12 MS. BURCHETT: Is there not some sort of, surely
13 something in place at this point --

14 MS. CAUDLE: If I gave you the trial balance and
15 you tried to read it, you would probably pull every
16 strand of your hair out. So, yes, I will develop
17 something for you to specify what goes out.

18 MS. BURCHETT: Okay. Thank you.

19 MS. CAUDLE: Because it's kind of confusing.

20 MR. LOUTHIAN: Get with Melanie and get her to

21 show you how to run a Z warrant detail.

22 MS. CAUDLE: Okay.

23 MR. LOUTHIAN: And drop it into an Excel

24 spreadsheet and sum up the GL codes.

25 MS. CAUDLE: Okay. Z one detail?

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1 MR. LOUTHIAN: Z warrant.

2 MS. CAUDLE: Z warrant.

3 MR. LOUTHIAN: It provides the date, the warrant
4 number, who it was paid to, the GL code that it went
5 to --

6 MS. CAUDLE: GL code, everything that I need.

7 MR. LOUTHIAN: It will, you know, basically give
8 you the vendor and what you spent the money for.

9 MS. CAUDLE: Okay. And we do have warrants that
10 come back to us for that also, so...

11 And does anyone have any questions on the
12 financial statements that you have in front of you?

13 Okay. At the recent NIC Conference in Jackson
14 Hole, Wyoming, we got our newsletters. And also I
15 wanted to update the board that Susan Collins-Burrough
16 was appointed to the Honorary Membership Committee as a
17 co-chair for the 2008-2009 year; and I was appointed to
18 two committees, Procedures Committee and the Policies
19 Committee as the co-chair.

20 That's all I have as far as my director's report,

21 unless anyone has any questions of me.

22 Okay.

23 MS. COLLINS-BURROUGH: Okay. Let's move on to the

24 hearings.

25 MS. CAUDLE: Who do we have here, Michelle?

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1 MS. RUDOLPH: We have three hearings for today,
2 All About You, owner Patricia Anderson; Twisted, owner
3 Russell Morris; and Sassy Cuts, who will appear before
4 the board today, owner Debbie Bradshaw.

5 HEARING OFFICER JONES: Is there anyone else here
6 in the audience who is here for a hearing today whose
7 name was not called?

8 Okay. We'll start out with Hearing No. 618, All
9 About You with Patricia Anderson.

10 MS. GEE: Michelle, do the board members have
11 copies of everything?

12 MS. RUDOLPH: No. Do they --

13 MS. CAUDLE: They really do need everything.

14 MS. COLLINS-BURROUGH: Yeah. Let's take a 10
15 minute, 15 minute break and let her get her papers.

16 (WHEREUPON, a break was held from 9:35 a.m. to
17 9:50 a.m.)

18 ADMINISTRATIVE HEARING NO. 08-618

19 HEARING OFFICER JONES: Okay. Everybody has got

20 their information now. Very good.

21 We will start with Hearing No. 618, All About You,

22 Patricia Anderson.

23 My name Kendra Akin Jones, I'm the Hearing Officer

24 today in the matter of State Board of Cosmetology vs.

25 All About You, Hearing No. 618, to be heard before the

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1 Arkansas State Board of Cosmetology.

2 Today is January 26, 2009, and we're located in
3 the conference room of the Main Street Mall.

4 Respondent Patricia Anderson.

5 Please note for the record the respondent was
6 called and was not present at the hearing, and looks
7 like did receive notice of today's hearing.

8 Board's counsel, please identify yourself for the
9 record.

10 MS. GEE: Erika Gee, Assistant Attorney General.

11 HEARING OFFICER JONES: Thank you, Ms. Gee.

12 For the benefit of anyone present today who may
13 not have appeared in an administrative hearing, the
14 board will base its decision solely on the evidence
15 presented here today.

16 This hearing is being held under the
17 Administrative Procedures Act, which means that the
18 strict rules of evidence do not apply, and as the
19 Hearing Officer, I have certain latitudes to allow

20 evidence to be entered.

21 To insure the efficiency of the proceeding, I may
22 grant some objections or caution parties as necessary.

23 The board members know of the case as it appears
24 and is set forth in the notice of hearing. Anything
25 that you would like submitted or have in your

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1 possession to be submitted to the board to consider
2 must be brought into evidence today or it will not be
3 considered by the board.

4 All participants to the hearing should be aware
5 that this is open to the Freedom of Information Act,
6 and as such the hearing, deliberations, and all are
7 open to the public.

8 For those of you who are going to be witnesses
9 today, please stand and raise your right hand to be
10 sworn in by the court reporter.

11 (WHEREUPON, the witnesses were sworn.)

12 HEARING OFFICER JONES: Thank you.

13 Preliminary matters, Ms. Gee?

14 MS. GEE: Nothing.

15 HEARING OFFICER JONES: Okay. You may proceed
16 with your opening statement.

17 MS. GEE: I would like to call my witnesses, if I
18 could.

19 HEARING OFFICER JONES: That would be just fine.

20 MS. GEE: Okay. I would like to call Michelle

21 Rudolph, please.

22 WHEREUPON,

23 MICHELLE RUDOLPH,

24 having been called for examination, and having been first duly

25 sworn by the undersigned notary public, was examined and

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1 testified, as follows:

2 DIRECT EXAMINATION

3 BY MS. GEE:

4 Q Would you please state your name for the record?

5 A My name is Michelle Rudolph.

6 Q And would you state your position?

7 A Administrative assistant.

8 Q For?

9 A The Board of Cosmetology.

10 Q Thank you.

11 And in that capacity, are you in charge of providing notice
12 to witnesses for hearings?

13 A Yes. I send out two correspondences, one is certified mail
14 and one is regular mail.

15 Q Okay. And in that capacity, did you send notice to Patricia
16 Anderson, owner of All About You?

17 A Yes. I sent it to Patricia Anderson, 6501 Geyer Springs,
18 Suite H. And she did sign the certified but did not date the
19 certification.

20 Q Okay. So you received a certified mail --

21 A Back.

22 Q -- green card back?

23 A Green card. Yes.

24 Q Okay. So Ms. Anderson did receive notice of today's

25 hearing?

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1 A Yes.

2 MS. GEE: Okay. And I would like to introduce
3 copies of that correspondence as Board Exhibit 1,
4 please.

5 HEARING OFFICER JONES: Those will be admitted as
6 Exhibit 1.

7 (WHEREUPON, Board's Exhibit No. 1 was received in
8 evidence.)

9 MS. GEE: Thank you, Ms. Rudolph.

10 I would like to call my next witness.

11 HEARING OFFICER JONES: Go right ahead.

12 MS. GEE: I would like to call the inspector,
13 please.

14 WHEREUPON,

15 BREND A MORGAN,

16 having been called for examination, and having been first duly
17 sworn by the undersigned notary public, was examined and
18 testified, as follows:

19 DIRECT EXAMINATION

20 BY MS. GEE:

21 Q Would you state your name and occupation for the record?

22 A My name is Brenda Morgan and I'm an inspector for the State

23 Board of Cosmetology.

24 Q Thank you.

25 And in that position, did you have an occasion to go on an

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1 inspection at a salon called All About You in Little Rock?

2 A Yes, I did.

3 Q And was that on or about May of 2008?

4 A Yes.

5 Q Okay. Could you please tell me what you found on your visit
6 there?

7 A I found that this salon had relocated to this 6501 Geyer
8 Springs in Little Rock. It had previously been in -- on
9 Mabelvale, and like 5303 Mabelvale. And there were -- I had
10 received no paperwork on the change of address, or the
11 relocation, as we call it.

12 The owner said she had went to the office and that she
13 had -- to do a change of address and the lady changed her address
14 in the computer, and she said that she wasn't asked to pay any
15 fee for it.

16 And she opened that location on February 20, 2008.

17 Q Okay.

18 A And she signed that accordingly.

19 Q Okay. And that was approximately three months before your

20 visit?

21 A Yes, ma'am.

22 Q Two and a half?

23 A Yes, ma'am.

24 Q Okay. When you returned to the office, did you determine

25 whether or not she had actually changed her license?

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1 A Our process doesn't work that way. I turn my paperwork in

2 and don't actually know whether she did or not --

3 Q Okay.

4 A -- until I receive this notification.

5 Q Okay. So, on -- let me back up then.

6 A Okay.

7 Q On your visit, then, she did not have a current license

8 posted for that location?

9 A She did have a license posted.

10 Q But not for that location?

11 A But not for that location.

12 Q Thank you.

13 A Thank you.

14 MS. GEE: I have nothing further.

15 HEARING OFFICER JONES: Does the board have any

16 questions for Ms. Morgan?

17 If there are none, Ms. Gee, is there anything you

18 would like to say in closing?

19 MS. GEE: No, ma'am.

20 HEARING OFFICER JONES: Do you have any other
21 witnesses? I didn't ask.

22 MS. GEE: No.

23 HEARING OFFICER JONES: Okay. At this time the
24 record will be closed and complete, except for the
25 board's recess for deliberations and a decision. Once

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1 a decision has been reached we will go back on the
2 record.

3 (WHEREUPON, the Commission retired to deliberate,
4 off the record, from 9:55 a.m. to 9:56 a.m., and
5 returned with the following motion.)

6 HEARING OFFICER JONES: We'll go back on the
7 record at this time.

8 Is there a motion?

9 MS. BURCHETT: Finding the allegations being true,
10 I move to order the respondent to pay the amount of
11 \$50, payable within 30 days of receipt of the board's
12 order. Failure to pay the fine as ordered will result
13 in a suspension of the respondent's salon license,
14 beginning 30 days from receipt of the order and
15 continuing for a period of 90 days from the date the
16 respondent relinquishes his or her license to the
17 board.

18 MS. HOPPER: I second.

19 HEARING OFFICER JONES: There is a second.

20 All those in favor, raise your right hand.

21 (Hands raised.)

22 HEARING OFFICER JONES: Very good.

23 Let the record reflect that the decision of the
24 board is unanimous. Please reduce this decision to
25 writing and make service upon all parties.

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1 If the respondent cares to appeal the decision, an
2 appeal can be taken under the Administrative Procedures
3 Act found at Arkansas Code Annotated 25-15-201, et
4 seq., or any specific provisions of this board, if they
5 may exist.

6 If there are no other questions or comments, this
7 hearing is concluded and the record is closed.

8 Thank you all.

9 At this time I will move on to hearing No. 631,
10 which is Twisted, Russell Morris.

11 ADMINISTRATIVE HEARING NO. 08-631

12 HEARING OFFICER JONES: Okay. My name is Kendra
13 Akin Jones, I'm the Hearing Officer today in the matter
14 of the Arkansas State Board of Cosmetology vs. Twisted,
15 owner is Russell Morris, hearing number is 631, to be
16 heard before the Arkansas State Board of Cosmetology.
17 Today is January 26, 2009, and we are located in the
18 conference room of the Main Street Mall.

19 The respondent, Russell Morris. Russell Morris.

20 Okay. Please note for the record that Mr. Morris,
21 the respondent, is not present today.

22 And state's counsel, please identify yourself for
23 the record.

24 MS. GEE: Erika Gee, Assistant Attorney General.

25 HEARING OFFICER JONES: Thank you, Ms. Gee.

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1 For the benefit of anyone present who may not have
2 appeared before an administrative hearing, I'll explain
3 that the board will base its decision solely upon the
4 evidence presented here today. This hearing is being
5 held under the Administrative Procedures Act, which
6 means that the strict rules of evidence do not apply,
7 and as Hearing Officer I have certain latitudes to
8 allow evidence to be entered as necessary. And to
9 insure the proceeding -- the efficiency of the
10 proceeding, I may grant some objections as necessary.

11 The board members know only of this case as it
12 appears in the Order and Notice of Hearing. If there
13 is anything in your possession that you would like to
14 have considered by the board, it needs to be presented
15 into evidence today.

16 And all participants should be aware that this
17 hearing is open to the Freedom of Information Act, and
18 that is including the hearing and deliberations of the
19 board.

20 For those of you who are going to be witnesses
21 today, please raise your right hand and be sworn in by
22 the court reporter.

23 (WHEREUPON, the witnesses were sworn.)

24 HEARING OFFICER JONES: Ms. Gee, anything in
25 opening?

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1 MS. GEE: I would like to call my first witness,
2 please.

3 HEARING OFFICER JONES: Very well.

4 MS. GEE: Call Michelle Rudolph.

5 WHEREUPON,

6 MICHELLE RUDOLPH,

7 having been called for examination, and having been first duly

8 sworn by the undersigned notary public, was examined and

9 testified, as follows:

10 DIRECT EXAMINATION

11 BY MS. GEE:

12 Q Would you state your name and occupation for the record?

13 A Michelle Rudolph, Administrative Assistant for the State

14 Board of Cosmetology.

15 Q In that capacity, are you responsible to send Orders and

16 Notice of Hearing to respondents?

17 A Yes.

18 Q And did you send an Order and Notice of today's hearing to

19 Russell Morris, owner of Twisted Salon in Malvern?

20 A Yes.

21 And he signed on December 24, 2008.

22 Q So he has received notice of today's hearing?

23 A (Nodding head up and down.)

24 MS. GEE: Thank you.

25 I have nothing further.

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1 HEARING OFFICER JONES: Call your next witness.

2 MS. GEE: I would like to call Pat Jackson,

3 please.

4 WHEREUPON,

5 PAT JACKSON,

6 having been called for examination, and having been first duly

7 sworn by the undersigned notary public, was examined and

8 testified, as follows:

9 DIRECT EXAMINATION

10 BY MS. GEE:

11 Q Would you please state your name and occupation?

12 A Pat Jackson, Inspector, State Board of Cosmetology.

13 Q Thank you, Ms. Jackson.

14 On or about September 9, 2008, did you go on an inspection

15 to Twisted Salon in Malvern?

