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BEFORE THE ARKANSAS STATE BOARD OF COSMETOLOGY

ADMINISTRATIVE HEARINGS
AND
BOARD MEETING
JULY 16, 2007

BE IT REMEMBERED that on Monday, the 16th day of July 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:

SUSAN B. WHITSON, CCR
Arkansas Supreme Court Certificate No. 158
9810 Woodland Drive
Mabelvale, Arkansas 72103
(501) 455-1170
WhitsonCCR@aol.com

1 APPEARANCES:

2 Board Members:

3 JANE POWELL - President
PATRICIA TURMAN - 2nd Vice President
4 LaJOY GORDON - Secretary
BARBARA WARD - Treasurer (not present)
5 ANN PICKERING
SCOTTIE BURCHETT
6 SUSAN COLINS-BURROUGH
CATHY CAVER-BLADE

7

8

9 Staff Members Present:

10 KATHY WITTUM - Executive Director
AMBER McCUIEN

11

12 Board Inspectors Present:

13 SHEILA CAUDLE
ROSE HORNER
14 PAT BLAND JACKSON
LAVONNE GREEN
15 BRENDA MORGAN

16 ON BEHALF OF THE BOARD:

17 ERIKA GEE, ESQ.
Assistant Attorney General
18 323 Center Street, Suite 200
Little Rock, Arkansas 72201

19

20 HEARING OFFICER:

21 KENDRA AKIN JONES, ESQ.
Assistant Attorney General
22 323 Center Street, Suite 1100
Little Rock, Arkansas 72201

23

24

25

1 ALSO PRESENT:

2 Veda Traylor

3 Suzanne Dailey, LaserGrade

4 Andrea Wilson, The Salon Professional Academy in NLR

5 Paul Wilson

6 Linda Lee

7 Sharon Jackson

8 Chris Strawn

9 Kerrie Lauck

10

11 Court Reporter:

12 Susan B. Whitson, CCR

Arkansas Supreme Court Certificate No. 158

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P R O C E E D I N G S

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

Madam Secretary, will you take the role?

MS. GORDON: Yeah. Everybody is present except
Cathy Caver.

MS. POWELL: And Barbara Ward?

MS. GORDON: Okay. Yeah.

We don't have a name tag for her.

MS. WITTUM: She notified me that she was not
going to be here today, so that's why we didn't put a
name plate down for her. She -- we're expecting Cathy.

MS. GORDON: You know you have to put the name tag
there for me to know.

MS. POWELL: At this time I'll turn the meeting
over to Director Wittum.

MS. WITTUM: Veda, on behalf of the board, we just
want to say thank you for your years of service. I
know I've only had an opportunity to work with you the
last couple of years, but I appreciate your dedication

21 and your faithfulness to always be here and do exactly
22 what we need done. You're very unselfish in that
23 regard and I appreciate that.

24 MS. TRAYLOR: Well, I appreciate you all. And
25 it's like I was saying, I've served with the best and

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1 I've served with the worst. I've served with the best
2 legislators, I've served with the worst. So it was, it
3 was time.

4 MS. WITTUM: Well --

5 MS. TRAYLOR: Because I don't -- men insulting
6 women is about the lowest class you can get.

7 MS. WITTUM: Uh-huh.

8 MS. TRAYLOR: And I know I was talking to someone
9 yesterday. He said, I can't believe that. He said,
10 I -- he said, I don't know that woman. I don't believe
11 it. And I said, well, believe it. It happened.

12 MS. WITTUM: Well, the board would like to give
13 you a gift --

14 MS. TRAYLOR: Well, thank you.

15 MS. WITTUM: -- for your years of service. We
16 have a huge cake back here that someone is going to
17 have to develop an appetite and eat. But help
18 yourself, and thank you very much.

19 And I hope you're going to open it so everybody

20 can see what it is.

21 MS. TRAYLOR: Thank you.

22 (Applause.)

23 MS. TRAYLOR: Oh, it's all done up so pretty.

24 MS. TURMAN: I did that, Veda.

25 No, I didn't.

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1 MS. BURCHETT: Ms. Traylor, while you're opening
2 that, I would just like to say that I know through the
3 years we've not always agreed on things, but you know
4 that's kind of what makes the world go around, we have
5 to agree to disagree. And I do totally respect you and
6 the years that you served, and -- and I do know that
7 you -- you've done a -- you did a lot of good things
8 during your term.

9 MS. TRAYLOR: Undoubtedly I did a lot of bad ones,
10 too.

11 Oh, how pretty.

12 MS. BURCHETT: But that's not what the focus
13 should be on anyone, and I just want you to know that I
14 appreciate all you've done for us.

15 MS. TRAYLOR: That's pretty. Thank you.

16 MS. POWELL: Sure beats a plaque.

17 MS. TRAYLOR: I could have brought you one of
18 those.

19 MS. POWELL: I don't want one.
20 MS. TURMAN: Oh, that's beautiful.
21 MS. TRAYLOR: I've even got one that says past
22 president.
23 MS. GEE: Oh, that is beautiful.
24 (Ms. Caver-Blade joined the proceedings.)
25 MS. CAVER-BLADE: Good morning.

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1 MS. POWELL: Let the record show that board member
2 Cathy Caver has attended the meeting.
3 MS. TRAYLOR: Thank you.
4 MS. PICKERING: Thank you for your time that
5 you've served on this board and all of your knowledge.
6 MS. GORDON: And coaching.
7 MS. TRAYLOR: Thank you.
8 MS. POWELL: Okay. At this time I need to -- do I
9 have a motion on the May 21st meeting minutes? The
10 minutes for May 21st.
11 MS. TURMAN: I make a motion --
12 MS. POWELL: -- and June the 4th.
13 MS. TURMAN: Madam President, I make a motion that
14 we accept the minutes from May -- May --
15 MS. POWELL: May 21st and June the 4th.
16 MS. TURMAN: May 21st and June 4th.
17 Because I don't have them in front of me.

18 MS. GORDON: Second.
19 MS. POWELL: I have a motion and a second.
20 All those in favor, raise your right hand.
21 (Hands raised.)
22 MS. POWELL: Thank you. It's unanimous.
23 Director Wittum, you have some committee
24 directions. Or I'll -- should I --
25 MS. WITTUM: Yeah. I think you were going to do

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1 that.
2 MS. POWELL: That's okay.
3 Well, I really wanted to let the board know that
4 the direction I would like to go with these committees
5 that I have formed is I would like for there to be a
6 board member chair each one of those committees, so we
7 will be nominating a chair for each one of those
8 committee meetings, so that we could hopefully utilize
9 some leadership.
10 Thank you.
11 We have our director's financial reports.
12 MS. WITTUM: I handed you a two-page sheet that
13 has two thousand -- monthly statements for fiscal year
14 2007. That's for the last fiscal year. So this will
15 give you an idea of exactly how the appropriation was
16 spent, and one side has the revenues and what we

17 collected for the year.

18 We did have to request 30,000 extra in operating
19 expenses; however, as you will see at the very bottom
20 of the expenditure side, we did have \$39,360 unspent
21 that -- from that appropriation. The reason being is
22 the money was in characters we could not move from one
23 area to another, so the -- the money, I believe, was
24 all in capital outlay, character 11, and then the data
25 processing, character 12s. Those moneys cannot be

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1 transferred into another character, and we needed the
2 expense, the money, the 02 operating expenses.

3 If you have any questions about the breakdown of
4 this information, then feel free to let me know.

5 You also have one that has monthly statements for
6 fiscal year 2008 that's blank except for the
7 appropriation column. This is the format that we will
8 be using to let you know how the month's expenses are
9 going and what the appropriation is that we have
10 identified by the general ledger codes. For anyone
11 who's not familiar with the state structure, we -- our
12 appropriation just breaks down the money between four
13 or five different characters, then we break it down by
14 GL code. So all of the individual line items here,
15 those are the GL codes that we -- we believe we'll be

16 using those moneys for. The 02 operating expenses are
17 pretty much not firm in that we can -- even if we
18 appropriate something for one general ledger code that
19 we don't need but we need more money in another general
20 ledger code, under the 02 operating expenses, we can
21 shift that without going back to the legislative body.
22 Anything, any activity that happens in the rest of it
23 we have to go back to the legislative body and get
24 permission to move or shift those expenses or those
25 appropriations.

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1 If you -- if you have any questions about any of
2 the expenses or how we break it down, then feel free to
3 let me know. And one of the things that I have seen
4 that we -- and it doesn't appear has been used in the
5 past but I would like to see, is a computerized version
6 of breakdown by vendor. Right now we only have the
7 files, you have to go pull the file and calculate how
8 much has actually been spent for a particular vendor.
9 That's something that I'm wanting to put together and
10 we'll have Gordon help me do for this next fiscal year
11 so that you can also have that information.

12 Also in your packet is a copy of the Act 791.
13 This is the -- our budget bill, or our budget report
14 for 2008 fiscal year and 2009 fiscal year. We -- the

15 top page that you have there is an amendment. That was
16 money that was requested once we saw what law changes
17 were approved, so that we would be able to have the
18 money to take care of the computer enhancements or
19 anything that was going to be necessary in order to
20 make those law changes happen.

21 Does anybody have any questions about those?

22 MS. TURMAN: Kathy, I would just like to make a
23 comment.

24 I just want to tell you and the office staff how
25 much I appreciate what you guys have done. I'm just

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1 sitting here listening to you thinking how far we have
2 come since you've taken over. We can look at our
3 website, you can look at -- we are not used to getting
4 information like -- you know, as I know we've gotten
5 information before, but I just want to tell you how
6 much I appreciate you and the office staff for trying
7 to keep us informed and trying to keep everything
8 updated and trying to keep us in the loop of things.

9 MS. WITTUM: Thank you, Pat.

10 MS. TURMAN: We've come a long way.

11 MS. WITTUM: I would like to say something to
12 Cathy real fast. You will notice you have name plates
13 here. Yours actually says that you're Cathy

14 Carver-Blade. We've notified the Department of
15 Corrections that they have misspelled your name and
16 that's being corrected.

17 MS. CAVER-BLADE: No problem. That's happened all
18 my life.

19 MS. WITTUM: Okay. Under the director updates,
20 the codified version of the new cosmetology law has not
21 been provided to us yet. As soon as we get that, we'll
22 get the copies out to everyone and get that updated
23 version posted to our website.

24 MS. GEE: My understanding on that is that it's at
25 the printers, so it should be relatively soon.

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1 MS. WITTUM: I know there is a lot of people
2 anxious to get it.

3 MS. GEE: Uh-huh.

4 MS. WITTUM: The -- the outsourcing contract, I'm
5 working with Professional Credentials -- Professional
6 Credentials Services, PCS, to get that contract
7 established. We estimate that a start date will happen
8 in September.

9 We have scheduled, as you can see, rater training
10 for August 18 and 19 and a school overview for Monday
11 the 20th. We are going to have to have the school
12 overview at Sherwood Forest, again, in Sherwood. It's

13 our understanding from the Blue Flame Room, when we
14 tried to book it there, that they no longer have
15 parking for the public who comes into their building.
16 Everyone has to park at a meter. So, to save confusion
17 during that day with everyone trying to run out and
18 feed the meter, we just went ahead and looked for
19 another location.

20 And those of you who attended the school overview
21 in December of '05 know that Sherwood Forest has an
22 excellent place for us to hold this meeting.

23 MS. POWELL: Are we going to be setting up the
24 tables or are they going to do it this time?

25 MS. WITTUM: We have to do everything.

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1 MS. POWELL: Okay.

2 MS. WITTUM: The -- the contract with PCS is -- I
3 just wanted to kind of give you a little bit of an idea
4 of exactly how that process is going to work. It's
5 going to be a much different exam process than what
6 we've had in the past.

7 The contract is going to call for the staff to
8 continue to make the determination about eligibility.
9 We will receive the exam applications, minus the fees,
10 and we will determine whether or not the candidate has
11 enough hours and is otherwise eligible to come in and

12 examine. Once that determination is made, we will send
13 an electronic copy of the people who are eligible to
14 PCS, so that they will have it on their records.

15 In addition and simultaneous to that, we'll send
16 out a notice to the candidate to let him or her know
17 that they are eligible to come in and examine. The --
18 that notice will have information on it to direct them
19 to contact PCS and schedule -- get themselves scheduled
20 for an actual exam.

21 The -- it's my understanding that PCS has a -- has
22 the ability for the fees to be paid over the phone by
23 credit card, or the people can send in their money
24 directly to PCS for the cost of the exam.

25 PCS will send -- once they receive that, that

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1 notice from the candidate, whether they send in their
2 money or they contact them by phone, they will send an
3 ATT, an Authorization To Test and an Admittance Notice
4 to that candidate giving them the specific day that
5 they are going to come in and examine. They will also
6 collect all of the moneys that are required for the
7 examination process.

8 PCS will administer the practical exams here at
9 our facility one day a month. There will not be four
10 or five days a month for the exams. We will have to

11 make use of every available space in our exam facility
12 in order to have these exams going on simultaneously
13 throughout the day. And this is likely to mean that
14 our exam hours for that day are going to have to be
15 expanded.

16 In fact, Andrea and I were thinking that we will
17 probably have to start at eight and may even go until
18 six or seven, maybe even eight at night until we get
19 everyone examined for that day.

20 We will be able to use the exam facility. I
21 believe we can run 48 candidates through the -- the
22 central area, where the stations are currently, with
23 only the A and B sides. If we go ahead and take the
24 time to make some modifications to that central part of
25 the exam facility, then we can have A, B, and C

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1 stations and run 72 candidates through there.

2 We also can get 12 candidates, I believe, in the
3 classroom by setting up tables in there and letting
4 them come in and actually have their exam in the
5 classroom. We have the instructor rooms that I believe
6 we can run through six candidates a day in there.

7 So I do believe it's feasible for us to be able to
8 do this. It's just going to be a much different
9 concept than what we've had so far.

10 MS. PICKERING: May I ask a question as well?

11 I know in the past that we've had a little bit of
12 trouble with candidates signing -- I mean they sign
13 in -- not sign in, but you make it available for them
14 to take their test and they don't show.

15 MS. WITTUM: Uh-huh.

16 MS. PICKERING: So how are -- how is PCS going to
17 address that? Do you know?

18 MS. WITTUM: They -- they have a very strict
19 no-show policy, so I think that -- that it will
20 probably take care of itself.

21 MS. PICKERING: Okay.

22 MS. WITTUM: I mean people who want to come in and
23 examine and take up the space there need to -- need to
24 fulfill that responsibility and be here when they are
25 scheduled, unless there is a legitimate reason for not

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1 doing so.

2 The PCS will be responsible for all of the
3 examiners and the rater training. We will not be
4 involved with that, other than I or someone on the
5 staff will have to be here to let them in to the
6 facility here to do their rater training, since we're
7 going to have it at the exam facility and it will be on
8 the weekend.

9 The PCS will be responsible for admitting all of
10 the candidates into the exam facility for the
11 practical. We will not be involved with that. They
12 are also responsible for responding to all written and
13 oral complaints that are made about anything that takes
14 place in the exam process, as it pertains to practical
15 exams.

16 Yes, ma'am?

17 MS. GORDON: I have a question on the rater
18 training.

19 MS. WITTUM: Uh-huh.

20 MS. GORDON: Will they -- that is scheduled for
21 the 18th and 19th of August.

22 MS. WITTUM: Uh-huh.

23 MS. GORDON: At this time will they have already
24 chosen the people in the state of Arkansas that they
25 are going to use to give the exam for them to be rater

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1 trained?

2 MS. WITTUM: They are working on that now.

3 MS. GORDON: Good.

4 MS. WITTUM: We've given them a list of the
5 licensees here in the state and they are going to be
6 contacting them. They are going to send out
7 invitations to anyone who is interested. And then the

8 people who express an interest, and who meet their
9 qualifications, will be here to do the rater training.

10 MS. GORDON: And next year or for the rater
11 training, they will schedule that rater training or
12 will it still come through our office?

13 MS. WITTUM: It -- they will coordinate with us.
14 Since they are going to be using the facility here,
15 they will have to coordinate with us in order to make
16 provisions for someone to be here to open up the room
17 to let them in.

18 MS. GORDON: But they will basically be
19 responsible for taking care of the cost?

20 MS. WITTUM: Right. Right. Yes.

21 And we, with this here in August, it's at no cost
22 to the board. I mean this is strictly their -- their
23 responsibility.

24 The board staff will continue to receive the exam
25 scores, and we will issue the licenses to the people

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1 who pass, send the failure notices to those that fail.

2 They -- we will have a process in place where the
3 candidates who fail one or more parts of the exam will
4 not have to continue to come back through the board's
5 office to be determined eligible, re -- eligible again.
6 I mean we don't have any provisions for any candidates

7 to go get additional education or to wait a certain
8 time length or whatever. So anyone who fails will be
9 able to just contact PCS again the day they receive
10 their notice, if they wanted to, and get scheduled for
11 another, another exam.

12 SMT will also provide PCS the exam scores, just so
13 that they can keep up with their recordkeeping, and
14 then for them to kind of gauge who they might be having
15 return who failed the exam.

16 We are going to have to modify the exam schedule
17 for the rest of this year and then set up a different
18 section -- structure for next year. The changes will
19 include not only changes to the exam dates but also
20 changes to the exam deadline date. So as soon as we
21 get that ironed out with PCS, then we will be getting
22 that information out to the school so they will be able
23 to update their students.

24 Something that -- that has come up that is going
25 to require a board's decision that directly impacts

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1 this contract and us finishing it has to do with the
2 written exams. As you know, or as you will recall from
3 the previous meetings, what the decision was was to go
4 with outsourcing and the candidate will be responsible
5 for paying \$65 to PCS or the private testing entity for

6 the practical exam. They also would continue to pay
7 the 30-dollar board fee that would apply -- be applied
8 to the written portion of the exam. So the total cost
9 for the candidate is \$95.

10 Currently Arkansas requires all candidates to take
11 the written exam here at the exam facility the first
12 time. They have an option to take the paper and pencil
13 exam for future exams if they fail, or they have the
14 option to do the computerized test through LaserGrade.

15 The current cost -- and actually I want to
16 introduce Suzanne.

17 Suzanne, do you want to come on up to the front?

18 This is Suzanne Dailey, she is with LaserGrade.
19 She flew in last night just to be here to talk to you
20 today about the idea that we have for the written
21 materials.

22 As I understand it, it currently costs \$70 for a
23 candidate to take LaserGrade.

24 MS. DAILEY: Uh-huh. Correct.

25 MS. WITTUM: And they still, when anyone schedules

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1 to take LaserGrade, they still pay the 30-dollar board
2 fee and pay the hundred dollars if they want to go and
3 take the written exam through the computer based
4 testing sites.

5 What -- what we want to kind of pitch out to the
6 board is the possibility to move to a LaserGrade
7 mandatory requirement here and do away with the paper
8 and pencils. And Suzanne probably is the best person
9 to explain exactly how that could all happen and what
10 they are willing to do for any of the states who are
11 willing to make that change. Suzanne?

12 MS. DAILEY: Thank you for allowing me to come
13 today.

14 There is a few things we can do right off the bat,
15 and one is reduce that 75-dollar fee that has been
16 charged to Arkansas for -- I think since the initial
17 contract, down to \$50. So it would drastically reduce
18 the price to the candidate in terms of computer-based
19 testing.

20 And one of the advantages to computer-based
21 testing is that your candidates don't have to drive to
22 Little Rock to take that paper and pencil exam, they
23 don't have to wait for those administrations. There is
24 locations far closer to their home. You know, they can
25 test in Jonesboro, whatever. And they are not spending

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1 the gas, perhaps hotel fees if it's an overnight
2 situation where they have had to drive a significant
3 distance, those kinds of things. Those are a

4 significant impact on a student who are already, you
5 know, just trying to make it and get started in the
6 business.

7 What Kathy and I have talked about is -- and we
8 work with PCS already on a number of states so the
9 transition is very smooth.

10 But what Kathy and I have talked about, and I hope
11 I'm not overstepping here, Kathy.

12 MS. WITTUM: Uh-huh. Go right ahead.

13 MS. DAILEY: Is our understanding, what Kathy
14 explained to me is that the board has set aside in the
15 neighborhood of \$45,000?

16 MS. WITTUM: \$47,500.

17 MS. DAILEY: For exam materials. Which you would
18 no longer be outlaying if you go the CBT route. You
19 are not going to have to buy those exam booklets, the
20 answer sheets, all of those will not be expended by the
21 board.

22 The candidates could continue -- if your concern
23 is maintaining a low fee for the candidates, the
24 candidates could continue to just pay the \$30 that they
25 have always paid to the board, and the board could use

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1 those fees to supplement the other 50 if you go to a
2 mandatory requirement. So the board would pay \$20 of

3 the exam fee, the candidates would pay \$30 of the exam
4 fee, and that would come out of that budget area that
5 you have for exam materials. It's essentially exam
6 materials, it's just in a computer-based environment
7 rather than a paper and pencil. So if the concern is
8 keeping the fees low for the candidates, that's an
9 option.

10 Now, just by reducing it to \$50 per exam, I mean,
11 we've certainly drastically reduced it for those who
12 were choosing a computer-based option, but we want to
13 make it available to all the candidates.

14 And we have locations throughout the state of
15 Arkansas. Kathy and I have also talked about the
16 possibility of putting a location here in the board
17 office, where we would set up the systems here in the
18 office so there is a location right here at the board
19 office, in addition to those throughout the state. And
20 your candidates are available to test, not only within
21 the geographic boundaries of Arkansas, but anywhere we
22 have a testing center in the U.S. So a candidate who
23 is moving to the state of Arkansas and currently lives
24 in Oregon, could test in Oregon for the Arkansas board
25 exam, including the Arkansas law portion of the exam.

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1 So there is far more availability for your candidates.

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Questions?

MS. WITTUM: And to address the possibility of supplementing the cost of the LaserGrade, if the board wanted to choose to -- to utilize this 47,500 for this purpose, you have an option really of, as I see it, of a couple of ways. We could either agree to supplement it by \$20, which would allow us to pay approximately 2,300 candidates to come through and examine, or we could pay the \$30 and we would be able to assist with approximately 1,500 candidates.

The -- there is also the possibility of paying more than the 20 or 30, but we wouldn't be able to pay for as many candidates as what we had come through last fiscal year -- or last calendar year. I believe we had approximately 1,500 who came through 2000. So I think to play it safe, we would want to make sure that we chose a fee that would allow us to pay at least for that many candidates, if not more, so we are likely to see an increase anyway.

There is also the possibility in the future, as we modify or as we prepare future budgets, to appropriate more than the forty-seven five, if we wanted to offset the cost at any other level.

Yes?

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1 MS. TURMAN: Kathy, are you stating that we
2 would -- it would only be \$50 paid to them and we would
3 no longer collect the 30? Is that correct?

4 MS. WITTUM: That's correct.

5 MS. TURMAN: Okay. When you look at the math on
6 this situation, though, if a student -- I mean if
7 someone is going to come in and take their exam, they
8 would spend more than \$20 on gas to come in probably to
9 take the exam. So if -- to me it would be worth that
10 student paying the \$50 and not having to come in to
11 take the exam and being able to sit at a location near
12 them and, you know, so they won't have to travel to
13 take the exam. I don't see why we would have to eat
14 any of the cost.

15 MS. WITTUM: Well, we had this money allocated for
16 testing materials already, so either we're going to
17 return it unspent --

18 MS. TURMAN: Okay.

19 MS. WITTUM: -- if we choose to make this
20 arrangement --

21 MS. TURMAN: Okay.

22 MS. WITTUM: -- and go to a LaserGrade mandatory
23 requirement, or we are going to use it for the purpose
24 that it was intended.

25 MS. TURMAN: Okay.

1 MS. WITTUM: Now, the -- let me explain how state
2 procurement handles the contracts. PCS, the contract
3 with PCS is not going to involve any exchange of money.

4 MS. TURMAN: Okay.

5 MS. WITTUM: The candidate pays PCS directly, the
6 board does not pay PCS anything. So the preparation of
7 that contract is a much simpler process --

8 MS. TURMAN: All right.

9 MS. WITTUM: -- than anything else. So the \$65
10 that they are going to pay to PCS will need to remain
11 as is. The -- the forty-seven five currently has a
12 contract with NIC for us to pay NIC for --

13 MS. TURMAN: Okay.

14 MS. WITTUM: -- the exam materials. And right now
15 it's not differentiated between the written or the
16 practical.

17 I've talked with Debra Norton and they, NIC, is
18 supportive to making a move to basically a paperless
19 system. That's why they have partnered with LaserGrade
20 in other states. So Debra said that they would be
21 willing to cancel their contract or us work with --
22 work out a cancellation of their contract in order to
23 secure a contract with LaserGrade and thereby use these
24 funds for that purpose.

25 MS. TURMAN: Okay. Thanks, Kathy.

1 MS. WITTUM: That's the reason why we are
2 suggesting to supplement, not only because the money is
3 here allocated anyway for that purpose, but also
4 because it was my understanding from the previous
5 meetings that there has been a concern about the
6 substantial increase --

7 MS. TURMAN: Right.

8 MS. WITTUM: -- for the candidates to come and
9 examine now.

10 MS. TURMAN: Okay.

11 MS. WITTUM: The \$65 plus our 30, or if we go with
12 LaserGrade, the 50 is going to be a big jump from the
13 30 that they experienced in the past.

14 So, and then in the future, if we like the idea of
15 supplementing the cost for them, then we could make
16 some provisions in our future budgets to be able to pay
17 more --

18 MS. TURMAN: Okay.

19 MS. WITTUM: -- more of that fee than just either
20 the 20 or the 30, whatever we want to go with.

21 MS. TURMAN: Thank you, Kathy.

22 MS. DAILEY: Just a couple of things to consider.
23 We work with PCS already, and there will be no
24 duplication of effort in terms of making the board
25 making those candidates eligible and transferring that

1 information. PCS is going to pass that over to us, so
2 there is no additional step that Kathy and her board
3 will have to go through in order to deem those theory
4 candidates as eligible.

5 The second thing is, the candidates can retest as
6 quickly as 48 hours after they fail, so they don't have
7 to wait for that exam date. If they fail today they
8 can call and reschedule for a retest on Wednesday, if
9 they are so inclined to do so. So the waiting period
10 is less. So once they pass those exams, you're getting
11 qualified cosmetologists and manicurists out in the
12 working field much faster than you would be if you were
13 waiting for a paper and pencil scenario of testing.
14 I'm not sure how often you test, whether it's once a
15 month or whatever, but it gives them the ability to
16 retest and get out into the work force faster.

17 MS. GORDON: You said you had how much money
18 allocated for testing?

19 MS. WITTUM: 47,500.

20 MS. GORDON: And if we don't use that money, we
21 will have to turn the money back?

22 MS. WITTUM: (Nodding head up and down.)

23 MS. GORDON: Well, could -- is there any way that
24 we can use it for testing sites, like we're going to
25 use one here? It's pertaining to using it for testing,

1 right, the money?

2 MS. WITTUM: No. It's for the purchasing of the
3 testing materials.

4 MS. DAILEY: And the computer equipment that you
5 would need to buy would be a capital expense, so I
6 don't think they would let that fly.

7 MS. WITTUM: Yeah.

8 MS. GORDON: That's what I was trying to do.

9 MS. DAILEY: Now, we are happy to get as many
10 locations in the state of Arkansas that you feel you
11 need to provide reasonable coverage for your
12 candidates. We have a number already and as I said,
13 you know, the eastern portion can cross over and test
14 in Memphis. We have two locations in Memphis, so they
15 can cross the borders and what not. We have worked
16 with states previously to add locations.

17 Now, we don't have one currently in Little Rock,
18 but I would be happy to get one if the board decides
19 that they wouldn't want to have a facility here, that
20 they want to free up their staff to deal with renewals
21 and things at hand. If you prefer to have everything
22 at a LaserGrade location, I would be happy to recruit
23 one in Little Rock and have a location that's
24 convenient for the candidates.

25 We've worked with a number of states in doing

1 this. Alabama was the most recent to convert their
2 paper and pencil to a computer-based testing
3 environment, and it's been very successful for them.

4 MS. WITTUM: And it's also important to note that
5 the state encourages us to move our processes as much
6 to a paperless system as possible, just for the savings
7 that it will cost -- or that it will utilize to us in
8 the future.

9 MS. POWELL: Ms. Burchett?

10 MS. BURCHETT: I have a few questions.

11 So what happens if we run out of money before the
12 end of the year and we still have students to test?

13 MS. WITTUM: Well, that's why I would error on the
14 side of caution in picking how much the board would
15 want to supplement for them, to make sure that we are
16 going to be within the range for -- based on our 2006
17 stats.

18 MS. BURCHETT: You said we had 1,400 --

19 MS. WITTUM: Uh-huh.

20 MS. BURCHETT: -- examine last year,
21 approximately?

22 MS. WITTUM: I believe so.

23 MS. BURCHETT: And we could -- at \$20 each, we
24 could examine approximately 2,300.

25

MS. WITTUM: Approximately 2,300. Uh-huh.

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1 MS. BURCHETT: With the increase in price, I don't
2 see the -- I don't see us really having the drastic
3 jump in the amount of candidates.

4 MS. POWELL: Not that many.

5 MS. BURCHETT: I think it's going to -- I think
6 it's going to go down, if it goes any direction. But,
7 you know, we would have to think about that. And then,
8 you know, is this going to be something that happens
9 every year and, you know --

10 MS. WITTUM: The -- paying the \$30 would allow us
11 to pay approximately 1,500. It's 1,583, to be exact.

12 Last year we had just shy of 1,400 that came in to
13 examine. There has been an increase -- there has been
14 a small increase each year, it looks like, over the
15 number of candidates who have actually come.

16 Now, there is a -- there is definitely a
17 difference between what we schedule and the number that
18 actually comes and examines. We actually scheduled
19 over 1,400 last year.

20 MS. POWELL: Can you have -- do you have the
21 figures on which one of those -- how many of that 1,400
22 was retakes and first time takers?

23 MS. WITTUM: We -- no, I don't have the breakdown.

24 These stats combine everything, so I don't have the
25 breakdown. All I can tell you is that the -- the fail

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1 rate was 35 percent last year across the board, with
2 all of the different type exams considered in there.
3 So that 1,400 of who was scheduled and the 13-some-odd
4 that actually appeared, that's a mixture of ones who
5 came for the first time and those that came to retake.

6 MS. POWELL: So, realistically, to think that we
7 were going to caution or error on the side of caution,
8 knowing that we have 1,400 last year, we could either
9 consider that \$30 --

10 MS. WITTUM: Uh-huh.

11 MS. POWELL: -- for the 1,500, knowing that we've
12 got a 30 percent, those that failed --

13 MS. WITTUM: Right.

14 MS. POWELL: -- or retake.

15 MS. WITTUM: Right.

16 MS. POWELL: So the --

17 MS. WITTUM: And to answer your question directly.
18 Scottie, if we -- if we came to April or March -- March
19 or April of next year and we saw that our funds were
20 being depleted faster than what we thought or we had
21 more candidates, then we could go back to the
22 legislators and let them know this is a change that we

23 made, this is why we are low on our funds, this is what
24 we're wanting to use it for, and ask them to give us
25 enough money to carry us through the fiscal year, and

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1 at the -- at the beginning of next year we'll be
2 working -- probably will be working just to tweak our
3 '09 fiscal year budget. And if this is a process that
4 you want to continue, we could always pitch it to them,
5 even to increase that forty-seven five to whatever we
6 want it to be.

7 MS. BURCHETT: So at the end of the fiscal year,
8 if we don't use the forty-seven five, whatever we don't
9 use we lose?

10 MS. WITTUM: Well, it's not necessarily losing. I
11 mean it is unspent appropriation. That money stays in
12 our fund balance so we -- it's not throwing it down the
13 toilet by not using it. But what -- what it does do
14 is, at least it's my understanding, that the
15 legislators will look to see what is being spent and
16 what is not being spent. If we have a consistent run
17 of unspent appropriation, then they will start
18 wondering why are you appropriating it in the first
19 place.

20 MS. BURCHETT: Right. Right.

21 So it would be best, to try to spend close to all

22 of it, look at the \$30.

23 MS. WITTUM: Uh-huh.

24 MS. BURCHETT: And then if we need to change that,
25 it will just be on a yearly basis and will have to be

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1 indicated in our rules, I would think, as to how this
2 process happens year to year --

3 MS. WITTUM: Uh-huh.

4 MS. BURCHETT: -- that the amount is -- could
5 change?

6 MS. WITTUM: Right.

7 MS. BURCHETT: All right.

8 MS. WITTUM: Whatever structure we wanted to set
9 up on a permanent basis, especially if we see over this
10 next year that it works well to have a LaserGrade
11 mandatory requirement, then, you know, the board could
12 really do any -- anything that it wanted as far as
13 assisting the candidates. Even if you wanted to have a
14 system that would reward the candidates who meet
15 certain qualifications, if they finish within their
16 contractive period, if they, you know, maintain a
17 certain grade level or, you know, attend a certain
18 portion of their -- their program. I mean you can --
19 you can use it more as a reward system to those
20 candidates who take on the responsibility seriously to

21 acquire their education in cosmetology.

22 MS. BURCHETT: Right.

23 My first thoughts were to leave it at 30 because
24 the students are used to paying that, but they also are
25 not used to paying, you know, the larger amount for

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1 any -- I mean that's all they are used to paying, so,
2 you know --

3 MS. WITTUM: Well, if the board supplements the
4 30, then the candidate is actually going to be paying
5 \$85. They will pay the 65 to PCS, they pay 20 to
6 LaserGrade, and then LaserGrade will bill us the number
7 of candidates each month who come in and examine, and
8 we would pay them that 30-dollar co-pay for each one of
9 them.

10 MS. BURCHETT: And then each retest, each person
11 that comes to retest would pay the same fee?

12 MS. DAILEY: Yes, ma'am.

13 MS. BURCHETT: Is that correct?

14 MS. DAILEY: Uh-huh.

15 MS. WITTUM: The only difference would be for
16 someone who has to take just the law exam. Correct?

17 MS. DAILEY: Yes, ma'am. Uh-huh.

18 MS. WITTUM: That's a lower fee than the 50?

19 MS. DAILEY: Yes. We will create -- there is two

20 things that will happen, is that the national exams
21 will incorporate the Arkansas law portion if they need
22 to take the full exam. If they need to just take that
23 law portion, they are a reciprocity candidate who needs
24 to just take that law portion, we'll have a separate
25 exam, it will just be the law portion. That's a little

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1 lower. I think it's \$25.

2 MS. WITTUM: And that's also something that
3 teachers need to be aware of. As you know, the law
4 changes require all people who are coming in through
5 reciprocity to take the law exam. So it would be my
6 suggestion that the decision to supplement the testing
7 not apply to the reciprocity, because they are not
8 going to be out the money that the other students -- or
9 at least not the ones that are only going to have to
10 take the law exam.

11 Now it's your choice, if you want to include the
12 reciprocities for the people who have to take both the
13 practical and the written.

14 MS. DAILEY: And, again, those scenarios of the
15 reciprocity can include people coming in to Arkansas
16 who just need to take that law portion, they can take
17 that law portion before they actually move to the state
18 of Arkansas. Once the board deems them eligible to do

19 so, they can take it from their home state prior to
20 moving here so that when they get here they are ready
21 to kind of hit the ground running.

22 MS. BURCHETT: I feel like they need to be
23 responsible for that coming in, that we shouldn't do
24 anything for them.

25 MS. WITTUM: Are you saying just for the ones who

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1 have to take the law or for all of them?

2 MS. BURCHETT: For reciprocity, someone coming in.

3 MS. WITTUM: Okay. Okay.

4 MS. TURMAN: I just think this is a win-win
5 situation for -- especially for the candidate. I mean
6 because they can take it at their leisure. And after
7 all, that's what we should be about.

8 What I was saying about the \$50, you know, I
9 agree, if -- you know, because if that's allocated for
10 that fund, that's what we should put it for and just
11 pay the 30. But that student -- I mean that candidate
12 is not going to be tied up for days, they can take it
13 at their leisure. And if they should not pass it they
14 can -- they don't have to drive anywhere, they can
15 simply take it again. And I just think this is a
16 win-win situation for the candidate.

17 MS. WITTUM: Okay.

18 MS. POWELL: So, Kathy, you're saying that the
19 total cost for a student if we implement the \$30 and
20 utilize the forty-seven five that's appropriated, the
21 total cost to a student for a first time tester would
22 be \$85?

23 MS. WITTUM: Uh-huh.

24 MS. POWELL: And that is in itself a reward
25 system, I believe, that you were speaking about.

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1 MS. WITTUM: (Nodding head up and down.)

2 MS. POWELL: What about the consideration for a
3 retester on the written, what will the cost be on them?
4 Would it still be --

5 MS. WITTUM: Well, they wouldn't have to take
6 the -- they wouldn't have to pay \$65 to PCS for the
7 practical, so they would just pay the 50 or they would
8 pay the 20 and then the board would pay the 30.

9 MS. POWELL: Twenty. So we could opt to consider
10 not paying the 30 for a retest or paying the 30 for the
11 retest, being that \$50 is the bottom line for retest on
12 the written, the second time takers or whatever.

13 MS. WITTUM: Uh-huh.

14 Well, and if you -- if you go that route, then
15 the -- the stats that I've used here and the figures
16 that I have here are all including written and

17 practical. So, you know, it may be possible to pay
18 more, if you're just going to do the ones who have to
19 take the practical or written together the first
20 time --

21 MS. POWELL: First time takers.

22 MS. WITTUM: -- or first time takers. The -- we
23 could probably get away with paying the -- maybe even
24 40 of that cost.

