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BEFORE THE ARKANSAS STATE BOARD OF COSMETOLOGY

ADMINISTRATIVE HEARINGS
AND
BOARD MEETING

MONDAY, JANUARY 28, 2008

BE IT REMEMBERED that on Monday, the 28th day of
January 2008, before the Arkansas State Board of Cosmetology and
its department staff, at 9:00 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

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1 APPEARANCES:

2 Board Members:

3 CATHY CAVER-BLADE - President
4 PATRICIA TURMAN - Secretary
5 BARBARA WARD - Treasurer
6 LaJOY GORDON
7 ANN PICKERING
8 SCOTTIE BURCHETT
9 JANE POWELL
10 SUSAN COLLINS-BURROUGH
11 JOYCE SMITH

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10 Staff Members Present:

11 KATHY WITTUM - Executive Director
12 SHAUNTA BELMONT

13 Board Inspectors Present:

14 SHEILA CAUDLE
15 ROSE HORNER
16 PAT BLAND JACKSON
17 LAVONNE GREEN
18 BRENDA MORGAN

17 ON BEHALF OF THE BOARD:

18 ERIKA GEE, ESQ.
19 Assistant Attorney General
20 323 Center Street, Suite 200
21 Little Rock, Arkansas 72201

21 HEARING OFFICER:

22 KENDRA AKIN JONES, ESQ.
23 Assistant Attorney General
24 323 Center Street, Suite 1100
25 Little Rock, Arkansas 72201

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3

1 RESPONDENTS PRESENT:

2 Anna Hoermann Bryant

3 ALSO PRESENT:

- 4 Amber McCuien
- 5 Francine Tilley, PCS
- 6 Stacy Grooms, PCS
- 7 Veda Traylor
- 8 Linda Lee
- 9 Lucille Coleman
- 10 Martha Love
- 11 Nicole Thompson
- 12 Jenita Hughes
- 13 Tracy Akard
- 14 Bob Philyaw
- 15 Patricia Anderson
- 16 Alan Anderson
- 17 Nanette Wilson
- 18 Mr. Wilson
- 19 Court Reporter:
- 20 Susan B. Whitson, CCR
- 21 Arkansas Supreme Court Certificate No. 158
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4

I N D E X		
	AGENDA ITEM	PAGE
1	CAPTION	1
2	APPEARANCES	2
3	CALL TO ORDER - Roll Call	9

6	BUSINESS	
7	Treasurer's Report	9
8	Approval of Minutes	
9	December 3, 2007 - Board Meeting Minutes	10
10	Outsourcing	
11	Professional Credential Services	
12	Francine Tilley, Application Processing and	
13	Cosmetology/Barber Manager	11
14	ADMINISTRATIVE HEARINGS	
15	ANNA HOERMANN, OWNER AND OPERATOR, D/B/A 1319 ROMEO, HEARING	
16	ORDER NO. 07-453	39
17	WITNESSES:	
18	SHEILA CAUDLE	
19	Direct by Ms. Gee	42
20	ANNA HOERMANN	
21	Direct testimony	44
22	Examination by the Board	45
23	EXHIBITS:	
24	Board's One (Order and Notice)	44
25	Board's Two (Inspection report)	44

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□

5

1	Decision by the Board	48
2	HEARINGS REGARDING RESPONDENTS WHO DID	
3	NOT APPEAR	49
4	BEAUTY BOX, GINGER CHAVEZ, NO. 07-497	51
5	KATHY WITTUM	
6	Direct by Ms. Gee	52
7	EXHIBITS:	
8	Board's One (Order and notice)	53

12808-CosBd

9	Board's Two	(Inspection report)	53
10	Board's Three	(Proof of service)	53
11	FAMILY CONNECTION BARBER & BEAUTY SHOP, NANETTE WILSON,		
12	OWNER, NO. 07-471		53
13	KATHY WITTUM		
14	Direct by Ms. Gee		53
15	EXHIBITS:		
16	Board's One	(Order and notice)	54
17	Board's Two	(Inspection report)	54
18	Board's Three	(Proof of service)	54
19	FAMILY HAIR FASHIONS, VERA WITCHER, OWNER,		
20	NO. 07-512		55
21	KATHY WITTUM		
22	Direct by Ms. Gee		55
23	EXHIBITS:		
24	Board's One	(Order and notice)	56
25	Board's Two	(Inspection report)	56

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□

6

1	Board's Three	(Proof of service)	56
2	KOOL KUTTS & STYLE II, BERNARD COBBS, OWNER,		
3	NO. 07-524		56
4	KATHY WITTUM		
5	Direct by Ms. Gee		56
6	EXHIBITS:		
7	Board's One	(Order and notice)	57
8	Board's Two	(Inspection report)	57
9	Board's Three	(Proof of service)	57
10	SYMMETRIX SALON & DAY SPA, KELLY BAUGHMAN,		

	12808-CosBd	
11	NO. 07-431	57
12	KATHY WITTUM	
13	Direct by Ms. Gee	58
14	EXHIBITS:	
15	Board's One (Order and notice)	58
16	Board's Two (Inspection report)	58
17	Board's Three (Proof of service)	58
18	TRENDSETTERS, PAULA TWITCHELL, OWNER,	
19	NO. 07-403	58
20	KATHY WITTUM	
21	Direct by Ms. Gee	59
22	EXHIBITS:	
23	Board's One (Order and notice)	60
24	Board's Two (Inspection report)	60
25	Board's Three (Proof of service)	60

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

0

7

1	VALERIE'S, VALERIE BAKER, OWNER,	
2	NO. 07-443	60
3	KATHY WITTUM	
4	Direct by Ms. Gee	60
5	EXHIBITS:	
6	Board's One (Order and notice)	62
7	Board's Two (Inspection report)	62
8	Board's Three (Proof of service)	62
9	Board's Four (Letter from Respondent)	62
10	FASHION NAILS, SANDRA HARLOW, OWNER,	
11	NO. 07-416	62
12	KATHY WITTUM	
13	Direct by Ms. Gee	62

12808-CosBd

14	EXHIBITS:	
15	Board's One	(Order and notice) 65
16	Board's Two	(Inspection report) 65
17	Board's Three	(Proof of service) 65
18	Board's Four	(Letter from Respondent) 65
19	MOTION BY THE BOARD	66
20	Set date for special meeting	70
21	LaserGrade	73
22	SMT: Same-Day-Scoring	75
23	Director Updates	
24	Staff	77
25	Renewals	79

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□

8

1	Access Database Development	80
2	Status of Reciprocity Errors	82
3	Hours and/or Examination Issues	
4	Elizabeth Reaves	84
5	Cedric Crutchfield	96
6	Ralph Kolen	109
7	PETITION TO ADDRESS THE BOARD	
8	Linda Lee	114
9	EXECUTIVE SESSION	
10	Complaints against Director	128
11	ADJOURN BOARD MEETING	139
12	Reporter's certificate	140
13		---o---
14		
15		

16
17
18
19
20
21
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23
24
25

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

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P R O C E E D I N G S

MS. CAVER-BLADE: I would like to call the meeting to order and turn it over at this time to Ms. Turman for roll call.

