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BEFORE THE ARKANSAS STATE BOARD OF COSMETOLOGY

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ADMINISTRATIVE HEARINGS  
AND  
BOARD MEETING

Monday, September 17, 2007

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BE IT REMEMBERED that on Monday, the 17th day of  
September 2007, before the Arkansas State Board of Cosmetology  
and its department staff, at 8:30 a.m. in the South Basement  
Conference Room of the Main Street Mall, located at 101 East  
Capitol Avenue, Little Rock, Pulaski County, Arkansas, business  
and administrative hearings came on for hearing as follows:

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SUSAN B. WHITSON, CCR

Arkansas Supreme Court Certificate No. 158

9810 Woodland Drive  
Mabelvale, Arkansas 72103  
(501) 455-1170  
WhitsonCCR@aol.com

SUSAN B. WHITSON, CCR, INC. (501) 455-1170

1 APPEARANCES:

2 Board Members:

3 JANE POWELL - President  
PATRICIA TURMAN - 2nd Vice President

4 LaJOY GORDON - Secretary  
BARBARA WARD - Treasurer

5 ANN PICKERING  
SCOTTIE BURCHETT

6 CATHY CAVER-BLADE  
SUSAN COLLINS-BURROUGH

7 JOYCE SMITH (not present)

8 Staff Members Present:

9 KATHY WITTUM - Executive Director  
AMBER McCUIEN

10 SHAUNTA BELMONT

11 Board Inspectors:

12 SHEILA CAUDLE (not present)  
ROSE HORNER

13 PAT BLAND JACKSON  
LAVONNE GREEN

14 BRENDA MORGAN

15 ON BEHALF OF THE BOARD:

16 ERIKA GEE, ESQ.  
Assistant Attorney General  
323 Center Street, Suite 200  
Little Rock, Arkansas 72201

18

19 HEARING OFFICER:

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

22

23

24

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1 RESPONDENTS PRESENT:

2 Tan Chuc Xuan Bui

3 Dai Thi Minh Bui

4 Cuong Van Tu

5 Kesha Williams

6 Betty Danner

7 ALSO PRESENT:

8 Veda Traylor

9 Chris Strawn

10 Ngau Van Tu

11 Jim Harris, Esq.

12 Ricky Jackson

13 Dennis Poole

14 Court Reporter:

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

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I N D E X		
	AGENDA ITEM	PAGE
1	CAPTION	1
2	APPEARANCES	2
3	CALL TO ORDER - Roll Call	10
4	Thank you from Veda Traylor	10
5	BUSINESS	
6	Treasurer's Report	11
7	Approval of Minutes - July 16, 2007	11
8	Director Updates	
9	Staff	12
10	Examinations	
11	LaserGrade - Began September 1	12
12	PCS - Began September 10	13
13	Identocard	13
14	Access Database Development	13
15	NIC Annual Conference	17
16	Conference handouts	17
17	Update from conference attendees	18
18	Board Handouts	22
19	Respondent's who received notice late - notice was	
20	re-sent	24
21	Kuttin' Up, Marlo Newton, Operator, 07-367	
22	Kuttin' Up, Diane Barker, Owner, 07-368	
23	J D's Salon, Rebeca Tavel, Owner, 07-480	

1	J D's Salon, Aida Garcia, Operator, 07-481	
2	Chanchana Costaldi, Operator, 07-493	
3	ADMINISTRATIVE HEARINGS	
4	HEARING ORDER NO. 07-444	26
5	WITNESSES:	
6	BRENDA MORGAN	
7	Direct by Ms. Gee	31
8	TAN CHUC XUAN BUI	
9	Examination by the Board	34
10	Direct by Ms. Gee	37
11	Decision by the Board	38
12	HEARING ORDER NO. 07-445	40
13	WITNESSES:	
14	BRENDA MORGAN	
15	Direct by Ms. Gee	43
16	Examination by the Board	44
17	DAI THI MINH BUI	
18	Direct by Ms. Gee	45
19	Examination by the Board	48
20	Decision by the Board	50
21	HEARING ORDER NO. 07-485	51
22	WITNESSES:	
23	KATHY WITTUM	
24	Direct by Ms. Gee	55
25	Examination by the Board	58

1	CUONG VAN TU	
2	Direct by Ms. Gee	59
3	Examination by the Board	62
4	EXHIBITS:	
5	State's A, 07-485	56
6	Decision by the Board	66
7	HEARING ORDER NO. 07-456	68
8	WITNESSES:	
9	KATHY WITTUM	
10	Direct by Ms. Gee	72
11	Examination by the Board	74
12	KESHA WILLIAMS	
13	Direct by Ms. Gee	44
14	Examination by the Board	79
15	KATHY WITTUM	
16	Direct by Ms. Gee	91
17	Cross by Ms. Williams	92
18	BETTY DANNER	
19	Direct by Ms. Williams	94
20	Cross by Ms. Gee	94
21	Examination by the Board	96
22	Decision by the Board	98
23	HEARING ORDER NO. 07-486	99
24	WITNESSES:	
25	BETTY DANNER	

1	Direct by Ms. Gee	102
2	Decision by the Board	105
3	HEARING ORDER NO. 07-478	106
4	WITNESSES:	
5	LAVONNE GREEN	
6	Direct by Ms. Gee	108
7	KATHY WITTUM	
8	Direct by Ms. Gee	109
9	EXHIBITS:	
10	State's A, 07-478	110
11	Decision by the Board	112
12	Discussion and motion regarding respondents who waived their	
13	right to a hearing	113
14	Carol's Salon, Carol Radomski, Owner, 07-392	
15	Foxy Nails, Ban Thi Thai, Owner, 07-411	
16	Images Salon, Carrie Ray, Owner, 07-397	
17	Keely and Company, Keely Treadway, Owner, 07-480	
18	Modern Images, Cathy Horn, Operator, 07-495	
19	Salon Doug Mitchell, Douglas Mitchell, Owner, 07-459	
20	Salon Doug Mitchell, Debi Pongetti, Operator, 07-494	
21	Salon X-Hale, Rose Coleman, Operator, 07-477	
22	Silver Scissors, Ann Barnett, Owner, 07-426	
23	Snip-n-Clip 619, T.L.S., Inc., Owner, 07-413	
24	Snip-n-Clip 619, Martha Guthary, Operator, 07-449	
25	Snip-n-Clip 619, Bonnie Fancher, Operator, 07-450	

1	Snip-n-Clip 619, Chanchana Costaldi, Operator, 07-493	
2	The Pink Papaya, Miranda Williams-Epp, Owner, 07-440	
3	The Pink Papaya, Brandon Burks, Operator, 07-489	
4	The Pink Papaya, Joseph Dasher, Operator, 07-490	
5	West and Riley Hair Salon, Patrick Riley, Owner,	
6	07-437	
7	Discussion and motions regarding respondents who	
8	did not appear	116
9	Cuttin' Up, Dawn Barkley, Owner, 07-420	117
10	Fashion Nails, Sandra Harlow, Owner, 07-416	118
11	Hart of Beauty Salon, Antonio Edwards, Owner,	
12	07-421	119
13	Her Styler, Shorn Sagron, Owner, 07-412	120
14	High Maintenance, Michael Cash, Owner, 07-405	121
15	Just Sherrie's, Sherrie Kelley, Owner, 07-428	121
16	Kuttin' Up, Mary Kathleen White, Operator,	
17	07-487	122
18	Modern Images, Melissa Welch, Owner, 07-475	123
19	Primera Impresion, Edna Lopez, 07-406	124
20	Primera Impresion, Lorena Gutierrez, 07-407	124
21	Salon X-Hale, Danielle Duvall, Owner, 07-476	125
22	Studio 8, Amanda Cale, Owner, 07-435	126
23	Studio 8, Amber Hendren, Operator, 07-436	126
24	Tiger Claws, Alicia Kindle, Owner, 07-429	127
25		

1	Universal Beauty Salon, Maribel Penn, Owner,	
2	07-417	128
3	Nails by Analee, Analee Mott, Owner, 07-396	129
4	New School or Program Update	
5	Licensure Completed	130
6	Pending Completion	130
7	Recent Notification	131
8	Election of Officers	145
9	Public Comments	152
10	Adjourn Board Meeting	152
11	Legislative Committee Meeting	153
12		
13	Reporter's certificate	236
14	---o---	
15		
16		
17		
18		
19		
20		
21		
22		
23		
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P R O C E E D I N G S

MS. POWELL: The Arkansas State Board of  
Cosmetology will come to order.

Good morning.

Madam Secretary, will you take the roll?

MS. GORDON: Everybody is here except our new  
board member, Joyce Smith. Everyone else is present.

MS. WITTUM: And Joyce called this morning. She  
is also, in addition to being a manicurist, she is  
employed at Children's Hospital, I believe as a  
surgical tech. She had to work last night and just got  
off about 7:15 this morning, so she was not going to be  
able to be here today but sent her best.

MS. POWELL: I believe we have an announcement  
from -- from our Director Wittum.

MS. WITTUM: We received a card from Veda, and  
I'll read the card. And it says: "To the board, just  
a note to say thank you so much for the beautiful  
watch. I love it. I took it and having years of  
service engraved on the back. Again, thanks to all of  
you. Just sorry that I could not have left the board  
with my dignity, but some of the school owners decided  
to get rid of me at any cost, even as low as to try to  
get me fired from my job, and I consider the service  
and justice will be done eventually. I have enjoyed

1 serving the hairdressers of the state. I took my job  
2 seriously and did my -- and did my very best. I have  
3 supported this board and I will continue always doing  
4 that. Thanks again for the beautiful watch. Love  
5 Veda."

6 MS. POWELL: Here. Here.

7 I need -- do I have the treasurer's report?

8 MS. WARD: Yes. You do.

9 MS. POWELL: Ms. Barbara?

10 MS. WARD: Okay. We paid out for the flowers for  
11 Shaunta, \$52.27; NIC gift was 58.02; we collected \$120  
12 today, and that leaves a balance of 143.70.

13 MS. POWELL: I would just like to go on the record  
14 and say that I am so glad that Shaunta has made it back  
15 with us, and that I know the office will appreciate her  
16 being back, and I know that that is a dreadful illness  
17 that she encountered and just glad that it has  
18 subsided.

19 Do I have a motion on the approval of the minutes  
20 for July 16th?

21 MS. COLLINS-BURROUGH: I so move.

22 MS. PICKERING: I second.

23 MS. POWELL: I have a motion and a second to  
24 approve the minutes of July 16th.

25 All those in favor, raise your right hand.

1 (Hands raised.)

2 MS. POWELL: It's unanimous.

3 Thank you. Motion carries.

4 Who was that that seconded? Ann?

5 MS. PICKERING: I did.

6 MS. POWELL: I'll turn the director updates over  
7 to Director Wittum.

8 MS. WITTUM: Well, likewise, I am certainly glad  
9 to have Shaunta back. She's managing very well to get  
10 back in and do her job.

11 I believe most of you received the e-mail that I  
12 sent out letting you know that Jeanie has resigned her  
13 position, her last day is this Friday. Shaunta has  
14 asked to change into her job, instead of managing the  
15 front desk, so we'll update the job description  
16 somewhat and moving Shaunta into Jeanie's position when  
17 Jeanie vacates it, and we will advertise for a new  
18 person for the front desk.

19 The examinations, LaserGrade originally told us  
20 that they were not going to be able to start examining  
21 for the theory exams here in Arkansas until  
22 September 17, but they worked some overtime and they  
23 got us up and going September 1. We did encounter a  
24 few issues with the electric -- electronic submission  
25 of the eligible people that had to be worked out. It

1           took us two or three times of modifying that list  
2           before we had it to where it was working well for  
3           LaserGrade, but that list is functional now, and anyone  
4           who is on it is able to get scheduled and sit for their  
5           theory exam.

6                     PCS began administering the practical exams on  
7           September 10th. There were around 60 people who were  
8           deemed eligible to examine for the practical. We only  
9           had 19 to appear at the -- the 10th exam, so those  
10          were the only ones who contacted PCS and got scheduled.  
11          So we are expecting October probably will be a little  
12          bit heavier number than what we saw this month.

13                    The Identocard equipment is in. It was delivered.  
14          That is the equipment that will put the photos on the  
15          licenses and redesigned the license to be more of a  
16          badge design. We are in the process of getting it up  
17          and going and will be testing it, and then hopefully  
18          we'll be able to start issuing licensing through that  
19          manner instead of the paper copy.

20                    MS. POWELL: Do you have a projected date?

21                    MS. WITTUM: I would expect by the end of this  
22          month, October 1st, possibly, we should have that up  
23          and going.

24                    The Access Data Base development is going very  
25          well. The -- I asked Lance McDonigal, who is the

1           programmer who is developing that data base, to give  
2           priority to the inspectors' area, since that was the  
3           one that always seemed to get shafted in the previous  
4           development. And that has already been developed and  
5           he actually demoed it to the inspectors, I think a  
6           couple of weeks ago, and they are welcome to speak on  
7           it if they would like to. I think it's going to be  
8           much nicer than what they are encountering with GL  
9           Suite.

10                    Would any of you like to say anything on it?

11                    MS. HORNER: Sounds good. I mean it looks good,  
12                    sounds good.

13                    MS. WITTUM: It's a very simplified process to  
14                    what they have right now, and they will not have to  
15                    worry about being able to get a connection into the  
16                    data base through the air cards that they have with  
17                    their cell phones. Lance was able to develop a system  
18                    that will -- they will work independently on -- on  
19                    their laptop and then it will all be synced up with our  
20                    information as it's -- as they update their territory  
21                    runs. So it will be a much simpler process for them  
22                    once we get that up and going.

23                    We anticipate moving into the Access Data Base at  
24                    the beginning of the year. So we -- we are hopeful  
25                    that nothing will happen to detour us from being able

1 to do that.

2 MS. POWELL: I notice that the inspectors seem to  
3 have a more pleasant side on their face when mentioning  
4 this data base. If the transition is -- is easy --

5 MS. MORGAN: Well, Lance met with me first because  
6 I was the least knowledgeable of the computer, and he  
7 promised me the moon and I'm expecting the stars out of  
8 it, too. So, you know, if it just works, you know, and  
9 so far everything has been positive about it. I'll let  
10 you know if it's not.

11 MS. WITTUM: Good.

12 Well, one of things that I've always liked about  
13 Lance's development, he developed the Crime Victims  
14 data base, so I was familiar his work before he worked  
15 with us here. He is a believer in doing drop down  
16 screens or clicking to get your information captured,  
17 as opposed to typing it all. So he's made it, I think,  
18 about as simplified as it possibly could be to go  
19 through the inspection and capture all the information  
20 that the inspectors have to capture.

21 MS. MORGAN: Actually the day that I -- the first  
22 time that I met with him and Kathy, I brought my  
23 computer and everything in because I wanted him to see  
24 the struggles. He said I do not even want to look at  
25 it, don't want to mess with it, don't want to deal with

1           it, I don't want to start there. He just started fresh  
2           and sat down and listened to our procedures the way  
3           that I perceive them in going in and doing an  
4           inspection, and he started working from that board and  
5           we had a lot of good, good ideas.

6           MS. POWELL: Well, you're on a ground breaking  
7           plateau here with this computer age for the inspectors,  
8           and you've experienced it at a difficult level. And by  
9           all that I'm hearing, it's a more positive experience  
10          thus far. Correct?

11          MS. MORGAN: (Nodding head up and down.)

12          MS. POWELL: Thank you.

13          MS. WITTUM: It was interesting, at the -- at the  
14          national conference, I was talking with the people from  
15          the North Carolina Cosmetology Board. Last year at the  
16          conference they were telling me that they were also  
17          moving their inspectors to the automation, the  
18          automated version of doing their inspections and they  
19          were building their data base in an Access Data Base to  
20          begin with. They also were trying to do the air cards  
21          and have it to where the inspectors would link in  
22          automatically with the data base and basically work in  
23          real time as opposed to working independently and then  
24          having to sync everything.

25          The -- at this conference they told me that that

1           didn't work well for them. They are still in an Access  
2           Data Base, they love that, but they are doing the same  
3           thing that Lance has said he's going to do with having  
4           them work independently on their -- their laptops. And  
5           so I expect that between these two states, hopefully we  
6           will be able to secure a data base that will maybe even  
7           work for other -- other cosmetology boards and their  
8           inspectors as well.

9           The -- going into the national conference, several  
10          of us attended the conference that was held in Rapid  
11          City. Cathy and LaJoy, Scottie, Barbara, and Susan  
12          were all there to represent the board. The -- I think  
13          there was a lot of good information that came out of  
14          the meeting.

15          I brought back some or made some copies of some  
16          handouts that we were given that you will find in your  
17          packet concerning parliamentary procedures and the NIC  
18          Health and Safety Committee Report. The parliamentary  
19          procedures I think are just good for us to always be  
20          familiar with, and these handouts seem to be very  
21          simplified, so hopefully it will be easy for all of us  
22          to learn and to follow.

23          The Health and Safety Committee Report, I think,  
24          is something that may very well help us as we go  
25          through our rule revisions, because it had some really

1 good information about how to keep the practitioners as  
2 well as the public safe within the establishments when  
3 they -- they are either performing services or having  
4 services performed. So hopefully that information  
5 will -- will help us all as we go through it.

6 The -- I know that Susan has a report on the  
7 national conference, if you would like to give it.

8 MS. COLLINS-BURROUGH: Well -- well, I did have.  
9 I forgot it. It's laying on my desk.

10 But I really enjoyed it. And, of course, it's  
11 been some time since I've been back there, and, of  
12 course, the breakout sessions were really, really  
13 informative. I really enjoyed all of those.

14 I really enjoyed visiting with some of the boards  
15 from the other states. I hadn't done that in quite  
16 some time. But you just pick up a lot of information  
17 when you do attend, so I really enjoyed it.

18 MS. WITTUM: Does any other board member have  
19 anything you would like to say, of those that attended?

20 MS. BURCHETT: I just had some notes that I forgot  
21 maybe, but most of my conference information was in  
22 Barbara's van. Thank you for bringing everything I  
23 couldn't fit on the plane. I didn't want to have to  
24 buy a new suitcase.

25 But, first of all, I appreciate the opportunity to

1 go, because talking to other states, you know, and as  
2 many board members as we were able to take, you know,  
3 all those that could go, I certainly appreciate that.  
4 It was a very enlightening conference. Very  
5 efficiently organized and run. You talk about being on  
6 schedule, and I really appreciated that because we were  
7 really able to accomplish a lot and learn a lot.

8 I visited with several vendors. But the breakout  
9 sessions, as Susan said, were very, very informative.  
10 Being a new board member and able to network with other  
11 states, it just gave me an excellent opportunity for  
12 ideas and gave me insight.

13 So I just, again, appreciate the opportunity to  
14 go.

15 MS. PICKERING: I would like to thank the board  
16 administration and all for allowing us to go. So many,  
17 as Scottie said, so many of the board members from  
18 other states are with not as blessed as we are to have  
19 been able to go and not worry about the trip, all that.

20 But, anyway, the classes were wonderful, the  
21 breakout sessions were great, the visiting with the  
22 other states was great. We -- I thoroughly enjoyed it.  
23 And you do pick up a lot of information from other  
24 states that is helpful, or helpful to me as a board  
25 member, and I appreciated being able to go.

1 MS. GORDON: I would just like to say I appreciate  
2 having the opportunity to have been able to go to the  
3 conference. The breakout sessions was very, very eye  
4 opening and enlightening on different issues that we  
5 have to face. So I just thank everybody for the  
6 opportunity to experience such a wonderful conference.

7 MS. WARD: Well, I would like to thank the board  
8 for allowing us to go. I really enjoyed it and I did  
9 learn a lot. The breakouts was very informative, and I  
10 think beneficial, and I just wish everybody could have  
11 been able to be there. I think everybody would have  
12 enjoyed it, because they brought out things that we  
13 may, I may -- I was not aware of. And I think some of  
14 the things they brought out will be beneficial to us.

15 MS. POWELL: Well, I would like to say, as the  
16 chair, how thankful I am that you went and took the  
17 initiative and the time away from your business and  
18 family to go, so that you can better prepare this board  
19 and the industry. However, I wasn't able to go, I  
20 am -- I know that Arkansas was represented well, and  
21 I'm just thankful.

22 At this time, also, I forgot to ask those of us to  
23 be sure and turn off our electronic devices. I'll be  
24 the first one to be --

25 MS. WITTUM: One thing that is not on the agenda

1           that I just want to make mention of. We were told  
2           about this at the conference, but I didn't get the  
3           official notice from NIC until Thursday afternoon, but  
4           they are making the NIC school overview available on  
5           DVD for a purchase price of \$25, that includes shipping  
6           and handling. So they -- they just wanted us to know  
7           that they are pleased to announce that they are able to  
8           provide that information to us. The overview contains  
9           a very informative introduction into NIC testing and  
10          procedures, as well as complete presentations on  
11          cosmetology, nail tech, manicuring, esthetics, and  
12          barber exams. The DVD is provided and can be shared  
13          with board members, instructors, and students. The  
14          order form is available on their website for anyone who  
15          is interested, and again the cost is \$25.

16                 They also encourage us to contact Mary Manna, who  
17          is the NIC coordinator, if we have any questions.

18                 MS. POWELL: Veda, did you have something to say?

19                 MS. TRAYLOR: I have mine. I got it last week.

20                 MS. WITTUM: The overview?

21                 MS. TRAYLOR: Uh-huh. Uh-huh.

22                 MS. WITTUM: They gave each state one copy, so I  
23          do have one copy in my office, and then it's my  
24          understanding that they will make this available for  
25          the schools to use in updating their instructors and

1 students as well.

2 MS. TRAYLOR: I haven't watched it, but I did get  
3 it.

4 MS. WITTUM: Also in your packet, you have some  
5 handouts that include -- we don't have to go through  
6 each one of these, but you will find the updated  
7 financial statement, an updated board and contact --  
8 board and staff contact information. That includes  
9 Joyce Smith's information on there as well. The  
10 updated cosmetology school contact information, with  
11 the new schools that have recently been licensed.  
12 There is an updated exam statistical sheet that  
13 includes last month's exams. You will also find it was  
14 in a binded part of your handout, copies of the  
15 committee reports from each of the committee meetings  
16 that were held in July, as well as a draft of the rules  
17 that has start -- we have started incorporating the  
18 revisions that came out of those committee meetings. I  
19 ask you to keep all of that with you and bring it to  
20 your committee meetings, as we have them today, the  
21 legislative committee will meet today and the other  
22 three will meet next Monday. The copies are color  
23 coded, hopefully to help us keep up with which  
24 committee is doing what. So I just encourage you to  
25 bring that with you so that you will have your color

1 coded copy with you during the committee.

2 You also have a copy of the NIC directory that has  
3 information on other state cosmetology board board  
4 members, as well as administrators. With that -- that  
5 directory was prepared last year, based on who was in  
6 place in the boards last year. I've just received the  
7 request to provide information on our current board  
8 member and staff information. So the next copy that we  
9 get will have all of your information on it.

10 You also have in your packet a copy of the EPA  
11 publication that is titled Protecting the Health of  
12 Nail Salon Workers. It was updated March of 2007, it's  
13 by the Environmental Protection Agency. This  
14 information actually was included in a complaint that  
15 was recently received into the office, but when I saw  
16 how recent that version is, I thought you all may would  
17 like to have a copy of it in case you have not seen  
18 that before.

19 And I believe that's all of the information on  
20 your handouts there.

21 Your -- your hearing orders that were placed in  
22 front of you, they are in hearing order number. Your  
23 agenda is out of sync with that, primarily because I  
24 was working on the agenda and Amber was working on the  
25 copies that you have.

1           The agenda I tried to group by establishment, so  
2           that we could tell if more than one person in an  
3           establishment was issued a violation and whether or not  
4           that person paid. So, in the future, we'll make sure  
5           that these two are in sync. If -- if you don't like  
6           having them by establishment, grouped by establishment,  
7           you can let me know and we'll do it differently in  
8           November, but it seemed like it would be a little  
9           easier to keep up with everything.

10           And as soon as we get Kendra and Erika back, then  
11           we can move into the hearings.

12           You may want to, while we're waiting for Erika and  
13           Kendra, I've got a few people here who their notices  
14           were returned to the office, so we re-sent their  
15           hearing information last week. Those people are just  
16           now receiving their notice, so they probably would  
17           appreciate having an opportunity to come in November as  
18           opposed to today. And those people are hearing --  
19           Hearing Order No. 07-367, Marlo Newton.

20           HEARING OFFICER JONES: 07-367?

21           MS. WITTUM: 367, Marlo Newton; 368, Diane Barker;  
22           493, Chanchana Costaldi.

23           MS. GORDON: What was it?

24           HEARING OFFICER JONES: It's Snip-n-Clip 619.

25           MS. GORDON: Oh.

1 MS. WITTUM: Excuse me, I'm sorry. That was 493.

2 MS. GORDON: Forty-nine --

3 MS. WITTUM: 493.

4 480, Rebeca Tavel; 481, Aida --

5 HEARING OFFICER JONES: Wait just a minute. 480

6 is not the name you give.

7 480, Keely -- 480, but there is two 480s.

8 MS. WITTUM: On the agenda?

9 MS. POWELL: There sure is.

10 HEARING OFFICER JONES: Yes. Keely Treadway is

11 480 as well.

12 MS. McCUIEN: She's paid.

13 MS. WITTUM: She paid.

14 Okay. J D's Salon with Rebeca Tavel. Aida Garcia  
15 with J D's Salon, 481.

16 And the very last one on your list, 485, the  
17 reciprocity person, all of those people's, Kendra and  
18 Erika, their notices were returned to the office, so we  
19 just re-sent those last week.

20 MS. POWELL: Okay. Are you ready to go on?

21 MS. WITTUM: Okay.

22 MS. POWELL: At this time I'll turn the meeting  
23 over to our Hearing Officer Kendra Jones.

24 HEARING OFFICER JONES: Okay. At this time it  
25 looks like we only have one or two people here for a

1 hearing. If you haven't signed in and you're here for  
2 a hearing, please do so in the back.

3 ADMINISTRATIVE HEARING NO. 07-444

4 We'll start off with French Nail, Hearing No.  
5 07-444, Tan Chuc Xuan Bui. 07-444.

6 Have a seat there at the table, if you would.

7 And, Ms. Morgan, if you would come on up.

8 HEARING OFFICER JONES: Good morning. My name is  
9 Kendra Akin Jones, and I'm the Hearing Officer today in  
10 the matter of Hearing No. 07-444, Tan Chuc Xuan Bui,  
11 owner of French Nail is the establishment. It's to be  
12 heard before the Arkansas State Board of Cosmetology  
13 today, September 17, 2007, and we're located in the  
14 conference room of the Main Street Mall.

15 Would the respondent, would you please identify  
16 yourself for the record?

17 MR. BUI: Yes.

18 HEARING OFFICER JONES: State your name.

19 MR. BUI: I Tan Chuc Xuan Bui. T-A-N.

20 HEARING OFFICER JONES: Okay. Do you need to get  
21 that full spelling?

22 COURT REPORTER: That would be nice.

23 HEARING OFFICER JONES: Yeah. Spell your full  
24 name for the reporter over there.

25 MR. BUI: Yes.

1 HEARING OFFICER JONES: You can just stand there  
2 and just state it.

3 MR. BUI: T-A-N; C-H-U-C; X, B-U-I.

4 COURT REPORTER: Thank you.

5 HEARING OFFICER JONES: Thank you.

6 And do you have an attorney with you today?

7 MR. BUI: Yes, ma'am.

8 HEARING OFFICER JONES: An attorney?

9 MR. BUI: Yes.

10 HEARING OFFICER JONES: Who is your attorney?

11 MR. BUI: She's right there.

12 HEARING OFFICER JONES: But you don't have an  
13 attorney? Legal counsel?

14 MR. BUI: No. I did not bring any today.

15 HEARING OFFICER JONES: Okay. And you received a  
16 copy of the Order and the Notice of Hearing for you to  
17 be here today?

18 MR. BUI: Yeah.

19 HEARING OFFICER JONES: Okay. And state's  
20 counsel, please, identify yourself.

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

22 HEARING OFFICER JONES: Okay. I'm going to -- I'm  
23 going to kind of tell you how this is going to go. If  
24 you have any questions, just ask.

25 MR. BUI: Okay.

1                   HEARING OFFICER JONES: The board's decision will  
2 be based solely on the evidence, what they hear here  
3 today. The hearing is held under the Administrative  
4 Procedures Act, which means that the strict rules of  
5 evidence do not apply, and that I will have certain  
6 latitudes to allow evidence to be heard. To insure the  
7 efficiency of the proceeding, I may grant some  
8 objections and caution parties as necessary.

9                   The board knows your case, knows what you did,  
10 only by what you tell them here today and what's in the  
11 notice that you received.

12                   And this hearing is an open in public hearing for  
13 the purposes of the Freedom of Information Act. Okay?

14                   MR. BUI: Yeah.

15                   HEARING OFFICER JONES: What's going to happen is  
16 we're going to ask you some -- the attorney for the  
17 board is going to ask you some questions, and the board  
18 may ask you some questions.

19                   MR. BUI: Yeah.

20                   HEARING OFFICER JONES: And you can ask questions  
21 as well.

22                   MR. BUI: Yeah.

23                   HEARING OFFICER JONES: I will give you a chance  
24 and you will have your opportunity to have your say.

25                   MR. BUI: Yeah.

1 HEARING OFFICER JONES: Okay. For all of those  
2 who are going to be witnesses in this matter, if you're  
3 going to speak, please raise your hand so the court  
4 reporter can swear you in. Raise your right hand.

5 (WHEREUPON, the witnesses were sworn.)

6 MS. GEE: Good morning.

7 MR. BUI: Good morning.

8 HEARING OFFICER JONES: Okay. Preliminary  
9 matters, Ms. Gee? Do you have any preliminary matters  
10 you would like to --

11 MS. GEE: No.

12 HEARING OFFICER JONES: Okay. At this time we'll  
13 proceed to opening statements.

14 Ms. Gee, you may proceed with your opening  
15 statement.

16 MS. GEE: The board is going to hear evidence this  
17 morning that Mr. -- is it -- say your last name for me.  
18 Bui?

19 MR. BUI: Bui.

20 MS. GEE: Bui? Is that right?

21 MR. BUI: B-U-I.

22 MS. GEE: Is that how you say it?

23 MR. BUI: Yeah. Bui.

24 MS. GEE: Is the owner and operator of a salon  
25 doing business as French Nail, and that he permitted a

1 practitioner who was not licensed to do so to perform  
2 waxing of eyebrows.

3 I would like to go ahead and call my first  
4 witness, please.

5 HEARING OFFICER JONES: Hold on just a minute,  
6 Ms. Gee.

7 MS. GEE: Oh, I'm sorry.

8 HEARING OFFICER JONES: That's quite all right.

9 Mr. Bui, is there anything you would like to say  
10 as just kind of an opening for the board?

11 MR. BUI: Yeah.

12 HEARING OFFICER JONES: What would you like to  
13 say?

14 Go right ahead.

15 MR. BUI: Okay. At that time I didn't know that  
16 she didn't have her license. But I at home. I know  
17 this is my fault. I don't do it next time. I never do  
18 a next time. I don't.

19 HEARING OFFICER JONES: Okay.

20 MR. BUI: I know that my fault. I'm sorry about  
21 that.

22 HEARING OFFICER JONES: Ms. Gee, proceed with your  
23 questions.

24 Call your first witness.

25 MS. GEE: Okay. I would like to call cosmetology

1 inspector Brenda Morgan, please.