25 MS. POWELL: Well, in trying to utilize the reward

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1 system, you know, technique, I would think that the
2 money for first time takers, I mean, it certainly would
3 discourage people from abusing --

4 MS. WITTUM: Uh-huh --

5 MS. POWELL: -- the state money.

6 MS. WITTUM: That's an option if you all want to
7 consider that.

8 MS. BURCHETT: I just have one more question, from
9 what things that she said.

10 You mentioned something about if the low -- if you
11 got a location here.

12 MS. DAILEY: Uh-huh.

13 MS. BURCHETT: Something about our staff, if it
14 were here?

15 MS. DAILEY: Well, if the location is here in the

16 board office, our locations are all contracted out, so
17 they are not our staff, they are subcontractors. So if
18 the location is here in the board office, then someone
19 in the board office needs to be proctoring those exams,
20 they need to be checking in those candidates,
21 monitoring them while they are testing, all of the
22 things that would occur in one of our locations. So if
23 you choose to set up a computer-based testing
24 environment here, it's -- essentially someone provided
25 by the board would be doing that. If we were to find a

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1 location on our own in Little Rock, then we would of
2 course be handling all of that, because we subcontract
3 with colleges, universities, those types of facilities,
4 private entities to do the testing.

5 MS. WITTUM: If we were to bring the site here or
6 develop a site here, we would have to utilize one of
7 the instructor rooms back in the exam facility. The --
8 I think we can get three computers into one of those
9 rooms and then Genie, who is the exam proctor now,
10 would be responsible for checking in those candidates
11 when they come in to take the LaserGrade and staying in
12 the room with them to proctor the exam.

13 MS. BURCHETT: It would be just one day a month?

14 MS. WITTUM: No. We probably would be able to do

15 it more frequently. At least on a weekly basis, maybe
16 two, two or three days a week for a set number of
17 hours. It would have to be a very structured set up so
18 that Genie would be able to get her other work done
19 because she's going to have to be down there to do the
20 proctoring.

21 MS. DAILEY: And we could still, it would just
22 as -- it would be as though the board office was acting
23 as a LaserGrade location, see. So we could still be
24 taking the payments from the candidates, we would still
25 schedule them and take that, we would actually schedule

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1 them at the board office which, whoever is in charge of
2 proctor would be able to monitor that schedule and they
3 would check it every day to be able to see if there are
4 candidates scheduled for the next day. We require 24
5 hours notice for candidates to schedule a testing
6 appointment for that reason, so that everyone is kind
7 of aware of what's on their schedule for the following
8 day. Conversely we also require 24 hours notice if
9 they are going to cancel or reschedule that
10 appointment.

11 Like PCS, if a candidate fails to show up for that
12 exam, they are considered a no show and they forfeit
13 their testing fee and they need to pay that to

14 reschedule. So as PCS we're trying to make the
15 candidates understand we need to take this, you know,
16 seriously. And unless there is, as Kathy mentioned
17 earlier with PCS, unless there is a legitimate reason
18 for not, you know, being able to be there, a medical
19 emergency and the like, of course, we work with the
20 candidate, but by far and large, if they just don't
21 show up, then they forfeit their testing fee.

22 MS. WITTUM: And that's another thing that the
23 board needs to also consider, that for the people that
24 we have expended some money for for them to come in and
25 take the test, if they just fail to show up, then the

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1 board, in my opinion, does not need to pay that money
2 again for that person. If it's an approved absence or
3 LaserGrade or PCS is not going to require them to pay
4 another fee, and I believe those times are rare --

5 MS. DAILEY: Uh-huh.

6 MS. WITTUM: -- then -- then we, we should not
7 spend our money on -- on those candidates.

8 MS. DAILEY: And if there is any question as to
9 whether that should be waived, we generally contact --
10 we would contact Kathy and explain that, you know, Jane
11 Smith called and this was the issue and this is why she
12 didn't make their testing appointment, and our stance

13 is this, but ultimately it would be the board's
14 decision as to whether to allow that candidate to test.
15 If there is any question from the candidate we would
16 leave it to the board's decision.

17 MS. POWELL: Well, and too, we were talking
18 about -- Scottie was mentioning how many times we could
19 examine here in a month. You know, we're -- we're at
20 the ground breaking inventing the wheel kind of thing
21 here. And just like the appropriation of the
22 forty-seven five, the board can always opt to ask the
23 director to ask for more money appropriated in future
24 years, when the budgets are being created and we could
25 appropriate -- you know, we could make provisions for

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1 additional office staff person if this -- if the exam
2 site was to take off and be a big eventful thing here
3 at this location, say more so than in another. There
4 is also an opportunity that we could ask for more
5 staffing to help facilitate that exam, if it was to
6 take off, my god, you know, once -- you know, every day
7 or, you know, more than once a week.

8 Yes?

9 MS. BURCHETT: Would the cosmetology exam be the
10 only one allowed to be given on these computers, or do
11 you -- does your company --

12 MS. DAILEY: We deliver --
13 MS. BURCHETT: -- LaserGrade everyone, whoever --
14 MS. DAILEY: We deliver about -- exams for 85
15 clients, but the only thing we would schedule here in
16 the board office would be the cosmetology exams.
17 MS. WITTUM: Not just cosmetology --
18 MS. DAILEY: The NIC titles.
19 MS. WITTUM: Yeah. Right.
20 MS. DAILEY: The aesthetician, your manicurist,
21 cosmetologist --
22 MS. BURCHETT: Right.
23 MS. WITTUM: Correct.
24 MS. DAILEY: Those would be the only ones
25 scheduled in the board office.

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1 MS. BURCHETT: Okay. So Genie now tests anywhere
2 from two to four days a month. Correct?
3 MS. WITTUM: Four to five days a month.
4 MS. BURCHETT: So four to five days a month now.
5 And we could get -- we could set our schedule and say
6 these are the only days that we were going to have
7 the --
8 MS. DAILEY: Yes. And in fact I stressed to Kathy
9 that we kind of need to set a structured schedule. You
10 need to select, you know, be it Monday, Tuesday,

11 Thursday, whatever the days are, pick your days and set
12 your hours. You know, it's a two-hour exam
13 appointment, the exams are 90 minutes long, so our
14 system works on a full hour, so there are two-hour
15 increments, so how ever many you would like to fit in
16 in making the assumption that each exam takes two
17 hours, you need to set your schedule and that would be
18 what it is. We would show on our scheduling system in
19 our call center that these are the days and times
20 available for the board office, and that's the only
21 thing that is available.

22 And it's -- you -- it's not as though you're kind
23 of ringing the bell and you can't unring it. You
24 could -- you could try the process, and if you find
25 that it's not working to do here or you're finding that

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1 you're getting too many candidates and you're pulling
2 your examiner away from other things that you need to
3 get done, you know, Kathy can certainly call me and
4 say, you know what, Suzanne, this either isn't working
5 for us or we need another location in Little Rock so
6 that the board is available on these days and there is
7 another location somewhere else to help take the
8 overflow, it's too much for the board office. So there
9 is always that option. You're not -- you're not set in

10 stone. We can work with you on that.

11 MS. BURCHETT: And we could just totally give it
12 back to you altogether?

13 MS. DAILEY: Absolutely. You could say, you know
14 what, we don't want to do it. We want out of the
15 testing business. We want to outsource it all and find
16 another location for it, and we'll be able to do that.

17 MS. TURMAN: Kathy, how do you feel about this?
18 Would you like -- I mean, you're going to be doing
19 this. What do you --

20 MS. WITTUM: I'm very supportive of it. I would
21 love to see it happen.

22 MS. TURMAN: I'm talking about the site here or
23 off site?

24 MS. WITTUM: Well, I think it would be helpful to
25 have a site here.

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1 I know that there is probably a debate over how
2 many candidates like to take both the practical and the
3 written on the same day versus the ones who might would
4 want to divide them up and concentrate on just one or
5 the other. But if -- I think it would be good for the
6 board to have the facilities here to accommodate the
7 ones who would like to take both in the same day.

8 If we're going to be doing practicals from eight

9 to seven or eight o'clock at night, there will be
10 plenty of opportunity for the ones who want to take the
11 written on the same day to go in and hit a computer
12 while they are here.

13 So I -- I -- I think it's a great idea.

14 MS. TURMAN: Okay. Thank you. Okay.

15 MS. BURCHETT: It would keep them from -- oh, I --
16 let me get back to my first thought.

17 What about a special needs person that comes in
18 with documentation that they -- you know, like right
19 now they can bring it in and have the test read to
20 them.

21 MS. DAILEY: Okay. How are you going to work that
22 with PCS for practicals? Are you approving ADA
23 accommodations?

24 MS. WITTUM: Yes.

25 MS. DAILEY: Okay. So Kathy's office would

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1 continue to do that. They would send us the
2 information saying we've approved this candidate for a
3 reader and double time, whatever the -- the
4 accommodation is; and then we would make arrangements
5 for a reader to read to that candidate at the location
6 of their choice.

7 Now we do have -- the state of Ohio chooses that

8 all ADA candidates must test at the board office.
9 That's their requirement. Other states would allow
10 them to test anywhere, we would make arrangements for
11 the reader and adjust the candidate's time, if that's
12 an approved accommodation as well.

13 So we can work either way. You can mandate that
14 they test here in the board office and have someone
15 here read for them, and we would work with the office
16 to schedule those candidates. When a reader is
17 involved, of course, we have to close all the other
18 testing stations, unless the facility has a private
19 exam room, so --

20 MS. BURCHETT: Could they -- if you had three,
21 could they all be tested at the same time?

22 You're reading the same thing?

23 MS. DAILEY: No. And the reason being is that in
24 the CBT environment there is more than one form. So if
25 you're taking the cosmetology exam, you would have

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1 three candidates sitting next to each other, all three
2 will have different forms.

3 It may be the same context, it may be a lot of
4 overlap, but it's not exactly question for question the
5 same exam.

6 MS. BURCHETT: And that's --

7 MS. DAILEY: And you don't want it that way.
8 MS. BURCHETT: Right.
9 MS. DAILEY: It has to be randomized.
10 MS. BURCHETT: So you have a computer but they are
11 still answering on the form?
12 MS. DAILEY: No. They are answering on the
13 screen.
14 The form refers to the questions that are --
15 MS. BURCHETT: Format?
16 MS. DAILEY: Right.
17 MS. BURCHETT: Okay.
18 MS. DAILEY: So, you know, each computer would
19 have the same number of questions but the content
20 itself would vary from station to station.
21 Our system randomizes that assignment so that you
22 don't have two people testing and getting the same
23 form, and it is weighted so that all of the questions
24 in the NIC item bank are distributed evenly throughout
25 the testing process.

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1 And if a candidate tests on a computer-based form
2 today and fails and reschedules for Wednesday, they are
3 provided a completely different exam on Wednesday. The
4 system will not allow them to see the same one that
5 they have seen before, so the computer automatically

6 generates that.

7 MS. POWELL: LaJoy?

8 MS. GORDON: On the sites that you're talking
9 about setting up in the state of Arkansas, would there
10 be a mild difference rating them between each site?
11 You know we have one in Little Rock, one in El Dorado,
12 or what would be the difference?

13 MS. DAILEY: Well, as I said, right now we have
14 locations in Arkansas, we do state testing in Arkansas
15 already. So we have locations in Harrison, Jonesboro,
16 Fayetteville, Fort Smith, Bentonville, so we have a
17 number of locations. And we place -- we try to place
18 them -- if we're recruiting new sites to fulfill an
19 obligation, like testing with the Board of Cosmetology,
20 we're going to try and place those sites, recruit sites
21 in areas where there is population. I mean you don't
22 want it, you know, somewhere where everybody is going
23 to travel 60 miles and all of 20 people live there.
24 You want it where it's kind of centralized to a large
25 geographic population.

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1 So what I would do in this case is I would talk
2 with Kathy. We would look at the map of what we have
3 currently. We would look at, you know, large
4 geographic populations within the state of Arkansas and

5 we would come up with okay, we need one here and we
6 need one here, and recruit those locations. And it may
7 be that as we go, Kathy may get, you know, a bunch of
8 phone calls from one area saying it's too far, so Kathy
9 may call me and say, hey, do you think you can find one
10 in this area. And we continually work with boards to
11 make sure that we have coverage. I mean, our
12 reasonable expectation is no more than 60 miles, but
13 quite frankly most of our states, very few candidates
14 have to travel anything more than that.

15 So, I mean, the idea is to make it more convenient
16 for the candidate. You don't want them -- right now
17 they are all driving to Little Rock. So if they are,
18 you know -- and I'm not real good with my Arkansas
19 geography yet. But, you know, if they are driving from
20 the northwest corner of Arkansas all the way down here,
21 that's not terribly convenient for them. Nor if they
22 are over on the Memphis border, they can cross over the
23 border and test in Memphis or test in Missouri. So it
24 gives them -- it just gives them a lot more
25 availability. But I do think that we have some, right

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1 now I think we have some geographic holes in Arkansas
2 that I would -- you know, if the board decides to go
3 this route, I think the first phone call when I leave

4 here would be to my recruiting person saying, okay, get
5 on it, this is what we need. So that's what we would
6 do.

7 And most of our locations are available five days
8 a week, and some have weekend hours to accommodate
9 candidates who are working throughout the week.

10 MS. BURCHETT: Are the tests the same, basically,
11 as the paper tests they are giving now?

12 MS. DAILEY: Uh-huh.

13 MS. BURCHETT: And does it come from the same test
14 bank?

15 MS. DAILEY: Yes. Yes.

16 SMT validates. What happens is the candidate goes
17 into our testing facility. They are required to
18 present a government issued, not expired, valid ID
19 bearing their photo and signature. That's our standard
20 verbiage on that.

21 Once they're checked into the facility and their
22 signatures are checked and they check on the screen and
23 everything matches, they are seated at the work
24 station. There is a tutorial that is provided to the
25 candidates at the being of their exam that shows them

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1 how to move through the exam, how to answer, how to tag
2 a question, they can mark a question and go back to it,

3 so if they are not sure about the answer, they can
4 always go back to it at any point through the exam.
5 That same tutorial is provided free of charge on our
6 website, the candidate can go to any time they like and
7 familiarized themselves with the computer process. And
8 quite frankly, if you can click a mouse on a button,
9 that's all you need to do to move through this exam.
10 It's really quite that simple.

11 They will take -- they can work through the
12 tutorial, and they can go back through it as many times
13 as they need to before actually starting their exam.
14 The clock starts when they start their exam. They go
15 through their exam. Like I say, they can review the
16 questions. There is a review screen available so that
17 at any time -- where they can see how many are
18 answered, how many are unanswered, how many are tagged.
19 In the lower right-hand corner of the screen it will
20 tell them what question they are of the total number of
21 questions, how much time is remaining, all of that
22 information is right in front of them so they don't
23 have to go, so where am I on all of this (indicating).

24 When they are done with their exam they are asked
25 actually, I believe, three times if they want to quit,

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1 just so to make sure they know exactly what they are

2 clicking on when they do that. Then when that's done,
3 it's printed out an unofficial score report. It tells
4 them whether they passed or failed. A failed score
5 report will provide them diagnostic profile in addition
6 with the candidate information bulletin, so each
7 section will be laid out to tell them how they did. It
8 will tell them how many questions they missed in that
9 section. So they missed, you know, 12 out of 20 or
10 whatever. It will give them a very good picture of
11 what they will have weaknesses on.

12 The unofficial score report is provided to them.
13 The same day those results are transmitted back to our
14 central office in Vancouver, Washington, and we
15 transmit them to Shorter Measurement Technologies,
16 which is NIC's test development and psychometric
17 partner. They validate the scores. An official score
18 file is sent to the board office within 72 hours.

19 Now, once the candidate takes that exam and gets
20 that failing score report today, they can go -- they
21 don't have to wait for those official scores to be
22 transmitted back to the board. If they have that
23 failing score report, they can call tomorrow and
24 reschedule for a retest if they feel that they are
25 ready to do so.

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1 MS. BURCHETT: They will receive a printed
2 report --

3 MS. DAILEY: Yes, ma'am.

4 MS. BURCHETT: -- of their -- the areas that they
5 were low in and everything?

6 MS. DAILEY: On a failing score report, yes.

7 MS. BURCHETT: If they pass the --

8 MS. DAILEY: If they pass it, they just get
9 passed.

10 There are some candidates who say, well, I want to
11 know how I did, and, you know, see they pass.

12 MS. BURCHETT: That's not an option?

13 MS. DAILEY: It's -- you know, it's not an option,
14 that we don't do it with any state in NIC. NIC just
15 says passing score report. If it's something that you
16 wanted to have incorporated on a passing score report,
17 the diagnostic profile of how they did, then we would
18 need to talk to the national exam committee for NIC to
19 bring that to them. Because the exam reports or the
20 passing and failing reports are linked to the NIC exam.
21 It is the same report for every state.

22 MS. POWELL: Well, it's basically the same thing
23 we're currently receiving?

24 MS. DAILEY: Uh-huh.

25 MS. POWELL: As paper?

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1 MS. DAILEY: I think on the paper and pencil you
2 get a graph? Do you get a graph of the areas of
3 weaknesses?

4 MS. WITTUM: It's not a graph, it's a --

5 MS. POWELL: It's a grid --

6 MS. WITTUM: -- grid that shows the tasks.

7 MS. DAILEY: Yeah. This would just list the
8 content areas and then so many questions and so many
9 questions is listed at the bottom.

10 MS. BURCHETT: So do they --

11 MS. WITTUM: We get that currently, and that's
12 what we send -- that's what we use to send to the
13 candidates to let them know, if they failed, what --
14 out of this list of sections, this is how many
15 questions were possible, this is how many you missed --
16 or you got correct, I think is the way it --

17 MS. DAILEY: Uh-huh.

18 MS. BURCHETT: That's an issue for another time.
19 Because I think -- do you also receive the breakdown
20 for those who pass, which would help the schools to
21 know what areas that we're weak in.

22 So, anyway, I'll put that on the -- on my note for
23 later.

24 MS. DAILEY: And one of the ways that you can do
25 that is perhaps talk to Shorter Measurement and maybe

1 it's the score report, there could be a supplement to
2 the score report to kind of show it. I mean, if you're
3 concerned on a school level rather than on an
4 individual candidate level --

5 MS. BURCHETT: Right.

6 MS. DAILEY: -- Shorter might be able to help you
7 with that.

8 MS. BURCHETT: And I've received it maybe twice.
9 But it's very helpful, very helpful.

10 One more question, I think. How long is the --
11 how long do they have to take the exam?

12 MS. DAILEY: Once they are eligible?

13 MS. BURCHETT: No. You said they have a time
14 limit, they are timed?

15 MS. DAILEY: Oh, it's 90 minutes. Each -- each
16 NIC exam total is 90 minutes.

17 MS. BURCHETT: Okay. Thank you.

18 MS. WITTUM: Are there any other questions?

19 MS. GORDON: Will you explain it one more time to
20 me the cost?

21 You say it will be --

22 MS. WITTUM: Well, since -- do you want total
23 cost, including practical and written, or just written?

24 MS. GORDON: Yes. The total cost for a student.
25 If we do the \$30, you said --

1 MS. WITTUM: If we do the 30, then the candidate
2 will pay a total of \$85. 65 will go to PCS for the
3 practical, and then 20 of that would be sent to
4 LaserGrade to cover 20 of the 30 with their cost, and
5 then we would pay the other difference.

6 MS. POWELL: Eighty-five dollars is what she is
7 saying. Yes?

8 MS. DAILEY: I'm sorry. There is one more thing I
9 failed to mention. And, Kathy, something you and I
10 talked about last week was the exam totals are
11 available in four languages. It's available in
12 English, Spanish, Vietnamese, and Korean. So, if the
13 board chose, it's up to you as to whether you deliver
14 an English only, English and Spanish, however many
15 languages you want that are available we can make
16 available to the candidates of Arkansas, so that is a
17 board decision.

18 MS. WITTUM: Well, if you recall, from the law
19 revisions, we removed the restriction for the exam to
20 be given only in English, so that would allow the ones
21 who want to choose one of the other languages to do so.

22 MS. POWELL: Does anybody have any other
23 questions?

24 MS. WITTUM: Well, if -- if you all don't have any
25 other questions, then we just need to get some

1 decisions. The first one is, do you want to do a
2 LaserGrade mandatory requirement here?

3 MS. GORDON: I know we have a period in here for
4 public comment, but at this time maybe someone here may
5 have a comment on what their feelings in particular
6 about us going to that type of testing, would this be
7 appropriate for us to have them comment at this time?
8 Someone from the audience maybe?

9 MS. GEE: It's up to the board. If you want to.

10 MS. WITTUM: It's if you want to or not.

11 MS. GORDON: I would like to hear some of the
12 comments from some of the other school owners or some
13 of the other people in the audience on how they feel
14 about this.

15 MS. LEE: I have a question about the money, if
16 it's okay.

17 The forty-seven five, is that yearly in what's --
18 if you're going to supplement the money for the
19 students' exam, what's the chance of that forty-seven
20 five not being there in 2007 or 2008? Is that
21 something that comes up yearly?

22 MS. WITTUM: Yes.

23 MS. LEE: That they are going to have -- you're
24 going to be able to do that?

25

MS. WITTUM: Uh-huh.

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1 MS. LEE: And will we be able to know in writing
2 so that we can present that to the student that it's a
3 guarantee that they will have it supplemented?

4 MS. WITTUM: Well, it's just a part of the
5 appropriation, so --

6 MS. LEE: Right. Well, will we be able to give
7 that to the student in some way from the board office?

8 MS. WITTUM: I'm sure, once we make the decision
9 if this is what we want to go to, then we'll have some
10 correspondence that will go out --

11 MS. LEE: Right. I appreciate it.

12 MS. WITTUM: -- that we will give to the students.

13 MS. POWELL: Yes?

14 MS. SHARON JACKSON: Once you vote on it, when
15 will this be implemented?

16 MS. WITTUM: Everything will be simultaneous to
17 outsourcing, and we expect that to occur in September.

18 MS. STRAWN: My name is Chris Strawn, and I think
19 LaserGrade is great and I've often asked why we
20 couldn't go ahead and do that.

21 I have a problem with the board supplementing,
22 because I think we're kind of -- you know, do other
23 boards supplement testing for their candidates? And I

24 think you're -- to me that's almost opening a can of
25 worms and I think it's -- that would -- that concerns

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1 me. But I think LaserGrade is fine.

2 But I'm also concerned about some of those people
3 that -- and it may not be this way in anybody else's
4 industry, but I know there is some folks that are very
5 intimidated by the computer, and that would -- I think
6 that might hurt, you know, intimidate some students. I
7 would hope that they wouldn't -- that they would
8 come -- I mean, you know, we have computers at every
9 school, but making it mandatory at this point when it's
10 not even mandatory at -- I don't think the -- I don't
11 know, that just scares me for some of my students. A
12 few, very few.

13 MS. WITTUM: Do you have a response to that?

14 MS. DAILEY: I understand your point, and the
15 states have expressed that before. And I think I have
16 a demo here on my laptop and I'm happy to kind of -- I
17 mean, I'll set it up out in the hallway and if anybody
18 wants to come see it, I can show it to you. It's
19 really as simple as it can get. With the growing
20 number of people coming into the field being younger
21 and having gone through the world dealing with
22 computers, literally if you can click forward and

23 backward on the computer or use an arrow key, that's
24 pretty much all it takes. So I -- and the tutorial is
25 available. And what I talked to Kathy about is when

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1 you're doing the school overview is that either I would
2 be there or the representatives with NIC are very
3 familiar with how it works. But we would share with
4 the schools the links for that, we can have a demo
5 available. So candidates when they are going through
6 the school, before they are made eligible to test can
7 go and practice on that exam and familiarize themselves
8 with it. They can do it, it's free of charge, they can
9 do it as often as they need to to get comfortable. And
10 that format on our system has never changed. So it's
11 not as though we're constantly changing the way the
12 system works and, oh, well, that's great now and in a
13 year from now it's going to look completely different.
14 It's the way it's always looked.

15 So I'm happy to sit outside and show how this
16 works, I'm pretty sure I have it with me and I can show
17 you. But I would encourage everybody to go on the
18 website and familiarize themselves with it. But I
19 understand your concern.

20 MS. TURMAN: Madam President, may I make a motion
21 now?

22 MS. POWELL: Yes.
23 MS. TURMAN: Can I make a motion now?
24 MS. POWELL: Sure.
25 MS. TURMAN: Okay. I make a motion that we adopt

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1 the LaserGrade for our theory class, or whatever it is.
2 MS. POWELL: Okay.
3 MS. PICKERING: I second that.
4 MS. POWELL: I have a motion and a second to adopt
5 the mandatory LaserGrade written examination. Is there
6 any discussion?
7 MS. COLLINS-BURROUGH: As stated or are we going
8 to take up the financial issue?
9 MS. WITTUM: Those are other questions.
10 MS. POWELL: Those are other questions.
11 Okay. No further discussions being heard, all
12 those in favor, raise your right hand.
13 (Hands raised.)
14 Please hold your hands up so I can count them.
15 Okay. Four yes. All those opposed, raise your
16 right hand.
17 No.
18 Motion -- abstentions?
19 (Hands raised.)
20 Motion carries.

21 MS. WITTUM: Okay. So do you want to establish
22 our exam facility as a LaserGrade site, if it can be
23 arranged?

24 MS. TURMAN: I make a motion that we have a site
25 here.

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1 MS. PICKERING: I second that.

2 MS. POWELL: I have a motion and a second to
3 incorporate the LaserGrade site here at the 101 East
4 Capitol. Is there any discussion?

5 All those in favor, raise your right hand.

6 (Hands raised.)

7 Three.

8 Those opposed?

9 (Hands raised.)

10 One.

11 Any abstentions?

12 (Hands raised.)

13 One abstention. Motion carries

14 MS. WITTUM: Okay. Do you want to pay a portion
15 of the cost to offset the candidates' cost?

16 MS. PICKERING: I would like to make a motion that
17 we pay at least \$30 of the students' money.

18 MS. TURMAN: I second.

19 MS. POWELL: I have a motion and a second to cover

20 a \$30 portion of the LaserGrade fee.

21 MS. BURCHETT: Madam President, I move to amend
22 the motion to -- just to put more detail. By --

23 MS. POWELL: I believe the person carrying the
24 motion would need to make an amendment on that motion.

25 Would you care to amend your motion?

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1 Did you want to retract it? Did you --

2 Go ahead and make your comment.

3 MS. BURCHETT: I'm -- I'm not asking it to be
4 retracted. I just think if we're going to make a
5 motion, it needs -- that was great, you said exactly
6 what you wanted to say.

7 MS. PICKERING: Uh-huh.

8 MS. BURCHETT: However, I think there needs to be
9 more detail, and I can just read what I have. And
10 the -- and then if you guys don't want to change it to
11 add all of this information, then just don't second it
12 and it will go away.

13 It's one of my fears about this situation, most
14 people don't understand how to do it, and I don't -- I
15 only know enough to be dangerous. But still --

16 I would move to amend your motion to say that the
17 board pay \$30 per candidate for the '07-'08 fiscal year
18 for candidates applying to take the written LaserGrade

19 exam, and the candidate would be responsible for paying
20 \$20 to the testing company, and this would be revisited
21 according to the budget for each fiscal year.

22 MS. PICKERING: I'll agree to it, the amendment.
23 Uh-huh. I won't have to --

24 MS. POWELL: Did that include first time takers?

25 MS. PICKERING: First. Yeah, first time.

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1 MS. POWELL: Does that include first time? Is
2 that for first time takers?

3 MS. BURCHETT: Per candidate for those -- for -- I
4 could add the words for first time candidates.

5 MS. PICKERING: Yes. I think that would be good.

6 MS. POWELL: Okay. Does everyone understand the
7 motion?

8 Do you want to repeat the motion?

9 MS. BURCHETT: That I would move to amend her
10 motion to read, move that the board pay \$30 per
11 candidate for the '07-'08 fiscal year, for candidates,
12 first time candidates applying to take the LaserGrade
13 exam. The candidate would be responsible for paying
14 \$20 to the testing company. This fee would be -- would
15 be revisited, there may be a better word, prior to
16 each -- to the budget being planned for each fiscal
17 year.

18 MS. POWELL: Annual budget report, possibly.

19 MS. BURCHETT: Okay.

20 MS. TURMAN: Okay. Madam President, can we do
21 this like one at a -- one thing at a time? Because we
22 have to go over -- I don't want to pay for them to take
23 it a second time if they fail. So there is several
24 issues on this, this --

25 MS. POWELL: She said first time takers.

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1 MS. BURCHETT: Uh-huh.

2 MS. TURMAN: Did you?

3 MS. BURCHETT: First time candidates.

4 MS. TURMAN: Okay. But is there anything to
5 address that they -- I think we need to stipulate that
6 they pay for the second time.

7 MS. POWELL: Well, I'm sure there will be further
8 discussion on the second time takers, or -- I know
9 we've got to deal with the reciprocity issues as well.

10 MS. TURMAN: Okay. Just as long as we do that.

11 MS. POWELL: Okay. I have a motion that's still
12 been read and do I still have a second?

13 MS. TURMAN: I'll second it.

14 MS. POWELL: Okay. A motion and a second. Is
15 there any further discussion?

16 All those in favor, raise your right hand.

17 (Hands raised.)

18 Three.

19 All those opposed?

20 (Hands raised.)

21 Is that a three -- that's a four.

22 MS. BURCHETT: Yeah. I made the motion, I'm going
23 to vote for it.

24 MS. POWELL: All right. It's a four. And those
25 opposed?

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1 (Hands raised.)

2 One.

3 MS. GORDON: I'm abstaining.

4 MS. POWELL: One abstention. Motion carries.

5 MS. WITTUM: And do we want to apply this to
6 reciprocity candidates?

7 MS. TURMAN: I make a motion that they have to pay
8 for the reciprocity, anybody coming in just taking the
9 law, themselves.

10 MS. WITTUM: Do you want only the people who are
11 having to take the law exam or all of the people who
12 are coming in --

13 MS. TURMAN: All of the --

14 MS. WITTUM: -- through reciprocity?

15 MS. TURMAN: All of the people who are coming in

16 for reciprocity.

17 MS. POWELL: So the -- do I have a second?

18 MS. PICKERING: Second.

19 MS. POWELL: I have a motion and a second that the
20 reciprocity people are not supported out of the
21 forty-seven five or any board funds. Is that clear?

22 BOARD MEMBERS: Uh-huh.

23 MS. POWELL: Okay. All those -- is there any
24 further discussion?

25 All those in favor, raise your right hand.

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1 (Hands raised.)

2 Any --

3 MS. GORDON: I'm sorry. I was distracted.

4 MS. POWELL: Okay. I have a motion. All those in
5 favor, raise your right hand.

6 (Hands raised.)

7 All those opposed?

8 That's five.

9 Any abstentions?

10 MS. GORDON: I guess I'm abstaining because I was
11 distracted and didn't hear the motion.

12 MS. POWELL: Oh, okay.

13 MS. GORDON: I'm sorry.

14 MS. POWELL: The motion was that reciprocity would

15 not -- they would support themselves. It's not part of
16 this financial appropriation.

17 MS. GORDON: That they pay for it themselves?

18 MS. POWELL: Yes.

19 MS. GORDON: Okay. We don't have to pay even
20 their \$30?

21 MS. POWELL: Huh-uh. Nothing.

22 Okay. All right. Have you got that?

23 MS. WITTUM: That's it.

24 MS. POWELL: Okay. Thank you.

25 MS. GEE: Do you want to do something specific for

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1 the nonfirst time takers? There seemed to be some
2 concern about that.

3 MS. POWELL: Does the board want to consider what
4 avenue they would want to appropriate for those that
5 are retakers. If this is not going to be appropriated
6 for the -- if there is appropriated for just the first
7 timers, and basically it's covering what the director
8 was talking about, it's a reward is what it is from the
9 state. So how would you feel on the second or third or
10 fourth or whatever time it takes them?

11 MS. TURMAN: Madam President, I make a motion that
12 we do not pay any kind of fund for somebody who has to
13 retake the test.

14 MS. GORDON: Second.

15 MS. POWELL: I have a motion and a second that
16 second time takers not be funded any of these
17 appropriations by the board. All those in -- is there
18 any discussion?

19 All those in favor, raise your right hand.

20 (Hands raised.)

21 it's unanimous.

22 MS. BURCHETT: I just need to ask if she rescinded
23 her motion or if she just allowed me to amend it.
24 Because if I just amended it, then we didn't -- we
25 didn't vote on her original motion as amended. We

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1 voted on my -- on the amendment.

2 MS. PICKERING: I thought I did.

3 MS. POWELL: She amended it. You amended it and
4 she approved it.

5 MS. BURCHETT: But if I amended it -- she made a
6 motion and it was seconded, then I amended it and I
7 made a motion to amend it. But the motion to amend it
8 passed but --

9 MS. PICKERING: Okay. Well, I was thinking --

10 MS. BURCHETT: -- but we never -- so that changed
11 the wording of her motion, so we never actually voted
12 on the main motion.

13 MS. GORDON: I thought she just -- she just added
14 what you said to her motion. I thought she had --

15 MS. POWELL: You verbalized a motion twice.

16 MS. PICKERING: You verbalized it, I just wanted
17 to make sure.

18 MS. POWELL: You read it twice.

19 MS. BURCHETT: All right. Just wanted to make
20 sure.

21 MS. POWELL: All right. Good.

22 MS. WITTUM: I think we're done with this issue.

23 Thank you very much, Suzanne, for coming.

24 MS. PICKERING: Thank you.

25 MS. DAILEY: My pleasure.

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1 MS. POWELL: Okay. We're going to take a 15
2 minute break.

3 (WHEREUPON, a break was held from 10:15 a.m. to
4 10:35 a.m.)

5 MS. POWELL: The meeting will come to order.
6 Director Wittum?

7 MS. WITTUM: With the board's permission, if we
8 could skip down and do the new school, Andrea and Paul
9 Wilson are here for that. And I think that's probably
10 the only thing you're hanging around for.

11 MS. WILSON: Yeah. But it's interesting still,

12 so --

13 MS. WITTUM: If you want to come up here to the
14 front.

15 MS. WILSON: Okay.

16 MS. WITTUM: Andrea is here to talk about a new
17 school that she and her husband are putting in on JFK
18 in North Little Rock, The Salon Professional Academy.
19 And Brenda has gone and taken care of the initial
20 inspection so she can attest to the accommodations
21 there. We do have the formal notice from Ms. Wilson,
22 and then we'll be in touch with her or she will be in
23 touch with us regularly as the school is being
24 completed.

25 Would you like to say anything to the board about

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1 the accommodations?

2 MS. WILSON: I don't know that I need to. We have
3 a little over 7,500 square feet. We'll have three
4 classrooms, 36 stations, an aesthetics room, and I have
5 the floor plan all laid out.

6 So there is one part that Brenda brought to my
7 attention.

8 MS. WITTUM: Okay.

9 MS. COLLINS-BURROUGH: What programs are you going
10 to offer?

11 MS. WILSON: At first it's going to be just
12 full-time cosmetology, and then we're going to offer
13 nails and aesthetics in night classes in the spring
14 2008.

15 MS. POWELL: Do you have your 25 students?

16 MS. WILSON: Not yet.

17 MS. WITTUM: Brenda, did you want to --

18 MS. MORGAN: Yes. I was out there last week at
19 the school. She's got a big place, a lot of area to
20 cover there, a good location. We only ran into one
21 situation that I talked to Andy about, and it was where
22 that -- it was in our rules and regs book, it's under
23 Rule No. 6 about the no walls to obstruct the view of
24 the instructor. Previously our laws had said that the
25 office, so this is -- I discussed it with her and I

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1 told her I would have an answer for her today. And as
2 far as the board is concerned there is a private office
3 for the instructor, but she will make accommodations on
4 the floor, on the clinic floor, so that the instructor
5 will not be out of the view of any of the, you know,
6 the clinic floor, so I think that's -- I just wanted
7 the board to know that.

8 So I think everything else is in order that
9 she's --

10 MS. COLLINS-BURROUGH: How are you going to do
11 that?

12 MS. WILSON: Well, the actual -- the actual office
13 for the instructors are in the back of the building,
14 the classrooms run along one side and then there is
15 offices on the other side, and you can't see the clinic
16 floor from those offices, but the entire clinic floor
17 is open. So if I need to put a desk out there for the
18 instructors on the clinic floor, that's perfectly fine.

19 MS. COLLINS-BURROUGH: Are you the only
20 instructor?

21 MS. WILSON: No. I am not an instructor.

22 MS. COLLINS-BURROUGH: Okay. So you have --

23 MS. WILSON: I have two instructors to start with.

24 MS. COLLINS-BURROUGH: Full-time? Part-time?

25 MS. WILSON: Full-time.

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1 MS. MORGAN: But the way the clinic floor is set
2 up out there, there are no walls to obstruct that view
3 from the instructor if she is on the clinic floor.
4 There are no walls there to stop that.

5 MS. WITTUM: Are there any other questions for
6 Ms. Wilson?

7 MS. TURMAN: How are you going to integrate your
8 nail tech?

9 Are you saying you're going to have nail tech
10 as -- in 2008?

11 MS. WILSON: Uh-huh.

12 MS. TURMAN: Is that correct?

13 MS. WILSON: Yes.

14 MS. TURMAN: How are you going to do your hours
15 for nail tech, as for your --

16 MS. WILSON: Nights is what we plan to do right
17 now. Nail tech hours will be at night.

18 MS. TURMAN: Okay.

19 MS. WITTUM: Any other questions?

20 MS. POWELL: Did you say when the projected
21 opening date was?

22 MS. WILSON: September 4th.

23 MS. POWELL: And did you project -- let's see.
24 This is July, August. So you project by
25 September 4th you will have your 25 students?