16 A I did.

17 Q And upon your arrival at Twisted Salon, can you tell me

18 whether you found any violations of the board's rules and laws?

19 A Yes. I did.

20 Q And what were they?

21 A I found several violations, first being one of the styling

22 chairs had rips in the seat that were quite significant where

23 the -- the underlining was showing through.

24 I found a curling iron that was coated with styling product

25 that was Ms. -- Ms. White, one of the stylists there.

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1 I found two people not using neck strips or towels to
2 protect the client. That was Mr. Russell and Ms. Tiffany.

3 And I found no liquid sanitizer mixed up.

4 Q Thank you.

5 And was Mr. -- Mr. Russell Morris there?

6 A Yes. He was.

7 Q And is that his signature on the inspection report?

8 A Yes.

9 Q Okay.

10 A I guess.

11 MS. GEE: I would like to introduce the Order and
12 Notice of Hearing and the inspection report as Board's
13 Exhibit 1, please.

14 HEARING OFFICER JONES: They will be admitted as
15 such.

16 (WHEREUPON, Board's Exhibit No. 1 was received in
17 evidence.)

18 MS. GEE: I have nothing further.

19 HEARING OFFICER JONES: Does the board have any

20 questions of Ms. Jackson?

21 MS. AKARD: I do.

22 HEARING OFFICER JONES: Go ahead, Tracy.

23 MS. AKARD: You said there was no liquid

24 sanitizer. Is that anywhere in the salon?

25 THE WITNESS: Correct. There was not one visibly

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1 mixed up.

2 MS. AKARD: Anywhere?

3 THE WITNESS: That's correct.

4 MS. AKARD: For -- none of the stylists were using
5 it?

6 THE WITNESS: That is correct.

7 HEARING OFFICER JONES: Further questions from the
8 board?

9 MS. COLLINS-BURROUGH: I do.

10 Pat, where were they getting their combs and
11 things? Out of a drawer or out of a bucket or what?

12 THE WITNESS: This salon, Russell, if I remember
13 right, and this has been quite some time ago, but I do
14 believe that Russell told me that he mixes it up or the
15 salon mixes it up. They have one local liquid
16 sanitizer. It could have been dumped that day, I don't
17 know. It wasn't mixed previous to me leaving so I
18 marked it.

19 MS. COLLINS-BURROUGH: How many work there?

20 THE WITNESS: He has about -- well, I have four,

21 four stylists listed.

22 MS. COLLINS-BURROUGH: Okay.

23 HEARING OFFICER JONES: Further questions from the

24 board?

25 If there are no further questions, Ms. Gee, do you

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1 have anything in closing?

2 MS. GEE: I have nothing further.

3 HEARING OFFICER JONES: Okay. At this time the
4 record will be closed and made complete, except for the
5 board's recess for deliberations and decision. Once a
6 decision has been reached we will go back on the
7 record.

8 (WHEREUPON, the Commission retired to deliberate,
9 off the record, from 10:03 a.m. to 10:07 a.m., and
10 returned with the following motion.)

11 HEARING OFFICER JONES: Okay. At this time we'll
12 go back on the record.

13 Is there a motion?

14 MS. AKARD: I would like a motion that we send
15 notice of a violation for sanitation, for breaking
16 sanitation regulations to Tiffany, Russell, and Laura
17 White at Twisted on December --

18 MS. CAUDLE: September of last year. Okay.
19 September the 9th.

20 MS. AKARD: September the 9th, 19 -- I mean

21 2008.

22 There we go.

23 HEARING OFFICER JONES: Well, let me ask, just to

24 clarify the motion for myself even, and to make sure

25 we're clear for the record.

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1 MS. AKARD: Okay.

2 HEARING OFFICER JONES: You want to send them all
3 notices of violation and orders of hearing.

4 What about the one specifically that we are here
5 for today?

6 MS. AKARD: (Nodding head up and down.)

7 HEARING OFFICER JONES: It needs to be --

8 MS. AKARD: Okay.

9 MS. COLLINS-BURROUGH: It needs to be settled on
10 first.

11 HEARING OFFICER JONES: It has to be verbalized.

12 Okay. If you-all want to do two separate motions,
13 that's fine, we'll do this motion and then we'll do the
14 other motion, that may make it more clear.

15 Okay. We have a motion on the floor. Is there a
16 second?

17 MS. BURCHETT: Second.

18 HEARING OFFICER JONES: All those in favor?

19 (Hands raised.)

20 Very well. Please let the record reflect the
21 decision of the board is unanimous as to regards the
22 sending a notice of violation to the employees Tiffany,
23 Russell Morris, and Laura White at Twisted Salon for
24 the violations found in the September 9, 2008
25 inspection.

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1 At this time, are there any other motions?

2 MS. AKARD: I make a motion finding the
3 allegations true, I move to order the respondent to pay
4 the fine in the amount of \$75, payable within 30 days
5 of receipt of the board's order. Failure to pay the
6 fine as ordered will result in suspension of the
7 Respondent Russell Morris's license beginning 30 days
8 from receipt of the order and continuing for the period
9 of 90 days from the date of the respondent's
10 relinquishing his or her license of the board.

11 HEARING OFFICER JONES: Okay. There is a motion.
12 Is there a second?

13 MS. GEE: Can I make a clarification before you
14 all go any further?

15 It should be on the establishment license on this
16 particular hearing.

17 MS. AKARD: Okay. Okay. On --

18 MS. GEE: On Twisted.

19 MS. AKARD: On the establishment license.

20 MS. GEE: Thank you.

21 HEARING OFFICER JONES: So the motion, as

22 everybody understands it, will be on the establishment

23 license and not the individual license of Russell

24 Morris.

25 Okay. Is there a second?

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1 MS. PHILYAW: I second.

2 HEARING OFFICER JONES: All those in favor, please
3 raise your right hand.

4 (Hands raised.)

5 Let the record reflect the decision of the board
6 is unanimous. Please reduce these decisions to writing
7 and attempt service upon all parties.

8 If the respondent cares to appeal the decision, an
9 appeal can be taken under the Administrative Procedures
10 Act, found at Arkansas Code Annotated 25-15-201, et
11 seq., or any specific provisions of this board.

12 If there are no other questions or comments, this
13 hearing is concluded and the record is closed.

14 ADMINISTRATIVE HEARING NO. 08-641

15 We're going to move on to 641, which is Sassy
16 Cuts, Debbie Bradshaw.

17 Please come forward.

18 Have a seat, Ms. Bradshaw.

19 Thank you.

20 MS. GEE: Ms. Bradshaw, do you have anybody with

21 you that's going to testify?

22 MS. BRADSHAW: Wanda Iverson.

23 MS. GEE: Do you want her to come up with you?

24 We need to get the other chair.

25 Thank you.

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1 HEARING OFFICER JONES: My name is Kendra Akin
2 Jones and I'm the Hearing Officer today in the matter
3 of the Arkansas State Board of Cosmetology vs. Sassy
4 Cuts, Hearing No. 641. The owner is Debbie Bradshaw.
5 This is to be heard before the Arkansas State Board of
6 Cosmetology. Today is January 26, 2009, and we're
7 located in the conference room of the Main Street Mall.

8 Would the respondent please identify yourself for
9 the record?

10 MS. BRADSHAW: I'm Debbie Bradshaw.

11 HEARING OFFICER JONES: Okay, Ms. Bradshaw. Thank
12 you.

13 And are you represented by counsel today?

14 MS. BRADSHAW: No, I'm not.

15 HEARING OFFICER JONES: Okay. Did you receive a
16 copy of the Order and Notice of Hearing concerning
17 today's matter?

18 MS. BRADSHAW: Yes.

19 HEARING OFFICER JONES: Okay. And board's

20 counsel, please identify yourself for the record.

21 MS. GEE: Erika Gee, Assistant Attorney General.

22 HEARING OFFICER JONES: Thank you, Ms. Gee.

23 For the respondent -- for the benefit of the

24 respondent and as well as the benefit of anyone present

25 today who may not have appeared before an

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1 administrative hearing, I'll explain that the board
2 bases its decision solely on the evidence presented
3 here today. The hearing is being held under the
4 Administrative Procedures Act, which means that the
5 strict rules of evidence do not apply. As Hearing
6 Officer I have certain latitude to allow evidence in,
7 to allow statements to be made that might not typically
8 be allowed in a court of law. To ensure the efficiency
9 of the proceeding, I will grant objections only as
10 necessary and caution parties as necessary.

11 Do be aware that the board knows only of this case
12 as it is appears and is set forth in the notice of
13 hearing. If there is anything you want submitted to
14 them to consider, anything you have in your possession,
15 that needs to be presented as evidence here today or it
16 will not be considered by the board.

17 All participants should be aware, too, that these
18 proceedings are subject to the Freedom of Information
19 Act. As such this includes the hearing and

20 deliberations of the board, all of which are open to

21 the public.

22 For anyone who is going to be a witness today in

23 this matter, please raise your right hand and be sworn

24 in by the court reporter.

25 (WHEREUPON, the witnesses were sworn.)

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1 HEARING OFFICER JONES: Very well.

2 Any preliminary matters at this time, Ms. Gee?

3 MS. GEE: No, ma'am.

4 HEARING OFFICER JONES: Ms. Bradshaw, is there any
5 preliminary matters you want to do now?

6 MS. BRADSHAW: What does that mean?

7 HEARING OFFICER JONES: Anything you would like to
8 present as evidence now? If not, you can do it when it
9 is your turn.

10 MS. BRADSHAW: Okay.

11 HEARING OFFICER JONES: Ms. Gee, you ready to
12 proceed?

13 MS. GEE: Yes, ma'am.

14 HEARING OFFICER JONES: You may make your opening
15 statement.

16 MS. GEE: I would like to call my first witness,
17 please, Pat Jackson.

18 HEARING OFFICER JONES: Hold on a moment.

19 You aren't going to make an opening statement?

20 MS. GEE: I'm sorry. No, ma'am.

21 HEARING OFFICER JONES: Okay.

22 Ms. Bradshaw is there anything you would like to
23 say as an opening statement to the board?

24 Anything in opening? You're going to have a
25 chance to call your witnesses and to tell your side of

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1 the story, but is there anything you would like to say
2 before we start into the board's witnesses?

3 MS. BRADSHAW: Only that I just wasn't aware of a
4 violation -- I mean I was aware that it was wrote down
5 as a violation, but I didn't know that if I had it
6 fixed, that no one was going to come back and check to
7 see if it was fixed.

8 HEARING OFFICER JONES: Okay. Very well.

9 Ms. Gee, you may call your first witness now.

10 MS. GEE: I would like to call Pat Jackson,
11 please.

12 WHEREUPON,

13 PAT JACKSON,
14 having been called for examination, and having been first duly
15 sworn by the undersigned notary public, was examined and
16 testified, as follows:

17 DIRECT EXAMINATION

18 BY MS. GEE:

19 Q Ms. Jackson, can you please state your name and occupation

20 for the record?

21 A Pat Jackson, Inspector, State Board of Cosmetology.

22 Q Okay. And in your capacity as board inspector on

23 September 17, 2008, did you inspect a salon called Sassy Cuts in

24 Pine Bluff?

25 A I did. I did.

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1 Q And on that visit, did you discover any violations of the
2 board's rules?

3 A I did.

4 Q What was it?

5 A I found that the -- that one of the shampoo bowls, the cold
6 water would not turn off. The stylists were having to reach
7 under the bowl to turn it on and off.

8 Q So at the -- the -- I'm sorry. The supply into the bowl
9 itself, they had to turn it on and off rather than the faucet?

10 A The main hot and cold that's underneath the shampoo bowls
11 would manually have to be turned, the cold one would manually
12 have to be turned on and off.

13 Q So the faucet was not working properly?

14 A (Nodding head up and down.)

15 Q And was Ms. Bradshaw there during your visit?

16 A No.

17 Q Who was there?

18 A Ms. Iverson.

19 Q Ms. Iverson?

20 And do you recall having a conversation with Ms. Iverson

21 while you were there?

22 A Probably so. I mean I usually do have conversations with

23 the stylists that are -- that are in the salon.

24 Q Okay. But do you remember what you said?

25 A I do not.

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1 MS. GEE: Okay. I have nothing further for this
2 witness.

3 HEARING OFFICER JONES: Ms. Bradshaw, do you have
4 any questions you would like to ask Ms. Jackson?

5 CROSS-EXAMINATION

6 BY MS. BRADSHAW:

7 Q The only thing is I know that we tease a lot, you know, you
8 come in, we have a good time, and stuff.

9 A (Nodding head up and down.)

10 Q And I knew that when I came in, Wanda said, I -- I saw that
11 on my desk and I was fixing to come -- call the state board,
12 because I had already had a plumber there and he told me what I
13 had to go get and I had to find the parts, I had to order them.
14 And that you were just joking you were going to find something to
15 put down just to mess with me and joke with me.

16 HEARING OFFICER JONES: Is there a question in
17 that?

18 BY MS. BRADSHAW:

19 Q I mean was that -- was that the conversation that you all

20 had?

21 A To my knowledge, I've been before this board seven years,
22 and I don't recall joking with anybody about a violation, minor,
23 major, or any other way.

24 HEARING OFFICER JONES: Any further questions?

25 THE WITNESS: Violations are not something that I

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1 kid about.

2 HEARING OFFICER JONES: Any further questions you
3 have, Ms. Bradshaw, for Ms. Jackson?

4 MS. BRADSHAW: No.

5 HEARING OFFICER JONES: Does the board have any
6 questions they would like to ask Ms. Jackson?

7 MS. AKARD: Did you have a plumber that did --
8 that fixed the --

9 HEARING OFFICER JONES: Sorry. For Ms. Jackson.
10 Just the inspector at this time.

11 MS. AKARD: Oh, sorry.

12 HEARING OFFICER JONES: Are there any further
13 questions for Ms. Jackson?

14 If there are none, thank you, Ms. Jackson.

15 Ms. Gee, call your next witness.

16 MS. GEE: I would like to call Debbie Bradshaw,
17 please.

18 HEARING OFFICER JONES: Okay.

19 MS. GEE: Ms. Bradshaw, I just have a few

20 questions for you.