2 WHEREUPON,

3 BRENDA MORGAN,

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

5 sworn by the undersigned notary public, was examined and

6 testified, as follows:

7 DIRECT EXAMINATION

8 BY MS. GEE:

9 Q Could you state your name and occupation for the record,  
10 please.

11 A Brenda Morgan. I'm an inspector for the Arkansas State  
12 Board of Cosmetology.

13 Q And how long have you held that position?

14 A Seven years.

15 Q On June 21, 2007, did you have cause to inspect an  
16 establishment called French Nail?

17 A Yes. I did.

18 Q And when you inspected that establishment, did you observe  
19 any violations of cosmetology law and rules?

20 A Yes, ma'am. I did.

21 Q Could you tell us what you observed?

22 A As I entered the shop there was a customer receiving eyebrow  
23 waxing. And upon looking at everyone's license and checking out  
24 the information that was posted, there was not a cosmetologist on  
25 board at that time, they were all manicurists. And we had a

1 manicurist with a last name of Bui, first name is D-A-I, she was  
2 completing an eyebrow wax on a customer -- on a client.

3 Q Okay. So the practitioner that was actually doing the  
4 waxing was Dai?

5 A Yes. I have it noted in my three-point.

6 Q Okay. And respondent here today, Mr. Bui, is he licensed by  
7 the cosmetology board?

8 A Yes, ma'am.

9 Q Okay. And what licenses does he hold?

10 A He holds a manicurist license.

11 Q Okay. And does he have an establishment license also?

12 A He also is the owner of French Nail.

13 Q Okay. And so there was no licensed cosmetologist who was  
14 permitted to perform waxing services on staff?

15 A There was no cosmetology license posted, everyone had  
16 manicurists license that day when I was there.

17 MS. GEE: No further questions for Ms. Morgan.

18 HEARING OFFICER JONES: Does the board have any  
19 questions they would like to ask Ms. Morgan at this  
20 time?

21 Mr. Bui, is there any questions you would like to  
22 ask Ms. Morgan?

23 Anything you wanted to ask her?

24 MR. BUI: No.

25 HEARING OFFICER JONES: Okay. Ms. Gee, call your

1 next witness.

2 MS. GEE: I have nothing further.

3 HEARING OFFICER JONES: Okay. Mr. Bui, if there  
4 is anything else you want to say to the board or if you  
5 want to call a witness to testify or to answer  
6 questions for you, you may do so.

7 Do you want to call a witness?

8 MR. BUI: Yes.

9 HEARING OFFICER JONES: Okay. Who would you like  
10 to call?

11 Who would you like to bring up as a witness for  
12 you to ask questions and have them answer to give the  
13 board information?

14 MR. BUI: No. I don't have any. I don't have any  
15 questions for the board.

16 HEARING OFFICER JONES: Okay. Is there anything  
17 else you want to say to the board before they make  
18 their decision?

19 MR. BUI: Pardon?

20 HEARING OFFICER JONES: Is there anything else you  
21 want to tell the board or say to them before they make  
22 a decision on your fine?

23 MR. BUI: I don't have anything.

24 HEARING OFFICER JONES: Okay. Does the board have  
25 any questions they would like to ask of Mr. Bui?

1 MS. POWELL: I do.

2 HEARING OFFICER JONES: Go right ahead,

3 Ms. Powell.

4 WHEREUPON,

5 TAN CHUC XUAN BUI,

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 EXAMINATION BY THE BOARD

10 MS. POWELL: Mr. Bui, you said that you -- you

11 were sorry.

12 THE WITNESS: Yeah. That --

13 MS. POWELL: That you were not there, and that

14 this person was doing this waxing --

15 THE WITNESS: Yes.

16 MS. POWELL: -- when you were not there?

17 THE WITNESS: Yes.

18 MS. POWELL: Is this person related to you?

19 I notice it's the same name.

20 THE WITNESS: No, the same name. They have the

21 same last name.

22 MS. POWELL: This is --

23 THE WITNESS: Bui the last, the last name. Just

24 going to be the same last name.

25 MS. POWELL: So what is the name of the person

1           that is waxing --

2           THE WITNESS: D-A-I. D-A-I the first name. And  
3           last name are B-U-I.

4           HEARING OFFICER JONES: Is she related to you?

5           THE WITNESS: Yes.

6           HEARING OFFICER JONES: How?

7           THE WITNESS: Then we call her -- out there, I  
8           don't be at my shop, I stay home, I take care of my  
9           baby. I not at my shop and she -- and she does. I  
10          don't know if she do it right there or not. I, when I  
11          come back, my shop and I -- I tell her don't do that no  
12          more.

13          MS. POWELL: Is this your wife?

14          THE WITNESS: No, ma'am. She is my worker, my  
15          employee.

16          MS. POWELL: Just your worker?

17          But just happens to have the same name?

18          THE WITNESS: Yes. Same last.

19          MS. POWELL: Same name?

20          THE WITNESS: Same as my last name.

21          MS. POWELL: Same as your last name?

22          THE WITNESS: Last name. Yes.

23          MS. POWELL: Okay. Thank you.

24          HEARING OFFICER JONES: Any further questions?

25          MS. COLLINS-BURROUGH: I do.

1 HEARING OFFICER JONES: Go right ahead.

2 MS. COLLINS-BURROUGH: Why do you have waxing  
3 equipment in your salon anyway?

4 THE WITNESS: Well, before, few months ago, I have  
5 one lady, she work part time, she work part time on  
6 only the -- after work 5 o'clock. And two -- two week  
7 ago she go back to Vietnam, she have an occasion and  
8 people back were there. But I -- I don't know she do  
9 it. But she don't know she don't have the license for  
10 wax, she do it. And after that I come back to my shop,  
11 everything done and I know, I talk very strongly  
12 everybody. I do. I know my fault, yes.

13 HEARING OFFICER JONES: Go ahead, Ms. Ward.

14 MS. WARD: If you had found that someone was doing  
15 waxing before, why didn't you remove the waxing  
16 machine?

17 THE WITNESS: Oh, you know, I -- I don't have in  
18 my shop, maybe six to seven month, it just be -- I take  
19 my baby and we go, I clean up my shop, everything. And  
20 people only be -- only be there, you know, I don't know  
21 everything. But right now I know rightly, I don't do  
22 more.

23 MS. WARD: Okay. Was your shop licensed before to  
24 do the waxing?

25 THE WITNESS: Yeah. Yeah. My -- I have one lady

1 work both part, she have the license, both waxing. And  
2 right now she go back Vietnam. She go vacation, yes,  
3 she don't do more anything. She don't work my shop  
4 anymore.

5 MS. WARD: Okay. But at that time was it licensed  
6 as a cosmetology shop or just a manicuring?

7 THE WITNESS: She have hair license. She do hair,  
8 she have the hair license.

9 MS. POWELL: They had an establishment license.

10 MS. WARD: For cosmetology at that time?

11 MS. POWELL: It's all the same for an  
12 establishment license.

13 MS. WARD: Okay.

14 MS. POWELL: Are there any other questions?

15 MS. GEE: I have one follow-up question, if the  
16 board has nothing further.

17 HEARING OFFICER JONES: If the board has nothing  
18 further, I'll let Ms. Gee ask a follow-up question at  
19 this point.

20 DIRECT EXAMINATION

21 BY MS. GEE:

22 Q I would like to make sure I understand. You had a  
23 cosmetologist who is licensed to do waxing previously?

24 A Yeah.

25 Q And that's why you had the equipment there?

1 A Yeah. I had equipment, but I now -- I now -- I move  
2 everything, yeah, I don't do more, because we don't have the  
3 license. I know I don't have the license to do that. But my  
4 other girl, she don't know that, she do the wax. I know,  
5 everything that --

6 Q Okay.

7 A Sorry about that.

8 MS. GEE: Thank you.

9 HEARING OFFICER JONES: If there is nothing  
10 further at this time, we'll close the record and make  
11 it complete, except for the board's decision, at which  
12 time we'll go back on the record.

13 As of now we will recess for deliberations until a  
14 decision is made.

15 (WHEREUPON, the board retired to deliberate, off  
16 the record, and returned with the following motion.)

17 HEARING OFFICER JONES: Okay. We're going to go  
18 back on the record and make it official, now that the  
19 board has made their decision.

20 At this time we'll take the motion from  
21 Ms. Burchett.

22 MS. BURCHETT: Finding the allegations being true,  
23 I move to order the respondent to pay a fine in the  
24 amount of \$250, payable within 30 days of the receipt  
25 of this board's order. Failure to pay the fine as

1 ordered will result in the suspension of the  
2 respondent's practitioner and establishment license,  
3 beginning 30 days from the receipt of the order and  
4 continuing for a period of 90 days from the date the  
5 respondent relinquishes his or her license to the  
6 board.

7 HEARING OFFICER JONES: And is there any second?

8 MS. COLLINS-BURROUGH: I second.

9 HEARING OFFICER JONES: Second from Ms. Burrough.  
10 Is there any discussion on this motion?

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

12 (Hands raised.)

13 Please let the record reflect that the decision of  
14 the board was unanimous, it will be reduced to writing  
15 and service will be made or attempted upon all parties.  
16 If the respondent cares to appeal the decision, an  
17 appeal can be taken under the Administrative Procedures  
18 Act, which is at 25-15-201, et seq., and if there is  
19 any other specific provisions under the laws of this  
20 board.

21 If there are no other questions or comments  
22 related to this hearing, it is concluded and the record  
23 of this hearing is closed

24 Thank you.

25 Thank you, Mr. Bui. Do you understand?

1 MR. BUI: Yes. I understand that.

2 HEARING OFFICER JONES: Okay.

3 MR. BUI: I can go back.

4 HEARING OFFICER JONES: Yes.

5 ADMINISTRATIVE HEARING NO. 07-445

6 HEARING OFFICER JONES: Okay. At this time we'll  
7 move on to Hearing 07-445, which is Ms. Bui.

8 Please come forward.

9 And that is 07-445.

10 Okay. My name is Kendra Akin Jones and I'm the  
11 Hearing Officer today in the matter of Tan Chuc Xuan  
12 Bui -- no, excuse me, sorry. Strike that. Dai Thi  
13 Minh Bui.

14 MS. BUI: Yes.

15 HEARING OFFICER JONES: Yes. Okay.

16 07-445, and that's to be heard before the Arkansas  
17 State Board of Cosmetology today, September 17, 2007,  
18 and we're located in the conference room of the Main  
19 Street Mall.

20 Ms. Bui, would you please identify yourself and  
21 spell your name for the court reporter?

22 MS. BUI: My name is D-A-I, T-H-I, M-I-N-H, B-U-I.

23 HEARING OFFICER JONES: Thank you.

24 And you don't have an attorney with you today?

25 Legal counsel?

1 MS. BUI: I don't understand you.

2 HEARING OFFICER JONES: Okay. You don't have  
3 anybody to represent you? An attorney?

4 MS. BUI: No.

5 HEARING OFFICER JONES: Okay. And you received  
6 the Notice and Order of Hearing for today? The  
7 paperwork?

8 MS. BUI: Yes.

9 HEARING OFFICER JONES: Okay. And would the  
10 board's counsel please identify yourself for the  
11 record.

12 MS. GEE: I'm sorry. Erika Gee, Assistant  
13 Attorney General.

14 HEARING OFFICER JONES: Okay. And, Ms. Bui, for  
15 your benefit and the others here, I'll go back over  
16 this.

17 The decision today of the board is based on what  
18 you tell them here today. That's the only way they  
19 know of it. And this hearing is governed by the  
20 Administrative Procedures Act, which means that the  
21 strict rules of evidence do not apply and I have  
22 certain latitudes to allow evidence to be entered. To  
23 insure the efficiency of the proceeding, I may grant  
24 some objections and caution parties as necessary.

25 As I stated, the board members know of this case

1           only as it appears in the paperwork, the same paperwork  
2           that you received.

3           And all participants should know that this is open  
4           to the Freedom of Information Act.

5           Okay. If you are going to be a witness in this  
6           hearing please raise your right hand so the court  
7           reporter can swear you in.

8           (WHEREUPON, the witnesses were sworn.)

9           HEARING OFFICER JONES: Okay. Thank you.  
10          Preliminary matters, Ms. Gee?

11         MS. GEE: No, ma'am.

12         HEARING OFFICER JONES: Then at this time you can  
13         make your opening statement.

14         MS. GEE: The board will hear today from inspector  
15         Brenda Morgan that the respondent was performing waxing  
16         services, and she holds only a license as a manicurist,  
17         which is outside the scope of practice.

18         HEARING OFFICER JONES: Ms. Bui, is there anything  
19         you would like to say as an opening to the board?

20         MS. BUI: I know this my fault so I'm sorry.

21         And that individual, I don't do anything about  
22         waxing.

23         HEARING OFFICER JONES: Okay. Ms. Gee, call  
24         your first witness.

25         MS. GEE: I would like to call Brenda Morgan,

1                   please.

2   WHEREUPON,

3                                   BRENDA MORGAN,

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

5   sworn by the undersigned notary public, was examined and

6   testified, as follows:

7                           THE WITNESS:   Yes.   My name is Brenda Morgan.

8                                   DIRECT EXAMINATION

9   BY MS. GEE:

10   Q    Okay.  Would you state your occupation and length of time?

11   A    Inspector for the State Board of Cosmetology for seven

12   years.

13   Q    On June 21, 2007, did you inspect an establishment known as

14   French Nail?

15   A    Yes, ma'am, I did.

16   Q    Okay.  And at the time of your inspection, did you observe

17   respondent working there?

18   A    Yes, ma'am, I did.

19   Q    And what was respondent engaged -- what sort of services was

20   she performing when you were there?

21   A    The respondent was finishing up eyebrow waxing at a station

22   that was set up for doing waxing on the lip, upper lip, and chin

23   and eyes.

24   Q    Okay.  And what sort of license does respondent hold with

25   the board?

1 A She holds a manicurists license.

2 Q And are manicurists licensed and permitted to do waxing?

3 A No, ma'am. That's outside their scope.

4 MS. GEE: Thank you.

5 I have nothing further.

6 HEARING OFFICER JONES: Ms. Bui, would you like to  
7 ask Ms. Morgan any questions?

8 MS. BUI: No. I don't have any questions.

9 HEARING OFFICER JONES: Okay. Does the board have  
10 any questions for Ms. Morgan?

11 MS. COLLINS-BURROUGH: I do.

12 HEARING OFFICER JONES: Go ahead.

13 EXAMINATION BY THE BOARD

14 MS. COLLINS-BURROUGH: How much equipment was  
15 there when you walked in and saw that waxing?

16 THE WITNESS: For me?

17 MS. COLLINS-BURROUGH: Uh-huh.

18 THE WITNESS: A wax pot that was hot, the wooden  
19 sticks and the material used to remove the wax. There  
20 were some tweezers, I believe. You know, not a huge  
21 set up but there was some eyebrow waxing that had been  
22 taking -- had been taking place.

23 HEARING OFFICER JONES: Any further questions from  
24 the board for Ms. Morgan?

25 MS. BURCHETT: You actually saw her performing the

1 services or she was --

2 THE WITNESS: She was finishing up, she was  
3 removing the material from the eye and cleaned up, the  
4 wax off -- you know, the leftover wax on the eye.

5 MS. BURCHETT: Thank you.

6 THE WITNESS: Eyebrows.

7 HEARING OFFICER JONES: Further questions of  
8 Ms. Morgan from the board?

9 If there are no further questions for this  
10 witness, Ms. Gee, call your next witness.

11 Thank you, Ms. Morgan.

12 MS. GEE: I have a few questions for Ms. Bui.

13 Am I saying that correctly, Ms. Bui?

14 THE WITNESS: (Nodding head up and down.)

15 WHEREUPON,

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

20 DIRECT EXAMINATION

21 BY MS. GEE:

22 Q Do you -- do you admit that you were performing waxing  
23 services?

24 A No.

25 Q You were not waxing?

- 1 A No.
- 2 Q Okay. Do you recall when Ms. Morgan came into the salon in  
3 June?
- 4 A Yes.
- 5 Q You do?
- 6 But you say you were not waxing eyebrows when she came in?
- 7 A You mean I do wax before. No.
- 8 Q Were you waxing then?
- 9 Do you understand me?
- 10 A Partly understand.
- 11 Q Partly?
- 12 A (Nodding head up and down.)
- 13 Q Okay. Were you doing an eyebrow wax?
- 14 A Uh-huh. Yes.
- 15 Q Have you done that before?
- 16 A Yes.
- 17 Q How many times have you waxed eyebrows?
- 18 A Only one time.
- 19 Q Only one time?
- 20 A Uh-huh.
- 21 Q The time that Ms. Morgan came in?
- 22 A Yes.
- 23 Q Have you waxed anything else?
- 24 A No.
- 25 Q Lips? Chins? Nose?

- 1 A Just eyebrow.
- 2 Q Okay. Why did you do it that one time?
- 3 A I don't know. If the customer told me was the -- wax
- 4 eyebrow, she -- she is, she said to me that the lady before waxed
- 5 for her, now she want -- want -- wanted me to do that. That's
- 6 it.
- 7 Q Okay. So she asked you so you did?
- 8 A Yeah.
- 9 Q Did you know you weren't supposed to do that?
- 10 A Pardon?
- 11 Q Did you -- did you learn how to do waxing in school?
- 12 A I -- I saw the lady before do. I saw the lady in French
- 13 Nail before, I saw her do that.
- 14 Q You saw how she did it?
- 15 A Uh-huh.
- 16 Q Okay. Do you know that you're not allowed to do waxing?
- 17 Only nails?
- 18 A I don't know before, but because of customer told me to do
- 19 that. That's it.
- 20 Q So you thought you could because she asked you to?
- 21 A Yeah.
- 22 MS. GEE: Okay. I have nothing further.
- 23 HEARING OFFICER JONES: Okay. Does the board have
- 24 any questions they would like to ask Ms. Bui at this
- 25 time?

1 MS. COLLINS-BURROUGH: I do.

2 HEARING OFFICER JONES: Go ahead, Ms. Burrough.

3 EXAMINATION BY THE BOARD

4 MS. COLLINS-BURROUGH: Where -- where did you go  
5 to school?

6 THE WITNESS: Texas.

7 HEARING OFFICER JONES: Further questions from the  
8 board for Ms. Bui?

9 MS. TURMAN: I do.

10 HEARING OFFICER JONES: Go ahead, Ms. Turman.

11 MS. TURMAN: So you're saying that you have not  
12 waxed before?

13 THE WITNESS: Yes.

14 MS. TURMAN: So you just put the pot on and did  
15 the wax, huh? Is that what you're telling me?

16 You just -- this is the first time?

17 THE WITNESS: Yes. First time.

18 MS. TURMAN: Did you -- had you watched the person  
19 who had been waxing eyebrows enough to know how to do  
20 the equipment and everything?

21 THE WITNESS: I saw another do and I practice my  
22 eyebrow.

23 MS. TURMAN: Thank you.

24 HEARING OFFICER JONES: Okay. Further questions?

25 Ms. Ward?

1 MS. WARD: Okay. Is anyone else waxing?

2 Was anyone else in the shop waxing?

3 THE WITNESS: The -- the lady come back and then  
4 she do that. The lady, the lady take my place from May  
5 and June, she do that.

6 MS. WARD: Okay. Anybody else besides her wax?

7 THE WITNESS: No.

8 HEARING OFFICER JONES: Okay. Further questions  
9 from the board?

10 If there are no further questions, Ms. Bui, is  
11 there anything that you would like to state? Anything  
12 you want to tell the board before they make their  
13 decision?

14 THE WITNESS: I see this my fault, I'm so sorry  
15 because I don't know. Now I'm so sorry. In the  
16 near -- in the future I never, never do that.

17 HEARING OFFICER JONES: Okay. Are there any  
18 further questions from the board?

19 Okay. Ms. Gee, do you have anything you would  
20 like to state in closing?

21 MS. GEE: No, ma'am.

22 HEARING OFFICER JONES: Okay. At this time the  
23 record will be closed and complete, except for the  
24 board's recess for deliberations and a decision. We  
25 will go back on the record after a decision has been

1 made and put that decision into the record as such.

2 (WHEREUPON, the board retired to deliberate, off  
3 the record, and returned with the following motion.)

4 HEARING OFFICER JONES: We'll go back on the  
5 record and put the decision into the record.

6 Ms. Pickering, your motion, please.

7 MS. PICKERING: I make a motion that, finding the  
8 allegations to be true, I move to order the respondent  
9 to pay a fine amount of \$250, payable within 30 days of  
10 receipt of the board's order. Failure to pay the fine  
11 as ordered will result in a suspension of the  
12 respondent's license, beginning 30 days from receipt of  
13 the order and continuing from the period of 90 days  
14 from the date the respondent relinquishes her license  
15 to the board.

16 HEARING OFFICER JONES: Is there a second?

17 MS. TURMAN: Yes. I do.

18 HEARING OFFICER JONES: Ms. Turman has a second.

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

20 (Hands raised.)

21 HEARING OFFICER JONES: Please let the record  
22 reflect that the decision of the board is unanimous.  
23 It will be reduced to writing and service will be  
24 attempted or made upon all parties. If the respondent  
25 cares to appeal the decision, an appeal can be taken

1 under the Administrative Procedures Act, found at  
2 25-15-201, et seq., and if there are such, any specific  
3 provisions in the laws pertaining to this board.

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

6 Thank you.

7 ADMINISTRATIVE HEARING NO. 07-485

8 HEARING OFFICER JONES: Okay. At this time we're  
9 going to have Cuong Van Tu, 07-485. He is here for  
10 reciprocity.

11 Please come forward to the table.

12 Okay. At this time we'll go on the record for  
13 this hearing. 07-485. 07-485. This is for  
14 reciprocity.

15 My name is Kendra Akin Jones and I'm the Hearing  
16 Officer today for the matter of granting reciprocity  
17 for Mr. Cuong Van Tu, Hearing No. 07-485. It's to be  
18 heard before the Arkansas State Board of Cosmetology.  
19 Today is September 17, 2007. We're located in the  
20 conference room of the Main Street Mall.

21 Mr. Tu, please identify yourself and spell your  
22 name for the court reporter.

23 MR. TU: Yes. My name is C-U-O-N-G, Van, V-A-N,  
24 T-U.

25 HEARING OFFICER JONES: Okay. Thank you.

1 Ms. Gee?

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

3 HEARING OFFICER JONES: This is a public hearing,  
4 held under the Freedom of Information Act. And the  
5 Administrative Procedures Act governs the actions here  
6 today.

7 MR. TU: Excuse me.

8 But I brought up my brother to interpret a little  
9 for me, a little bit for to -- brought my brother.

10 HEARING OFFICER JONES: Okay. Are you going to  
11 translate for him?

12 NGAU VAN TU: Yes.

13 HEARING OFFICER JONES: Okay. Great. Have a  
14 seat.

15 If you're going to be testifying today, can I have  
16 both of you raise your right hand, and Ms. Wittum, and  
17 if the court reporter will swear you in.

18 Raise your right hand.

19 (WHEREUPON, the witnesses were sworn.)

20 HEARING OFFICER JONES: Okay. Any preliminary  
21 matters, Ms. Gee?

22 MS. GEE: No.

23 HEARING OFFICER JONES: Okay. Opening statement.  
24 Go right ahead.

25 MS. GEE: Okay. This is a somewhat unusual

1 situation, I don't know that you all have had something  
2 quite like this before. But Mr. Tu is here today  
3 because he was issued a reciprocal license based on his  
4 licensing in Florida. It was issued in error, because  
5 under Florida law he's not required to take a written  
6 national -- nationally recognized examination in order  
7 to receive a license, and under Arkansas law he was  
8 required to have a written exam taken in order to  
9 receive a reciprocal license.

10 So the reason that we're here today is because in  
11 order to suspend his license or take a license away  
12 from him that was issued in error, he's entitled to a  
13 hearing and to present his case.

14 HEARING OFFICER JONES: Very good.

15 Mr. Tu, is there anything you would like to say in  
16 opening, just to the board to get started to give them  
17 a little bit of information?

18 NGAU VAN TU: He have been working for six year  
19 now. And also he took a test in Florida and where he  
20 learned in Massachusetts and he didn't pass. And he  
21 went Florida and he took a test and he working six year  
22 now. And when he apply for a license and something  
23 happen and to him, and now and they told him you have  
24 to, I don't know why, and him been working six years on  
25 doing nail.

1 HEARING OFFICER JONES: Okay. Ms. Gee, call  
2 your first witness.

3 MS. GEE: I would like to call Kathy Wittum,  
4 please.

5 NGAU VAN TU: And he been doing since 2001.

6 HEARING OFFICER JONES: Okay.

7 NGAU VAN TU: Six years.

8 HEARING OFFICER JONES: Six years. Very good.

9 NGAU VAN TU: Yeah.

10 HEARING OFFICER JONES: And I'll give you a chance  
11 to --

12 MR. TU: The first time I go to school in  
13 Massachusetts. Second time I go to school in Florida.

14 HEARING OFFICER JONES: Okay. Very good.

15 And you all will have a chance to talk some more  
16 and ask all the questions you want. Okay?

17 Okay. Ms. Gee, go ahead with Ms. Wittum.

18 MS. GEE: I would like to call Kathy Wittum,  
19 please.

20 WHEREUPON,

21 KATHY WITTUM,  
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 THE WITNESS: Kathy Wittum, director of the State

1 Board of Cosmetology.

2 DIRECT EXAMINATION

3 BY MS. GEE:

4 Q Ms. Wittum, are you familiar with the records of the State  
5 Board of Cosmetology as they reflect the status of the respondent  
6 today?

7 A Yes. I am.

8 Q Okay. And did respondent apply for a reciprocal license  
9 with the Arkansas board?

10 A Yes. He did.

11 Q And when he applied, what information did he provide about  
12 his current license status?

13 A He indicated that he was licensed in Florida. We also  
14 received a certification from the state board in Florida,  
15 acknowledging that he did have a license with that state.

16 Q Can you hear?

17 NGAU VAN TU: (Nodding head up and down.)

18 MS. GEE: Yes. Okay.

19 BY MS. GEE:

20 Q And are those documents that you're referring to, are they  
21 attached to the Order and Notice of Hearing?

22 A Yes. They are.

23 MS. GEE: Okay. I would like to enter those  
24 documents as Exhibit A, please.

25 HEARING OFFICER JONES: Exhibit A will be the

1 documents for reciprocity submitted by Mr. Tu to the  
2 board.

3 (WHEREUPON, State's Exhibit No. A, 07-485, was  
4 received in evidence.)

5 BY MS. GEE:

6 Q Okay. And according to the information you received from  
7 Florida, was Mr. Tu required to pass a national examination  
8 comparable to the examination given in this state in order to  
9 receive a license?

10 A Yes. He was.

11 Q In Florida he was?

12 A No. Florida doesn't require that.

13 Q Okay.

14 A He was required to here.

15 Q Well, let's go one step back.

16 A Okay.

17 Q Was he required to take a national exam in Florida in order  
18 to receive that license?

19 A No. He was not.

20 Q Okay. And under Arkansas law, in 20 -- 17-26-315, is he  
21 required to take a national exam to receive a reciprocal license  
22 under Arkansas law?

23 A Yes.

24 Q Okay. So how did he receive the license from the board?

25 A He was mistakenly issued a license by the staff here.

1 Q Okay. But under Arkansas law he is not entitled to have  
2 that license?

3 A Right.

4 Q Okay. And what does the -- what does staff propose to the  
5 board in order to resolve this situation?

6 A We -- we suggest that the license be suspended until he has  
7 passed the examination here in Arkansas.

8 Q Okay. And does -- is he required to take a written exam, a  
9 practical exam, or both?

10 A Both.

11 MS. GEE: Both.

12 I have nothing further from Ms. Wittum.

13 HEARING OFFICER JONES: Mr. Tu, would you like to  
14 ask Ms. Wittum any questions? Anything you want to ask  
15 her?

16 NGAU VAN TU: He don't have any questions.

17 He want to know, the license that he have right  
18 now, has to be okay -- or he have to -- what can he do  
19 right now?

20 What can -- what do you want him to do?

21 THE WITNESS: That's what the board is deciding  
22 today.

23 NGAU VAN TU: Uh-huh. And does he have to take a  
24 test? Written test or what?

25 THE WITNESS: That's what the board is deciding

1                   today.

2                   HEARING OFFICER JONES: The board is going to make  
3                   that decision today. They are going to decide what he  
4                   has to do to be able to practice. Okay? That's what  
5                   we're here for.

6                   NGAU VAN TU: Okay. So right now he can't -- he  
7                   can't work anymore?

8                   HEARING OFFICER JONES: Well, we don't know that  
9                   yet. When the board makes their decision then you will  
10                  know what he needs to do.

11                  NGAU VAN TU: But right now he cannot work?

12                  HEARING OFFICER JONES: That will be decided.  
13                  Okay?

14                  Ms. Gee, do you have any other witnesses?

15                  MS. GEE: I would like to call Mr. Tu, please.

16                  HEARING OFFICER JONES: Wait. Hold on just  
17                  a second.

18                  Does the board have any questions for Ms. Wittum  
19                  before we move on?

20                  EXAMINATION BY THE BOARD

21                  MS. COLLINS-BURROUGH: I do.

22                  It states on his reciprocity form that he did take  
23                  a licensing exam in Florida.

24                  THE WITNESS: They take the state. They do not do  
25                  a national exam. He is required to take the NIC

1 national exam here.

2 HEARING OFFICER JONES: Further questions for  
3 Ms. Wittum?

4 All right. If there are no further questions,  
5 Ms. Gee, go right ahead.

6 Ms. Gee is going to ask you some questions and you  
7 just try to answer.

8 NGAU VAN TU: I don't have any questions. What do  
9 you --

10 MS. GEE: I would like to ask him a couple of  
11 questions.

12 NGAU VAN TU: Uh-huh.

13 WHEREUPON,

14 CUONG VAN TU,  
15 having been called for examination, and having been first duly  
16 sworn by the undersigned notary public, was examined and  
17 testified, as follows:

18 DIRECT EXAMINATION

19 BY MS. GEE:

20 Q Did you say that Mr. Tu had a license from Massachusetts  
21 also?

22 A I have no -- no Massachusetts. I go to school in  
23 Massachusetts and --

24 Q Just Florida?

25 A -- and take and don't pass in Massachusetts.

1 Q Okay. So your only license is Florida?

2 A Florida, yeah.

3 NGAU VAN TU: And he been working six years now.

4 MS. GEE: Six years.

5 NGAU VAN TU: Yeah.

6 MS. GEE: Okay.

7 MR. TU: In fact my license in Florida from 2001.

8 BY MS. GEE:

9 Q Okay. And where are you working now.

10 NGAU VAN TU: Now?

11 THE WITNESS: Right now I work at Perfect Nail.

12 NGAU VAN TU: Perfect Nail.

13 THE WITNESS: Perfect Nail in Fort Smith.

14 NGAU VAN TU: Perfect Nail in Fort Smith.

15 MS. GEE: Okay. Thank you.

16 NGAU VAN TU: He been doing long time.

17 BY MS. GEE:

18 Q Yes. Okay.

19 So you have been practicing as a manicurist for six years?

20 A Yeah.

21 Q Okay. And when did you move to Arkansas?

22 A I move Arkansas, I don't remember.

23 NGAU VAN TU: February.

24 MS. GEE: February?

25 NGAU VAN TU: Yeah.

1 BY MS. GEE:

2 Q And you've been working at this nail salon since then?

3 NGAU VAN TU: After he have a license.

4 THE WITNESS: After I get here, I get a license  
5 and work.

6 MS. GEE: Okay. Okay. I have no other questions.  
7 Thank you.

8 HEARING OFFICER JONES: All right. Does the board  
9 have any questions they want to ask at this time or  
10 would they like to hear Mr. Tu give his side before you  
11 ask questions?