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1 MS. WILSON: Uh-huh.

2 MS. POWELL: Okay. Ms. Burchett?

3 MS. BURCHETT: That was going to be my question.
4 At what point does she have to have the 25 students in
5 place?

6 MS. WITTUM: Well, according to 6.5, I believe --

7 MS. BURCHETT: Four.

8 MS. WITTUM: -- four it is, and six-point -- well,
9 6.5 for the new schools, there is a series of
10 information that they are required to submit in
11 different stages, or they can do it all at one time.
12 This right now, she's -- she's here to give just the
13 notice to the board for the board to give their
14 approval for the school and then as they complete the
15 facility, then she will be in touch with the office to
16 give us all the rest of the information that she will
17 need. One of the last things will be the student
18 permits and the documentation of the 25 students. At
19 that point -- and the, also the registration fee. And
20 at that point we'll be able to issue her a license.

21 MS. BURCHETT: Thank you.

22 MS. WITTUM: Does anybody else have any questions?

23 MS. GEE: So you're doing a -- the final approval
24 of the board pending the last few things they need to
25 submit?

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1 MS. WITTUM: Yes. Yes.

2 MS. GEE: Okay.

3 MS. POWELL: So would there need to be a motion --
4 there wouldn't need to be a motion necessary for this?

5 MS. GEE: Well, I think there would be, because I
6 think what we are doing here is that once the board

7 approves it, then the only thing lacking will be those
8 last few things, and then you will have the license
9 issued without any further action by the board.

10 MS. POWELL: So this is a preapproval.

11 MS. GEE: Well, as far as you all are concerned
12 this is the last time you'll see Ms. Wilson before her
13 school opens, so if you have any questions of her or of
14 the school, now is the time to ask them.

15 MS. TURMAN: Okay. What I was referring to, in
16 your cosmetology -- cosmetology curriculum, you have to
17 have a hundred hours of manicuring. You have to have
18 someone, a staff, that can provide that hundred hours
19 before 2008 when you -- and this is just -- this is
20 just, you're going to do the manicuring, you're going
21 to offer a course in manicuring as far as in 2008, but
22 you're going to have somebody do the hundred --

23 MS. POWELL: Pat, I think --

24 MS. WITTUM: Her instructors will be able to take
25 care of that.

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1 MS. POWELL: That's part of the cosmetology.

2 MS. TURMAN: What's that I mean. But then she
3 said --

4 MS. POWELL: She's talking about the nail tech
5 course.

6 MS. TURMAN: Okay, you guys. I am so sorry.
7 I'm going to get that out of my head.
8 MS. GORDON: Okay. Now, what we're doing now is
9 kind of preapproving her to go --
10 MS. POWELL: No, you're approving.
11 MS. GORDON: Approving her to go ahead and open
12 the school. So once we give her that approval or
13 whatever today, then we won't have to do anything else
14 until we hear from your office?
15 MS. WITTUM: You won't have to do anything.
16 MS. GEE: You won't have to do anything else.
17 MS. POWELL: She will just have to present the
18 rest of the package to the director, or to the office.
19 MS. GEE: So just so we know, what pieces are
20 missing? The 25 students.
21 MS. WITTUM: And the registration fee.
22 MS. GEE: The registration fee for those students?
23 MS. WITTUM: No. For the school.
24 MS. GORDON: For the school.
25 MS. WITTUM: Right. Ms. Wilson will provide to us

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1 the 25 bona fide students and their student permit
2 fees, enrollment papers and everything, plus a
3 registration fee of \$500. In addition to that, we are
4 waiting on a certified financial statement, the

5 instructors' information, the correspondence from the
6 planning and zoning board, and the school supervisor
7 information, and that is it.

8 Once all of that comes in, after this approval is
9 given today, the staff will process the registration
10 fee, the student permit fees, and a license will be
11 issued to the school.

12 MS. GEE: Okay. And Brenda has inspected it and
13 the facilities are -- meet all the requirements?

14 MS. MORGAN: Yes.

15 It's still in the construction stage. You have to
16 understand that there are no inside walls up on the
17 building. We just walked through the whole thing and I
18 did see it.

19 MS. WITTUM: Brenda will make another run out
20 there as soon as Ms. Wilson says they are ready to open
21 the doors.

22 MS. GEE: For the final inspection?

23 MS. WITTUM: Yes. Yes.

24 MS. GEE: Okay.

25 MS. PICKERING: Is it appropriate to make a motion

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1 now?

2 MS. WITTUM: Uh-huh.

3 MS. PICKERING: I would like to make a motion that

4 we allow Ms. Wilson and her husband to continue with --
5 to open their salon -- The Salon Professional Academy
6 in North Little Rock.

7 MS. TURMAN: I second.

8 MS. POWELL: Okay. I have a motion and a second
9 for the approval of The Salon Professional Academy in
10 North Little Rock.

11 Is there any discussion?

12 All those in favor, raise your right hand.

13 (Hands raised.)

14 MS. POWELL: It's unanimous. Motion carries.

15 MS. WITTUM: Thank you, Ms. Wilson.

16 MS. WILSON: Thank you.

17 MS. GEE: You're supposed to ask questions.

18 That's your job.

19 MS. COLLINS-BURROUGH: That's how you learn.

20 MS. GEE: That's right.

21 MS. POWELL: So do I turn that over to you?

22 MS. GEE: No.

23 MS. POWELL: Okay. At this time I'll turn the
24 next comment over to Erika Gee.

25 MS. GEE: Okay. The first matter that we have to

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1 take up is the -- in the matter of Enoch Miller,
2 Hearing No. 07-400. You all were provided previously

3 with an Order and Notice of Hearing, Mr. Miller was set
4 for a hearing here today. And he has signed a consent
5 agreement, which is essentially a settlement of the
6 charges brought against him. And we're here -- I
7 don't -- I don't know if you all have done this before.
8 But what we're looking at is we're going to present
9 this to you. He has already agreed to it, and if it's
10 accepted by the board, then this will be a resolution
11 of the charges against him and against his school. And
12 if it is not accepted by the board, then he will be set
13 for a hearing at the next meeting.

14 So just to summarize for you, the charges against
15 him -- and it's not him as a practitioner, I should
16 point that out, it's against the school, Enoch School
17 of Beauty. And he was charged with failure to maintain
18 regular school hours, with requiring students to attend
19 more than eight hours a day, with failing to maintain a
20 call-in instructor, failing to maintain the men's
21 restroom in working order, and failing to provide at
22 least five hours per week in theoretical instruction.

23 And Mr. Miller has agreed to surrender the license
24 for the school and discontinue -- close the school
25 within seven days of the board's approval of this

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2 So at this stage, we don't want to go into any
3 more detail about the charges or the evidence against
4 him because this is not a hearing. If you all decide
5 not to accept the consent agreement, then we will have
6 a hearing and we will bring all of those out. But you
7 are aware of what the charges are and what the proposed
8 settlement is, so we just need a vote on whether or not
9 to accept it. And if you have any questions, I will be
10 glad to answer them.

11 MS. POWELL: Do I have a motion?

12 MS. PICKERING: I would like to make a motion that
13 we accept this consent agreement of Mr. Miller's
14 consent.

15 MS. POWELL: I have a motion and a second to
16 accept the consent agreement.

17 Is there any discussion?

18 Ms. Burchett?

19 MS. BURCHETT: If he relinquishes his license, can
20 he come back at another time and get them back again?

21 MS. GEE: Well, what we put in there as far as
22 that concern, and he agreed to this, is that if in the
23 future he applies to open a new cosmetology school, he
24 agrees that the board can consider these allegations
25 and charges against this school and the fact that he

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1 voluntarily surrendered his license. So that will be
2 something that the board could -- could take into
3 consideration when you're deciding whether to issue a
4 new school license.

5 MS. BURCHETT: Thank you.

6 MS. POWELL: Is there any further discussion?

7 All those in favor, raise your right hand.

8 (Hands raised.)

9 All those opposed?

10 (Hands raised.)

11 One -- one opposition. Motion carries.

12 MS. GEE: Thank you.

13 Next we have -- I'll turn it over to our hearing
14 officer for the hearings that are set for today.

15 HEARING OFFICER JONES: Good morning. My name is
16 Kendra Akin Jones. I'm the Hearing Officer for the
17 Cosmetology Board, on July 16, 2007.

18 Before us today, I have three hearings. At this
19 time we'll make a call for any present. The first one
20 is 07-341, Rachel Hourston, d/b/a Ultimate Styles by
21 Rachel. Is there anyone present?

22 07-341. There is no one present for Ms. Hourston.
23 The recommended penalty amount is \$58 on 07-341.

24 MS. GEE: Can we do evidence -- can we go one by
25 one?

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1 HEARING OFFICER JONES: Yes.

2 MS. GEE: Okay.

3 HEARING OFFICER JONES: At this time we'll hear
4 evidence from Ms. Gee on this hearing.

5 MS. GEE: Okay. I would like to call Amber
6 McCuien, please.

7 WHEREUPON,

8 AMBER McCUIEN,

9 having been called for examination, and having been first duly
10 sworn by the undersigned notary public, was examined and
11 testified, as follows:

12 DIRECT EXAMINATION

13 BY MS. GEE:

14 Q Could you state your name, please?

15 A My name is Amber McCuien.

16 Q Okay. And can you tell us your occupation?

17 A I am the Administrative Assistant II for the State Board of
18 Cosmetology.

19 Q Okay. And are you familiar with the business records as
20 maintained by the Board of Cosmetology?

21 A Yes, ma'am. I am.

22 Q Okay. In the matter of Rachel Hourston, can you -- can you
23 testify as to whether Ms. Hourston was sent and received the
24 Order and Notice of Hearing for today?

25 A Ms. Hourston received the initial hearing order which was

1 sent out in April for the May hearing. And at that time she
2 requested a continuance and it was granted.

3 And sometime June 3rd, I believe, I sent out the certified
4 reminder of the hearing today. It was returned to me unclaimed,
5 however.

6 Q Okay. Did you send the notice of today's hearing by regular
7 mail also?

8 A Yes, ma'am. I did.

9 Q And was that returned?

10 A No, ma'am.

11 Q Okay. And that was sent to the address on record with the
12 board?

13 A Yes, ma'am.

14 MS. GEE: Okay. Thank you very much.

15 THE WITNESS: You're welcome.

16 MS. GEE: You might want to stay for the rest of
17 them.

18 I would like to call Brenda, please.

19 WHEREUPON,

20 BRENDA MORGAN,

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

22 sworn by the undersigned notary public, was examined and

23 testified, as follows:

24 DIRECT EXAMINATION

25 BY MS. GEE:

1 Q Would you state your name for the record, please?

2 A Brenda Morgan.

3 Q Okay. And can you tell us your occupation?

4 A I'm an inspector for the State Board of Cosmetology.

5 Q Okay. Have you had occasion to visit the establishment
6 where Rachel Hourston works?

7 A Yes, ma'am. I have.

8 Q That was a bizarre question.

9 And when you visited that establishment, did you find any
10 violations of the cosmetology rules?

11 A I don't have a copy of that before me, so -- I'll get it.
12 Could somebody give me one of theirs?

13 HEARING OFFICER JONES: Yes. You can have mine.

14 THE WITNESS: I was there on February the 6th of
15 2007. Rachel -- Ms. Rachel's -- it says, was at salon
16 today, but she was not at the salon that day. That was
17 a mistake on my behalf there.

18 She did not have her '07 license posted.

19 BY MS. GEE:

20 Q Her practitioner license?

21 A Salon and practitioner were both '06s.

22 Q Okay. So on your visit on February 6 of '07, both --

23 A Excuse me. Salon's -- it says just salon. Because it looks
24 like that she had the practitioner, looks like it is -- uh-huh,
25 the practitioner looks like it's -- oh, it says '06. I'm sorry.

1 Yeah. I did not -- I have not seen this previously since
2 February, so --

3 Q That's fine. Take your time.

4 A Both were '06 license that were posted.

5 THE WITNESS: Thank you, Amber.

6 And this was '07. Excuse me.

7 BY MS. GEE:

8 Q Okay. So both the establishment and the practitioner
9 license --

10 A Both were not current.

11 Q -- were expired?

12 MS. GEE: Okay. Thank you very much.

13 THE WITNESS: Uh-huh.

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

16 HEARING OFFICER JONES: Wait just a second,
17 Ms. Gee.

18 Does anybody --

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

20 HEARING OFFICER JONES: -- have any questions they
21 would like to ask Ms. Brenda while she's up here?

22 Okay. Just to make sure. Okay. Thank you.

23 MS. GEE: Okay. I would like to rescind my
24 previous plan and go ahead and recall Amber. I
25 apologize.

1 WHEREUPON,

2 AMBER McCUIEN,

3 having been recalled 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 Ms. McCuien, can you tell us, based on your familiarity with
9 the board's records, whether Ms. Hourston has renewed either her
10 establishment or practitioner's license as of this time?

11 A My -- to my knowledge, no, she has not.

12 MS. WITTUM: She has renewed the practitioner but
13 not the salon.

14 THE WITNESS: My apologies. Apparently she's
15 renewed the practitioner and not the salon license.

16 BY MS. GEE:

17 Q Okay. So the status of the board's records, her
18 practitioner license is current but the establishment license is
19 not current. Is that correct?

20 A That's correct.

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

22 HEARING OFFICER JONES: After hearing this
23 evidence, the board can make a motion to go ahead and
24 accept the evidence as presented and assign the

25

suggested amount, if you would like to do so.

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1 MS. PICKERING: I would like to make a motion that
2 we go ahead and accept the fine to Ms. Rachel --

3 MS. GEE: Hourston, I think.

4 MS. PICKERING: -- Hourston.

5 HEARING OFFICER JONES: We have a motion by
6 Ms. Pickering. Is there a second?

7 MS. CAVER-BLADE: I'll second.

8 HEARING OFFICER JONES: There is a second for the
9 motion. All those in favor of accepting the motion by
10 Ms. Pickering to accept the fine as recommended, please
11 raise your hand.

12 (Hands raised.)

13 MS. COLLINS-BURROUGH: No discussion?

14 HEARING OFFICER JONES: If you would like to have
15 a discussion, yes, we can have a discussion.

16 MS. COLLINS-BURROUGH: The \$58, is that for both
17 or each or --

18 HEARING OFFICER JONES: Ms. Gee?

19 MS. GEE: I'm sorry?

20 HEARING OFFICER JONES: Would you please restate
21 your question?

22 MS. COLLINS-BURROUGH: The 58-dollar fine that you
23 have listed here, is that per license or --

24 MS. WITTUM: That's just for the salon.

25 MS. POWELL: She already has -- she's already

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1 renewed her practitioner license, so the establishment
2 is not --

3 MS. WITTUM: And her practitioner license was
4 renewed prior to the inspection, it just had not
5 reached her --

6 MS. COLLINS-BURROUGH: Hadn't gotten there yet?

7 MS. WITTUM: Yes.

8 MS. GORDON: Is she still working in that salon?

9 MS. MORGAN: I do not know.

10 HEARING OFFICER JONES: Is there any further
11 discussion?

12 At this time we'll take a vote on the motion
13 that's on the floor by Ms. Pickering to accept the
14 recommended amount of \$58. All those in favor, please
15 raise your hand.

16 (Hands raised.)

17 The vote is unanimous at this time. Let the
18 record reflect the decision of the board and reduce it
19 to writing, and make service or attempted service upon
20 all parties, and notify the respondent that if they
21 care to appeal the decision, appeal may be taken under
22 the Administrative Procedures Act, 25-15-201, or any

23 such board specific provision as provided by law.

24 If there are no other questions or comments this
25 hearing is concluded and the record of this hearing is

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1 closed.

2 Moving on, we will now go to Hearing No. 07-378.

3 07-378. Is the respondent present?

4 There is no respondent present at this time.

5 Ms. Gee, would you like to present evidence for
6 the hearing of Russell Watkins, 07-378?

7 MS. GEE: Yes. Thank you.

8 I would like to call Amber McCuien, please.

9 Would you state --

10 HEARING OFFICER JONES: We will, just to clarify,
11 we'll go ahead and swear you all in again, even though
12 you all testified in the first one.

13 (WHEREUPON, the witnesses were sworn.)

14 HEARING OFFICER JONES: Ms. Gee.

15 MS. GEE: Thank you.

16 I would like to call Amber, please.

17 WHEREUPON,

18 AMBER McCUIEN,

19 having been called for examination, and having been first duly
20 sworn by the undersigned notary public, was examined and
21 testified, as follows:

22

DIRECT EXAMINATION

23 BY MS. GEE:

24 Q Could you state your name and occupation for the record,
25 please?

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1 A Amber McCuien, Administrative Assistant II for the State
2 Board of Cosmetology.

3 Q Okay. And are you familiar with the business records as
4 maintained by the Board of Cosmetology?

5 A Yes, ma'am.

6 Q Okay. Do you have any knowledge of whether Russell Watkins,
7 d/b/a Celebrity Styles Beauty and Barber was served with an Order
8 and Notice of Hearing for today?

9 A Yes, ma'am. He was.

10 Q Okay. Can you tell us how that service was made?

11 A Via certified mail. It was signed and the return receipt
12 was delivered back to the office, and it is on file.

13 Q Thank you.

14 Do you have any knowledge of the current status of
15 Mr. Watkins' establishment license with the board?

16 A The establishment license is current. Mr. Watkins did pay
17 his previous penalty that was issued to him in 2006 and renewed
18 the license as well, so right now the salon has a 2007 current
19 license.

20 Q Okay. And you're referring to a penalty that was assessed

21 against him for an expired -- one of his employees had an expired
22 license in 2006. Is that correct?

23 A Yes, ma'am. That's correct.

24 Q Okay. And he has paid that penalty?

25 A Yes, ma'am.

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1 Q Okay. And so his license is current, but there was a period
2 of time in which he was allowing people to work with an expired
3 license?

4 A Yes, ma'am. That's correct.

5 MS. GEE: Thank you very much.

6 THE WITNESS: You're welcome.

7 MS. GEE: I would like to call Brenda, please.

8 MS. MORGAN: Yes.

9 WHEREUPON,

10 BRENDA MORGAN,

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

14 DIRECT EXAMINATION

15 BY MS. GEE:

16 Q Can you state your name and occupation, please?

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

19 Q Thank you.

20 And did you have occasion to visit Celebrity Styles Beauty
21 and Barber?

22 A Yes, ma'am. I did.

23 Q Okay. And at that visit did you find any violations?

24 A Celebrity Styles did not have a current license for '07.

25 Q Okay. And just to clarify, Celebrity Styles has a

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1 cosmetology establishment?

2 A And barbering, yes. They do both.

3 Q And a barber establishment?

4 A Uh-huh.

5 Q Okay. And were there any cosmetologists working at that
6 salon? Not necessarily when you were there, but in general?

7 A There are two license. Yeah, there are two.

8 MS. GEE: Okay. I have no further questions for
9 you. Thank you.

10 THE WITNESS: Okay.

11 HEARING OFFICER JONES: Call your next one.

12 MS. GEE: Does the board have any questions?

13 HEARING OFFICER JONES: Does the board have any
14 questions for Ms. Brenda or Amber, either one?

15 If there are none, Ms. Gee, call your next
16 witness.

17 MS. GEE: I have no further witnesses.

18 HEARING OFFICER JONES: Okay. At this time we

19 would accept a motion, the board can make a motion, if
20 they would like, to accept the fine as recommended,
21 which is \$122.

22 MS. PICKERING: I would like to make a motion that
23 we -- that Russell Watkins pay the board \$122, or
24 Celebrity Style Barber and Beauty.

25 HEARING OFFICER JONES: There is a motion to

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1 accept the fine as recommended. Is there a second to
2 that motion?

3 MS. CAVER-BLADE: I second it.

4 MS. POWELL: There is a motion and a second.

5 Any discussion?

6 MS. COLLINS-BURROUGH: What's the 122 contain?

7 MS. WITTUM: It is based on \$117 for the '07
8 license not being posted or current between February 1
9 and May 3rd of 2007. It is derived from a 25-dollar
10 base rate and one dollar a day per day, plus a
11 five-dollar fee for the license not being posted.

12 MS. GEE: And I would just like to say, the board
13 has for quite some time, I believe, had a schedule of
14 recommended fines for various violations. You -- you
15 can feel free to deviate from that. I mean whatever
16 you all feel is appropriate for a particular violation,
17 there is no reason that you have to follow the

18 schedule, if you feel like either more --

19 MS. COLLINS-BURROUGH: This is a base?

20 MS. GEE: Well, no. It doesn't even have -- the
21 base is zero. I mean, it's up to you, it's in your
22 discretion to set the fine that you believe to be
23 appropriate.

24 The way that the hearing order is set out is what
25 the practice has been, the recommended fine for a

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1 particular violation. But just whatever you feel would
2 be the best way to go.

3 HEARING OFFICER JONES: Okay. Do we have any
4 other discussion on the motion that's currently on the
5 floor, which is to accept the recommended amount of
6 \$122?

7 If there is no further discussion, we will take a
8 vote on this motion. All of those in favor, please
9 raise your hand.

10 (Hands raised.)

11 Okay. The motion carries and it's unanimous.
12 Please let the record reflect the decision of the board
13 and that it is unanimous, and reduce it to writing and
14 attempt service upon all parties. If the respondent
15 cares to take an appeal, please be sure that that
16 appeal process is noted and that appeal is available

17 under the Administrative Procedures Act, 25-15-201, or
18 any such board specific provision.

19 If there are no other comments or questions on
20 this hearing, the record of the hearing will be closed.

21 Thank you.

22 And to the last one. The other hearing on the
23 agenda for today is 07-423, Lakeysha Lawson. 07-423,
24 Lakeysha Lawson.

25 Please note for the record the respondent is not

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1 present.

2 Ms. Gee, would you like to present evidence for
3 the state at this time?

4 MS. GEE: Yes.

5 Are we going to swear in the witnesses again?

6 HEARING OFFICER JONES: Yes. The witnesses for
7 this hearing, please raise your right hand so you can
8 be sworn in by the court reporter.

9 (WHEREUPON, the witnesses were sworn.)

10 MS. GEE: Okay. I would like to call Amber,
11 please.

12 WHEREUPON,

13 AMBER McCUIEN,

14 having been called for examination, and having been first duly
15 sworn by the undersigned notary public, was examined and

16 testified, as follows:

17 DIRECT EXAMINATION

18 BY MS. GEE:

19 Q Please state your name and occupation, please.

20 A Amber McCuien, Administrative Assistant II for the State
21 Board of Cosmetology.

22 Q And are you familiar with the records maintained by the
23 State Board of Cosmetology?

24 A Yes, ma'am.

25 Q Okay. Can you testify as to whether Lakeysha Lawson was

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1 given notice of the -- excuse me -- the Order and Notice of
2 Hearing of the hearing today?

3 A Yes, ma'am. She was.

4 Q Okay. And how was she served?

5 A Via certified mail.

6 Q Okay. And was -- did she sign for that?

7 A Yes, ma'am. It was signed and the return receipt was
8 delivered to the office and it is on file.

9 Q Okay. Thank you.

10 We, in the previous hearing, heard testimony about the
11 establishment license issued to Celebrity Styles Beauty and
12 Barber. And I would like to ask you, based on your familiarity
13 with the board's records, was Celebrity Styles Beauty and
14 Barber -- did it have a current license, establishment license on

15 March 29, 2007?

16 A No, ma'am. It did not.

17 Q Okay. And did Lakeysha Lawson have a current license?

18 A Yes, ma'am. She did.

19 MS. GEE: Okay. Thank you.

20 I would like to call Brenda, please.

21 MS. MORGAN: Yes.

22 WHEREUPON,

23 BRENDA MORGAN,

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

25 sworn by the undersigned notary public, was examined and

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1 testified, as follows:

2 DIRECT EXAMINATION

3 BY MS. GEE:

4 Q Could you state your name and occupation, please?

5 A Brenda Morgan, inspector for the Arkansas State Board of

6 Cosmetology.

7 Q And on March 27, 2007, did you visit an establishment

8 called -- excuse me -- Celebrity Styles Beauty and Barber?

9 A Yes, ma'am. I did.

10 Q Okay. And at that time did Celebrity Styles Beauty and

11 Barber have a current establishment license?

12 A No. They did not.

13 Q Okay. And was Lakeysha Lawson working at Celebrity Styles

14 Beauty and Barber?
15 A She was not physically working that day, but she did have --
16 Q Did she have her license --
17 A She had her license posted.
18 Q She had her license but did not --
19 A But she was not at the salon that day.
20 Q Okay. Hang on.
21 She had her license posted indicating that she worked in
22 that establishment?
23 A Yes, ma'am.
24 Q Okay. And was her license current? Ms. Lawson's?
25 A Yes.

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1 MS. GEE: Okay. Thank you.
2 I have nothing further.
3 HEARING OFFICER JONES: Does the board have any
4 questions of either of these two?
5 If there are no questions, then the recommended
6 amount in the Order and Notice of Hearing is \$50. If
7 the board would like to have a discussion on the
8 amount, we can go off the record. If they are ready
9 for a motion, we can receive a motion.
10 MS. COLLINS-BURROUGH: Let's do that off the
11 record.
12 HEARING OFFICER JONES: At this time we will close

13 the record, except for the board's recess for
14 deliberations. And once a decision has been made by
15 the board, we will go back on the record for that
16 decision.

17 (WHEREUPON, the Commission retired to deliberate,
18 off the record, from 11:05 a.m. to 11:08 a.m., and
19 returned with the following motion.)

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

22 Is there a motion by the board?

23 MS. GORDON: I make a motion that Lakeysha Lawson
24 fine stay set at \$50, and she's given a notice that she
25 needs to come in to the board to make that payment.

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1 MS. PICKERING: I second that.

2 HEARING OFFICER JONES: We have a motion and a
3 second to accept the fine as recommended of \$50 for
4 Lakeysha Lawson. All those in favor, please raise your
5 hand.

6 (Hands raised.)

7 All those opposed?

8 (Hands raised.)

9 Please let the record reflect that the motion
10 passed, it will be reduced to writing and service will
11 be made or attempted upon all parties. Please inform

12 the respondent that if they care to appeal the decision
13 of the board, an appeal is available per the
14 Administrative Procedures Act 25-15-201, or any board
15 specific provision.

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

19 Thank you.

20 That's all of them for today.

21 MS. GEE: Thank you.

22 MS. POWELL: What was that comment you said?

23 MS. WITTUM: Before I forget again, Suzanne Dailey
24 with LaserGrade said she would have her computer set up
25 in our conference room upstairs through lunch, if

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1 anyone would like to go up there to see the demo. And
2 that's anyone who would like to go in there and take a
3 look at it.

4 (Mumblings by the board.)

5 MS. POWELL: Okay. Let's go.

6 At this time I'm going to turn the discussion over
7 to our legal counsel, Erika Gee.

8 MS. GEE: Okay. One of the -- what we're going to
9 talk about is Kathy and I and several other people also
10 have been talking about making some changes to the way

11 that disciplinary proceedings are brought in general
12 and to address some issues that -- some concerns that I
13 have had, some concerns that the staff has had, and
14 also things like you mentioned. Like that it may be
15 more appropriate to have people pay a bigger fine if
16 they don't show up, things along those lines. To try
17 to streamline the process a little bit, the way it's
18 currently done, I don't know how familiar you all are
19 with how it's currently done, but it takes up a lot of
20 staff time, and a great majority of the people who are
21 given notice of hearing just don't show up. And --

22 MS. COLLINS-BURROUGH: Well, they don't take it
23 seriously.

24 MS. GEE: They don't take it seriously, and I
25 think you're absolutely right about that.

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1 So I think that they are -- there could be some
2 changes made to the way that that is done, to take up
3 less of the staff time, less of the board's time for
4 people who aren't going to come, and just generally
5 make it a more streamlined process, and we can also
6 incorporate some concerns that I think some of you have
7 about how -- how the penalties are determined and
8 things along those nature.

9 So we just wanted to have a little bit of a

10 discussion about this. I think getting down to the
11 nitty gritty might be more appropriate in the committee
12 for whoever is interested in doing that, but just to
13 give you an overview of how it's currently done and
14 then some ideas of how it might be changed. So
15 everybody with me? You're with me? Okay.

16 Well, the way that it's -- the way that it's
17 currently done, the Administrative Procedure Act
18 requires that if you're going to take an action against
19 somebody's license, which is what we're doing here,
20 then you have to have -- give them notice and a
21 hearing. And that's how all of these people end up,
22 you know, sometimes there is 40, 50 people set for a
23 hearing on one day, because we have to give them Notice
24 and Order of the Hearing.

25 And I think that in the context of this board,

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1 there might be some different ways to do that, because
2 the fines, generally speaking, are relatively small,
3 they are relatively small infraction. So I think it's
4 pretty obvious that a lot of the people who are set for
5 hearing don't think it's important enough to -- to
6 spend time showing up. And so one thing to consider
7 about that might be changing some of the fines or how
8 they are assessed to make it more important in some

9 instances maybe. I mean whatever penalties you all
10 feel would be appropriate for particular violations. I
11 mean, my time on the board, you know, I haven't been
12 working with the board for a very long time, but from
13 what I've seen, a lot of them seem to be expired
14 licenses, seems to be a pretty common violation that is
15 coming around. So that might be something to consider,
16 changing the penalties that are made on that to
17 encourage people to keep up with it a little bit
18 better.

19 But as a basis prospect, when you've got -- how
20 many people typically in a month do you have who are
21 given citations by inspectors?

22 MS. WITTUM: Probably anywhere between 50 and 60,
23 would you say, Amber?

24 MS. McCUIEN: Yeah. A month?

25 Yeah. I would say around that.

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1 MS. WITTUM: Between all five inspectors.

2 MS. McCUIEN: That sounds about right.

3 MS. GEE: Well, and that's quite a lot of
4 paperwork. You -- if every single person who gets a
5 citation from an inspector has to get notice, you send
6 them notice of the citation and then you send them an
7 Order and Notice of Hearing, set it for a hearing date,

8 get everybody on the staff ready, the inspectors ready,
9 the court reporter ready, get all of that together for,
10 you know, one or two people to show up. It just
11 doesn't really make any sense in my mind.

12 So, you know, of course this is up to the board.
13 I'm just throwing out some ideas for what you all want
14 to do. But one thing that I've thought about and I've
15 talked to Kathy about is setting up a system where you
16 would have part of the board be like an intermediate
17 committee. And how exactly we would set this up, we
18 would have to hash out a little bit legally. But the
19 basic idea would be that everybody who gets a citation
20 would be funneled through the intermediate committee.
21 And any situations that are serious, and we would have
22 to talk about what are serious, but something that's
23 not run of the mill type of violation would still come
24 to the full board for a hearing. But the things that
25 are more run of the mill, like expired licenses or

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1 things like that, could be taken care of in the
2 intermediary committee so it would be, you know,
3 anywhere from one to three board members would look at
4 that and then it would save all the staff time of
5 having to send an Order and Notice of Hearing and all
6 of that paperwork that's involved in setting them for a

7 full board hearing, because that wouldn't be necessary.
8 So if that is something that the board is okay with
9 doing, with not seeing every single person who gets --
10 or seeing if they come, every person who gets a
11 violation from one of the inspectors, then I think
12 that's something that we ought to explore a little bit
13 more.

14 Feel free to jump in with any questions or
15 concerns, anybody.

16 MS. POWELL: Well, I would like to say, I
17 understand what you're saying. But in the board's
18 defense, prior to most recent, I would say the last
19 year, the board typically always did give a more
20 serious penalty for those people that were negligent in
21 appearing before the board. And they -- they
22 considered the base, the suggested what the base was,
23 but that they did -- most often exceeded that amount to
24 where it did address the issues, like you were talking
25 about. It did appear to be a more serious issue to

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1 them to lose that much money.

2 MS. GEE: Uh-huh.

3 MS. POWELL: And money is the motivator here.

4 MS. GEE: Yeah. Sure.

5 MS. POWELL: And, but one thing the board was

6 dealing with when they did do that to get the
7 participation from the violator, they received a
8 criticism for inconsistencies, so -- because there was
9 not a chart to follow. So, you know, the board is
10 going to have to deal with both sides of that coin. If
11 they are going to continue to do as we have done,
12 you're going to have the cheap rate or the -- the --
13 something that's more serious, like you were saying,
14 but then they -- then they risk the criticism as they
15 have in the past.

16 MS. GEE: Well, I think there is two ways to look
17 at it. You can look at it that, you know, you are
18 fined more if you don't show up, or you can look at it
19 that you get a discount off the fine if you pay prior
20 to the hearing, you know. And there are --

21 MS. POWELL: And that's basically the way it was
22 looked at previously.

23 MS. TURMAN: And that would be --

24 MS. POWELL: As -- until just recently.

25 MS. TURMAN: Before we jump to something this

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1 major, we are going to have -- we have a committee that
2 is looking at the fees, and I think we should wait
3 before we -- I think that's a major jump. I think we
4 should wait until what the fee committee comes up with

5 and look at that. And make them aware, if you don't
6 show up, if you don't do something, there will be a
7 penalty. But I think that's why we have this committee
8 that we have formed to look at the fees.

9 MS. GEE: Well, the fees and the process are a
10 little bit -- I mean they go together, but they are --
11 they are two separate processes. And I mean the basic
12 thing that I would like to know from the board as a
13 whole, and the reason that we're talking about this
14 now, is whether you're okay with the general concept of
15 having some of the disciplinary actions brought before
16 a smaller portion of the board, and then that board
17 member or those board members would make a
18 recommendation to the board as a whole at the next
19 meeting. And how this works in other boards that I've
20 worked with, is that like say if there was one board
21 member that was on that committee, the board member
22 would come in and say, we looked at these 20 hearing
23 issues, these hearing notices, and these are the
24 recommended penalties for each one of them, and then
25 the board would vote on whether to accept them.

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1 MS. GORDON: You're saying the board would kind of
2 do what the office staff is doing now? Is looking at
3 these complaints and determining whether or not they

4 should come before a hearing?

5 MS. GEE: Kind of, yeah.

6 MS. GORDON: Okay. So, in other words, the
7 committee -- the board members that you're talking
8 about could in this position, or at this point will do
9 what the office staff has normally been doing -- where
10 would it eliminate the paperwork, is what I'm trying to
11 say?

12 MS. GEE: Well, it's not exactly what the office
13 staff -- I mean you would be -- the office staff
14 doesn't, as a general rule, have the power to resolve
15 these on their own.

16 MS. GORDON: I understand.

17 HEARING OFFICER JONES: Basically the committee
18 would evaluate the Notice of Hearing and the Order and
19 determine what -- what action the board should take.
20 Is that what you're getting at?

21 MS. GEE: Pretty much.

22 HEARING OFFICER JONES: Okay.

23 MS. GEE: So it would be --

24 HEARING OFFICER JONES: In a short summation?

25 MS. GEE: Yeah.

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1 MS. GORDON: Like right now when we get a
2 complaint from the inspectors --

3 MS. GEE: Uh-huh.

4 MS. GORDON: -- and it goes in the office, then
5 they look at it. And then the penalties are basically
6 set, like we already have a basic scale of whatever
7 that we kind of go by.

8 MS. GEE: Right.

9 MS. GORDON: But isn't that what they are doing
10 now?

11 MS. GEE: The staff?

12 MS. GORDON: Yes. In bringing it to us to -- to
13 enforce the penalty or whatever, they are kind of
14 preparing it?

15 MS. GEE: Well, there is a lot of paperwork
16 associated from the time that the staff gets the
17 complaint until the time it comes before the board that
18 in this scenario wouldn't have to happen.

19 MS. GORDON: Okay. So I'm not understanding how
20 that's going to eliminate of some of that work?

21 MS. GEE: You wouldn't have to do the Order and
22 Notice of Hearing that you get on each one of those
23 people. The --

24 MS. GORDON: So the committee wouldn't get that?
25 Just say if I'm on this group of board members that

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1 decides whether we bring this before the entire board

2 for a hearing or not --

3 MS. GEE: Right. Then you would have to do one.

4 MS. GORDON: -- I wouldn't get this Order?

5 MS. GEE: Then you would have to do that.

6 MS. GORDON: But I'm talking -- what I'm saying is

7 how would that group determine whether -- what would we

8 have? Would we have an order?

9 MS. WITTUM: You would sit down with the file.

10 MS. GEE: You would have --

11 MS. WITTUM: That establishment file. And we

12 have -- we have the violation, we have the inspector

13 who wrote the violation, we have all of that

14 information for that committee to look at.

15 MS. GORDON: So it won't be on paper?

16 MS. WITTUM: Exactly.

17 MS. GORDON: It won't be?

18 MS. GEE: Well, you have -- you have the

19 inspection report.

20 I mean there are some of these issues that we can

21 kind of do how ever we need to have them done in order

22 to make people feel comfortable with it. But the basic

23 idea is that you would informally resolve these before

24 it got to the point where you have to do an Order and

25 Notice of Hearing under the Administrative Procedure

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1 Act. Because I think that -- I think that that might
2 be more appropriate for the sort of violations that are
3 often happening in front of this board.

4 Now, saying that, it doesn't really matter what I
5 think. I mean, if you guys don't want to do it that
6 way, we don't have to do it that way. That's just an
7 idea.