21 MS. BRADSHAW: Okay.

22 WHEREUPON,

23 DEBBIE BRADSHAW,

24 having been called for examination, and having been first duly

25 sworn by the undersigned notary public, was examined and

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1 testified, as follows:

2 DIRECT EXAMINATION

3 BY MS. GEE:

4 Q On September 17, was the faucet on your shampoo bowl broken?

5 A Yes. Yes. I mean it was leaking, and I had already had the

6 plumber there to work on it, and he said he couldn't fix it until

7 I got the parts.

8 Q And how long had it been broken at that time?

9 A It had just been doing it a couple of days.

10 Q Okay. And when did you have it repaired?

11 A I had it repaired within the next day or so because I had to

12 order the parts.

13 Q Okay. And you were not present when Ms. Jackson --

14 A No.

15 Q But I understand you to say that you thought it was a joke

16 when she sent your --

17 A Well, yes, ma'am. I did.

18 Q Hold on just a second. Let me finish and then you can --

19 You thought it was a joke when you received the inspection

20 report?

21 A Uh-huh.

22 Q And why was that? Could you tell the board, please?

23 A Because that's what I was told was said.

24 Q Okay. And who told you that?

25 A Ms. Iverson.

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1 Q Okay. And did you try to contact Ms. Jackson?

2 A No. I didn't know how to contact her.

3 Q So you just got the Order and Notice of Hearing?

4 A Uh-huh.

5 Q And then you -- did you write a response to the Order and

6 Notice of Hearing and send it to Ms. Caudle?

7 A Yes. We wrote a -- Ms. Iverson and I both wrote something

8 back when I got the -- the notice.

9 Q Okay. And I -- I don't think you have a copy here. Let me

10 give this to you. Here you go.

11 I'm handing you what I would like to mark as Board's

12 Exhibit 1. If you would turn to, I think it's the fourth page.

13 HEARING OFFICER JONES: Ms. Gee, just to clarify

14 for all of us, what does Board's Exhibit 1 contain?

15 MS. GEE: I was about to get to that.

16 Thank you.

17 HEARING OFFICER JONES: Okay.

18 BY MS. GEE:

19 Q Is this the response that you sent in, you and Ms. Iverson

20 sent to the board?

21 A On page -- yeah, Page 3 of 3, and 2 of 3, yes, it is.

22 Q Okay. And would you look at those first pages?

23 Do you recognize what those are, of the packet?

24 A Yes. That's what I received.

25 Q That's the Order and Notice of Hearing, the inspection

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1 report?

2 A Uh-huh.

3 MS. GEE: Okay. I would like to mark all of that
4 as Board's Exhibit 1, please, and introduce it.

5 HEARING OFFICER JONES: Okay. And just so we're
6 clear for the record, that's a packet exhibit of the
7 Order and Notice of Hearing, the inspection report, and
8 the respondent's response to the state board?

9 MS. GEE: Yes.

10 HEARING OFFICER JONES: Okay. That will be
11 admitted as such, unless you have any objection.

12 MS. BRADSHAW: Oh, that's fine.

13 HEARING OFFICER JONES: Okay.

14 (WHEREUPON, Board's Exhibit No. 1 was received in
15 evidence.)

16 BY MS. GEE:

17 Q Okay. So, in those responses that you just identified, you
18 stated that Ms. Iverson told you that Ms. Jackson was joking when
19 she wrote the inspection report?

20 A Yes.

21 Q And then there is also a statement from Ms. Iverson saying
22 the same thing. Is that right?

23 A Yes.

24 MS. GEE: Okay. I have nothing further for this
25 witness.

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1 HEARING OFFICER JONES: Thank you, Ms. Gee.

2 Ms. Bradshaw, I'm going to let -- I don't guess
3 you have any questions really for yourself, but I'm
4 going to give you a chance in a moment to give your
5 side of the story.

6 MS. BRADSHAW: Uh-huh.

7 HEARING OFFICER JONES: But I'm going to let
8 Ms. Gee finish with her witnesses first, and then I'll
9 give you a chance to tell your side.

10 MS. BRADSHAW: Okay.

11 HEARING OFFICER JONES: Ms. Gee, do you have any
12 other witnesses?

13 MS. GEE: No, ma'am.

14 HEARING OFFICER JONES: Okay. Ms. Bradshaw, you
15 can tell -- call your first witness or tell your side
16 of the story to the board, how ever you wish to choose
17 at this point.

18 MS. BRADSHAW: I will go ahead and tell my side
19 and then I will call her.

20 WHEREUPON,

21 DEBBIE BRADSHAW,

22 having been called for examination, and having been first duly

23 sworn by the undersigned notary public, was examined and

24 testified, as follows:

25 DIRECT TESTIMONY

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1 THE WITNESS: It's, I came in on the 18th and I
2 found the inspection report on my station. And I got
3 to looking at it and stuff. And I thought, you know, I
4 knew it was leaking but you can't fix it until you get
5 the parts to fix it, you know.

6 And so I was fixing to come call state board. And
7 Ms. Iverson stopped me and she said, no, she said,
8 don't, stop, don't get mad, because Ms. Jackson was
9 just kidding. You know, she said that she was just
10 going to mess with me a little bit about, you know, see
11 what she could find on there to -- to write down.

12 And so but she was right, it was leaking, you
13 know. But, I mean, you've got to have time to fix it
14 and get the parts. If you -- you know, if it's
15 leaking, you can't get the parts, you've got to wait
16 until they come in and stuff.

17 And -- and so she stopped me from calling state
18 board that day, which I guess I should have went ahead
19 and called. But I, you know, I didn't think anything

20 else about it because we're always having a good time
21 talking and carrying on when she comes in and stuff.
22 And I just, you know, I just wish that it would
23 have put -- maybe put down that on contingents of
24 fixing, you know, or something like that, because I
25 knew, all it did was cost me a hundred dollar water

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1 bill, you know, from that leak and -- and plus all the
2 parts.

3 And I just wish it was put down on here that on
4 contingents of fixing, you know, on it.

5 Okay. That's all.

6 HEARING OFFICER JONES: Ms. Gee, do you have any
7 questions you would like to ask in a follow up to that?

8 MS. GEE: No, ma'am.

9 HEARING OFFICER JONES: Okay. Does the board have
10 any questions of Ms. Bradshaw that you would like to
11 ask her?

12 Go ahead, Tracy.

13 MS. AKARD: Ms. Bradshaw, where did you order your
14 parts from?

15 THE WITNESS: I had to get it from Jefferson
16 Supply.

17 MS. AKARD: Do you have an invoice on it?

18 HEARING OFFICER JONES: Hold on just a second.

19 Could you please speak up? I'm afraid the court

20 reporter is having a hard time.

21 MS. AKARD: Do you have an invoice?

22 THE WITNESS: I don't have the receipt with me,
23 but I had to get the two valves that go in the faucet.

24 MS. AKARD: But you don't have an invoice from
25 when you ordered those?

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1 THE WITNESS: Well, I've got it at home. I didn't
2 bring it. I was trying to think of everything to bring
3 but I didn't bring it.

4 But, I mean, it was fixed within the next two
5 days.

6 MS. AKARD: Okay.

7 HEARING OFFICER JONES: Barbara?

8 MS. WARD: Your --

9 MS. HOPPER: Your plumber, is he a licensed
10 plumber?

11 THE WITNESS: As far as I know, the man that owns
12 the building, he -- his plumber comes down and looks at
13 whatever I have wrong.

14 MS. HOPPER: So he didn't -- your plumber, the
15 plumber that you hired to do this didn't have the
16 parts?

17 THE WITNESS: No. He doesn't -- he didn't have
18 the parts for a shampoo bowl. He told me that -- what
19 I needed to go get.

20 And they are hard to find for the shampoo bowls in
21 Pine Bluff. I mean you just don't just go up to Lowe's
22 and tell them that you want something for a shampoo
23 bowl, because they don't have them. So I had to go to
24 a special place and get them.

25 HEARING OFFICER JONES: Ms. Ward?

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1 MS. WARD: How many shampoo bowls do you have?

2 THE WITNESS: I've got two.

3 MS. WARD: Why didn't you just turn the one off
4 and just use the other one?

5 THE WITNESS: Well, we kept that one off most of
6 the time. It just happened that they needed that one
7 on at that time, and they turned it on and they -- they
8 have been turning it off until I could get it fixed.

9 MS. WARD: Okay. Because if you have a problem
10 with one, you usually will turn it off and not use it
11 until it's fixed.

12 THE WITNESS: Uh-huh.

13 MS. WARD: Because then you -- the inspector would
14 have known that you're not using it and then --

15 THE WITNESS: Uh-huh.

16 MS. WARD: But using it, that's why you're in the
17 problem.

18 THE WITNESS: Well, I still, though, don't
19 understand why a leaky faucet is a violation. I mean

20 I -- I don't understand that because it's not costing

21 anybody but me.

22 I -- and but that's beside the point which, you

23 know, I admit that it was leaking, but -- and I got it

24 fixed right away. And I just -- I just feel like that

25 it's wrong for me to have to pay a violation for

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1 something that I had to wait on parts to get fixed.

2 HEARING OFFICER JONES: Susan, did you have a
3 question?

4 MS. COLLINS-BURROUGH: No.

5 HEARING OFFICER JONES: Further questions from the
6 board?

7 MS. HOPPER: I have another.

8 Now, when did your plumber come?

9 THE WITNESS: He came the -- it was the 16th.
10 It was the 16th of September, and he told me then
11 what I needed to go get. And so I had to go up there
12 and get -- and tell them what I needed and they got it
13 in within two days.

14 MS. HOPPER: Do you have an invoice on that?

15 THE WITNESS: I've got an invoice on the parts
16 that I got, but I didn't bring it with me.

17 MS. HOPPER: What about a bill from your plumber?

18 THE WITNESS: Well now I -- we ended up -- he
19 showed me. I fixed it myself after he showed me what

20 to do. I mean it was just all a matter of unscrewing
21 something and putting a valve down in it, but I
22 couldn't get the valves. That was the whole deal, they
23 didn't have them anywhere.

24 HEARING OFFICER JONES: Further questions?

25 THE WITNESS: I mean, I'm used to fixing things on

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1 my own a lot, once I'm told.

2 HEARING OFFICER JONES: Further questions from the
3 board for Ms. Bradshaw?

4 Seeing none, thank you, Ms. Bradshaw.

5 You can call your next witness.

6 MS. BRADSHAW: Okay. It's Wanda Iverson.

7 HEARING OFFICER JONES: Okay. Ms. Iverson.

8 You may proceed.

9 WHEREUPON,

10 WANDA IVERSON,

11 having been called for examination, and having been first duly

12 sworn by the undersigned notary public, was examined and

13 testified, as follows:

14 MS. BRADSHAW: Okay. I was just going to ask --

15 get her to tell what was said the day of the

16 inspection.

17 HEARING OFFICER JONES: Well --

18 MS. BRADSHAW: Which I don't know that it would be

19 any -- any helpful.

20 HEARING OFFICER JONES: Well, that's fine, but I
21 just need you to ask it kind of in questions. She
22 can't just kind of sit there and give us a narrative.

23 MS. BRADSHAW: Okay.

24 HEARING OFFICER JONES: You can ask her some
25 questions about what happened that day.

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1 MS. BRADSHAW: I'm not used to all this.

2 HEARING OFFICER JONES: That's just fine. That's
3 just fine.

4 DIRECT EXAMINATION

5 BY MS. BRADSHAW:

6 Q Okay. On the day of the inspection, when Ms. Jackson came
7 in, what was said about the sink?

8 A Well when she come in, I had walked back to the shampoo
9 bowl. And she was checking around the shop and she noticed the
10 leak. And, of course, we talked about it a little bit.

11 And she was, and she was laughing, and she said, well, you
12 know, I think I ought to look, I think I'll just look on the
13 regulations and see if I can find something and just kind of joke
14 with her, tease with her, get her riled up. And I said -- well,
15 I really don't even remember what I said, but she did find
16 something because she did say that.

17 And this may sound crazy but I can't see me sitting there
18 making this up about somebody teasing somebody about a water
19 leak. And so she wrote something up. I don't even know what she

20 wrote.

21 Q Okay. Did -- well, on that day did you say anything to her

22 about me had already had a plumber there --

23 A Yeah.

24 Q -- and I had the parts ordered?

25 A Yes. Yes.

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1 MS. BRADSHAW: I guess that's as far as -- I mean
2 that's all we know.

3 HEARING OFFICER JONES: Okay. So you have no
4 further questions for Ms. Iverson?

5 MS. BRADSHAW: Yes. Uh-huh.

6 HEARING OFFICER JONES: Ms. Gee, questions for
7 Ms. Iverson?

8 MS. GEE: I have no questions.

9 HEARING OFFICER JONES: Does the board have any
10 questions they would like to ask Ms. Iverson?

11 Okay. Thank you, Ms. Iverson.

12 THE WITNESS: You're welcome.

13 HEARING OFFICER JONES: Ms. Bradshaw, do you have
14 any further witnesses?

15 MS. BRADSHAW: No.

16 HEARING OFFICER JONES: Okay. Ms. Gee, closing
17 statements?

18 MS. GEE: Just a brief one.

19 Board members, you know, Ms. Bradshaw and her

20 salon have been charged with violations of the health
21 and safety rules, and I would just like to point out
22 specifically what those were. In Board Rule 4.2(C)(2)
23 requires salon owners to install and maintain plumbing
24 to promote adequate quantities of water to required
25 locations throughout the salon, to prevent

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1 contamination of the water supply, to properly convey
2 sewage and liquid waste from the salon, and to not
3 constitute a source of contamination of equipment,
4 implements or supplies, or create an unsanitary
5 condition or nuisance.