MS. TURMAN: Scottie Burchett?

MS. BURCHETT: Here.

MS. TURMAN: Cathy Blade?

MS. CAVER-BLADE: Here.

MS. BURCHETT: Susan Collins-Burrough?

MS. COLLINS-BURROUGH: Here.

MS. TURMAN: LaJoy Gordon?

MS. GORDON: I'm here.

MS. TURMAN: Ann Pickering?

MS. PICKERING: Here.

MS. TURMAN: Joyce Smith.

MS. SMITH: Here.

MS. TURMAN: Myself and Barbara ward.

I guess everybody is here.

19 MS. CAVER-BLADE: Okay. I guess I'll turn it over
20 to Barbara for the treasurer's report.

21 MS. WARD: Okay. We had \$217.18 in the treasury,
22 and we bought flowers for LaJoy, which was 49.95; we
23 bought flowers for the office staff, which was 43.60;
24 left us a balance of 124.28. We collected \$5 from each
25 board member this morning, and that leaves us a balance

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1 of 164.28.

2 MS. CAVER-BLADE: At this time I would like to ask
3 for a motion for the approval of the minutes for the
4 last meeting.

5 MS. PICKERING: I so move.

6 MS. WARD: Second.

7 MS. BURCHETT: Madam President?

8 MS. CAVER-BLADE: Yes.

9 MS. BURCHETT: I just have a question. If we want
10 to ask about something in the minutes, in those
11 minutes, will we do it now?

12 MS. WITTUM: I would think so.

13 MS. BURCHETT: Okay. Not that it's a discrepancy
14 in the minutes, but Beautiful Nails, the wrong person,
15 I think, was here, and -- and the minutes said that --
16 that the case was dismissed. So my question is, was it
17 dismissed against the wrong person and it's going to be
18 brought back to us for the correct person, or was it
19 dismissed totally?

20 MS. WITTUM: Well, that case was dismissed.

21 The -- it was my understanding, Erika is probably the
22 best person to talk with, but she actually talked with
23 the person, the people who showed up for that case.
24 But it was my understanding that we did not know how to
25 locate the actual person that should rightfully be

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1 disciplined by the board.

2 MS. BURCHETT: Okay. So it was the person, not
3 the salon?

4 MS. WITTUM: It was the person in the salon, but
5 that woman said that she did not know how to get in
6 touch with that person, who is not there anymore.

7 MS. BURCHETT: Okay. Thank you.

8 MS. COLLINS-BURROUGH: Wasn't that a two-part
9 thing, though? Wasn't there health and safety
10 violations as well as an unlicensed activity?

11 MS. WITTUM: There was. And we, when Erika and I
12 were talking about that during the break, we did not
13 realize that it was the health and safety part of it,
14 we thought it was all just the license violation. So
15 we can bring the health and safety issues back up.

16 MS. BURCHETT: Thank you.

17 MS. CAVER-BLADE: I guess we need to vote on the
18 approval of the minutes. So we --

19 All those for?

20 (Seven hands raised.)

21 MS. CAVER-BLADE: Okay. Against?

22 (One hand raised.)

23 MS. CAVER-BLADE: At this time I think we want to
Page 10

24 call --

25 MS. WITTUM: Francine Tilley.

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12

1 MS. CAVER-BLADE: -- yeah, Francine Tilley with
2 PCS.

3 Yeah. Come have a seat.

4 MS. GROOMS: My name is Stacy Grooms. I'm with
5 PCS, as well.

6 COURT REPORTER: Could you all speak up, please?

7 MS. GROOMS: Stacy Grooms.

8 MS. TILLEY: I have a packet to hand out to every
9 member, if that's okay.

10 MS. CAVER-BLADE: Okay. Certainly.

11 Okay. If you guys want to, I guess, talk to the
12 board and just kind of present your case.

13 MS. TILLEY: Can I --

14 MS. CAVER-BLADE: Yeah.

15 MS. TILLEY: I guess my understanding is that I
16 was asked to be here because there were some concerns
17 about the practical exam and some issues as far as the
18 way it's being administered. So I'm here to answer any
19 questions that you may have.

20 And I actually have some of the -- in the Section
21 3, some of the written and verbal complaints that we've
22 received and how they have been addressed already.

23 I believe the last meeting that you had, you had
24 some questions about overcrowding, unsafe conditions
25 and things, and those have already been resolved.

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1 we -- and then they are also in here as well, the
2 solution of what we've done and have not had those
3 overcrowding issues or the unsafe conditions, not using
4 the room anymore, things like that.

5 I believe all those issues at the last meeting,
6 those have been resolved.

7 If there is anything else that's come up, I'll be
8 happy to answer.

9 Yes, ma'am?

10 MS. WARD: Okay. One concern I was wondering is
11 when they are scheduled to come in at a certain time --

12 MS. TILLEY: Uh-huh.

13 MS. WARD: -- why are -- why are they waiting a
14 couple of hours before they are actually allowed to
15 take the exam?

16 MS. TILLEY: We've had over scheduling, it was
17 overcrowded, trying to get too many exams started at
18 one time, but we've resolved that as well. This last
19 exam, we just had an exam, we started all of them on
20 time.

21 MS. WARD: Okay.

22 MS. BURCHETT: I'm asking this as a -- as an
23 instructor.

24 MS. TILLEY: Uh-huh.

25 MS. BURCHETT: Because I have students that come

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14

1 back and ask me these questions.

2 And one thing is, can you tell me, when they check
3 the permanent wave, what they are supposed to do? The
4 examiners?

5 MS. TILLEY: The examiners. They are asked to --
6 they ask the students to demonstrate saturation,
7 demonstrate the test curl, and that's all they are
8 supposed to ask them.

9 MS. BURCHETT: Right. But then how is the
10 examiner supposed to check that permanent?

11 MS. TILLEY: They remove the rods their self.
12 They take down three curls and remove the perm rods.

13 MS. BURCHETT: Okay. So if the examiner doesn't
14 do that, then they are not able to see -- check what
15 they are supposed to check. And that's happened --
16 that's happened in several exams. You know, the
17 students came back and said, I sure hope -- I sure hope
18 I got counted yes on my perm rods, because they didn't
19 take any down and look at them.

20 MS. TILLEY: Okay. Okay. And they should. They
21 should be the ones taking down perm rods.

22 MS. BURCHETT: Right. Right.

23 Are they allowed to ask the students questions
24 verbally, other than what the CID tells them or the
25 instruction --

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1 MS. TILLEY: They are not supposed to communicate

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with them.

MS. BURCHETT: But they have.

MS. TILLEY: Okay.

MS. BURCHETT: I mean, did you know that they have?

MS. TILLEY: No. I was unaware of that.

MS. BURCHETT: Okay.

MS. TILLEY: Of course, that has been brought to the attention, communicating.