8 MS. COLLINS-BURROUGH: So what you're saying
9 basically is they are trying to cut down our time
10 here --

11 MS. GEE: Right.

12 MS. COLLINS-BURROUGH: -- by making another
13 statement. I understand that.

14 MS. GEE: Uh-huh.

15 MS. COLLINS-BURROUGH: However do we have a
16 maximum?

17 MS. GEE: A maximum what?

18 MS. COLLINS-BURROUGH: Penalty?

19 MS. GEE: A thousand dollars.

20 MS. COLLINS-BURROUGH: Okay.

21 MS. BURCHETT: Per?

22 MS. COLLINS-BURROUGH: Per offense?

23 MS. GEE: Yeah.

24 MS. COLLINS-BURROUGH: So we can go from a zero to
25 a thousand dollars, depending on the mood of the board.

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1 We can do that now. So what they are saying is to try
2 to get a group together to alleviate some of the back
3 wash, if you will, from the day of the meeting.

4 MS. GEE: Yes. So if the hearing came to the full
5 board in one of these kind of meetings, it would be
6 something that was more serious, not a run of the mill
7 kind of violation.

8 MS. POWELL: Erika, do you have an idea of how
9 often these -- this -- well, this particular branch of
10 the board would have to meet to resolve these type of
11 habitual offenses? Do you know?

12 MS. GEE: Well, Kathy and I talked about that a
13 little bit. We were thinking like every other month.
14 So it wouldn't necessarily take up a whole lot of time.

15 MS. WITTUM: And then the board meeting, the full
16 board not meeting every other month, but once a
17 quarter.

18 MS. GEE: Yeah. Well, I mean maybe. We -- that
19 is one of the things that could possibly happen. If
20 you didn't have to have very many hearings and board
21 meetings, you might be able to meet as a full board
22 less frequently, if that's something that you want to
23 do.

24 HEARING OFFICER JONES: Okay. My question is, and
25 I guess I'm just more of an observer in this, because I

1 want to be sure that I'm running things like you all
2 want with the hearings, but what -- how would it be
3 determined what -- what was considered a violation that
4 could go before this committee and violations that
5 would just automatically come before the board?

6 MS. GEE: I don't know. I mean that's what I --
7 the kind of thing I'm talking about would be better
8 resolved I think in a committee, if --

9 HEARING OFFICER JONES: Okay.

10 MS. GEE: -- if you all are interested in
11 exploring that possibility further.

12 I mean, nothing is going to happen tomorrow.

13 MS. COLLINS-BURROUGH: Yeah.

14 MS. GEE: I mean, I know Ms. Turman was concerned,
15 that it seemed like a big step.

16 MS. TURMAN: Yeah. Yeah.

17 MS. GEE: I'm just trying it out there as an idea.

18 MS. COLLINS-BURROUGH: To chew on.

19 MS. GEE: To chew on. To talk about, to see what
20 you all think. I'm gathering that some of you don't
21 like this idea, and that's fine. It's not going to
22 hurt my feelings. It's just an idea.

23 MS. POWELL: Well, I'm not certain that I pick up
24 that some don't like it. I think that it's a big
25 change.

1 MS. TURMAN: Yes, definitely.

2 MS. POWELL: And I think it's one that they are
3 cautious about to try to make --

4 MS. GEE: Well, and I have --

5 MS. POWELL: -- to take a board and get a board as
6 a whole is another big issue, to get us all together
7 and operating as a functioning board. But then when
8 you split it --

9 MS. GEE: Uh-huh.

10 MS. POWELL: -- we want a -- I think, in what I'm
11 feeling from my board, is that they are concerned how
12 this is going to be facilitated, that they can divide
13 and come back to -- in the -- the main board meeting
14 and concur. I mean how, the division and then to come
15 back together again as a whole, I think is the -- where
16 they are uncertain if they can accomplish it.

17 MS. GEE: Uh-huh.

18 MS. POWELL: I don't think the idea is necessarily
19 bad or -- or -- I think it's a concern.

20 MS. GEE: Well, and that very well may be that,
21 you know, this -- this is something that you might want
22 to consider in the future a little more.

23 MS. POWELL: Right.

24 MS. GEE: I just wanted you all to be aware that
25 there are other ways of organizing the hearings and the

1 disciplinary issues, and if you are interested in
2 exploring those, we can explore them.

3 MS. POWELL: Well, I would be interested in
4 exploring them because I think that so many times we
5 get here, it's the same thing, and it's not having a
6 license and not renewing the license in a timely
7 manner. But then you get like we are today with, you
8 know, them not showing up.

9 And I do know the cost. I mean you can look at
10 your budget and see what it's costing for printing or
11 copying and all that, plus not to mention the manpower
12 in the office to print those notices and only -- and
13 then to -- to distribute them to the board members so
14 that they are privy to information and don't have to
15 come to a board meeting just clueless of what's going
16 on. That's a lot of work, that's a lot of paper, a lot
17 of ink, and I would like to see something explored that
18 way so that we could resolve those type of issues to be
19 cost -- and it would be cost effective.

20 Now, how to get there, I guess we'll have to count
21 on you to --

22 MS. GEE: Well, okay. I guess my first question
23 is whether you all would like to explore the
24 possibility of having a smaller group of the board deal

25

with some of these disciplinary issues. So if that's

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1 an idea that is not appealing or not appealing at this
2 time, then I need some direction on that so we can --
3 we can start looking at some other ideas.

4 MS. GORDON: I personally think a lot of people
5 simply take us as a joke, because there is no other way
6 for us to enforce, you know. They can't go to jail if
7 they don't pay it.

8 MS. GEE: Right.

9 MS. GORDON: You know, so that's something I think
10 we maybe should look into more so of how we could
11 enforce. Because if we take their license, they just
12 go underground.

13 MS. GEE: Well --

14 MS. GORDON: So, I mean, that's something I would
15 like to see us look at. I don't know where we would
16 start or how we could go about doing that, but they
17 laugh at us.

18 MS. GEE: Well, I can tell you that's an issue
19 that all licensing boards struggle with.

20 HEARING OFFICER JONES: That's not uncommon.

21 MS. GEE: Because really the only real good
22 enforcement tool that you have is the license, and if
23 they don't care about losing their license, there is

24 not a whole lot you can do, unfortunately. And that is
25 the case across the board with licensing.

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1 There is -- there is not -- I mean really the only
2 option you would have available is to institute
3 collection actions against people for not paying the
4 fine, which is really not -- would not be practical or
5 cost effective with these size fines. It would cost
6 you way more to try to enforce it than the actual fine.

7 So usually the way that most licensing boards do
8 it is that you have to pay whatever outstanding fine
9 you have in order to renew your license for the next
10 year.

11 MS. WITTUM: And we do that.

12 MS. GEE: And I'm sure you do.

13 So that's -- that's pretty much the best way to
14 go, although I understand that it's not terribly
15 effective in some cases.

16 MS. PICKERING: Can I ask a question about that?

17 MS. GEE: Sure.

18 MS. PICKERING: Could we think about, maybe the
19 fee structure committee think about maybe adding one or
20 two more on there and us, along with you, our attorney,
21 I know you are always there and Kathy Wittum, but could
22 we think about, instead of having a meeting every month

23 or whatever, could that committee do that type of work?

24 I mean we're going to have to do something about
25 taking their license if they -- I mean that's the only

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1 thing I know of. We -- we can't go to the expense of
2 taking them to court, small claims court and all that.
3 So we know, being in the -- being on the City Council
4 in Earle, I know that that's not very productive. I
5 mean, when you take them to small claims court you may
6 get paid and you may not, and there is tunnels of work,
7 paperwork. So is that an idea that the fee structure
8 committee could explore?

9 I mean, we need to do this as a board, but is
10 that -- could we maybe put a heavier penalty on them,
11 take their license away from them after two violations
12 or --

13 MS. GEE: Sure. I mean I think that would be
14 appropriate for the fee structure committee to think
15 about. Yeah.

16 MS. TURMAN: But, you know, we -- I don't think we
17 go as -- may I -- may I please say something?

18 I'm sorry.

19 MS. POWELL: Ms. Turman, you're recognized.

20 MS. TURMAN: Thank you.

21 I don't think we really go as the mood of the

22 board. I think we have tried to be fair.

23 Every circumstances is different. You can't have
24 a structured, so structured that we can't go out of
25 that, that frame, to -- the fine or -- because every,

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1 every case is different. Most generally it's just with
2 the license and things like this. But we do have -- we
3 should be charging them \$25 more when they don't show
4 up.

5 But I really feel like we are a board, we
6 should -- we should be a board. Once you start
7 dividing a board up, you lose some of that -- that --
8 well, meeting and discussing, you lose something when
9 you start dividing a board up.

10 We've all been -- been appointed as board
11 members --

12 MS. GORDON: Uh-huh. True.

13 MS. TURMAN: -- and I think we should stay board
14 members.

15 Because I may disagree with -- with Scottie about
16 something, but when we come together and we discuss,
17 that's what the board is all about.

18 I'm not -- I -- it isn't that I don't like
19 changes. I just think that we can change and still
20 maintain our board structure, our board -- how our

21 board is structured now. Because if you start making
22 little committees here -- I mean, we should have
23 committees. And I think that's what -- that's how we
24 should go with our changes, have our committees, but
25 we're still a board and we operate as such, as a board.

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1 We need to be able to -- to get some information
2 out with -- I don't know how we can do it without
3 costs. We need to look at that. But still we are a
4 board and -- and three or four people coming together
5 and saying, well, this is the way it should be, I don't
6 care what you're doing, you're eliminating part of that
7 board except when they come together to make that final
8 vote.

9 MS. POWELL: Ms. Pickering?

10 MS. PICKERING: Okay. I know we've got several
11 groups within our board. We've got the fee structure,
12 we've got grievance committees, we have the legislative
13 committee, and all of us last year that was on one of
14 those committees had to bring back our report to the
15 full committee.

16 MS. TURMAN: Right.

17 MS. PICKERING: We've already got several
18 committees already set up.

19 But we've -- last year, we did not do -- make any

20 decision. Say on the legislative committee, we brought
21 all of those suggestions back to the board --

22 MS. TURMAN: Absolutely.

23 MS. PICKERING: -- for the board to vote on.

24 So is that what you're saying, Pat?

25 MS. TURMAN: Yes.

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1 MS. PICKERING: That we need to continue to do
2 that as a board?

3 MS. TURMAN: Uh-huh.

4 MS. PICKERING: And I know everyone is on maybe
5 one -- I know one, maybe two committees already.

6 MS. TURMAN: Uh-huh.

7 MS. GEE: But if I could just say, I don't know if
8 I made myself clear, but the committee, it would be the
9 same structure. That the committee that looked at
10 these would bring recommendations to the full board,
11 and you can discuss them or not discuss them as much as
12 you want to.

13 MS. TURMAN: Okay.

14 MS. GEE: I mean, I don't know if that makes any
15 difference.

16 MS. TURMAN: Okay.

17 MS. GEE: But I just wanted to throw that out
18 there.

19 MS. POWELL: Scottie?

20 MS. BURCHETT: I think that clarifies it, because
21 it would just be a committee that would bring the
22 recommendations back to the board. The committee is
23 not going to make the decision --

24 MS. POWELL: Based on certain issues, exactly.

25 MS. BURCHETT: Exactly.

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1 But for a few to together and be able to really
2 research and dig and get definite things on paper, just
3 line items to bring, and get rid of all the junk, more
4 or less, you know, that everybody has to scramble
5 through would make it so much, so much easier for us to
6 act on in here. And then --

7 MS. TURMAN: But I think that's -- that's not the
8 question.

9 I think what she said is they would make the
10 decisions on certain ones.

11 MS. WITTUM: No.

12 MS. GEE: Not a final decision, just a
13 recommendation.

14 MS. BURCHETT: Because I know, I think -- I thank
15 you for saying this before the committee meets, because
16 that committee is so important. Because I think a lot
17 of these things are going to be taken care of and

18 streamlined if the -- if the fee schedule gets
19 structured enough, you know. And I thank you for what
20 we have. I'm not knocking anything that we have, but,
21 you know, in going through the Notices of Hearing, you
22 know, I find one person is fined five dollars for
23 something and then I look through my fee schedule or I
24 look through my law and there is nowhere in here that
25 says we can fine them \$5. It's 25 to 500 in the one

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1 I'm looking at right now, or -- let me see, 25 -- not
2 more than -- not less than 25, not more than 500, or by
3 imprisonment in a county jail for a period of not more
4 than 90 days, or by both fine and imprisonment. So
5 that's -- you know, that's in our law.

6 MS. GEE: What? The criminal penalties?

7 MS. POWELL: Yes. The criminal penalties.

8 MS. GEE: Most of these statutes have criminal
9 penalties. Practically speaking --

10 MS. POWELL: Ours is a thousand dollars for civil
11 penalty.

12 MS. GEE: -- the prosecutor's office is not going
13 to prosecute for that.

14 MS. BURCHETT: I understand that. But still, you
15 know, if we started -- if they are more structured and
16 a committee can look at each, each specific infraction

17 and make sure that each one is tagged the correct
18 amount of penalty, whatever that might be, then it's
19 going to -- it's going to be consistent, it's always
20 going to be that way, and then there will be penalty
21 for not showing up. And -- and, you know, if it's --
22 because most of them don't care. They just pay. But
23 if it were more it would make a difference.

24 MS. POWELL: Susan?

25 MS. COLLINS-BURROUGH: This profession doesn't get

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1 any respect anyway.

2 MS. BURCHETT: Exactly.

3 MS. COLLINS-BURROUGH: You hit them in their
4 pocket, get their attention, then I think they might
5 have a little more respect for the prospect for their
6 license that they went to school for and earned.

7 MS. TURMAN: That's why I say wait and see what
8 the fee committee, see what happens there.

9 MS. POWELL: Well, I think really -- I mean, I
10 think it's up in the air. And I think the question, if
11 I'm not mistaken, that Erika is asking is, do you all
12 want her to consider avenues of -- of tweaking this? I
13 mean not committing to anything at this time.

14 MS. GEE: No.

15 MS. POWELL: But she's trying to get you to hear

16 her say it needs some fixing.

17 MS. BURCHETT: Absolutely.

18 MS. POWELL: And it's not going to be resolved
19 just in the money, because you do have a limit on that.

20 So maybe if she could do some research on how
21 other boards are doing and what we could do to be cost
22 effective. I mean we don't know how it's going to get
23 there. That was an idea. And the -- and there is
24 probably -- there is a lot more ways to skin a cat than
25 one. So if you all want to leave things status quo,

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1 say so. If you want her to use her expertise and
2 opportunity to research and find out what we can do to
3 better ourselves, then let's give her the word and move
4 on.

5 MS. PICKERING: I -- I agree with you, Jane. I
6 think that she needs to research the matter, because it
7 has to be changed for us to have progress that we need.

8 MS. TURMAN: I don't mind --

9 MS. POWELL: The changes to --

10 MS. TURMAN: -- if they are not making a decision,
11 if it's like a committee, they are bringing it to us, I
12 don't have a problem with that.

13 MS. PICKERING: But I'm saying our attorney would
14 be -- she is an expert on the law, so she would be the

15 one to research avenues for us.

16 MS. COLLINS-BURROUGH: And then we can decide what
17 we want to do then.

18 MS. TURMAN: I don't have a problem with that.
19 Just as long as you're not dividing the board, I don't
20 want that to happen.

21 MS. PICKERING: Right.

22 MS. POWELL: So thank you.

23 So do I have -- do we need to put this to motion
24 or just we need to tell you to get busy?

25 MS. GEE: No. That's okay.

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1 MS. POWELL: Get busy.

2 MS. GEE: All right. Thank you.

3 MS. POWELL: Thank you, Erika.

4 MS. COLLINS-BURROUGH: That's more work for her.

5 MS. WITTUM: Okay. I just wanted to update
6 everyone. I've gotten a phone call from some people
7 who believe that they are going to be putting a school
8 in the Jonesboro area. I don't have any paperwork on
9 that at this time, but I notice that that was going to
10 be coming through at some point in the future.

11 Also on -- in your handouts, I gave you all a copy
12 of some information that we received from NIC about an
13 advanced aesthetic examination, that that's for your

14 information purposes. If you have anything -- we don't
15 have an advanced aesthetics program offered here in
16 Arkansas, but if this is something that you're
17 interested in, I bet there is going to be some
18 information about it at the national conference, for
19 those who are attending. But if you have -- if anyone
20 who is not attending, if you have specific questions
21 about that that you would like for any of us to find
22 out at the conference, then you can let us know.

23 The NIC conference is in August, next month, Rapid
24 City, South Dakota.

25 I've got registrations made for -- for everyone

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1 except Jane and Pat. I believe you all were the ones
2 who were not going to be able to go. I've made the
3 motel reservations for six members. That's Susan,
4 Barbara, LaJoy, Ann, Scottie, and Kathy. I hope that
5 you all are working on your flight reservations.

6 I did find that it was -- I wasn't able to get a
7 flight out that would bring me back on Monday before
8 midnight or one o'clock Tuesday morning, so I started
9 looking at some -- some other flight arrangements, and
10 I'm actually going to Memphis instead of Atlanta. I
11 think the ones, the examples that I gave you all were
12 taking -- were routing through Atlanta, and it actually

13 turned out to be a little cheaper to go through
14 Memphis.

15 But do you --

16 MS. GORDON: The return flight you're talking
17 about?

18 MS. WITTUM: No. Going.

19 MS. GORDON: Getting there.

20 MS. WITTUM: Uh-huh.

21 MS. CAVER-BLADE: So leaving from Memphis or
22 Little Rock?

23 MS. WITTUM: I'll leave from Little Rock and go to
24 Memphis. And then it goes, I believe, to Minneapolis,
25 but you don't change planes there, you -- it's just a

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1 stop over. And then that one goes straight into South
2 Dakota.

3 MS. GORDON: So you're up and down twice?

4 MS. WITTUM: Uh-huh. Yeah. So take plenty of
5 gum.

6 MS. GORDON: What airline is that on?

7 MS. WITTUM: It was -- I believe it is Northwest.
8 Northwest Airlines.

9 MS. GORDON: And you said that was the only one
10 you could get a flight, a return flight that wasn't
11 into midnight?

12 MS. WITTUM: Yes. And I am going to have to stay
13 over Monday night.

14 I was going to try and come back Monday so I could
15 be back in the office Tuesday, but I couldn't do that
16 and attend the workshops for Monday morning, and there
17 were some of those that I wanted to be there for.

18 MS. GORDON: So the conference actually ends on
19 Monday. Right?

20 MS. PICKERING: Monday night.

21 MS. WITTUM: Monday night will be the banquet that
22 they always have.

23 MS. GORDON: Okay. So we normally schedule to
24 return on Tuesday?

25 MS. WITTUM: Right. Right.

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1 MS. PICKERING: And I found that the flights out
2 of Memphis are cheaper than out of Little Rock.

3 MS. GORDON: But you can't get to Memphis from
4 where I'm at.

5 MS. POWELL: Do we also need to talk about -- I
6 know Barbara Ward is not here today, and I don't have
7 the treasury report.

8 I do know that --

9 MS. COLLINS-BURROUGH: Can we get it tomorrow?

10 MS. POWELL: -- purchased -- flowers were

11 purchased for the board for Shaunta, and so I'm not
12 certain of how much is exactly left, but I do know that
13 next time we have -- we did not collect money today,
14 but the next time that we do have our meeting, we need
15 to be certain to put enough in there to cover what we
16 didn't do today and cover next time, too.

17 But we do need to consider the NIC gift, state
18 gift. And typically -- I think last year -- typically
19 Veda always got that gift, and it usually ran around
20 \$50. I think last year it went up to about 75 to give
21 what we felt to be a decent gift.

22 MS. WITTUM: And for anyone who is not familiar
23 with the gifts, all of the states are asked to bring a
24 gift, and they use those basically as door prizes.
25 They will do drawings at the different workshops, and

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1 if you're present at the workshop and your name is
2 drawn, you get a gift.

3 MS. POWELL: A lot of times those gifts consist of
4 something specific to your state, like a gift basket,
5 you know, from, I don't know, I guess we could Riceland
6 or Tyson chicken or something --

7 MS. WITTUM: Or the Arkansas store.

8 MS. POWELL: -- I don't know; but, you know,
9 something relevant. And I know, you know, there is the

10 Arkansas store and things at the little capitol or
11 where ever, I don't know. But do -- I need a volunteer
12 that would like to be -- that is going, to be going,
13 that would be responsible to pick this gift up.

14 MS. TURMAN: We can go out and kill a pig.

15 MS. POWELL: Yeah.

16 MS. BURCHETT: I would -- I will do it, Jane.

17 MS. POWELL: Ms. Burchett says that she will
18 volunteer to be responsible for the state gift.

19 MS. GORDON: I have a question. I'm almost afraid
20 to ask this question, but have we ever contacted the
21 State Rice Commission --

22 MS. POWELL: Yeah. I think they have.

23 MS. GORDON: -- to see if they will donate a gift
24 or a basket with rice or whatever?

25 MS. POWELL: I don't know.

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1 MS. GORDON: I'm just -- I'm scared to ask that
2 question because you might ask me to do it.

3 MS. POWELL: Well, you can call them. You sure
4 can.

5 MS. GORDON: I was just wondering if it had ever
6 been done.

7 MS. POWELL: I don't know.

8 I would like to advise Board Member Burchett that

9 my understanding is when you come into the -- and you
10 may check with Director Wittum or past board member
11 Veda Traylor, they have more experience in that state
12 gift than I do, so -- but I think you have to bring it
13 in and check it in and get it to them and give them,
14 you know, a specific area and --

15 MS. TRAYLOR: They have a gift committee.

16 MS. POWELL: You will have to have it flown and
17 handle all that.

18 MS. TRAYLOR: Yes. They have a gift committee
19 that takes care of all of that.

20 MS. POWELL: There is a committee at NIC that
21 handles all of that, so --

22 MS. BURCHETT: How do I get their guidelines?

23 MS. POWELL: I don't know that there is specific
24 guidelines. I think it's just coming from experience.

25 MS. BURCHETT: From the one that knows it?

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1 MS. POWELL: Yeah.

2 MS. BURCHETT: Like where to fly it to and
3 whatever --

4 MS. POWELL: When she takes it, she will fly it in
5 a box or whatever. Isn't that how you've typically
6 done it, Veda?

7 MS. TRAYLOR: Yes.

8 MS. BURCHETT: You take it with you?
9 MS. POWELL: Yeah, you take it with you, and you
10 don't --
11 MS. TRAYLOR: Yes. You hand carry it.
12 MS. POWELL: Yeah.
13 MS. TRAYLOR: You could send it to them, but I
14 carry it to --
15 MS. POWELL: Well, I hate --
16 MS. WITTUM: You can have it sent to the hotel, if
17 you -- if you want to.
18 MS. BURCHETT: See, yeah. To be shipped, they
19 would be responsible for it, plus --
20 MS. TRAYLOR: Yeah. But they lose it.
21 MS. BURCHETT: -- there is so little that you can
22 take on a plane now, you know.
23 MS. POWELL: Usually something like that.
24 MS. BURCHETT: Well, I know, but everything -- you
25 can't have anything more than three bottles, three

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1 ounce bottles that can fit in one Ziploc bag, if you
2 carry on. And if you check it, they are going to throw
3 it.
4 MS. GORDON: Yeah. Ship it.
5 MS. POWELL: I think last year there was a little
6 bit of confusion over the gift thing --

7 MS. TRAYLOR: It was lost.
8 MS. POWELL: -- it was lost, and so I'm just
9 saying --
10 MS. TRAYLOR: We shipped it.
11 MS. POWELL: -- I think you need to do the
12 research to find out what happened in the past, because
13 I'm not sure which one, six of one, dozen --
14 MS. WITTUM: We can talk to Kay Kendrick. She's
15 the chair person for that committee, so we can talk to
16 her and find out what other states are doing.
17 MS. POWELL: Thank you, Scottie, for volunteering
18 for that.
19 MS. BURCHETT: You're welcome, I think.
20 MS. POWELL: And we'll -- we're probably going to
21 safely say we can propose 50 to \$75 for that, based on
22 what you can come up with.
23 MS. BURCHETT: Okay.
24 MS. TRAYLOR: And the rest of it comes out of your
25 pocket.

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1 MS. POWELL: Right. The gift wrapping usually
2 does.
3 MS. BURCHETT: I'm used to that.
4 MS. WITTUM: The -- just an update on the school
5 exams. We've had 19 of the 57 schools to have a

6 representative here or be scheduled to come here to
7 observe the cosmetology practicals. Of those we've
8 had -- of the 19, we've had six who actually appeared,
9 four have canceled, three failed to appear, one
10 expressed no interest, and we still have five scheduled
11 for the July exams. That would be continuing tomorrow
12 and next week.

13 The -- let's jump down to the bottom of the first
14 page of the agenda, on Arkansas Code Annotated
15 17-26-103(b). I had gotten a phone call from an
16 instructor from a school who was interested in
17 providing services to homebound persons and was
18 inquiring if it would be legal or not. When Erika and
19 I reviewed this particular provision, it does say that
20 a licensed person can perform these services when they
21 are coming from a licensed cosmetological
22 establishment. So, you know, if this person is coming
23 from a school, we just want to make sure that -- that
24 the board is okay with a licensee from a particular
25 school to actually go and provide those type services.

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1 We kind of believe the intent was for it to be
2 someone from an establishment or a school, but just
3 because there is that language difference, we need to
4 make sure before I give this person any answers.

5 MS. POWELL: So basically you're talking about the
6 staff?

7 MS. WITTUM: Uh-huh.

8 MS. POWELL: The licensed practitioner that's an
9 instructor?

10 MS. WITTUM: Right.

11 MS. POWELL: To operate as a cosmetologist,
12 because they are using the school facility location as
13 their establishment --

14 MS. WITTUM: Right.

15 MS. POWELL: -- as opposed to a beauty salon.
16 Correct?

17 MS. WITTUM: Right.

18 MS. GORDON: Did you say going into someone's
19 home? Did I hear that?

20 MS. WITTUM: Yes. For incapacitated persons who
21 are not able to leave.

22 And the law does allow for a licensee to go in and
23 provide those type services, but it does say that that
24 person is coming from a licensed cosmetological
25 establishment.

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1 So do you care if it's a school or do you care if
2 it's taking the words literally?

3 MS. COLLINS-BURROUGH: No.

4 MS. GORDON: So you're asking us if a -- if we
5 care if the students --

6 MS. WITTUM: No. Not students. The instructors.

7 MS. PICKERING: The instructors of the students.

8 MS. GORDON: Oh, okay. Okay. So it's a licensed
9 cosmetologist?

10 MS. POWELL: Well, I think the fact that they are
11 a licensed practitioner, they shouldn't be penalized
12 because they chose to teach.

13 MS. GEE: I think it was probably an oversight.

14 MS. POWELL: I think the intent of it, I'm sure,
15 was to say an establishment.

16 MS. TURMAN: I think as long as they are licensed,
17 it should be any establishment. They should be --

18 MS. COLLINS-BURROUGH: Even if they are an
19 establishment --

20 MS. POWELL: Well, I would say --

21 MS. TURMAN: Instructors are crazy anyway.

22 MS. WITTUM: We might want to take a break before
23 we go into the computer enhancements and updates.
24 That's going to take a little bit of time. So if you
25 all want to have lunch first.

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1 MS. POWELL: Where are we going to be on that?
2 MS. WITTUM: We will be done with the --

3 MS. GEE: Is everybody coming back after lunch?
4 MS. GORDON: Huh-uh.
5 MS. GEE: No?
6 MS. GORDON: Oh, I'm just kidding.
7 MS. GEE: Well, I wasn't sure how much was left.

8 MS. WITTUM: Just the computer enhancements and
9 then we'll be ready to move into the legislative
10 committee.

11 MS. GEE: Is everybody coming back?

12 MS. POWELL: So we can come back at one o'clock.
13 Right?

14 MS. WITTUM: Yeah.

15 MS. POWELL: Meeting is adjourned until one
16 o'clock.

17 (WHEREUPON, a lunch break was held from 11:52 a.m.
18 to 1:05 p.m.)

19 MS. POWELL: The meeting will come to order.

20 At this time we have a report on the computer
21 enhancements by the director.

22 MS. WITTUM: We've been working to get the --
23 what's necessary to make the law revisions happen.
24 There are some computer enhancements that have to be
25 made to accommodate our computer software, and then we

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1 also have to purchase the equipment to actually

2 physically put the photos on the licenses and the
3 permits.

4 Once -- once we were able to kind of see which
5 revisions were definitely going to be a part of the law
6 revisions, I started soliciting estimates on how much
7 it would cost to do all of that, so that we could
8 amend, get our budget amended before the session ended
9 so that we would have the funds to be able to do all of
10 this. The computer enhancements, what would be
11 necessary to actually update our software are estimated
12 to be around 64,000. The website enhancements to keep
13 us moving in a direction of having more information
14 available on the website, plus have the schools still
15 be able to report their monthly hours to the website,
16 are going to be around 16,000. The -- the equipment,
17 the equipment necessary to put the photos on, at the
18 time that I was soliciting the estimates, I had talked
19 with the Department of Finance and Administration,
20 their driver's licensing and testing program, to find
21 out who they use, because it would be similar to what
22 they do with our driver's licenses and our state ID
23 cards. Their -- they use a company called Viisage,
24 V-I-I-S-A-G-E. That's who I talked to when I was
25 trying to get the estimate in order to be able to

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1 modify our budget. They were kind of costly. Their --
2 their estimate for getting us set up to be able to put
3 the photos on the licenses and the permits was 80,000.
4 So we -- we did go ahead and amend the budget to give
5 us an extra \$170,000, roughly, to be able to take care
6 of all of this.

7 But after I started meeting with the people at
8 DIS, the Department of Information Systems who takes
9 care of our IT needs, and I met with the Director of
10 the Driver's Licensing and Testing Program to kind of
11 find out more about what they actually do, they
12 encouraged me to do some more research because they
13 thought that I would be able to go with a different
14 vendor and purchase the equipment ourselves instead of
15 going through this vendor, and be able to satisfy our
16 needs. So I did that and believe that I found a
17 company that is going to take care of all of our needs
18 and at substantially less than what was previously
19 amended.

20 IDENTACard is a company that is used by a lot of
21 different government agencies, as well as just some
22 businesses, that takes care of all of the software and
23 the computer needs for people who are doing just what
24 we're doing. And these cards here are what we're going
25 to be moving to. They are basically the size of a

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1 driver's license or a state ID card and the software
2 will actually embed the -- print a picture on this card
3 so that there is no chance that it can be altered.

4 The Administrative Office of the Courts uses
5 IDENTACard. They actually have the equipment and I
6 went and saw it last week. And this is what they have
7 set up. It's kind of a rubbery, and I'll pass this
8 around so you all can see it, but it -- they picked
9 which design they wanted. I don't know if you've ever
10 been at their offices but this is actually a picture of
11 their office building, and then they put the state seal
12 on it, and then their software actually puts the
13 picture on here when they run it all through their
14 system.

15 On the back side of the card is this general
16 information here that just is standard. Which is
17 something that we will want to do is have standard
18 language on the back of it so there is no changing of
19 the licenses.

20 But if you want to just pass that around and take
21 a look at it, I was only able to get one copy of it,
22 and I'll pass this around so that you all can see it.

23 MS. BURCHETT: And then it will go through a
24 laminator or something?

25 MS. WITTUM: Uh-huh.

1 MS. BURCHETT: Okay.

2 MS. WITTUM: We -- our set up will be just a
3 little bit different than what AOC uses. They use it
4 only for their staff, so they have a smaller printer
5 than what we would have to have. But it -- and they
6 also have a separate laminating machine. Once they
7 take the picture and it shoots out in that format, then
8 they take it out of the little covering and put it in
9 the laminating cover and then send it through their
10 laminating machine.

11 Ours will have to be different just because of the
12 volume that we're going to be talking about. Our
13 printer will do the laminating and printing and
14 everything at one time, instead of it being a two-step
15 process.

16 This picture here kind of gives you a real good
17 view of exactly what the equipment is going to be.
18 The -- we will supply the computer that the software is
19 going to go on, so we'll just use one of our computers
20 there.

21 This -- it's hard to kind of see in the picture,
22 but this is actually the camera, the digital camera
23 there. It sits on a tripod that either can sit on a
24 table top or it can stand on the floor, whichever we
25 need. And then the printer, they didn't have a copy of

1 the printer in this brochure, but it's basically a
2 table top printer. It's not anything that's going to
3 take a huge amount of space.

4 And I'll send that.

5 MS. TURMAN: Kathy, can I ask you?

6 MS. WITTUM: Uh-huh.

7 MS. TURMAN: Are they going to be able to get
8 everything like aesthetician and all that on the --

9 MS. WITTUM: Yes.

10 MS. TURMAN: -- the cards?

11 MS. WITTUM: Yes.

12 MS. TURMAN: Okay.

13 MS. WITTUM: We'll be able to take care of --
14 we'll be able to take care of everything.

15 And I wasn't -- I don't have any -- yes, I do.
16 Here is the printer on this brochure that you can see
17 there. It's just a table top printer.

18 MS. GORDON: And it will say on the card what you
19 are, instructor or cosmo, manicurist?

20 MS. WITTUM: Yes. What we had -- what we talked
21 about previously, and you all correct me if I've got
22 anything confused, but it was my understanding that we
23 wanted to include language on these cards or the
24 licenses to specifically say what a cosmetologist,
25 aesthetician, manicurist, instructor can do.

1 MS. GORDON: Right.

2 MS. TURMAN: Yes.

3 MS. WITTUM: So it will be -- it will be detailed
4 to the point that anyone would be able to show that to
5 someone. For example, I think this whole issue was
6 brought up because of the cosmetologist who some people
7 think can't do aesthetics work.

8 MS. GORDON: Right.

9 MS. WITTUM: It will clearly say that they can,
10 that's within their scope of practice. But it will
11 need to be, obviously, abbreviated enough to fit on the
12 back of that card.

13 MS. GORDON: And then they will have to come into
14 the office to get the picture done and everything?

15 MS. WITTUM: They either will come in -- that's
16 why we're going to make sure that we have the digital
17 camera, so that we can actually take their pictures
18 here if they choose to come in. But they also will
19 have the option of, for the people who want to mail in
20 their renewals, they can mail in a picture that we'll
21 be able to scan and put into the software and
22 manipulate it onto the license before we actually send
23 it out. Or for the people who are doing online
24 renewals, they will be able to upload a picture, so
25 that that can be incorporated, too, because we don't

1 want to lose the people who are renewing online.

2 So I think with all of this equipment we'll be
3 able to pretty much cover anyone who is going to be
4 renewing. And the best part of all is that it's at a
5 much cheaper rate.

6 The IDENTACard will give us the IDENTACard System
7 that includes the digital camera, the accessories, the
8 software, the printer, training for the staff, a three
9 year warranty, assortment of supplies, and they also
10 said that they could download our current data into
11 their computer system so that it's already in that
12 computer system, or that software. They can do that
13 all for \$32,600. Substantially less than the 80,000
14 that Viisage was going to charge us.

15 MS. PICKERING: Did you say 32?

16 MS. WITTUM: \$32,600.

17 In addition to that, the only thing that
18 IDENTACard does not provide, other than the PC, which
19 we already have, will be the photo scanners, and we can
20 get photo scanners for roughly \$175 per.

21 We are exploring the possibility to get more than
22 one scanner, just because when renewal does hit, how
23 ever hard it's going to be with our new two year
24 renewal cycle, there will be more than one person

25

probably needing to scan photos. But I think at that

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1

price it certainly would be worthwhile to get, you

2

know, enough for all five of us to be able to do that.

3

Does anybody have any questions about any of this

4

equipment or --

5

MS. TURMAN: I just know -- did we get the money?

6

MS. WITTUM: Yes, we did. So we're good to go.

7

MS. TURMAN: Okay.

8

MS. GORDON: So right now we're looking at

9

IDENTACard, right, instead of the other one?

10

MS. WITTUM: Yes.

11

MS. GORDON: Didn't you show us two different --

12

MS. WITTUM: Well, Viisage, I didn't even ask them

13

to come and demo theirs simply because I don't think

14

it's cost effective to get -- spend that much money

15

when we can go this route. This is going to give us

16

everything that we need. And AOC is very happy, not

17

only with the equipment that they have but also with

18

the service that they get from IDENTACard.

19

So once -- so I told Karen, who is the rep I've

20

been working with, that I was just going to present

21

this to you guys. If there is any problems with it,

22

then we can go to Plan B, but I really don't think that

23

at this stage we should have any problems with saving

24 some money. And, in fact, that money is actually going
25 to help us in some other ways, too, that I will

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1 explain.

2 MS. TURMAN: I just love the way the card looks.
3 There is no -- you cannot tamper with it. You know,
4 it's --

5 MS. WITTUM: Right. Someone could try, but it
6 would be easy to identify.

7 MS. TURMAN: Yeah.

8 MS. WITTUM: The guard at the AOC who was showing
9 me how they use it told me that there are some people
10 who might try and take a little thumbnail picture and
11 try and glue it on the top of it, but you would be able
12 to tell that it had been altered. So the inspectors
13 when they are out, if they, you know, just run their
14 finger across the face of the license, they will be
15 able to tell it's been tampered.

16 MS. GORDON: So are you needing us to say yes?

17 MS. WITTUM: If -- I'm needing more for you to say
18 no. If there is a problem, then I need to know and
19 I'll stop the plans that I've been making so far.

20 MS. GORDON: I don't have a problem with it.

21 MS. WITTUM: The -- also the website enhancements,
22 it looks like, are going to be roughly 190 billable

23 hours at \$85 an hour that's going to -- that's where
24 the 16 -- I think it's \$16,150 to be --

25 MS. GORDON: What?

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1 MS. WITTUM: Sixteen -- 190 hours at \$85 an hour.