6 That is the first part of the rule that would
7 apply here.

8 And also what would apply would be in that same
9 section, 4.2(C)(17) requires shampoo trays and bowls to
10 be kept in good repair and sanitary conditions at all
11 times.

12 So those are the portions of rules that
13 Ms. Bradshaw is charged with violating. It's up to you
14 to determine whether or not you believe that that has
15 occurred in this case.

16 Thank you.

17 HEARING OFFICER JONES: Ms. Bradshaw, anything you
18 would like to say in closing before the board goes off
19 for -- or deliberates on their decision?

20 MS. BRADSHAW: No. I mean it's just like I said
21 in -- and, you know, it was leaking. I don't deny that
22 at all.

23 And then the question that was asked a while ago,
24 well why didn't we turn it off. When you've got five
25 girls in a beauty shop, you have to use it every once

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1 in a while. And we used it as less as we could until I
2 got it fixed.

3 And that's -- that's all I've got to say.

4 HEARING OFFICER JONES: Thank you, Ms. Bradshaw.

5 At this time the record will be closed and made
6 complete except for the board's recess for
7 deliberations and a decision.

8 Once a decision has been reached by the board, we
9 will go back on the record.

10 (WHEREUPON, the Commission retired to deliberate,
11 off the record, from 10:27 a.m. to 10:30 a.m., and
12 returned with the following motion.)

13 HEARING OFFICER JONES: Okay. At this time we'll
14 go back on the record for a motion.

15 MS. SMITH: I would like to make a motion.

16 Finding the allegations being true, I move to
17 order the respondent to pay a fine in the amount of \$25
18 within 30 days of receipt of the board's order.
19 Failure to pay the fine as ordered will result in a

20 suspension of the respondent Debbie Bradshaw's license,
21 beginning 30 days from the receipt of the order and
22 continuing for a period of 90 days from the date the
23 respondent relinquishes his or her license to the
24 board.

25 HEARING OFFICER JONES: There is a motion. Is

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1 there a second?

2 MS. BURCHETT: I second it.

3 HEARING OFFICER JONES: Second.

4 All those in favor, please raise your right hand.

5 (Hands raised.)

6 HEARING OFFICER JONES: Okay. Let the record

7 reflect the decision of the board, six to one in favor

8 of the motion. Please reduce that decision to writing

9 and attempt service upon all parties. If the

10 respondent cares to appeal the decision, an appeal can

11 be taken under the Administrative Procedures Act found

12 at Arkansas Code Annotated 15-25-201, et seq., or any

13 specific provisions of the laws pertaining to this

14 board.

15 If there are no other questions or comments, this

16 hearing is concluded and the record is closed.

17 Thank you, Ms. Bradshaw.

18 MS. BRADSHAW: Do I pay it today or --

19 MS. CAUDLE: You can pay it upstairs right now if

20 you want to, go up to the office and pay it up there.

21 Leslie will take it for you.

22 MS. BRADSHAW: I appreciate you-all's fairness.

23 HEARING OFFICER JONES: Thank you.

24 Let's take a quick break real quick.

25 (WHEREUPON, a break was held from 10:31 a.m. to

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1 10:46 a.m.)

2 MS. COLLINS-BURROUGH: Is Ann Nguyen in the
3 audience?

4 Ann Nguyen?

5 MS. CAUDLE: Okay. Ms. Nguyen had asked to
6 address the board and she is not here, so we'll move
7 right along.

8 Next on the schedule we have Ms. Tina Bardwell
9 from Mountain Home to address the board.

10 MS. BARDWELL: Good morning.

11 MS. COLLINS-BURROUGH: Hi.

12 MS. BARDWELL: My name is Tina Bardwell. I'm
13 currently in the process of opening a cosmetology
14 school in Mountain Home where I will be the owner and
15 the supervising instructor of The Beauty School.

16 Through a time line I want to get you up to speed
17 on my progress. In July I turned in a new school
18 application. At July's meeting I turned in a new
19 school proposed floor plan, the equipment list, student

20 records with sample forms. In August I turned that
21 same new school proposal along with a business plan to
22 the bank. October finally loan approval. In November
23 I took possession of a 4,300 square foot commercial
24 building and began remodeling, and had the first
25 inspection. In December to the present, the remodeling

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1 is complete, the equipment and furniture is set, and

2 I've had my second inspection.

3 Today I'm submitting the remaining documentation,

4 which completes the new school application, except for

5 the 25 student minimum. I have 25 permits. Of those

6 15 have complete registration requirements. For five

7 months I've been actively recruiting through area

8 radio, newspaper, shopping guides, business flyers, and

9 personally visiting the area salons, introducing The

10 Beauty School, and proceeding enrollment information.

11 Also I plan to participate in career day at the area

12 high schools.

13 The response from the community has been exciting

14 and supportive. Although economic times are

15 challenging, the beauty industry is in a growth with

16 the demand for qualified professionals.

17 I didn't plan to open a new school in the worst

18 economic crisis since the depression, as I'm sure many

19 other business owners didn't either. I am committed to

20 the success of this project. I'm anxious to get The
21 Beauty School off the ground, taking the next step, the
22 teaching process.

23 I'm here today to ask you the board to approve my
24 new school application and issue a cosmetology school
25 license to The Beauty School, Incorporated, with a 15

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1 student enrollment. Trust me, I want 25 students and
2 hope to have them this summer. I need to open my
3 school not only for financial reasons but also to
4 provide Baxter County with professional career
5 opportunity in a proven profession.

6 I would greatly appreciate your approval, and I
7 thank you for your time.

8 I, too, am passionate about this business, like
9 Ms. Smith mentioned earlier, and I'm looking for
10 success.

11 Thank you for your time.

12 MS. COLLINS-BURROUGH: You said you had 15
13 students?

14 MS. BARDWELL: Uh-huh.

15 MS. COLLINS-BURROUGH: And they are currently
16 permitted?

17 MS. BRADSHAW: Well, completed. Well, I turned --
18 I have them with me. I haven't turned them officially
19 in. I have them completed.

20 MS. COLLINS-BURROUGH: Yeah, okay.

21 MS. BARDWELL: And today I'm turning in all the

22 other remaining documentation for the new school

23 application: School hours, my occupational license,

24 school schedule, supervisor form.

25 MS. COLLINS-BURROUGH: What courses are you

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1 teaching? Programs?

2 MS. BARDWELL: I'm teaching the full cosmetology

3 course. And --

4 MS. COLLINS-BURROUGH: That's the only program you

5 have?

6 MS. BARDWELL: And I want to offer a nail course

7 at night. I'm the only instructor right now. I do

8 have plans for other part time instructors, but I am

9 planning to do a night time nail course so I will be

10 offering that. And I have four girls interested in

11 that, but I can't count them in my 25 full time because

12 they would be part time at night.

13 MS. AKARD: Is there another school in Mountain

14 Home?

15 MS. BARDWELL: Uh-huh. Yes. This will be the

16 second one.

17 MS. AKARD: Have you had --

18 MS. CAUDLE: I do have some documentation from the

19 other school in Mountain Home. They have sent me an

20 e-mail to be read to the board concerning

21 Ms. Bardwell's new school.

22 "To Director, State Board of Cosmetology, this is

23 an official grievance by Marsha Kay Beauty College

24 concerning some laws that are not being followed by

25 state board and its members. You allowed Tina Bardwell

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1 to make an application in July of 2008 for a new school
2 without having a building or floor plan. In your own
3 state board minutes of the meeting she was allowed to
4 go ahead without anything being shown to the state
5 board members. In your own words you said, well, I
6 don't think she can go ahead without showing something.
7 Another member said, oh, I think it will be okay. Are
8 you doing what the law says or what the members decide
9 the law is?

10 "Second, we have a school without the required
11 square footage or number of students. Also as of
12 January 22, 2009 the school is open with people inside.
13 Another law not being met is requiring 150 hours of
14 training before the school is open or appears to be
15 open to the public. So will you allow less than 25
16 bona fide students and break another law? Will the
17 board track the 25 students for two months after they
18 start or will they just let them break another law?

19 "We would like an answer as to why our state board

20 has not followed the laws of their own state board law
21 book. If this is not resolved according to the law, we
22 plan to seek further action against the State Board of
23 Cosmetology.

24 "Marsha Kay Beauty College, Incorporated, Georgia
25 Robbins and Marsha Snedecor."

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1 Also, "Dear State Board Director. In the most
2 recent e-mail to you there was a typo. It should have
3 said 150 hours of training, not 15.

4 "One other that was not noted was the fact that
5 they are open as of now illegally. The law states when
6 the fulfillment of the law is met, then the state board
7 will give the okay for opening and issuing a license.
8 So who gave them the right to open without the number
9 of required students or correct number of square
10 footage? What about the requirements inside the
11 school, for example, lounge, reception area,
12 dispensary, utility room, etc. If this school has been
13 issued a license, the state board has broke the law.

14 "I hate to go into the demographic area proving
15 another school is needed, but I will if necessary.

16 "Marsha Kay Beauty College."

17 I do know that the school has been measured by
18 Ms. Horner, our inspector for that area, and I do know
19 that the required square footage is there.

20 I don't know that the school is open. We have not
21 give any authorization to open the school.

22 MS. BARDWELL: I have an occupancy license from
23 the city, and I haven't been open to the public. I do
24 have a sign saying "Open for Enrollment."

25 MS. CAUDLE: Okay.

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1 MS. BARDWELL: So I have invited potential
2 students to come in and tour the place and get
3 enrollment information, so I have done that. Although
4 I have had people stop by wanting haircuts. But, no, I
5 am not officially open, and I've just been open for
6 enrollment and that's all.

7 MS. CAUDLE: Okay. Thank you.

8 MS. AKARD: Have you met the requirement of a
9 certified financial statement?

10 MS. BARDWELL: I turned in a financial statement
11 in July.

12 I'm not exactly sure what a certified financial
13 statement is.

14 MS. AKARD: Your --

15 MS. BARDWELL: Other than --

16 MS. AKARD: Your accountant would know if it was
17 certified.

18 MS. BARDWELL: I can get you that. Like I said, I
19 did turn one in in July with my proposed floor plan and

20 equipment list and all of that. That was turned in in

21 July.

22 MS. COLLINS-BURROUGH: Barbara?

23 MS. WARD: Instead of saying "open for

24 enrollment," you should say "now accepting

25 enrollments."

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1 MS. BARDWELL: That's good.

2 MS. WARD: Because you're not open. It's
3 misleading.

4 MS. BARDWELL: I'm just now realizing that and I
5 will make that change.

6 MS. COLLINS-BURROUGH: So you're not holding
7 class?

8 MS. BARDWELL: Huh-uh.

9 MS. WARD: No. So --

10 MS. BARDWELL: No.

11 MS. WARD: But you do have to have -- there was a
12 reason why they had 25. You have to have 25 enrolled.

13 MS. BARDWELL: Uh-huh. That's the rule.

14 MS. WARD: Uh-huh.

15 MS. BARDWELL: And that's what I'm asking today,
16 if you guys would allow me to open with 15 for now, I'm
17 hoping to get more later. I've had a lot of response
18 from high school students, so in hopes that this summer
19 I can pick up some of those.

20 But the financing is what has been the problem.
21 Because you know national requires a new school to be
22 open for two years before you can apply for
23 accreditation; and unfortunately the financing part of
24 the economy has been a problem and some people are
25 having trouble borrowing money and working at the same

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1 time. But I do have a strong 15 and hope to have more.

2 MS. AKARD: I -- I understand your position. I
3 certainly understand your position. Having been the
4 ups and downs in the good times and the bad times, and
5 the really stretching --

6 MS. BARDWELL: Uh-huh.

7 MS. AKARD: I also certainly understand the 25
8 student rule.

9 MS. BARDWELL: Uh-huh.

10 MS. AKARD: And it's to -- it is to protect the
11 student.

12 MS. BARDWELL: Uh-huh.

13 MS. AKARD: That's who it's protecting.

14 And we would be setting a precedence for many,
15 many -- we would be opening a door that we do not want
16 to go through if we would break the law for you.

17 MS. BARDWELL: Uh-huh. Uh-huh.

18 MS. AKARD: And it is not a door that we want to
19 go through.

20 MS. BARDWELL: I'm not asking you that --

21 MS. AKARD: And it has nothing to do with your
22 competitor.

23 MS. BARDWELL: Uh-huh.

24 MS. AKARD: And -- and unfortunately it is hard
25 times.

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1 MS. BARDWELL: Uh-huh.

2 MS. AKARD: But to make an exception on -- on a
3 very, very critical, critical rule, in my opinion, I
4 just can't -- I can't put a blinder on it, as much as
5 that I think you probably would do a wonderful job of
6 doing it. But that's a hard fast rule.

7 MS. BARDWELL: Uh-huh.

8 MS. AKARD: You're just going to have to really
9 beat it, beat it hard, and I think you probably can.
10 You act like you're real aggressive and you can
11 probably do some -- some creative things to try to get
12 them there.

13 MS. BARDWELL: Well today I'm just asking for a
14 little bit of leniency, because the way the rule, new
15 school application, the rules want everything to be in
16 place, you know. And I have a complete school, you
17 know, I have everything in place, I'm ready to go, I
18 just need the circulation of the students.

19 MS. AKARD: You need -- but to be complete is the

20 25 students. And again, you can call it what you want,
21 lenient, it is breaking a rule, and I cannot agree to
22 break the rule.

23 MS. BARDWELL: Well, I hope you all don't feel
24 that way.

25 And, you know, I came to the board today to ask

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1 for a little help. I'm not asking to break the law.
2 Like I said, I do intend to have 25 students. I could
3 get going. If you would just give me a little leniency
4 to accrue the 25 students, I'm sure I will have them by
5 the end of summer. But loans are a problem, you know,
6 in the -- America as a whole. And people that are
7 interested in coming to cosmetology school, it's
8 because they need a job and they are trying to do
9 better, and so am I. And I hope you guys will consider
10 my situation.