12 Okay. Mr. Tu, tell the board what you want them  
13 to know before they make their decision. Okay? You  
14 can just talk right now, tell your whole story.

15 MR. TU: Okay.

16 NGAU VAN TU: Okay. Right now, don't work any.

17 MR. TU: Yeah.

18 HEARING OFFICER JONES: Is there anything you want  
19 the board to know? Anything you would like to tell  
20 them?

21 (WHEREUPON, a brief discussion was held between  
22 the Cuong Van Tu and Ngau Van Tu off the record.)

23 MR. TU: I want you to know I want do nail,  
24 manicure.

25 NGAU VAN TU: And he wouldn't --

1 MR. TU: I have everything nail. I do manicure.  
2 I don't do anything.

3 HEARING OFFICER JONES: Okay. Does the board have  
4 any questions they would like to ask Mr. Tu at this  
5 time?

6 MS. POWELL: I'll ask one.

7 HEARING OFFICER JONES: Go right ahead.

8 EXAMINATION BY THE BOARD

9 MS. POWELL: Mr. Tu, you said you went to school  
10 in Massachusetts?

11 THE WITNESS: Yeah.

12 MS. POWELL: Did you graduate from that school?

13 THE WITNESS: Am one of -- I go to school in  
14 Massachusetts and take, not --

15 NGAU VAN TU: He need a pen and --

16 THE WITNESS: I do a pen --

17 NGAU VAN TU: And he only do a pen, a pencil but  
18 he didn't even pass the written.

19 HEARING OFFICER JONES: He did not pass the  
20 written?

21 NGAU VAN TU: So he move to Florida and he --

22 MS. POWELL: Thank you.

23 NGAU VAN TU: Uh-huh.

24 MS. POWELL: So I understand that you --

25 NGAU VAN TU: Uh-huh.

1 MS. POWELL: -- took a test in Massachusetts, but  
2 you -- and Massachusetts is not doing the national  
3 examination, as I recall. But you took and you failed,  
4 so you went to Florida?

5 THE WITNESS: Yeah.

6 NGAU VAN TU: Yeah.

7 MS. POWELL: And you took their test?

8 THE WITNESS: Yeah.

9 MS. POWELL: But it's not a national either?

10 NGAU VAN TU: And he work there, he's been there  
11 since 2001 in Florida.

12 MS. POWELL: He worked in Florida since 2001?

13 NGAU VAN TU: Yeah.

14 THE WITNESS: Uh-huh.

15 MS. POWELL: And he's worked in Arkansas since  
16 April of '07?

17 NGAU VAN TU: May.

18 MS. POWELL: Right?

19 NGAU VAN TU: May. Yeah.

20 MS. POWELL: May?

21 NGAU VAN TU: Yeah. When he had the license in  
22 May, and he went to work.

23 THE WITNESS: When I have don't license I don't do  
24 that. Just I'm licensed in Arkansas, I do.

25 MS. POWELL: Thank you.

1 HEARING OFFICER JONES: Further questions from the  
2 board?

3 Go ahead, Ms. Gordon.

4 MS. GORDON: Did you say you took the test in  
5 another state and didn't -- not pass it? What was the  
6 state?

7 HEARING OFFICER JONES: That was a state test.

8 MS. GORDON: What was the state?

9 HEARING OFFICER JONES: Massachusetts.

10 MS. GORDON: Did you pass the test there?

11 NGAU VAN TU: He passed the practice but he didn't  
12 pass the written.

13 HEARING OFFICER JONES: He passed the practical in  
14 Florida --

15 MS. GORDON: But he did not pass the written?

16 MS. POWELL: But he did not pass the written?

17 NGAU VAN TU: Right.

18 MS. POWELL: And it's a state test in both states.

19 MS. GORDON: All right.

20 HEARING OFFICER JONES: Further questions from the  
21 board?

22 Go ahead, Ms. Turman.

23 MS. TURMAN: Did you take a test in Florida for  
24 the written?

25 THE WITNESS: Yeah.

1 MS. TURMAN: For the written and passed?

2 THE WITNESS: Yeah. Yeah.

3 HEARING OFFICER JONES: Okay. Further questions?

4 MS. TURMAN: Thank you.

5 NGAU VAN TU: And he has a license and he working.

6 HEARING OFFICER JONES: Okay. Ms. Gee, is there  
7 anything you would like to say in closing?

8 MS. GEE: I would just like to say it's within the  
9 board's discretion to determine what to do with his  
10 license. The staff's recommendation or request was to  
11 suspend it until he can take the exam. The error was  
12 not his, it was accidental on the staff's part.

13 You can also put his license on probation until he  
14 takes the exam.

15 And so nothing further.

16 MS. CAVER-BLADE: I have a question.

17 Will the probation allow him to work until the  
18 time he passes the test?

19 HEARING OFFICER JONES: Let's discuss that here in  
20 the time for discussion on the motion, if you don't  
21 mind.

22 MS. CAVER-BLADE: Okay.

23 HEARING OFFICER JONES: Mr. Tu, is there anything  
24 you would like to say before the board makes their  
25 decision? This is your last chance for anything you

1 want to say.

2 MR. TU: Yeah. If what I'm doing, what I'm doing,  
3 nail assistant here, professional, am I do, some  
4 (indecipherable) when -- am happy doing nail. I'm  
5 very, very happy.

6 HEARING OFFICER JONES: Okay.

7 MR. TU: And do nail here and writing.

8 HEARING OFFICER JONES: Okay. At this time we're  
9 going to close the record and make it complete, except  
10 for the board's recess for deliberations and decision,  
11 at which time we'll go back on the record after a  
12 decision is made.

13 (WHEREUPON, the board retired to deliberate, off  
14 the record, and returned with the following motion.)

15 HEARING OFFICER JONES: Okay. At this time we'll  
16 go back on the record for the motion.

17 Go right ahead with your motion.

18 MS. CAVER-BLADE: I would like to make a motion  
19 that we put the license on temporary probation,  
20 allowing him to work for 60 days. In that time he  
21 needs to do the Arkansas testing. If he does not pass,  
22 then we suspend the license after 60 days.

23 MS. GORDON: I second.

24 HEARING OFFICER JONES: Until he does pass?

25 MS. CAVER-BLADE: Until he does pass.

1 HEARING OFFICER JONES: And there is a second from  
2 Ms. Gordon.

3 And all those in favor, please raise your right  
4 hand.

5 (Hands raised.)

6 HEARING OFFICER JONES: All those opposed?

7 (Hands raised.)

8 HEARING OFFICER JONES: Let the record reflect the  
9 decision of the board was six in favor and one opposed,  
10 therefore the motion passes.

11 Please reduce the motion to writing and make  
12 service upon the parties.

13 If you care to appeal the decision of the board,  
14 you may do so, under the Administrative Procedures Act,  
15 Arkansas Code 25-15-201, et seq., or any specific  
16 provisions of the board.

17 If there are no questions or comments, this  
18 hearing is concluded and the record is closed.

19 Okay. Do you understand what you have to do? You  
20 have -- he has 60 days, two months, to take the written  
21 test.

22 NGAU VAN TU: Yeah.

23 HEARING OFFICER JONES: But you can work during  
24 that time.

25 MR. TU: Yeah.

1 HEARING OFFICER JONES: Okay. And if you don't  
2 pass it within that 60 days, then you can't work.

3 NGAU VAN TU: When -- when he can come take the  
4 test? When?

5 HEARING OFFICER JONES: Probably if you go  
6 upstairs and talk to the people upstairs they can get  
7 you that information. Or maybe the lady in the back  
8 can help you.

9 NGAU VAN TU: The written test only? Okay.

10 MS. WITTUM: If we can take a break then I'll take  
11 him upstairs and the staff can give him that  
12 information.

13 HEARING OFFICER JONES: A short break will  
14 probably be good for everybody.

15 MS. POWELL: We'll take a 10 minute break.

16 (WHEREUPON, a break was held from 9:50 a.m. to  
17 10:00 a.m..)

18 MS. POWELL: Okay. The meeting is called to  
19 order.

20 ADMINISTRATIVE HEARING NO. 07-456

21 HEARING OFFICER JONES: At this time we're going  
22 to take up Malady's Beauty Salon, Kesha Williams, which  
23 is Hearing No. 07-456. Please come forward,  
24 Ms. Williams.

25 Have a seat.

1           My name is Kendra Akin Jones and I'm the Hearing  
2           Officer today in the matter of Kesha Williams, owner of  
3           Malady's Beauty Salon, Hearing No. 07-456, which is to  
4           be heard before the Arkansas State Board of  
5           Cosmetology. Today is September 17, 2007, and we're  
6           located in the conference room of the Main Street Mall.

7           Ms. Williams, please identify yourself for the  
8           record.

9           MS. KESHA WILLIAMS: Kesha Williams.

10          HEARING OFFICER JONES: And do you have an  
11          attorney or legal counsel here with you today?

12          MS. KESHA WILLIAMS: No.

13          HEARING OFFICER JONES: Okay. And you received a  
14          copy of the Order and Notice of Hearing?

15          MS. KESHA WILLIAMS: Yes.

16          HEARING OFFICER JONES: Okay. And board's  
17          counsel, please identify yourself.

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

19          HEARING OFFICER JONES: Okay. For your benefit  
20          and the benefit of anyone else here today, the board  
21          will base its decision solely on the evidence presented  
22          here. This hearing is being held under the  
23          Administrative Procedures Act, which means there is no  
24          strict rules of evidence to be applied, and that I have  
25          certain latitudes to allow evidence to be entered and

1 certain documents, photocopies, to be presented to the  
2 board. To insure the efficiency of the proceedings, I  
3 may grant some objections or caution parties throughout  
4 the hearing as necessary.

5 The board members know of this case only as it  
6 appears and sets forward in the Notice of Hearing,  
7 which you did receive.

8 All participants to the hearing should be aware  
9 that the proceedings are subject to the Freedom of  
10 Information Act, and all parts of the hearing,  
11 including deliberations of the board, are open to the  
12 public.

13 For those who are going to be witnesses in this  
14 hearing today, please raise your right hand and we'll  
15 have the court reporter swear you in.

16 COURT REPORTER: Raise your right hand, ma'am.

17 HEARING OFFICER JONES: Hold on just a second.

18 Are you going to testify?

19 MS. DANNER: Uh-huh.

20 HEARING OFFICER JONES: Okay. Raise your right  
21 hand, then.

22 COURT REPORTER: Raise your right hand, please.

23 (WHEREUPON, the witnesses were sworn.)

24 HEARING OFFICER JONES: Okay. Ms. Gee,  
25 preliminary matters you would like to handle?

1 MS. GEE: No, ma'am.

2 HEARING OFFICER JONES: Okay. Ms. Gee, proceed  
3 with your opening statement.

4 MS. GEE: Would you like to come sit up here?

5 MS. DANNER: Uh-huh.

6 MS. WITTUM: I would like to announce to the board  
7 that Sheila Caudle is the inspector on this particular  
8 case. Her dad had a heart attack and she is at the  
9 hospital with him and not going to be able to be here  
10 for this hearing.

11 HEARING OFFICER JONES: Ms. Gee.

12 MS. GEE: Opening statement. All right.

13 We have -- are you Ms. Danner?

14 MS. DANNER: Uh-huh.

15 MS. GEE: Okay. We have two related notices of  
16 hearing, with Ms. Williams and Ms. Danner.

17 The board's records, as testified to by Director  
18 Wittum, will demonstrate that Ms. Williams and  
19 Ms. Danner were both working in an unlicensed  
20 establishment when the inspector visited on June 19,  
21 2007.

22 HEARING OFFICER JONES: This hearing is only for  
23 Ms. Williams and we will address Ms. Danner in the next  
24 one, just for clarification of the board.

25 Ms. Williams, is there anything you would like to

1 say as opening to the board?

2 MS. KESHA WILLIAMS: Well, yes.

3 HEARING OFFICER JONES: Go right ahead.

4 MS. KESHA WILLIAMS: I was there when the  
5 inspector came. Ms. Danner wasn't.

6 We had just opened the salon, so I was there  
7 working, setting up the salon at the time. So we had  
8 my operating license and Ms. Danner's operating license  
9 just hanging there, waiting on application for the  
10 owner license for the shop, establishment. So we  
11 wasn't working, no one was working at the time.

12 HEARING OFFICER JONES: Okay. Ms. Gee, you can  
13 call your first witness.

14 MS. GEE: I would like to call Kathy Wittum.

15 WHEREUPON,

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

20 THE WITNESS: Kathy Wittum, Director, Arkansas  
21 State Board of Cosmetology.

22 DIRECT EXAMINATION

23 BY MS. GEE:

24 Q Ms. Wittum, are you familiar with the records of the board  
25 of cosmetology?

- 1 A Yes. I am.
- 2 Q According to the board's records, on June 19, 2007, the  
3 Cosmetology Inspector Sheila Caudle inspected an establishment  
4 called Malady's Beauty Salon?
- 5 A Yes.
- 6 Q And had an establishment called Malady's Beauty Salon been  
7 licensed by the board?
- 8 A Yes.
- 9 Q And when was that license issued and to whom?
- 10 A November 8, 2004, it was issued to Betty Danner.
- 11 Q Okay. And was that license current at the time of the  
12 inspector's visit?
- 13 A No. It was closed permanently in December of '06, following  
14 a report that was received by Inspector Pat Jackson. When she  
15 visited the location in September of '06, the building was  
16 vacant.
- 17 Q And where was that establishment located?
- 18 A It was in Prattsville.
- 19 Q Okay. And on the June 19th inspection by Ms. Caudle,  
20 where was that establishment located?
- 21 A At 918 Dyer Street in Malvern.
- 22 Q Okay. And at the time of Ms. Caudle's inspection, was there  
23 anyone working at that establishment?
- 24 A Yes. Our records reflected that Ms. Williams was working at  
25 the establishment.

1 Q Okay. And did Ms. Williams have a current practitioner  
2 license issued by the board?

3 A Yes. She did.

4 Q Okay. Has a new shop application been submitted for  
5 Malady's Beauty Salon?

6 A Yes. It has. On August 6, '07, our office processed the  
7 new shop application and issued a license to Ms. Williams, who is  
8 reflected as the owner on that, that paperwork.

9 MS. GEE: Okay. I have nothing further.

10 Thank you.

11 HEARING OFFICER JONES: Ms. Williams, would you  
12 like to ask Ms. Wittum any questions about what she  
13 said or anything you want her to say?

14 MS. KESHA WILLIAMS: No, ma'am. I don't.

15 HEARING OFFICER JONES: Okay. Does the board have  
16 any questions they would like to ask of Ms. Wittum?

17 Go ahead, Ms. Gordon.

18 EXAMINATION BY THE BOARD

19 MS. GORDON: Ms. Wittum, when she went -- I didn't  
20 understand whether she was actually working on a client  
21 at the time of the inspection or if -- what --

22 THE WITNESS: Well, according to Ms. Caudle's  
23 information, Ms. Williams was working but she -- she  
24 did not indicate if it was on a client, but she said  
25 she was working on that day of the incident.

1 HEARING OFFICER JONES: Ms. Burchett?

2 MS. BURCHETT: Okay. An inspector went, did you  
3 say in September of '06 into Prattsville and the  
4 building was vacant?

5 THE WITNESS: Yes.

6 MS. BURCHETT: Thank you.

7 HEARING OFFICER JONES: Further questions for  
8 Ms. Wittum?

9 MS. GORDON: The building in Malvern is vacant  
10 or --

11 THE WITNESS: The one in Prattsville.

12 MS. GORDON: What had --

13 THE WITNESS: Initially the board had Malady's  
14 Beauty Salon licensed in Prattsville. That was back in  
15 November of '04.

16 When Inspector Jackson did an inspection in that  
17 area in September of '06, the building was vacant, so  
18 our records were changed to show that that salon was  
19 permanently closed.

20 HEARING OFFICER JONES: Further questions from the  
21 board for Ms. Wittum?

22 MS. TURMAN: We didn't actually receive any  
23 notification it was closed, it was just when the  
24 inspector went there, then that's when she --

25 THE WITNESS: Yes.

1 MS. TURMAN: -- discovered it was closed?

2 THE WITNESS: Yes.

3 MS. TURMAN: Thank you.

4 HEARING OFFICER JONES: Ms. Ward?

5 MS. WARD: When did they apply for the license?

6 Said it was processed August 6th.

7 THE WITNESS: It was received that same month.

8 MS. WARD: Okay. So she was working in there  
9 before they even applied for it?

10 THE WITNESS: Yes.

11 MS. WARD: She didn't know if there happened to be  
12 any kind of appointment book or anything set up or --

13 THE WITNESS: There is nothing on Inspector  
14 Caudle's report to indicate that.

15 HEARING OFFICER JONES: Further questions for  
16 Ms. Wittum?

17 If the board has no further questions for  
18 Ms. Wittum, Ms. Gee, you may call your next witness.

19 MS. GEE: I would like to call Ms. Williams,  
20 please.

21 WHEREUPON,

22 KESHA WILLIAMS,

23 having been called for examination, and having been first duly  
24 sworn by the undersigned notary public, was examined and  
25 testified, as follows:

SUSAN B. WHITSON, CCR, INC. (501) 455-1170

1 DIRECT EXAMINATION

2 BY MS. GEE:

3 Q Ms. Williams, I have a few questions.

4 Did you purchase Malady's Beauty Salon from Ms. Danner?

5 MS. DANNER: Do what?

6 THE WITNESS: She's asking me.

7 Did I purchase it from her?

8 BY MS. GEE:

9 Q Yes.

10 A No.

11 Q Did she own it previously?

12 A She owned it, it was like in -- before we had an

13 establishment at 400 North Banks after the --

14 Q Okay.

15 A -- the lady, I spoke with her during the break, she was

16 always my inspector when I was there.

17 Q Okay. So when did you move the establishment to Dyer Street

18 in Malvern?

19 A This year. The building was rented I guess like June,

20 everything was there, but the shop, nothing has been open. The

21 guy that owns stuff, the building, was doing other work I think

22 for himself.

23 Q When did you first start taking clients?

24 A First started taking clients August -- like August the

25 23rd. I received a letter August the 16th, or something like

1 that, telling me that I could post it up until I got my shop  
2 license, so I never received shop license. That paper was the  
3 only thing I had hanging up. But other than that I had --  
4 because I just moved here from Dallas, Texas. I wasn't working.

5 At the time the inspector came I wasn't working. I was  
6 setting up, I was hanging pictures, moving things. She was  
7 there. I called Ms. Danner and we spoke with Ms. Danner on the  
8 phone and she was asking Ms. Danner some questions and we was  
9 telling her, no, we wasn't open yet, we were just setting things  
10 up. We were moving in the chairs, the mats, everything like  
11 that. So we wasn't working in the salon or anything.

12 Q So it wasn't set up yet?

13 A No. It wasn't.

14 Q Okay. And where did you say it was, as between Prattsville  
15 and Dyer Street?

16 A 400 North Banks.

17 Q And is that in Malvern?

18 A In Malvern. Uh-huh.

19 Q Was it licensed there?

20 A It was licensed. Yeah.

21 Q And did -- were you the owner at that time?

22 A I were the owner. Uh-huh.

23 I was, I was -- when I received your letter about this  
24 incident, they had the owner of the establishment in Prattsville,  
25 but I was the owner in Malvern, not Prattsville.

1 Q Okay.

2 A Ms. Danner was the owner in Prattsville.

3 Q Okay. And do you have any -- do you have any employees?

4 Is Ms. Danner your employee at the salon?

5 A She -- yes, she works there and I work there also, but she  
6 really doesn't. She's been out of the business for a while. But  
7 her license is there also with mine.

8 Q Okay. And no one else?

9 A No one else.

10 MS. GEE: I have no other questions for you.

11 Thank you.

12 THE WITNESS: Okay.

13 HEARING OFFICER JONES: Does the board wish to ask  
14 Ms. Williams any questions at this time?

15 Go ahead, Ms. Turman.

16 EXAMINATION BY THE BOARD

17 MS. TURMAN: So you're stating to me, when our  
18 inspector came in, you actually were -- did not have a  
19 client?

20 THE WITNESS: (Shaking head from side to side.)

21 MS. TURMAN: You were not working on a client nor  
22 was Ms. Danner?

23 THE WITNESS: No.

24 She wasn't -- we had her on the phone, but the  
25 inspector and I spoke with Ms. Betty on the phone, on

1 my cell phone.

2 MS. TURMAN: Okay. So it states in our records,  
3 it states the owner of the establishment is Ms. Danner  
4 and Ms. Danner and the respondent was working there.

5 THE WITNESS: She wasn't there.

6 MS. DANNER: No. I was in Hot Springs.

7 HEARING OFFICER JONES: Oh, wait. Wait. Wait.  
8 Ms. Danner, you'll get a chance in just a minute. I  
9 promise.

10 THE WITNESS: She wasn't there.

11 MS. TURMAN: So she was not even in the salon?

12 THE WITNESS: No. We called her on the phone, on  
13 the cell phone. I called her with the inspector  
14 standing there, we called her.

15 MS. TURMAN: Thank you.

16 THE WITNESS: Uh-huh.

17 HEARING OFFICER JONES: Further questions from the  
18 board for Ms. Williams at this time?

19 MS. POWELL: I have one.

20 I understand that you were inspected on June the  
21 19th?

22 THE WITNESS: Uh-huh.

23 MS. POWELL: And that you applied for a new salon  
24 license August 6th?

25 THE WITNESS: Uh-huh. Yeah.

1 MS. POWELL: When did you move into the facility?

2 THE WITNESS: We moved everything in the  
3 facility -- let me see. That was January or June -- it  
4 was in June, it was the month of June. I moved back  
5 May 26, so the building, the guy told me that the  
6 building was ready. So like the first of June,  
7 something like that, we -- I was waiting on other dryer  
8 and chairs to come in, so we just was moving what we  
9 could to come in truck loads at a time. Yeah.

10 MS. POWELL: So you had an active lease when?

11 THE WITNESS: The lease was up -- the active lease  
12 end --

13 MS. POWELL: When did it start?

14 THE WITNESS: The lease started in, what, May? I  
15 think in May.

16 MS. POWELL: You leased the building in May?

17 THE WITNESS: I think we leased the building in  
18 May.

19 HEARING OFFICER JONES: Ms. Gordon?

20 MS. GORDON: So, on June 19, that was when you got  
21 the permit to wait for your license?

22 THE WITNESS: Uh-huh.

23 MS. GORDON: That was when you applied or is that  
24 the day --

25 THE WITNESS: No. That's when they sent me the

1 paper to hang up until I actually got the license.

2 MS. GORDON: On June 19th? Am I understanding?

3 THE WITNESS: I should have brought that with me.  
4 But it was in June, it was June 16 or maybe 19.

5 MS. GORDON: So it was in June when you received  
6 the paperwork from the office telling you that you  
7 could proceed with --

8 THE WITNESS: Exactly.

9 MS. GORDON: -- with preparing your shop to open  
10 it or to open your shop?

11 THE WITNESS: Uh-huh.

12 MS. GORDON: And then you actually didn't move in  
13 and start working on clients until August the 23rd?

14 THE WITNESS: Yeah, it was like August the 23rd.  
15 Because I wasn't living in Malvern, I was coming from  
16 Dallas, so I had to wait until my boys was out of  
17 school until I could come, come here.

18 MS. GORDON: So I guess my question is is if that  
19 visit from the inspector, the second visit was the  
20 visit to verify that everything was -- was okay for you  
21 to open, when you were found --

22 THE WITNESS: No -- you said the second visit?

23 MS. GORDON: I'm asking, I'm wondering, when she  
24 came back on the second time, I think it was the --  
25 August 6th.

1 THE WITNESS: Uh-huh.

2 MS. GORDON: If that was a follow up?

3 THE WITNESS: No. That was the first time,  
4 probably.

5 MS. GORDON: From the -- I'm not understanding.

6 MS. POWELL: She only came, as I understand, one  
7 time. Is that correct?

8 THE WITNESS: Yeah.

9 MS. WITTUM: The August 6 date is the date that  
10 the staff processed a new shop application. It wasn't  
11 an inspection.

12 MS. GORDON: So, in June, when she -- she said  
13 she -- didn't you say you had an inspector come in  
14 June?

15 THE WITNESS: She came in June.

16 MS. POWELL: That's when she went. She went one  
17 time.

18 MS. GORDON: Okay. So that's the only date --  
19 that's the date Sheila have --

20 MS. WITTUM: Right.

21 MS. GORDON: -- that she found her working? It  
22 wasn't in August?

23 MS. POWELL: (Shaking head from side to side.)

24 HEARING OFFICER JONES: Okay. Further questions  
25 from the board?

1 Ms. Ward?

2 MS. WARD: If you had a letter, why didn't you  
3 have it posted?

4 THE WITNESS: I did have it posted.

5 MS. WARD: Why didn't you have it posted when you  
6 got it?

7 You said you received that letter in June?

8 THE WITNESS: Uh-huh. Yeah.

9 MS. WARD: Why wasn't it posted when the inspector  
10 came?

11 THE WITNESS: When she came we wasn't open. She  
12 told me she came into the shopping center, she was  
13 coming to inspect another salon and she saw my sign and  
14 she came in. She came in. That was the exact words,  
15 she said, wasn't there a salon here? And I said, I  
16 think it used to be. And she said, so you're opening a  
17 salon? I said, yes, we're just hanging up stuff,  
18 getting everything ready.

19 But she wasn't looking for Malady's. She was  
20 looking for another salon, because there was multiple  
21 salons in this shopping center. That's what she had  
22 asked me.

23 HEARING OFFICER JONES: Further questions from the  
24 board?

25 MS. BURCHETT: Ms. Williams?

1 THE WITNESS: Yes.

2 MS. BURCHETT: You said you had your license  
3 hanging on the wall?

4 THE WITNESS: Uh-huh.

5 MS. BURCHETT: Okay. When your license are on the  
6 wall, then that's an indication that you are -- you're  
7 there to work. Did -- do you understand that?

8 THE WITNESS: Well, no, it really doesn't.

9 I, like I say, we were hanging up everything, we  
10 were framing everything, putting my license in frames,  
11 hanging pictures on the wall when she came. I had my  
12 hammer and nail, everything out. No clients were  
13 there, no mats. I had my chair sitting there, some of  
14 the dryers. But we -- everything was just like  
15 scattered out on the floor. Nothing was set up to  
16 work.

17 MS. BURCHETT: Did you have to unlock the door for  
18 her to come in?

19 THE WITNESS: No. I didn't.

20 MS. BURCHETT: Thank you.

21 HEARING OFFICER JONES: Ms. Turman?

22 MS. TURMAN: Thank you.

23 So you're telling me on June 19th our inspector  
24 come in and you had already had your license hanging --

25 THE WITNESS: Uh-huh.

1 MS. TURMAN: -- I mean there. Yet we show we  
2 didn't make that new shop application until August the  
3 6th, that was processed with us. So how could that  
4 have been?

5 THE WITNESS: No. She's talking about -- are you  
6 talking about operating license or shop license?

7 MS. BURCHETT: (Nodding head up and down.)

8 THE WITNESS: Operating license?

9 MS. TURMAN: But shouldn't you have an  
10 establishment, business also, since you were already  
11 there --

12 THE WITNESS: No. I wasn't --

13 MS. TURMAN: -- at that time?

14 THE WITNESS: No. We had one on Bank Street, but  
15 not in -- on Dyer Street.

16 HEARING OFFICER JONES: Ms. Gordon, do you have a  
17 question?

18 MS. GORDON: So you had -- you didn't even apply  
19 for your license until August 6 --

20 THE WITNESS: Okay.

21 MS. GORDON: -- after --

22 THE WITNESS: Huh?

23 No. No. This is the thing. I called her several  
24 times before she even came to the -- to my salon, I  
25 applied -- I called her several times and I left --

1           within a day I would always leave five or six messages  
2           on the voice -- on your answering machine.  Until she  
3           came there and she said -- I said, well, how can I get  
4           my shop license?  She said, go on the computer and  
5           download the application.

6                        So once I tried, I couldn't.  And I spoke with a  
7           gentleman on the phone here, which was in June.  He  
8           said, well, you can go download, if you're by your  
9           computer, I can guide you how, I can guide you, you  
10          know, through the process.  I said I'm not, I'm on --  
11          I'm driving.

12                       So he said, well, I'm -- this is the first time,  
13          we usually don't send out application, so I'm going to  
14          send you an application.  So that's when I had spoke to  
15          my mom about how much trouble it were to get an  
16          application to get my establishment license.  She said,  
17          well, Kesha, I've been trying to get one for months.  
18          No one has returned my calls.  No one ever returns the  
19          call.

20                       So he sent me an application.  That's how I  
21          happened to get that application for my license to  
22          operate.  Other than that, you know, going on the  
23          computer and downloading, I didn't know that.  I went  
24          on the computer and it doesn't say anything about an  
25          application myself.  It gave me a number to call.

1 HEARING OFFICER JONES: Ms. Ward?

2 MS. WARD: Okay. You said that you was licensed  
3 at the -- the other location?

4 THE WITNESS: Uh-huh.

5 MS. WARD: But here it said it was permanently  
6 closed in December, so when did you have a license that  
7 was active there?

8 THE WITNESS: I had a license active there, oh, I  
9 left -- I was gone a year, so I left in '05.

10 MS. WARD: Uh-huh.

11 THE WITNESS: I came back this year in May,  
12 May 26th, oh, well, June the 1st, something like  
13 that.

14 So, between all that time, we've had an active  
15 operating license there at that salon, because there  
16 was always an inspector to come there and inspect it.  
17 The license, the operating license, and my business  
18 license was always hanging up there.

19 HEARING OFFICER JONES: Ms. Williams, to clarify  
20 for everybody, please tell what -- what salon are you  
21 referring to in June --

22 THE WITNESS: Malady's. It was always --

23 HEARING OFFICER JONES: Okay. But which location?

24 THE WITNESS: 400 North Banks.

25 HEARING OFFICER JONES: Okay. I just wanted to

1 make sure everybody is clear, since we have kind of got  
2 three different locations going here, I want everybody  
3 to be clear.

4 MS. WITTUM: And the office, I did not find  
5 anything about 400 Banks.

6 HEARING OFFICER JONES: Wait. Wait.

7 Ms. Wittum -- Ms. Wittum, you can't just speak.

8 MS. WITTUM: Sorry.

9 HEARING OFFICER JONES: That's okay.

10 Does the board have any further questions for  
11 Ms. Williams?

12 MS. COLLINS-BURROUGH: I do.

13 HEARING OFFICER JONES: Ms. Burrough.

14 MS. COLLINS-BURROUGH: Since you said you had your  
15 equipment in a mess, in array --

16 THE WITNESS: Uh-huh.

17 MS. COLLINS-BURROUGH: -- was there an open sign?

18 THE WITNESS: No. We didn't have an open sign.

19 MS. COLLINS-BURROUGH: That was lit or turn  
20 around?

21 THE WITNESS: No.

22 MS. COLLINS-BURROUGH: Did you have an appointment  
23 book laying around that would indicate to an inspector  
24 that you were working?

25 THE WITNESS: No.

1 MS. COLLINS-BURROUGH: Okay.

2 THE WITNESS: Because she asked me, she asked me,  
3 are you open? I say, no, we're not open yet. We're  
4 just getting everything situated. And she looked at  
5 the license, she saw my license. And then she said,  
6 well, who is Ms. Danner? I said that's my mom.