2 Yes, ma'am?

3 MS. GREEN: How are you going to be able to
4 determine, if they mail a picture in here, that that
5 picture is actually the person that is -- is actually
6 the person?

7 MS. COLLINS-BURROUGH: Claiming to be?

8 MS. GREEN: Yeah.

9 MS. WITTUM: There is no way to do that. I mean
10 we'll put -- we'll put whatever picture they send in
11 here, and then you guys will probably be able to come
12 across anyone who is using either a fictitious picture
13 or a fictitious name at some point during the
14 inspections. But there is -- there is no foolproof
15 system, so -- either what we're doing now or -- or
16 this.

17 MS. POWELL: Well, and you would also have a
18 backup from their driver's license. The picture that's
19 on the driver's license would -- would typically have
20 to match or look like the person.

21 MS. WITTUM: So for the inspectors --

22 MS. POWELL: That's what I'm saying.

23 MS. WITTUM: Now we're not going to require the
24 driver's license.

25 MS. POWELL: Right. Well, we don't have anything

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1 right now in place in the office --

2 MS. WITTUM: Right.

3 MS. POWELL: -- to prove anybody's license is
4 anyone's.

5 MS. GREEN: That's true.

6 MS. POWELL: So now you would have the driver's
7 license and then this license.

8 MS. GREEN: That would be better.

9 MS. POWELL: You know you can always ask for both.
10 I mean that's all they have got right now is a
11 driver's license.

12 MS. GORDON: So if I have a fictitious driver's
13 license and send in your name.

14 MS. CAUDLE: Sometimes we don't even have that.

15 MS. WITTUM: Right.

16 MS. TURMAN: Well, you can sit here and go if, if,
17 if, if forever, there is no foolproof.

18 MS. GORDON: Well, I don't -- I think it's
19 something we need to do, really.

20 MS. TURMAN: We do.

21 MS. WITTUM: Well, we have to now. It's in the
22 law.

23 MS. GORDON: And I like the IDENTACard. You know,
24 it's like the ones they do at school, you know, for the
25 children.

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1 MS. WITTUM: Uh-huh. Right.

2 MS. GORDON: So do we need a motion, move, say
3 okay?

4 MS. WITTUM: Well, it's my understanding that --
5 that I present this for informational purposes, and --

6 MS. POWELL: I mean this has already --

7 MS. GORDON: So we have --

8 MS. POWELL: It's already a law.

9 MS. WITTUM: I just want you to know what
10 directions I'm making. I have not gone to the limit of
11 signing the dotted line yet, but that's where I'm
12 moving to.

13 MS. GORDON: Well, you go right ahead.

14 MS. TURMAN: Sounds great.

15 MS. GORDON: Because, you know, you're that --

16 MS. POWELL: So is it the consensus of the board
17 that the \$32,000 is a whole lot better than the 80?

18 MS. COLLINS-BURROUGH: Yeah. That would be
19 better.

20 MS. POWELL: We're headed in the right direction?

21 MS. GORDON: It's the decision of the board to go
22 ahead and you're doing what is right.

23 MS. POWELL: Okay. Well, hearing no objection,
24 we'll give you our blessing.

25 MS. WITTUM: Well, I appreciate that.

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1 The other part that I wanted to talk to you about,
2 just to let you know what -- again, what direction I'm
3 taking, is on -- it still has to do with the computer
4 enhancements. As you know, we moved into a computer
5 system called GL Suite in October of last year. And
6 it -- there are no proper words to describe what it has
7 been like for the office staff or for the inspectors.

8 MS. POWELL: Or for the industry.

9 MS. WITTUM: Well, I -- I don't think the industry
10 has had to suffer as much as the office staff and the
11 inspectors, but it certainly has given -- because of
12 the lack of quality that this particular computer
13 system provides, it certainly makes the office look bad
14 because we -- we occasionally have to send out a
15 duplicate license just because we can't tell from the
16 computer system if one has been generated or not. So
17 it -- it certainly has repercussions on the full board.

18 The -- I've been concerned about this particular

19 computer system and whether or not it was going to be
20 suitable for us for several months, but I think my mind
21 was made up about them after I got the estimate from
22 them on making the enhancements that we're going to
23 have to have in our software, and the fact that they
24 have said it's going to take at least, quote, a good
25 two years of transitioning to make these law revisions

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1 possible. It -- most specifically getting the photos
2 on the licenses and changing that whole renewal cycle.

3 I don't think -- I'm not a computer person, but I
4 don't think it should take two years for us to make a
5 change like that.

6 They did quote -- quote me an estimate of \$60,900
7 to make the enhancements that would be necessary to
8 change the renewal cycle, put the photos on, do the
9 lifetime license, all of that stuff that's going to in
10 some way impact our computer system that we have right
11 now.

12 The -- for this reason, because I just don't
13 believe that this is going to be a quality system for
14 this office, I am looking to change our computer system
15 to secure a programmer who will build us an access data
16 base that will, I think, be better fitting for our
17 needs.

18 And -- and one of the most significant problems
19 that we've had with GL Suite has been dealing with the
20 inspectors. We -- we went to the expense of buying
21 their laptops for them to take and set them up to be
22 able to directly enter their inspection findings as
23 they are taking place, because GL Suite told us that
24 they would be able to make that happen. And we did
25 discuss the fact that there would be some areas in

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1 Arkansas that they wouldn't be able to connect to the
2 Internet to be able to get access to our data base and
3 the salon records, and GL Suite's response to that was
4 that they could put a copy of our data base on each one
5 of the laptops where the inspector wouldn't even have
6 to worry about whether or not there is a connection,
7 they could just work in that copy on their -- their
8 computer, and then we would have a system here in the
9 office where we could upload that information and get
10 all of our records updated as we needed to. We went to
11 the expense of buying the laptops, we bought the
12 docking station to be able to upload, we've done all of
13 that but GL Suite has not followed through on
14 developing that part of the technology to make that
15 happen, and they are not going to, basically. The last
16 word we've gotten, I've gotten from them is that they

17 are not going to finish what little bit of development
18 is necessary to actually make that happen.

19 So we -- I think that we have been misled by GL
20 Suite and bordering on being lied to from them, by
21 them, on what we can actually make happen with our
22 inspection -- with our inspection division.

23 So all of that together, plus the fact that of the
24 five of us Arkansas boards and commissions that signed
25 on with GL Suite back, I think in 2004, no one is

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1 happy. We all -- we all have the same complaints about
2 them, we're all having the same problems with our data
3 bases, and I'm not the only one looking for another
4 vendor at this point.

5 So we can -- I've gone ahead and talked with State
6 Procurement about getting an access -- access data base
7 programmer. I've talked with the company called
8 Computer Aid, who has the state contract for that
9 purpose. I've already talked with a programmer who
10 would be able to provide that service. And it will be
11 at substantially less than the 60,000 and some-odd
12 dollars that GL Suite has quoted us.

13 It appears that we would be able to get a
14 computer, an access data base built for roughly 54,000,
15 and they -- they can probably have us up and moving in

16 it in about three to six months.

17 So, again, this is more for informational
18 purposes, but if you have any oppositions against me
19 taking these steps, then I need to know this now before
20 we sign the contract with -- with them and then start
21 pursuing notification to GL Suite of this change.

22 MS. TURMAN: Evidently that one computer
23 programmer they have is extremely busy.

24 MS. WITTUM: They have a team of --

25 MS. TURMAN: I was being sarcastic.

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1 MS. WITTUM: Are you talking about GL Suite?

2 MS. TURMAN: Yes. One programmer.

3 MS. WITTUM: They actually have a team of people,
4 and several times have told us that we're the top
5 priority, that's all we've been working on. But I also
6 have been told by the other boards and commissions they
7 have been told that same thing, and sometimes it's even
8 been during that same time period that they were
9 working on us. So I --

10 I think that GL Suite, for those of you who are
11 not familiar with them, they are an Oregon based
12 company who solicited to come into Arkansas and start
13 developing licensing software for government agencies
14 or state agencies.

15 MS. GORDON: So with this new one, new -- when you
16 decide to change, which is obviously that's what we
17 need to do is look into something else, the inspectors
18 will still have the laptops, or will they go through a
19 different system or will it be basically the same?

20 MS. WITTUM: No, the computer, the access
21 programmer I've talked to said that he can make that
22 happen. And --

23 MS. GORDON: Use the same --

24 MS. WITTUM: It would be the same set up, they
25 would use their computers, get into the system

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1 automatically or by another way if they don't have the
2 connection. But it won't be the hassle. And you're
3 welcome to talk to any of the staff. I only have Genie
4 and Shaunta in here as far as what we've gone through
5 on the staff and --

6 MS. GORDON: Amber.

7 MS. WITTUM: Amber. Sorry. Excuse me.

8 And all five of the inspectors are here, so you're
9 welcome to ask them any questions you would like to
10 about the frustrations. But I think across the board,
11 and you all can speak up if I am speaking out of line,
12 but I think across the board everyone is very
13 frustrated with this computer system, and it doesn't

14 look like it's going to change any as far as what they
15 are going to be able to do for us.

16 And another thing that I think it's important also
17 to note is that GL Suite is a computer system that is
18 designed to require only their people to work in. So,
19 for example, something as simple as the board
20 members -- I mean our office letterhead, that has had
21 the board members' names on it, the copy that we had to
22 send to GL Suite we ended up having to take off the
23 board members' names because of the changes that were
24 happening, because we're having to pay GL Suite every
25 time we need to remove a name or add a name to that.

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1 An access data base would allow us to do that
2 ourselves. Plus the programmer is right here in
3 Arkansas, so if we had any major problems, we would be
4 able to contact that programmer and probably get
5 immediate assistance, instead of having to work long
6 distance with somebody who really couldn't care less
7 about what's happening here in Arkansas.

8 MS. TURMAN: I think we need to take care of that
9 yesterday, you know what I mean. I mean it is --
10 that's terrible.

11 MS. COLLINS-BURROUGH: Is there any recourse we
12 can take to recoup the money, the headache, the issues

13 that they promised and did not deliver?

14 MS. WITTUM: That would probably be a legal
15 question.

16 MS. COLLINS-BURROUGH: Could we combined with the
17 other boards and commissions that has had the trouble
18 as well?

19 MS. WITTUM: I don't know what routes they are
20 taking. My understanding, from what the DIS rep has
21 told me, is that everyone is just so ready to get rid
22 of them that they just want them to go away.

23 MS. COLLINS-BURROUGH: They are just ready to dump
24 it --

25 MS. WITTUM: Right.

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1 MS. COLLINS-BURROUGH: -- and not recoup anything?

2 MS. WITTUM: Right.

3 And I will tell you that GL Suite, the president
4 of GL Suite, the person who designed the whole program
5 is an attorney, and he -- you know, he's probably taken
6 care of any possibility for that to happen through his
7 contract.

8 Erika has a copy of the contract, she has reviewed
9 it some, we're going to have to review it in more
10 detail when we start preparing the notice to them to
11 let them know that we are going to look elsewhere, go

12 elsewhere for our service. But I -- I think it may not
13 be possible to recoup anything from them.

14 And as far as I'm concerned, I'm with the other
15 boards, it's just better to get rid of them and not
16 waste any more money.

17 This money that we have here that we were able to
18 get for the -- this particular purpose, to update our
19 system to account for these law revisions, I think
20 could be better spent than being sent to GL Suite,
21 which in my opinion is no different than walking into
22 that restroom in there and flushing the money down the
23 toilet. I mean there is absolutely nothing they are
24 going to be able to do to make this computer system
25 work for us.

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1 MS. POWELL: While you're talking at \$60,000 --

2 MS. WITTUM: Right.

3 MS. POWELL: -- to attempt it, where you're
4 talking 54,000 to get it --

5 MS. WITTUM: Right.

6 MS. POWELL: -- with another local agency?

7 MS. WITTUM: Right.

8 And we have already paid GL Suite somewhere in the
9 neighborhood of 70,000 for what we do have. And it's
10 not a quality system. At least by my standards it's

11 not a quality system. And it certainly has a lot of
12 holes in it that are affecting the office, as well as
13 the inspectors.

14 MS. TURMAN: Are you going to be able to get out
15 of the contract?

16 MS. GORDON: Yeah.

17 MS. WITTUM: That's what we're moving to. And
18 again, Erika wants to review it in a little bit more
19 detail, but, you know, we'll have to give them notice,
20 obviously, that we're going to be getting out of it.
21 But we're going to have to also finish getting the
22 contract established with the other programmer at the
23 same time.

24 MS. BURCHETT: Then do we need to go back to the
25 paper system for a while as far as hours are concerned?

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1 MS. WITTUM: No. I don't think we will have to.

2 The programmer, the access programmer that I spoke
3 with and that I have also worked with before, because
4 he built the Crime Victims data base over at the AG's
5 office, he has assured me that we can identify what is
6 most important for him to work on and he can have that
7 going in relatively a few weeks. I know when the Crime
8 Victims data base crashed at one time, he had the most
9 important part of that data base working within a

10 week's time, so that there wasn't a lot of manual work
11 that had to be done.

12 And it's at a good timing as far as moving into
13 this IDENTACard. We're all -- and outsourcing with
14 PCS, there is going to be so many changes that are
15 going to be taking place that there will be -- it won't
16 be manual by our standards because we're not going to
17 be handwriting, we're going to have computer systems to
18 help us go through that process, but we can start
19 working in other ways to move us towards building that
20 data base that we want to ultimately have.

21 MS. PICKERING: Ms. Wittum, I agree that I think
22 all of us as board members and staff know what the
23 exam -- I mean the inspectors have gone through since
24 the GL Suite. It's still a headache for every one of
25 them. More time consuming, more -- more paperwork for

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1 them.

2 MS. WITTUM: Uh-huh.

3 MS. COLLINS-BURROUGH: Well, do they even need to
4 have a computer and take that and lug it with them
5 in -- I mean is that really, really necessary?

6 MS. WITTUM: Well, in order to have a paperless
7 system and have it automated, yes. I mean they, the
8 whole purpose of the laptop is for them to be able to

9 get into that salon's record in our data base, and
10 instead of handwriting an inspection report that they
11 would send in to the office to be manually entered,
12 they will enter their findings automatically -- or
13 electronically. That will update that person's record.
14 So that there is not the need for someone to sit down
15 and actually enter that information.

16 And then what GL Suite was supposed to develop
17 that has not been developed is that for any of them
18 that have violations found, there is, should be an
19 automatic feature that would alert Amber to the fact
20 that this salon has a violation, so that she can
21 concentrate just on the list of people who have
22 violations in getting the notices out and getting them
23 scheduled for a board meeting. So that's a feature
24 that we want to have that's not here yet. And it's,
25 again, it's not likely to happen with GL Suite.

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1 MS. TURMAN: So you're saying, Kathy, if they do
2 not -- if they do not have this computer, then they
3 have to write it up and then an office staff has to
4 write it up also, so that's --

5 MS. WITTUM: Right. That's the way it has been
6 done in the past.

7 MS. GORDON: So that just skips a step in the

8 computer, is what you're saying?

9 MS. POWELL: But now it's --

10 MS. GORDON: If you --

11 MS. POWELL: Order, please.

12 MS. BURCHETT: Now it's where they -- they can

13 take their paper in and at a later time enter it into

14 the computer? They don't have to take the computer in

15 and do it on site?

16 MS. WITTUM: Well, it saves them time to take

17 their computer in. And their computer, I don't know if

18 anybody has their computer, but it's a very small

19 computer.

20 MS. BURCHETT: Right.

21 MS. WITTUM: It's not anything cumbersome. And

22 they -- they can actually go through the inspection

23 report on the computer and click if there is a

24 violation or not.

25 MS. BURCHETT: Yeah. I've seen it and done it

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1 with her.

2 But would they have the option of not carrying it

3 in?

4 I mean, sometimes it depends on where they are,

5 you know.

6 MS. WITTUM: Uh-huh. Well, if there is --

7 MS. BURCHETT: And they feel more comfortable not
8 carrying it in.

9 MS. WITTUM: If that connection is not available,
10 that's the only reason why I would think they should
11 not be using the actual computer while they are in the
12 salon. If that connection is not there, then we did
13 give them the ability to use a summary inspection
14 report that's not the long one that's been used in the
15 past that they could actually go through and fill out
16 and leave with the people. But they at a later time
17 have to go back in and key that in.

18 And the problem with constantly going back and
19 saving that entry for a later time is that, you know,
20 if they have done their inspections for their ten hour
21 day, then it's going to kick them over to overtime,
22 which is something that we don't need to -- to do on a
23 regular basis.

24 I mean, the whole point of having that laptop is
25 to go in there and simplify the process. It hasn't

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1 been simple with GL Suite, but that doesn't mean that
2 it can't be.

3 MS. BURCHETT: I think we just really need to look
4 at that for them to not -- not lock them into something
5 that is not the better way to do it for them, you know.

6 And if it's -- you know, if they choose to not do it
7 that way and then they want to -- to enter some -- I
8 mean, you know, I'm not talking about everything, but
9 if they choose to enter some after the fact, that that
10 be their choice, but when their ten hours is up, it's
11 up, but they still have a job to do. So it's something
12 we need to look at. I hate to put a rope around their
13 neck and drag them and say this is how you have to do
14 it when, you know -- we just need to, I think, hear
15 from them when it comes to that time --

16 MS. WITTUM: Uh-huh.

17 MS. BURCHETT: -- before we just say, this is how
18 it's going to be, you know. They are the ones doing
19 it, is what I'm saying. You know, we can say stuff
20 real easy here, but they are the ones out there
21 actually doing it.

22 MS. WITTUM: I think Sheila is wanting to comment.

23 MS. CAUDLE: I would like to just, my point of
24 view is, yes, it is a small computer system. The paper
25 input work was much easier, no doubt.

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1 We are responsible for this piece of equipment,
2 which has no insurance on it. If something happens to
3 it, we are responsible, we have to replace it, pay for
4 it, whatever. We had to sign something to this effect.

5 In every beauty salon that you go into, you have
6 water, you have perm solution, you have rain getting in
7 and out of the car, which all last week, I left mine in
8 the car all week and then keyed in my things.

9 If we're going to be held responsible for these
10 things, I don't think that we should be so mobile with
11 them, and that's my opinion.

12 MS. WITTUM: But, Sheila, I don't recall giving
13 you anything that said you would be held responsible.

14 MS. CAUDLE: You had me sign a waiver.

15 MS. WITTUM: I didn't have you sign a waiver.

16 MS. CAUDLE: Yes, ma'am, you did. And I asked you
17 did you carry insurance on them and you said, no, it
18 would be too costly. And you said that in a meeting
19 with us inspectors.

20 MS. WITTUM: Well, I'll definitely look into the
21 insurance, but I don't believe I had you sign a waiver
22 that said you would be held completely responsible to
23 replace.

24 MS. CAUDLE: You said that we would be responsible
25 for this equipment and we had to sign off on it, yes,

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1 ma'am, when we first got them.

2 MS. COLLINS-BURROUGH: Okay. Say something
3 happens, say something happened to them, then all the

4 information that they were -- that was in there, where
5 would it be should it be lost?

6 MS. POWELL: In the office.

7 MS. COLLINS-BURROUGH: Because they send it --

8 MS. POWELL: That's the point.

9 MS. COLLINS-BURROUGH: -- when they leave a
10 salon --

11 MS. POWELL: When they hit submit it goes into the
12 office, so it's securing the information.

13 Am I --

14 MS. WITTUM: Yes.

15 MS. COLLINS-BURROUGH: So they don't have any
16 backup with them, then? The inspection form?

17 MS. WITTUM: Right. They have their condensed
18 form that they can handwrite if they need to, if they
19 can't use the actual equipment.

20 MS. COLLINS-BURROUGH: Yeah. Okay.

21 MS. POWELL: Ms. Turman?

22 MS. TURMAN: If they don't fill this information
23 in while they are there, don't you guys -- of course,
24 this has happened before -- run the risk of saying, I
25 didn't sign it?

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1 MS. CAUDLE: How do you fill it in when you have
2 no Internet connection?

3 MS. TURMAN: Okay. I'm just wanting to know, and
4 which has happened before when the report has been
5 different, you know, that they say, well, I didn't sign
6 this and --

7 MS. CAUDLE: That's why I have a carbon copy on my
8 condensed form, and whatever I leave them is exactly
9 what I --

10 MS. TURMAN: That's what I mean, though, if you
11 was entering it on the computer and you left the office
12 or the shop and then you entered it, then you couldn't
13 leave them a report, is that right? That's -- I'm
14 just trying to --

15 MS. CAUDLE: Right. On the computer, you're
16 right, there would not be --

17 MS. GREEN: There wouldn't be anything, only that
18 we sign our name on their license. That's their only
19 proof that we were there.

20 MS. COLLINS-BURROUGH: Oh.

21 MS. WITTUM: No. They have a short form --

22 MS. CAUDLE: No, they have a condensed form that
23 we leave.

24 MS. POWELL: They have a paper carbon copy, or
25 whatever it is, to leave in the instances where they

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1 can't utilize their computer. Is this -- at least

2 that's my understanding.

3 MS. WITTUM: (Nodding head up and down.)

4 MS. POWELL: They have a form that they created.

5 MS. WITTUM: And they also have printers that they
6 chose, and asked the board when they were going to the
7 condensed form to not have to carry the printer with
8 them to print it out. But they do have printers that
9 came with the laptops, that should they need to print
10 up something, that they don't have any other way of
11 leaving a copy with them, they could print that off.

12 MS. TURMAN: But they could not do that if they
13 went out into the car and entered that information.
14 That's what I'm trying to get at.

15 MS. POWELL: Well, yeah. But they would have to
16 go back in and take them a copy.

17 MS. TURMAN: That's what I mean.

18 MS. POWELL: So that's why they have this other
19 form.

20 MS. TURMAN: That's why they do it while they are
21 there.

22 MS. GORDON: I have a question.

23 MS. PAT JACKSON: Well, going to completely
24 paperless, or as paperless as possible, we are not --
25 and if I'm right, Kathy, or wrong, let me know, we are

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1 not necessarily having to leave a form if there is no
2 violation.

3 MS. WITTUM: Right.

4 MS. PAT JACKSON: So we don't have to leave
5 anything whatsoever.

6 MS. GREEN: Except that we sign the license.
7 That's their proof that we were there.

8 MS. PAT JACKSON: Right.

9 MS. POWELL: So basically if there is a violation,
10 it is entered into the system as promptly as possible.
11 If they have the computer with them and the --

12 MS. PAT JACKSON: And a condensed form.

13 MS. POWELL: And then -- and a condensed form and
14 it's in their car, or as far as their car, and it's
15 taken one person, one man to enter that data, collect
16 the data and enter the data and submit it to the state
17 as opposed to a two man process without -- with
18 being -- without computer based.

19 MS. PAT JACKSON: And, Ms. Powell, we don't go
20 into a salon without paper.

21 MS. POWELL: Right.

22 MS. PAT JACKSON: So, you know, I mean we carry
23 our laptops, but we also carry paper with us. We
24 document whatever, whether -- if there is a connection
25 and a violation, we document that on our laptops and

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1 also on our condensed form that we send in to the
2 office for a violation. So we don't go back out to our
3 vehicle and get a piece of paper and try to remember
4 what was in there or go back in there. We take that
5 with us as we go.

6 MS. POWELL: No. What I was trying to say,
7 though, Pat, is like Ms. Turman was saying, if you
8 chose to not carry the printer --

9 MS. PAT JACKSON: Oh.

10 MS. POWELL: -- you could have had the printer in
11 the car and you could have gone and done it that way as
12 well so you wouldn't have to carry it with the rain
13 issue and the liability issue and all these other
14 issues.

15 MS. PAT JACKSON: Sure.

16 MS. POWELL: So, I mean, but they do have the
17 opportunity to enter the data. It's -- and submit it
18 to the state. The state is privy to the information as
19 expedient as possible through the computer system, and
20 as well they have a summary report that they have
21 created to include all the pertinent information that
22 they felt was -- or that was established to be relevant
23 to this inspection, if there wasn't an opportunity for
24 this submission of data due to the not being online,
25 and also the form for no violation issues, a simplified

1 form, if that's what you call it, is what I understand.

2 MS. GORDON: All right. So I'm understanding that
3 they are still doing paper, doing the paper? You just
4 said a condensed form. They have the --

5 MS. POWELL: They have the option, yes.

6 MS. GORDON: Okay. So, but did I hear her say
7 they still carry them in or something anyway?

8 MS. WITTUM: Well, they carry the condensed form
9 so that if the salon has a violation, they can make
10 that note on the actual condensed form.

11 MS. GORDON: Okay.

12 MS. WITTUM: Get the person's signature on it.

13 MS. GORDON: Okay.

14 MS. WITTUM: Because the computer does not capture
15 the signatures, like it was intended to do but it's
16 not.

17 MS. GORDON: But so they are still doing both
18 paper -- it's not a paperless system yet?

19 MS. WITTUM: Not yet. Right.

20 MS. GORDON: But that's what, when we change from
21 GL Suite to somebody else, it's the hope or the --

22 MS. WITTUM: Uh-huh.

23 MS. GORDON: -- intent is for it to become where
24 they don't have to -- they don't carry, I know they
25 don't have to, but they still carry the paper with them

1 and do the report on the paper and have the person sign
2 it?

3 MS. WITTUM: Uh-huh. Right.

4 MS. GORDON: So when we get a computer system that
5 works, the shop owner, manager, whoever, will be able
6 to indicate on the computer system that this was me and
7 I was in violation?

8 MS. WITTUM: Yes.

9 GL Suite was supposed to develop, another part of
10 their development was to have it possible for the salon
11 owner to actually sign the inspection report after the
12 inspector goes through that list and notes if there
13 were any violations or not. And that signature would
14 be captured in the computer system so it would -- we
15 would have it on file. That's why they are getting the
16 signatures for the people who have violations now, and
17 then either making a carbon copy or writing another
18 copy out for the person to keep, that way we each have
19 a copy with a signature.

20 MS. GORDON: So we have to give a report even on
21 the salons that have no violations?

22 MS. POWELL: You have to give an inspection
23 report. Yeah.

24 MS. GORDON: You do an inspection report on them?

25 MS. WITTUM: That's the only way for us to keep up

1 with where -- which salons have been inspected and
2 when.

3 MS. POWELL: There has to be a record
4 documentation of the inspection.

5 MS. GORDON: Oh, okay. So each salon is
6 documented that this salon was visited on this day
7 anyway, and then the ones with violations is written
8 up?

9 MS. WITTUM: Uh-huh.

10 MS. GORDON: And put into the computer?

11 MS. WITTUM: Uh-huh.

12 MS. GORDON: So, they are still doing two things,
13 which will be eliminated once the system is set up?

14 MS. WITTUM: Right.

15 MS. POWELL: Brenda?

16 MS. MORGAN: Got to say my say-so about the
17 computer.

18 I'm probably, of the five of us, I'm probably the
19 least --

20 MS. GREEN: Uh-huh.

21 MS. MORGAN: -- informed about the use of the
22 computer, I'm illiterate about it, and I have learned a
23 lot of things and I still have a lot to learn about it.
24 It's very difficult for me especially, which I'm

25

learning now that a lot of it is GL Suite, a lot of it

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1 is our server, whom I don't even know who that is.
2 But, for instance, I've had some salons this week and
3 some violations, and I had to bring some to Amber
4 because I couldn't even get to the inspection part of
5 what I was supposed to do. Whether it be the computer
6 or whether it be me, I don't know which to blame,
7 probably both of us.

8 But let's just go to 10 or 12 blocks from here and
9 let's go into a place, and there is people going out
10 the back door on me and there is people loitering
11 outside and everything, I lots of times will leave the
12 computer into my car and I do not take it in. I do my
13 report. I don't know how the others do that. But we
14 all, all five of us have places that we go into that
15 you don't need any extra baggage when you go in. You
16 take your car keys, you go in, you go out, you do your
17 inspection to the best of your ability. It's
18 dangerous. Every day, every shop is a different
19 picture.

20 I'm willing to learn, but this system must have
21 been a really bad one for me to start on, I'll tell you
22 that right now, because it's been, it's been very
23 difficult. I've come as close to quitting since last

24 year. Since we got the computers in July, I cried all
25 of July, in August I got out there and I tried, but

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1 it's been hard for me.

2 MS. POWELL: Well, I can say, Brenda, it's been
3 hard for everybody with GL Suite. I think the bottom
4 line --

5 MS. MORGAN: Well, I understand that, but at first
6 I didn't because I thought it was me.

7 MS. POWELL: Yeah.

8 No.

9 MS. MORGAN: And I'm finding that it is not all me
10 but it is really -- we think we can -- we can summarize
11 and say this shop can be done that way and that school
12 can be done this way, but every one of them is a
13 different picture out there. When you go to them,
14 every area is different, every inspector is different.

15 But I, even right here at the office sometimes,
16 Kathy knows, Amber knows, I can't even get a connection
17 like I should just to get into the system to see if I
18 can check a license number. And that's very, very
19 difficult.

20 MS. COLLINS-BURROUGH: Brenda, is that wireless or
21 do you have to carry cords and plugs and --

22 MS. MORGAN: That's wireless. That's wireless.

23 MS. COLLINS-BURROUGH: Okay. Are --

24 MS. PAT JACKSON: We do carry cords and plugs.

25 MS. GREEN: We do carry all the cords.

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1 MS. MORGAN: I do have cords in my office. But
2 even here in the office, no connection half the time,
3 most of the time here. Any big buildings in Little
4 Rock you cannot get it.

5 MS. GREEN: Any time you get in a building like
6 this.

7 MS. COLLINS-BURROUGH: Big buildings, don't they
8 have signal blockers?

9 MS. PAT JACKSON: Yeah. Any big structures,
10 their metal in them.

11 MS. MORGAN: That's part of it, too.

12 MS. GREEN: It's not practical.

13 MS. POWELL: Well, you know, I see that in the
14 name of progress sometimes we're going to have to
15 always make adjustments to those situations to where
16 you do have, like we have found -- I mean we found that
17 GL Suite was an issue and have been dealing with it
18 diligently for year and a half? Two? How long has it
19 been?

20 You know as a school owner I know I deal with it,
21 and I know I deal with it with you all when you

22 complain about the -- the issues of having to learn a
23 system. Hey, we've all dealt with trying to learn this
24 system. And I think, you know, you eventually have to
25 get to the point of you're going to give -- you know,

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1 you just have to let the sinking ship lie, and I think
2 that's where we are with this particular computer
3 system.

4 Now -- and I would never believe that even if we
5 got into the -- the best system in the world that an
6 inspector is never going to get in a position to where
7 they couldn't carry a computer in somewhere. They may
8 not even be able to walk in themselves somewhere, let
9 alone carry a computer or a purse or whatever, but
10 that's -- those are issues that we will have to deal
11 with and that's the beauty of still being, you know,
12 having trees and paper, I guess. So, I mean, we will
13 still be able to do that in those instances.

14 But I think I, for one, just think that this
15 has -- this has been a beating with trying to implement
16 this computer system that was more or less forced on
17 us, and it has been proven to be faulty. It's inferior
18 and to me it's the system that I'm focusing, has
19 nothing to do with my special needs as a school owner,
20 has nothing to do with your special needs as an

21 inspector. I just see it that every time they go to
22 fix something, they break something else that was
23 working perfectly the day before. So, I guess I -- I
24 just need the board to either acknowledge that they
25 hear that and that they want to move to fixing the

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1 problem with this particular plan or go down with the
2 ship with GL Suite, and that's where we're going.

3 MS. PAT JACKSON: I think, Jane, too, Brenda and
4 Rose both were not computer literate whatsoever and --
5 and I could, I could illustrate that by saying when
6 I first learned to do a -- look at a computer, a lady
7 was -- took me over to the office, I was at J.C.
8 Penney, and I had no idea of computer knowledge. And
9 she said, okay, turn it on. And I said, well, I don't
10 know where the switch is, you know. Now here is
11 someone that's like most everyone here, they know all
12 about computers.

13 I said, wait just a minute. I ran back to the
14 salon and I came back and I handed her a pair of
15 shears, and I said, here, I got a head of hair for you
16 to go cut. She said, I don't know how to cut hair. I
17 said, I don't know anything about a computer.

18 So in that respect this is where we have two
19 inspectors who have not only been frustrated with the

20 system but frustrated because they don't know what an
21 icon is, they don't know what a file is so, you know --

22 MS. MORGAN: We do now.

23 MS. PAT JACKSON: You do now.

24 But so that's been part of their frustration.

25 MS. POWELL: Absolutely. Absolutely.

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1 MS. PAT JACKSON: Not necessarily all GL Suite,
2 but I could see the frustration, too.

3 MS. POWELL: Well, I'm sure, I mean, it's like any
4 system or any agency or any business, when you go from
5 paper to paperless, that as we have been directed to
6 do, I know in my business, I hated it. I was the first
7 one kicking and screaming. But I like the security of
8 paper. But, you know, we're not there, and --

9 MS. PAT JACKSON: And I didn't mean you any
10 disrespect whatsoever.

11 MS. MORGAN: You know, I love what I do, I love
12 the industry or I, obviously, would not be here,
13 because there are good -- you know, I have good
14 inspections and I have good salons and I have good
15 schools and I have good things, it's just been a real
16 trying time.

17 MS. POWELL: Sure. I understand. As I know it
18 has been for that office. And I think that's why I

19 hear them pleading that someone help us help you.
20 That's what I keep hearing. You know, and -- and it's
21 a team effort here. It's got to work through the
22 inspection, into the office, into the director, and
23 into the board. It -- it's just a circle, it's a
24 chain. And it's -- it's -- it's going to take a decent
25 computer based system to get it to operate, and it's

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1 just not.

2 MS. TURMAN: You know, some -- when -- I've got
3 one even better than that. I know in my office I have
4 somebody call me and wanting to tell me that their --
5 their cup holder was broken. It was their CD, you
6 know, they have used that for their coffee. That's
7 what they thought it was for. So --

8 MS. PAT JACKSON: That's a good one, Pat.

9 MS. TURMAN: So, you know, everybody has to go
10 with this.

11 MS. POWELL: Yes, Amber?

12 MS. McCUIEN: I just wanted to say that I just
13 started working here May of last year, and we got into
14 GL Suite in October, but we were working on it as early
15 as, I believe, June or July, getting us trained to work
16 in the system. And I think that the office and the
17 entire staff has gotten a really, really bad rep

18 because of GL Suite. People think that we are idiots,
19 they think that we are -- we don't have the capacity to
20 renew licenses. They want to know why they are getting
21 two licenses, why they received three. They just think
22 that we're idiots, and it's because of GL Suite. And
23 we just want some help. That's it.

24 MS. POWELL: Okay. Point well taken.

25 MS. McCUIEN: Thank you.

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1 MS. POWELL: Do you have anything else?

2 MS. WITTUM: Well, with these -- with these
3 changes, all computer related, going into IDENTACard,
4 changing to an access data base, making all of the
5 revisions that are necessary to -- or all of the
6 enhancements that are necessary to implement the law
7 revisions, are estimated to cost around 103,000, which
8 is substantially less than the 170,000 that we thought
9 at the onset it was going to cost, and that we actually
10 have funding for. So -- so I think even though it's
11 going to mean some changes and it's going to be another
12 few months of dealing with yet another computer system,
13 I think it's -- it's going to be well worth it in the
14 long run, plus it's going to cost -- save us some
15 money. So, again, I just wanted to let you all know
16 these are the directions that we're moving into, and if

17 you -- if you do have some concerns about either using
18 IDENTACard or -- or changing to an access programmer,
19 then I just need to know that now before I get into the
20 final stages of the contract.

21 MS. TURMAN: Kathy, I don't want to sound like a
22 broken record, but I want to take what Amber said, I
23 certainly think that's what happened to you guys, and
24 I'm going to say this once again today. I have said it
25 this morning and I'm going to say it this afternoon, I

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1 think we are very, very fortunate to have our office
2 staff, we're very fortunate to have Kathy do all this
3 research and all this stuff. This takes time.

4 Our -- and our -- our inspectors, they don't sit
5 around on their thumbs all the time not doing anything,
6 you guys. I mean, what she has accomplished and what
7 she has given us, I'm comparing it with what we had
8 before and what we have now. We have got to get
9 behind -- it's Kathy's office staff, not this board's,
10 and they do a wonderful job. And I think it's time
11 that we recognize this and I -- I know, I've heard some
12 remarks about our office staff, and let me assure you,
13 I don't like it. And -- and I just want to say that I
14 appreciate all the -- I mean I know everything,
15 everybody has suffered some criticism, and sometimes

16 it's justified with all of us. But what they have gone
17 through, and I'm -- I just do appreciate them and --
18 and everybody has got to pull together to get this
19 thing going and get this matter corrected. But I just
20 want to say thank you to all you guys again.

21 MS. PICKERING: I agree.

22 MS. POWELL: Ms. Burchett?

23 MS. BURCHETT: I agree that we need to go that
24 direction and look. But I'm real interested in knowing
25 what kind of training is going to be available for

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1 everybody, staff, inspectors. You know, it's just not
2 fair to give somebody something new and expect them to
3 do it without being trained and so I'm concerned about
4 that, and just want to recommend that that be a big
5 part of what questions you ask whenever you, you know,
6 are going that direction.

7 MS. WITTUM: Well, I know that the access
8 programmer gives one-on-one, basically one-on-one
9 training with whatever he develops, so we will have
10 training on that particular issue.