11 Thank you.

12 MS. BURCHETT: I just want to ask you a question.

13 I thought at the beginning you said you had 25?

14 MS. BARDWELL: I have 25 permits. Uh-huh.

15 MS. BURCHETT: Okay. And a -- so --

16 MS. BARDWELL: The other ones are, the remaining
17 10 -- I have 15 complete. The remaining 10 are based
18 on one girl had completely signed up, had given me
19 her -- she had signed a contract, her pictures, her

20 money order, the whole thing and she was laid off. And
21 another girl, her husband was laid off. So some of the
22 students that I have, they have had situations that --
23 you know, so and that's why I'm here, is because I had
24 the count and it's going down because of things like
25 that and I can't process them.

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1 So I was hoping, if -- if I could start with the
2 25, that in hopes that this summer I could pick up 10
3 more.

4 MS. BURCHETT: So have you done anything to try to
5 help these students that are -- that are going through
6 these times or --

7 MS. BARDWELL: Uh-huh. Uh-huh. I'm even offering
8 in-house financing. But without a license number from
9 the state, I can't register my school with student loan
10 companies, so they can't process their student loans.
11 They can get a personal loan or they can finance
12 in-house, but without an ID number, I can't even
13 process student loans. And that's a big disadvantage
14 for a new school, is because the rules allow everything
15 to be in place before you get that number. So I have
16 loan paperwork filled out, I just can't process it
17 without an ID number.

18 MS. COLLINS-BURROUGH: So you've had 10 drops, is
19 that what you're trying to say? You've had 10 drops

20 already?

21 MS. BARDWELL: Uh-huh. Or just can't qualify, you
22 know, for whatever reason.

23 But -- and the 15 I have, I can't process their
24 paperwork until I get an ID number, a license number.

25 MS. COLLINS-BURROUGH: Right.

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1 MS. BARDWELL: So I don't even know, if I get
2 ready to open, if they are going to be ready to go or
3 not because I can't process their student loan
4 paperwork.

5 So I don't know if you could issue an ID number so
6 I can process paperwork and then a license number
7 later, I don't know what needs to be done, but I can't
8 even process their student loans because I can't
9 register the school. And so I'm -- it makes it hard.

10 MS. BURCHETT: Erika, do you have any suggestions,
11 hearing what she's saying?

12 I mean I'm not for breaking the law or the rule,
13 because that's why we're here and that's what they are
14 for and that's our guide, that's what we have to go by.
15 We can't do that.

16 MS. GEE: Well, the rules say in a couple of
17 different places that you can't be issued a license
18 unless you have 25 student enrollment forms. That's
19 the way you-all's rules read. So --

20 MS. BARDWELL: And without a license you can't
21 register your school with the student loan financing
22 company.

23 MS. COLLINS-BURROUGH: Well, I understand. I
24 understand that. I really do. I understand your
25 plight.

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1 MS. BARDWELL: Uh-huh.

2 MS. COLLINS-BURROUGH: But I just, you know --
3 you-all need to say something. What do you-all want to
4 do?

5 MS. WARD: If you don't -- the thing is, if you
6 don't have enough students enrolled and you would lose
7 more, you cannot guarantee to be able to stay open.
8 And for the students that you do enroll, that's the
9 reason they have got that rule, because you have to
10 have enough to make sure that you can keep going and
11 that's why that limit is set. And letting somebody go
12 into it without meeting that, knowing that they are
13 going to be able to continue, it's not fair to the ones
14 that are enrolling. So it makes it really hard, but
15 it's for your protection as well as the students'
16 protection. Because if you do start and something
17 happens, you're going to have to pay for them to go
18 some place else if you can't continue, so it's
19 protecting you and the students. So that is -- it's a

20 rule that's put there for a reason, and it's because
21 when they went through and figured out how it's going
22 to be to run it, they know you have all of these
23 expenses and you've got to make sure that you can carry
24 everything to protect that student so they can continue
25 to go and to protect you at the same time.

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1 So, you know, making an exception, we're just
2 opening up a lot of problems, and we do not need to go
3 there. And if something would happen, you would
4 need -- you would not want to go there either.

5 So, it's actually not just protecting the
6 students. It's protecting you as well.

7 MS. BARDWELL: Uh-huh.

8 MS. COLLINS-BURROUGH: Any more questions?
9 Discussion?

10 MS. PHILYAW: I don't have a question, but I have
11 a comment.

12 My heart goes out to you but Rule 6.4 says 25
13 students.

14 MS. BARDWELL: Uh-huh.

15 MS. PHILYAW: If we break the rule for you, then
16 we'll have to break the rule for someone else. Maybe
17 not in that same area, but bound to later or some rule.

18 MS. BARDWELL: Uh-huh.

19 MS. PHILYAW: And we're just now getting out of a

20 mess. Why do we want to get back in a big mess?

21 MS. COLLINS-BURROUGH: So --

22 MS. BARDWELL: Well, like I said, I appreciate

23 your time.

24 MS. COLLINS-BURROUGH: Thank you, Tina.

25 MS. BARDWELL: Thank you.

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1 MS. CAUDLE: Does anybody want to make a motion?

2 MS. COLLINS-BURROUGH: So we need a motion?

3 MS. BURCHETT: For what?

4 MS. CAUDLE: We need a motion for the record on
5 the decision.

6 MS. COLLINS-BURROUGH: To either allow or deny.

7 MS. HOPPER: I make a motion that we deny.

8 MS. COLLINS-BURROUGH: Okay. We have a motion.

9 MR. FOREMAN: I second.

10 MS. COLLINS-BURROUGH: We have a second.

11 All in favor, raise your right hand.

12 MS. PHILYAW: What was the motion?

13 MS. COLLINS-BURROUGH: To deny.

14 All in favor.

15 MS. WARD: All in favor?

16 (Hands raised.)

17 MS. COLLINS-BURROUGH: It's unanimous.

18 MS. AKARD: That was not easy. That was not easy.

19 Because that's like trying to borrow money and you

20 ain't got no money. You can borrow 10,000 and then

21 what you got \$10,000 for.

22 MS. COLLINS-BURROUGH: I know it was not.

23 MS. AKARD: That was not, that was not easy.

24 MS. HOPPER: No.

25 MS. AKARD: And I understand, I certainly

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1 understand. That was not easy.

2 MS. WARD: No. And that's, it's a hard -- it's
3 really hard, but...

4 MS. COLLINS-BURROUGH: Okay.

5 MS. AKARD: She tried to do a very good job.

6 MS. SMITH: She has the passion, that's key.

7 MS. AKARD: She'll get them.

8 MS. COLLINS-BURROUGH: Tracy?

9 MS. AKARD: Okay. What I wanted to talk about,
10 and I'll pass this around.

11 MS. HOPPER: Do I just keep the one?

12 MS. AKARD: Yeah. Take one and pass it around.

13 I have run into this several times, and just
14 recently. And I called Terry and talked to her on the
15 phone about it, and I wasn't able to get Sheila and so
16 I talked to Terry just on the phone about it.

17 I have, oh, probably about 10 times in the last
18 two years have had people that have -- have a
19 cosmetology license, want to come back and specialize.

20 Now, I understand as a licensed cosmetologist you
21 are licensed to do hair, skin, and nails; but many
22 times they want to come back and get a -- the license
23 that says aesthetician or manicurist. But hours do not
24 transfer back, if you have -- if you have 1,500 hours,
25 you don't get any hours if you come back into an

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1 aestheticians program. That means you have to take 600
2 hours. Or if you're a licensed cosmetologist, no hours
3 transfer into the manicuring program.

4 Now, remember you are as a cosmetologist, you're
5 licensed to do hair, skin, and nails. Now, if you are
6 a licensed aesthetician and you want to go into the
7 cosmetology program, you do get hours. I think it's,
8 what, 245?

9 MS. CAUDLE: I don't have my list, but I think
10 that's what it is.

11 MS. AKARD: I think it is. And same thing with
12 manicuring. If you are a manicurist and you want to go
13 into the cosmetology program, you do get hours.

14 So my -- my -- what I am proposing today is that
15 as a licensed cosmetologist that if you want to go back
16 and you want to go to back to school and go to boards,
17 that you get quite a few hours in order to specialize.

18 And when I was looking down at the break down of hours
19 and the course, since I teach all of these courses, I

20 was I was thinking about how many hours. And then
21 that's why I brought this certification of hours, so
22 you could look.

23 And having dealt with this, what I -- I know as a
24 cosmetologist, when I began to teach aesthetics and
25 thinking where was I deficient, how many hours did I

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1 really need to get to be what I thought was an
2 aesthetician, was probably about 200 hours. In this
3 same thing with, as a cosmetologist and you want to do
4 a -- be a manicurist, where you are deficient is in the
5 artificial nail. You need about 200 hours to learn how
6 to do the artificial nail.

7 So that is my proposal, is that if you are a
8 licensed cosmetologist and you want to specialize, that
9 it -- that you're only required to -- that it only take
10 200 hours before you go to board, so that you can be
11 examined to have that separate license.

12 MS. CAUDLE: Okay. This -- this is in the law
13 book. It's 17-26-414 is where it's listed at.

14 I think I'm going to have Erika interpret it for
15 us.

16 MS. GEE: Well, that's --

17 MS. CAUDLE: I mean it's saying from a specialty
18 class to cosmetology and --

19 MS. AKARD: But it didn't go the other way.

20 MS. GEE: It doesn't go the other way.

21 MS. CAUDLE: It doesn't go the other way.

22 So, it's in the law book. I don't know if we can

23 expand on that without a law change or not.

24 MS. GEE: I don't think so.

25 MS. CAUDLE: I don't think so.

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1 MS. AKARD: Well, why can't we try to get it now?

2 MS. CAUDLE: Okay.

3 MS. AKARD: Now would be the time.

4 MS. CAUDLE: Uh-huh. Absolutely.

5 MS. PHILYAW: I thought we had already done the

6 rules and, I mean, all that's gone through the

7 legislature. So why would we want to go back to them

8 and say, hey, I want to change some of the rules now?

9 MS. CAUDLE: Well this is a law, not a rule.

10 MS. PHILYAW: A law.

11 MS. GEE: The legislature would have to change.

12 MS. CAUDLE: The legislature would have to change

13 this.

14 MS. PHILYAW: Well, that would apply, though. Why

15 would we want to go back to them?

16 MS. AKARD: Well, why wouldn't we? Because it's

17 going to benefit the public.

18 Like I said, I've got people that want to, you

19 know, want -- want this license, and this is the year

20 that we're doing it, so if it takes a small law change,

21 you know, why not ask them for it?

22 MS. COLLINS-BURROUGH: Small?

23 MS. CAUDLE: All it would be is another section

24 there to reverse what's already there. Instead of

25 saying cosmetology -- the specialty programs would

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1 apply to cosmetology, it could say cosmetology would

2 apply to specialty programs.

3 MS. PHILYAW: And what rule is that? Law?

4 MS. CAUDLE: That is 17-26-414.

5 MS. BURCHETT: I have a question.

6 MS. CAUDLE: Yes, ma'am.

7 MS. BURCHETT: I think I called or e-mail one time

8 and asked about, people are always calling wanting

9 refresher course.

10 MS. CAUDLE: Uh-huh.

11 MS. BURCHETT: Okay. So, I think I asked you if

12 they had to be permitted or whatever because they need

13 to re-examine.

14 MS. CAUDLE: They have to be permitted to be in

15 your school. Yes.

16 MS. BURCHETT: Okay. That's not what I was told.

17 MS. CAUDLE: Okay. But they do. Anyone that's in

18 your school has to be permitted.

19 MS. WARD: Okay.

20 MS. BURCHETT: Someone coming from another state

21 that wants to --

22 MS. CAUDLE: Uh-huh.

23 MS. BURCHETT: -- or for whatever reason --

24 MS. CAUDLE: And the number of hours that you

25 permit that student for is between you and the student.

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1 That's agreed upon between you and the student. There
2 is no set number of hours, but anyone --

3 MS. BURCHETT: Okay. So where --

4 MS. CAUDLE: -- that you're instructing in your
5 school has to be permitted.

6 MS. BURCHETT: Where would that fall?

7 MS. CAUDLE: Well I would have to look that up.
8 But anyone that is receiving instruction in your school
9 has to be permitted.

10 MS. COLLINS-BURROUGH: That means having a permit
11 issued?

12 MS. CAUDLE: Uh-huh.

13 MS. WARD: Okay.

14 MS. COLLINS-BURROUGH: Barbara?

15 MS. WARD: I don't think in there it says that you
16 cannot have someone permitted to take -- that you
17 cannot have them to take a refresher. And what we do,
18 we require them to get -- if they want to take a
19 refresher, to come in for three months if they have

20 been out.

21 MS. CAUDLE: But that's what I say --

22 MS. WARD: But that's our rule.

23 MS. CAUDLE: But we're totally off what we're

24 discussing.

25 MS. BURCHETT: I know. But I had a reason for

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1 asking that, because --

2 MS. WARD: But it's not because they have to be
3 licensed. Now if they have to be licensed, whatever
4 requirement they have, you know, if they have to come
5 back -- because at one time they had to come back and
6 take so many hours before they could get licensed
7 again, then that would be how many hours they had to
8 come back for. And if they want to learn more about --
9 what we've done, if they want to learn more, like the
10 cosmetologist, they want to learn how to do nails
11 because they didn't get that part, we offer -- we teach
12 them that anyway, but they want to get better at it, we
13 let them come in and we enroll them as continued
14 education as, you know, and then they can learn more
15 about it and specialize in it, but --

16 MS. AKARD: Well, now they can be --

17 MS. WARD: But not get them a license.

18 MS. AKARD: Not that they have to get another
19 license, but I do have people that, you know, like you

20 said, as a refresher, but all they are really going to
21 do is nails. But, you know, we as cosmetologists don't
22 get enough hours to really do artificial nails.