7 I said let me call her because I just moved here.  
8 I'm just getting everything hanged up and I'll let you  
9 talk to her. So we spoke to Ms. Danner on my cell  
10 phone and she asked multiple questions and that was it.  
11 That's how we found out to get online to get an  
12 application, so we tried that and we couldn't. So  
13 that's when I called and a guy answered and he said,  
14 well, this is the first time, I've never done this, so  
15 I -- we usually don't send out an application, but he  
16 sent me one.

17 HEARING OFFICER JONES: Okay. Further questions  
18 from the board?

19 Board has no further questions for Ms. Williams.

20 Ms. Williams, would you like to call any  
21 witnesses?

22 MS. GEE: I --

23 HEARING OFFICER JONES: Wait.

24 MS. GEE: I'm sorry.

25 Before we rest, I would like to recall Ms. Wittum.

1 HEARING OFFICER JONES: Okay.

2 MS. GEE: Briefly.

3 HEARING OFFICER JONES: Sorry about that, Ms. Gee.

4 WHEREUPON,

5 KATHY WITTUM,

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

7 sworn by the undersigned notary public, was examined and

8 testified, as follows:

9 REDIRECT EXAMINATION

10 BY MS. GEE:

11 Q Ms. Wittum, you testified earlier about your familiarity

12 with the board's records with regards to licenses?

13 A Yes.

14 Q Are you aware one way or the other whether 400 North Banks

15 was licensed as Malady's Beauty Salon?

16 A No.

17 Q You don't know?

18 A No.

19 Q Okay. And based -- the information that you have that the

20 board's records have about what was occurring at the time of the

21 inspection is summarized in the inspection report summary that

22 was filled out by Inspector Caudle. Is that correct?

23 A Yes.

24 Q And based on that report, do you -- are you able to

25 determine one way or the other whether any clients were receiving

1 services at the time of the inspection?

2 A No.

3 Q Okay. It indicates Ms. Williams' name and Ms. Danner's name  
4 and their license numbers?

5 A Yes.

6 Q So does that indicate that their licenses were posted?

7 A Yes.

8 Q Okay. But that's all the information we have about that?

9 A Yes.

10 MS. GEE: Thank you.

11 HEARING OFFICER JONES: Ms. Williams, is there  
12 something you would like to ask Ms. Wittum?

13 MS. KESHA WILLIAMS: Yes.

14 CROSS-EXAMINATION

15 BY MS. KESHA WILLIAMS:

16 Q So do you all inspectors just will come at a salon, I mean  
17 regardless if you have a -- you know, an establishment or not?

18 A Yes.

19 Q Because when I was over on 400 North Banks, she came often.  
20 I mean we had, we had became, you know, really close. And I did  
21 have license for that, that establishment.

22 A But the inspectors do territory runs. And if they see an  
23 establishment in a location that is not on their territory books,  
24 then they are required to stop in and check to see if that is a  
25 practicing salon.

1 Q But where my salon was located, it was off any main streets.  
2 It was like over there in the center of a community. It was  
3 nothing that you would run into.

4 A I can't speak for how Ms. Caudle came by your salon. All I  
5 know is that she did.

6 Q Yeah. That is -- but I'm talking about the one on 400  
7 Banks, it was always inspected. And you have me not licensed for  
8 that establishment.

9 A I don't have any knowledge of a location that you were at  
10 400 North Banks.

11 HEARING OFFICER JONES: Let's try to keep this on  
12 point. We're not here for the 400 Banks salon today,  
13 just to make sure for clarity and all we don't get the  
14 two confused.

15 Do you have any further questions for Ms. Wittum  
16 about this location on Dyer?

17 MS. KESHA WILLIAMS: No. That's all.

18 HEARING OFFICER JONES: Okay. Ms. Gee, do you  
19 have any other witnesses you would like to call?

20 MS. GEE: I do not.

21 HEARING OFFICER JONES: Okay. Ms. Williams, you  
22 may call your first witness.

23 MS. KESHA WILLIAMS: Betty Danner.

24 WHEREUPON,

25 BETTY DANNER,

1 having been called for examination, and having been first duly  
2 sworn by the undersigned notary public, was examined and  
3 testified, as follows:

4 HEARING OFFICER JONES: Okay. Ms. Danner, would  
5 you please state your name for the record.

6 THE WITNESS: Betty Danner. Betty S. Danner.

7 HEARING OFFICER JONES: Ms. Williams, you may  
8 proceed with your questions for Ms. Danner.

9 DIRECT EXAMINATION

10 BY MS. KESHA WILLIAMS:

11 Q Ms. Danner, at the time that the inspector came to Malady's  
12 on Dyer Street, was you present?

13 A No. I was not.

14 Q Did I speak with you, with the inspector there, over my cell  
15 phone?

16 A Yes.

17 HEARING OFFICER JONES: Do you have any other  
18 questions for Ms. Danner?

19 MS. KESHA WILLIAMS: No.

20 HEARING OFFICER JONES: Ms. Gee, do you have any  
21 questions you would like to ask Ms. Danner?

22 CROSS-EXAMINATION

23 BY MS. GEE:

24 Q Ms. Danner what -- can you tell me when Malady's Salon  
25 started taking clients on Dyer Street?

1 A On Dyer Street started taking clients -- on my visit in  
2 August, this was some time in August. Yeah.

3 Q Thank you.

4 A I hardly ever go there, but it was some time in August.

5 HEARING OFFICER JONES: Ms. Gee, any further  
6 questions?

7 THE WITNESS: And when she called me it was on the  
8 20th when the inspector was there. I had the  
9 appointment right here, because I was in Hot Springs, I  
10 had to take my husband to Little Rock and to Hot  
11 Springs to the doctor and stuff. Because I -- I have a  
12 practice license.

13 HEARING OFFICER JONES: Okay. Wait. Ms. Danner,  
14 I'll give you a chance to talk.

15 THE WITNESS: Okay.

16 HEARING OFFICER JONES: But right now you have to  
17 answer the questions. Okay?

18 If Ms. Williams wants to ask you questions that  
19 will bring that information out, then that's fine.

20 Ms. Gee, do you have any further questions for  
21 Ms. Danner?

22 MS. GEE: I do not.

23 HEARING OFFICER JONES: Okay. Does the board have  
24 any questions they would like to ask Ms. Danner?

25 Yes, Ms. Turman.

1 EXAMINATION BY THE BOARD

2 MS. TURMAN: Okay. Now you're stating to us that  
3 the conversation or the activity -- activities did not  
4 even occur on the 19th, it occurred on the 20th?

5 THE WITNESS: Uh-huh.

6 MS. TURMAN: Is that what you're stating?

7 THE WITNESS: (Nodding head up and down.)

8 MS. TURMAN: And then you're stating that it was  
9 on your cell phone, that you were not physically in  
10 that shop on the 19th or the 20th?

11 THE WITNESS: Right. Correct. That's correct.

12 MS. TURMAN: Okay. And you were not working on a  
13 client, you were not there, period?

14 THE WITNESS: No, ma'am.

15 MS. TURMAN: Thank you.

16 HEARING OFFICER JONES: Any further questions from  
17 the board for Ms. Danner?

18 If there are no further questions, Ms. Williams,  
19 do you have any other questions you would like to ask  
20 Ms. Danner?

21 MS. KESHA WILLIAMS: No.

22 HEARING OFFICER JONES: Okay. At this time do you  
23 have any other witnesses?

24 MS. KESHA WILLIAMS: No. I don't.

25 HEARING OFFICER JONES: Is there anything else you

1 would like to say before we move to closing argument?

2 MS. KESHA WILLIAMS: (Shaking head from side to  
3 side.)

4 HEARING OFFICER JONES: Okay. Ms. Gee, you may  
5 close.

6 MS. GEE: All right. As you can see from the  
7 Order and Notice of Hearing, Ms. Williams has been  
8 charged with failure to properly license her  
9 establishment, which is a violation of several statutes  
10 and Board Rule 4.2(a) and failure to properly post a  
11 current establishment license.

12 You've heard testimony today that she was not  
13 taking clients at the time of the inspector's visit to  
14 that salon. It's within you all's discretion to  
15 determine the credibility of the witnesses and  
16 determine whether you believe that testimony to be  
17 true. And if you find it to be true, it -- not taking  
18 clients in the salon means that the salon was not open,  
19 there was no cosmetology being practiced at that time.

20 So please keep that in mind as you deliberate on  
21 the evidence that has been presented here today.

22 HEARING OFFICER JONES: Okay. Ms. Williams,  
23 anything you would like to say in closing before the  
24 board makes their decision?

25 MS. KESHA WILLIAMS: No. I guess not.

1 HEARING OFFICER JONES: Okay. At this time the  
2 record will be closed and complete, except for the  
3 board's decision, which after recess for deliberations,  
4 we'll go back on the record for the decision.

5 (WHEREUPON, the board retired to deliberate, off  
6 the record, and returned with the following motion.)

7 HEARING OFFICER JONES: At this time the motion is  
8 made and we'll go back on the record now. And for the  
9 motion, Ms. Gordon?

10 MS. GORDON: Okay. Finding that there is  
11 insufficient evidence to support the charges filed  
12 against the respondent in this matter, I move that this  
13 matter be dismissed.

14 MS. PICKERING: I second that.

15 HEARING OFFICER JONES: Second by Ms. Pickering.

16 All those in favor of the motion, please raise  
17 your right hand.

18 (Hands raised.)

19 HEARING OFFICER JONES: All those opposed?

20 (Hands raised.)

21 HEARING OFFICER JONES: And the motion passes.  
22 Please show that the vote was four to three in favor of  
23 the motion to dismiss the -- the Hearing Order 07-456.  
24 Reduce that to writing and attempt service upon all  
25 parties.

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

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

8           Thank you, Ms. Williams.

9           ADMINISTRATIVE HEARING NO. 07-486

10          HEARING OFFICER JONES: Okay. At this time we're  
11          going to move to Hearing 07-486, which is Betty Danner.

12          This is the one that was related to what we just  
13          did.

14          My name is Kendra Akin Jones. I'm the hearing  
15          officer today in the matter of Betty Danner, working at  
16          Malady's Salon, Hearing No. 07-486, which is to be  
17          heard before the Arkansas State Board of Cosmetology.  
18          Today is September 17, 2007. We're located in the  
19          conference room of the Main Street Mall.

20          Would the respondent please identify yourself for  
21          the record?

22          Ms. Danner?

23          MS. DANNER: Okay.

24          HEARING OFFICER JONES: Please state your name for  
25          the record.

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1 MS. DANNER: Betty S. Danner.

2 HEARING OFFICER JONES: Okay. And you don't have  
3 legal counsel with you today?

4 MS. DANNER: No, I don't.

5 HEARING OFFICER JONES: And you did receive a copy  
6 of the Order and Notice of Hearing?

7 MS. DANNER: And what now?

8 HEARING OFFICER JONES: The Order and Notice of  
9 Hearing, the paperwork from the board, you received a  
10 copy of that?

11 MS. DANNER: Yes.

12 HEARING OFFICER JONES: Okay. And board's  
13 counsel, please identify yourself for the record.

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

15 HEARING OFFICER JONES: And quickly, through the  
16 explanation of the proceedings, just for completeness  
17 of the record. The board will base its decision solely  
18 on the evidence presented here today. This hearing is  
19 being held under the Administrative Procedures Act,  
20 which means that the strict rules of evidence do not  
21 apply and some leeway and latitude may be allowed on my  
22 discretion, for the efficiency of the proceedings. The  
23 board members know of this case only as it appears and  
24 sets forth in the Notice of the Hearing. Anything  
25 submitted to the staff or in your possession that you

1 want considered by the board, you can present as  
2 evidence here today.

3 All participants to the hearing should be aware  
4 that it is open to the Freedom of Information Act.

5 For those of you who are going to be a witness in  
6 this hearing, please raise your right hand to be sworn  
7 by the court reporter.

8 (WHEREUPON, the witnesses were sworn.)

9 HEARING OFFICER JONES: Thank you.

10 Ms. Gee, are there any preliminary matters?

11 MS. GEE: No.

12 HEARING OFFICER JONES: Okay. Opening statements,  
13 Ms. Gee?

14 MS. GEE: We waive it.

15 HEARING OFFICER JONES: Okay. Ms. Danner, is  
16 there anything you would like to say in opening to the  
17 board?

18 MS. DANNER: Yes.

19 HEARING OFFICER JONES: Go right ahead.

20 MS. DANNER: I'm sorry. I don't hear good. After  
21 all those years of doing hair I done lost half of my  
22 hearing. But I'm not in -- I've been licensed from  
23 '86 until like '99, the year around '99, so I don't do  
24 hair. I don't be around it much, and this is it. I  
25 got the letter, so I'm here today to speak on my

1           behalf. And I -- I am a cosmetologist, but I don't do  
2           hair. And I, from '88, 1988 until '99 I've had a shop  
3           license and a cosmetology. I've never broke you all  
4           rules, I always did what I was supposed to do because I  
5           enjoyed it, but I'm retired. That's it.

6                       HEARING OFFICER JONES: Okay. Ms. Gee, you can  
7           call your first witness.

8                       MS. GEE: Thanks.

9                       Call Ms. Danner, please.

10   WHEREUPON,

11                               BETTY DANNER,  
12   having been called for examination, and having been first duly  
13   sworn by the undersigned notary public, was examined and  
14   testified, as follows:

15                               DIRECT EXAMINATION

16   BY MS. GEE:

17   Q    Ms. Danner, I just have a couple of questions for you.

18   A    Okay.

19   Q    You have -- you currently hold a cosmetologist license --

20   A    Uh-huh.

21   Q    -- from the board. Is that correct?

22   A    Yes.

23   Q    Okay. And you had your license posted at Malady's Beauty  
24   Salon on Dyer Street?

25   A    Yes.

- 1 Q And we probably are going to go over some of the things we  
2 talked about in the last hearing, but this is separate, so I have  
3 to ask you again.
- 4 A Okay.
- 5 Q Was the Malady's Beauty Salon on Dyer Street taking clients  
6 on June 19, 2007?
- 7 A No.
- 8 Q No?
- 9 A No.
- 10 Q Were you taking any clients at that time?
- 11 A No, ma'am. No.
- 12 Q Okay. But you had your license posted?
- 13 A I -- I had to, because I accept the building because she was  
14 in Texas, and she didn't know nothing about it no way. So I -- I  
15 was only, for extra income since my husband is on disability.  
16 But I called but I never did receive any info on how to get the  
17 shop license, so I didn't -- after she came I didn't fool with it  
18 any more. But I posted it and the city thing, I posted it. It's  
19 in there.
- 20 Q Just --
- 21 A It's still there.
- 22 Q Just to make sure we're clear, when you're saying she,  
23 you're referring to your daughter? I think that's correct?
- 24 A Yeah.
- 25 Q Kesha Williams?

1 A Yes. Kesha Williams.

2 MS. GEE: Okay. I have nothing further for you,  
3 ma'am.

4 Thank you.

5 HEARING OFFICER JONES: Does the board wish to ask  
6 Ms. Danner any questions at this point?

7 Ms. Gee, do you have any other witnesses you would  
8 like to call?

9 MS. GEE: I do not.

10 HEARING OFFICER JONES: Okay. Ms. Danner, is  
11 there any witnesses you want to call?

12 MS. DANNER: No, ma'am.

13 HEARING OFFICER JONES: Is there anything you want  
14 to say to the board?

15 MS. DANNER: No, ma'am. That's fine.

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

18 MS. GEE: I would just like to say, in light of  
19 the finding in the Kesha Williams hearing, that the  
20 salon was not open for business and taking clients on  
21 the date of the inspection, I submit that the board  
22 should find the charges against Ms. Danner for working  
23 in a license that was open -- working in an  
24 establishment that was not properly licensed, the board  
25 should find the charges to be not founded.

1 HEARING OFFICER JONES: Ms. Danner, is there  
2 anything else you would like to say before the board  
3 makes their decision?

4 MS. DANNER: No.

5 HEARING OFFICER JONES: Okay. Thank you.

6 At this time the record will be closed and  
7 complete, except for the board's recess for  
8 deliberation and decision. Once a decision has been  
9 made, we will go back on the record.

10 (WHEREUPON, the board retired to deliberate, off  
11 the record, and returned with the following motion.)

12 HEARING OFFICER JONES: Okay. We have a motion.  
13 We will go back on the record.

14 Ms. Gordon?

15 MS. GORDON: Finding that there is insufficient  
16 evidence to support the charges filed against the  
17 respondent in this matter, I will move that the matter  
18 be dismissed.

19 HEARING OFFICER JONES: Do we have a second?

20 MS. PICKERING: I second that.

21 HEARING OFFICER JONES: Ms. Pickering second.

22 All those in favor of the motion, please raise  
23 your right hand.

24 (Hands raised.)

25 HEARING OFFICER JONES: All those opposed, same

1 sign.

2 (Hands raised.)

3 HEARING OFFICER JONES: All those abstaining?

4 (Hands raised.)

5 HEARING OFFICER JONES: Okay. Please let the  
6 record reflect the decision of the board was four in  
7 favor of the motion to dismiss the charges in hearing  
8 No. 07-486 against Ms. Danner, three opposed, and one  
9 abstention. It will be reduced to writing and service  
10 will be made upon the parties. If the respondent cares  
11 to appeal the decision, an appeal may be taken under  
12 the Administrative Procedures Act found at Arkansas  
13 Code 25-15-201, et seq. If there is such provisions  
14 under the laws of this board, they may also take an  
15 appeal under those.

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

18 Thank you.

19 ADMINISTRATIVE HEARING NO. 07-478

20 HEARING OFFICER JONES: Okay. Okay. We're going  
21 to move to Jacquelyn Suzanne's, which is hearing  
22 07-478. 07-478.

23 At this time we'll go back on the record. My name  
24 is Kendra Akin Jones. I'm a hearing officer in the  
25 matter of Jacquelyn Martin, owner of Jacquelyn

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1 Suzanne's establishment, and this is Hearing 07-478, to  
2 be heard before the State Board of Cosmetology. Today  
3 is September 17, 2007, and we're located in the  
4 conference room of the Main Street Mall.

5 The respondent is not present, but the respondent  
6 has sent in a letter and that will be addressed  
7 shortly.

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

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

11 HEARING OFFICER JONES: All right. This hearing  
12 is being held under the Administrative Procedures Act  
13 and is subject to the Freedom of Information Act.

14 Of course you know that you only know of this  
15 hearing as presented here today, which is the evidence  
16 which you have before you.

17 Ms. Gee, any witnesses you have today, please  
18 raise your right hand to be sworn in by the court  
19 reporter.

20 Are you going to call any witnesses?

21 MS. GEE: Yes.

22 (WHEREUPON, the witnesses were sworn.)

23 HEARING OFFICER JONES: Ms. Gee, you may proceed.

24 MS. GEE: I would like to call Lavonne Green,  
25 please.

1 WHEREUPON,

2 LAVONNE GREEN,

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

4 sworn by the undersigned notary public, was examined and

5 testified, as follows:

6 DIRECT EXAMINATION

7 BY MS. GEE:

8 Q Would you state your name for the record?

9 A Lavonne Green, inspector for cosmetology board.

10 Q Okay. On June 28, 2007, did you inspect a salon called

11 Jacquelyn Suzanne's?

12 A Yes. I did.

13 Q Okay. And at the time of your inspection, was there a  
14 current properly licensed establishment license at the salon?

15 A No.

16 I had gone to her old location and she had a note on the  
17 door that she had moved to this other location. So I went over  
18 there and I found that she hadn't applied for license yet.

19 Q Okay. Do you know how long she -- Ms. Martin had been  
20 located at her new location at the time of your inspection?

21 A Let's see.

22 Two months.

23 Q Okay.

24 A She admitted that to me.

25 Q She admitted --

1 A Uh-huh. That she had been over there for two months.

2 Q Okay. But she hadn't applied to relocate her salon?

3 A No. No.

4 I don't know that she, you know, maybe thought she could  
5 just move and work on that old license, but...

6 MS. GEE: Okay. Thank you.

7 I have no further questions for Ms. Green.

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

10 If there are none, Ms. Gee, call your next  
11 witness.

12 MS. GEE: I would like to call Kathy Wittum,  
13 please.

14 WHEREUPON,

15 KATHY WITTUM,

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 THE WITNESS: Kathy Wittum, Director of the State  
20 Board of Cosmetology.

21 DIRECT EXAMINATION

22 BY MS. GEE:

23 Q Okay. Ms. Wittum, did you receive a letter from the  
24 respondent, Jacquelyn Martin?

25 A Yes. I did.

1 MS. GEE: Okay. And that document, I believe, has  
2 been provided to the board members, along with the  
3 Order and Notice of Hearing.

4 I would liked to mark it as Exhibit A.

5 HEARING OFFICER JONES: The letter from  
6 Ms. Jacquelyn Martin, the respondent, will be marked as  
7 Exhibit A.

8 (WHEREUPON, State's Exhibit No. A, 07-478, was  
9 received in evidence.)

10 BY MS. GEE:

11 Q Okay. And could you -- well, I guess, could you read this  
12 letter for us, please?

13 A Yes.

14 "Dear Arkansas Board of Cosmetology. I am writing you this  
15 letter in reference to my beauty shop relocating. I was very  
16 unaware of how to get a change of address for my business. When  
17 Lavonne Green came in my shop June 28, 2007, my house had just  
18 burned down to the ground and I was crying when she came in to  
19 inspect. She told me to give her a 50-dollar fee and she would  
20 get my change of address changed for me and send me a new  
21 license. I am very sorry I violated the rules and regulations of  
22 the process of changing my address. I was going through a very  
23 tough time, me and my 15 year old son, of losing our home. We  
24 lost everything and didn't have any insurance. So if you would  
25 please consider waiving the 50-dollar fine, I am replacing our

1 furniture and clothing and it is hard enough without more money  
2 if I have to come up with it. I cannot be there today because I  
3 am a part-time student of U of A in Batesville, Arkansas, at  
4 UACCB and my classes are on Mondays and Wednesdays from 9:30 a.m.  
5 until 12:15 p.m. Please excuse me from my hearing and consider  
6 also my fine of \$50. Thank you for your time. Again, I am very  
7 sorry for violating the board rules. My phone number is  
8 (870)698-9895 if there are any questions. Thank you, Jacquelyn  
9 Suzanne."

10 Q Ms. Wittum, at this time, has there been an application  
11 submitted to relocate her salon?

12 A Yes. It was processed on July 19, 2007.

13 Q So the salon is now properly licensed?

14 A Yes. It is.

15 MS. GEE: I have nothing further for Ms. Wittum.

16 HEARING OFFICER JONES: Does the board have any  
17 questions they would like to ask of Ms. Wittum at this  
18 time?

19 If there are no more questions, Ms. Gee, call your  
20 next witness.

21 MS. GEE: No further witnesses.

22 HEARING OFFICER JONES: Is there anything you  
23 would like to say in closing?

24 MS. GEE: Just like to say respondent has been  
25 charged with violation of the statute requiring her to

1 apply for relocation of her salon. You have heard her  
2 letter that she wrote in response and her request for a  
3 waiver of the fee. It's within the board's discretion,  
4 if you determine that the allegations and charges are  
5 founded, what's -- what amount of fine to impose and  
6 whether or not to impose a fine at all.

7 HEARING OFFICER JONES: At this time the record  
8 will be closed and made complete, except for the  
9 board's recess for deliberations and decision. Once a  
10 decision has been made, we'll go back on the record.

11 (WHEREUPON, the board retired to deliberate, off  
12 the record, and returned with the following motion.)

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

15 Ms. Turman, please state your motion.

16 MS. TURMAN: Okay. Finding the allegations being  
17 true, I move to suspend the respondent's establishment  
18 license, commencing upon receipt of the board's order  
19 and continuing until such time respondent pays a fine  
20 in the amount of \$50. It's further ordered that during  
21 this period of suspension the respondent shall cease  
22 from operating her establishment.

23 HEARING OFFICER JONES: Is there a second?

24 MS. WARD: I second.

25 HEARING OFFICER JONES: Ms. Ward.

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

2 (Hands raised.)

3 HEARING OFFICER JONES: All those opposed?

4 (Hands raised.)

5 HEARING OFFICER JONES: Please let the record  
6 reflect the decision of the board was five in favor of  
7 the motion, two opposed. Please reduce the decision of  
8 the board to writing and attempt service upon all  
9 parties, and let the respondent know that if they care  
10 to appeal the decision an appeal may be taken under the  
11 Administrative Procedures Act found at Arkansas Code  
12 25-15-201, et seq., or under any specific provisions of  
13 the law pertaining to this board.

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

16 ---o---

17 HEARING OFFICER JONES: Okay. No one else is here  
18 for a hearing, correct, before we move on to some  
19 housekeeping matters for the rest of them?

20 Okay. We didn't want to leave anybody out if they  
21 were.

22 At this time we'll do a read off of all of the  
23 ones that have paid. Once they have been read, we'll  
24 accept a motion from the floor to accept them as paid.

25 Carol's Salon, that's the establishment name,

1 Carol Radomski, owner, Hearing 07-392, paid the amount  
2 of \$50 as was fined, as was recommended by staff.

3 Foxy Nails, Van Thi Thai, owner, Hearing No.  
4 07-411, paid the recommended fine of \$35.

5 Images Salon, Carrie Ray, owner, 07-397, paid the  
6 recommended fine of \$50.

7 Keely and Company, Keely Treadway, owner, Hearing  
8 07-480, paid the recommended fine of \$75.

9 Modern Images, Cathy Horn, owner, 07-495, paid the  
10 recommended \$50 fine.

11 Salon Doug Mitchell, Douglas Mitchell, owner,  
12 Hearing No. 07-459, paid the recommended fine of \$238.

13 Salon Doug Mitchell, Debi Pongetti, 07-494, paid  
14 the recommended fine of \$50.

15 Salon X-Hale, Rose Coleman, owner, 07-477, paid  
16 the recommended fine of \$50.

17 Silver Scissors, Ann Barnett, owner, 07-426, paid  
18 the recommended fine of \$50.

19 Snip-n-Clip 619, T.L.S., Inc., owner, 07-413, paid  
20 the recommended fine of \$171.

21 Snip-n-Clip 619, Martha Guthary, operator, 07-449,  
22 paid the recommended amount of \$171.

23 Snip-n-Clip 619, Bonnie Fancher, operator, 07-450  
24 is the hearing number, paid the recommended amount of  
25 \$171.

1                   Snip-n-Clip 619, Chanchana Costaldi operator,  
2                   Hearing No. 07-493, paid the recommended fine by the  
3                   staff of \$171.

4                   The Pink Papaya, Miranda Williams-Epp, owner,  
5                   07-440, paid the recommended fine of \$50.

6                   The Pink Papaya, Brandon Burks, operator 07-489,  
7                   the recommended fine of \$25 was paid.

8                   Pink Papaya, Joseph Dasher, operator, 07-490, paid  
9                   the recommended fine of \$25.

10                  And West and Riley Hair Salon, Patrick Riley,  
11                  owner, 07-437, paid the recommended fine of \$75.

12                  Do we have a motion at this time?

13                  MS. COLLINS-BURROUGH: I so move.

14                  MS. GORDON: I second.

15                  HEARING OFFICER JONES: It has been moved  
16                  and seconded that the fines paid by the individuals  
17                  just read are accepted.

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

19                  (Hands raised.)

20                  HEARING OFFICER JONES: Let the record reflect  
21                  that the decision of the board was unanimous in  
22                  accepting the payment of these fines by all individuals  
23                  read in all hearings. Please let the respondents know  
24                  that their -- their hearing has been taken care of due  
25                  to their payment of the fine, and that it was under the

1 Administrative Procedures Act found at 25-15-201. They  
2 can take an appeal if they do wish to do so.

3 If there are no other questions, we'll close this  
4 section.

5 We'll move on to those who are not here and who  
6 have not paid their fine. Let me make some marks on  
7 the sheet before I start reading all of these. I don't  
8 want to get off line, because we have a lot of them.

9 Let me clarify for myself before I start reading  
10 these, the ones that you read prior to the meeting,  
11 Ms. Wittum, you all are going to put off until next  
12 month, we'll read those into the record as well.

13 MS. WITTUM: Let me -- there is that list right  
14 there, and I marked off the ones who came today or who  
15 paid.

16 HEARING OFFICER JONES: Okay. There were some  
17 individuals who did not receive an adequate notice.  
18 Notices have been re-sent and those I will read into  
19 the record at this point and they will appear before  
20 you, hopefully, in a future hearing. And they are:  
21 Diane Barker, Hearing 07-368; Marlo Newton, 07-367;  
22 Rebeca Tavel, 07-480; Aida Garcia, 07-481. And they  
23 were re-sent their notices and, like I said, will come  
24 up at a later date.

25 Okay. We'll move on to those who are not here and

1 have not paid. I will make a call for their presence,  
2 if they are not here we'll move on.

3 Dawn Barkley, owner of Cuttin' Up. Dawn Barkley,  
4 owner of Cuttin' Up. Seeing that Ms. Barkley is not  
5 here, that is Hearing No. 07-420, the recommended fine  
6 is \$281.

7 It's probably best if we -- do you want to do  
8 these, Ms. Gee, individually and do a motion for them  
9 or collectively?

10 MS. GEE: One at a time.

11 HEARING OFFICER JONES: Okay. We will take a  
12 motion individually for each of these. If you all want  
13 to accept the recommended fine and a letter setting  
14 that fine because they did not show up. So, after each  
15 reading, if no one is present, if we can have a motion.  
16 Okay?

17 MS. BURCHETT: So moved.

18 HEARING OFFICER JONES: Yeah. So moved will be  
19 just fine, and then we have a second.

20 Okay. So Dawn Barkley, owner, Cuttin' Up, 07-420  
21 is not present today. Recommended fine is \$281.

22 MS. BURCHETT: I so move.

23 HEARING OFFICER JONES: We have a motion by  
24 Ms. Burchett to accept. Second?

25 MS. WARD: Second.

1 HEARING OFFICER JONES: By Ms. Ward.

2 MS. TURMAN: Just a moment. Don't we have to  
3 include \$25 for --

4 MS. GEE: No, ma'am.

5 HEARING OFFICER JONES: Ms. Gee?

6 MS. GEE: No.

7 MS. TURMAN: We don't?

8 Okay.

9 HEARING OFFICER JONES: Okay.

10 MS. TURMAN: Thank you.

11 HEARING OFFICER JONES: There is a motion and  
12 a second to accept the recommended amount of \$281. All  
13 those in favor, please raise your right hand.

14 (Hands raised.)

15 HEARING OFFICER JONES: Please let the record  
16 reflect that it is a unanimous decision, and notify the  
17 respondent in writing of the board's decision and of  
18 the ability to take an appeal under the Administrative  
19 Procedures Act, or any specific provisions of the  
20 board's laws.

21 Next we'll go to Sandra Harlow. Sandra Harlow,  
22 Fashion Nails, 07-416.

23 Ms. Harlow is not present. The recommended fine  
24 is \$583.

25 MS. BURCHETT: Move to accept.

1 MS. TURMAN: Second.

2 HEARING OFFICER JONES: There is a motion to  
3 accept the recommended fine and a second by Ms. Turman.  
4 All those in favor, please raise your right hand.

5 (Hands raised.)

6 HEARING OFFICER JONES: Let the record reflect  
7 that it's a unanimous decision of the board to accept  
8 the recommended fine of \$583 against Ms. Harlow.

9 Please notify the respondent in writing of the  
10 board's decision and of her right to take an appeal  
11 under the Administrative Procedures Act, found at  
12 Arkansas Code 25-15-201, or under any specific  
13 provisions of the board's laws.