I'm a licensed cosmetologist, it's hard for us not to talk. It's very hard. Unless you put tape over our mouth, it's very hard. They have been instructed over and over and over, do not communicate.

MS. BURCHETT: Okay. I don't mean just -- just casual conversation or anything.

MS. TILLEY: Uh-huh.

MS. BURCHETT: But, for instance, I had students go two different times to one exam, and the first student come -- I bring them and pick them up and we talk all the way here and all the way back so, you know, it's fresh on their mind, they tell me exactly what happened.

MS. TILLEY: Uh-huh.

MS. BURCHETT: And -- and she said -- she said, I

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1 was really afraid during the -- during the four quads,
2 because they asked me every question that I knew they
3 were grading me on. And so this -- the section that
4 that student was in, every -- I said, did they ask

5 every student the same questions, and she said yes.
6 Every student was -- they read the -- they read the
7 question to us that -- you know, that's how we grade
8 our students, according to the CID.

9 MS. TILLEY: Uh-huh.

10 MS. BURCHETT: Preparing them for state board.
11 She said they grade -- they asked me every -- they
12 asked every one of us every question that was on the
13 CID, and we had to tell them out loud the answer, and
14 that's how they graded us on all four quads. And so
15 then I prepared my afternoon girls that were going, I
16 said, okay, I know this is not supposed to happen, but
17 just in case they ask you out loud, you have to be
18 prepared to answer, because that's how morning group
19 was graded.

20 MS. TILLEY: Uh-huh.

21 MS. BURCHETT: Or one group in the morning was
22 graded that way.

23 And I asked her, I said, did you hear another
24 examiner ask the other group those questions, and she
25 said, well, no, I don't know if they did or not, she

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17

1 said, but I just know all the students in my group were
2 each -- were individually asked every question on that
3 part of the exam, and we had to answer out loud.

4 So that was very, very disturbing.

5 MS. TILLEY: Uh-huh.

6 MS. BURCHETT: Very uncomfortable for the

7 students.

8 And I have one student that was going in the
9 afternoon and she's very shy and she doesn't really
10 talk a whole lot anyway, and she just panicked when she
11 thought she was going to have to answer the questions
12 out loud. But it didn't happen that afternoon, not to
13 the group that those two girls were in. So --

14 MS. TILLEY: And they are not supposed to. They
15 are not supposed to.

16 MS. BURCHETT: This has been recent.

17 I'm sorry, I don't have my notes with me to say
18 exactly which exam it was, but I can go back to the
19 student. I know the students that went.

20 MS. TILLEY: Uh-huh.

21 MS. BURCHETT: And I believe it may have been
22 December, but I'm not positive without looking back at
23 the names.

24 But by December, they should know that they are
25 not supposed to do that.

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1 Is it the same examiners?

2 MS. TILLEY: It is the same examiners. Uh-huh.

3 MS. COLLINS-BURROUGH: Are you through?

4 MS. BURCHETT: Go ahead.

5 MS. COLLINS-BURROUGH: I'm sorry.

6 How often and how long do you have training
7 sessions for these examiners?

8 MS. TILLEY: It's a two-day training and it's
9 annually.

10 MS. COLLINS-BURROUGH: Just once a year?

11 MS. TILLEY: Uh-huh. And IC conducts that. And
12 it's the same training that they have done for, I
13 guess, three or four years here.

14 MS. COLLINS-BURROUGH: Okay.

15 MS. TILLEY: Uh-huh.

16 MS. COLLINS-BURROUGH: And so each and every one
17 of your instructors, I assume that's what this list is?

18 MS. TILLEY: Uh-huh.

19 MS. COLLINS-BURROUGH: And you only have four
20 instructors in the whole pool. Is this the whole pool?

21 MS. TILLEY: Uh-huh.

22 MS. COLLINS-BURROUGH: Or is this the one -- you
23 pull from that list?

24 MS. TILLEY: That list. They went through the
25 training, two-day training.

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19

1 MS. COLLINS-BURROUGH: And just one time, though?

2 MS. TILLEY: Yes.

3 MS. COLLINS-BURROUGH: Okay.

4 MS. TILLEY: This group has been through the
5 two-day training, and that's when we started in
6 September or August, they went through a two-day
7 training before they started the examining.

8 MS. COLLINS-BURROUGH: Okay. And then that's all
9 you do? You don't have any other workshops that you
10 attend or have them go or just kind of to reiterate --

11 MS. TILLEY: As far as -- that's a constant

12 reiterating every month. We communicate from PCS.
13 I've been here for one of the exams, the very first
14 exam, I had a supervisor here at this last exam, and we
15 reiterate with our chief examiner on a regular basis
16 any complaints we've received.

17 In other words, if someone has been -- a complaint
18 has been brought to our attention that someone has been
19 talking, we constantly reiterate that with this team,
20 do not talk. Do not talk. Only what's in your --

21 MS. COLLINS-BURROUGH: Yeah. See, that's a bad
22 habit coming from the salon environment.

23 MS. TILLEY: Uh-huh.

24 MS. COLLINS-BURROUGH: And they are not licensed
25 instructors, to grading someone for licensure, because

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20

1 they pick up bad habits, and that's -- I think that's a
2 bad thing, to try to get licensed because they are
3 producing their bad habits they pick up.

4 So only four are instructors. I think probably
5 you need to recruit some more instructors, because they
6 would know not to talk, not to visit. They know to
7 take those curls down, look for things, etc., and a
8 cosmetologist, even being an instructor, even being in
9 a school environment, they have been told but they are
10 not doing it every day.

11 MS. TILLEY: And I disagree. I think the
12 instructors are very hard scorers because they teach.

13 MS. COLLINS-BURROUGH: I understand that.

14 MS. TILLEY: They have a tendency to want to teach

15 the applicants while they are scoring and they are very
16 hard on them.

17 MS. COLLINS-BURROUGH: I understand that, but you
18 think they should be for licensure?

19 MS. TILLEY: But we do recruit and we do annually
20 recruiting as far as in training every year, so then we
21 would recruit more examiners and let go the ones that
22 were continuing to have complaints with. We just
23 let -- we'll have to let them go and recruit more, and
24 we do that in every state. I understand.

25 MS. BURCHETT: So you would wait until it's time

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1 to recruit again before you let someone go that you're
2 having problems with?

3 MS. TILLEY: We -- we don't call them back on a
4 regular basis. If we have to, but we don't call them
5 back on a regular basis. The ones that we're -- we're
6 having good, you know, success with as far as scoring,
7 they are doing your bubbling, they are doing everything
8 correctly, we call them on a regular basis. That's a
9 pool that we pull from. We don't pull every one of
10 them.

11 MS. BURCHETT: Okay.

12 MS. TILLEY: But we can't start firing right away
13 until we have a whole year that we have to wait for
14 this annual training.

15 MS. BURCHETT: Okay. In the exam, does the same
16 examiner examine through the entire CID the same group

20 they shouldn't score them on the whole exam.

21 MS. BURCHETT: Right.

22 MS. WARD: If they don't observe a candidate doing
23 anything, like sanitation or a particular part of their
24 exam, what do they do?