23 MS. SMITH: Right.

24 MS. WARD: Uh-huh.

25 MS. AKARD: If you're -- if you're getting --

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1 unless you just went through that nail program.

2 MS. SMITH: Right.

3 MS. WARD: Uh-huh.

4 MS. AKARD: So I have people that do want to come
5 back and just specialize in nails but they sure would
6 like to have that, that license. And I get it a lot in
7 the aesthetician program. And that's why, you know,
8 why can they not go to board to be examined in that
9 speciality, if they have certain hours. And that's
10 what I'm proposing, if they've already -- they are
11 already licensed.

12 MS. CAUDLE: Scottie, your question, 17-26-415.

13 MS. GEE: I remember talking about this before.

14 MS. CAUDLE: Uh-huh.

15 MS. COLLINS-BURROUGH: I started to say I've heard
16 this somewhere.

17 MS. BURCHETT: I hope I have it in an e-mail.

18 I'll look when I get back.

19 MS. GEE: I remember talking -- I mean I don't

20 remember if it was in a board meeting or not, but
21 there -- I remember thinking that if they are not
22 getting accredited hours, and this just says that --

23 MS. CAUDLE: That's on --

24 MS. GEE: -- all students shall be registered
25 before accredited hours can be obtained.

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1 MS. CAUDLE: Correct.

2 MS. BURCHETT: And that's the reason I --

3 MS. GEE: But they are not getting accredited
4 hours, they already have hours.

5 MS. BURCHETT: That's the reason -- that's the
6 conversation I'm referring to. And the reason I'm
7 asking is these people already have a valid cosmetology
8 license, and why couldn't they test and get a
9 manicurist's license?

10 Why -- you know, why do we have -- why does there
11 have to be a law to -- they are already a valid
12 licensed practitioner.

13 MS. GEE: I think that's a separate question.

14 MS. CAUDLE: Yeah. It's --

15 MS. BURCHETT: But it deals with the same thing,
16 basically.

17 MS. CAUDLE: Yes.

18 MS. BURCHETT: It really does.

19 MS. GEE: Well, it does. I mean it's similar but,

20 I mean, the statute requires that to take the
21 manicuring exam you have to have a certain number of
22 hours of manicuring. So I don't think that you can
23 just ignore that without some justification of the
24 statute. That's where I'm coming from on that
25 particular issue.

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1 Now, as far as people having to be licensed to
2 take a refresher course, I'm not sure that the statute
3 requires that. But that's a different -- I mean I
4 think that's a different question.

5 MS. SMITH: I have a question.

6 MS. COLLINS-BURROUGH: What's that?

7 MS. SMITH: Well, when -- I attended Thelma's, and
8 when I attended Thelma's, the cosmetologists worked
9 with us as manicurists as well, so they learned
10 everything that we learned. They were required to
11 actually do the artificial nails. So when the -- when
12 they graduated, they were able to do, as you say,
13 hand -- I mean, yeah, manicuring --

14 MS. BURCHETT: Hair, skin and nails.

15 MS. SMITH: Hair, skin and nails. So why would
16 they have to go back?

17 MS. AKARD: It's just that -- they don't. It's
18 only if they want to.

19 If you look down here in your break down of hours,

20 in manicuring, cosmetology only spend a hundred hours
21 in manicuring. You only spend a hundred hours in
22 facials, in skin care.

23 MS. SMITH: Uh-huh.

24 MS. AKARD: So it's not a 600-hour skin care
25 course, it's not a 600-hour manicuring course.

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1 However, if you really look at it, you spend 200 hours
2 in advanced nail technology. And that's why I'm
3 proposing that if somebody wants to come back to get
4 that separate, to sit for the nail exam, that they
5 spend 200 hours and then be able to go back and take
6 the exam to get a separate nail license, if they
7 choose. You're still, as a cosmetologist, licensed to
8 do all of them.

9 MS. SMITH: Right. Right.

10 MS. AKARD: But in the school, we don't have to
11 make them an artificial nail expert. That's not -- I
12 mean there is -- there is -- that's not -- our
13 concentration with the cosmetologist is hair.

14 MS. SMITH: Uh-huh.

15 MS. AKARD: And but, you know, I run into this.
16 And again I run into this with skin care more than I do
17 with nails. And I want to make that available to those
18 that choose to do that. Because again, they have 1,500
19 hours, which shouldn't be hard to tweak it.

20 MS. WARD: When you're coming from the cosmetology
21 you're going to spend most of that time on your hair.
22 Going to do aesthetician, do you think 200 hours is
23 enough to get everything?

24 MS. AKARD: Absolutely. Because I can say that
25 for me, what -- and again looking at this, looking at

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1 this, what they need is the advanced skin care, is the
2 skin analysis, they need to learn how to use the
3 machines. And again not all schools have the machines.
4 They need to learn how to use the machines. 200 hours
5 is plenty. It's fine.

6 MS. BURCHETT: I agree. And I -- and I think
7 there has to be a law to say it.

8 MS. AKARD: 200 hours would get them up to speed.

9 MS. CAUDLE: So what you're presenting is that a
10 licensed cosmetologist, if they come back to any given
11 school and complete 200 hours in a specialty course,
12 they then have enough hours to sit for the examination
13 to become licensed in whatever area that they choose?

14 MS. AKARD: Absolutely.

15 MS. CAUDLE: Okay.

16 MS. BURCHETT: It might ought to just say
17 aesthetics and manicuring. Because it -- specialty
18 area, you know, someone might say, well, instructor
19 or --

20 MS. AKARD: Well, electrology is already separate,

21 written in separately.

22 MS. CAUDLE: It's already separate. Yeah.

23 MS. AKARD: And by the way, it's 350, and it

24 should be because you're dealing with a needle.

25 MS. CAUDLE: Yeah.

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1 MS. SMITH: Okay. So in this advanced nail
2 technology, it's specializing basically on artificial
3 nails. Is that what you're saying?

4 MS. CAUDLE: No. It would be 200 hours.

5 MS. AKARD: You would label to call yourself a
6 licensed manicurist.

7 MS. SMITH: Okay. But I mean because
8 specifically, because I've been in this field, and
9 that's why I'm questioning this.

10 This 200 hours, does it consist of just artificial
11 nail care? Because you still have manicuring type
12 information on --

13 MS. COLLINS-BURROUGH: Well, they have already had
14 that. They have received that with their cosmetology
15 program.

16 MS. CAUDLE: They received that with their
17 cosmetology program.

18 MS. COLLINS-BURROUGH: You understand what I'm
19 saying?

20 MS. SMITH: Okay.

21 MS. COLLINS-BURROUGH: Well, now, spit it out.

22 MS. SMITH: No. They are not.

23 MS. BURCHETT: I understand.

24 MS. SMITH: I mean, okay, we learned about the

25 diseases of skin and types of the dermatitis and things

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1 like that. Okay. That's when we were separated. So

2 I'm asking how does the cosmetologist --

3 MS. AKARD: Cosmetologists learn that, too.

4 MS. COLLINS-BURROUGH: Absolutely. Absolutely.

5 MS. SMITH: Okay.

6 MS. AKARD: Cosmetologists learn that, too. They

7 learn the parts of the nails --

8 MS. SMITH: Okay.

9 MS. AKARD: -- they learn the diseases of the

10 skin.

11 MS. SMITH: Okay.

12 MS. COLLINS-BURROUGH: Basically what they need,

13 what Tracy is saying is they just need a little bit of

14 practice on the building of the nail, the form.

15 MS. AKARD: Right. Advanced techniques.

16 MS. SMITH: Okay.

17 MS. BURCHETT: But you're not saying that their

18 full 200 hours would only be -- come from advance nail

19 technology. Was that your question?

20 MS. SMITH: Yes.

21 MS. AKARD: It's going to be at the discretion of
22 the school and how they put their curriculum together.

23 And you know what, it's going to be real

24 individualized, because you're going to have --

25 MS. BURCHETT: Right.

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1 MS. AKARD: -- you know, it's going to be
2 individualized.

3 MS. CAUDLE: What's the pleasure of the board?

4 MS. COLLINS-BURROUGH: What's the pleasure of the
5 board?

6 MS. CAUDLE: We need to write this down. It has
7 to be presented to the legislature to change.

8 MS. COLLINS-BURROUGH: Okay.

9 MS. CAUDLE: And then we can add it to that
10 amended, that Senate 39.

11 MS. COLLINS-BURROUGH: You say it.

12 MS. CAUDLE: This probably could be, you guys
13 could visit with the legislators and this could
14 probably be added to the Senate Bill 39.

15 Because what Senate Bill 39 is, it's typically our
16 law that they have went and striked through and added,
17 but -- and taken away and all that, and now would be
18 the time to get that changed, if the pleasure of the
19 board is to change that.

20 MS. AKARD: Well, how do I word the motion? You

21 know, make the motion?

22 I make a motion that we --

23 MS. COLLINS-BURROUGH: Well, word it similar to

24 the electrology.

25 MS. AKARD: I make the motion that we allow

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1 licensed cosmetologists to take an additional \$200 --

2 \$200 --

3 MS. CAUDLE: She's got money on the brain.

4 MS. AKARD: -- 200 hours in either manicuring or

5 aesthetics to be able to take the exam.

6 MS. COLLINS-BURROUGH: Do we have a second?

7 MS. BURCHETT: I second it.

8 MS. COLLINS-BURROUGH: Okay. We have a first from

9 Tracy, a second with Scottie.

10 All in favor, raise your right hand.

11 (Hands raised.)

12 Two for, five against.

13 Motion failed.

14 MS. CAUDLE: Motion failed.

15 MS. COLLINS-BURROUGH: All right. Let me see.

16 Okay. We have Mr. Garry Corrothers.

17 MR. CORROTHERS: Good morning.

18 I'm Garry Corrothers, attorney at law.

19 MS. GEE: I'm Erika Gee.

20 MR. CORROTHERS: Thank you, Ms. Gee.

21 Should I go ahead and proceed?

22 MS. COLLINS-BURROUGH: Yes.

23 MS. CAUDLE: Yes.

24 MR. CORROTHERS: Okay. I'm Garry Corrothers. I

25 represent Mr. Tony Le. We requested to address the

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1 board just briefly regarding an issue regarding a
2 transfer of an establishment license.

3 MS. COLLINS-BURROUGH: Okay.

4 MR. CORROTHERS: And I've had correspondence with
5 the, I believe, Executive Director, and also with the
6 staff attorney. And I'll just -- I'm not sure -- I
7 wasn't sure how many members were on the board, but
8 I --

9 MS. HOPPER: We'll share.

10 MR. CORROTHERS: -- this is some correspondence
11 that I sent to -- to Ms. Gee.

12 And basically --

13 MS. COLLINS-BURROUGH: Could I have one, too,
14 please?

15 MR. CORROTHERS: Beg your pardon?

16 MS. COLLINS-BURROUGH: Could I have one, too,
17 please?

18 MR. CORROTHERS: Oh, yes, ma'am. Sure.

19 MS. COLLINS-BURROUGH: Thank you.

20 MR. CORROTHERS: And basically Mr. Le negotiated
21 with -- with Hoang Nguyen, Hoang Nguyen. That's the
22 license application and that's the shop number. He
23 negotiated, oh, a couple of years ago regarding the
24 sale of his building, not the transfer of the
25 establishment license. For lack of a better word, the

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1 sale fell through, it's in negotiation. There has been
2 no transfer of title to the building. That is
3 currently in litigation.

4 However at some point, I believe in early 2008, I
5 think Ms. Nguyen got the license transferred by her
6 attorney representing some issues regarding that the
7 building had been sold. I think there was no
8 conversation, I guess, by the former Executive
9 Director, no conversation to Mr. Le as to whether or
10 not he would agree or consent that his establishment
11 license be transferred to Ms. Nguyen. And at this
12 point as we speak, Ms. -- the license, Mr. Le's license
13 was transferred to Ms. Nguyen and she is currently
14 operating under his establishment license. As I
15 understand that, all of our other licenses, there is no
16 issue with our other licenses, this is the license
17 that -- where the issue lies.

18 And I believe that pretty much sums up the issues
19 as I recall having conversations with Ms. Gee and

20 Ms. Caudle, and I believe Mr. Le has also had a
21 discussion with Ms. Caudle regarding these issues.

22 Are there any questions?

23 Yes, ma'am.

24 MS. WARD: He sold the property but not the
25 business?

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1 MR. CORROTHERS: Yes, ma'am.

2 MS. WARD: So the business would still be licensed
3 under whoever it was licensed under. Wouldn't it?

4 MS. GEE: I think that's -- that's the contention.

5 MR. CORROTHERS: That's the issue.

6 MS. WARD: But I don't think -- I don't think it
7 would have changed, but it doesn't matter who owns the
8 property as long as whoever has the business, they are
9 liable and they are responsible for the business.

10 So...

11 MS. GEE: Well, just for the board's information,
12 I don't know if you have a copy of this or not.

13 MS. WARD: No. We don't. I just got this letter.

14 MS. GEE: Okay. Well, I spoke to Mr. Corrothers,
15 he called me about this issue. And I sent a letter to
16 the other party's attorney, Mr. Almand, who had written
17 a letter on her behalf to get the license changed over,
18 which is dated January 2008. And I invited him to
19 respond to Mr. Corrothers and to appear today, and I

20 didn't hear anything from him. So I don't know what
21 their position is, other than, as, from Mr. Corrothers
22 told me, they are in litigation over the property
23 itself --

24 MR. CORROTHERS: Yes.

25 MS. GEE: -- is my understanding of what's going

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1 on here. But we don't know at this point what their
2 position is, other than they are -- they are not giving
3 it up, I guess.