14 Moving along, Hart of Beauty Salon, Antonio  
15 Edwards. Hart of Beauty Salon, Antonio Edwards.

16 There is no one present, that's Hearing  
17 No. 07-421. 07-421.

18 No one is present. The recommended amount for a  
19 fine is \$125.

20 MS. GORDON: So moved.

21 HEARING OFFICER JONES: There is a motion by  
22 Ms. Gordon to accept the recommended amount of \$125.  
23 Do we have a second?

24 MS. PICKERING: Second.

25 HEARING OFFICER JONES: Second, Ms. Pickering.

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

2 (Hands raised.)

3 HEARING OFFICER JONES: Let the record reflect the  
4 decision of the board is unanimous, and please notify  
5 the respondent of the board's decision in writing and  
6 of their right to appeal under the Administrative  
7 Procedures Act 25-15-201, or any specific provision of  
8 the laws of this board.

9 Her Styler, Shorn Sagron, Shorn Sagron, 07-412.  
10 07-412.

11 No one is present from Her Styler, Sagron. That  
12 recommended amount is \$610.

13 MS. PICKERING: I so move.

14 HEARING OFFICER JONES: Ms. Pickering has a  
15 motion.

16 Do we have a second to accept?

17 MS. BURCHETT: Second.

18 HEARING OFFICER JONES: There is a second.

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

20 (Hands raised.)

21 HEARING OFFICER JONES: Let the record reflect the  
22 decision of the board is unanimous, please reduce the  
23 decision to writing and make service upon all parties  
24 and inform the respondent that if they would like to  
25 appeal, they may do so under the Administrative

1 Procedures Act found at Arkansas Code 25-15-201, or any  
2 specific provision of the laws pertaining to this  
3 board.

4 Next is High Maintenance, Michael Cash. High  
5 Maintenance, Michael Cash, 07-405.

6 MS. GORDON: So moved.

7 HEARING OFFICER JONES: No one is present. We  
8 have a motion by Ms. Gordon to accept the recommended  
9 fine of \$80. Is there a second?

10 MS. BURCHETT: Second.

11 HEARING OFFICER JONES: Second.

12 And all those in favor, please raise your right  
13 hand.

14 (Hands raised.)

15 HEARING OFFICER JONES: Please let the record  
16 reflect the decision of the board is unanimous, reduce  
17 the decision of the board to writing and attempt  
18 service upon all parties notifying the respondent of  
19 their ability to take an appeal under the  
20 Administrative Procedures Act, found at Arkansas Code  
21 25-15-201, or any specific provision of law pertaining  
22 to this board.

23 Next we have Just Sherrie's, Sherrie Kelley,  
24 owner, 07-428. 07-428.

25 Seeing no one present for Ms. Kelley, the

1 recommended fine is \$75.

2 MS. PICKERING: I so move.

3 HEARING OFFICER JONES: It is moved by  
4 Ms. Pickering.

5 Do we have a second to accept the fine of \$75.

6 Second Ms. Ward.

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

8 (Hands raised.)

9 MS. POWELL: It's unanimous.

10 HEARING OFFICER JONES: Let the record reflect  
11 that the vote of the board was unanimous, and reduce  
12 that to writing and attempt service upon all parties.  
13 If the respondent cares to take an appeal, the appeal  
14 can be taken under the Administrative Procedures Act of  
15 Arkansas Code 25-15-201, or any specific provision of  
16 the law pertaining to this board.

17 Next, Kuttin' Up, Mary Kathleen White, operator.  
18 Kuttin' Up, Mary Kathleen White, operator, Hearing  
19 07-487. 07-487.

20 MS. MORGAN: Those were sent new notices.

21 Those were sent new notices.

22 HEARING OFFICER JONES: Okay. Okay. 07-487,  
23 recommended fine is \$78.

24 MS. PICKERING: I so move.

25 HEARING OFFICER JONES: Do we have a second?

1 MS. WARD: Second.

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

4 (Hands raised.)

5 HEARING OFFICER JONES: Let the record reflect the  
6 decision of the board is unanimous. Please reduce that  
7 decision to writing and notify -- attempt service upon  
8 all parties and notify the respondent if they care to  
9 appeal the decision, an appeal may be taken under the  
10 Administrative Procedures Act 25-15-201, or any  
11 provision of the board's laws.

12 Modern Images, Melissa Welch, 07-475. Modern  
13 Images, Melissa Welch, owner, 07-475.

14 Seeing no one present, the recommended fine is  
15 \$125.

16 MS. TURMAN: I so move.

17 HEARING OFFICER JONES: We have a motion by  
18 Ms. Turman.

19 Do we have a second?

20 MS. BURCHETT: Second.

21 HEARING OFFICER JONES: By Ms. Burchett.

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

23 (Hands raised.)

24 HEARING OFFICER JONES: Let the record reflect the  
25 decision of the board is unanimous. Please reduce it

1 to writing and attempt service upon all parties.  
2 Notify the respondent if they care to take an appeal,  
3 an appeal may be taken under the Administrative  
4 Procedures Act, Arkansas Code 25-15-201, or any  
5 specific provisions of the law pertaining to this  
6 board.

7 Primera Impresion, Edna Lopez, 07-406. Primera  
8 Impresion, Edna Lopez, 07-406.

9 There is no one present. The recommended fine is  
10 \$410.

11 MS. WARD: I so move.

12 HEARING OFFICER JONES: We have a motion by  
13 Ms. Ward. A second by Ms. Turman.

14 Please raise your -- all those in favor, please  
15 raise your right hand.

16 (Hands raised.)

17 HEARING OFFICER JONES: Let the record reflect the  
18 decision of the board is unanimous, reduce that  
19 decision to writing and attempt service upon all  
20 parties. Notify the respondent of the right to take an  
21 appeal under the Administrative Procedures Act at  
22 25-15-201, or any specific provision of this board.

23 Primera Impresion, Lorena Gutierrez, 07-407.

24 Primera Impresion, Lorena Gutierrez, 07-407.

25 The respondent is not present. The recommended

1 amount is \$305.

2 MS. PICKERING: I so move.

3 HEARING OFFICER JONES: We have a motion from  
4 Ms. Pickering. A second from Ms. Gordon.

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

6 (Hands raised.)

7 HEARING OFFICER JONES: Let the record reflect the  
8 decision of the board is unanimous and reduce that  
9 decision to writing and attempt service upon all  
10 parties. Please notify the respondent that they may  
11 take an appeal under the Administrative Procedures Act  
12 at 25-15-201, or any specific provisions of the laws  
13 pertaining to this board.

14 Next Salon X-Hale, Danielle Duvall, owner, 07-476.  
15 Salon X-Hale, Danielle Duvall, owner, 07-476.

16 The respondent is not present. The recommended  
17 fine amount is \$155.

18 We have a motion from Ms. Ward.

19 MS. TURMAN: Second.

20 HEARING OFFICER JONES: Second from someone.

21 MS. BURCHETT: Second.

22 HEARING OFFICER JONES: Yeah, Ms. Burchett.

23 Okay. All those in favor, please raise your right  
24 hand.

25 (Hands raised.)

1 HEARING OFFICER JONES: Please let the record  
2 reflect the decision of the board is unanimous and  
3 reduce that decision to writing and attempt service  
4 upon all parties. Also notify the respondent that if  
5 they wish to take an appeal, an appeal may be taken  
6 under the Administrative Procedures Act, 25-15-201, or  
7 any specific provisions of the law pertaining to this  
8 board.

9 Studio 8, Amanda Cale, owner, 07-435. Studio 8,  
10 Amanda Cale, owner, 07-435.

11 The respondent is not present. The recommended  
12 fine is \$228.

13 MS. TURMAN: So move.

14 HEARING OFFICER JONES: We have a motion from  
15 Ms. Turman, a second from Ms. Ward.

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

17 (Hands raised.)

18 HEARING OFFICER JONES: Please let the record  
19 reflect that the decision of the board is unanimous.  
20 Please reduce that decision to writing and attempt  
21 service upon all parties, notifying the respondent that  
22 if they care to take an appeal, an appeal may be taken  
23 under the Administrative Procedures Act, found at  
24 Arkansas Code 25-15-201, et seq., or any specific  
25 provision under the laws pertaining to this board.

1                   Studio 8, Amber Hendren, 07-436. Studio 8, Amber  
2 Hendren, 07-436.

3                   Respondent is not present. The recommended fine  
4 is \$198.

5                   We have a motion from Ms. Gordon, a second from  
6 Ms. Ward.

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

8                   (Hands raised.)

9                   HEARING OFFICER JONES: Please let the record  
10 reflect the decision of the board is unanimous, and  
11 reduce that decision to writing and attempt service  
12 upon all parties, notifying the respondent if they care  
13 to take an appeal, such appeal may be taken under the  
14 Administrative Procedures Act found at 25-15-201, et  
15 seq., or under any specific provision of the laws of  
16 this board.

17                   Tiger Claws, Alicia Kindle, owner, 07-429. Tiger  
18 Claws, Alicia Kindle, 07-429.

19                   The respondent is not present. The recommended  
20 fine is \$50.

21                   We have a motion by Ms. Pickering, a second by  
22 Ms. Ward, to accept the recommended fine of \$50.

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

24                   (Hands raised.)

25                   HEARING OFFICER JONES: Please let the record

1 reflect that the decision of the board is unanimous.  
2 Please reduce that decision to writing and notify all  
3 parties of the decision, and also letting the  
4 respondent know that an appeal may be taken under the  
5 Administrative Procedures Act found at 25-15-201, et  
6 seq., or the specific laws of this board.

7 Universal Beauty Salon, Maribel Penn, owner,  
8 07-417. Universal Beauty Salon, Maribel Penn, owner,  
9 07-417.

10 The respondent is not present, the recommended  
11 fine is \$75.

12 MS. TURMAN: Motion.

13 HEARING OFFICER JONES: Ms. Turman is making the  
14 motion. Ms. Ward has the second, to accept that \$75  
15 fine.

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

17 (Hands raised.)

18 HEARING OFFICER JONES: Let the record reflect,  
19 the decision of the board is unanimous. It shall be  
20 reduced to writing, and service shall be attempted upon  
21 all parties. If the respondent wishes to take an  
22 appeal, an appeal may be taken under the Administrative  
23 Procedures Act found at Arkansas Code 25-15-201, or the  
24 specific laws of this board.

25 If there are no further comments or questions we

1 will close the section on the ones who have not shown.

2 MS. GEE: 07-396, Analee Mott, did you call that  
3 one?

4 HEARING OFFICER JONES: I don't think I did.

5 One more. Nails by Analee, Analee Mott, owner,  
6 07-396. Nails by Analee, Analee Mott, owner, 07-396.

7 The respondent is not present. The recommended  
8 fine is \$50.

9 Motion by Ms. Pickering, second by Ms. Turman to  
10 accept the fine of \$50.

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

12 (Hands raised.)

13 HEARING OFFICER JONES: Let the record reflect  
14 that the decision of the board is unanimous and please  
15 reduce that decision to writing, and attempt service  
16 upon all parties. And notify the respondent that if  
17 they care to take an appeal, an appeal may be taken  
18 under the Administrative Procedures Act, found at  
19 15-25-201, et seq., or any specific provisions of the  
20 laws pertaining to this board.

21 Any further comments or questions before we close  
22 the record for this?

23 If there are no further comments or questions, the  
24 record will be closed pertaining to the ones who paid  
25 their fines or who did not show up for the hearings

1           today, and all will be notified of the decision of the  
2           board.

3                     Thank you.

4                     MS. POWELL: We're going to take a lunch break and  
5           be back at one o'clock.

6                     (WHEREUPON, a lunch break was held at this time.)

7                     MS. POWELL: The Arkansas State Board of  
8           Cosmetology meeting will come back to order.

9                     At this time I will turn the meeting over to the  
10          director.

11                    MS. WITTUM: The new schools or new school  
12          programs, I just wanted to bring you up to date, that  
13          the program incorporated into Cossatot Community  
14          College of U of A in Nashville has been completed, they  
15          have been issued a license.

16                    The Salon Professional Academy in North Little  
17          Rock has also been completed and they have been issued  
18          a license.

19                    Career Academy of Hair Design in Siloam Springs,  
20          Rose was at that school Friday, and we have the student  
21          permits, the registration fee, everything to complete  
22          their licensure process as well, so they will also be  
23          issued a license probably sometime this week.

24                    South Arkansas Community College, if you will  
25          remember, in El Dorado, is bringing in a cosmetology

1 program into that school. That one is still pending.  
2 They had some remodeling that they needed to do before  
3 they were ready to start opening the classes.

4 Today we have Creative School of Barbering and  
5 Cosmetology. A notification has been sent by Ricky  
6 Jackson for a school that he and several others intend  
7 to put into the Jonesboro area, so you will be hearing  
8 from him today.

9 I also have received notification that another  
10 school will be going in to Jonesboro called An Edward  
11 Lewis School of Cosmetology. That one will probably be  
12 on the agenda in November. They weren't quite ready to  
13 finalize their information so that they could come and  
14 talk to the board, but I expect they will be here in a  
15 couple of months.

16 And, Ms. President, if you would like to have  
17 Mr. Jackson, or whoever is here for the Creative School  
18 of Barbering and Cosmetology to come to the front.

19 MS. POWELL: At this time I would also like to  
20 remind everyone to turn off their electronic devices.

21 MR. JACKSON: How are you doing?

22 MS. WITTUM: Could you identify yourself, please,  
23 for the record.

24 MR. JACKSON: My is name is Ricky Jackson.

25 MR. POOLE: My name is Dennis Poole.

1 COURT REPORTER: I didn't hear that.

2 MR. POOLE: Dennis Poole.

3 COURT REPORTER: Thank you.

4 MR. HARRIS: And I'm Jim Harris, and I'm the  
5 attorney that is representing the school.

6 MS. WITTUM: Mr. Jackson, I have corresponded with  
7 you. I'm Kathy Wittum.

8 MR. JACKSON: Hi.

9 MS. WITTUM: Would you like to just address the  
10 board and let them know about this school that you will  
11 we bringing to Jonesboro?

12 MR. JACKSON: Yes, ma'am. Basically this is a  
13 school that we're looking at bringing, a new  
14 inspiration for the city of Jonesboro. Currently we  
15 know there is another school that's in operation there,  
16 but what we found in survey of the city alone that that  
17 school does not offer financial assistance to  
18 individuals who would like to be a part of the  
19 cosmetology arena. And so from that aspect, we're  
20 looking at bringing a school that will provide  
21 assistance to be able to make that life transition  
22 easier for individuals, like I said, that want to be a  
23 part of the cosmetology arena, in assistance as far as  
24 partnering with local day cares to provide discounted  
25 rates for students that have children but really can't

1 afford the rates that are in place at this time.

2 Also there has been issues with transportation for  
3 a lot of the individuals who just can't afford the --  
4 the -- to have their own transportation, so we've  
5 spoken with the local transit system that's in place to  
6 provide bus passes to get them to and from school.

7 So basically we're looking at not trying to  
8 reinvent the wheel, but just basically providing avenue  
9 or a resource to provide for those young women and  
10 young men that would like to be a part of -- to be a  
11 cosmetologist and have the resources to be able to, to  
12 be able to become a licensed stylist at this time, and  
13 take away the excuse or their current situation and  
14 just turn them in to a different avenue.

15 MS. WITTUM: Do any board members have any  
16 questions of Mr. Jackson?

17 MS. POWELL: Well, Mr. Jackson, I have a question.

18 MR. JACKSON: Yes, ma'am.

19 MS. POWELL: I notice that you have a Creative  
20 School of Barbering and Cosmetology. Is that --

21 MR. JACKSON: That's correct.

22 MS. POWELL: Have you -- you will have a barbering  
23 program as well as cosmetology?

24 MR. JACKSON: Yes, ma'am.

25 The focus is actually to -- cosmetology side would

1 be the first phase of it, and that we've made  
2 application or we've requested application with the  
3 barber board as well which will be the second phase  
4 after the cosmetology phase has been started.

5 There are a lot of gentlemen right now that we,  
6 again, in survey who would like to become a licensed  
7 barber, but in a 70-mile radius, there is no place to  
8 actually go and take the courses. They have to drive  
9 to Memphis right now. And again, it comes down to  
10 transportation, it comes down to funding, and things of  
11 that nature, so we want to provide a resource center  
12 right there in our local neighborhood, which is going,  
13 as you all know, to provide that same assistance with.

14 MS. POWELL: So, as of yet, you have not addressed  
15 this with the barber board?

16 MR. JACKSON: I've spoken to them on several  
17 occasions and I have made a request, but I just haven't  
18 received application to be able to go forward before  
19 the board. That's correct.

20 MS. POWELL: So you don't have their application?

21 MR. JACKSON: No. No.

22 I've requested it and it's been two weeks now, and  
23 I got a call from them last Thursday and informing that  
24 I have already requested it, but I guess they want to  
25 talk with me beforehand, before they sent the

1 application out, so I was informed that they would be  
2 sending the application out today. That's correct.

3 MS. POWELL: Okay. Do you have your student body  
4 at this time?

5 MR. JACKSON: We -- we -- we received the intent  
6 to enroll forms from several young ladies at this  
7 current time, but we don't have the full staff at this  
8 point. What's -- what's happening in Jonesboro, and I  
9 guess a lot of other communities, it's a sight unseen  
10 type of situation. Once we're able to provide a  
11 situation that we are going to be able to house this  
12 cosmetology school, then the response will be greater.  
13 Right now everybody is just kind of at a standstill  
14 because we don't have anything to show them at this  
15 point.

16 MS. POWELL: Oh, so you don't have a facility or  
17 anything at this point?

18 MR. JACKSON: We have a facility that's picked out  
19 at this point. We've been in agreement -- we've been  
20 in conversations with the leaser to lease the building  
21 out, so we have that building, that space picked out  
22 already.

23 MS. WITTUM: And, board, Lavonne Green will be the  
24 inspector for that area. She was there Friday to view  
25 the facility. It's a 5,000 square feet facility, I

1 believe.

2 And Lavonne is here, if you have any questions for  
3 her.

4 MS. POWELL: Did I miss when the anticipated  
5 opening date is?

6 MR. JACKSON: We're potentially looking at  
7 December 1 as the opening date.

8 We've made contact with suppliers and equipment on  
9 this end, so we're compiling numbers to make sure we  
10 can justify our costs. But we do have contacts in  
11 place where we can be provided with the equipment we  
12 need and the supplies that we will need.

13 MS. POWELL: But you think you will have your  
14 barber and your cosmetology active and all together?

15 MR. JACKSON: No, ma'am. No, ma'am. The  
16 cosmetology phase is first.

17 MS. POWELL: Oh. Oh.

18 MR. JACKSON: We're going to get that up and  
19 running first and have that, you know, where it needs  
20 to be legally and also as an operation, and then  
21 perform the barber phase second. Yes.

22 MS. POWELL: You did mention that it was going to  
23 be an accredited school?

24 MR. JACKSON: That's -- that's our goal to  
25 achieve, to pursue an accreditation.

1 MS. POWELL: Oh.

2 MR. JACKSON: In order to provide the assistance  
3 that is not currently being provided at this point.  
4 Correct.

5 MS. POWELL: Okay. But at this time you don't  
6 have an accreditation?

7 MR. JACKSON: No, ma'am. No, ma'am.

8 MS. POWELL: And you don't have another school so  
9 this wouldn't be like a branch school or something?

10 MR. JACKSON: No, ma'am.

11 MS. POWELL: This is just all new?

12 MR. JACKSON: It's all new. Yes.

13 MS. POWELL: And it's not accredited?

14 MR. JACKSON: That's correct.

15 MS. POWELL: And you're going to move into it?

16 MR. JACKSON: Yes, ma'am.

17 MS. POWELL: Okay. Thank you.

18 Does anyone else on the board have any questions?

19 MS. COLLINS-BURROUGH: I do.

20 What sort of programs are you going to offer?

21 MR. JACKSON: Well, it initially starts out as  
22 cosmetology, cosmetology instructors and manicure.  
23 Those are the courses that we are set out to open and  
24 start out with to offer. And as the program grows,  
25 we're going to pursue to offer more. Again, we want to

1           be able to give different choices on what they are --  
2           those numbers, individuals would like to pursue, so it  
3           will help to be able to get started. And to be able to  
4           function properly, we're going to limit it to  
5           cosmetology and cosmetology instruction mainly.

6           MS. COLLINS-BURROUGH: How many instructors do you  
7           have so far?

8           MR. JACKSON: We have one that's on board  
9           currently that's ready as soon as we open our doors.  
10          And we have another individual who's a licensed stylist  
11          who is about 300 hours away from an instructor's  
12          license, which we're looking to bring her under that,  
13          that instructor's wings in other words to pursue the  
14          final hours that she will need. And that will give us  
15          two that we could have on staff, instead of just the  
16          one.

17          MS. COLLINS-BURROUGH: Are you licensed as well?

18          MR. JACKSON: No, ma'am. No, ma'am.

19          We have a partner, and she's not here today.

20          She's a licensed stylist and owns a salon.

21          MS. COLLINS-BURROUGH: Okay. Thank you.

22          MS. WARD: How many students are you expecting to  
23          be able to take?

24          MR. JACKSON: Well, we have -- we have the  
25          capacity, or we're going to start out with 25 students,

1 correct, and we have the capacity to go up to 40  
2 students and be comfortable in that situation.

3 MS. POWELL: You do -- I believe that  
4 accreditation process is going to take almost a year.

5 MR. JACKSON: That's correct. I understand.  
6 Uh-huh.

7 MS. POWELL: Okay. Yes, ma'am?

8 MS. WARD: You have to be licensed and have the  
9 school running for a couple of years before you can  
10 even apply for it.

11 MR. JACKSON: That's correct. Yes.

12 MS. WARD: So it's going to take probably two or  
13 three years before you can get it.

14 MR. JACKSON: Get the accreditation, yes. We've  
15 researched and talked with the NACCAS, the board, and  
16 they have sent the information and we've been in  
17 correspondence with them as well, so we're willing to  
18 take on that task.

19 MS. POWELL: Does anyone else have any other  
20 questions?

21 MS. BURCHETT: I do.

22 MR. JACKSON: Yes, ma'am.

23 MS. BURCHETT: With the -- when the barbering  
24 aspect comes in, how do you plan to incorporate that as  
25 far as your -- the layout of your facility and --

1           MR. JACKSON: Well, the place that we're going to  
2 house the cosmetology school, the building is large  
3 enough where we've already spoken with the owner to  
4 lease out another side of the facility in order to be  
5 able to house the barbering side of it.

6           MS. BURCHETT: Okay.

7           MR. JACKSON: The -- the unique aspect that we're  
8 actually trying to bring as far as the cosmetology side  
9 of it, there -- we know a lot of people within the city  
10 and know a lot of stylists, but the dilemma has been  
11 they can't cross over and do a hairstyle. Say a white  
12 stylist does not have the capability to do black hair  
13 styles and vice versa. So our perception is to bring  
14 in instructors who are -- who have the capability of  
15 doing both white and black hair for the stylist. And  
16 that way we will be able to train our students to be  
17 able to have that capability of source, that if they  
18 want to learn both type of race or gender or ethnicity,  
19 they will be able to do that in our school.

20           MS. POWELL: Well, Mr. Jackson, cosmetology  
21 encompasses all race.

22           MR. JACKSON: That's correct.

23           MS. POWELL: It has nothing to do with barbering,  
24 cosmetology.

25           MR. JACKSON: That's correct. I understand.

1 MS. POWELL: So I don't -- I don't know -- I know  
2 you're talking about bringing in something new to  
3 the -- the area.

4 MR. JACKSON: Uh-huh.

5 MS. POWELL: But I don't want you to be misled. I  
6 know -- you did say you're not a practitioner yourself.

7 MR. JACKSON: Right.

8 MS. POWELL: So barbering doesn't have anything to  
9 do with ethnicity and neither does cosmetology. I mean  
10 it's hair care.

11 Now, there is a big difference between -- or there  
12 is a difference between cosmetology and barbering.

13 MR. JACKSON: Yes.

14 MS. POWELL: But black and white hair has nothing  
15 to do with it.

16 MR. JACKSON: Well, no, I'm not trying to make a  
17 difference between --

18 MS. POWELL: Okay.

19 MR. JACKSON: -- all right, hair, period.

20 MS. POWELL: Well, that's what I thought I heard  
21 you say.

22 MR. JACKSON: No. No. I'm not trying to make a  
23 difference there.

24 But there is a complaint or there is an uneasiness  
25 because a black stylist will let you know that, most of

1           them are not equipped to do white hair. And I've  
2           spoken to white stylists, this is not I took that  
3           assumption, I asked that question myself and the white  
4           stylists are not able to do black hair. So, you know,  
5           that limits them in certain situations when -- when  
6           there are black clients who would love for to have a  
7           white stylist to do their hair and vice versa. So, you  
8           know, races and genders and ethnicity are mixed, you  
9           know, on a daily basis. So we don't want to be able to  
10          house a school and can't actually perform in all the  
11          situations so, and we want to be able to graduate the  
12          course and be able to be self sufficient and not be  
13          limited, you know, to -- to what has been control in  
14          front of them because of what they were taught going  
15          through the program. So we just want to make sure that  
16          we are showing them that they have a choice to be able  
17          to do both.

18                   MS. POWELL: Thank you.

19                   Ms. Ward?

20                   MS. WARD: Actually in a school, you're supposed  
21          to teach both. You're supposed to teach how to do all  
22          kinds of hair.

23                   MR. JACKSON: All right.

24                   MS. WARD: And if somebody is lacking in one,  
25          that's probably because they neglect to do it or they

1 don't want to, because in a school you have to teach  
2 all types of hair.

3 MR. JACKSON: Okay.

4 MS. WARD: And that's one of the requirements of  
5 what they do teach in schools. But some may not do as  
6 much of one type of hair because of the clientele that  
7 they have that comes in the school.

8 MR. JACKSON: Right.

9 MS. WARD: So they may not get the experience.  
10 So, yes, you do need to have somebody who can  
11 teach all -- all types of hair because that is a must.

12 MR. JACKSON: Right. That is what we understand.  
13 Like I said we just want to be able to provide that  
14 type of training where it will be a choice or not. I  
15 just want to make sure that we will be able to  
16 facilitate it.

17 MS. POWELL: Does Erika have a question or a  
18 comment?

19 Okay. Well --

20 MS. GEE: Well, at this stage this is notification  
21 to the board of their intent to pursue licensing for  
22 this school. There is quite a few steps that have to  
23 be taken before they can actually receive a license  
24 from this board. I think they are here to ask the  
25 board to approve their initial application to go

1 forward. Is that correct?

2 MR. HARRIS: Yes, ma'am.

3 MR. POOLE: Yes, ma'am.

4 MS. BURCHETT: Do you need a motion?

5 MS. POWELL: I need a motion.

6 MS. GORDON: I move that they be allowed to pursue  
7 their endeavor of being able to open a school there in  
8 the city of Jonesboro.

9 MS. TURMAN: I second.

10 MS. POWELL: I have a motion and a second to  
11 approve initial application. All those in --

12 Is there any further discussion?

13 All those in favor, raise your right hand.

14 (Hands raised.)

15 MS. POWELL: Ms. Ward, you will be excluded.

16 MS. WARD: What?

17 MS. POWELL: You're not included.

18 MS. WARD: I raised my hand.

19 MS. POWELL: I said but you're not supposed to.  
20 You're not included.

21 MS. WARD: Oh, I'm sorry. I forgot.

22 MS. POWELL: Okay. Can we have a show of hands  
23 again, please?

24 (Hands raised.)

25 MS. POWELL: Six and one abstention.

1 MS. GEE: But she wants to vote.

2 MS. POWELL: I know. It's just habit.

3 MS. WITTUM: Thank you, Mr. Jackson, Mr. Poole.

4 MR. HARRIS: Thank you.

5 MS. WITTUM: The -- if you will just communicate  
6 with me as you proceed with your development. And as  
7 we go through the steps, then I'll try to help provide  
8 the information that you will need to provide to us.

9 MR. JACKSON: Okay. Great.

10 Thank you.

11 MR. POOLE: Thank you, all.

12 MS. WITTUM: Thank you.

13 MS. POWELL: Thank you.

14 Okay. The next order of business is the new  
15 election of officers.

16 We will take nominations now for the chair.

17 I would like to -- Pat?

18 MS. TURMAN: I make a motion. I move that we -- I  
19 nominate Cathy.

20 MS. POWELL: Nomination? Motion?

21 MS. TURMAN: Whatever. I make a -- I nominate  
22 Cathy for -- for chairman.

23 MS. POWELL: Okay.

24 MS. TURMAN: I may not -- you know, it's since I'm  
25 having problem with my eyes.

1 MS. POWELL: Cathy Caver-Blade?  
2 MS. TURMAN: Yes. It's caused problem with my  
3 voice.  
4 MS. CAVER-BLADE: I'm not sure on the name --  
5 MS. POWELL: We'll give you three. Cathy  
6 Caver-Blade.  
7 MS. WARD: I second.  
8 MS. POWELL: Okay. I have a motion and a second.  
9 All those in favor of Cathy Caver-Blade?  
10 MS. COLLINS-BURROUGH: Is it closed?  
11 MS. GORDON: Is it closed?  
12 MS. POWELL: Well she said -- that wasn't it?  
13 I'm sorry.  
14 You don't need a second. Sorry.  
15 Just need to nominate.  
16 MS. TRAYLOR: You're supposed to vacate the chair,  
17 Jane.  
18 MS. GORDON: I nominate Scottie, if she will  
19 accept.  
20 MS. POWELL: I have Scottie.  
21 Do I have any other nominations?  
22 MS. COLLINS-BURROUGH: I nominate LaJoy.  
23 MS. POWELL: LaJoy.  
24 Any other nominations?  
25 Do I have a motion to seek --

1 MS. GEE: You just need to take roll, unless  
2 anybody wants to make a stump speech or whatever.

3 MS. POWELL: Okay. Well, we don't need a stump  
4 speech.

5 All right. All those in favor of Cathy  
6 Caver-Blade, raise your right hand.

7 Can I vote in this?

8 MS. WARD: Not unless you vacate the chair.

9 MS. POWELL: Really?

10 I don't vote in an election?

11 MS. GORDON: You never did vacate the chair.

12 MS. WARD: You're supposed to vacate the chair.

13 MS. GEE: I don't -- she asked me about this.

14 There is --

15 MS. POWELL: There has been contradiction on this,  
16 and each year the board tends to do it a little bit  
17 different.

18 So, in getting advice as to who's going to  
19 facilitate this -- now, I know the last time we had  
20 elections, I did participate in that, in the election  
21 of committee, whomever it was, members. But now --

22 MS. TURMAN: If you vote to vacate the chair, I  
23 believe you can vote. Can't she?

24 MS. GORDON: It doesn't matter, I don't think.

25 MS. GEE: There is nothing in you all's rules

1           about how this is supposed to happen, and I don't know  
2           of any reason why she should have to vacate the chair  
3           or not.

4           MS. POWELL:    Would you go ahead and please raise  
5           your hands for those that are voting for Cathy  
6           Caver-Blade so I can see them, please?

7                         (Hands raised.)

8           MS. POWELL:    Okay.   And those for Scottie  
9           Burchett?

10                        (Hands raised.)

11           MS. POWELL:    Those for LaJoy Gordon?

12                        (Hands raised.)

13           MS. POWELL:    Cathy Caver is our new chair.

14           MS. CAVER-BLADE:  I needed this so you could have  
15           the elections.

16           MS. POWELL:    Well, I needed this part.

17                        Okay.

18           MS. CAVER-BLADE:  Does that mean like immediately?

19           MS. POWELL:    I like that idea.   Can we go ahead  
20           and since there is no rules that I'm aware of on this  
21           procedure, can I go ahead and release this to the new  
22           chair?