25 MS. TILLEY: If they do not see it, they are to

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23

1 score on the positive side, which would be a yes.

2 MS. WARD: Okay.

3 MS. TILLEY: My -- did I answer that correctly?

4 MS. WARD: well --

5 MS. TILLEY: I mean, if they are scoring this
6 person and this over here, they don't see them do
7 something incorrectly, they are to give them a yes.

8 MS. WARD: Okay. That's been a big concern
9 because they think they won't see them and they try to
10 get their attention, so --

11 MS. TILLEY: And that's fine. That's fine to
12 continue doing it. I think in the school overview that
13 was addressed with the -- with the schools, to instruct
14 your students to continue doing it, if you're afraid
15 someone did not see it. And the examiners know that,
16 they are looking for that.

17 MS. CAVER-BLADE: Jane?

18 MS. POWELL: Francine?

19 MS. TILLEY: Uh-huh.

20 MS. POWELL: Can you -- do you know offhand what
21 is the pass/fail rate for the applicants since PCS has

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22 been handling the practical?

23 And I am speaking of just the practical.

24 MS. TILLEY: I do not.

25 MS. POWELL: Do you have that -- okay.

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24

1 MS. TILLEY: We don't -- we don't process the
2 scores for the state.

3 MS. POWELL: That's true. I'm sorry. That's all
4 right.

5 MS. TILLEY: Okay.

6 MS. POWELL: Yes.

7 MS. WITTUM: One side of this has the
8 month-by-month breakdown and the other side is the
9 summary of the year.

10 MS. COLLINS-BURROUGH: Do you have a supervisor
11 examiner on site at all times to make sure the exam --

12 MS. TILLEY: Yes, we do.

13 MS. COLLINS-BURROUGH: So where were they when the
14 examiners would cross over into another part of the
15 exam?

16 MS. TILLEY: When they rotate --

17 MS. COLLINS-BURROUGH: I understand that one of
18 them, some students or something went through, they had
19 the same examiner all day or something, the same one,
20 and they are supposed to just do part?

21 MS. TILLEY: They are supposed to rotate.

22 MS. COLLINS-BURROUGH: Okay. So where was the
23 supervisor when they didn't?

24 MS. TILLEY: There should -- there is always

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somebody that's in the room that's doing the verbals

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1

and the reading. They should have been there to

2

instruct that rotation --

3

MS. COLLINS-BURROUGH: Keep them doing --

4

MS. TILLEY: -- and that's not happening, now that
I'm here. I did not realize that.

6

MS. COLLINS-BURROUGH: I'm sorry.

7

Kathy, what was this you handed out?

8

MS. WITTUM: One side of it is the summary of the
statistics between 2004 and through 2007. The back
side is the month-by-month breakdown.

10

11

And you -- you can see in September is when we
actually started with PCS outsourcing, because it's --
the stats are broken down between the practical and the
written.

12

13

14

15

MS. POWELL: So this information, Director Wittum,
is for -- on the 2007/2004 is for the combined efforts
of the PCS examination teams and the inspectors?

16

17

18

MS. WITTUM: The board as well for the time that
the board was doing it.

19

20

MS. POWELL: The board?

21

Okay. Okay.

22

MS. CAVER-BLADE: Scottie?

23

MS. BURCHETT: I just have a suggestion.

24

I know you -- it's very difficult to not make a
face when you see something that's not correct.

25

1 MS. TILLEY: Uh-huh.

2 MS. BURCHETT: And I'm sure you've told your
3 examiners to try to keep a straight face. But I would
4 like for you to remind them again that it's very
5 important just to keep a positive look and not roll
6 eyes or not have a scowl on their face or something, if
7 they see something that's not like they expected or
8 whatever.

9 And also, you know, we have a high pass rate and
10 that's great; but if they don't take the perm rods down
11 to see, to truly grade that -- I would rather my
12 student be graded on every, every aspect rather than
13 just look at it and count it all yes.

14 Do you understand what I'm saying?

15 MS. TILLEY: Uh-huh.

16 MS. BURCHETT: A good pass rate means nothing if
17 the -- if the candidate truly did not do it correctly.

18 MS. TILLEY: (Nodding head up and down.)

19 MS. BURCHETT: So, also, besides the permanent
20 wave rods, there are questions, I believe, on the
21 thermal curling that, unless you actually look at that
22 curl, touch it at least with a pencil or something
23 to -- to look at the entire curl, it can't be
24 completely graded. That's been concerns of my
25 students, that they said they didn't even look at my

1 curl other than just to walk by. So --

2 MS. TILLEY: Okay.

3 MS. BURCHETT: -- if they are checking yes, I
4 mean, and I don't have a problem with students failing,
5 but I would rather the students not get 100 percent if
6 there was truly something wrong. Because then when I
7 get the -- the breakdown of the scores, I know -- I
8 know the weak areas that we need to work on. And if --
9 if it truly was not graded, then that's not giving me
10 an accurate feedback.

11 MS. ANDERSON: I'm Patricia Anderson from
12 Mellie's. And I would like to iterate in this with the
13 NIC training that we as school owners received, we were
14 given the instruction that this was very fundamental
15 examination that was being given. I have students who
16 are not coming back with complaints. I know others
17 have had complaints. My students are calling in --
18 being ecstatic because they felt it was positive. They
19 were more prepared. We've been more prepared.

20 I'm a new school owner. I feel like some of these
21 things we need to look at, are we grading them from our
22 status as an instructor, are we grading them from entry
23 level?

24 Our school is preparing our students to go to
25 state board. We don't have a doubt that they are going

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28

1 to pass the practical exam. We have not had a student
2 in the year and a half, almost two years, fail the

3 written exam. We're very grateful. But we also have
4 students who we doubt maybe that they will, but they
5 have plenty of practice while they are in school and
6 they do practice and they do participate well and they
7 do come and take the test.

8 The written test is a different matter. I feel
9 like you are being fair. I feel like you are working
10 out the bugs in your system just like we were working
11 every day in our schools to teach our students.

12 So I am proud that we have a group of people who
13 want to come and test our students, who want to be a
14 part of professionalism in our state. I think we are
15 training young professionals, and that's where our
16 standards need to go. Is the perm the most important
17 thing that they are going to do when they get out in
18 the field? Is that where they are going to make the
19 most money?

20 If their standards are there, yes, each thing
21 should be checked yes, each thing should be done that's
22 on that CID and on that NIC testing sheet that we give
23 our students. But are we picking at needles and pins
24 and all the fibers that we can pick at, are we
25 presenting the young professionals an opportunity for a

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1 career in cosmetology?

2 I think we need to present young professionals a
3 career in cosmetology.

4 Thank you.

5 MS. CAVER-BLADE: Tracy?
Page 26

6 MS. AKARD: Tracy Akard, Hot Springs Beauty
7 College.

8 The only thing that I wanted to remind the board
9 and everybody on these scores was that we did change
10 the practical in July. So we need to be reminded about
11 that when we're looking at -- at the scores, that we
12 took away some things from the practical. And I
13 believe that began in July. So when we're looking at
14 that, then the exam did change. And we weren't doing
15 as many phases, and I just wanted to remind us when
16 we're looking at scores. And that's not trying to say
17 one way or the other, just reminding us that we were
18 looking at that.