4 MR. CORROTHERS: Right. Right. Right.

5 And as I understood the issues, the property
6 itself, that's an issue for Circuit Court. The
7 cosmetology license is an issue for the Cosmetology
8 Board. And so, I mean, I think I was trying to be
9 careful not to mix those issues, because I don't think
10 Judge Kilgore would take up the issue of the license,
11 nor would this board take up the issue of the property.
12 I view that this board having jurisdiction over the
13 license issue, and I guess -- I guess initially our
14 position is that the license was wrongfully transferred
15 to Ms. Nguyen, wrongfully transferred without the
16 consent, acknowledgement, permission of the person that
17 held that establishment license.

18 MS. GEE: Yes, sir.

19 Okay. Well, the way that the license was

20 transferred, as far as I'm able to determine, is that
21 Mr. Almand, who represents Ms. Nguyen, sent a letter to
22 Ms. Wittum. And I'm sorry if you all don't have a copy
23 of that, I'll send my copy around so you all can look
24 at it.

25 But essentially what he said is that Ms. Nguyen

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1 has entered into a purchase agreement to buy the real
2 estate at issue on JFK Boulevard. Tony Le has refused
3 to cooperate with Ms. Nguyen in a license transfer
4 process.

5 So, apparently after that letter was written the
6 establishment's license was transferred to Ms. Nguyen.
7 And I don't know if Sheila can tell you any more about
8 the details or not, but --

9 MS. CAUDLE: This happened when Ms. Wittum was
10 here and this was in the file, so this is what I pulled
11 out of the file.

12 MS. GEE: So I guess what my advice would be to
13 you on this issue is that if you believe that there may
14 be cause to believe that the license was transferred
15 fraudulently, essentially, by a misrepresentation by
16 Ms. Nguyen, then we would have to have a hearing on
17 that issue to see if the license should be revoked and
18 returned to Mr. Le.

19 MS. WARD: My question would be, is that, that

20 sale, bill of sale, does it state she's buying the
21 property or the property and business? Because if
22 she's buying the business, that would mean that it
23 should have gone. If not, then I would say it
24 shouldn't have been, the business should not have been
25 transferred.

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1 MS. CAUDLE: I have not seen the bill of sale.

2 MS. WARD: So I would think --

3 MR. CORROTHERS: Here is a copy of the sale
4 agreement, and it only talks about the real estate
5 itself. That's a copy of the sale agreement. Which is
6 in litigation, that's the sale agreement, and no
7 contract, no closing occurred on the real estate, so
8 that's what's in litigation. But there is nothing on
9 the contract regarding the sale of the business, it's
10 only 4121 JFK.

11 MS. BURCHETT: Were there violations written?
12 Is that what you're looking at?

13 MS. CAUDLE: No. I just pulled their whole file
14 out.

15 MS. BURCHETT: Oh, okay.

16 MS. CAUDLE: And seen what was attached.

17 There is an establishment form here for a change
18 of ownership, which was done on March 24, 2008. That's
19 when it was dated. It looks like Shaunta's handwriting

20 on there. It says "two year license." It says
21 "license granted and given to Hoang to put in
22 computer," which means that it was when Access wasn't
23 going right, is what I'm assuming.

24 Mr. Le did not sign this, nor did Ms. Nguyen.

25 There is no signature from either on here.

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1 But the letter that accompanied it is from
2 Mr. Almand, the attorney, saying that the firm
3 represented Hoang Thi Nguyen in connection with her
4 application for establishment license. Ms. Nguyen has
5 entered into a purchase agreement to buy the real
6 estate located at 4121 JFK Boulevard in North Little
7 Rock, Arkansas. The former licensee, Tony Le, has
8 refused to cooperate with Ms. Nguyen in the license
9 transfer. These problems relate to Mr. Le's Chapter 13
10 bankruptcy, began in 2005, and it is Ms. Nguyen's
11 position that the contract for sale is binding upon
12 Mr. Le. Please accept this letter as confirmation of
13 the transfer of ownership and issue Ms. Nguyen an
14 establishment license, if you should find her
15 application otherwise in order."

16 MS. BURCHETT: So, Erika, does a letter from an
17 attorney, does that mean the application would not have
18 to have the person's signature?

19 MS. WARD: They didn't see that on that side.

20 MS. GEE: No. I mean I wouldn't say that.

21 MS. BURCHETT: So the office issued a license with
22 no signatures?

23 MS. CAUDLE: They did a change of ownership.

24 Uh-huh.

25 MS. COLLINS-BURROUGH: They did a change of

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1 ownership? But no signatures?

2 MS. CAUDLE: They transferred the ownership from
3 Tony Le to Hoang Nguyen.

4 MS. BURCHETT: With no signatures?

5 MS. CAUDLE: Uh-huh.

6 MS. AKARD: However it said that he didn't want to
7 cooperate, which means he never gave his okay.

8 MS. CAUDLE: Right.

9 MS. BURCHETT: No signatures. He didn't sign it.
10 Right? He didn't sign it.

11 MS. WARD: But the question is, the thing is, he
12 sold the building, the property.

13 MS. AKARD: But not the business.

14 MS. WARD: Not the business, and they tried to
15 take possession -- they took possession of the business
16 also, so -- that would -- that needs to go to them.

17 MS. BURCHETT: Through our office?

18 MR. CORROTHERS: Thank you.

19 MS. WARD: So that's the big confusion there. It

20 has to be, to be legal, it has to both be stated that
21 you're selling both, otherwise just whatever you're
22 selling. So apparently --

23 MS. GEE: So my suggestion would be, if you all
24 believe that she was not entitled to have the license
25 transferred that we need to have -- would need to have

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1 a hearing and bring her in and have her -- let her have
2 the opportunity to present her side of the story and
3 then you-all can decide what to do.

4 MS. COLLINS-BURROUGH: We need a motion to that
5 effect?

6 MS. GEE: Uh-huh.

7 MS. COLLINS-BURROUGH: Need a motion.

8 MS. AKARD: I make a motion that we ask
9 Ms. Nguyen, Nguyen to come in and we will visit with
10 her concerning the transfer of license.

11 MS. COLLINS-BURROUGH: Okay. We need a second.

12 MS. HOPPER: I second.

13 MS. COLLINS-BURROUGH: Okay. All in favor, raise
14 your right hand.

15 (Hands raised.)

16 MS. COLLINS-BURROUGH: Motion unanimous.

17 So we'll call her in.

18 MS. GEE: Just to clarify, that would be a
19 hearing?

20 MS. COLLINS-BURROUGH: Yes.

21 MS. AKARD: Yes.

22 MS. GEE: Okay. We will get that done.

23 MR. CORROTHERS: May we be excused?

24 MS. GEE: Yes. Thank you.

25 MS. WARD: It's over there. It hasn't gone all

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1 the way around yet.

2 MS. GEE: One of them is mine. I think, the
3 yellow one is yours.

4 MS. WARD: Yeah. They're both over there. And he
5 hasn't seen it yet.

6 MS. SMITH: Okay.

7 MS. GEE: Mr. Corrothers, I'll send a copy of that
8 to you so you will be aware. I've got your
9 information.

10 Thank you, sir.

11 MR. CORROTHERS: May we be excused?

12 MS. WARD: Do you need to see it?

13 MS. COLLINS-BURROUGH: (Shaking head from side to
14 side.)

15 MS. GEE: Except I need to trade you.

16 MS. BURCHETT: I have yours.

17 MS. GEE: You have mine?

18 Okay. I believe this is also yours.

19 MR. CORROTHERS: That is mine.

20 MS. BURCHETT: I'm not sure whose this is.

21 MS. WARD: No. That one is Sheila's.

22 MS. GEE: Okay. Thank you.

23 MR. CORROTHERS: Thank you, ma'am.

24 BOARD MEMBERS: Thank you.

25 MS. COLLINS-BURROUGH: Okay. Mr. Louthian?

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1 MR. LOUTHIAN: Good morning. I'm Paul Louthian,
2 Administrator, Office of Accounting.

3 Senator Faris was unable to come today to speak,
4 asked that I be here and kind of give you all an update
5 of where Senate Bill 39 is and what my part will be in
6 that.

7 I think you're aware that it's gone before the
8 Senate committee, it's been voted on by the full Senate
9 at 33 to 0, it's been passed through House. It's my
10 understanding that the bill has been assigned to the
11 committee that is going to hear that bill and that it
12 will be Friday -- I mean Wednesday. Most of these are
13 meeting in the morning so my guess would be that it
14 will be sometime between 10 and -- or nine o'clock and
15 noon. Probably at ten o'clock on Wednesday. I will be
16 there to offer testimony as to what we found when we
17 came in on February the 3rd. 3rd? 13th?

18 MS. CAUDLE: 12th.

19 MR. LOUTHIAN: Okay. I think we left on June the

20 3rd was the last time I had staff members here.

21 Basically what I will explain is the condition

22 that we found the office to be in, what my staff did to

23 correct those errors, and what things we've put in

24 place to hopefully help going forward with the

25 processing of applications and funds that came to the

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1 office. And as far as I know, that will basically be
2 my role.

3 I want to make one other thing kind of clear to
4 you. I'm not sure that you all fully understood what
5 Nicole was trying to express to you this morning.

6 The legislative process is that a bill starts
7 either in the house or the Senate, it's heard by a
8 committee, it's voted on by the full body. At that
9 point in time it goes to the opposite body, whether
10 it's the Senate or the House. It goes to the
11 committee, it's heard before the committee, they either
12 recommend that it pass out or do not recommend that it
13 pass out. If it passes out it then goes to the full
14 body again for a vote, and that's the point in time
15 that it goes to the governor's office for signature.

16 And I think what she was trying to convey to you all as
17 best she could was that the governor is not taking a
18 position on this bill and that your comments and
19 concerns need to be addressed with your legislators at

20 this point in time. Okay?

21 I don't know that that all was understood, based

22 on some of the conversations I heard.

23 Do y'all have any questions for me?

24 MS. HOPPER: So is the committee -- now, Wednesday

25 which committee is meeting?

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1 MR. LOUTHIAN: Well, as I was -- I was told Friday
2 that the committee meeting would be Wednesday, and I
3 believe it's State Agencies and Governmental Affairs of
4 the House.

5 MS. GEE: In the House.

6 MS. CAUDLE: In the House.

7 MS. GEE: I mean, you could --

8 MR. LOUTHIAN: But I have not confirmed that and I
9 looked at the Internet today.

10 MS. GEE: You can look at the Legislature's
11 website and it will tell you all the meetings that are
12 scheduled and you can look at the agendas.

13 MR. LOUTHIAN: Yeah. Probably the easiest way to
14 get there is to go to www.Arkansas.gov. That brings up
15 the state's home web page and you can click on the
16 legislative there and go down to the legislature and go
17 down to the day's meetings on the calendar of events.
18 And you can actually also look up that particular bill,
19 and if you haven't looked at that particular bill, it

20 will give you the history of where that's going and

21 when it's scheduled to be heard again.

22 But my best understanding, it will be Wednesday at

23 ten o'clock.

24 MS. PHILYAW: Paul, are you talking about this

25 Wednesday?

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1 MR. LOUTHIAN: Yes, ma'am.

2 MS. PHILYAW: Okay.

3 MR. PHILYAW: So in order to speak, we have to be
4 there?

5 MR. LOUTHIAN: That's correct.

6 MS. CAUDLE: That's correct.

7 MR. LOUTHIAN: And there is generally a person
8 there that will sign you in. If you go in, there is a
9 gentleman walking around or a lady walking around with
10 a notebook and a piece of paper and they will write
11 down the person's names that wish to make a comment
12 about the bill when it comes up. That will be your
13 opportunity to speak if you choose to speak for or
14 against the bill.

15 MS. PHILYAW: For or against?

16 MR. LOUTHIAN: For or against, either one. It's
17 an open discussion.

18 MS. PHILYAW: And does that mean the board -- I
19 mean like Bob could speak if he wanted to?

20 MR. LOUTHIAN: Yes. It's a public forum.

21 MS. COLLINS-BURROUGH: As long as he's on the

22 list.

23 MS. PHILYAW: As long as he is on the list.

24 MR. FOREMAN: Do you have the location?

25 MS. CAUDLE: Speak up.

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1 COURT REPORTER: I can't hear you.

2 MS. COLLINS-BURROUGH: Speak up.

3 MR. FOREMAN: Do you have the location?

4 MR. LOUTHIAN: No, sir. I don't have the exact
5 room number where it's going to be.

6 MS. CAUDLE: It will be in the state capitol in
7 one of the rooms over there, Mr. Foreman.

8 Erika is going to look to see if it's posted yet.

9 MS. RUDOLPH: I just looked. It's not posted yet.

10 MS. CAUDLE: Okay.

11 MR. LOUTHIAN: And one other thing, too, there was
12 a lady here earlier that talked about 48-hours notice,
13 unless this is different than it is in the council, and
14 I don't believe that it is, they can vote to suspend
15 the rules with a majority vote.

16 MS. CAUDLE: Yes.

17 MR. LOUTHIAN: And hear this at any point in time.

18 MS. CAUDLE: Yes.

19 MR. LOUTHIAN: So he also wants everyone to

20 understand that if you work for the board, your job is
21 going to transfer to the health department when this
22 passes and you will have a job, you will have a place
23 of employment and that you shouldn't be worried about
24 that. This is strictly a matter of where the board's
25 authorities will reside, not necessarily that there

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1 will be a change in the direction of the employees and
2 their jobs that they do.

3 MS. COLLINS-BURROUGH: Any other questions?
4 Comments? Concerns?

5 Okay.

6 MR. LOUTHIAN: Thank you.

7 MS. CAUDLE: Thank you, Mr. Louthian.

8 Okay. We're going to move on to the regional
9 meeting, which will be in May in Branson. I sent all
10 of you guys a questionnaire asking you for four topics
11 to recommend for the agenda. At that time -- at this
12 time I would like to see if anyone has any topics that
13 they would like to be put on the agenda. I have to
14 e-mail Ms. Norton back on that to let her know.