11 In addition, the state used to offer very
12 reasonable computer classes for state employees, which
13 I have found since I came here that they don't do any
14 more. But we have located a company in Little Rock

15 that does do computer training. And it's just a matter
16 of getting -- getting everyone scheduled for a day or
17 two, how ever long they are going to need for that
18 training. We will have to pay for it, of course,
19 but --

20 MS. MORGAN: I want 30 days of it.

21 MS. WITTUM: I think everyone would agree that it
22 will be well worth the expense.

23 MS. BURCHETT: Right. And I truly do, too. As
24 well as training for the board as far as parliamentary
25 procedure and meeting protocol. You know, I've been

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1 trying for 30 years to be in -- to have a part in -- in
2 it, but, you know, I still know just enough to be
3 dangerous, and am still not real comfortable with it.
4 But for someone to come on -- on -- on the State Board
5 of Cosmetology and not have any training, I mean
6 offered to them, if they -- if they want it, you know,
7 as to how the board should operate and how they can be
8 recognized and if they don't hear something said, how
9 do -- how do, how to be heard, you know. I mean
10 there -- there are ways to do it. And I think it's
11 important, if we're going to operate as a board, that
12 the board knows how to operate. And I talked to Erika,
13 and to Kendra, and they were very excited to know that

14 we might want that. And so I would like to recommend
15 that -- that you talk to Erika and see about setting up
16 some kind of training; and I guess if they don't want
17 it they don't have to come. But, you know, I knew
18 whenever I -- I knew whenever I was in -- in
19 cosmetology school and I came and observed the state
20 board meeting, that I better learn something about it,
21 you know, because I saw the person in the chair, in the
22 hot seat, and she didn't have -- she didn't have an
23 attorney and she knew nothing about parliamentary
24 procedure, and she could have had her thing thrown
25 completely out, but she didn't know that. So, you

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1 know, because somebody said -- you know, something was
2 stated wrong and handled wrong. And we need, if we're
3 going to be a professional board, then we need to be
4 trained how to be a professional board. So --

5 And I'm saying, me, too. All these fingers are
6 pointing at me, too, you know. Just because I know
7 something doesn't mean that I'm -- you know, I'm far
8 from knowing any -- much about it.

9 MS. WITTUM: Well, we can set that up with Erika
10 and Kendra and just put a place on the agenda for our
11 next board meeting, if you all can put it together by
12 then.

13 MS. GEE: (Nodding head up and down.)

14 MS. BURCHETT: Thank you.

15 MS. WITTUM: Uh-huh.

16 Are there any other questions? Comments?

17 MS. BURCHETT: Before we go to the committee
18 meeting?

19 MS. WITTUM: That's what we will be moving into.

20 MS. BURCHETT: Is that what the next meeting is?

21 MS. WITTUM: Uh-huh.

22 MS. BURCHETT: And I know you're tired of hearing
23 from me, but I'm on the board so, sorry.

24 But this is something that's very important.

25 Kathy -- I mean, I'm sorry. Jane, I want to thank you

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1 for putting me on the committees that you did. I
2 appreciate that, and I just want you to know that I'm
3 taking that very seriously.

4 And I just need everyone to listen carefully to
5 what I'm about to say. Because as I read through my
6 responsibilities on this committee, it says I'm going
7 to evaluate rules necessary for revision, consisting of
8 and soliciting feedback from industry and making
9 proposal to the full board to bring rules and laws into
10 agreement, and that I'm to evaluate the laws necessary
11 for revision. And so, as I -- as I've done this -- and

12 I'm not doing any of this for me. You have to know I'm
13 only sitting here because this is the position that I
14 have. But everything that I do is going to -- to -- I
15 mean it's going to -- it's going to touch everybody in
16 the profession. And so I have researched this, I've
17 talked to instructors, school owners, stylists,
18 students, I've -- I am told that they are starting up
19 petitions that have to do with this, and my concern,
20 Madam President, is that according to Robert's Rules of
21 Order, Page 304 to 321, under the section to
22 reconsider, after thoroughly reviewing the law, our
23 law, Section 14, 17-26-303, part A, which reads -- and
24 I hope the board is paying close attention, please pay
25 close attention -- our law reads that the examination

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1 of applicants for a license in any of the branches or
2 practices of cosmetology shall include both a practical
3 demonstration and written test and shall embrace the
4 subjects concerning the particular branch or branches,
5 practice or practices for which a license is applied.
6 And then in C, it reads, the examination shall be
7 consistent in both practical and technical requirements
8 of sufficient thoroughness to satisfy the State Board
9 of Cosmetology as to the applicant's skill and
10 knowledge of the practice of the occupation or

11 occupations for which a license is sought.

12 So the bottom line is, our law tells us that we
13 have to have a practical exam, which we still do. But
14 it also tells us that -- that they shall embrace all
15 the subjects concerning the particular branch or
16 branches. In other words, if they are testing for
17 cosmetology, they need to embrace all areas of that
18 exam that a cosmetologist would be doing, all the major
19 areas.

20 So the motion that was made on May 21st, and it
21 passed, it took us from just -- from doing core and
22 optional to just the core part of the exam. In the
23 optional portion of the exam, you will find facials and
24 manicures, and those are two critical parts of what it
25 takes to -- what you have to be taught to get a

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1 cosmetologist license, which is clearly stated in
2 this -- in this Section 14, 17-26-303 (a) and (c),
3 those two paragraphs.

4 So, I would just like to ask if the board
5 understands what I'm trying to say before I say
6 anything else?

7 MS. PICKERING: I don't, so you explain it.

8 MS. GORDON: I do.

9 MS. TURMAN: What is that?

10 MS. BURCHETT: Section 14, Section 14,
11 17-26-303(a) and (c).

12 MS. TURMAN: Two?

13 MS. POWELL: 303.

14 MS. BURCHETT: Okay. The law states there -- read
15 it again? Is that what you said?

16 MS. GEE: No. I said 303.

17 I'll find it.

18 MS. BURCHETT: The law states there that we have
19 to have -- I'm talking about an exam, a demonstration
20 exam or an exam for a cosmetology license. Okay.
21 That's all I'm talking about right now.

22 And it says that this shall include both a
23 practical and demonstration and written test and shall
24 embrace the subjects concerning the particular branch,
25 branches, practice or practices for which the license

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1 are being applied. So if they are testing for
2 cosmetology, it says that they should be able to
3 demonstrate all areas, basically is what that says.
4 Not -- not by written or practical, you know, all the
5 areas are going to be covered in the written exam. But
6 this tells me that it's supposed to be also in the
7 demonstration part of the exam.

8 MS. COLLINS-BURROUGH: So what you're saying is

9 you want them to do the entire scope of practice?
10 MS. BURCHETT: I -- I'm saying that they at least
11 need to cover -- add facial and manicure back in to
12 the -- to what the -- you know, with the core, to be
13 able to -- for us to -- you know, in my opinion, I
14 don't feel like we are -- I feel like that the motion
15 that was made and passed goes against our law, the way
16 our law is written.

17 MS. POWELL: Well, I may have misunderstood our
18 law, but I thought it was saying that they would be
19 examined with a practical and a written exam based on
20 the state mandated curriculum, what, what they would
21 be, in a cosmetology curriculum.

22 I do know that in the past, when the state chose
23 to go with the NIC exam, that was a discussion at the
24 time on what would be included in the exam, since NIC
25 didn't -- or the -- when they put the exam facility

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1 over here, there wasn't going to be the shampooing and
2 NIC didn't have a shampooing section with the exam.
3 And I know that they opted -- NIC's response was that
4 particular subject matter was covered in the written
5 examination, and they still concluded that they, the
6 student was being examined on it.

7 Now, I don't believe that our -- and you can

8 correct me if I'm wrong, but I don't believe our law
9 stated how that each subject matter would be tested.

10 MS. BURCHETT: Well, what -- what made me really
11 realize it is the fact that it says shall be -- shall
12 include both a practical demonstration and written test
13 and shall embrace the subjects concerning the
14 particular branch or branches of which the license they
15 are applying for.

16 And then in C, it says, the examination shall be
17 consistent in both practical and technical
18 requirements, and of sufficient thoroughness to satisfy
19 the State Board of Cosmetology as to the applicant's
20 skill, and that's another key word, and knowledge. It
21 doesn't say or knowledge, it says and knowledge of the
22 practice of the occupation or occupations for which the
23 license is sought.

24 And -- you know, and there was some discussion --
25 there wasn't any discussion, and it's another fear of

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1 mine and concern of mine that -- that you hear -- I
2 hear things from the board, not one on one, but just
3 hear, hearing them saying, and even -- even on record
4 that -- that they don't agree with something after they
5 vote for it. And I think it's just like this, I don't
6 think they understand but they don't know how to -- how

7 to get that understanding.

8 MS. PICKERING: Let me correct myself. Let me
9 correct myself.

10 I know the law, but I don't understand you.

11 MS. BURCHETT: I know.

12 But I'm talking about understanding when we're
13 ready to vote for something and how to --

14 MS. PICKERING: Well, I -- I am very offended that
15 you point out, now, board members, you listen to this.
16 I think I have as much knowledge as you do. Excuse me.

17 MS. BURCHETT: That's not why I said that, you
18 know, and I'm sorry that you took it that way. I just,
19 I just hope that you would understand, because I heard
20 several talk about --

21 MS. PICKERING: Well, you didn't hear me after --
22 at a board meeting.

23 MS. BURCHETT: That's fine. I apologize on record
24 if I offended you. That is certainly not the reason
25 that I said that.

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1 Therefore, Madam President, I move reconsideration
2 of the motion that was made and passed on May 21, 2007,
3 which would eliminate the optional services from the
4 practical exam. If passed, the optional services, with
5 a minimum of the facial and manicuring, would be added

6 back to the practical exam for the candidates for the
7 state of Arkansas.

8 MS. GEE: I would like to just throw something in
9 there, while you all are considering the motion that's
10 on the table.

11 I looked at this today. We talked about this a
12 little bit earlier. And I don't think that it's a
13 violation of that statute the way that the -- that you
14 all voted to have the practical exam. I think that
15 based -- the statute does require there to be a
16 practical and written exam, that is the baseline there.
17 And I think that the fact that it's -- it's couched in
18 the terms of sufficient thoroughness to satisfy the
19 State Board of Cosmetology, I think that there is some
20 discretion as far as the board goes on how and what you
21 think ought to be tested in what way.

22 So that -- that's my legal opinion of the meaning
23 of the statute.

24 Now, what should happen, that's up to you all,
25 what you think is the appropriate way to go.

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1 MS. POWELL: Ms. Turman?

2 MS. TURMAN: I make a motion, because I'm reading
3 this, and it says written and oral test shall embrace
4 the subjects concerning the practical branch or

5 branches practiced or practices for which the
6 certificate of registration and license is applied.

7 MS. GEE: The oral was changed?

8 MS. TURMAN: Yes. Uh-huh.

9 And I feel like -- I feel like we should leave our
10 motion as stands.

11 MS. PICKERING: I second that, if that's in order.

12 MS. GORDON: Seeing as what -- the motion she
13 made, leave it as it stands, or the previous motion
14 that was made?

15 MS. TURMAN: The previous, because our legal
16 counsel said she doesn't think we have done anything
17 wrong on this, that it did not make any difference. So
18 I'm going to go --

19 MS. GEE: Well, let me say again, I'm -- I have no
20 position on what should be covered in the exam. I'm
21 not a cosmetologist, I have no idea. I'm just saying,
22 if -- I don't think that it's a problem with the
23 statutes. That's all I'm saying.

24 MS. TURMAN: Okay. Well, that's what I mean.

25 MS. POWELL: Well, when it says sufficient with

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1 the board and the board making a ruling on it, it must
2 be sufficient if it wins by a majority.

3 MS. GEE: Uh-huh.

4 MS. POWELL: So if there is not legal counsel to
5 say that it's a violation, and if NIC, the testing
6 agency, does say that it's not -- that other agencies
7 are practicing as well that and feeling sufficient, I'm
8 not concerned.

9 MS. TURMAN: That's --

10 MS. POWELL: But now, if you are -- okay. I have
11 a motion and a second. Is there any other further
12 discussion?

13 MS. PICKERING: Whose motion are we --

14 MS. POWELL: I have a motion to --

15 MS. TURMAN: Let the original -- as made --

16 MS. COLLINS-BURROUGH: The original motion made
17 and a second.

18 MS. POWELL: Huh?

19 I've got two motions on the floor. I don't have
20 a second on --

21 MS. COLLINS-BURROUGH: The first motion.

22 MS. TURMAN: Okay.

23 MS. POWELL: -- yeah, the first motion,
24 Ms. Burchett's, so I suppose that motion dies for
25 failure of a second.

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1 MS. TURMAN: Okay. So --

2 MS. POWELL: I have a second motion on the floor.

3 MS. TURMAN: Well, we don't -- do we actually need
4 the motion, mine, since hers died? Because wouldn't it
5 stand anyway?

6 MS. POWELL: You don't need it, huh-uh. There is
7 nothing else to vote on.

8 MS. TURMAN: That's what I thought.

9 MS. COLLINS-BURROUGH: Okay. Let's talk about
10 this some more.

11 What are you afraid of? I mean what -- why do you
12 want facials and manicurists? Are you afraid your
13 students wouldn't want to do those? Or they are going
14 to be --

15 MS. BURCHETT: Huh-uh. No. My students are going
16 to be tested over everything on the CIV, whether it's
17 core or optional or whatever at my school, so it's not
18 about me. It's about, we're going to put on the
19 license what all they are licensed to do and, you know,
20 I -- like I said, I'm here because of -- of who I'm
21 here for, you know. And -- and when so many people
22 keep coming to me and saying, that does not need to be
23 off, they said it on the record at the end of the
24 meeting after this motion was made, and I made the
25 motion. I made the motion in hopes that -- that those

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1 wanting to do totally away with the practical exam

2 would at least meet halfway, but I don't know that
3 that's going to happen. And so if we eliminate part of
4 it and it be okay, even though it's facial and
5 manicuring, so we're not going to test them on that,
6 then, you know, I just didn't think that everybody was,
7 was really and truly wanting to get rid of that part of
8 the -- of the exam, after -- after the fact. And so
9 that's the reason I brought it up.

10 MS. PICKERING: So -- okay.

11 MS. BURCHETT: I didn't even think that it was
12 even legal for me to bring it up. I found in Robert's
13 Rules of Order it was legal. You know, no student has
14 been tested at this time under the new test, so you
15 know, what -- what we're doing is not testing on
16 facials and manicures, once this, once this starts
17 happening. And -- and I think those two are important,
18 just like with -- would Cathy Caver hire a
19 cosmetologist in her salon and allow them to do -- you
20 know, what's it going to look like to everybody else if
21 we don't test on facials and manicurists?

22 MS. PICKERING: The same thing though --

23 MS. GORDON: Excuse me. May I?

24 MS. POWELL: I believe it's going to look like the
25 same thing that it looks like when we don't examine

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1 them on practical, on shampooing, scalp treatments,
2 light therapy, pedicuring. There is a lot of things
3 that -- a lot of things that we do in our industry that
4 we don't have time to facilitate in the practical exam.
5 And -- and it is, by hiring an agency as NIC, I think
6 the board felt competent that those issues were being
7 addressed on health and safety standards, and that is
8 our business, to regulate and protect the public on
9 health and safety issues. And I felt like NIC was the
10 guarantee there.

11 But -- Ms. Gordon?

12 MS. GORDON: Well, I was just going to basically,
13 I guess, say what you just said, because we do
14 shampoos, we do pedicures, we do other things that
15 we're not tested, testing in the testing site, so I was
16 just going to make, I guess, the same comment that
17 you -- you made.

18 MS. POWELL: Yeah.

19 MS. GORDON: We don't test on everything that we
20 do, but...

21 MS. POWELL: And, you know, you're right. And,
22 you know, Scottie, I can appreciate that you probably
23 had some second thoughts --

24 MS. GORDON: I did, too.

25 MS. POWELL: -- because everybody does, I think,

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1 whenever you are dealing with comments from the public.
2 You're going to have as many of those come to you and
3 question that they like that decision as those that
4 come to you and say they didn't like that decision.
5 And, you know --

6 MS. BURCHETT: And is that not why we're here?

7 MS. POWELL: That's exactly why we're here.

8 MS. BURCHETT: Or are we just here to listen to
9 what is said in this room and then make a decision on
10 it? That's another concern of mine.

11 MS. PICKERING: But we've already made that
12 decision, so are you saying that you're trying to
13 undermine that decision?

14 MS. BURCHETT: Well, it was my motion.

15 I just feel like for -- for the best of our
16 profession, and I think Cathy would probably support me
17 in this, because --

18 MS. PICKERING: Which Cathy?

19 Excuse me. Which Cathy are you talking about?

20 MS. BURCHETT: Cathy Carver or Caver.

21 We're going to have to get that out of there.

22 MS. CAVER-BLADE: And I have a comment to make on
23 that, too, because I mean, me being a spa owner, I like
24 professionals, I would like them to be aestheticians.
25 I, on the other hand, I did hire a cosmetologist to

1 do -- and she did facials, too. I usually have them
2 give me one, practice on me, let me know what your work
3 is like before I actually hire them, so I don't have --
4 I mean, if they are talented and good in that field,
5 you know, I don't have a problem with someone being a
6 cosmetologist giving facials. It's kind of like six of
7 one and half a dozen of the other.

8 MS. BURCHETT: But if they are not saying -- if
9 they are not tested on the state level practically --

10 MS. CAVER-BLADE: But like they are still doing
11 pedicures and everything and not being tested in the
12 state.

13 MS. POWELL: Tweezing and a lot of things --

14 MS. CAVER-BLADE: They should be covered in
15 school, you know. It's something they all get trained
16 in, in my opinion.

17 MS. POWELL: You have to -- you know, there is
18 always going to be that time where you've got to -- you
19 know, we are not going to be able to see and know and
20 etched in stone that everybody is capable of giving
21 this high tech quality treatment to someone. I think
22 we have to assume at some point as a board that we
23 regulate to the nth degree that we can, but assuming
24 that the schools are going to be the ones ultimately
25 held responsible for education.

1 MS. TURMAN: I just, I --

2 MS. BURCHETT: We don't have to say anything else.
3 Everybody has made their point, so that's fine. We
4 need to go on, I'm sure, for the sake of time.

5 MS. TURMAN: Well, I just want to say something.

6 I -- I second guess -- when I'm driving home after
7 one of these meetings I'm thinking, did I do right?
8 And I know what you're saying. But it's just like
9 this, that's the reason why it's so valuable that this
10 board meets and we discuss things like this, because,
11 you know, so if anybody has a different opinion, that
12 we can -- but I go, every time I have a board, every
13 time we have a board meeting and I'm going home, what,
14 you know, that's what I'm thinking about. And I think
15 everybody thinks that because you just try to make the
16 best decision you can every day that you're here to
17 benefit, you know, the public and things. So I
18 understand the second guessing, because sometimes you
19 just absolutely do it.

20 MS. BURCHETT: I didn't second guess my decision.

21 MS. TURMAN: Okay. I did mine sometimes.

22 MS. BURCHETT: I just --

23 MS. TURMAN: I don't second guess my decision, but
24 I think if I did it right.

25 MS. POWELL: Okay. Well, I appreciate your

1 comments, and we're going to take a 15 minute break and
2 then we're going to be coming back to meet with the
3 legislative committee, and I appreciate you all
4 participating.

5 Thank you.

6 (WHEREUPON, a break was held from 2:24 p.m. to
7 2:42 p.m.)

8 MS. POWELL: Okay. We're going to open the
9 meeting for the legislative committee.

10 My legislative committee members are Susan
11 Collins-Burrough, Scottie Burchett, Ann Pickering,
12 Cathy Caver-Blade, and we have our legal counsel, Erika
13 Gee, and Director Wittum.

14 And I think the first item of business would be
15 that we appoint -- elect a chair for this position.

16 Do I have a motion?

17 MS. WITTUM: Anybody want to volunteer?

18 MS. POWELL: Anybody want to volunteer?

19 MS. PICKERING: What does it consist of?

20 MS. POWELL: I don't know. Chairing the
21 committee.

22 MS. WITTUM: Just chairing the legislative
23 committee.

24 MS. GEE: Being in charge of the committee.

25 MS. POWELL: Chairing this committee.

1 MS. PICKERING: I will be glad to.

2 MS. POWELL: I appreciate it, Ms. Pickering. We
3 have a volunteer.

4 Any objection?

5 Hearing no objection, we will -- I will turn this
6 over to Ms. Pickering.

7 Come on.

8 MS. PICKERING: Come on?

9 Let me withdraw.

10 MS. POWELL: Come on. Get up here.

11 MS. WITTUM: Okay. What you're -- what I'm
12 handing out to you are copies of Act 223. You also
13 have a little color coded sheet that kind of goes
14 through all the different statutes that have -- whether
15 they had revisions or not, and then I've given you an
16 easier to read copy of the rules to go through or to go
17 by.

18 MS. COLLINS-BURROUGH: These -- we'll be able to
19 see them?

20 MS. WITTUM: Yes.

21 MS. POWELL: This is after the revision. Correct,
22 Kathy?

23 Is this --

24 MS. WITTUM: Yes.

25

MS. POWELL: This is after --

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1 MS. WITTUM: Well, no. That's what we're going to
2 work from to make the revisions that we want to make in
3 the rules.

4 MS. POWELL: Okay. Okay.

5 MS. PICKERING: Are you ready for me to start,
6 Kathy?

7 MS. WITTUM: Whenever you are.

8 MS. PICKERING: Okay. Last year in '06 I was on
9 this committee, the legislative committee, and we met
10 in four different locations throughout the state of
11 Arkansas. And I just really need to know if you want
12 to do that this year or if you want to meet here.

13 Now last year we met -- when we met, one of our
14 meetings was in Fayetteville, one in Little Rock.

15 MS. COLLINS-BURROUGH: Better that way.

16 MS. PICKERING: One was in West Memphis, one in --

17 MS. WITTUM: Texarkana.

18 MS. PICKERING: -- one in Texarkana. I believe
19 that was it.

20 MS. WITTUM: Yeah. And then one here.

21 MS. PICKERING: And one here.

22 MS. BURCHETT: Do you think those meetings were
23 productive to go to the different areas more so than

24 having them in one location? Do you think you had more
25 input?

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1 MS. PICKERING: To be truthfully, we didn't have a
2 good turnout in Little Rock -- I mean in West Memphis
3 at all.

4 MS. POWELL: We didn't have that good of a turnout
5 in Texarkana, either.

6 MS. PICKERING: Texarkana. Probably --

7 MS. POWELL: I think the majority of the
8 population that participated was Little Rock.

9 MS. PICKERING: Uh-huh.

10 MS. POWELL: And Fayetteville.

11 MS. PICKERING: Yeah. Little Rock and
12 Fayetteville was the --

13 MS. POWELL: But I think --

14 MS. PICKERING: -- most attended.

15 MS. POWELL: -- at that time the suggestion was a
16 legislative suggestion that -- or was it?

17 MS. WITTUM: That we go to each congressional
18 district.

19 MS. POWELL: We would want to participate with
20 each congressional district, making certain that when
21 we went through those first initial legislative changes
22 that we, for those that could not travel or whatever,

23 we would make it access -- ourselves accessible to
24 them.

25 MS. PICKERING: Uh-huh.

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1 MS. POWELL: I know that when we have our other
2 meetings, the student advisory meetings and things like
3 that, it seemed to be a better turnout in Little Rock.
4 It seemed like they like to come to Little Rock.

5 MS. PICKERING: Uh-huh.

6 MS. POWELL: I think going some place where
7 it's -- where they have more to do when they are not in
8 the meeting.

9 MS. PICKERING: Well, most -- I attended all four
10 of the meetings. We had a lot of the same people --

11 MS. POWELL: Just repeat.

12 MS. PICKERING: -- you know that went to all four
13 meetings, or at least three of the four meetings.

14 I think -- I really think it would be just as
15 beneficial to come to Little Rock and have our meetings
16 here, because of the other two that West Memphis and
17 maybe Russellville that would -- we didn't have very
18 much participation.

19 MS. POWELL: Well, and I think about the people
20 that come from the -- the four corners of the state, at
21 least they have only got to come halfway across the

22 state.

23 MS. PICKERING: Uh-huh.

24 MS. POWELL: Whereas if you are in West Memphis
25 and you've got to get to Fayetteville, you've got to

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1 travel the whole state by that time. So, it makes it
2 hard -- I mean, it's all the same, I think, for the
3 board to only travel halfway across.

4 MS. BURCHETT: The reason for being anywhere is
5 for the public to be there to hear the committee
6 meeting. Is that correct?

7 MS. PICKERING: Right. Where -- right, uh-huh.

8 MS. BURCHETT: Did they get --

9 MS. PICKERING: Certain issues, you may want to
10 bring up -- the committee may want to talk about
11 certain issues, and we would have a form or format type
12 thing at each session, each -- maybe trying to cover
13 several different issues, and maybe not doing all those
14 issues in, say, one place. But that's the purpose of
15 it.

16 MS. WITTUM: When -- that's the structure that we
17 did with the last.

18 MS. BURCHETT: Okay. But I mean was -- why have
19 the public? Are they allowed to -- are they allowed
20 comment?

21 MS. PICKERING: Uh-huh.

22 MS. WITTUM: That's the whole purpose of the
23 meetings is to get the information from the public.

24 MS. BURCHETT: Do they get to comment --

25 MS. GEE: For this meeting?

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1 MS. WITTUM: No.

2 If we want to start soliciting comments from the
3 industry on what rule revisions they would like to have
4 done over and above what law revisions, then that was
5 the purpose of our law revision regional meetings that
6 we had was to solicit the information from them so that
7 the legislative committee could go through it and make
8 recommendations on to the full board on what was
9 actually to be placed or sent over to the session.

10 MS. GEE: Well, the only comment I have there is
11 that that's kind of two things. I mean we're talking
12 about looking at the changes that have been made to the
13 statute --

14 MS. WITTUM: Uh-huh.

15 MS. GEE: -- and making the rule changes that need
16 to be made for that, and then you will have a separate
17 public comment period for those rule changes.

18 MS. PICKERING: Uh-huh.

19 MS. GEE: And then if you -- I mean I know that

20 there has been some talk about making some changes to
21 the rules in general, and that would be a separate
22 thing, too. So I'm just wondering if you want to
23 combine them all together or if you want to separate
24 them all out.

25 I don't know that I made any sense there to

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1 anybody. Did anybody follow what I was saying?

2 MS. COLLINS-BURROUGH: One was the rules and one
3 is the laws, is what you're saying?

4 MS. GEE: Well, it's kind of a couple of different
5 processes, and they can be put all together in one. It
6 just might take a while to do all of that in one group
7 at one time.

8 MS. PICKERING: Well, in '06 we did not make -- we
9 listened to all the issues and comments and then we had
10 to bring it back to the board. We did not make a
11 decision. The committee did not make a decision by
12 ourselves about any of the changes or issues. We
13 brought back to the board for the board to listen to
14 and to vote on changes, laws, and issues, certain
15 issues.

16 MS. WITTUM: Would you suggest that we separate
17 them out and concentrate on the law revisions and then
18 do a separate run through on any issues that might need

19 to be changed or that people would want to look at us
20 changing?

21 MS. GEE: Well, my only concern is that since the
22 statute is about to go into effect with some changes,
23 some changes in the way things have been done, that
24 needs to be the first thing that's addressed by this
25 committee, I think, in order to make sure that the

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1 board is working on getting the rules into compliance
2 with the statute. And then look at the overall
3 situation with the rules and maybe making some changes
4 on that. Just because it would take a long time to try
5 to do everything at once, and that would delay getting
6 the rule changes that need to be done because of the
7 statute --

8 MS. WITTUM: Okay.

9 MS. GEE: -- is my thought. So --

10 Because we have to identify what rules need to be
11 changed and then decide what they need to be changed to
12 and then have the whole public comment period for --
13 that you have to go through to change the rules, which
14 is not, you know, a super speedy process.

15 MS. PICKERING: So what do you all -- what would
16 you want to do? Would you want to make -- just meet in
17 Little Rock or --

18 MS. COLLINS-BURROUGH: I think so. Yeah.
19 MS. PICKERING: You think so?
20 MS. BURCHETT: Fine.
21 MS. PICKERING: Okay.
22 MS. BURCHETT: If -- if rules are being changed to
23 coordinate with the laws, do we have to have public
24 comment? I mean that's -- it's not optional?
25 MS. GEE: No. It's not optional. You still have

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1 to have public comment.
2 MS. BURCHETT: We still have to have public
3 comment --
4 MS. GEE: Uh-huh.
5 MS. BURCHETT: -- even if we're just aligning the
6 rule with the law?
7 MS. GEE: Uh-huh.
8 MS. BURCHETT: Okay.
9 MS. WITTUM: So do we want to just start today
10 going through them or --
11 MS. PICKERING: Can we take them home?
12 MS. WITTUM: We've got plenty of time this
13 afternoon, or do you want the -- do you want to work as
14 a group to do it? Do you want to work on your own and
15 bring back what you've identified? What process? And
16 maybe Erika can suggest what would be the easiest.

17 MS. GEE: What would be the easiest?

18 MS. PICKERING: Could we, could we not look at
19 them at our own time and then come back? Is that too
20 time consuming for you, Kathy?

21 Is that --

22 MS. WITTUM: It doesn't matter to me. We can do
23 it whichever way you all want to.

24 MS. PICKERING: What do you think?

25 MS. COLLINS-BURROUGH: Well, I think we all should

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1 be together so we discuss them, because if we get them
2 home and we look at them we don't have anybody to
3 discuss them with, so --

4 MS. PICKERING: Okay.

5 MS. COLLINS-BURROUGH: -- that's just my thought.

6 MS. BURCHETT: Or at least, you know, we're not
7 going to do, we're not going to do the whole thing
8 today, so at least get, get started so that everybody
9 is going in the same direction, doing the same thing,
10 even if -- even when we do spend time on our own, then
11 at least we're all doing the same thing.

12 MS. PICKERING: Okay. All right. Where do we
13 start, Kathy? Just here?

14 MS. WITTUM: The first one. Yeah.

15 MS. PICKERING: Okay. On the first one is no

16 revisions.

17 Is that what you're talking about?

18 MS. WITTUM: Uh-huh.

19 MS. PICKERING: Mostly clean up of definitions.

20 Well, look at that first one there.

21 MS. WITTUM: The first one that we will need to
22 start with deals with the definition -- or the
23 definitions.

24 MS. GEE: Is there any substantive change in the
25 definitions?

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1 MS. WITTUM: Huh-uh. Well, they are but they are
2 not actually in the rules. There is no definition in
3 the rules so they would not apply. I don't think they
4 will apply to the rules.

5 MS. GEE: Probably in 102, this off premises
6 services, we might need to talk about that.

7 MS. WITTUM: Uh-huh.

8 MS. PICKERING: Can we --

9 MS. GEE: Let's see. Looking at 17-26-102, what
10 is that, (A) (2) (B) on the second page of the act
11 handout. The new language is underlined, that little
12 underlined block.

13 MS. COLLINS-BURROUGH: Oh, I see.

14 MS. GEE: I mean, that's a new provision. Right?

15 MS. WITTUM: Yes.

16 And if we want to add anything into the rule
17 pertaining to this, now is the time to compose it.

18 MS. GEE: Do you -- I mean as a basic question is,
19 do you all feel like there needs to be something in the
20 rules addressing that particular provision? Do there
21 need to be more details or guidelines given on that?

22 MS. WITTUM: I know the intent of putting this in
23 was to allow licensees to be able to go and help with
24 charity events or weddings or things like that without
25 them blatantly violating the law, because previously

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1 there were only certain conditions where they could
2 actually go and work outside the establishment.

3 MS. BURCHETT: So, are things in the law named the
4 same thing in the rules?

5 I mean do -- can you look in the law and know
6 exactly where to go in the rule?

7 MS. GEE: No.

8 Which would be handy.

9 MS. BURCHETT: That's what I thought.

10 You know, that -- they kind of -- you know, it
11 needs to be more user friendly. So, I haven't -- I
12 still haven't found where that is.

13 MS. COLLINS-BURROUGH: So how do --

14 MS. GEE: Is that in the rules now?

15 MS. WITTUM: No. There is nothing about that in
16 the rules, it's brand new. It has never been addressed
17 in the rules before.

18 MS. BURCHETT: It doesn't say that in the rules?

19 MS. WITTUM: Right.

20 MS. BURCHETT: But it might say something contrary
21 to that in the rules?

22 MS. GEE: Well, that is entirely possible. Yes.

23 MS. WITTUM: I don't believe there is anything
24 that limited -- because the only definitions that are
25 currently in the rules are under Rule 4.1, and under

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1 the practitioner, it doesn't limit them to working
2 within the confines of the establishment.

3 MS. POWELL: I know that when we went through the
4 rule revision before the last time, if we stayed
5 focused on that that was in the law to not repeat it in
6 the rule, have it stated once was sufficient and more
7 clear --

8 MS. GEE: Uh-huh.

9 MS. POWELL: -- than this making these little
10 addendum kind of things, just repeating even and
11 just --

12 MS. GEE: Right. Well, I mean, there is no reason

13 to just repeat what's in the law.

14 MS. POWELL: Right. Right.

15 MS. GEE: I mean, if you feel like there needs to
16 be more explanation -- like, for example, if you feel
17 like there needs to be something in the rules about
18 what -- what a special event is --

19 MS. POWELL: Right.

20 MS. GEE: -- then that would be something that
21 would be appropriate to put in the rule, as an example,
22 something that is interpreting what's in the law. But
23 if you feel like it's clear already, then there is --
24 there is no particular need to have a rule about it.
25 So that's, that's kind of the question.

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1 Some of the changes in here are specifically
2 directing the board to have rules on particular topics,
3 but this is not one of them.

4 MS. BURCHETT: Well, Rule 2.2 says that they must
5 be in a licensed salon or wig salon.

6 "No person shall practice any phase of cosmetology
7 and its related occupations with the intent of
8 receiving compensation when the person does not hold a
9 current valid license issued by the Board, nor can any
10 licensed cosmetologist practice any phase of
11 cosmetology and its related occupations other than in a

12 licensed beauty salon or wig salon."

13 MS. GEE: You're absolutely right.

14 MS. BURCHETT: So that contradicts the law.

15 MS. GEE: That contradicts. So that will need to
16 be changed.

17 MS. POWELL: To include the new language from the
18 law?

19 MS. GEE: Uh-huh.

20 Do you all feel like there should be some more
21 guidance given as to what a special event is, or what
22 do you think?

23 MS. BURCHETT: I think we could start splitting
24 hairs then, and then just it -- you know. Who is going
25 to determine anyway?

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1 MS. GEE: Well that's my question.

2 MS. BURCHETT: Who is going to check on it, you
3 know.

4 MS. COLLINS-BURROUGH: There is no way to monitor
5 that.

6 MS. BURCHETT: If they call it a special event,
7 it's a special event.

8 MS. GEE: Okay.

9 MS. BURCHETT: So, are we going to find these and
10 then someone is going to work on rewriting them or --

11 MS. GEE: Uh-huh.

12 MS. BURCHETT: -- what's the process?

13 MS. PICKERING: Is that the --

14 MS. WITTUM: But this is going to be different
15 than -- than what he was doing, right, because this we
16 actually have to compare the rules with the law.

17 MS. PICKERING: Okay.

18 MS. WITTUM: Now, if we want to -- if we want to
19 either not have redundancy or to make sure it's stated
20 clearly, the -- on Page 2 of the act, down at the
21 bottom, we -- we have changed the definition of student
22 to just clarify that it means any person enrolled and
23 engaged in learning or acquiring the knowledge of the
24 occupation of cosmetology or any branch of cosmetology
25 in a licensed school of cosmetology under a licensed

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1 instructor.

2 And Rule 4.1 F also includes a definition of
3 student. So either -- we may want to rechange or
4 restate that definition or take it out completely,
5 since it's in the law.

6 MS. PICKERING: Which the --

7 MS. BURCHETT: Okay. So, are we moving on or are
8 we still working on the same one?

9 MS. WITTUM: We're just moving down the act to

10 look at the substantive changes and whether or not
11 there is something in the rules that addresses that
12 change.

13 MS. BURCHETT: Okay. So we're going to come back
14 and rewrite this at a later date?

15 MS. WITTUM: Well, actually I believe we just
16 provided it to -- no. We will rewrite it.

17 MS. GEE: Provided it to --

18 MS. WITTUM: Yeah.

19 There is no one to provide it to.

20 MS. BURCHETT: You were getting scared, weren't
21 you?

22 MS. GEE: Well, I was wondering.

23 I think Kerrie should rewrite it, don't you?

24 MS. LAUCK: Boy, I tell you, as much time as I've
25 spent on this, I mean, I would, but I don't know

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1 whether that's my role.

2 MS. GEE: I think maybe probably what we should do
3 is go through a certain number of them and identify
4 what changes should be made, and then at the next
5 committee meeting we should have some drafts with
6 whoever we can rope in to do some drafts, and then --

7 MS. WITTUM: I don't mind drafting the language.

8 MS. GEE: And then talk about the next chunk.

9 MS. WITTUM: And just could do it in sections.
10 MS. COLLINS-BURROUGH: I think it would be a lot
11 easier.
12 MS. WITTUM: Might be a lot easier to manage that
13 way.
14 MS. COLLINS-BURROUGH: And concentrate on specific
15 ones.
16 MS. WITTUM: Do you want to see how long you want
17 to go in today's meeting?
18 MS. GEE: As long as it takes. See how long it
19 takes.
20 So, are we done with B then? Everybody okay with
21 that?
22 MS. COLLINS-BURROUGH: B. Which one --
23 MS. GEE: The one about special events.
24 MS. BURCHETT: I think they moved on already.
25 MS. GEE: Okay.