19 MS. CAVER-BLADE: Does anyone have any more
20 questions for PCS at this time?

21 Yes?

22 MS. LEE: Linda Lee from Lee School of
23 Cosmetology.

24 I shouldn't complain about this, but I know the
25 students aren't being graded correctly and not being

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30

1 watched. Because we had a girl -- the last -- we have
2 had two 100s. They didn't need a 100. One of them is
3 so ADD we didn't even know she could stand still long
4 enough to take the test, and that girl made a 98. But
5 we had two 100s. And the girl that had ADD so bad made
6 98. Something is not right that those girls are making
7 those high grades. I mean, I'm not sure what it is

8 unless I just kind of got enlightened about it, if they
9 don't see it, they give them a yes. But we're giving
10 them false hope to go into the industry thinking that
11 they know what they are doing. And when something
12 happens, they are going to come back to somebody and it
13 will filter down to me and down to you, while I thought
14 I did good on my test, therefore I must not -- what
15 happened, you know.

16 And that's what I see. These grades are too high.
17 And I shouldn't complain because I know our students,
18 our grades were somewhat high before PCS has stepped
19 in, but now they are extremely high. 98s, and nine --
20 two 100s. It's beyond me how they are making that.
21 They are not being totally examined, is my opinion.
22 And something has got to happen with that, because
23 we've got to make sure these girls get evaluated in the
24 right way, because they are going out into the salons
25 thinking they know everything and we can't correct it

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31

1 until something happens, and then it's too late.

2 MS. TURMAN: I would like to say something.

3 MS. CAVER-BLADE: Ms. Turman?

4 MS. TURMAN: During our rater training, we were
5 instructed if we did not see something -- I mean I
6 never did examine because I'm from a consumer, but I
7 know when our board was doing it and when I -- our
8 instructors were also, I mean inspectors, rather, that
9 we were informed if they didn't see any safety issue or
10 anything like that, that we were to -- to say it was

11 yes.

12 That's -- I mean that's where I'm coming from.

13 MS. CAVER-BLADE: Any more -- any more comments or
14 questions?

15 MS. TILLEY: Can I make a comment to Linda?

16 MS. CAVER-BLADE: Certainly.

17 MS. TILLEY: And then only because I've
18 experienced this in all the states that we've come in,
19 for the first time, even with NIC exam. When you
20 recruit all new examiners, NIC has witnessed this
21 across the states as well, they are going to score very
22 lenient for the first few months because they are
23 learning, they are getting used to this exam. They
24 don't want to be hard just going down through, they are
25 going no, no, no, no, no, to everybody. Then you have

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32

1 all the schools and candidates complain, but I did it
2 and I got all nos, so then you get complaints because
3 they are failing.

4 NIC trains them, if you are observing someone,
5 you're right there observing everything and you see
6 them just absolutely not do something, you give them a
7 no. But you're observing six candidates. If you turn
8 this way, this candidate starts doing something else,
9 you cannot give them a no, they absolutely didn't do
10 it. They lean towards the positive for these
11 candidates.

12 They will get harder and harder. When we get to

13 the year end, you're going to start seeing the scores
14 maybe get -- then we're going to get the complaints
15 because they are not doing as well. It's, they are
16 learning the exam, and then as we bring new examiners,
17 you will see that happen in all the states. But then
18 we get new examiners and we train new.

19 You -- it just happens. It's -- it's kind of hard
20 to say. They are going to score on the positive side
21 for these candidates and not just absolutely say no,
22 they are not doing it. You know, they are trained when
23 they get to that exam to know how to do all these
24 things. They should have passed boards at the schools
25 and they should know all of these things when they get

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33

1 there, but they are not going to say no, you did not do
2 something if they did not observe that.

3 Testing the -- the thermal curl, like you were
4 talking about doing the curling iron, testing that.
5 They are to observe that everybody pulled out something
6 to test that hot iron, okay, for an example. But if
7 everybody just -- say five people in that section, and
8 I'm using this for an example, this is hypothetically,
9 five people in that section pulled out a, you know, a
10 paper to test that iron but one pulled nothing out and
11 just started, and they seen that happen, yes, yes, yes,
12 yes, no. But if they -- this person they are looking
13 at, they are observing these, this one right here
14 pulled the paper out but they didn't see them actually
15 test it, they are not going to give them a no because

16 they are over here and this person started. They
17 cannot just say, no, they did not do it.

18 Does that help, I mean, as far as that scoring,
19 explaining that a little more? Just like you were
20 saying, NIC says yes, if you actually did not see them
21 do it.

22 MS. BURCHETT: I -- my point is, the CID is very
23 clear --

24 MS. TILLEY: Uh-huh.

25 MS. BURCHETT: -- exactly what the examiner should

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34

1 grade and how it should be graded.

2 MS. TILLEY: Uh-huh.

3 MS. BURCHETT: And I would just -- I just need to
4 see the CID followed and the examiners say the words
5 they are supposed to say and do it exactly like they
6 are supposed to do it. If they have truly been trained
7 and they truly passed the training, there is no reason
8 why they should not be grading exactly by the CID like
9 we do when they are in school.

10 MS. TILLEY: I agree. I agree.

11 And their exam materials, their exam, the book
12 that they are holding, the actual exam, is -- the
13 questions on there are the task lines that are in the
14 CID, same thing. Yes or no. I agree.

15 MS. BURCHETT: And I understand what you are
16 saying about them not wanting to be too difficult at
17 first, but then it's either yes or it's no.

18 MS. TILLEY: Uh-huh.

19 MS. BURCHETT: There is no in between. It's
20 either they either did it correctly according to the
21 task statement or they did not.

22 MS. TILLEY: Uh-huh.

23 MS. BURCHETT: So it really shouldn't be easy,
24 they shouldn't be easy on them at first and then get
25 harder. To me that's even more unfair. So it's --

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35

1 it's either yes or no.

2 MS. TILLEY: Uh-huh.

3 MS. BURCHETT: And it's either they either did it
4 according to the task statement or they didn't. So I
5 don't see why that would change from the beginning of
6 testing to the end of the year. It ought to be
7 consistent, if they were all truly trained and truly
8 passed their training --

9 MS. TILLEY: Uh-huh.

10 MS. BURCHETT: -- to -- to grade.

11 MS. TILLEY: I seen it in all states, that's why
12 I'm saying, just have seen it in all states with the
13 NIC exam, these new examiners come in and they are very
14 lenient in the beginning, they are nervous, they are
15 new examiners and they don't want to go down through
16 there saying, no, I didn't see any of these things so
17 I'm giving everybody nos. I didn't see it. They are
18 very -- you know, they are nervous in the beginning.
19 Just like being an instructor in a school or starting
20 in a new job, very nervous in the beginning and so they

21 are very -- you know, if they don't set -- they don't
22 see something, they are not to give them a no.