15 MS. PHILYAW: Sheila, what day? It was May what?

16 MS. CAUDLE: 1st, 2nd, and 3rd. I think the
17 meeting itself is the 2nd and 3rd, it starts on the
18 2nd.

19 MS. COLLINS-BURROUGH: The 1st is a Friday night

20 welcome reception.

21 MS. CAUDLE: Uh-huh.

22 Also as far as expenses going there, we will have
23 enough expenses to pay your registration and probably
24 your mileage but not your motel and your meals.

25 Still checking to see if they put some money back

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1 in the right fund, but right now that's what it's
2 looking like.

3 MR. PHILYAW: What date is that?

4 MS. COLLINS-BURROUGH: I'm sorry. What did you
5 say?

6 What did he say?

7 MS. CAUDLE: He said what date is that.

8 MS. PHILYAW: 3rd -- or 1st, 2nd, and 3rd
9 of May.

10 MS. CAUDLE: Of May.

11 MS. PHILYAW: Where is the convention being held?

12 MS. CAUDLE: In Branson.

13 MS. PHILYAW: I know but do you know what hotel it
14 is?

15 MS. CAUDLE: I think it's the Hilton.

16 MS. COLLINS-BURROUGH: I think it's the Hilton
17 Convention Center.

18 Yeah.

19 Did you receive any topics?

20 MS. CAUDLE: No. No. All I have is a blank sheet

21 here and no one sent me any topics.

22 MS. COLLINS-BURROUGH: That's not true. I did.

23 MS. CAUDLE: Well, other than Susan.

24 MS. COLLINS-BURROUGH: That's not true, I did.

25 MS. CAUDLE: A welcome reception is planned for

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1 Friday, May the 1st, and that's in the evening. And
2 they will meet on Saturday, May the 2nd, and half a
3 day on Sunday, May the 3rd. They have not sent me
4 the registration materials yet, and when I get those, I
5 will forward them to everyone.

6 MS. COLLINS-BURROUGH: How much is registration?

7 MS. CAUDLE: Is it 60?

8 MS. COLLINS-BURROUGH: I don't know.

9 MS. CAUDLE: I don't know how -- I don't have the
10 fee on that. They will send that to me with the
11 package.

12 MS. WARD: Do you need to know who wants to go?

13 MS. CAUDLE: When I send you the package out, at
14 that point in time you can complete it and send it in.

15 But I would like to have a count now to report to
16 Ms. Norton of those who plan to try to attend.

17 MS. WARD: Yeah. I would like to know as soon as
18 possible so I can book a room.

19 MS. CAUDLE: True.

20 Okay. Like I say, they haven't sent us the
21 registration so we can't book you a room for the
22 discount yet. That comes sometimes in February.

23 MS. COLLINS-BURROUGH: What were my topics? I
24 forgot.

25 When does she need to know?

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1 MS. CAUDLE: I have to e-mail her today.

2 MS. COLLINS-BURROUGH: So today is the deadline?

3 MS. CAUDLE: Actually it's due the 29th, but I

4 will be training Ms. Wood so I will be in and out of

5 the office for a few days, so I'm going to get all of

6 this e-mailed out to her today.

7 MS. COLLINS-BURROUGH: If you think of anything,

8 just tell Sheila later, I guess.

9 MS. CAUDLE: Right.

10 Anything that interests you as far as in the

11 industry that you would like to be placed on the agenda

12 as far as a topic to discuss at the meeting.

13 MS. COLLINS-BURROUGH: Education wise.

14 MS. CAUDLE: Education.

15 MS. COLLINS-BURROUGH: Regulation.

16 MS. CAUDLE: Yeah, regulation, funding. Anything.

17 Just let me know.

18 MS. COLLINS-BURROUGH: Okay.

19 MS. CAUDLE: Okay.

20 MS. COLLINS-BURROUGH: Now what?

21 MS. CAUDLE: Now we have presentation, and where

22 is Nick?

23 MS. COLLINS-BURROUGH: Okay. Nick Downey and

24 Ms. West, if you will come up here and grace us with

25 your presence.

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1 These are former board members for -- I'm not sure
2 when your terms were. If you could just kind of tell,
3 give us a little background about yourself.

4 MR. DOWNEY: Go ahead.

5 MS. WEST: It was four years ago. Starting, what,
6 2000? 2000, 2004 -- 2004.

7 MS. CAUDLE: 2003 to 2007 is what --

8 MS. WEST: That's it. Is what -- and I live in
9 Farmington up in northwest Arkansas, and I enjoyed it
10 very much.

11 MS. COLLINS-BURROUGH: Well this is a plaque for
12 you.

13 MS. WEST: Thank you.

14 MS. COLLINS-BURROUGH: That we appreciate your
15 service to this industry, we appreciate your time and
16 your effort to drive down here because it's quite a
17 ways, I understand. But this, this board wanted to
18 thank you for your service.

19 MS. WEST: Okay. Thank you.

20 (Applause.)

21 MS. COLLINS-BURROUGH: Mr. Downing?

22 MR. DOWNEY: Okay. I'm Nick Downey and I've been

23 in the profession for about 40 years. I served on the

24 board and was dismissed from the board when it was

25 restructured by a crooked director.

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1 I really don't see how you can issue a license
2 without a licensed electrologist on this board to do
3 the exams, but it's happening, I guess. I don't know.

4 Like I say, I didn't leave the board, the board
5 left me. My appointment is not up until 2010,
6 actually, but with a governor's signature, I guess it's
7 gone.

8 I'm proud of this new board. I'm proud of the
9 director. I can see some improvement immediately. And
10 I think if you work hard, you will be able to keep this
11 board and be able to continue to do the right things.

12 And I really appreciate being acknowledged by this
13 board. It's been a little while coming. Some of these
14 other directors, I'm sure, or chairman didn't have me
15 in mind. It's like I disappeared from the face of the
16 earth, felt like a bastard step child down there. But
17 I can see that you're coming along and I really
18 appreciate it.

19 MS. COLLINS-BURROUGH: Well, we're here to remedy

20 that, Mr. Downey, we appreciate your time. And I love

21 you, because I served with you.

22 (Applause.)

23 MR. DOWNEY: Thank you very much.

24 MS. GEE: Okay. Just to let you all know, there

25 is no meeting scheduled as of right now for that

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1 committee, so there is no agenda, so you will just have
2 to keep checking.

3 MS. CAUDLE: Okay. I have one more thing on my
4 agenda that I want to discuss with you board members to
5 actually maybe help in the office with reciprocity.

6 The rules have been changed, and that's on Page 26
7 of the new rules, and I haven't printed them all off
8 because they are not final. They are supposed to be
9 final as of tomorrow, according to Mr. Davis over at
10 Secretary of State's Office. But it has to do with a
11 national exam as being a -- one of the qualifications
12 for someone transferring a license to this state.

13 In the rule, the new rule, it will read, "All
14 persons licensed as a cosmetologist, electrologist,
15 manicurist, aesthetician, or instructor under the laws
16 of another state shall be granted a license to practice
17 their respective occupations through reciprocity,
18 provided that the following requirements are met:
19 Applicant is 18 years of age or older, has passed both

20 a written and practical examination for the particular
21 class of license applied for, and has passed the
22 Arkansas State law exam, has an official certification
23 filed with the board that was received from the state
24 board from which he or she is transferring, and has
25 paid the appropriate reciprocity fee."

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1 I spoke with Erika about this earlier in the week,
2 and she said that we could change this now because of
3 the wording in the law. National has been removed from
4 the rules. In the law -- where did I mark it at. It
5 says "national or equivalent to." I marked it and I
6 moved my tape.

7 MS. COLLINS-BURROUGH: What section is it under?

8 MS. GEE: 17-26-315.

9 MS. CAUDLE: 17-26-315.

10 MS. GEE: It says, "a national examination
11 comparable to the examination given in this state."

12 MS. CAUDLE: Okay. So what I need from the board
13 is what do you guys consider comparable to the exam
14 given in this state.

15 MS. AKARD: Anything.

16 MS. CAUDLE: State administered?

17 MS. AKARD: State administered.

18 MS. CAUDLE: That will help the people trying to
19 come to the state of Arkansas to get a license in this

20 state. I have several people out there who have been
21 in this profession for 30, 40, 20 years, and they come
22 to the state of Arkansas and they have to take a
23 written and practical examination because our law said
24 national testing. What I would like to do is have you
25 guys to make a ruling on this so that we can allow

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1 those people to come to this state to get a license and
2 not penalize them because a national exam did not exist
3 30 years ago.

4 MS. COLLINS-BURROUGH: Or their state doesn't
5 offer it, because not every state does.

6 MS. AKARD: No. There is only 17 that do.

7 MS. CAUDLE: That do. That's correct.

8 MS. AKARD: And none of our surrounding. Only
9 Missouri does, none of our surroundings do.

10 MS. CAUDLE: That's correct. You've done your
11 homework.

12 MS. AKARD: Sure have.

13 MS. CAUDLE: So what I need is a motion from the
14 board so that we can start implementing this in the
15 office.

16 MS. AKARD: I make a motion that any state
17 administered test will suffice for a national exam.

18 MS. HOPPER: I second that.

19 MS. COLLINS-BURROUGH: Okay. All in favor, raise

20 your right hand.

21 (Hands raised.)

22 MS. COLLINS-BURROUGH: Motion carries.

23 MS. CAUDLE: Thank you very much.

24 MS. AKARD: I'm thinking of dancing upon the

25 table.

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1 MS. CAUDLE: You going to dance?

2 MS. AKARD: We needed that. That has been a form.

3 That has been a form.

4 MS. COLLINS-BURROUGH: Okay. Public comments.

5 Public comments?

6 Do we have any public?

7 Nick Downey?

8 MR. DOWNEY: There are some states out here doing

9 NACCAS evaluations. I'm in a lot, probably been in

10 every state. There are a lot of states out here that

11 their law allows them to take a written practical, so

12 you might want to be aware of that whenever you are

13 making this ruling. That's going to allow them to come

14 in without ever having had a true practical exam, so it

15 wouldn't be comparable to what we do.

16 MS. CAUDLE: Okay.

17 MR. DOWNEY: So it's just, you know, something you

18 might want to think about.

19 MS. CAUDLE: What we're going to do is I'm going

20 to have Terry to call each individual state and do a
21 poll and we're going to make a list based on that poll
22 to go by, and we'll post that on our web page as well.

23 MR. DOWNEY: Sounds good.

24 MS. COLLINS-BURROUGH: Thank you, Mr. Downey.

25 Anybody else?

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1 MS. GILBREATH: I would like to say thank you, I
2 have enjoyed this.

3 MS. COLLINS-BURROUGH: Stand up and state your
4 name.

5 MS. GILBREATH: I'm Debbie Gilbreath and I'm the
6 Regional for Smart Style Hair Salons inside Walmart
7 Service Centers. And this is the first time I've come
8 to a board meeting and this has been very educational.
9 I want to tell everybody thank you.

10 MS. AKARD: Thank you for coming.

11 MS. COLLINS-BURROUGH: Anybody else?

12 Mr. Bob?

13 MR. PHILYAW: I'm Bob Philyaw.

14 I just wanted to say that I started coming here
15 three years ago to these meetings, and I've only missed
16 one since then.

17 And three years ago, yes, we had problems. But
18 today we have a fantastic board and a great director.

19 MS. SMITH: Yes.

20 MR. PHILYAW: And I just wanted to say thank you
21 for progressing. So we've got to fight to keep this
22 thing where it's at.

23 Thank you very much.

24 MS. COLLINS-BURROUGH: Thank you.

25 MS. CAUDLE: Thank you.

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1 MS. COLLINS-BURROUGH: Anybody else?

2 MS. AKARD: Are we going to talk about 39 any
3 more?

4 MS. COLLINS-BURROUGH: Yes. Yes.

5 Okay. All right. Get this in front of you.

6 Okay. Let's take about a 15 minute break.

7 (WHEREUPON, at 11:58 a.m., the above-entitled
8 proceedings were concluded.)

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1 CERTIFICATE

2

3 STATE OF ARKANSAS)

4 COUNTY OF PULASKI)

5

6 I, SUSAN B. WHITSON, Certified Court Reporter and
7 notary public in and for Pulaski County, State of Arkansas, do
8 hereby certify that the witnesses were duly sworn by me prior to
9 the taking of testimony as to the truth of the matters attested
10 to and contained therein; that the January 26, 2009 Meeting and
11 Hearings of the Arkansas State Board of Cosmetology were taken by
12 me in Stenotype and reduced to computer-generated typewritten
13 form by me or under my direction and supervision; and that the
14 same is a true and correct reflection of the proceedings that
15 occurred, to the best of my knowledge and ability.

16 I FURTHER CERTIFY that I am neither counsel for,
17 related to, nor employed by any of the parties to the action in
18 which this proceeding was taken; and, further that I am not a
19 relative or employee of any attorney or counsel employed by the

20 parties hereto, nor financially interested, or otherwise, in the
21 outcome of this action; and that I have no contract with the
22 parties, attorneys, or persons with an interest in the action
23 that affects or has a substantial tendency to affect
24 impartiality, that requires me to relinquish control of an
25 original transcript or copies of the transcript before it is

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1 certified and delivered to the custodial attorney, or that
2 requires me to provide any service not made available to all
3 parties to the action.

4 SIGNED AND SWORN this _____ day of
5 _____.

6
7 _____

8 SUSAN B. WHITSON, CCR, #158

9 NOTARY PUBLIC IN AND FOR

10 PULASKI COUNTY, ARKANSAS

11

12 My Commission Expires: June 4, 2012.

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