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1 MS. POWELL: So, to answer your deal, Kathy, on
2 the student definition, are we to eliminate repeat --
3 MS. WITTUM: If we want to -- if we want to keep
4 it to where, if it's stated in the law we don't restate
5 it in the rules, then it looks like the student
6 definition in the rules would need to come out. And
7 that's on Page 8 of your copy of the big rules, number

8 F. 4.1 F.

9 MS. POWELL: Have you gone so far as to see if it
10 would involve any of the other definitions? Or it's
11 just the student one?

12 MS. WITTUM: It's just the student one.

13 And in -- currently in the law, there was some
14 different variations of a student definition. This
15 particular one was student aesthetician.

16 MS. POWELL: Right.

17 MS. WITTUM: But we made it universal to where the
18 definition of student would apply to any --

19 MS. POWELL: Any?

20 MS. WITTUM: -- any course.

21 MS. POWELL: Uh-huh. I can appreciate that
22 simplified language.

23 MS. GEE: Maybe just want to change that so it's
24 the same as the statute.

25 MS. WITTUM: Do you want to restate it?

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1 MS. GEE: Well, either that or just get rid of the
2 definition entirely in that.

3 MS. BURCHETT: I would think you would have
4 definitions in both that match or only have definitions
5 in one, period.

6 MS. WITTUM: Which would you all prefer to do?

7 MS. POWELL: Well, it seemed like to me since
8 we've already gone through the law, we would be able at
9 this time to be working with the rule.

10 MS. WITTUM: But do you want to remove what's in
11 the rules that's also in the law, or do you just want
12 to go in and conform the language to match what's in
13 the law?

14 MS. POWELL: I --

15 MS. WITTUM: There is just a section of
16 definitions here in Rule 4.1. So, of those that are
17 here, if they are also in the law, do you want to keep
18 them in the rule or do you want to remove them?

19 MS. POWELL: I would say remove them.

20 MS. GEE: Are all --

21 MS. PICKERING: I would say remove them.

22 MS. GEE: Are all of these terms defined in the
23 statute? I don't think they are.

24 MS. WITTUM: Not all of them.

25 MS. POWELL: Well, then that was my earlier

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1 question. If they are not, they either need to be all
2 in one or the other, and if they are not and we would
3 have to go through a law revision to get there, then I
4 think it's going to keep us at a -- in a position to
5 try and keep them all in the rule right now --

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MS. GEE: Uh-huh.

MS. POWELL: -- and deal with that law thing
later.

MS. WITTUM: Okay. So, you want to just change
the language.

MS. GEE: Make sure they match.

(Ms. Gordon left the room.)

Is that it on that definition?

MS. WITTUM: I think so, because the rest of it is
more or less just clarification.

MS. GEE: Okay. I don't think 103 has anything we
need to be concerned about.

MS. WITTUM: No. It was just clean up on that.

The areas that will apply to --

COURT REPORTER: I can't hear you, Kathy. I can't
hear you.

MS. WITTUM: I was just asking her a question off
the record.

(WHEREUPON, a brief discussion was held off the
record between Ms. Wittum and Ms. Gee.)

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MS. WITTUM: What I was asking Erika is, on the
areas that may overlap with one of the other
committees, do we want the other committee to take the
lead role on those sections instead of this committee?

5 For example, the penalties are all going to fall
6 under the -- some of the things that the fee structure
7 committee is going to be working on. So, to make our
8 jobs in this committee a little easier, we may want to
9 let them take care of those sections and us concentrate
10 on the sections that are not going to be addressed in
11 one of the other committees.

12 MS. POWELL: I think so.

13 MS. WITTUM: It might -- might expedite these.

14 MS. POWELL: I think so.

15 I wanted to ask you, too, Kathy, on this, the
16 rule -- that 3.8, Page 7.

17 MS. WITTUM: Where are you at?

18 MS. POWELL: 3.8. Did I skip too far?

19 MS. WITTUM: Okay.

20 MS. POWELL: You're showing where that's going to
21 be, that's going to have to have a change of language
22 in it?

23 MS. WITTUM: Yeah, we'll have to go through and
24 change that.

25 MS. GEE: Okay. So are you saying that Section

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1 17-26-104.

2 MS. WITTUM: Which is the penalties?

3 MS. GEE: About -- well, yeah, about penalties and

4 unlawful practices, that we should talk about that in
5 the fee structure committee?

6 MS. WITTUM: Uh-huh. Would that be a problem?

7 MS. GEE: No. That's fine.

8 MS. WITTUM: Actually that would also carry
9 forward with 105, that's going to deal with the fee
10 structure committee.

11 MS. GEE: Okay.

12 MS. WITTUM: So 20 --

13 MS. GEE: Is it?

14 Well, what about this guideline on use of the
15 chemicals and equipment, is the fee structure committee
16 going to work on that?

17 MS. WITTUM: Uh-huh.

18 MS. GEE: I think you need to rename the
19 committee. It's getting bigger and bigger.

20 I mean, are they going to come up with what those
21 guidelines are?

22 MS. WITTUM: Yeah. They are the ones that's going
23 to not only work on the fees but also the -- all of the
24 changes that have been made to the penalty section.
25 The inclusion of the workshops for the people who are

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1 going to be required to attend a workshop and who
2 are -- or in conjunction with the penalty.

3 MS. GEE: Well, that's not really a penalty. I
4 guess that's why I'm asking. Guidelines on the use of
5 chemicals and equipment.

6 MS. WITTUM: Okay.

7 MS. POWELL: Well, there is an equipment
8 committee.

9 MS. GEE: Is that where that goes?

10 I just want to make sure somebody is working on
11 that.

12 MS. WITTUM: Right.

13 MS. POWELL: I would think that the guidelines on
14 the use of chemicals and equipment would be on the
15 equipment committee.

16 MS. WITTUM: Do you think so?

17 MS. POWELL: Well, yeah, I mean because basically
18 that's what that area is talking about in the rules on
19 laser and things like that.

20 MS. WITTUM: Okay.

21 MS. POWELL: So it would be the equipment
22 committee. Right?

23 MS. GEE: Okay.

24 MS. WITTUM: So 104 is going to be the fee
25 committee, 105 the equipment.

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1 MS. PICKERING: 104 is what?

2 MS. WITTUM: The fee committee. Is that okay?

3 MS. GEE: Sure, that's fine.

4 MS. WITTUM: Speak up if you think that should be
5 someone else. I would just hate to see this committee
6 start doing something that one of the other committees
7 could be working on.

8 MS. GEE: That's fine. Well, it does kind of go
9 hand in hand with the equipment committee.

10 MS. WITTUM: And then at some point there is --

11 MS. POWELL: However there is a conviction issue
12 there so --

13 MS. GEE: There is a --

14 MS. WITTUM: But at some point we may want to
15 bring the two committees together, once the proposal is
16 lined out in bold, so it can be hashed out before it's
17 actually sent to the board.

18 MS. POWELL: Right. It's going to take both
19 because you are dealing with the convictions and then
20 you're dealing with illegal use of equipment. So those
21 two committees are going to have to get on the same
22 page.

23 MS. WITTUM: Uh-huh. Right. Yes.

24 MS. GEE: Yeah. That's true.

25 MS. WITTUM: Okay. So 201 is dealing with the

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1 board member.

2 MS. GEE: I don't think there is any changes on
3 it.

4 MS. POWELL: Are you on 204 at this time?

5 MS. GEE: I am.

6 MS. POWELL: Okay. I'm ready.

7 MS. WITTUM: And I think the --

8 MS. POWELL: Come on.

9 MS. WITTUM: And I think the language in Rule 102
10 is general enough that it probably does not need any
11 changes.

12 MS. POWELL: What page is that on? Where are you
13 at?

14 MS. WITTUM: Page 4. Well, it's four of the rules
15 and eight of the law.

16 MS. POWELL: Okay.

17 MS. GEE: The board composition or what are you
18 talking about? The inspectors?

19 MS. WITTUM: Well, no. 201 is -- are the changes
20 that took place to the board composition and the law.
21 The board composition information that's in the rule is
22 so general --

23 MS. GEE: Uh-huh.

24 MS. WITTUM: -- that it probably doesn't need to
25 be changed.

1 MS. GEE: No.

2 MS. WITTUM: Or doesn't have to be.

3 MS. GEE: Okay. 204 on the inspectors, I don't
4 think that the changes in the statute conflict with the
5 rule. I mean basically they just took out
6 investigators and the mandatory retirement age.

7 MS. POWELL: I don't know who would want to do it
8 after that, but they may.

9 MS. WITTUM: I don't think 205 requires any
10 changes to the administrative division.

11 (Ms. Turman left the room.)

12 MS. POWELL: Where was that -- in the 204, where
13 was that in the rule?

14 MS. GEE: 204, that's 1.4.

15 MS. COLLINS-BURROUGH: On Page 4.

16 MS. GEE: Yes, ma'am. The inspection division.
17 Am I crowding you?

18 MS. WITTUM: Huh-uh. I'm fine.

19 MS. GEE: Are you all right?

20 MS. WITTUM: I'm fine.

21 MS. POWELL: So, are we going to include that
22 language in 1.4 or are we going to --

23 MS. GEE: Which language?

24 MS. WITTUM: There is no language to incorporate.

25 MS. POWELL: Oh, I thought it was talking about

1 the mandatory 65 retirement age.

2 MS. WITTUM: It's taken out.

3 MS. POWELL: Oh, it's taken out so we won't have
4 to include it?

5 MS. GEE: Right. It's gone.

6 MS. WITTUM: None of the changes in 205 are --

7 MS. GEE: The changes in 205 are mostly
8 terminology. Aren't they?

9 MS. WITTUM: Yeah. They are.

10 206 is probably going to be the first one for --

11 MS. GEE: Major changes.

12 MS. WITTUM: A lot of changes. Yeah. Dealing
13 with the examinations.

14 MS. PICKERING: What page?

15 MS. WITTUM: It's Page 6 of the rules and 11 of
16 the law.

17 MS. GEE: Probably just going to have to rewrite
18 those --

19 MS. WITTUM: Yeah.

20 MS. GEE: -- pretty much entirely, I think.

21 MS. WITTUM: We also have to make the changes to
22 account for the new process with the outsourcing, in
23 that the board will not actually collect the fee from
24 the candidate.

25 MS. GEE: One issue that I would like to throw in

1 on this examination, this topic, that has come up
2 before, is the certified, uncertified hour situation,
3 that you have to have certified hours in order to be
4 eligible to examine, to take the examination. If
5 you're going to rewrite these rules, I think that there
6 should be -- that should be a little more clear as to
7 what that means, if you want to make that distinction,
8 and who decides whether hours are certified or
9 uncertified. Because it's come up a couple of times --

10 MS. WITTUM: Uh-huh.

11 MS. PICKERING: Uh-huh.

12 MS. GEE: -- just since I've been working with the
13 board. And it's -- there is no one place in the rule
14 that, to me, is very clear how that is supposed to
15 work. So, I know that it's been -- been done in a
16 particular way, but...

17 MS. WITTUM: Does the board want the ability to
18 not allow a candidate to examine if they have not paid
19 their contract in full? Because I think that's really
20 basically the only reason why we currently would accept
21 uncertified hours from a school.

22 MS. POWELL: I think that the only place I ever
23 saw it was when we had it in the rule where -- or the
24 law where we were talking about transfer students, and
25 since that's been taken out, it seems to have removed

1 this certification of hours, all tuition paid clause,
2 the only place I remember seeing it.

3 I think the school should have the response -- the
4 responsibility and the opportunity to decide if those
5 hours are certified or uncertified, based on the
6 student's academic progress, as it has been in the
7 past, on the certification of hours form; and I think
8 it should be to protect them, that the charges are
9 paid.

10 MS. GEE: Okay. So I'm hearing you say that you
11 want to continue requiring certified hours in order to
12 be eligible to take the exam?

13 MS. POWELL: Exactly.

14 MS. GEE: Okay. And that would be both
15 academic --

16 MS. POWELL: Academic and payment.

17 MS. GEE: -- academic and payment. Okay.

18 MS. POWELL: That would be the guidelines that the
19 schools would use to establish whether they were
20 certified or not. And, you know, that's --

21 MS. COLLINS-BURROUGH: When did it change?

22 MS. POWELL: -- been the certification of hours
23 form that we've submitted all these years to verify
24 that the state mandated curriculum was met, and then

25

the school has their guidelines on graduation

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1 requirements.

2 MS. GEE: Uh-huh.

3 MS. WITTUM: Now, I know we generally have looked
4 at whether or not the tuition has been paid, and if
5 it's not, then hours can be uncertified, but what's the
6 satisfactory progress, how does that factor in there?

7 MS. POWELL: Well, I don't know that satisfactory
8 progress does factor in there.

9 I think the state mandated curriculum that is on
10 the certification of hours form that we send in --

11 MS. WITTUM: Uh-huh.

12 MS. POWELL: -- that certifies, the school is
13 certifying that that has been, those needs have been
14 met, they have been trained in those areas.

15 MS. WITTUM: Uh-huh. What --

16 MS. POWELL: And I don't know that we would
17 necessarily say that -- or should say that it -- the
18 contract has to be paid in full before the hours are
19 considered certified. It might be that the schools
20 would prefer that they can certify those hours based on
21 what they believe to be -- they may want to give them a
22 promissory note and still let them take an exam. I
23 don't know how the language would cover them, but --

24 but some schools want their students to examine and
25 they just give them a promissory note and those charges

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1 are not paid for in full, but they have made provisions
2 so that the school feels satisfied that their needs are
3 being protected and then yet the student gets to
4 examine as well.

5 MS. WITTUM: I guess what --

6 MS. POWELL: It's been kind of addressed both ways
7 with different schools.

8 MS. WITTUM: Well I -- I guess my concern is if we
9 throw satisfactory progress in there, in that
10 evaluation somewhere, that it's -- it's going to be a
11 lot harder to prove or disprove satisfactory progress,
12 wouldn't it, than -- for the board and the staff than
13 whether or not tuition has been paid?

14 MS. POWELL: I didn't say include satisfactory
15 progress, I'm saying don't. Satisfactory progress
16 didn't come out of my mouth. I said the certification
17 of hours form, the little yellow form that says 120
18 hours, a thousand hours in hair dressing, 50 in dah dah
19 dah.

20 MS. WITTUM: Uh-huh. Right.

21 MS. POWELL: That is what I'm talking about. As
22 long as the school is submitting that they vouch that

23 the student has had that, that's part of the
24 satisfactory progress.

25 MS. WITTUM: Okay.

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1 MS. POWELL: But now the financial part of it is
2 where we're at today considering the change.

3 MS. WITTUM: Uh-huh.

4 MS. POWELL: And I believe the board should
5 continue to help monitor this, what is certified hours
6 and what is not, based on that certification form.

7 MS. WITTUM: Uh-huh.

8 MS. POWELL: And some type of satisfactorily
9 meeting the needs of the schools to see that the
10 student is -- or that the school hours have been paid
11 for or will be paid for. So --

12 MS. WITTUM: So, would Rule 3 here be the
13 appropriate place to add in language, do you think?

14 MS. GEE: Uh-huh.

15 MS. WITTUM: Okay.

16 MS. GEE: I'm trying to figure out how you do
17 that.

18 MS. POWELL: Well, and then that's my concern,
19 because I know that in the past it was just a blanket
20 statement that all hours would be paid for prior --
21 before the hours would be certified.

22 MS. GEE: Uh-huh.

23 MS. POWELL: Well, I know for a fact that there
24 are schools --

25 MS. GEE: That don't do that?

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1 MS. POWELL: -- that are letting the students take
2 the exam and they are giving them a promissory note.

3 MS. GEE: Uh-huh.

4 MS. POWELL: Which our law makes no provisions
5 for, but those students are examining. Now, should you
6 stop that because it's not in our rule or our law? You
7 know, I don't know that we would want to go that
8 direction. I think we would maybe want to make our
9 language --

10 MS. GEE: Well, there is nothing in the law about
11 that issue.

12 MS. POWELL: Right.

13 MS. GEE: And there is -- you know, it's mostly
14 just what the policies have been.

15 MS. POWELL: Right.

16 MS. GEE: What has been done.

17 There is -- so, I mean, from my point of view,
18 it's an issue of how you want to do it, and then we
19 figure out how to make that happen if -- in the
20 language and the rule.

21 So, I mean, if that's --

22 MS. POWELL: Well, I would just like for the
23 committee to consider that the schools are going to
24 need some type of protection in this area, because of
25 the students, the controversy of what is certified.

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1 MS. GEE: Uh-huh.

2 MS. POWELL: And yet you've got to make it
3 friendly for the student and you've got to make it
4 friendly for the school to be protected. So -- and how
5 that's accomplished I don't know. I mean, and I don't
6 know that we even want to get into it. I don't know if
7 we would be better off to stay out of it.

8 MS. GEE: What, the certified, not certified?

9 MS. POWELL: Well, no. Stay say certified, but
10 determining what is certified, do we want to get into
11 the mix of what classifies certified or do we just say,
12 upon the certification form or upon the office
13 receiving certification?

14 MS. WITTUM: I think we need to provide the
15 clarity --

16 MS. POWELL: Provide guidance?

17 MS. WITTUM: -- on what certified hours is. I
18 mean, just like Erika says, it's not defined anywhere
19 in the law or in the rules.

20 MS. POWELL: Okay.

21 MS. GEE: Well, I think if we don't have some kind
22 of guidelines as to how, what the board thinks it
23 means, then we're just asking for controversy between
24 schools and students.

25 MS. POWELL: Right. And I think that was the

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1 reason that it was included in that small area in the
2 past.

3 MS. GEE: Which is, you know, not -- not a great
4 place for the board to be.

5 MS. POWELL: Right.

6 MS. GEE: In between the middle of the schools and
7 the students.

8 MS. POWELL: Right.

9 MS. COLLINS-BURROUGH: And we don't want to
10 legislate on how schools should run their schools.

11 MS. GEE: Right. Right.

12 MS. BURCHETT: So, is the only place it's stated
13 is on the back of the certificate of training form,
14 where you -- or front or back, where you say certified
15 or uncertified. If it's uncertified you turn it over
16 and put the amounts, you give the breakdown of how much
17 they still owe tuition wise?

18 MS. POWELL: You're talking about the balance due

19 sheet?

20 MS. BURCHETT: Uh-huh.

21 MS. POWELL: Well, at the bottom of the
22 certification hours form is the only place you would
23 check if it was certified or uncertified, on that
24 certification form.

25 MS. BURCHETT: And I believe it's written

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1 somewhere, I'm just not sure where, that that is the
2 only reason that we cannot certify student hours, is if
3 their tuition is not paid in full, they still owe a
4 balance.

5 MS. POWELL: Well, and that's what I'm saying, I
6 thought was in -- only in the area of the law that was
7 just taken out when they were discussing transfer in
8 students. I don't remember seeing it anywhere else.

9 MS. WITTUM: Currently in 4.16, and it is one of
10 the revisions in your law -- law revisions there, it
11 does specifically say that students transferring or
12 failing to complete the entire course shall be given a
13 certificate by the school evidencing the number of
14 hours completed, provided that the required tuition has
15 been paid. And I think that's the only place that
16 clearly says the tuition has to be paid. And that's
17 all dealing with the three year law that was removed.

18 MS. GEE: But that's gone now.

19 MS. WITTUM: Uh-huh.

20 MS. GEE: And that only ever applied to transfer
21 students anyway.

22 MS. WITTUM: Even though it was being applied
23 across the board for everyone.

24 MS. GEE: Right.

25 MS. BURCHETT: Well, schools need some way to not

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1 allow that student to go to board and get their license
2 and go away forever if they still owe tuition.

3 MS. POWELL: And that's what I'm saying and that's
4 what we fell back on in the past. But because of the
5 law revision for this three year rule, that being gone
6 now, we are -- we're at the --

7 MS. WITTUM: But even with that, it was not being
8 properly applied.

9 I mean it, like Erika said, it dealt only with the
10 transferred students. It didn't deal with someone who
11 came into your school and stayed for the duration of
12 their program at your school.

13 MS. POWELL: Well, it may not have been clearly
14 stated that way, but I believe that was the intent of
15 the way the board operated.

16 MS. GEE: Well, that was -- yeah.

17 MS. POWELL: Yeah.

18 MS. WITTUM: But instead of let's -- instead of
19 going just on intent, let's make sure it's clear. This
20 is the perfect opportunity.

21 MS. POWELL: Exactly. And maybe we need to
22 address that with the heading of certified, uncertified
23 hours. I mean just some specific to deal with just
24 that issue.

25 MS. GEE: That's what I'm thinking would be a good

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1 idea.

2 MS. POWELL: Yeah. I love that.

3 MS. GEE: So there is no question about what that
4 means.

5 MS. POWELL: Exactly. Put it in one spot and
6 under the proper heading, certified uncertified.

7 MS. GEE: What if you said that in order to be
8 eligible for the examination, one of the requirements
9 is that hours must be certified by the school. And
10 certified means -- I mean, not exactly this language,
11 but certified means that tuition has either been paid
12 in full or there has been a promissory note that is
13 acceptable to the school.

14 MS. POWELL: The school is satisfied.

15 MS. GEE: The school is satisfied for, you know --

16 MS. POWELL: With the financial or whatever.

17 MS. GEE: Yeah. With the financial situation, how
18 ever you word it.

19 MS. POWELL: Because schools sometimes give
20 scholarships, so that would not involve either one.

21 MS. GEE: Yeah.

22 MS. POWELL: So it would need to be the school is
23 satisfied with the payment options or --

24 MS. GEE: The payment arrangements or whatever.

25 MS. POWELL: Yeah.

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1 MS. GEE: That would be the bottom line, we would
2 have to figure out how to word it.

3 MS. POWELL: Right.

4 MS. GEE: But that would be one of the
5 requirements to sit for the exam.

6 MS. POWELL: I agree. I agree with that.

7 MS. GEE: And that would just have it be more
8 clear, then there wouldn't be any question about -- in
9 anybody's mind what they had to have together.

10 MS. WITTUM: Right.

11 MS. GEE: And there isn't anything in the law now
12 that says anything about that. I mean it just says
13 that you have to meet the requirements set by the board
14 of cosmetology, is pretty much what it says, so...

15 MS. POWELL: Right. Which that meant we never did
16 address specific core domain or curriculum or anything,
17 so...

18 MS. GEE: So, I mean, if you want to have more
19 specifics about that, now is the good time to do it. I
20 mean I don't know if you do or not, but that's just one
21 of the things that have come up for me, so I wanted to
22 have that addressed more specifically.

23 There might be some other areas also, as far as
24 the exam goes and being eligible to sit for the exam
25 and, I mean, you all would be the experts on that.

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1 MS. WITTUM: Currently it's just that they
2 completed the number of -- required number of hours
3 that we have, you know, all of their, their
4 application, their fee, exam fee, and that's pretty
5 much it. Once we have that in place and then based on
6 the policy of the tuition be paid, being paid --

7 MS. POWELL: Well, I think that's sufficient.

8 MS. BURCHETT: But isn't that on the back of the
9 form already, or on the form, whichever side?

10 MS. WITTUM: Well, on the certification form,
11 that's where they note if the tuition is paid or not
12 paid. And if it's not paid there is another form
13 that's filled out.

14 MS. BURCHETT: Another form.

15 MS. WITTUM: Right.

16 MS. BURCHETT: Yeah. So it's on a form.

17 MS. WITTUM: And then we could modify that form to
18 address letting the school know that they are satisfied
19 with the payment arrangements. And we don't really
20 care what payment arrangements they are, just that the
21 school is satisfied with how ever they are going to
22 collect on that debt.

23 MS. BURCHETT: Well, if the school has made that
24 arrangement, then they would not have any reason to not
25 certify the hours.

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1 MS. WITTUM: Right.

2 MS. BURCHETT: So the only -- the only thing is,
3 if they send in a form that says uncertified, then
4 apparently the tuition is the only reason the school
5 cannot certify hours. And then all you would do is
6 just file that, apparently, until the school sends
7 another one in that says it's certified?

8 MS. WITTUM: Uh-huh.

9 MS. BURCHETT: You don't need to deal with
10 explanations.

11 MS. WITTUM: Right.

12 MS. BURCHETT: And that's up between them and the

13

school.

14

MS. WITTUM: Right.

15

MS. BURCHETT: Just the certified or uncertified,

16

and once they are certified you can accept the

17

application for the exam.

18

MS. WITTUM: Right.

19

MS. BURCHETT: But if it's on a form it should be

20

in a rule book, which is what we're saying.

21

MS. WITTUM: Uh-huh.

22

MS. BURCHETT: So...

23

MS. GEE: Okay.

24

MS. BURCHETT: Did we figure out where?

25

MS. WITTUM: Under the exam, under 3.1 is where --

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1

MS. GEE: Well, Rule 3 is going to have to be --

2

MS. WITTUM: Totally rewritten.

3

MS. GEE: -- substantially rewritten, with the

4

outsourcing of the exams, so somewhere in there.

5

MS. WITTUM: And I -- I can draft something based

6

on how we know the practice or the process is going to

7

be with PCS to try to make sure that we cover

8

everything that might need to be covered in there and

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then we can tweak it as we need to.

10

MS. GEE: I would say let's not make it too

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specific.

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MS. WITTUM: Okay.

MS. GEE: Because you know it's not easy to change the rules.

MS. WITTUM: Okay.

MS. GEE: We can just -- since the board is not going to be responsible for most of it --

MS. WITTUM: Okay.

MS. GEE: -- we can leave it sort of general. But we can work with that.

MS. WITTUM: I know that the exam deadline is going to have to be rewritten, and that -- I won't have any information on exactly how it needs to be rewritten until PCS, LaserGrade, and I get together and get the contracts in the works.

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MS. POWELL: Well, the same thing on that 3.3 with cancellations and the language and --

MS. WITTUM: Uh-huh. And one thing, too, that I -- it didn't come up this morning, when Suzanne was here, but with the language, I know we -- well, it did, too, because she commented about the different versions that are going to be available.

Apparently, when I was talking with Andrea, Francine, and Suzanne, I learned that Arkansas is about the only state that they are aware of that allows

11 interpreters during an exam. If -- if a person,
12 nonEnglish speaking person needs assistance, you know,
13 then they are not allowed an interpreter. They can do
14 the reader and have extra time, because those are
15 covered under the ADA, but language barriers is not
16 covered under the ADA. So they do not allow
17 interpreters, which is going to be a significant change
18 for what we've been doing, because we have been
19 allowing the interpreters to come in, not only with the
20 written assistance but also with the practical.

21 So that, this whole section under 3.4 will have to
22 be tweaked, too.

23 MS. BURCHETT: But they can be for readers, she
24 said.

25 MS. WITTUM: Yeah. The readers and the extra

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1 time. Any -- if there is a medical reason why that
2 person needs --

3 MS. BURCHETT: But not just a language barrier?

4 MS. WITTUM: Right. Right.

5 MS. POWELL: Well, because, I mean, they can give
6 that in those other language -- in several other
7 languages.

8 MS. WITTUM: Right.

9 MS. POWELL: Plus, you know, we've had the issues

10 of integrity issues on interpreters.

11 MS. WITTUM: Right. Exactly.

12 MS. POWELL: And I know that the board has had
13 difficulty contracting with interpreters.

14 MS. WITTUM: Uh-huh.

15 MS. POWELL: And, you know, I think that's a good
16 decision.

17 MS. GEE: Well, they have it available in four
18 languages.

19 MS. WITTUM: Right.

20 MS. GEE: So, hopefully that would cover most of
21 who might want to take it.

22 MS. WITTUM: And it pretty much covers --

23 MS. POWELL: Well, yeah.

24 MS. WITTUM: We've had some off-the-wall languages
25 requested that we haven't been able to provide them

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1 for. But it just, in my opinion, just even more
2 compromises the security of our testing materials to
3 allow someone -- for example, I believe we had someone
4 recently from Ukraine. Ukraine is not a language that
5 NIC has translated, nor are there any certified
6 interpreters in the state of Arkansas that provide that
7 assistance.

8 MS. BURCHETT: How did they go to school?

9 MS. GEE: That's a good question.
10 MS. WITTUM: But they insist that they need an
11 interpreter.
12 MS. GEE: So, are you saying that --
13 MS. WITTUM: There will be no --
14 MS. GEE: -- with the outsourcing, there will be
15 no interpreters?
16 MS. WITTUM: There will be no interpreters.
17 MS. BURCHETT: Then it will be off our back.
18 That's their rule.
19 MS. WITTUM: Yes. And according to -- Suzanne and
20 Andrea wracked their brains and they can't think of --
21 I'm going to ask more at the administrators conference,
22 but to their knowledge there is no other state that
23 allows interpreters to come into the exam facility, so
24 that is something that is unique to Arkansas that
25 probably does need to be changed.

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1 MS. BURCHETT: Even for hearing impaired?
2 MS. GEE: No. That's a disability.
3 MS. WITTUM: That's a disability under ADA.
4 MS. BURCHETT: So that's covered.
5 MS. GEE: Anything you can't help will be covered.
6 MS. BURCHETT: That's right.
7 MS. WITTUM: So, we know that all of Rule 3 is

8 going to have to be completely rewritten. We may not
9 want to spend a whole lot of time -- well, at least as
10 far as the exams go. There are some other sections
11 dealing with that.

12 MS. GEE: Is there other issues you --

13 MS. WITTUM: I don't --

14 MS. GEE: I mean, because it seemed to me that
15 maybe we should just draft a new Rule 3 and then just
16 let everybody look at it.

17 MS. WITTUM: Okay. I can look at it.

18 MS. GEE: Because, I mean, it has to be changed so
19 much, I'm not sure what we would even --

20 MS. WITTUM: Yes.

21 MS. GEE: It will be a lot shorter.

22 MS. WITTUM: Yes. We can definitely shorten it.

23 And where are we? That was 206.

24 207, it looks like, is just terminology clean up.

25 And we tried to consistently go through the law

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1 when we were doing the terminology clean up, take out
2 the references to cosmetician and just simply state
3 cosmetologist.

4 And the -- all of the student information is
5 changed to permitting, since that's the term we tend to
6 use in the office and on our correspondence and stuff,

7 take out all the references to registration, and then
8 all of the licensees information is consistently
9 restated to be licensing.

10 208, I know the attorneys that we were dealing
11 with during the law changes seemed to think that what
12 is currently in 208 was not clear. That's why all of
13 that has been redacted. And -- and instead something
14 new has been written in here. Do you think we need
15 anything in the rules pertaining?

16 MS. GEE: Well, yeah, you do, because it says you
17 will conduct investigations and inspections as
18 promulgated by the rule. So, you probably need to have
19 a rule.

20 MS. WITTUM: Well, and the -- I believe it's
21 referring to this process here in 1.4, under the
22 inspection division, because I think it --

23 MS. GEE: Well, kind of.

24 MS. WITTUM: Or we can restate that. Or under
25 Rule 4.1 we can just add a subsection for the hearings.

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1 MS. GEE: Well, I think you all need to have a
2 rule that says how complaints are going to be treated.
3 I mean you have a section on consumer complaints, but
4 that doesn't -- I mean it's limited to consumer
5 complaints. It's not -- it's not a situation where you

6 have an overall here is how we're going to deal with
7 complaints and hearings and all of this. I mean I
8 think you need a rule about that.

9 MS. WITTUM: Well, that is something the grievance
10 committee is going to be working on.

11 MS. GEE: Okay.

12 MS. WITTUM: Because they are going to re --
13 revamp the consumer complaint area of the rules, plus
14 add in rules addressing complaints against the board,
15 staff, and inspectors, I think is what that language in
16 there says.

17 MS. GEE: Well, just anybody, complaints against
18 anyone.

19 MS. WITTUM: Yeah.

20 MS. GEE: But that's fine. I mean, this would be
21 one of the sections that came into play when we were
22 thinking about making some changes as to how all of
23 that goes, so --

24 MS. WITTUM: So 208 would need to be put into the
25 grievance committee.

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1 209 are the fees, so it's going to be the fee
2 committee.

3 MS. POWELL: Okay. We're going to get through
4 with this better than I thought. Let's just keep

5 giving this to other committees and, hey, this one is
6 going to be the best committee of all.

7 MS. WITTUM: 302 it looks like is just terminology
8 clean up.

9 MS. GEE: Uh-huh.

10 MS. WITTUM: Now, there might be something in the
11 rules under that one Section D that's being stricken
12 because that has to do with the exams.

13 And it does kind of -- well, it does address the
14 grades.

15 MS. GEE: Where are you? 30 --

16 MS. WITTUM: 303 subsection D, 15, Line 15.

17 MS. GEE: Is that in the rule?

18 MS. WITTUM: Well, there is a section about grades
19 but it doesn't talk about one part having more weight
20 than the other. It just gives the scores that are
21 required under the grades.

22 MS. GEE: Okay. Well, we're changing that anyway.

23 MS. WITTUM: Huh?

24 MS. GEE: That grade thing.

25 MS. WITTUM: Uh-huh. Yeah.

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1 304 was consolidating all of the exam
2 requirements, instead of restating the whole thing four
3 or five times.

4 MS. GEE: So, you -- you took out this good moral
5 character and temperate habits? You don't want that
6 anymore?

7 MS. WITTUM: If you would define it for me then we
8 can have it.

9 MS. POWELL: Well, that would almost get rid of
10 anybody in cosmetology.

11 MS. WITTUM: Yeah. Every time somebody asked me
12 what that meant, I had to tell them I don't know.

13 MS. GEE: It means what we want it to mean.

14 MS. WITTUM: What's your definition of a moral
15 character?

16 MS. GEE: It's pretty vague.

17 MS. WITTUM: And I believe there is not --

18 MS. GEE: 305 repealed.

19 MS. POWELL: Is this where we're talking about in
20 304, would this examination prerequisites, is this
21 where we might possibly want to put the information
22 on --

23 MS. WITTUM: Certified, uncertified?

24 MS. POWELL: -- certified, uncertified hours for
25 an examination?

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1 MS. GEE: Well, I suppose you could have, if you
2 wanted to put it in the law, in the statute. You can

3 put it in the rule, though.

4 MS. POWELL: Okay.

5 MS. WITTUM: Just remember, there is not

6 necessarily a rule that's following in line here.

7 MS. POWELL: You're exactly right. Never mind.

8 Forget I said that. Okay?

9 Will you all forget I said that?

10 MS. COLLINS-BURROUGH: Scratch.

11 MS. POWELL: Let's scratch that.

12 MS. BURCHETT: But that's the problem, it doesn't

13 follow. There is no flow.

14 MS. POWELL: Right. I got ahead of myself.

15 MS. WITTUM: Well, I don't know, Erika may want to

16 cover her ears, but after we pull together what

17 revisions we want to make, we might want to restructure

18 the rules themselves to see if we can bring them in to

19 align with this.

20 MS. GEE: I don't think that's a bad idea. I mean

21 if -- from my standpoint, if you are going to be

22 prosecuting a case against somebody for a rule

23 violation, it would be very helpful if things --

24 MS. BURCHETT: If the law were referenced.

25 MS. GEE: Well, if the law were referenced and if

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1 you had things that were divided up like they are in

2 the statutes, where you have Section A, Section B,
3 Section -- instead of just having like a big block of
4 information. It makes it easier for people to miss
5 things in there. Easier for everybody to miss things,
6 I think. A lot of times it seems like there is
7 something that is relatively important that's just sort
8 of buried in a big paragraph.

9 MS. POWELL: On the back page.

10 MS. GEE: On the back page.

11 MS. POWELL: When it was on the subject on the
12 front page. Exactly.

13 MS. GEE: So we could work on that, I think, make
14 it a little clearer for everybody.

15 MS. WITTUM: All right. Sounds good.

16 Do you all want to keep going?

17 Say stop whenever you are ready.

18 MS. BURCHETT: So, on 17-26-304 --

19 MS. WITTUM: The examination?

20 MS. BURCHETT: Every -- uh-huh. Everyone who
21 applies -- of course I know that's going to change some
22 with the examination, but, you know, when -- when we
23 start with them, with the -- with PCS, are they just
24 going to say, we're going to do 10 a month and that's
25 all? I mean since they are only going to do one month,

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1 and I mean, I just pulled ten out of the air, but are
2 they going to say, there is no way we're ever going to
3 test more than once a month?

4 MS. WITTUM: Well, they told me that if -- you
5 know, if we had a large slough of people apply in July,
6 then -- that couldn't be accommodated within the day
7 hours that we normally have for exams, then they could
8 see what provisions could be made to keep people
9 overnight and have them come and examine another day.
10 But keep in mind that the decision today to go to a
11 LaserGrade mandatory requirement will pretty much make
12 those times rare, if -- if they could ever happen
13 anyway. Because the -- the exam facility will be used
14 for just the practical exams. So we can -- we can
15 rotate those people in the one area where the stations
16 are, especially if we have the three stations. And I
17 believe we can do what's necessary to make those
18 changes to make sure that we have -- PCS only allows
19 six candidates per examiner. So, we will have six
20 going down A, B, and C. And we can -- I forget how
21 many my number was, but I mean we can run through like
22 72 people.