23           MS. GEE:    Sure.

24           MS. POWELL:    Thank you.

25           MS. CAVER-BLADE:  So I don't get a crash course or

1 anything?

2 MS. POWELL: You can come, everybody play musical  
3 chairs.

4 MS. CAVER-BLADE: Thank you, guys. I hope I will  
5 make you all proud.

6 MS. POWELL: Oh, you will.

7 MS. CAVER-BLADE: So do we go on to the next --

8 MS. GEE: The next position, right.

9 MS. WITTUM: First vice.

10 MS. CAVER-BLADE: Okay. First vice president.

11 MS. TURMAN: I make a motion -- rather I would  
12 like to nominate Jane for first vice president.

13 MS. CAVER-BLADE: Okay.

14 MS. GORDON: I would like to nominate Susan.

15 MS. CAVER-BLADE: Okay. Any other nominations?

16 Okay. Then I guess we'll take a vote. Everybody  
17 for Jane, first vice president?

18 (Hands raised.)

19 MS. CAVER-BLADE: Can I vote?

20 MS. POWELL: No.

21 I will.

22 MS. CAVER-BLADE: Four.

23 And for Susan?

24 (Hands raised.)

25 MS. CAVER-BLADE: Two.

1                   So Jane is it.

2                   I guess we need to move her up here.

3                   MS. WITTUM:    Second vice.

4                   MS. CAVER-BLADE:  Okay.  Second vice president.

5                   MS. GORDON:    I nominate Susan.

6                   MS. CAVER-BLADE:  Okay.  Any other nominations?

7                   MS. POWELL:    That was a deep sigh.  Sorry.

8                   MS. CAVER-BLADE:  Those are the nominations, so

9                   does that just make it automatically unanimous?

10                  Susan?

11                  MS. POWELL:    Uh-huh.

12                  MS. CAVER-BLADE:  Susan, you're it.

13                  MS. WITTUM:    Treasurer.

14                  MS. CAVER-BLADE:  Okay.  Nominations for

15                  treasurer.

16                  MS. GORDON:    I nominate Barbara Ward.

17                  COURT REPORTER:  I couldn't hear you, ma'am.

18                  MS. POWELL:    She said treasurer.

19                  MS. GORDON:    You said treasurer?

20                  MS. CAVER-BLADE:  Treasurer.

21                  MS. GORDON:    I nominate Barbara Ward.

22                  MS. CAVER-BLADE:  Okay.  Any other nominations?

23                  Barbara, you're it.

24                  MS. POWELL:    I move that the nominations cease and

25                  the unanimous ballot be cast for Barbara Ward.

1 MS. CAVER-BLADE: Okay. She knows the verbiage.  
2 Then what's next?  
3 MS. WITTUM: Secretary.  
4 MS. CAVER-BLADE: Okay. Nominations for  
5 secretary.  
6 MS. POWELL: I nominate Pat Turman.  
7 MS. TURMAN: I refuse.  
8 MS. POWELL: It's not that bad.  
9 MS. GORDON: I nominate Scottie as secretary.  
10 MS. PICKERING: What did you say?  
11 MS. GORDON: I nominate Scottie.  
12 MS. TURMAN: All right. How much writing do I  
13 have to do?  
14 MS. POWELL: It could go on and on for days.  
15 MS. TURMAN: Okay.  
16 MS. CAVER-BLADE: Any more nominations?  
17 MS. GORDON: Scottie.  
18 MS. CAVER-BLADE: Scottie.  
19 Any more nominations?  
20 MS. TURMAN: No other fools out there?  
21 MS. CAVER-BLADE: So all in favor of Pat Turman?  
22 (Hands raised.)  
23 MS. TURMAN: No, I'm not voting. I'm --  
24 Okay.  
25 MS. POWELL: You can do this.

1 (Hands raised.)

2 MS. CAVER-BLADE: All in favor of Scottie  
3 Burchett?

4 (Hands raised.)

5 MS. CAVER-BLADE: So it's four to three, Pat  
6 Turman.

7 MS. GEE: Did you do treasurer?

8 Sorry. I missed treasurer.

9 MS. CAVER-BLADE: Do I need to do it?

10 MS. GEE: No. You're fine.

11 MS. CAVER-BLADE: Okay. Okay. I guess we're  
12 opening the floor to public comments.

13 Okay. No public comments, so we're closing the  
14 floor at this time.

15 MS. WITTUM: And now we're ready to adjourn the  
16 regular meeting.

17 MS. CAVER-BLADE: Okay. I guess we're ready to  
18 adjourn the regular board meeting.

19 MS. POWELL: It's unanimous.

20 So moved.

21 MS. WITTUM: The legislative committee meeting is  
22 meeting next. Do you want to just take a quick break  
23 and then do the legislative committee?

24 MS. CAVER-BLADE: Okay. Let's take a quick break  
25 and then we'll get to it.

1 (WHEREUPON, a break was held from 1:38 p.m. to  
2 2:12 p.m..)

3 MS. CAVER-BLADE: I'll call the meeting back to  
4 order.

5 It's all yours, Ann.

6 MS. PICKERING: What?

7 MS. CAVER-BLADE: We're opening the legislative  
8 committee meeting and you're the chair of that, and so  
9 I can turn it over to you.

10 MS. PICKERING: I'll turn it over to Kathy Wittum.

11 MS. WITTUM: Okay. And we're going to play hot  
12 potato.

13 Okay. You have in your packet the -- the  
14 committee report from the committee meeting that we had  
15 July 16. I also made you a copy of the draft of the  
16 rules and regs that have my understanding of what the  
17 legislative committee wanted to do with each of the  
18 items that we talked about.

19 The -- as I recall from the July meeting, we  
20 basically went through each one of the statutes to try  
21 to identify if it was going to require any type of  
22 changes, and if so, which rule it would pertain to.  
23 The -- I think, as I remember, when we left the last  
24 time, we were thinking that we would need to start  
25 going through the rules one by one to address those,

1           because some of the things were not clearly outlined in  
2           the statute.

3                       So do you want to just start with Rule 1 and start  
4           going through them or, Erika, do you have a different  
5           way that you would like to do this?

6                       MS. GEE: No. That's fine.

7                       MS. WITTUM: In your copy of the draft of the  
8           rules, everything that came out of the other committee  
9           meetings that we had, the fee structure, the equipment  
10          use/scope of practice and the grievance are all  
11          included in this one document here. So if you see  
12          something -- I would suggest if you see something in  
13          here that you would like to comment on or you disagree  
14          with or anything that came from one of the other  
15          committees, then you probably need to attend that  
16          committee so that you could talk with the committee  
17          members from it and we can go from there, because it --  
18          this committee doesn't need to get bogged down with  
19          what's going on in the others because eventually it's  
20          all going to end up here anyway.

21                      Does that make sense?

22                      MS. GEE: Yes.

23                      MS. WITTUM: You hesitated there.

24                      Did -- did anyone have any questions about the  
25          committee report itself before we get moving?

1 MS. COLLINS-BURROUGH: No.

2 MS. PICKERING: Not me.

3 MS. WITTUM: Okay. As I prepared these, if you  
4 will tell me if there was something that you understood  
5 differently that happened during the meeting or if you  
6 think I misstated something, then please, please feel  
7 free to let me know.

8 MS. BURCHETT: Are we going to try to -- and I  
9 know the law and the rules don't go -- don't go just  
10 side by side always, but are we going to try to group  
11 things so that they are more easily found and referred  
12 back to the law or --

13 MS. GEE: I think that's a fantastic idea.

14 MS. BURCHETT: Since you have to search and search  
15 and search for things.

16 MS. GEE: Well, not just me, everybody.

17 MS. BURCHETT: Well, it's -- and I know there --  
18 there is more in the rules than -- than just a  
19 regurgitation of the law, but it's my understanding  
20 that rules are basically an expansion of the law, and  
21 plus they have other things, but an explanation of it,  
22 or is that not correct?

23 MS. GEE: No. It's certainly -- they certainly  
24 can be, yeah. I mean, if --

25 MS. BURCHETT: I mean there is no reason to write

1           it twice, but --

2           MS. GEE: Right, I mean you don't -- there is no  
3           reason to enact a rule that says basically the same  
4           thing as the statute, but if there is something in  
5           there that the board feels like should be clarified or  
6           expanded upon or something, that's an excellent topic  
7           for a rule.

8           I don't know if that answered your question but --

9           MS. BURCHETT: (Nodding head up and down.)

10          MS. GEE: Sort of?

11          MS. BURCHETT: It did.

12          MS. WITTUM: Does everybody want to just start  
13          with Rule 1 and hit each section of it?

14          I don't know if you've had time to independently  
15          review the rules or not. If you have any suggestion on  
16          things that you would like to make changes to.

17          I'm looking for input, guidance.

18          MS. GEE: Rule 1?

19          MS. PICKERING: Is there anything you know we need  
20          to change or --

21          MS. GEE: Are there any changes to Rule 1?

22          MS. WITTUM: The only thing that I would suggest  
23          is in 1.4, I was just going through and referring to  
24          the rules as rules instead of rules and regulations  
25          throughout here. I did that throughout the document.

1                   On 1.7 -- or 1.8 -- no, excuse me -- 1.7 we are --  
2                   we are equipped to take credit card payments now  
3                   through the office, so I just changed that language  
4                   there to make it clear that we could do that, and that  
5                   we would not be accepting cash.

6                   1.8 is coming from the fee structure committee.

7                   MS. COLLINS-BURROUGH: I don't have a 1.8.

8                   MS. WITTUM: The red?

9                   MS. GEE: The red page?

10                  MS. POWELL: Top of the red page?

11                  MS. WITTUM: Do you have --

12                  MS. POWELL: Page 5?

13                  MS. WITTUM: Do you have the copy that was clipped  
14                  with the committee reports?

15                  MS. COLLINS-BURROUGH: This was the only one that  
16                  was in there.

17                  MS. WITTUM: Here you go.

18                  MS. COLLINS-BURROUGH: Yeah. I don't have that  
19                  one. Okay.

20                  MS. GEE: Where is the section that talks about  
21                  the special --

22                  MS. WITTUM: It's right here on Page 2.

23                  MS. GEE: Thanks. I've been flipping through  
24                  trying to find it okay.

25                  MS. WITTUM: 102. Found it?

1 MS. GEE: Yes, found it.

2 MS. WITTUM: Does anybody see anything in Rule 1  
3 that you want to address?

4 MS. CAVER-BLADE: I guess these fees, are they  
5 different from -- like, okay, like this renewal of a  
6 license, is that like \$40 biannually every two years  
7 for regular --

8 MS. WITTUM: Yes.

9 MS. CAVER-BLADE: -- license?

10 MS. WITTUM: Yes.

11 MS. CAVER-BLADE: So it's not yearly anymore?

12 MS. WITTUM: Right. Right.

13 MS. CAVER-BLADE: And this goes into effect on  
14 January 1?

15 MS. WITTUM: No. This is just draft.

16 MS. CAVER-BLADE: Oh, okay.

17 MS. WITTUM: This is just draft. And the fee  
18 structure committee is reviewing everything that you  
19 see there in 1.8, will be discussing it coming back  
20 together next Monday to discuss it. And after  
21 everybody has had a little bit of time to think about  
22 it, they can look back over it and see if this is still  
23 what they want to do.

24 Anyone have anything on No. 1?

25 Do you want to move on to Rule 2?

1 MS. BURCHETT: In 2.1, should -- should language  
2 be different there to help clarify the problem that we  
3 continue to have with, just like, you know, the salon  
4 today that had their practitioner's license on the wall  
5 but not, you know -- does that indicate that they are  
6 in operation or do -- you know. I mean where do we  
7 need to change the language to help that situation? Or  
8 do we feel like it's there and we're just ignoring it?

9 You know, but that's a -- if your license are on  
10 the wall, it looks like you're open for business or,  
11 you know, you would assume that you were.

12 MS. GEE: Well, I think --

13 MS. BURCHETT: Which is what happened.

14 MS. GEE: I think that could be the case.

15 I mean I don't know what that salon looked like  
16 when the inspector went in.

17 MS. BURCHETT: Right.

18 MS. GEE: If there was stuff all topsy turvy  
19 everywhere and the licenses were on the wall, I don't  
20 know if -- if as a member of the public I would think  
21 they were open. But, I mean, I agree with you that  
22 that's certainly something that could be clarified in  
23 the rules about --

24 MS. BURCHETT: I would --

25 MS. GEE: -- when you're open for business.

1 MS. BURCHETT: If the license are posted, you're  
2 saying I'm open for business.

3 MS. PICKERING: Well, not necessarily.

4 As a shop owner I disagree with that. I mean if  
5 you have a sign outside that says open, okay. But if  
6 you don't have a sign outside that says open, you go  
7 in, inspector goes in and they say, are you open for  
8 business? Well, no, I'm not open for business. Isn't  
9 that enough? Don't you think that's enough to clarify  
10 you're not open for business, if there is not an  
11 appointment book that's filling -- filled up or  
12 appointment sitting there in your chairs?

13 I mean, is that what you're talking about,  
14 Scottie?

15 MS. BURCHETT: We didn't have any more information  
16 on that case today, but just put that case today aside  
17 because we didn't really have enough to say one way or  
18 the other on that one.

19 MS. PICKERING: No.

20 MS. BURCHETT: But if someone were trying to hide  
21 something, you know, that they had had the -- the  
22 building for two months and their licenses were on the  
23 wall, I mean, if you're -- that's what I'm asking. Do  
24 we need to -- if your licenses are posted, of course,  
25 now they will either be posted or on your body, but if

1           your licenses are posted, does that mean you're open  
2           for business?

3           MS. PICKERING: No. That's just my opinion. Look  
4           at the legal --

5           MS. BURCHETT: I know. That's why I'm saying it  
6           needs to be clarified, because -- because we have  
7           different opinions of licenses on the wall. So...

8           MS. GEE: If you all want to put that in the rule,  
9           if that's what the board wants to do, you can do that.

10          MS. POWELL: Well, I think it says real clearly  
11          here that they shall be required to obtain a current  
12          establishment license prior to operating said  
13          establishment. So I don't think there is any question  
14          in -- as to when the license should be obtained. I  
15          think the question is when is it operating.

16          MS. PICKERING: Uh-huh.

17          MS. POWELL: So, at what point is it operating,  
18          when there is evidence of --

19          MS. PICKERING: Clientele in the building?

20          MS. CAVER-BLADE: Clients being serviced.

21          MS. POWELL: -- clientele or business, you know.  
22          Let's just say what if it was a business of counsel  
23          only, advising, you know, you may not -- you may not  
24          have hair on the floor. I think the outside sign is  
25          relevant, and I think an appointment book is relevant.

1           And, obviously, a person being there receiving services  
2           is relevant.

3                     But at the same time, you know, people are going  
4           to get an establishment organized and decorate it  
5           before they ever open the door.

6                     MS. BURCHETT: Okay. That fixes my problem, then.  
7           Move on.

8                     MS. WITTUM: In 2.2, one of the things that came  
9           from the law changes was the language allowing for  
10          services to be rendered when it involved a special  
11          event that would take a cosmetologist or practitioner  
12          out of their licensed establishment and on site for the  
13          event, so that language was added there.

14                    The -- the changes in red under 2.3 are things  
15          that were discussed during the fee structure committee  
16          that's been drafted.

17                    MS. GEE: So you did not want to talk about those?

18                    MS. WITTUM: Right. So we don't want to go into  
19          that.

20                    Does anybody have any questions over Rule 2 before  
21          we move on?

22                    This is, Rule 3 is probably the first one that we  
23          need to discuss. If you haven't read this, you might  
24          want to take a few minutes and read it.

25                    Do you want me to read it for the sake of the

1 public that's here?

2 MS. GEE: I don't know.

3 MS. WITTUM: Rule 3 deals with examinations, and  
4 what I took out of the information from PCS and  
5 LaserGrade is basically where this language is coming  
6 from.

7 And under 3.1 the name is being changed from  
8 application to eligibility. And it reads, "The board  
9 will admit to examination for license any person who  
10 has acquired training in cosmetology, manicure,  
11 aesthetics, electrology, or instructor, as stipulated  
12 in Arkansas Code Annotated 17-26-304, 17-26-306,  
13 17-26-307, and 17-26-410. If the training was provided  
14 in this state, then the school is responsible for  
15 submitting a certificate of training form to the board  
16 office confirming the completion of hours. If the  
17 board's records agree that the person has met all  
18 eligibility requirements, then the person will be  
19 deemed eligible to schedule for examination. The board  
20 staff will forward his/her information to Professional  
21 Credential Services, PCS, and LaserGrade and send  
22 correspondence to the person explaining how to become  
23 scheduled for the next available examination date. If  
24 the training was provided in another state, then the  
25 reciprocity applicant must meet eligibility

1 requirements stipulated in Arkansas Code Annotated  
2 17-26-315 and Rule 8. In order to determine this has  
3 occurred, a reciprocity applicant must complete an  
4 Arkansas reciprocity form and attach all documentation  
5 confirming education and previous testing methods for  
6 licensing in the state from which the applicant is  
7 transferring. The appropriate reciprocity fee must  
8 also be submitted at this time. Upon receipt of the  
9 information, one of the following will occur. If the  
10 board determines eligibility requirements are met, then  
11 the reciprocity applicant will be required to take the  
12 Arkansas State Law Examination at a LaserGrade site of  
13 his or her choosing. In this case the reciprocity  
14 applicant's information will be forwarded to LaserGrade  
15 and correspondence sent to the applicant explaining how  
16 to become scheduled for the examination. If the board  
17 determines the reciprocity applicant must take either  
18 the national written or practical examination in  
19 conjunction with the Arkansas State Law Examination,  
20 then the reciprocity applicant's information will be  
21 forwarded to PCS and LaserGrade and correspondence sent  
22 to the applicant explaining how to become scheduled  
23 with both PCS and LaserGrade for the next available  
24 examination date. If the board determines eligibility  
25 requirements have not been met, then correspondence

1 will be sent to the reciprocity applicant outlining  
2 what is necessary in order to become eligible in the  
3 state of Arkansas."

4 3.2 is titled general procedure -- general  
5 policies and procedures. And it says, "The board will  
6 adhere to the contractual agreements with PCS and  
7 LaserGrade concerning exam deadline dates, cancellation  
8 policies, interpreter policies, special needs policies,  
9 anonymity, model and/or mannequin requirements and  
10 dress code. PCS, LaserGrade, and the board will  
11 utilize national testing materials prepared by the  
12 National Interstate Counsel for State Boards of  
13 Cosmetology or NIC, and Schroeder Measurement  
14 Technology, SMT, and adhere to their suggestions  
15 concerning supplies necessary to complete the practical  
16 examination. All such information shall be made  
17 readily available to cosmetology schools, students, and  
18 reciprocity applicants. An updated candidate  
19 information bulletin will be posted on the website for  
20 PCS and the board that will contain all of the  
21 above-mentioned information for any person seeking to  
22 educate themselves on the examination requirements."

23 All of the other language contained in Rule 3 that  
24 goes through application deadline, cancellation  
25 language, would be stricken.

1 Does anybody have any questions?

2 Yes.

3 MS. GEE: I think you need to put some -- put the  
4 information back in 3.2 about complying with the ADA.

5 MS. WITTUM: 3.2. Okay.

6 It's in their policies.

7 MS. GEE: Well --

8 MS. WITTUM: So do you want --

9 MS. GEE: Okay. For example, if somebody had a  
10 problem with being accommodated in the testing service,  
11 just saying that the board will adhere to PCS's policy  
12 is not really going to help very much.

13 MS. WITTUM: Okay.

14 MS. GEE: I mean I think -- I mean you don't have  
15 to put a whole bunch of stuff in there, but I think  
16 that you should say something like the board will  
17 insure that applicants are given reasonable  
18 accommodations in compliance with the ADA, or something  
19 like that.

20 MS. WITTUM: Okay.

21 MS. GEE: I know that sounds like --

22 MS. WITTUM: Okay.

23 MS. GEE: And 3.1, we did not resolve anything  
24 about the certified hours issue, unless you put it  
25 somewhere else.

1 MS. WITTUM: No. I don't think anything was  
2 resolved about that.

3 MS. POWELL: Erika, if we have some clarification  
4 put in that Disabilities Act of 1990 --

5 MS. GEE: Uh-huh.

6 MS. POWELL: -- are -- are you still suggesting  
7 that any of the language that would be -- for the  
8 responsibility of the school owners to be included in  
9 that?

10 MS. GEE: I don't -- I'm not sure why it says the  
11 school owners.

12 MS. POWELL: Well, it's because of the process  
13 where they notify the office at the time that they were  
14 going to need this. Now they wouldn't, they would be  
15 notifying PCS or --

16 MS. GEE: Well, I would think that the applicant  
17 should be responsible for that.

18 MS. POWELL: Right.

19 MS. GEE: Because they are the ones that are  
20 requesting the accommodation.

21 MS. POWELL: Well, you may want to look at that  
22 when you're making the --

23 MS. WITTUM: They have to specifically talk with  
24 an ADA coordinator at PCS and LaserGrade in order to be  
25 scheduled for whatever accommodation they need. It

1 really comes in two forms, either a reader or extra  
2 time.

3 MS. POWELL: Uh-huh.

4 MS. WITTUM: And you don't get extra time for the  
5 practical. It's mainly going to apply to the written  
6 exam.

7 MS. GEE: And you can say that, too. I mean, in  
8 order to receive reasonable accommodations you have to  
9 comply with the process set up by PCS. I think that's  
10 fine.

11 MS. WITTUM: Okay.

12 MS. GEE: I just think you need to put something  
13 in there.

14 MS. WITTUM: Okay.

15 MS. GEE: That you will comply with ADA.

16 MS. WITTUM: Okay.

17 MS. GEE: But I don't think the school owner has  
18 to be responsible for that, unless you want them to.

19 MS. POWELL: (Shaking head from side to side.)

20 Well, since they are not -- they are not having to  
21 really do anything as far as the exam, except the  
22 certification of hours form --

23 MS. GEE: Yeah.

24 MS. POWELL: -- that would -- that's really  
25 something that's between the student or the applicant

1 and the examination facility, I think.

2 MS. GEE: Uh-huh.

3 No. I agree.

4 MS. WITTUM: In the last legislative committee  
5 meeting, we discussed -- Erika brought it up that there  
6 is really no policy that the board has that  
7 specifically says a student with uncertified hours is  
8 not to be scheduled for an exam. So if we want to  
9 include anything like that, this -- this would probably  
10 be the rule to put that into. Correct?

11 MS. GEE: I think so. Yeah.

12 MS. WITTUM: So it did not get resolved at the  
13 last meeting or the last committee meeting, so if you  
14 all want to talk about that now before we move out of  
15 Rule 3.

16 MS. POWELL: Where is that you're suggesting  
17 putting that in here?

18 MS. GEE: It would be in that sentence in 3.1.  
19 Says, "The school is responsible for submitting a  
20 certificate of training form to the board office  
21 confirming the completion of hours." I think that that  
22 would be an excellent place to clarify whether or not,  
23 whatever you all decide --

24 MS. POWELL: Where the board determines the  
25 eligibility based on what issues. Right?

1 MS. GEE: Right.

2 Whether you're going to go with the hours have to  
3 be certified and what that means or whether you're  
4 going to eliminate that language or just whichever way  
5 you want to go.

6 MS. POWELL: Well, I would like to see that it be  
7 clearly put in there that, as the schools have always  
8 thought, they had the protection that their students  
9 wouldn't be examined if they did not certify those  
10 hours, based on the fee and the accumulation of hours.

11 MS. WITTUM: So do you want me to draft in  
12 language here?

13 MS. POWELL: I think it would be --

14 MS. WITTUM: Is that the consensus of the  
15 committee?

16 MS. PICKERING: Yeah. I think it should be there.

17 MS. BURCHETT: Yeah.

18 MS. POWELL: I mean isn't that where it was  
19 actually -- it was taken out of when we were talking  
20 about transfer students? Correct? Is that not the  
21 only place?

22 Transfer in students?

23 I think that was the only place it was mentioned  
24 about fees, of certifying hours.

25 MS. GEE: Uh-huh.

1 MS. POWELL: Money, all that.

2 MS. GEE: (Nodding head up and down.)

3 People with partial credit.

4 MS. POWELL: Right.

5 I think that's where it originally came out of or  
6 was on that.

7 MS. BURCHETT: Is it in writing anywhere or is it  
8 just -- is it just supposed to be known that if a  
9 student completes their hours and they owe money to  
10 the -- to the board office for fines, that -- that they  
11 are not able to take the exam? Is that written  
12 anywhere?

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

14 Would the students have fines?

15 MS. WITTUM: I've not seen one, in the time that  
16 I've been here, where they have been -- a student has  
17 been issued a fine.

18 Now, we have had students who have written us hot  
19 checks and we tell them that they can't come in and  
20 examine until they satisfy that debt.

21 MS. POWELL: Would we want to put that in there?  
22 The financial responsibility of the school as well as  
23 the board?

24 MS. BURCHETT: Uh-huh. Right. I think it's  
25 important.

1 MS. POWELL: I think that is a good idea. Yeah.

2 MS. WITTUM: Are you referring just to the  
3 student's financial obligation or to the school that  
4 the student is coming from?

5 MS. BURCHETT: No. The student. Because if  
6 someone --

7 MS. POWELL: In certifying their hours, it's their  
8 money and their issue. Right?

9 MS. BURCHETT: Uh-huh.

10 So if a person violated the cosmetology law or  
11 rule and they were a student outside the school or  
12 before they went to school, if they say were practicing  
13 cosmetology and they were caught, would they not come  
14 before us and be -- have to pay a fine? Be punished or  
15 whatever?

16 MS. GEE: I guess so. Sure.

17 MS. BURCHETT: So then, you know if -- then they  
18 could have a fine that they would owe to the -- to the  
19 board, and so they shouldn't be able to take their exam  
20 until their fine is paid.

21 MS. GEE: That's all I had on Rule 3.

22 MS. WITTUM: Okay. So I made a note to add about  
23 the student's financial debt, the uncertified/certified  
24 hours, and the ADA.

25 Oh, and there is one, 3.3 under grades that would

1 be added in there as well, dealing with the scores.  
2 With the language that's being added in here, just to  
3 clarify, it would read, "A passing grade of 75 percent,  
4 or 75, is required in the practical part and a grade of  
5 70 is required in the written part pertaining to the  
6 mandated curriculum as well as the state law exam. In  
7 addition a grade of 70 is required on the state law  
8 exam when taken independently."

9 Does anybody have any questions about that  
10 language?

11 Moving on to Rule 4, 4.1 deals with the  
12 definitions. The definition of salon or cosmetological  
13 establishment is in the law, so that is being stricken.

14 There is a change with salon owner as far as the  
15 reference to the code cite.

16 The definition of student is being stricken  
17 because it's in the law.

18 The language in blue down under gross malpractice  
19 is what was discussed in the equipment use and scope of  
20 practice committee.

21 MS. PICKERING: What page are you on, Kathy?

22 MS. WITTUM: Ten.

23 MS. PICKERING: Ten?

24 MS. WITTUM: Uh-huh.

25 MS. PICKERING: Okay.

1 MS. WITTUM: Does anybody have anything on 4.1  
2 before we move on?

3 4.2, dealing with the health and safety rules,  
4 No. 4 there adds the information about the photos on  
5 the licenses. And that sentence there is just being  
6 clarified that satisfactory proof shall be -- when the  
7 inspectors are in there, "satisfactory proof shall be  
8 in the form of a photographic license issued by the  
9 board. In the event a photographic license has not  
10 been issued, then all persons working in a salon or  
11 school shall present a photographic driver's license or  
12 photographic identification card that's issued by any  
13 state, federal, or other recognized government entity."

14 Under B, the consumer information, the language  
15 here is talking about "All establishment and school  
16 licenses and student permits shall be conspicuously  
17 posted in a designated place, in reception areas, at  
18 the individual work stations, or in an easily  
19 identifiable location accessible to inspectors.  
20 Practitioners and instructors may wear photographic  
21 licenses on their person."

22 MS. GEE: Do you want them to be visible if they  
23 wear them or does that matter?

24 MS. WITTUM: It's up to the committee.

25 MS. PICKERING: What was the question?

1 MS. GEE: If you're -- if you intend that if  
2 somebody wears their license that it should be visible.

3 MS. WITTUM: Because if they have their badge --

4 MS. PICKERING: Yes.

5 MS. WITTUM: -- do you want it to be clearly  
6 visible to the inspector when the inspectors come in,  
7 or just that they can produce it when the inspector  
8 approaches them to find out who they are and whether or  
9 not they are working there?

10 MS. PICKERING: I would think just to produce it  
11 would be okay. But that's just my opinion.

12 MS. CAVER-BLADE: Well, I do, too, because I mean,  
13 right now it's posted at your station and I don't think  
14 they should have to wear it. You know, it might not be  
15 convenient to wear it on your body.

16 That's just my feeling.

17 MS. GEE: Well, that's why I was asking, because,  
18 I mean, I -- I was thinking that part of the purpose of  
19 posting it was so that it was visible to whoever. So I  
20 didn't -- you know, if you're going to let people wear  
21 them, I didn't know if you wanted it -- to make sure  
22 that it was still visible to clients or whoever or if  
23 that matters.

24 MS. COLLINS-BURROUGH: I don't know why they would  
25 wear it and not be able to see it.

1 Now, just a minute, let me dig it out, you know.

2 MS. BURCHETT: Well, if it's posted, it's supposed  
3 to be posted in a conspicuous location.

4 MS. COLLINS-BURROUGH: Right. And that's for the  
5 customers as well.

6 MS. GEE: Right. That's why I'm asking you.

7 MS. COLLINS-BURROUGH: So I think it should be  
8 visible.

9 MS. WITTUM: Well, this language gives the  
10 practitioner the option to either post it there or to  
11 be wearing it. So we just need to know if there  
12 wants -- if we want language added in to make it, if  
13 they are wearing it, to make it visible on their  
14 person.

15 MS. CAVER-BLADE: Like not in a pocket or  
16 something.

17 MS. WITTUM: Right.

18 MS. GEE: I'm just anticipating that that might be  
19 an issue in the future, so --

20 MS. COLLINS-BURROUGH: I want to see it.

21 MS. GEE: Okay.

22 MS. WITTUM: Is that the consensus?

23 MS. GEE: I think you can say practitioners may  
24 wear photographic license on their person if it is  
25 visible --

1 MS. POWELL: Can I ask?

2 MS. GEE: -- to the public.

3 MS. POWELL: I'm sorry. I want to backtrack to  
4 form --

5 When you're talking about performing acts of  
6 cosmetology, the photographic license issue --

7 MS. WITTUM: Uh-huh.

8 MS. POWELL: That first statement, "All persons  
9 performing acts of cosmetology and its related  
10 occupations, except students in schools of cosmetology,  
11 shall present satisfactory proof of identification on  
12 request by an authorized representative of the board,"  
13 and then it states the -- what is considered  
14 satisfactory.

15 This in no way would effect an investigation or an  
16 inspection, would it?

17 I mean if -- if you had an inspector to go in and  
18 they wanted to know who you are and you're a student,  
19 would this -- I mean I'm trying to figure out why the  
20 students were excluded. Does it cover them here in  
21 Item 2? Or is there a -- a reason why -- or would it  
22 be unthought of to think that an inspector would want  
23 to ever go in and ask a student for photo  
24 identification or identification?

25 I mean, I see that relevant when they are going

1           into a salon. I don't know if -- if it would even be  
2           relevant in a school environment.

3           MS. WITTUM: I would think those of you who have  
4           been on the board longer would know the intent of that  
5           language being put in there in the first place, better  
6           than we would.