23 MS. BURCHETT: Right. I understand that. That
24 was made very clear in the school overview.

25 MS. TILLEY: Yeah.

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36

1 MS. BURCHETT: And my -- my point, and the reason
2 I'm bringing it all up is because, like I said, I bring
3 every student, we talk about it as soon as they walk
4 out the door. I would -- I've been at every school
5 overview, I know how it's -- how it's -- we're told
6 it's supposed to be, and I just think it's important
7 that it's how we're told it's supposed to be. You
8 know, the students pay a lot of money to come take the
9 test and I think it needs to be like they expect it to
10 be whenever they -- whenever they get there, and like
11 the schools are told that it's going to be.

12 MS. TILLEY: Uh-huh.

13 MS. BURCHETT: So, and if you don't, if you don't
14 hear these things, then how can you correct them?

15 MS. TILLEY: Correct.

16 MS. BURCHETT: So I --

17 MS. TILLEY: I do hear them.

18 MS. BURCHETT: So I would hope that you would be
19 glad that these things are being pointed out.

20 MS. TILLEY: Uh-huh. I had a supervisor at this
21 last exam. I have another PCS representative going to
22 be here at the next exam, we are going to fix it. But

23 I can't fix something I don't know is happening.

24 MS. BURCHETT: Exactly. Thank you.

25 MS. TILLEY: And I did not know about the

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37

1 rotation, that's new. So I need to know these things
2 and say, why are these things happening, and address
3 these issues and attack them as we get them.

4 MS. BURCHETT: Right. And I know this is --
5 doesn't seem like a very big thing, it won't to
6 everybody who is listening, but students -- are the
7 students supposed to ask for the broom and dust pan or
8 are they supposed to just go get it when they are told?
9 Because that was a very uncomfortable situation the
10 last time. We were told they didn't need to bring
11 their own.

12 MS. TILLEY: Uh-huh.

13 MS. BURCHETT: And in fact I believe at the last,
14 the last exam, the students weren't told to sweep up
15 their hair, they went on to the next phase without
16 sweeping up their hair. So, anyway, it was kind of --
17 I just know one student was made to feel uncomfortable
18 because they weren't sure -- they are not sure.

19 MS. TILLEY: Uh-huh.

20 MS. BURCHETT: And I think they are supposed to be
21 told --

22 MS. TILLEY: They are.

23 MS. BURCHETT: -- when to sweep their hair up.

24 MS. TILLEY: Uh-huh.

25 MS. BURCHETT: So -- so they are supposed to wait

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38

1 until they are told to start?

2 MS. TILLEY: They are supposed to wait, that's
3 right. The examiner comes by and checks the haircut,
4 then they are supposed to be told.

5 MS. BURCHETT: So if they are not told, they just
6 leave it there?

7 MS. TILLEY: They are supposed to be told to clean
8 it up.

9 MS. BURCHETT: But if they are not told, they are
10 supposed to leave it there?

11 MS. TILLEY: They are -- yeah, they would just
12 leave it because then they move on to the next section.
13 But they are scored on that.

14 MS. BURCHETT: I know.

15 MS. TILLEY: So -- yes, they are supposed to be
16 told. That's part of their verbals as well, as far as
17 the examiner.

18 MS. BURCHETT: Right.

19 MS. TILLEY: Appreciate it.

20 MS. BURCHETT: Thank you.

21 MS. CAVER-BLADE: Any further questions?
22 Comments?

23 Can we move on?

24 Thank you so much.

25 MS. TILLEY: Thank you.

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1 MS. CAVER-BLADE: Okay. At this time I'm going to
2 turn it over to Kendra so we can do the hearings.

3 HEARING OFFICER JONES: Good morning.

4 First of all, I've checked the sign-in sheet, I
5 don't think anybody is here for a hearing, but if you
6 are, you can just raise your hand at this time.

7 Your name?

8 MS. HOERMANN BRYANT: Anna Bryant.

9 I'm sorry. It's under Hoermann, my maiden name.

10 HEARING OFFICER JONES: Okay. For 1319 Romeo?

11 MS. HOERMANN BRYANT: (Nodding head up and down.)

12 HEARING OFFICER JONES: Great.

13 well, if you will come forward and have a seat up
14 here at the table.

15 For the board, we're going to start with hearing
16 07-453.

17 07-453.

18 ADMINISTRATIVE HEARING NO. 07-453

19 HEARING OFFICER JONES: Good morning. My name is
20 Kendra Akin Jones. Today is January 28, 2008,
21 9:00 a.m., here in the Main Street Mall Conference Room
22 C.

23 At this time we're going to move to the hearing of
24 1319 Romeo, Anna Hoermann, Owner, Hearing Order
25 No. 07-453.

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2 MS. HOERMANN BRYANT: Yes.

3 HEARING OFFICER JONES: Please identify yourself
4 for the record.

5 MS. HOERMANN BRYANT: Anna Hoermann Bryant.

6 HEARING OFFICER JONES: Okay. And Ms. Hoermann,
7 do you have counsel here with you today?

8 MS. HOERMANN BRYANT: No.

9 HEARING OFFICER JONES: Okay. State's counsel,
10 please identify yourself for the record.

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

12 HEARING OFFICER JONES: Thank you.

13 At this time, if there is anybody who is going to
14 be a witness in this case today, if you would, please
15 raise your right hand and I'll have the court reporter
16 swear you in.

17 (WHEREUPON, the witnesses were sworn.)

18 HEARING OFFICER JONES: Just to give you a little
19 bit of information about how this will work, the
20 hearing is being held under the Administrative
21 Procedures Act, found at Arkansas Code Annotated
22 25-15-201, et seq. The board knows only of your
23 hearing as it is presented in the notice of hearing,
24 and that's all the information they have. Anything you
25 want to present to them may be presented today.

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□

41

1 I have leniency as the Hearing Officer to allow
2 certain items into evidence that might not be allowed
3 into a regular court of law, and that's for the

12808-CosBd
4 expediency of the hearing.

5 These hearings are open to the Freedom of
6 Information Act, and even the part for deliberation
7 will be open.

8 If you have any questions at any time, let me
9 know, I'll give you an ample opportunity to state your
10 side.

11 At this time we're going to move to opening
12 statements.

13 Ms. Gee.

14 MS. GEE: This case, Ms. Hoermann is charged with
15 failure to have a current shop license posted when the
16 inspector visited.

17 HEARING OFFICER JONES: Okay. Ms. Hoermann, is
18 there anything you would like to say in opening to the
19 board?

20 MS. HOERMANN BRYANT: I --

21 HEARING OFFICER JONES: I'll give you plenty of
22 time to kind of tell your story, if you want to, later.

23 MS. HOERMANN BRYANT: I don't -- the reason I am
24 here, I did not have the license and it was a huge
25 oversight on my part.