23 MS. POWELL: Well, eight per exam, in two hours,
24 so you know, you're saying the exam now would only take
25 two hours, or --

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1 MS. WITTUM: Yeah. PCS was thinking with us not
2 doing the optionals --

3 MS. POWELL: Two and a half.

4 MS. WITTUM: Well, it would be two and a half.

5 MS. POWELL: Two and a half, so --

6 MS. WITTUM: Because right now it's 3 1/2 hours to
7 do the cosmo practical.

8 MS. GEE: So, you could do at least two, two
9 rounds a day.

10 MS. WITTUM: More than that. We can do three,
11 maybe even four, depending on how long we want the
12 hours to be per day. But that's just in that one
13 section. The classroom won't have to be used for paper
14 and pencil exams anymore, and we've got tables and more
15 than enough room in that classroom to set up, I believe
16 I set up 12 comfortable to where we can also have --

17 MS. POWELL: Nail --

18 MS. WITTUM: -- classes of those coming in as
19 well, whether it be aestheticians, manicurists, or
20 cosmos in there. Then we've got the instructors only
21 using the instructor room, and we can do at least six
22 of those in a day, maybe even more.

23 If we don't conform one of the instructor rooms
24 for a LaserGrade site, we have two instructor rooms
25 that we could do 12 a day of instructor exams. We

1 don't generally have that many of those, though, per
2 month.

3 So, I don't think that with all of the changes
4 that are happening that we're going to find those times
5 where we have no seats available. I think we'll be
6 able to accommodate. We may only have three people in
7 one class, but we at least will be able to get the
8 people who applied done without there being any
9 problems. And PCS will -- they are responsible for
10 arranging for those examiners to stay for however long
11 we're going to guesstimate that day to be. And that
12 could even change depending on the number of
13 candidates. We may not need to be here until seven or
14 eight o'clock most months, but, you know, we may have a
15 couple of months where we need to be, be here that
16 long.

17 MS. BURCHETT: Okay. Thank you.

18 MS. GEE: I lost track of where we were.

19 MS. WITTUM: I think 304 was where we stopped, and
20 it's also dealing with examinations. It could be that
21 that's going to need to be tweaked just a little bit,
22 because of the -- or it may have some other places.

23 I think all of the exam information in the rules
24 is under that Rule 3.

25 MS. GEE: All right.

1 MS. WITTUM: So 306, that's also dealing with exam
2 pre-reqs. I think this one is dealing with the
3 electrology exam.

4 MS. GEE: Well, I just thought that --

5 MS. WITTUM: I don't think that one is going to
6 need anything.

7 I know the references to the cosmetology
8 instructor exam, there may be some places in the rules
9 that refer to the instructor program, strictly as a
10 cosmetology instructor program. That will all need to
11 be changed, since we're allowing anyone to go through,
12 any licensee to go through the instructor program.

13 MS. GEE: This section in 306 about
14 electrologists?

15 MS. WITTUM: Uh-huh.

16 MS. GEE: It says, training and practice for such
17 period as shall be specified by rules of the board.

18 Is that specified? It is, right?

19 MS. WITTUM: Yes.

20 MS. GEE: 6.12. Okay. Just making sure.

21 MS. WITTUM: I think --

22 MS. GEE: 6.12?

23 MS. WITTUM: Well, that's dealing with the
24 electrology, but this --

25 MS. GEE: That's a different one.

1 MS. WITTUM: The instructor training has a rule
2 all its own.

3 Rule 7 will have to be completely revamped; one,
4 to take out the con ed; and two, to take out any
5 references that it may have to only a cosmetology --

6 MS. GEE: The electrology instructor section, is
7 that what you're talking about?

8 MS. WITTUM: No. I was on the instructor. And
9 actually I may just be jumping ahead. I just didn't
10 want to forget that.

11 MS. GEE: Well, just tell me what section you're
12 on.

13 MS. POWELL: Page 20.

14 MS. WITTUM: The examination in general, pre-reqs
15 for the examination in general because the instructor,
16 I believe, is --

17 MS. GEE: That says just electrology instructor.
18 Am I missing something?

19 MS. COLLINS-BURROUGH: No.

20 MS. WITTUM: I may be jumping ahead.

21 MS. COLLINS-BURROUGH: Are you wanting to do this
22 cosmetology instructor, instructor changing?

23 MS. WITTUM: Well, we made that change --

24 MS. COLLINS-BURROUGH: It's on Page 25.

25 MS. WITTUM: -- of the law.

1 No, I've got that. But we made that change in the
2 law.

3 MS. GEE: What change?

4 MS. WITTUM: For the instructor, for not limited
5 to just a cosmetology anymore.

6 I'm probably just jumping ahead.

7 MS. GEE: Well, I don't know.

8 MS. WITTUM: Well, we'll just keep going one by
9 one, until you all tell -- say stop.

10 So we've done 306 and 307.

11 308 is repealed.

12 309 is going to deal with the examinations.

13 310 says that we'll promulgate rules addressing
14 the no shows. Do you want to just add language in
15 three to be consistent with what our contracting or
16 outsourcing contract is going to --

17 MS. GEE: Well, it's currently in three. Right?

18 MS. WITTUM: I think it is.

19 MS. GEE: Seems like I saw it there.

20 MS. WITTUM: Yeah. Well, it's got explanations.
21 Yeah. It does. It addresses the no shows, too.

22 MS. GEE: Okay.

23 MS. POWELL: So that would be included, 310 would
24 now be included with 3.3. Right?

25

MS. GEE: With Rule 3-point -- yeah.

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1

MS. WITTUM: Yeah.

2

MS. POWELL: Okay.

3

MS. WITTUM: And we're going to totally rewrite

4

Rule 3.

5

MS. POWELL: Yeah, that. Right.

6

MS. WITTUM: Yeah.

7

312 looks like it's just clean up.

8

313 is out.

9

314, clean up.

10

MS. POWELL: In that 315, do you think that's

11

where we were -- would want to include language that we

12

had discussed today on reciprocity issues on board

13

funds?

14

MS. WITTUM: Yes.

15

And, actually, the whole reciprocity rule, which

16

is Rule 8, is going to need to be completely rewritten.

17

MS. POWELL: Okay.

18

MS. GEE: Okay. Where are we now? 316?

19

MS. WITTUM: 316, I think. There will need to

20

be --

21

MS. COLLINS-BURROUGH: I just found something I

22

didn't like.

23

Where about -- says wear the license on his or her

24 person while practicing cosmetology. That's crap.

25 MS. WITTUM: Where is -- is that in the rule or

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1 the law?

2 MS. COLLINS-BURROUGH: It's in the law.

3 MS. BURCHETT: The law.

4 MS. GEE: It says display or wear.

5 MS. COLLINS-BURROUGH: It says wear the license on
6 his or her person while practicing cosmetology, No. 29.

7 MS. WITTUM: Yeah, or.

8 MS. GEE: But subsection one says display the
9 license, blah, blah, blah, or wear it.

10 MS. WITTUM: Or. You had the choice.

11 MS. COLLINS-BURROUGH: I still didn't like it.

12 MS. WITTUM: But there are some people who
13 didn't -- who wanted to wear a badge instead of having
14 it posted at their station, so this at least gives
15 people the option to choose.

16 MS. BURCHETT: Right.

17 MS. POWELL: It helped the inspectors when someone
18 starts to run out the back door. If they got the badge
19 on --

20 MS. BURCHETT: Well, but then if they had it on,
21 there is no way to record what license went out the
22 back door or who, you know.

23 MS. PICKERING: You don't know who it was.

24 MS. POWELL: If they had a license, though, they
25 wouldn't be going out the back door, more than likely.

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1 MS. PICKERING: Unless they don't have one period.

2 MS. POWELL: Uh-huh.

3 MS. COLLINS-BURROUGH: Unless they wear someone
4 else's.

5 MS. BURCHETT: Yeah.

6 MS. WITTUM: 316 is addressing including photo IDs
7 on the licenses. There is probably going to be some
8 sections in the rules that's going to need to address
9 that.

10 MS. POWELL: Well, give them more explanation as
11 to how that's going to be accomplished for the photo
12 ID, right? Which one would be accepted, how it will be
13 received and how it's going to be submitted. Right?

14 MS. WITTUM: Uh-huh.

15 MS. GEE: Well, I have a question. Are you
16 contemplating that people are going to have to do a new
17 picture every time they renew?

18 MS. WITTUM: No.

19 MS. GEE: Just basically do a picture one time?

20 MS. WITTUM: Uh-huh.

21 MS. GEE: And that's it?

22 MS. WITTUM: (Nodding head up and down.)

23 MS. GEE: Okay.

24 MS. WITTUM: Did the board -- did you all, as the
25 board, did you see that being any different?

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1 MS. POWELL: I thought they would get a picture
2 each time, just like you would renew every three or
3 four years with your driver's license.

4 MS. BURCHETT: I did, too.

5 MS. POWELL: Otherwise why would you do it,
6 because I would keep the one when I was 21.

7 MS. COLLINS-BURROUGH: For all of us.

8 MS. POWELL: And 110, okay?

9 MS. WITTUM: Well, since they are --

10 MS. POWELL: That's not going to help.

11 MS. WITTUM: Since they are going to be renewing
12 every two years --

13 MS. POWELL: Right.

14 MS. WITTUM: -- it's not going to be that big of a
15 burden.

16 MS. POWELL: Right.

17 MS. WITTUM: Plus it's going to be on their
18 birthday, so it won't -- it won't be the problem that
19 it is right now with everybody renewing
20 December 31st.

21 MS. POWELL: Exactly.

22 MS. WITTUM: So, we can include that that is a
23 requirement.

24 MS. PICKERING: I think we might need to do that.
25 I have red hair today, I might be gray in four years.

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1 MS. POWELL: I mean, if we were using the whole
2 concept behind this was for identification purposes,
3 especially in our industry, golly, people, we can
4 change, we can do a 180 in a hurry.

5 MS. WITTUM: We can include that language, then.

6 Definitely the renewal site is going to have to be
7 addressed, I'm sure, in the rules.

8 Now, the lifetime license is a whole new concept
9 and there is nothing about it in the rules. Would you
10 suggest we have a rule addressing it?

11 MS. POWELL: Since it's in the law, we wouldn't
12 have to put that in a rule, would we? I mean it's kind
13 of a blanket statement. I mean 65, you're more or less
14 home free.

15 MS. WITTUM: Well, 65 and has been actively
16 engaged for 30 years.

17 MS. POWELL: Uh-huh. And that's in the law, so we
18 wouldn't have to be redundant.

19 MS. GEE: That's all right.

20 MS. WITTUM: There is also the provision to allow
21 for the medical waiver. Do you want that to be
22 addressed by the fee committee or do you want this
23 committee to do it?

24 MS. PICKERING: I think the fee committee ought to
25 do that.

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1 MS. GEE: Me, too, except -- wait. Will I be in
2 the fee committee?

3 MS. WITTUM: Yes, ma'am. But you can't be there
4 tomorrow, though. You have another meeting.

5 MS. GEE: That's right. But Kendra will be there.
6 I asked her.

7 MS. WITTUM: Good. What we added in the law is
8 that a licensee for whose license has lapsed for
9 failure to -- oh, failure to renew, and who is or was
10 under the direct supervision of a physician for an
11 extended or long term condition, may request from the
12 State Board of Cosmetology a waiver of the
13 reinstatement fee.

14 I think it should be with the fee committee.

15 MS. GEE: Sure.

16 MS. WITTUM: 320, 321, no provisions.

17 323 is the fee committee.

18 401 is clean up.

19 402 is clean up.

20 MS. GEE: You are just trucking along there.

21 MS. WITTUM: There is a back page. There is a
22 back page to your sheet, too, if you didn't see this.

23 MS. POWELL: Kathy?

24 MS. WITTUM: I'm sorry. I didn't put together
25 this law.

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1 MS. POWELL: What were you looking at on the 323
2 when we were talking about the inclusion to cover costs
3 associated with penalty change?

4 MS. WITTUM: To mandate a health and safety
5 workshop for those, if the board chooses to do that
6 for --

7 MS. GEE: That's what I was just trying to figure
8 out, what that was.

9 MS. POWELL: Well, now, are we talking about that
10 should be visited with the fee structure committee?

11 MS. WITTUM: The fee, yeah. They will do that.

12 MS. POWELL: Okay. That was my question.

13 MS. WITTUM: They will also be responsible for
14 organizing those workshops, deciding what kind of
15 workshop and all that stuff.

16 MS. POWELL: Okay.

17 MS. WITTUM: Now, it is 10 after four. Do you

18 want to continue or do you want to stop?

19 MS. PICKERING: How long do you think it will take
20 us to do?

21 MS. POWELL: Let's keep going. I mean, if --

22 MS. WITTUM: Okay. I don't want to wear you out.

23 MS. POWELL: Well, you've worn me out. I was worn
24 out at eight o'clock in the morning. I can take this
25 beating.

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1 MS. WITTUM: 403 is terminology clean up.

2 404 is terminology.

3 MS. POWELL: 405 is just the removal of 168 square
4 foot, which is --

5 MS. WITTUM: It's not in the rule, anyway, I don't
6 believe.

7 MS. POWELL: Right.

8 MS. WITTUM: Well, wait a minute, it may actually
9 be.

10 Is it under the -- no, it doesn't look like it is.

11 MS. POWELL: Well, and if we happen today to have
12 missed it in its secret place, we can always bring that
13 up next time.

14 MS. GEE: Yeah. It is.

15 MS. WITTUM: Where is it at?

16 MS. GEE: It's in rule -- what rule is that?

17 Rule 5.

18 MS. POWELL: Floor space?

19 MS. GEE: 5.5, floor space. Isn't that what it
20 is?

21 MS. POWELL: Yeah. It says floor space.

22 MS. GEE: Fifteen on my copy of the rules.

23 MS. POWELL: 168 square feet of floor space. It's
24 on Page 15.

25 MS. COLLINS-BURROUGH: So now there is no

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1 recommendation for floor space?

2 MS. POWELL: So, it will be removed totally.

3 MS. WITTUM: Yeah.

4 MS. BURCHETT: There will be shops --

5 MS. COLLINS-BURROUGH: Well, there will be shops
6 in someone's closet.

7 MS. POWELL: They were there before. Yeah. But
8 168 square feet is almost a closet.

9 MS. COLLINS-BURROUGH: It's tiny. It's tiny.

10 MS. GEE: That's kind of a weird number, 168.

11 MS. POWELL: I think they went out back in '50,
12 1950 and measured the utility room and that's when they
13 said, okay, we want to get it out of the houses so
14 let's measure the utility room, whatever holds a
15 washer, a dryer, that's us. That's -- that's, you

16 know, it has to be bigger than that.

17 So the only thing I remember as far as floor space
18 now from here on will be the building information.

19 MS. BURCHETT: The schools.

20 MS. POWELL: Floor surfaces, but not -- not square
21 footage.

22 MS. WITTUM: Right.

23 MS. POWELL: Square footage is only going to be
24 mentioned in the schools, as I understand it.

25 MS. WITTUM: Right.

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1 MS. POWELL: Okay. Okay.

2 MS. WITTUM: 406 is addressing the addition of
3 language to deny a license to a school or licensee upon
4 evidence of public health safety being jeopardized. Do
5 we want to clarify what that means?

6 MS. GEE: I would like you all to clarify, I don't
7 know what that means. What does that mean?

8 MS. POWELL: I think -- wasn't this a spin off of
9 that moral character kind of thing? Communicable
10 diseases and moral character? The one that --

11 MS. WITTUM: See, I remember Kent saying that the
12 law currently did not specify that a license could be
13 denied to a person. I think the only language was to
14 deny it to a school. But -- but also --

15 MS. POWELL: Well, if you -- I think the intent
16 was to consider if there was, like an act of malice
17 or --

18 MS. WITTUM: Uh-huh.

19 MS. POWELL: -- you know, a health reason --

20 MS. WITTUM: Uh-huh.

21 MS. POWELL: -- you could pull it.

22 MS. WITTUM: Uh-huh.

23 MS. GEE: That's not taking it away, though.

24 That's refusing to give it to them.

25 MS. WITTUM: Would that apply at renewal?

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1 MS. POWELL: Well, I think, too, like if you were
2 to shut someone down, you have to have just cause to
3 shut someone down. And you would have had to have had
4 just cause to reestablish them.

5 MS. WITTUM: Uh-huh. Uh-huh.

6 MS. POWELL: And also wasn't there a felony
7 conviction?

8 MS. GEE: Yeah. It's in the different --

9 MS. POWELL: Is that in --

10 MS. WITTUM: That's one of the -- 105, if I
11 remember right, grounds for dismissal or discipline.

12 MS. GEE: Well, like what -- what sort of
13 situation would jeopardize the health and safety of the

14 public?

15 MS. POWELL: Well, let's just say, for instance,
16 this issue of the TB that we had, you know, where maybe
17 they could -- felt like it was, they were intentionally
18 going out and contaminating people or something, you
19 know. That -- I'm not --

20 MS. COLLINS-BURROUGH: Or sanitation of your
21 implements.

22 MS. POWELL: Or, you know --

23 MS. COLLINS-BURROUGH: Your facilities.

24 MS. WITTUM: If they have had numerous violations
25 for health and safety issues.

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1 MS. COLLINS-BURROUGH: You know, storage of their
2 implements.

3 MS. GEE: But you could pull their license with
4 the existing law for stuff like that. I'm just -- I'm
5 just having a little bit of trouble picturing what that
6 would apply to --

7 MS. WITTUM: Well, I seem to --

8 MS. GEE: -- but that doesn't mean it's bad.

9 MS. WITTUM: Well, I seem to remember that
10 initially the first draft of language that was done did
11 deal with the moral character, but no one could define
12 that.

13 MS. GEE: Yeah. So --

14 MS. WITTUM: So --

15 MS. POWELL: I mean, that's kind of what got us
16 here by those type issues, I thought, and yet by being
17 so vague, it was almost as though there was nothing
18 saying you could pull or you could not issue a license.

19 MS. WITTUM: Uh-huh.

20 MS. POWELL: It was just if they paid the fee they
21 got the license, because we couldn't define moral
22 turpitude, you know.

23 MS. WITTUM: Uh-huh.

24 MS. POWELL: So, it seemed like the intent was to
25 make sure that we could if it was proven and obvious

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1 that this was an intent to defraud or --

2 MS. WITTUM: Uh-huh.

3 MS. POWELL: -- to inflict an issue on the public
4 health and safety.

5 MS. WITTUM: I guess the -- the thing that comes
6 to my head would be if a school all at once learned
7 that they had an asbestos problem or something.

8 MS. POWELL: Right.

9 MS. WITTUM: But, again, that still is not
10 renew -- or revoking an existing license, not denying
11 someone from the onset, unless we had documentation

12 that the building was not meeting code.

13 MS. POWELL: Well, let's just say, what if you had
14 someone that had a -- a conviction, would that not
15 address this, to eliminate giving them a license, if
16 they had a --

17 MS. WITTUM: I mean, if you had a convicted sex
18 offender or somebody.

19 MS. POWELL: That's what I'm saying, you're
20 dealing with 16 year olds in this industry. So I
21 know -- don't they have guidelines in the public school
22 system to eliminate employees from -- they are supposed
23 to. They probably miss it a lot, but --

24 MS. BURCHETT: You're probably right.

25 MS. POWELL: But, I mean, it's an opportunity to

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1 try and protect the student body.

2 MS. WITTUM: But this one may -- I think I hear
3 you saying it would be better to clarify exactly what
4 we mean by this. Right?

5 MS. GEE: Well --

6 MS. WITTUM: To make it easier for us in the
7 future?

8 MS. GEE: Well, maybe. I mean I -- I'm just
9 saying that I'm not -- I'm not sure that I understand
10 what exactly this language is supposed to do, in

11 addition to what's already there, but it doesn't
12 necessarily matter. I mean we can just kind of see
13 what happens, see if --

14 MS. BURCHETT: It sounds to me like in A, if -- if
15 they give you information and -- if they give us
16 information and we say, okay, we approve for them to
17 have a school license, and then we come back and find
18 out that part of that information was false.

19 MS. GEE: Uh-huh.

20 MS. BURCHETT: That's what I understand out of
21 that paragraph.

22 MS. GEE: Yeah. But I was talking about the new
23 language in B.

24 MS. BURCHETT: Oh.

25 MS. GEE: The underlined part.

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1 MS. BURCHETT: I'm figuring out the one that's
2 already figured out.

3 MS. GEE: A is the same as it was.

4 MS. CAVER-BLADE: I've got to go.

5 MS. GEE: We don't -- I was just asking because we
6 were on that section. I mean we could just see how it
7 goes and see if situations come up.

8 MS. POWELL: Well, if you're talking about health
9 and safety, that can address the student body, the

10 public. I mean it could lean either way.

11 MS. CAVER-BLADE: I'll just set this here.

12 All right. Thank you.

13 See you tomorrow. Thanks.

14 (Ms. Caver-Blade left the room.)

15 MS. GEE: Is that out of place --

16 MS. WITTUM: Well, but it may be that as we
17 continue to go through the revisions that some ideas
18 come to mind on exactly what language could be included
19 in the rule to kind of clarify that language.

20 MS. GEE: Okay.

21 MS. WITTUM: And it may be -- I know we were
22 trying to simplify things because we couldn't define
23 moral turpitude, and it may be that this is not the
24 language that is going to help us to clarify anything.

25 MS. POWELL: Well, and, two, you know, as a board,

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1 we keep hearing how, you know, we -- we have the
2 authority to not let someone open up a business, too,
3 and get a license. But free enterprise controls what
4 this board does, so it appears to me it would have to
5 address a health and safety issue.

6 MS. WITTUM: Uh-huh.

7 MS. POWELL: So if we're going to clarify it,
8 that's where we're going to have to clarify it, because

9 you're certainly not going to stop someone from opening
10 a business.

11 MS. WITTUM: Uh-huh. So that one is going to need
12 some work.

13 MS. POWELL: Well, maybe we need to call Kent. He
14 was so -- did he write it? Can we bring this on him?

15 MS. WITTUM: Well, I believe he wrote it with our
16 help.

17 MS. POWELL: Well, tell him to remind -- can he
18 give us our notes, who said what and what city it was
19 in that it was said?

20 MS. WITTUM: Okay. So 407 and 408, there --

21 MS. BURCHETT: Possibly the school that just gave
22 up their license would fall into that category, because
23 the -- you know, the not working restroom is health and
24 safety, and, you know, I mean that -- I think that
25 partly would fall under that.

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1 MS. GEE: Maybe.

2 MS. BURCHETT: So no hot water or hot water can't
3 be controlled or not hot enough water or -- I don't
4 know. You know, anything that the school is supposed
5 to have, but it doesn't have to be health and safety,
6 but -- you know, I -- but it's still real big. I think
7 that's its problem. That sentence is five lines long

8 for one sentence.

9 MS. POWELL: Maybe that clarification of the board
10 may deny or revoke license to a school or licensee
11 upon -- I would think that should be across the board.
12 I don't know why it's talking school. It should be any
13 establishment.

14 MS. BURCHETT: Yeah.

15 MS. POWELL: Of course, you know --

16 MS. BURCHETT: Well, that section is talking about
17 school --

18 MS. WITTUM: Yeah, this whole section deals with
19 schools.

20 MS. BURCHETT: School license. Right.

21 MS. WITTUM: I believe the -- the addressing of
22 the establishment or licensee is in one of the
23 provisions that the fee committee is going to deal
24 with. Because that -- I believe it is across the board
25 that the board can revoke or deny a license to anyone

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1 that they feel is not deserving of a license,
2 basically.

3 409 this -- I think the substantive change that
4 was made to this one was to remove the word immediate,
5 under the school supervisor, but that's basically the
6 only thing that changed.

7 The instructor qualifications, this is where we
8 made the change to allow any licensee to enter the
9 instructor program and receive an instructor license.
10 And that will directly impact Rule No. 7.

11 Found the one on the point you jumped ahead on.

12 MS. GEE: Okay.

13 MS. WITTUM: 410.

14 MS. GEE: Okay.

15 MS. WITTUM: And it will impact Rule 7.

16 MS. GEE: Okay.

17 MS. WITTUM: 411 is just clean up.

18 412 is just clarifying that the cosmetology course
19 may not exceed six days per week. I think it said that
20 in the other, the specialty courses, but not in the
21 cosmetology program.

22 That's pretty good. I've not seen that happen too
23 many times.

24 MS. PICKERING: He had too much blood, he couldn't
25 fly any longer.

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1 MS. GEE: Do we need to change that 614? I bet
2 there should be some changes.

3 MS. WITTUM: Yeah. 6.7 deals with the
4 registration requirements, so that's going to have to
5 be taken care of.

6 416 is out completely.

7 MS. GEE: Is there something about this volunteer
8 services in the rules right now?

9 MS. WITTUM: No.

10 MS. GEE: We're going to have to write a whole new
11 rule on that.

12 MS. WITTUM: Yeah.

13 MS. GEE: I'm expecting that that's going to be
14 fun.

15 MS. WITTUM: It will be challenging.

16 MS. GEE: Challenging.

17 MS. WITTUM: So, we need a new rule for
18 volunteerism.

19 And then 418 is just clean up.

20 MS. GEE: Yeah. We're going to have to figure out
21 a rule on 417.

22 MS. WITTUM: Okay.

23 MS. PICKERING: So that's it, then?

24 MS. GEE: That's it.

25 MS. WITTUM: Does anybody see anything else in

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1 the --

2 MS. BURCHETT: Well, you know, I guess what we're
3 going to have to do kind of on our own is go through
4 and make sure that we can relate every -- if -- every

5 rule in here to here, every rule that relates, document
6 it? No?

7 MS. GEE: Uh-huh.

8 MS. WITTUM: And I can start drafting what we've
9 ironed out needs to be drafted, and then if you all
10 want to just start going strictly through the rules and
11 see if you see anything that we missed today, since
12 we've ran through them pretty quickly. And --

13 MS. GEE: I don't -- I mean, and I don't want to
14 discourage any suggestions for other changes that
15 should be made to the rules. We went through this a
16 lot faster than I thought we would.

17 MS. BURCHETT: But we really didn't go through the
18 rule.

19 MS. WITTUM: Right.

20 MS. GEE: Right.

21 MS. BURCHETT: You really looked at the law.

22 MS. GEE: Right. Well, I mean, and that's what
23 I'm saying.

24 MS. BURCHETT: So --

25 MS. GEE: If people want to go through the rules

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1 with some ideas for revisions they think might want to
2 be made, I think we probably would have time to look at
3 that.

4 MS. WITTUM: Right.

5 MS. BURCHETT: Not today, but we are going to meet
6 more than just once.

7 MS. GEE: Right. Well, not today.

8 MS. POWELL: Well, and we're going to have public
9 comment, too, that's going to focus on issues that we
10 may not know is an issue.

11 MS. GEE: Right. That's true.

12 MS. PICKERING: Also, let me say, I think I took
13 off more than I can chew. I need to be -- this is too
14 mind boggling. Can I step down as chairman now?

15 MS. BURCHETT: No.

16 MS. WITTUM: No.

17 MS. PICKERING: No? I can't?

18 MS. COLLINS-BURROUGH: That's what this
19 committee -- we'll help you.

20 MS. PICKERING: You'll help me? You better.

21 MS. WITTUM: It won't be by yourself.

22 MS. PICKERING: You need to. It's so mind
23 boggling, I think.

24 MS. WITTUM: Now, August I know is going to be
25 kind of busy with the conference and stuff, but that's

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1 toward the end of the month. Would -- would you all
2 want to try to meet some time in August, to keep us

3 from waiting until the next board meeting -- board
4 meeting in September?

5 Maybe we could get a little bit more work done at
6 another meeting and then have --

7 MS. BURCHETT: Then be ready for public comment?

8 MS. WITTUM: Possibly, maybe. I don't know if we
9 will pull it together that quickly, or do we want to do
10 public comment after everything is done?

11 MS. BURCHETT: Well, didn't we --

12 MS. POWELL: I think if we --

13 MS. BURCHETT: I mean do we not want to finish
14 everything we are going to do until we hear something
15 from them? Isn't that correct?

16 MS. POWELL: Well, I think it's like what Erika
17 said --

18 MS. BURCHETT: Otherwise why have public comments?

19 MS. POWELL: Well, I think it's like what Erika
20 had said earlier about getting this thing going with
21 what we know has to be changed based on the law
22 revisions, then you're going to have to pull in and
23 incorporate getting that lined out for us right now
24 would be a big --

25 MS. GEE: Right.

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1 MS. POWELL: -- tackle.

2 MS. WITTUM: Because it's my understanding it
3 really doesn't matter what the public is going to say
4 as far as what the law is going to require us to
5 change.

6 MS. POWELL: But you're putting in --

7 MS. GEE: No. You're changing rules. You've got
8 to go through the rule making process. You have to
9 have public comment.

10 MS. WITTUM: Okay.

11 MS. POWELL: So but we've got to get first what's
12 in the revision of the law incorporated into the
13 language of the rule. Then put that in and then get
14 the public comment on how -- as to how that's reading.
15 Correct?

16 MS. GEE: Well, what -- what we need to do is come
17 up with a draft of rule changes, based on the law that
18 we've been talking about today.

19 MS. POWELL: Yeah.

20 MS. GEE: Then and what I was thinking we would do
21 is the next committee meeting we would have a draft and
22 then we would go over and see if everybody is okay with
23 that draft, and if not, make whatever changes need to
24 be made and then present that to the board and say this
25 is what we are recommending as the changes that need to

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1 be made, and if the board approves that, then it would
2 go for public -- would be, the public would be put on
3 notice of the proposed rule changes and you have to
4 have the 30-day comment period.

5 MS. POWELL: Oh, okay. That's --

6 MS. GEE: It's a process.

7 MS. POWELL: Okay. I was thinking --

8 MS. GEE: We can't just do it overnight.

9 MS. POWELL: Okay. Do we want to have -- well,
10 then how long is it going to take Kathy to get that
11 drawn up so we can --

12 MS. WITTUM: Well, here is my question, are we
13 going to be doing this on a committee by committee
14 basis, or are each of the committees going to get their
15 revisions done, pull it all together, put it to the
16 board at that time that here is the recommendation for
17 all of the changes that need to be done as they relate
18 to the law revisions?

19 MS. GEE: Well, I guess that's for you all to
20 decide. I guess it depends on how long the other
21 committees take. I mean --

22 MS. WITTUM: Well, as far as what needs to be done
23 to bring us into compliance with the law, I don't think
24 any committee is going to be able to drag their feet.
25 I think that we're all going to have to get in here and

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1 get things moving. So --

2 MS. GEE: Well, I'm thinking -- and correct me if
3 I'm wrong, but I'm thinking that the other committees
4 are addressing changes that just maybe need to be made
5 but not necessarily because of the statute.

6 MS. WITTUM: Huh-uh. No. Because just like the
7 fee committee, I mean they are mandated by these law
8 changes --

9 MS. GEE: Oh, yeah. They are.

10 MS. WITTUM: -- to take care of the -- in fact, I
11 think every one of the committees has a mandated change
12 that they need to address, except maybe the grievance
13 committee.

14 MS. GEE: Okay. Well, then that's -- that's up to
15 you all, then. I mean --

16 MS. BURCHETT: Okay. So is it the proper way or
17 the required way to do it, make all of our decisions
18 and do all of our voting before we listen to public
19 comment?

20 To me that doesn't make sense. We don't -- it's
21 like saying we don't care what the public says, we're
22 doing to do all our stuff, just listen to them because
23 we have to?

24 MS. GEE: Well, okay. Part of the rule making
25 process incorporates public comment, and if you want to

1 have more public comment than that you can have more
2 public comment. I mean it just --

3 MS. BURCHETT: Well, how do you mean incorporate?
4 How does it?

5 MS. GEE: You have to put the proposed rules, the
6 proposed new rules, give people notice of them, publish
7 them, I guess you put them on the website, I'm not sure
8 how else you give them notice of it, so people will
9 know, we're proposing to make these rule changes. And
10 make them aware of when there is going to be a meeting
11 to have public comment, and anybody can come and say
12 anything they want to say about those proposed rules.
13 I mean that's part of the rule making process.

14 So if you want to add more public comment than
15 that, more on the front end, like say at the meeting
16 where you present -- the committee presents the
17 proposed rules to the board to consider, if you want to
18 get the public involved at that point, there is nothing
19 to keep you from doing that. It just will slow things
20 down more, but that's up to you all.

21 MS. BURCHETT: Well --

22 MS. WITTUM: And it's not to say that at the time
23 that it's presented to the board and the public has the
24 opportunity to step up and say something, that what
25 they have to say might not impact the proposal. It may

1 very well impact it. The board may say we don't want
2 to go with this because of whatever the public is
3 saying, we think this committee needs to revisit this,
4 and it's -- it's--

5 MS. GEE: The public is absolutely part of the
6 process. It's just -- I mean this is a public meeting.
7 If anybody wanted to come and say whatever they wanted
8 to say, there is -- there would be an opportunity for
9 that.

10 MS. BURCHETT: Right.

11 MS. GEE: I mean, so, I mean, if you mean like
12 travel around -- around the state like was done
13 before --

14 MS. BURCHETT: No. I just meant that it seemed to
15 me like we were going to do all that we were going to
16 do and then present it for comment after we've already
17 made our decisions. So --

18 MS. WITTUM: Well, you are going to be presenting
19 your recommendation. This committee is going to be
20 presenting its recommendation to the board based on
21 what we identify needs to be changed because of a law
22 revision. And then, you know, any of the other board
23 members or any of the public can -- can comment
24 accordingly, and it may or may not impact what
25 recommendations this committee has made.

1 MS. COLLINS-BURROUGH: But at least you've
2 listened.

3 MS. WITTUM: Exactly.

4 MS. BURCHETT: So the board won't vote until after
5 they have heard the public comment?

6 MS. GEE: The board cannot adopt a rule until
7 there has been public comment.

8 MS. BURCHETT: Okay.

9 MS. GEE: That has to happen before you can adopt
10 a final rule, and then it still has to go to the
11 legislature to be approved.

12 MS. BURCHETT: Right.

13 MS. GEE: So, and I'm sure if anybody felt like
14 their comments were not heard, they could go to the
15 legislature and tell them, hey, we made these comments
16 and they didn't listen. There is opportunities for
17 several stages along with the way for people to weigh
18 in on it, which I agree with you is important.

19 MS. POWELL: But the purpose of this committee is
20 to form and to establish opinion based on what we can
21 gather here with what we've got.

22 MS. BURCHETT: Right.

23 MS. POWELL: Then open ourselves up to the rest of
24 the board and the public to say, now this is --

25

MS. GEE: Right. Somebody has got to get

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1 something together to look at.

2 MS. POWELL: Give them something, give them a bone
3 here.

4 MS. COLLINS-BURROUGH: And then explain our side
5 and --

6 MS. POWELL: Don't you copy that.

7 MS. WITTUM: So, again, do you all want to try to
8 have a meeting in August?

9 And if so, the calendar is getting full so we
10 probably need to figure out what date would be best.
11 Or do you want me to just see what day we can get a
12 room for?

13 MS. POWELL: Why don't you do that, Kathy, find
14 out when you can, and then schedule --

15 MS. WITTUM: Do you all prefer a Monday? Does
16 everybody prefer a Monday?

17 MS. PICKERING: I prefer a Monday, but I'm just
18 one person.

19 MS. POWELL: Probably so. Probably so. Since
20 we're going to meet here in Little Rock, that might be
21 the best.

22 MS. WITTUM: Okay.

23 MS. BURCHETT: And the next meeting is the 13h of

24

September, isn't it?

25

MS. WITTUM: No. It's the 20th.

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MS. BURCHETT: Oh, it changed.

2

MS. WITTUM: That's not on your agenda.

3

MS. BURCHETT: I just didn't change it in here.

4

MS. GEE: I don't know what my schedule is for

5

August.

6

MS. WITTUM: Well, why don't we compare -- get

7

your schedule and find out what days you would be

8

available, I can find out what days we can get a room

9

here, it may not be this one, but then we can start

10

getting with all of you and find out when --

11

MS. POWELL: Well, is -- Madam Chair, are you

12

going to close your committee meeting?

13

MS. PICKERING: Oh, I'm sorry. We're closed.

14

MS. POWELL: Okay. I need to ask for public

15

comment.

16

MS. TURMAN: Yeah. It's time to go home.

17

MS. POWELL: Then I guess my meeting is closed --

18

is adjourned.

19

(WHEREUPON, at 4:42 p.m., the above-entitled

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proceedings were concluded.)

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CERTIFICATE

STATE OF ARKANSAS)
COUNTY OF PULASKI)

I, SUSAN B. WHITSON, Certified Court Reporter and notary public in and for Pulaski County, State of Arkansas, do hereby certify that the witnesses were duly sworn by me prior to the taking of testimony as to the truth of the matters attested to and contained therein; that the meeting and disciplinary hearings, held before the Arkansas State Board of Cosmetology, July 26, 2007 was taken by me in Stenotype and reduced to computer-generated typewritten form by me or under my direction and supervision; and that the same is a true and correct reflection of the proceedings that occurred, to the best of my knowledge and ability.

I FURTHER CERTIFY that I am neither counsel for, related to, nor employed by any of the parties to the action in which this proceeding was taken; and, further that I am not a relative or employee of any attorney or counsel employed by the parties hereto, nor financially interested, or otherwise, in the

22 outcome of this action; and that I have no contract with the
23 parties, attorneys, or persons with an interest in the action
24 that affects or has a substantial tendency to affect
25 impartiality, that requires me to relinquish control of an

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1 original transcript or copies of the transcript before it is
2 certified and delivered to the custodial attorney, or that
3 requires me to provide any service not made available to all
4 parties to the action.

5 SIGNED AND SWORN this _____ day of

6 _____ .

7

8

9 _____
SUSAN B. WHITSON, CCR, #158

10 NOTARY PUBLIC IN AND FOR

11 PULASKI COUNTY, ARKANSAS

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13 My Commission Expires: June 4, 2012.

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