7           MS. POWELL: Well, I hate to tell you that it was  
8           way before my time, so we don't have that many old  
9           board members, so I don't know.

10          MS. WITTUM: Well, and I don't. I -- do you see  
11          that there is an issue with it?

12          MS. GEE: Well, I have no idea why it's in there  
13          either.

14          MS. POWELL: No. I'm asking you why would you  
15          think students would be excluded from this?

16                 It encompasses everyone.

17          MS. GEE: I don't know.

18          MS. WITTUM: Do you want to take out --

19          MS. GEE: I mean I'm not -- students have to have  
20          permits, too. I'm not sure if you're going to make a  
21          rule that everyone has got to have a photo ID why  
22          students are excluded. I don't know.

23          MS. WITTUM: Well, students are not excluded from  
24          the language that was added into the law. They will be  
25          issued photographic permits.

1 MS. GEE: Right. That's what I meant to say.

2 MS. WITTUM: I mean, do you want to take out the  
3 except students?

4 MS. BURCHETT: So if it were taken out, does that  
5 mean every student has to have with them at school  
6 every day a photo ID?

7 MS. WITTUM: But their permit should be posted on  
8 your boards.

9 MS. BURCHETT: Of course, we have proof -- yeah.  
10 I have proof, I have a copy of their photo ID in  
11 their file, but they may not carry, you know, if they  
12 don't have a driver's license, they just brought a  
13 state issued but they don't carry daily, you know.  
14 Thinking of younger students may not have them on their  
15 person, would that mean they would have to have it on  
16 their person?

17 MS. GEE: Well, I think what Jane is saying that  
18 once the changeover happens with the photographic  
19 licenses, the student permits will have a picture on  
20 them.

21 MS. BURCHETT: Right.

22 MS. GEE: And those will be there posted at the  
23 school already.

24 Right?

25 MS. BURCHETT: True.

1 MS. GEE: I mean, so if they said -- if the  
2 inspector said I want to know who this person is, and  
3 they've got their photographic license or permit, where  
4 ever it is that it was posted, isn't that what you were  
5 saying?

6 MS. WITTUM: Yes. Because you all --

7 MS. BURCHETT: So, with that change it won't  
8 matter.

9 MS. WITTUM: -- the schools have the case up  
10 there. So you will just have the license that includes  
11 the photo there instead of the permit that you would  
12 currently have in there.

13 MS. GEE: When do you think that's going to be in  
14 place?

15 MS. WITTUM: We just have to get the equipment  
16 hooked up.

17 MS. GEE: So pretty soon?

18 MS. WITTUM: Yeah.

19 MS. GEE: I would think that that would be in  
20 place before this law goes -- I mean this rule would go  
21 into effect.

22 MS. BURCHETT: Yeah. And I don't see why it needs  
23 to be there either.

24 MS. WITTUM: So do you want to take out the except  
25 students?

1 MS. POWELL: I don't think we need to mess with  
2 this, because it, in further reading, I see where it  
3 says a photographic license, the photographic license  
4 issued by the board. I think we need to go ahead and  
5 leave it, I think, as it is and leave the students out.  
6 And because to include the students, you're going to  
7 change the language there.

8 MS. WITTUM: I mean you could always add a No. 8,  
9 that addresses just the students if you want to.

10 MS. POWELL: I don't know why they wouldn't be  
11 included. I mean I don't. That's it.

12 MS. GEE: Well, you can change it.

13 MS. POWELL: Okay. Well, we'll give it some  
14 thought.

15 MS. WITTUM: So we're going to change under (b)(2)  
16 the fact that the license needs to be visible if it's  
17 being worn.

18 Under No. 3, the language added in there, I -- as  
19 I recall it's just for clarification, "Any expired or  
20 invalid license so displayed shall be surrendered to  
21 the board upon its request."

22 MS. GEE: Can I go back to 2 for a minute?

23 MS. WITTUM: Uh-huh.

24 MS. GEE: What is intended by an easily  
25 identifiable location accessible to inspectors? Like

1           what would that be?

2           MS. WITTUM: Probably comes into play more if they  
3           are wearing it on their person.

4           MS. GEE: Well, that's a separate thing.

5           I don't -- I'm just not sure what is meant by --

6           MS. POWELL: Outer garment?

7           MS. WITTUM: Yeah.

8           MS. GEE: No. But that's -- that's something  
9           posted, like posted in the establishment.

10          MS. WITTUM: Well, what if --

11          MS. BURCHETT: I think that's just if it is not in  
12          the reception area or at their individual work  
13          stations, then it must be easily identifiable, easy to  
14          find for the inspectors. They shouldn't have to go  
15          look behind a door to find the licenses or -- you know,  
16          that's the only thing I can think of.

17          MS. WITTUM: Well, and I may have been thinking  
18          about the schools when I put that language in there, I  
19          can't recall off the top of my head. But a lot of  
20          schools, you have your case up there that has the  
21          licenses or permits in. Correct?

22          MS. POWELL: Uh-huh.

23          MS. BURCHETT: Uh-huh.

24          MS. GEE: Wouldn't that be a designated place in  
25          reception areas?

1 MS. WITTUM: Not all of them put it in the  
2 reception areas. A lot of -- some of the schools  
3 prefer to have it in the classrooms and not -- and away  
4 from the public view.

5 MS. GEE: Okay.

6 MS. WITTUM: I know that's been an issue with a  
7 couple of the schools.

8 MS. POWELL: I know that we post the health and  
9 safety standards at the reception area and in the  
10 classroom as a school.

11 MS. WITTUM: Uh-huh.

12 MS. POWELL: So, what's wrong with those options  
13 as posting these permits, reception area or the  
14 classroom?

15 MS. WITTUM: Well, the only problem I see with it  
16 being in the classroom is that if the inspector comes  
17 at -- during class time, that the inspector would have  
18 to wait until after class is over in order to be able  
19 to go in there and look at the permits.

20 MS. POWELL: They would anyway, if they chose to  
21 go in there. Right?

22 MS. WITTUM: Right.

23 MS. POWELL: So I don't see it --

24 MS. WITTUM: Okay.

25 MS. BURCHETT: But this refers to establishment

1 and school licenses as well as permits.

2 MS. WITTUM: Right.

3 MS. GEE: I just think that that phrase is a  
4 little vague, the easily identifiable location phrase.  
5 Maybe you could put in a designated place in reception  
6 areas or in the classroom or in the -- at the  
7 individual work stations, period, and then  
8 practitioners and instructors may wear photographic  
9 licenses on their person.

10 MS. POWELL: Or we could, if you said clinic area,  
11 that would encompass a school and salon and you  
12 wouldn't have to say at their station. I know that I  
13 wouldn't want to put a license at every little station.  
14 I -- I think if you had a clinic area and you had a  
15 board, you know, like you would -- like we do in the  
16 school, I would rather have that, even in an  
17 establishment. But if they didn't like that idea, they  
18 could post it at each individual station because that  
19 is the clinic area. But you're not kind of -- you're  
20 not locking people in a salon into having to have it at  
21 their station, as long as it's in their clinic area.  
22 It may be by the shampoo bowls or the -- anywhere that  
23 an inspector would typically visit when she's in there.  
24 The comb out stations, the shampoo area, the dryer  
25 area, the color station. I mean it's kind of a clinic

1 area is where an inspector is going to be.

2 They wouldn't have a theory room or a classroom,  
3 so that's only going to be relevant to a school. But  
4 clinic would be for anyone, any type of an  
5 establishment.

6 MS. GEE: If you say so.

7 MS. POWELL: I don't know. I mean I'm bouncing  
8 this off you all. You all have salons, I mean you all  
9 know as much about it as I do, if not more, so --

10 MS. BURCHETT: Well, if you put classroom, it said  
11 or, but I think you're right, if you put classroom in  
12 it it's going to be confusing.

13 MS. WITTUM: Should this be separated and we  
14 address students separate from the establishments and  
15 the schools, or even the establishments from the  
16 schools?

17 MS. POWELL: I like to see it combined like this  
18 because I don't like to see things all scattered  
19 around, and I hope that this rule book is not going to  
20 be scattered and this is for them and this is for those  
21 and so itemized that it gets confusing. I like the  
22 idea that it's combined here. I just think that we  
23 just need a language that not everyone is going to have  
24 a classroom, they are going to have a clinic, and if  
25 that's -- and I think an inspector would be able to see

1 a clinic, and that's visible. It's not like putting it  
2 in a lounge. They may not get to the lounge or -- I  
3 don't know, bathroom.

4 And the public is going to be able to see the  
5 clinic more than they would even a -- a classroom.

6 MS. WITTUM: So do you want to give them the  
7 option to post it in the reception areas, the clinic  
8 area, or at their individual work stations? Is that  
9 what I'm understanding?

10 MS. POWELL: I don't think you -- I would think  
11 you can remove work stations if you put clinic in.

12 MS. WITTUM: Okay.

13 MS. POWELL: Because clinic is their work station.

14 And like a nail tech, her work station is going to  
15 be over yonder and the cosmo would be over there, and  
16 an aestha may have a room somewhere else, and it  
17 doesn't have to -- it's a clinic, in their clinic.

18 MS. CAVER-BLADE: Sometimes I'll work in my room,  
19 which my license is posted outside my room, and I may  
20 have to wax somebody while somebody is busy and it's in  
21 another room and --

22 MS. POWELL: You may have four rooms for an  
23 aesthetician and but you've got a clinic --

24 MS. CAVER-BLADE: When the inspectors would come  
25 by, they would ask that we post them outside our door,

1           which mine is, and with some of the others they are  
2           just in the room, so if you're with a client, they have  
3           the right to just walk in that room while you're doing  
4           a facial --

5           MS. POWELL: Well, if this is a --

6           MS. CAVER-BLADE: -- to see your license, so I  
7           don't know.

8           MS. POWELL: I'm sure the inspectors probably  
9           would be able to give us the best insight as to where  
10          they think it would be the easiest for them.

11          MS. WITTUM: I think listening to the inspectors,  
12          I think they prefer having it posted outside the door.  
13          That way they don't have to interrupt the service in  
14          order to finish doing their job.

15          MS. CAVER-BLADE: Right. That's what they, you  
16          know, said to me when they inspected my spa. And it  
17          will be nice when there is pictures on this so you know  
18          who is supposed to be working there.

19          MS. POWELL: These are going to be small little  
20          license.

21          MS. CAVER-BLADE: Uh-huh.

22          MS. WITTUM: Uh-huh.

23          MS. CAVER-BLADE: I'm going to put them in one big  
24          frame in front of the spa so --

25          MS. WITTUM: Have them all there.

1 MS. CAVER-BLADE: Yeah.

2 MS. WITTUM: That would be the ideal thing, I  
3 think.

4 MS. CAVER-BLADE: Uh-huh.

5 MS. GEE: I agree.

6 MS. BURCHETT: So, just to keep them from being  
7 scattered all over the reception area or -- I mean they  
8 are going to be so small, I think it's important to  
9 leave it posted in a designated place. So it has a  
10 designated place in the reception area, to me that says  
11 all in one area of the reception area, or -- I don't  
12 know about, you know, clinic, I guess it could be where  
13 ever, but -- were you going to take that out?

14 MS. WITTUM: I'm still drafting over here, so you  
15 guys tell me what you want in there.

16 Right now what I've got written is that it shall  
17 be conspicuously posted in a designated place in  
18 reception areas or in the clinic area. And then  
19 practitioners and instructors may wear photographic  
20 visible-- licenses on their person that are visible.

21 MS. POWELL: I like that.

22 MS. CAVER-BLADE: I think it sounds good, too.

23 MS. POWELL: That answers everything.

24 MS. CAVER-BLADE: Uh-huh.

25 MS. POWELL: And I think it also -- like you say,

1           where they want it posted, I mean it's still in the  
2           clinic, if it's outside the door or inside the door,  
3           correct?

4           MS. CAVER-BLADE: Uh-huh. Where they can see it.

5           MS. POWELL: Right. Because every establishment  
6           is going to be different.

7           MS. BURCHETT: So as long as it's in the clinic  
8           area, though, the inspectors -- one inspector can't say  
9           I want it outside your door, the other one can't say I  
10          want it inside your door, just, you know, where ever it  
11          is --

12          MS. WITTUM: Well, if the board doesn't say they  
13          have a preference on it, then I wouldn't want the  
14          inspectors making that call on their own in their  
15          territories.

16          MS. BURCHETT: Right.

17          MS. WITTUM: Is everybody happy with that one?

18          Under physical facilities, took out all of the  
19          references to and human services, since Department of  
20          Health and Human Services have split.

21          And I think that's -- that's everything until  
22          Page 14, under the instruments. And I had a question  
23          about this.

24          I haven't found the testimony yet from the  
25          previous board -- board meeting, but I seem to recall

1           there was a person who came and talked about an apron  
2           of some sort that she had made or had made that would  
3           allow her to carry some very expensive shears with her  
4           that she bought. She did not want to just leave them  
5           at her station, as I recall, because they were so  
6           expensive.

7                     Do you remember that meeting?

8                     MS. POWELL: Uh-huh.

9                     MS. WITTUM: I know she specifically asked that  
10           the board look at this provision and change it from the  
11           practitioners not being able to wear their implements  
12           on their person.

13                    MS. POWELL: You know, just recently I had looked  
14           at one of the examinations for my cosmos, and they --  
15           one of the -- one of my questions in there is about  
16           putting items in your pocket.

17                    MS. WITTUM: Uh-huh.

18                    MS. POWELL: And so it makes it difficult to say  
19           you don't appreciate that lady's pouches and  
20           haircutting implement bag, holster, if you want to call  
21           it, and yet the students are trained and taught not to  
22           put items in their pocket because of health safety  
23           issues. And I don't think that that -- I believe that  
24           would be considered a health and safety violation, as  
25           far as NIC is concerned. So, you know, how ever

1           exciting the pouch is, it's hard to go against an  
2           industry standard, is the way I'm looking at it.

3           And I may be wrong.

4           MS. BURCHETT: I think a holster would be  
5           different, though, than an apron with a pocket.

6           MS. WITTUM: This was an apron, as I recall. It  
7           was --

8           MS. POWELL: Actually I thought it was more like a  
9           holster. Well, it may have gone around her or fastened  
10          around her waist.

11          MS. WITTUM: Yeah.

12          MS. POWELL: Whether it hooks around your neck or  
13          ties around your waist, to me is irrelevant. The fact  
14          that it's a pocket that you can't -- that holds  
15          implements used or clean.

16          MS. WITTUM: Uh-huh.

17          MS. POWELL: It's a holster.

18          MS. WITTUM: Uh-huh.

19          MS. POWELL: I want -- I don't know that it would  
20          matter what it's made out of, apron material or a  
21          holster or whatever, or -- hers, I thought, was --

22          MS. PICKERING: Some sort of leather.

23          MS. POWELL: -- suede. And it was --

24          MS. PICKERING: I think.

25          MS. POWELL: Uh-huh. But I mean, carrying it

1 on -- I mean the next thing you've got is you've got  
2 shears that she's talking about, but then you've got  
3 clippies and clips and blow dry brushes. And if you're  
4 going to open up the pockets, you're going to have to  
5 open it up for everything.

6 MS. WITTUM: Just wanted to bring it to you all's  
7 attention that she did ask for you all to consider it.

8 MS. POWELL: I remember it twice, as a matter of  
9 fact. Twice in the last two years.

10 MS. WITTUM: Okay. So everybody is of the -- is  
11 in agreement that we are not going to remove this?

12 MS. BURCHETT: I don't think they should be  
13 allowed in pockets, if that's what you're asking.

14 MS. WITTUM: Well, the language is already in  
15 there to prohibit them from carrying.

16 MS. BURCHETT: Right.

17 MS. WITTUM: So I'm understanding that no one  
18 wants to change that.

19 MS. CAVER-BLADE: Uh-huh.

20 MS. WITTUM: Okay.

21 MS. POWELL: Would you carry your tweezers in your  
22 pocket?

23 MS. CAVER-BLADE: Huh-uh.

24 MS. POWELL: No difference in your high dollar  
25 tweezers and their high dollar shears, I wouldn't

1 think.

2 MS. CAVER-BLADE: Right.

3 Well, I think she can probably keep them in the  
4 drawer, lock her drawer.

5 MS. COLLINS-BURROUGH: If she's that worried she  
6 needs to move salons.

7 MS. WITTUM: I didn't note anything under the  
8 provisions here talking about disinfecting the  
9 implements. You know best if this is the proper way to  
10 disinfect.

11 The NIC Health and Safety Committee Report that I  
12 gave you all copies of this morning, you might want to  
13 take a look at it and just see if any of the  
14 information in it causes you to want to change anything  
15 that's in these provisions: 22, 23, and 24.

16 Does anybody have anything else in No. 4?

17 Rule 5, I went through again and just took out the  
18 references to and regulations to just refer to the  
19 board's rules as the board rules.

20 And on Page 17, took out the references to and  
21 human services and referred to the Department of Health  
22 as only the Department of Health.

23 Took out the floor space here, since it was taken  
24 out in the law.

25 MS. CAVER-BLADE: So there is not a minimum

1           anymore then?

2                   MS. WITTUM: Right.

3                   MS. CAVER-BLADE: Right?

4                   MS. WITTUM: Right.

5                   I think I may have been a little yellow highlight  
6           happy on (g) because I don't -- I don't know why I  
7           highlighted (g). As I recall there was nothing that  
8           actually referenced any of that.

9                   Rule 6, the first -- the first modifications are  
10          on Page 20, when talking about the application for new  
11          schools.

12                   Erika and I have been struggling over applying the  
13          new school rules, when they pertain to a program that  
14          is being brought in to a public or state operated  
15          school, they don't have to do the same things as a  
16          private school does. So I drafted here language that  
17          would separate those out.

18                   The first one under 6.4 is the application for the  
19          new private school, and then 6.5 for the -- for a new  
20          cosmetology program in a public or state operated  
21          school.

22                   I don't know if you've had a chance to look over  
23          those, but you'll need to look at it and compare it to  
24          the notes that we did when we were working on South  
25          Arkansas, I believe it was.

1 MS. GEE: Uh-huh. Okay.

2 MS. WITTUM: Under 6.6, I'm suggesting that we add  
3 in language that when there is a purchase of an  
4 existing school, that the information be provided to  
5 the board office 30 days prior to the purchase. That  
6 will give us time to get all the information together  
7 and put it on the agenda for the board to review at the  
8 next available board meeting.

9 Do you have --

10 MS. GEE: It's still not really clear to me even  
11 in your revised rules exactly how the school  
12 application process is really supposed to work. What  
13 documents and stuff they are supposed to have in before  
14 they come before the board at all and what effect that  
15 initial appearance before the board has. And, I mean,  
16 there is a whole list of stuff that people are supposed  
17 to submit. And my understanding from Kathy is that  
18 many times that takes them a while before they get all  
19 of those documents in.

20 MS. WITTUM: Uh-huh.

21 MS. GEE: But in the meantime they are, I think,  
22 wanting some kind of approval from the board that they  
23 should continue forward, because, you know, renovating  
24 the school to meet the guidelines and everything, I  
25 mean that's an expensive prospect. If you're not sure

1           you're going to get a license, you want to have  
2           something, I think.

3           MS. WITTUM: Well, the guidance --

4           MS. GEE: Just what do you all think about that?

5           I mean it's not -- it's not very clear to me and I  
6           don't think it's very clear to the school applicants,  
7           because they get confused a lot.

8           MS. WITTUM: Uh-huh.

9           MS. GEE: So --

10          MS. WITTUM: Well, I know what Arnie Jochums had  
11          explained to me is that when the person or the  
12          corporation provides notice that they are bringing in a  
13          school, that that notification is reason to put it on  
14          the agenda for the board to have their meeting with  
15          that person, and the only thing that's required is  
16          basically that notification.

17          The -- we do send the inspector out to look at the  
18          location just so we can say that we have seen the  
19          building that they are intending to bring the school  
20          into. But, I mean, just like the one today, no work  
21          had been done on that school. It was basically just an  
22          empty -- comparable to a warehouse, from my -- my  
23          understanding of the location.

24          And then once that person leaves the meeting  
25          feeling that they have gotten board approval, then they

1 go and do whatever is necessary to make that, the  
2 renovations and bring the school up to par. And all  
3 during the process they provide this list of  
4 information. They could do it in piecemeal or they can  
5 do it all at one time.

6 At the conclusion of the process, they have to  
7 provide the 25 student permits with the fee, the  
8 registration fee, the \$500 registration fee for  
9 anything other than a state or private -- or public  
10 school. And then the inspector goes back out to make  
11 sure that it is in fact ready to open its doors, and  
12 from there, the license is issued and the student  
13 permits are issued to the students.

14 MS. POWELL: Well, let me just say what I think in  
15 that process.

16 I understand now. I think -- and I think most of  
17 the time the board has understood that process.

18 I think what sometimes the board has failed to  
19 understand or remember is that that's a process of just  
20 notification basically that this is what we're going to  
21 do, this is what we want to do, we're coming and we're  
22 going to do this. The board sometimes doesn't -- what  
23 I think is they don't get is there is no option, they  
24 are coming. And if they have the square footage or the  
25 number of students or whatever, that's all there is to

1           it. I mean it's just more or less a formality to come  
2           to the board to say this is what we're -- we're coming  
3           to your town and this is what we're going to do.

4                     I mean it's just like today, I think is a good  
5           example, of a new school coming and promising a pie in  
6           the sky, they are going to have all this stuff, they  
7           want to have all this stuff, and we're sitting here as  
8           a board saying uh-huh, okay, good, bless you, you're --  
9           you're welcome to come in, although they are not going  
10          to have anything for at least, we've established, two  
11          or three years, and yet they are -- they're saying they  
12          have got something new to offer. It doesn't really  
13          matter that they don't -- that they have something new  
14          to offer. And I think that is, as a board, has -- they  
15          have failed to sometimes remember, it doesn't matter  
16          what they offer. It's just a notification. The new  
17          school is just paperwork in the office is all it is.

18                    MS. WITTUM: Uh-huh.

19                    MS. POWELL: I mean because they can be on every  
20          corner, just like there is beauty shops on every  
21          corner.

22                    And, I mean, is that not what you have --

23                    MS. WITTUM: Yes. I've always --

24                    MS. POWELL: -- encountered?

25                    MS. WITTUM: I've -- I've actually been a little

1           puzzled by the term board approval, because just as you  
2           said, I don't see that the board has the right to deny  
3           the approval of the school.

4           MS. POWELL: You can't. You can't deny it, that's  
5           the point. That's where the board, I think --

6           MS. PICKERING: That puzzles me, too.

7           MS. POWELL: You're looking for the loophole here,  
8           you're looking for what's wrong with this picture.  
9           Really doesn't matter what's wrong with this picture,  
10          the board doesn't approve it. There is no approval,  
11          it's paperwork to the office.

12          MS. GEE: Well, you do kind of, but there is --

13          MS. POWELL: Kind of sort of.

14          MS. GEE: -- there is only very limited  
15          circumstances where, under the statute, that you can  
16          deny it. If people lie about who owns the school,  
17          which I'm not really sure why that's in there, if that  
18          was a big problem at some point. Or if there is  
19          evidence that the school would pose a threat to the  
20          public health and welfare, which I'm not sure what that  
21          is either.

22          MS. POWELL: And you never know that whenever they  
23          come at this point --

24          MS. GEE: Right.

25          MS. POWELL: -- because they are not -- they are

1 not open. We don't know that they have got rat holes  
2 in the floor. We can't -- they are going to, like  
3 today, give something new and exciting that that whole  
4 town has never had before. And yet it's the board  
5 approval.

6 Well, I'm -- I just don't think that -- that  
7 approval language is -- they have notified the board.  
8 They have made their presence known. But, I mean, I  
9 would like to see a board member say, nope, you can't  
10 come.

11 MS. GEE: Well that's part of the reason I was  
12 asking.

13 MS. POWELL: Well, I just think that that's not  
14 accurate language, what we do or can do.

15 MS. GEE: The approval?

16 MS. POWELL: Uh-huh.

17 MS. GEE: Yeah. Well, I think you're probably  
18 right.

19 MS. POWELL: And I think it's misleading the  
20 public. I know business owners come and they -- they  
21 think we're here to protect them, and, you know, there  
22 is five schools coming into one little bitty town.  
23 Well they are looking at you to help them. You know,  
24 don't let me lose my small business. You know, this is  
25 my livelihood. And you're sitting here, and it says,

1 board approval. Well, it's not approval.

2 MS. GEE: Well -- well, I guess one of my  
3 questions is, do you want these people, like the guy  
4 today, do you want them to come to the board and talk  
5 to you?

6 MS. COLLINS-BURROUGH: I do because --

7 MS. POWELL: I do, yeah, but I don't think the  
8 language is what they are doing. They are presenting  
9 it.

10 MS. COLLINS-BURROUGH: I do because it lets you  
11 know who you're going to be dealing with.

12 MS. GEE: Uh-huh.

13 MS. COLLINS-BURROUGH: And it lets you know that  
14 they -- you see their position and you see where they  
15 are working toward. If they -- if it actually comes to  
16 maturity, you know, and it just lets you know who's in  
17 your neighborhood.

18 MS. GEE: So it's more like a -- an introduction  
19 to the board or --

20 MS. POWELL: Presentation is what they are doing.

21 MS. GEE: A presentation to the board, rather than  
22 approval per se.

23 MS. POWELL: Present their proposal to the board  
24 but God knows you can't deny it.

25 MS. PICKERING: Presentation to the board.

1 MS. COLLINS-BURROUGH: That's true. But just out  
2 of respect for the board and out of respect to the  
3 school, that says we're not a fly by night shady  
4 school, this is what we intend to do, and you'll be  
5 able to see whether we are shady or not. I mean you  
6 should know.

7 MS. POWELL: I've seen that and I've seen them  
8 come in and I've not been able to see that objective  
9 for a long time, or very few times. Because it's --  
10 I've had people come in and they are going to open a  
11 new school and they have got 25 students. Well, you  
12 know what, they didn't have 25 students. They had 25  
13 names and promises, but they didn't all come to school  
14 a year or six months later when they said they were  
15 going to. So it wasn't as, in as great big demand as  
16 they projected it to be.

17 I mean I -- I still say it's more of a  
18 presentation, introduction, or -- I don't know. You  
19 all come up with some language.

20 MS. BURCHETT: I started to question the 25  
21 student thing, but this just says a survey indicating  
22 that it was 75 students would intend -- intend to  
23 enroll.

24 MS. POWELL: Twenty-five, you mean?

25 MS. BURCHETT: Twenty-five. What did I say?

1 MS. POWELL: Seventy-five.

2 MS. BURCHETT: Oh, well. That sounds good, too,  
3 but sorry.

4 MS. POWELL: Well, I would like for us to change  
5 it to where they did have to have 75 students to open  
6 the door, but I don't think you all are big enough to  
7 bite that bullet.

8 MS. BURCHETT: But, you know, I thought that -- I  
9 really thought that you had to have paperwork for 25  
10 students, but you just have to have, according to this,  
11 a survey that indicates there is 25 that plan to  
12 enroll.

13 I'm confused about the --

14 MS. GEE: Are you looking at the public school  
15 one?

16 MS. BURCHETT: Well, I'm confused about the  
17 difference in the two. I thought we weren't treated  
18 any differently, other than we're a stable institution  
19 so we don't have to have the bond. I, you know, I --

20 MS. GEE: Well --

21 MS. BURCHETT: I really kind of have a problem  
22 with that because I already -- you know, we already  
23 aren't very liked because we're state owned and people  
24 think we don't have to follow the same rules, but we  
25 do. We have to follow the same rules and procedures.

1 MS. GEE: Except for getting a license. It says  
2 it in the statute, apparently it's never really been  
3 done that way, but it actually says -- the law says  
4 that the Department of Education is in charge of  
5 licensing cosmetology programs in state supported  
6 schools. And what you're seeing there that Kathy put  
7 together is the result of us meeting with the  
8 Department of Higher Ed to determine how to work that  
9 out. I mean because they -- they want the cosmetology  
10 board to be mostly in charge of it, because that's not  
11 their area of expertise. But there are certain things  
12 that they are looking for and they are wanting the  
13 proposed school to demonstrate to the board.

14 MS. BURCHETT: So it -- it's okay that they want  
15 above and beyond what the board requires?

16 MS. GEE: Well, like what do you -- what are you  
17 thinking of specifically?

18 MS. BURCHETT: I'm just -- I mean that's fine with  
19 me, for the Department of Ed to want more than -- than  
20 the board requires for a private school. But when you  
21 talk Department of Ed, who are you talking about?

22 MS. GEE: I can't -- it was Higher Ed, right?

23 MS. WITTUM: Department of Higher Ed. Uh-huh.

24 MS. GEE: Higher Ed, uh-huh.

25 MS. BURCHETT: The Arkansas Department of Higher

1 Ed?

2 MS. GEE: Arkansas, yeah.

3 Because -- well, let me -- let me show you where  
4 the statute is.

5 MS. BURCHETT: You know, it's -- I mean it's  
6 already perceived that we're treated differently, and  
7 we should not be treated any differently, unless it's  
8 more requirements because of the Department of Higher  
9 Ed.

10 MS. GEE: Oh, they just changed it.

11 MS. WITTUM: What?

12 MS. GEE: I didn't know you've changed that.

13 MS. WITTUM: What?

14 MS. GEE: 418.

15 Now it's Work Force Education. 26-418.

16 MS. POWELL: 418?

17 MS. GEE: Yes.

18 MS. BURCHETT: Well, if it's a high school, it's  
19 the Department of Work Force Education. If it's a  
20 college program, it's the Department of Higher Ed.

21 MS. WITTUM: See, it just had State Department of  
22 Ed -- I mean the State Board of Education.

23 This was the -- this was the language that Kent  
24 added in.

25 MS. GEE: Right. Well, that's -- okay. Well,

1 we're going to have to figure it out now, because  
2 that's -- I mean we're going to have to talk to Work  
3 Force Education.

4 MS. WITTUM: Who is the -- and career opportunity?

5 MS. GEE: I think that's all the same board.

6 MS. WITTUM: It is?

7 MS. GEE: Yeah.

8 MS. POWELL: Where are you at on that?

9 I'm sorry.

10 MS. WITTUM: On Page 31 in the --

11 MS. GEE: In the new law for --

12 MS. WITTUM: It's not in your rules, it's in the  
13 new law.

14 MS. GEE: I'll tell you what it says. "All public  
15 educational institutions operating cosmetological  
16 schools shall comply with standard rules and  
17 regulations promulgated by the State Board of  
18 Cosmetology. However, the responsibility for approval  
19 of cosmetological schools in public educational  
20 institutions shall be the sole responsibility of the  
21 State Board of Work Force Education and Career  
22 Opportunities.

23 That's what the law --

24 MS. BURCHETT: And it's because -- it's because  
25 the boards were divided, the Board of Education and

1 Higher Ed and Work Force Ed, they are three separate  
2 boards, so...

3 MS. GEE: Well, it did say State Board of  
4 Education.

5 So what -- and this came up because of some issues  
6 with a public supported school and what they needed to  
7 do in order to receive a license from this board. And  
8 when I started looking into it, I was like, wait a  
9 minute, this board is not responsible to license that  
10 school, and so we started talking to them about, to  
11 Higher Ed, about what Higher Ed thought that  
12 cosmetology board was doing, and how that was supposed  
13 to be coordinated. That's how this all came up.

14 MS. WITTUM: Uh-huh. So now we need to talk to  
15 work force.

16 MS. GEE: But now we're going to have to talk to  
17 Work Force Education. Yeah.

18 MS. BURCHETT: But, like I said, if it's a high  
19 school program, it falls under the Department of Work  
20 Force Education. If it's a college program it falls  
21 under Higher Ed.