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42

1 HEARING OFFICER JONES: Okay. we'll move to
2 witnesses.

3 Ms. Gee, I'll let you call your first witness.

4 MS. GEE: I would like to call Sheila Caudle,
5 please.

6 HEARING OFFICER JONES: Go right ahead.
Page 38

7 WHEREUPON,
8 SHEILA CAUDLE,
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 would you state your name and occupation for the record?
15 A Sheila Caudle, Inspector, State Board of Cosmetology.
16 Q Okay. And on June 28, 2007, did you have occasion to
17 inspect a salon called 1319 Romeo?
18 A I did.
19 Q Okay. And at that visit, did you discover any violations?
20 A There was no salon license posted for the year 2007.
21 Q Okay. Was there any license posted for the salon at all?
22 A Yes. There was practitioners licenses posted.
23 Q Okay. So there was just no shop license?
24 A Right. The shop license was not current.
25 Q Okay. And was the respondent, Ms. Hoermann -- Hoermann over

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□

43

1 there, was she present at your visit?
2 A No. I don't think she was.
3 Q Okay. But she is listed as the owner of this salon?
4 A Yes.
5 MS. GEE: Thank you.
6 Nothing else.
7 HEARING OFFICER JONES: Ms. Hoermann, would you
8 like to ask Ms. Caudle any questions?

9 MS. HOERMANN BRYANT: I don't have any questions.
10 I just --

11 HEARING OFFICER JONES: I'll let you -- I'm going
12 to let you tell your whole story, but if you don't have
13 any questions for Ms. Caudle, I'll let Ms. Gee call her
14 next witness.

15 MS. HOERMANN BRYANT: Okay.

16 HEARING OFFICER JONES: And then you can tell your
17 side. Okay?

18 MS. HOERMANN BRYANT: Okay.

19 HEARING OFFICER JONES: Ms. Gee, call your next
20 witness.

21 MS. GEE: I actually have no further witnesses,
22 but I would like to introduce the Order and Notice of
23 Hearing and inspection report summary of the
24 inspector's visit as exhibits, please.

25 HEARING OFFICER JONES: Those will be Exhibits 1

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44

1 and Exhibit 2. Exhibit 1 will be the Order and Notice
2 of Hearing and Exhibit 2 will be the inspection report.

3 (WHEREUPON, State's Exhibits Nos. 1 and 2 were
4 received in evidence.)

5 MS. GEE: Thank you.

6 HEARING OFFICER JONES: Thanks.

7 MS. GEE: Nothing further.

8 HEARING OFFICER JONES: Nothing further?

9 Ms. Hoermann, hold on.

10 Let me ask the board, do you all have any
11 questions for Ms. Caudle before we move on?

12 Okay. Ms. Hoermann, go ahead.

13 WHEREUPON,

14 ANNA HOERMANN BRYANT,

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

18 DIRECT TESTIMONY

19 THE WITNESS: I have since got my license renewed
20 and sent it to the shop, and so -- this year I haven't
21 worked. I didn't realize it wasn't there.

22 I've broken two bones and I'm pregnant, so just
23 crazy year. And I understand that, you know, when you
24 own a business, that doesn't matter.

25 HEARING OFFICER JONES: Ms. Gee, would you like to

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45

1 ask Ms. Hoermann any questions?

2 MS. GEE: No.

3 HEARING OFFICER JONES: Would the board like to
4 ask any questions?

5 MS. POWELL: To whom?

6 HEARING OFFICER JONES: Ms. Hoermann.

7 MS. POWELL: I would.

8 HEARING OFFICER JONES: Go right ahead,
9 Ms. Powell.

10 MS. POWELL: Were you explained that you did not
11 have to appear today?

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

13 I -- no. I tried to call and get more information

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and -- I'm sorry. I --

HEARING OFFICER JONES: It's okay.

MS. COLLINS-BURROUGH: It's okay. It's okay.

Get a Kleenex.

MS. POWELL: So you're telling me that you were not aware that you did not have to go through the process of coming down here today?

THE WITNESS: No.

MS. POWELL: All right.

THE WITNESS: I just, I made a mistake, I'm trying to get it cleared up.

MS. POWELL: I understand. I understand. You've

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46

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made that perfectly clear.

So how did you -- how did you want to clear that up? I mean did you come today because you felt like you had to or you didn't know you didn't have to or what is your purpose?

THE WITNESS: I didn't know I didn't have to.

MS. POWELL: Okay.

THE WITNESS: And what do I need to do to clear it up?

MS. POWELL: Okay. Thank you.

MS. COLLINS-BURROUGH: You said you tried to call?

THE WITNESS: Uh-huh.

MS. COLLINS-BURROUGH: what -- tell us about that.

THE WITNESS: I called the number and checked off to me and I didn't -- I got an answer machine. I left a message, but there was no return, so I thought --

17 MS. COLLINS-BURROUGH: When was that?
18 THE WITNESS: After I got this.
19 MS. COLLINS-BURROUGH: And when did you get that?
20 THE WITNESS: I don't remember. It's dated
21 December 31st.
22 MS. COLLINS-BURROUGH: So did you try more than
23 once or did you --
24 THE WITNESS: Uh-huh.
25 MS. COLLINS-BURROUGH: Approximately how many

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47

1 times did you try?
2 THE WITNESS: Three.
3 MS. BURCHETT: Did you leave a message each time?
4 THE WITNESS: I left it more than once.
5 MS. BURCHETT: Okay.
6 HEARING OFFICER JONES: Further questions from the
7 board?
8 MS. POWELL: Do you feel that the information that
9 you received in the mail on -- with your notice was
10 clear or not clear?
11 THE WITNESS: I -- yes.
12 MS. POWELL: Okay.
13 HEARING OFFICER JONES: Further questions from the
14 board?
15 If there are no further questions, Ms. Gee, would
16 you like to say anything in closing?
17 MS. GEE: Only that there, in the Order and Notice
18 of Hearing, which all of the board members have, but

19 recommended penalty is calculated at \$224 for the
20 failure to renew the salon license. And I would just
21 like to remind the board that you have the discretion,
22 if you find that the charges have been proven, as to
23 what penalty should be imposed.

24 HEARING OFFICER JONES: Ms. Hoermann, would you
25 like to say anything in closing before the board makes

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48

1 their decision?

2 MS. HOERMANN BRYANT: (Shaking head from side to
3 side.)

4 HEARING OFFICER JONES: Okay. At this time we
5 will close the record, except for we will go back on
6 the record when a decision has been reached.

7 At this time we will let the board deliberate and
8 reach their decision.

9 (WHEREUPON, the Board retired to deliberate, off
10 the record, from 9:51 a.m. to 9:53 a.m., and returned
11 with the following motion.)

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

14 Ms. Pickering?

15 MS. PICKERING: Finding the allegations being
16 true, I move to order the Respondent to pay a fine in
17 the amount of \$224, payable within 30 days of receipt
18 of the board's order. Failure to pay the fine as is
19 ordered will result in a suspension of Respondent's
20 license beginning 30 days from receipt of the order and
21 continuing for a period of 90 days from the date

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Respondent relinquishes her license.