22 MS. GEE: I know.

23 MS. BURCHETT: So --

24 MS. GEE: But that's not what this says.

25 MS. BURCHETT: I know.

1 MS. GEE: Which I didn't know this was in there.

2 So --

3 MS. POWELL: So we're there for two years?

4 MS. GEE: Yep.

5 MS. POWELL: I love it.

6 MS. GEE: I suspect that they will probably say I  
7 want you to do whatever Higher Ed says that you should  
8 do, but we'll have to see what they say.

9 But in any case, I don't think the intention was  
10 to make the public schools do more stuff, which I think  
11 is what you were originally saying.

12 MS. BURCHETT: Well, I mean, the Department of  
13 Work Force Education may require us to do -- to do more  
14 for them as far as the board is concerned but -- than  
15 the board requires, which is -- which is fine. But,  
16 you know, I just want to make sure that no one thinks  
17 we have to do any less.

18 MS. GEE: Oh.

19 MS. BURCHETT: And it does say that we have to  
20 follow all the same rules and regulations or rules and  
21 laws.

22 MS. GEE: Right. Right. It's just slightly  
23 different, I think.

24 MS. WITTUM: Well, and my understanding is that it  
25 is more, not less.

1 MS. GEE: Yeah.

2 MS. WITTUM: Because the school that's bringing in  
3 the program has to prove to its governing agency with  
4 the Department of Ed that it's needed.

5 MS. BURCHETT: Right.

6 MS. WITTUM: And that they are going to have money  
7 to fund it.

8 MS. GEE: And that the school overall is committed  
9 to the program. They wanted that to be in there.

10 MS. BURCHETT: Okay. Well, I think a state owned  
11 school ought to have a physical license, a something on  
12 the wall.

13 MS. GEE: Uh-huh.

14 MS. BURCHETT: You know, they never -- I don't  
15 know why there never has been one to post on the wall.

16 MS. GEE: Well, I guess that statute was right.

17 MS. BURCHETT: But that -- and really that was  
18 really misinterpreted, I think. Because it's not that  
19 we don't have to have a license, it's just I think the  
20 bond part, the bond issue portion of it is the only  
21 difference that -- as far as the state board is  
22 concerned.

23 MS. GEE: Well, it's --

24 MS. BURCHETT: I think, anyway.

25 MS. GEE: It's not real clear.

1 MS. BURCHETT: Right.

2 MS. GEE: I mean it's -- it's not real clear  
3 exactly what the responsibility for approval means.

4 MS. BURCHETT: And we have to do paperwork.

5 MS. GEE: Right.

6 MS. BURCHETT: At the end of the year for a  
7 license that we don't receive, so, you know, anyway,  
8 for the paper.

9 MS. POWELL: Well, and too, one that may be  
10 charging the state for a license.

11 MS. BURCHETT: Right.

12 MS. POWELL: I mean it's kind of --

13 MS. BURCHETT: Couldn't charge the fee. Right.

14 MS. POWELL: And charging the same fee --

15 MS. BURCHETT: That possibly was part of it.

16 MS. POWELL: And charging the same fee, a state  
17 agency, charging a state agency for a license, and for  
18 the board to not have the responsibility to try and  
19 decide what state schools need or what their  
20 requirements are to please them, you know, the state  
21 more so than the cosmetology board, I would have  
22 thought.

23 MS. WITTUM: And so we need to talk to another  
24 board --

25 MS. GEE: Uh-huh.

1 MS. WITTUM: -- on this one.

2 MS. BURCHETT: I would think the state  
3 supervisors, they are the ones that handle --

4 MS. WITTUM: 6.6 is just dealing with the purchase  
5 of an existing school. I tried to clarify what the  
6 process is for it. And I did add in language requiring  
7 them to provide the documentation at least 30 days  
8 prior to the purchase of the existing school, if no one  
9 has any problems with that. I just think it's good to  
10 have a time line to get their information in to us.  
11 And from what I could tell it didn't have anything  
12 before.

13 The 6.7 language was added in to require the  
14 photograph of the student and the registration  
15 requirements. We are trying to get -- what you see  
16 there in the purple or hot pink, whatever you want to  
17 call that color. We are trying to get clarified the  
18 standards on the educational level. Department of  
19 Education has not been forthcoming with guidance to the  
20 office on some of the documentation that's being  
21 submitted from some schools to verify that a student  
22 has either completed the two years of high school or  
23 its equivalency. So I believe Erika is drafting a  
24 letter that's going to be sent to the Department of  
25 Education to kind of get them to get us that

1 information, based on their standards, because right  
2 now I believe it is -- actually I believe it's only  
3 here in the rules.

4 MS. GEE: Yeah. So you could change them.

5 MS. WITTUM: If we want to change them, we could.  
6 But I know there has been some -- some discussion about  
7 the TABE and Wonderlic tests that are administered.  
8 From what I was told by one person at the Department of  
9 Ed, those tests are only -- their purpose is to  
10 determine financial aid, a student's eligibility for  
11 financial aid assistance and does not verify the  
12 educational level of the student. We have been trying  
13 to get Department of Ed to put it in writing what their  
14 standards are so that we would have that, and we could  
15 either let the student -- schools know who are  
16 submitting those -- those reports, that we can't have  
17 them.

18 MS. GEE: It's not working out very well.

19 MS. WITTUM: Yeah, not going very well.

20 What another person at the Department of Ed told  
21 me is that we just need to require a copy of the  
22 transcript or a letter from the counselor at the high  
23 school that verifies that the person has met the  
24 equivalent of the 10th grade education. So far we  
25 were kind of on hold until we can get information from

1 the Department of Ed, unless we want to take the  
2 opportunity to change this.

3 MS. POWELL: Well, I have problems with this ATB  
4 test, this Wonderlic that you mentioned, being good for  
5 this but not good for that. It's like the high school  
6 transcript, the GED, the diploma all means one thing.  
7 The ATB, it would get that person in a post secondary  
8 institution that would require 12th grade education.  
9 And for, and you're saying there, someone there is  
10 saying for Title IV purposes only. Well, I don't see  
11 how that can be true, because there -- they are there  
12 for the Title IV money, but they are still in a school  
13 that was required to have a 12th grade education. If  
14 it got them in the door, it got them in the door.

15 MS. WITTUM: Well, and the cosmetology schools  
16 don't require a 12th grade education.

17 MS. POWELL: But the accredited ones do.

18 MS. WITTUM: Well they're not all accredited,  
19 though.

20 MS. POWELL: No. But I'm just saying those that  
21 are and those that can take the ATB, then that should,  
22 I think, count as a high school diploma or, I mean, a  
23 GED or its equivalency.

24 MS. WITTUM: Well, I know the one that -- that put  
25 a red flag to -- to us in the office indicated that the

1 person met the -- was within the range of the financial  
2 aid assistance but had an 8th grade level of  
3 education, not a 10th grade.

4 MS. POWELL: Right. Well, I'm just saying I -- if  
5 this Wonderlic, or whatever it is, if it got them in  
6 there for Title IV purposes, it should -- to meet -- if  
7 it gives them a 12th grade equivalency, I see what  
8 you're saying now, it can give them a seven, eight,  
9 nine, 10.

10 MS. WITTUM: (Nodding head up and down.)

11 MS. POWELL: I just don't understand that, when  
12 Department of Ed, in an accredited school, would say  
13 that they could do an ATB student.

14 MS. BURCHETT: I don't know how they would qualify  
15 for financial aid if the ATB didn't have them --

16 MS. POWELL: The 12th grade level.

17 MS. BURCHETT: -- the 12th grade level. But I  
18 had a student who was --

19 MS. POWELL: That's what I'm saying, why do you --

20 MS. BURCHETT: Yeah. I had a student who was  
21 in -- who was in college and she wanted to come to my  
22 program and I said I don't have a -- I said I have to  
23 have a copy of your high school transcript or diploma.  
24 She said I don't have one. I said, well how do you get  
25 into college, she said the ATB. You know, the test

1           that we give, the performance, the test that our school  
2           gives, if they score high enough then they can get in  
3           without a high school diploma, if they score  
4           12th grade or above.

5           MS. POWELL: Well, maybe that -- that language  
6           there, that if they score high enough. I was taking  
7           just ATB, Wonderlic test.

8           MS. BURCHETT: Just take it for the sake of taking  
9           it?

10          MS. POWELL: Pass it at any --

11          MS. BURCHETT: But it's pass at what level, I  
12          think would be the issue there.

13          MS. POWELL: Right. Okay. Okay.

14          MS. GEE: Well, then you need to change the rule,  
15          because that's not what it says now.

16          MS. WITTUM: And it is a big problem.

17          MS. GEE: Kathy and I have been going round and  
18          round, because it says that the equivalent should be  
19          determined by the Department of Education, and we  
20          basically just can't get anybody to come -- to formally  
21          come down one way or the other at the Department of  
22          Education. That's the problem.

23          MS. WITTUM: In fact, we've gotten conflicting  
24          information.

25          MS. POWELL: Well, I understand that because the

1           confusion here at this level with -- I'm thinking an  
2           ATB, if that gets them in a nationally accredited  
3           school that the Department of Ed says you can't come  
4           into unless you have a high school diploma or a GED or  
5           an ATB, then if they said or an ATB, then that's  
6           putting that in there in the category of the GED. So,  
7           I mean --

8           MS. GEE: But they won't say that, or they haven't  
9           so far.

10          MS. POWELL: Right. But, I mean, I --

11          MS. BURCHETT: Here is what ours does. If they  
12          don't score -- if they don't score high enough, then  
13          they have to go into developmental classes before they  
14          are entered into their -- before they enter their  
15          degree program.

16          MS. POWELL: See I don't do ATBs, so I don't know  
17          enough about it to --

18          MS. BURCHETT: I didn't know ours was.

19          MS. POWELL: But do you --

20          MS. BURCHETT: I didn't know ours had that score  
21          until last week and I saw it on a -- on there. It's  
22          the Ability to Benefit score is also on the document.

23          MS. POWELL: So they can come into a nationally  
24          accredited school that's required to have 12th grade  
25          or 12th grade equivalency, if they pass the ATB with

1 a certain score, they can come into a school,  
2 nationally accredited school, correct? Is that what I  
3 understand?

4 MS. BURCHETT: Uh-huh.

5 MS. POWELL: And receive Title IV?

6 MS. BURCHETT: Well, I'm not in the financial aid  
7 department so I can't answer all of that.

8 MS. POWELL: Well it --

9 MS. BURCHETT: I don't know when they can come in  
10 with their financial aid in place, I don't think it's  
11 before they have the equivalent of the 12th grade  
12 score. I believe it is.

13 MS. POWELL: When they have the equivalent of a  
14 12th grade score? Is that what you just said?

15 MS. BURCHETT: Does Chris have an answer? Do you  
16 know?

17 MS. STRAWN: I just know that the Wonderlic test  
18 is a nationally accepted test as far as a schooling  
19 equivalent. And it -- they are rated from, you know, I  
20 guess -- I don't know, 7th to 8th grade to  
21 12th grade.

22 It is not just a financial aid -- I guess it's --  
23 it's not a financial aid test or -- it is a -- it is an  
24 education tester.

25 And I don't know when the board, this board quit

1 or when the board office quit taking, accepted that.  
2 And the only reason I got back into the ATB was when, I  
3 believe it was David Dunn, in that meeting, one of the  
4 meetings said, how would you, if you -- he said why are  
5 you going to penalize somebody -- he wasn't speaking to  
6 me, he was speaking to somebody else. But he said why  
7 are you going to penalize somebody because they didn't  
8 finish?

9 MS. POWELL: Probably me.

10 MS. STRAWN: What?

11 MS. POWELL: I said probably me. Go ahead.

12 MS. STRAWN: Oh.

13 He said why are you going to penalize somebody  
14 because they didn't finish school? You know, why would  
15 you do that to somebody? If you can allow them to come  
16 in with an ATB, why wouldn't you want to do that? And  
17 I'm thinking, oh, my god, I hope he doesn't know I  
18 don't do that, but I'm going -- you know, but I mean,  
19 that's the only reason I got back into the program, or  
20 I'm trying to, but I'm having a hard time because I'm  
21 using the Wonderlic.

22 So, but it is a -- it is a high school equivalency  
23 kind of trying to decide where they are, just showing  
24 that they do, in fact, have the ability --

25 MS. COLLINS-BURROUGH: That they are capable to

1 learn.

2 MS. STRAWN: Yeah, that they are capable to learn,  
3 that I'm not just dragging people in off of the street,  
4 you know, that can't read or, you know, don't have the  
5 ability to benefit from that program. So that --

6 MS. GEE: Can I ask you a question?

7 MS. STRAWN: Uh-huh.

8 MS. GEE: Do these people, have they not completed  
9 10th grade? Is that why they are wanting to use the  
10 Wonderlic?

11 MS. STRAWN: We -- we want it because we require a  
12 high school diploma or its equivalent, which we've used  
13 the GED prior to David Dunn's comment, we were using  
14 the other high school diploma or a GED. And I chose  
15 not to do the Ability to Benefit simply because, you  
16 know, I thought, well, if I could just get one student  
17 to go on and at least get a GED, but I never thought of  
18 it the way he put it. And, you know, why would I  
19 penalize somebody because they didn't do that, and if  
20 they do have the intelligence or the ability to come on  
21 in and, you know, do better for themselves, I felt like  
22 I should enter back -- but it's just more paperwork for  
23 a school.

24 MS. POWELL: Well, the test is very costly, and --

25 MS. STRAWN: It is costly.

1 MS. POWELL: And yet it's very controversial, as  
2 we can see here, and you can't get the response you  
3 need from the Department of Ed on its merit.

4 MS. WITTUM: Well, who pays -- who pays for it?

5 MS. STRAWN: The Department of Education.

6 MS. POWELL: The school is --

7 MS. STRAWN: The Department of Education, the DOE  
8 is very -- they are very clear about it. That is  
9 one -- that's the top -- that's the one they recommend.

10 MS. POWELL: Oh, yeah.

11 MS. STRAWN: Now, the Arkansas Higher Education, I  
12 don't know why they are questioning it.

13 And I always thought that a federal regulation  
14 superseded a state regulation.

15 MS. WITTUM: Well, I called the U.S. Department of  
16 Education and they told me that it was only -- it was  
17 for Title IV purposes only.

18 MS. STRAWN: I don't -- I don't know who you  
19 talked to.

20 MS. COLLINS-BURROUGH: No. That's not correct.

21 MS. STRAWN: Because that's not -- that's not -- I  
22 understand --

23 MS. WITTUM: And we can't get anyone to put it in  
24 writing.

25 MS. POWELL: Well, that's the same.

1 MS. WITTUM: And I've been told two or three  
2 things depending on which person we happen to be  
3 talking to.

4 MS. STRAWN: Well, you know, NACCAS, which is a --  
5 you know, they -- they go through all that stuff and  
6 the people you're with, and I mean that is definitely  
7 recognized by the Department of Education or we  
8 wouldn't -- be would be in big trouble if we had a  
9 student in there that didn't have either a high school  
10 diploma or a GED. It's just, it's a high school  
11 diploma, GED, or an Ability to Benefit Test.

12 And Wonderlic is the one that that's the first one  
13 they pop out, because it's, it's highly -- it's used  
14 all across the states with, you know, all different,  
15 all different kinds of education and --

16 MS. POWELL: Well, I know BJs used to do it years  
17 ago, but --

18 MS. STRAWN: You know, we did, too, years ago and  
19 I got out of it. And because of that statement I got  
20 back in it, see, or trying to.

21 MS. POWELL: But let me ask you, as far as a GED,  
22 can you not get a GED as readily as you could get an  
23 ATB test?

24 MS. STRAWN: No, not, not, not -- no. Because you  
25 have to -- I think you can take a pretest. There is

1           like a process whereas an ATB you can just schedule it  
2           and pay for it and go take it and you're -- and they  
3           are hard. They are really hard.

4           MS. GEE: Can people not just get a transcript  
5           that they completed 10th grade or do this --

6           MS. STRAWN: We don't accept students with a  
7           10th grade education. We accept students with a high  
8           school diploma or a GED.

9           MS. GEE: That's not a board issue, then. That's  
10          a different issue.

11          MS. STRAWN: Well, it is a board issue, because I  
12          can't get them in my school because the board won't  
13          okay it with an ATB, with an ATB.

14          MS. GEE: Do they have a transcript? Can they get  
15          a transcript?

16          MS. STRAWN: You know, some can and some can't.  
17          You know, if you get a person my age, I mean I'm old,  
18          52, you know lots of us could quit school in  
19          third grade back in the days, you know. So if a person  
20          my age up and they want to go to school --

21          MS. COLLINS-BURROUGH: They have already closed  
22          the little one room school house.

23          MS. STRAWN: Yeah, with the marms and all that,  
24          yeah.

25          But, anyway, you know, I mean, I know that's kind

1 of hypothetical, but if a student came up that didn't  
2 have to stay in school until they were 18, like the  
3 state mandates lots of different things now, they are  
4 just out of luck, because there is lots of folks that  
5 want to come through the system with an ATB that maybe  
6 they didn't have a 9th or a 10th grade education.

7 MS. GEE: Well, I mean, if they didn't they  
8 didn't.

9 MS. STRAWN: Right.

10 MS. GEE: But I mean they could still have the  
11 equivalent, which is where we get to the problem.

12 But, you know, if there is anybody out there that  
13 is having this problem that did complete the 10th grade  
14 and they can get a transcript, then they can get --

15 MS. STRAWN: Well, and we have actually talked  
16 about that, and extend the 10th grade in and we'll  
17 keep the Wonderlic, you know, so --

18 MS. GEE: Yeah.

19 MS. STRAWN: But I really, you know, it's not a  
20 financial aid deal. It's a -- it's an education, they  
21 know that we're not just --

22 MS. POWELL: Well, it's an accreditation issue.  
23 You can't get them in without demonstrating --

24 MS. STRAWN: Right.

25 MS. POWELL: -- a 12th grade education.

1 MS. STRAWN: Right.

2 MS. POWELL: And so if the accrediting commission  
3 is recognizing ATB, transcripts, high school diploma,  
4 or a college --

5 MS. STRAWN: Uh-huh.

6 MS. POWELL: -- transcript, then I don't -- that's  
7 what confuses me, why we're not getting the  
8 clarification from the Department of Ed. Because the  
9 accrediting people are recognizing it as qualified  
10 education. And I know when we first worked on the rule  
11 revision we wanted to make sure that we got the state  
12 recognized equivalent, not -- you know, and not a fly  
13 by night something they could do over the computer  
14 themselves, kind of create their own diploma. I mean I  
15 don't know what we were --

16 MS. STRAWN: Wonderlic is not --

17 MS. POWELL: Right. Yeah. I know.

18 MS. STRAWN: It's -- I mean, you have to have a  
19 proctor and they have to -- I mean it's just all  
20 kinds -- you know, there is tons of stuff and it is  
21 expensive. I mean, it's --

22 MS. WITTUM: Is there another one called TABE? Is  
23 that --

24 MS. STRAWN: I haven't heard much of that. I  
25 thought it was TAPE, like --

1 MS. POWELL: I hadn't heard of that.

2 MS. STRAWN: I thought it was TAPE, like scotch  
3 tape.

4 MS. WITTUM: I want to say the abbreviation that I  
5 saw was TABE, but I don't know what the acronym stands  
6 for.

7 MS. STRAWN: Yeah. I'm not familiar with that.  
8 The one that I chose is --

9 MS. POWELL: The Wonderlic is the one --

10 MS. STRAWN: -- the one that is the most  
11 recognizable as far as, you know, the accreditation  
12 people.

13 MS. WITTUM: Well, I would suggest for all of our  
14 sanity, that instead of waiting for clarification from  
15 the Department of Ed, change it so that if the  
16 Wonderlic is something that you all recognize as being  
17 a bona fide testing procedure, put it in here.

18 MS. STRAWN: Uh-huh. Uh-huh.

19 MS. PICKERING: I agree. I agree.

20 MS. POWELL: Well, I agree, and I know how  
21 difficult it is to get a, you know, a documentation  
22 from the Department of Ed, so I mean -- and I don't do  
23 the ATB anymore and I know that it's been over 10 years  
24 since we did it. But -- and I'm not certain if it's a  
25 qualified piece of material or not.

1           I know that the accrediting commission obviously  
2 recognizes it, it's on Department of Ed issues, so  
3 somebody out there still, you know, is validating it  
4 and, but I mean, I -- do you -- I don't know, does  
5 Pulaski Tech recognize it or --

6           MS. BURCHETT: The test that the student has to  
7 come in and take just gives the ATB score on that, on  
8 that test, for whatever reason I don't know.

9           MS. POWELL: So if we were to recognize -- I mean,  
10 my biggest fear is in saying, okay, high school  
11 diploma, GED, transcript, ATB. I want to make sure  
12 that we don't come back in six months or a year and the  
13 board have egg on their face when the Department of Ed  
14 or NACCAS or some of them come back and say, well,  
15 that -- that's a, you know, foul -- you know that  
16 doesn't really qualify as a 12th grade education. So  
17 if we're going to include that ATB or testing like  
18 that, I would like to make sure that we state on it,  
19 like Scottie was saying, a certain grade on there. Not  
20 just across the board ATB, it needs to be an ATB.

21           MS. BURCHETT: Well, it needs to be a minimum  
22 10th grade.

23           MS. GEE: It has to be 10th grade.

24           MS. POWELL: Right.

25           Or if you put them in a high school diploma or

1           into a national accredited school, it has to be the  
2           12th grade.

3           MS. GEE:    But not under Arkansas law.

4           MS. POWELL:  Right.

5           MS. WITTUM:  I mean, they can be more than a  
6           10th grade education --

7           MS. POWELL:  But let's just say you want to use  
8           that for and instructor or another program that would  
9           require the 12th grade, you've got to have a grade  
10          level with that test if you're going to use an ATB.

11          MS. WITTUM:  Well --

12          MS. BURCHETT:  Could we say or its equivalent  
13          indicated by a nationally recognized --

14          MS. GEE:    Test?

15          MS. BURCHETT:  Instead of naming a specific test,  
16          because ours is called Compas, whatever that stands  
17          for, whatever those letters stand for.

18          MS. STRAWN:  Yeah.  I've heard of that.

19          MS. BURCHETT:  You know.

20          MS. GEE:    Yeah.  Is there a way we can find out  
21          about the test?

22          MS. POWELL:  Nationally recognized test.

23          MS. BURCHETT:  Yeah, nationally recognized.

24          MS. POWELL:  Yeah, nationally recognized  
25          equivalency.

1 MS. BURCHETT: Well, we're saying that completed  
2 two years of high school or its equivalent, based on a  
3 nationally accredited exam.

4 MS. POWELL: Nationally recognized --

5 MS. BURCHETT: Nationally recognized exam, because  
6 it's -- that -- that nationally recognized exam is  
7 going to tell you if they have completed two years of  
8 high school or its equivalent. I mean, you know, or if  
9 they have completed the equivalent of two years of high  
10 school, if they are at that level.

11 MS. POWELL: And you would be able to use it for,  
12 say --

13 MS. BURCHETT: For whoever, whatever.

14 MS. POWELL: -- uh-huh, if we changed from 10th  
15 grade equivalency to this grade equivalency from  
16 different programs like --

17 MS. BURCHETT: And they are separated.

18 MS. POWELL: Like your instructors or -- no,  
19 that's only one.

20 MS. WITTUM: Yeah. So we can just put the same  
21 language under both because it's going to separate them  
22 out between the two years or the four years.

23 MS. POWELL: I mean, you all tell me if that's  
24 crazy, but I mean I am just not --

25 MS. PICKERING: No, I think --

1 MS. POWELL: I'm seeing ATB and yet I don't -- you  
2 know, I don't know how it could not be qualified if --

3 MS. GEE: I think you have to take 10th grade.

4 MS. WITTUM: Language was also added in here just  
5 dealing with the previous enrollment and just the fact  
6 that we are trying to simplify that process and reduce  
7 the paperwork, that the previous enrollment form or  
8 transfer form will be provided when a student has a  
9 previous enrollment record on file with the board.

10 MS. GEE: So they don't have to file a whole new  
11 thing again?

12 MS. WITTUM: Right. Right. We just need an  
13 updated picture and the registration fee.

14 Under 6.8, on (d), I believe in FoxPro, the old  
15 computer system, it was programmed to drop a student  
16 after two consecutive months of zero hours. The GL  
17 Suite was never programmed for that, and I -- it really  
18 burdens the office to have that process in place. So I  
19 would appreciate it if we could remove that from the --  
20 from the rules.

21 MS. POWELL: Well, I think so many times now  
22 people are taking advantage of the federal 180 day  
23 leave of absence, too. So if ours is not going to -- I  
24 mean I know we're not addressing a leave of absence,  
25 but I think that sometimes is what has caused a problem

1 in the past with our system where it automatically  
2 drops students and it was a burden on the school to  
3 have to call. And some of the schools were told to put  
4 LOA on the little box. That was when they were doing  
5 the hard copy.

6 MS. WITTUM: The printed. Uh-huh.

7 MS. POWELL: And other schools were not told that.

8 MS. WITTUM: Uh-huh.

9 MS. POWELL: So I think by taking that mechanism  
10 out of it --

11 MS. WITTUM: Well, if the board doesn't have an  
12 issue with there being a number of consecutive months  
13 with zero hours, then I -- I know it simplifies our  
14 process to not have to have them dropped from the  
15 system, whether it's automatically or not, and then  
16 have to bring them all back in with the same paperwork  
17 and then keying them in just as if it was the first  
18 time for them to come into the program.

19 MS. POWELL: Well, and too, the state schools that  
20 do their application process, it would carry over --

21 MS. WITTUM: Uh-huh.

22 MS. POWELL: -- from their summer program to their  
23 fall program. You're not -- I don't know if you're  
24 doing the application -- you're not re -- you're not  
25 doing a new application for those two, are you?

1 MS. WITTUM: Uh-huh. Uh-huh. They have been.

2 MS. BURCHETT: Yes.

3 MS. WITTUM: Now, the re-enrollment will take care  
4 of that in one sense, but if we drop this, then we --  
5 we could even simplify it more because it's just --

6 MS. BURCHETT: Stop taking them out.

7 MS. WITTUM: If Scottie ends her semester, she  
8 could leave those students on there, they can go to  
9 summer break or whatever, and then when they come back,  
10 whoever doesn't come back into the program, she could  
11 drop without having to go through the whole --

12 MS. POWELL: Application process.

13 MS. WITTUM: -- Re-enrollment process. I mean if  
14 they are continuing through --

15 MS. BURCHETT: It's a drop and a re-enrollment.

16 MS. WITTUM: Right.

17 MS. BURCHETT: Go through all the drop process and  
18 then re-enrollment two months later, or 2 1/2 months  
19 later.

20 MS. WITTUM: And that August, August is just a  
21 horrible month. And, you know, Shaunta liked to have  
22 never gotten caught up on the student permits after her  
23 being off and then us doing it, we didn't work as fast  
24 as she did on that, obviously, since it wasn't  
25 something we did on a regular basis. So when she came

1 back from her medical leave, there were stacks and  
2 stacks of student permits, and they all sent -- tended  
3 to be from the public or state operated schools, the  
4 students were out for the summer and then they are  
5 coming back. So this, this would reduce paperwork even  
6 more than what we thought the re-enrollment  
7 simplification would be.

8 MS. POWELL: Well, I think it would address both  
9 issues well, as far as the office is concerned, the  
10 paper burden and the application, the drop, the leave  
11 of absence.

12 MS. WITTUM: Uh-huh.

13 Under 6.9 -- it's 4 o'clock. Before we get going,  
14 do you all want to stop here? Do you want to keep  
15 going?

16 MS. PICKERING: We've got a lot of materials to go  
17 over. I don't know whether we can --

18 How much can we get by, what, 5:00? 4:30?

19 MS. WITTUM: Did you have some place that you were  
20 needing to go?

21 MS. COLLINS-BURROUGH: Well, at 3:30, but that's  
22 okay. I still have a 5:30. I just thought if it  
23 didn't take long I could leave early, but I'm fine.

24 MS. WITTUM: Do you all have a preference?

25 Do you want to get going?

1 MS. POWELL: Who is chair of this meeting?

2 MS. PICKERING: Susan. Susan. I mean --

3 MS. WITTUM: Passing the buck?

4 MS. PICKERING: Uh-huh.

5 I recommend that we close this session and take it  
6 up at another time whenever it's convenient for Kathy.

7 I'm asleep, you all.

8 MS. POWELL: Whether it's just -- I just want to  
9 make sure who is -- who is chairing it.

10 MS. PICKERING: Oh, man.

11 MS. POWELL: It's not written on this paper so I  
12 don't know.

13 MS. WITTUM: So we stopped at 6.8. That's where  
14 we can start back up again.

15 And this is September. We can try to do another  
16 meeting in October, if you all want to do that. Or we  
17 can wait until November, after the next board meeting.  
18 Which is your preference?

19 MS. COLLINS-BURROUGH: No. Let's go ahead and get  
20 it knocked out of the way. Let's meet in October.

21 That's my thoughts. What do you all think?

22 MS. WITTUM: Okay.

23 MS. POWELL: Sounds good. Whatever you all want  
24 to do.

25 MS. CAVER-BLADE: So, is this done at the time of

1 the regular meeting?

2 MS. WITTUM: No.

3 MS. CAVER-BLADE: Separate one?

4 MS. WITTUM: I'll get some dates together and let  
5 you know.

6 Chris had a question.

7 MS. STRAWN: I wanted to -- I wanted to make a  
8 comment, on the -- on the, you know, I don't have a  
9 problem at all with the new pictures on the -- and I  
10 certainly see where that's coming from. But you all, I  
11 don't know about your schools, but if we do pictures on  
12 students, that is going to be one heck of a -- they --  
13 because the drop rate and the comings and the goings  
14 and all that. I don't see why you need to do a picture  
15 on those permits, because I just think, you talk about,  
16 it's going to be -- there is going to be a lot of  
17 paperwork on that, a lot. And if you think about it,  
18 ask Shaunta about the drops and the comings and the  
19 goings, and I don't see -- you know, the school is in  
20 charge, like I -- you know, if I've got some bogus  
21 person in there, it's on me anyway, you know. I just  
22 think the permits are going to be very burdensome.

23 MS. WITTUM: Well, it's in -- I appreciate it,  
24 that comment, Chris, but it did get put in the law --

25 MS. STRAWN: Wow.

1 MS. WITTUM: -- that the permits had to have the  
2 photos.

3 MS. STRAWN: I guess I didn't notice, I guess I  
4 didn't notice that, because that's going to be --  
5 that's going to be something.

6 MS. WITTUM: And I don't remember anything ever  
7 being said about the photos, but yes, it specifically  
8 says that the permits and the licenses. Even the  
9 establishment and the school licenses will have to have  
10 the owner's picture on there.

11 MS. POWELL: I'm going to Glamour Shots, that's  
12 all I've got to say about it.

13 MS. BURCHETT: Do we have a date for October?

14 MS. WITTUM: For the meeting?

15 No. I'll see when we can get the room and then  
16 I'll get in touch with you all to make sure that  
17 everybody will be able to be here, and we'll get it  
18 scheduled.

19 Are we adjourned?

20 MS. PICKERING: We're adjourned.

21 (WHEREUPON, at 4:05 p.m., the above-entitled  
22 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 meeting of the Arkansas State  
11 Board of Cosmetology, held September 17, 2007, was taken by me in  
12 Stenotype and reduced to computer-generated typewritten form by  
13 me or under my direction and supervision; and that the same is a  
14 true and correct reflection of the proceeding that occurred, to  
15 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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