HEARING OFFICER JONES: Is there a second?

MS. WARD: Second.

HEARING OFFICER JONES: Second, Ms. Ward.

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49

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

(Hands raised.)

Please raise one more time, real high.

(Hands raised.)

Okay. All those opposed?

(Hands raised.)

Five to two.

All those abstaining?

MS. POWELL: I'll recuse.

HEARING OFFICER JONES: Okay. With one recusal,
two opposed, and five for, the motion passes.

Please reduce the board's decision to writing and
attempt service upon the Respondent.

You do have the right to appeal the decision of
the board if you so choose to, and that is under
25-15-201 et seq., or any specific provisions of this
board.

If there are no other questions or comments
pertaining to this hearing, the record will be closed.

Thank you.

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MS. GEE: Madam Hearing Officer?

24 HEARING OFFICER JONES: Yes.

25 MS. GEE: What I would like to do if we could --

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50

1 I still need you.

2 MS. WITTUM: Okay.

3 MS. GEE: -- is to do one record for all of the
4 people who do not appear.

5 HEARING OFFICER JONES: Just do one?

6 MS. GEE: Just go through the evidence for each
7 one of them on the same record. I think that might be
8 simpler.

9 HEARING OFFICER JONES: Okay. Will do.

10 MS. GEE: Okay.

11 HEARING OFFICER JONES: Is there anyone else here
12 today for a hearing?

13 Seeing none, we'll move along. At this time I
14 will reopen the hearings.

15 My name is Kendra Akin Jones. I'm the
16 Administrative Hearing Officer. Today is January 28,
17 2008, we are in the Main Street Mall Conference Room C.
18 We are here today to hear the administrative hearings
19 before the Arkansas Board of Cosmetology.

20 We will be hearing Beauty Box, 07-497; Family
21 Connection Barber & Beauty Shop, 07-471; Family Hair
22 Fashions, 07-512; Fashion Nails, 07-416; Kool Kutts &
23 Style II, 07-524; Symmetrix Salon & Day Spa, 07-431;
24 Trendsetters, 07-403; and Valerie's, 07-443.

25 we'll go through each of these individually, but

1 yet have one record for them all, since there are no
2 Respondents present for any of them.

3 ADMINISTRATIVE HEARING NO. 07-497

4 Starting out with the first one, Beauty Box,
5 Ginger Chavez, 07-497. The Respondent is not present
6 in this case.

7 Ms. Gee, you may proceed.

8 MS. GEE: I would like to --

9 HEARING OFFICER JONES: Would you like to make an
10 opening to the board?

11 MS. GEE: No, but we need to swear in the witness.

12 HEARING OFFICER JONES: Okay. Any witnesses,
13 please raise your right, and this includes all of the
14 cases that I read off, so any of the investigators who
15 are going to be, please raise your right hand and be
16 sworn in.

17 (WHEREUPON, the witnesses were sworn.)

18 HEARING OFFICER JONES: Okay. Proceed, Ms. Gee.

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

21 HEARING OFFICER JONES: Go right ahead,
22 Ms. Wittum.

23 WHEREUPON,

24 KATHY WITTUM,
25 having been called for examination, and having been first duly

1 sworn by the undersigned notary public, was examined and
2 testified, as follows:

3 DIRECT EXAMINATION

4 BY MS. GEE:

5 Q Could you state your name and occupation for the record?

6 A Kathy Wittum, Director, State Board of Cosmetology.

7 Q And in your position as Director of the Board of
8 Cosmetology, are you familiar with the business records of the
9 board?

10 A Yes.

11 Q Okay. I would like to take you through each one of these
12 cases individually and ask you some questions about the records
13 of the board as they pertain to each case.

14 A Okay.

15 Q Okay. We first have the matter of Ginger Chavez, 07-497.

16 A Okay.

17 Q And can you tell me, what was the violation Ms. Chavez is
18 charged with?

19 A Her license was not posted.

20 Q Okay. And the Order and Notice of Hearing sets forth the
21 charges against her and the recommended penalty. Is that
22 correct?

23 A Yes.

24 Q Okay. And can you tell me whether Ms. Chavez was served
25 with this Order and Notice of Hearing?

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53

1 A Yes. She was.

2 Q Okay. And when was that?
Page 48

3 A She signed on January 5, 2008.

4 Q Okay. And do you have documentation that that occurred?

5 A Yes.

6 MS. GEE: I would like to introduce the Order and
7 Notice of Hearing as Exhibit 1; the inspection report
8 summary as Exhibit 2; and the letter and certified mail
9 return receipt as Exhibit 3.

10 HEARING OFFICER JONES: Those will be entered as
11 such exhibits, board case No. 07-497.

12 (WHEREUPON, State's Exhibits Nos. 1, 2, and 3 were
13 received in evidence.)

14 MS. GEE: All right. I would like to move on to
15 the next case, if we could.

16 ADMINISTRATIVE HEARING NO. 07-471

17 HEARING OFFICER JONES: Okay. We will turn to
18 case 07-471, which is Family Connection Barber & Beauty
19 Shop, Nanette Wilson, owner.

20 WHEREUPON,

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

25 DIRECT EXAMINATION

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54

1 BY MS. GEE:

2 Q Okay. Ms. Wittum, are you familiar with the records
3 pertaining to Nanette Wilson?

4 A Yes.

5 Q What is Ms. Wilson charged with?

6 A For not having a current establishment and practitioner
7 licenses.

8 Q And there is a recommended penalty listed in the Order and
9 Notice of Hearing?

10 A Yes.

11 Q Okay. And was she served with this notice?

12 A Yes.

13 Q Okay. When was that?

14 A January 7, 2008.

15 Q Is when she signed for the letter?

16 A Yes. Yes.

17 MS. GEE: Okay. I would like to make these
18 Exhibits 1, 2, and 3.

19 HEARING OFFICER JONES: Exhibit 1 will be the
20 Order and Notice of Hearing; and Exhibit 2 will be the
21 inspection report; and Exhibit 3 will be the proof of
22 service.

23 (WHEREUPON, State's Exhibits Nos. 1, 2, and 3 were
24 received in evidence.)

25 MS. GEE: Thank you.

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55

1 I would like to move on to the next one.

2 ADMINISTRATIVE HEARING NO. 07-512

3 HEARING OFFICER JONES: Okay. The next one will
4 be Family Hair Fashions, Vera Witcher, Owner, 07-512.

5 WHEREUPON,

6 KATHY WITTUM,

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

8 sworn by the undersigned notary public, was examined and
9 testified, as follows:

10 DIRECT EXAMINATION

11 BY MS. GEE:

12 Q Ms. Wittum, are you familiar with the records pertaining to
13 Ms. Witcher?

14 A Yes.

15 Q Okay. What is Ms. Witcher charged with?

16 A Failing to have current establishment and practitioner
17 licenses.

18 Q And can you tell us when she was served with the Order and
19 Notice of Hearing?

20 A January 4, 2008.

21 MS. GEE: Okay. Again I would like to introduce
22 the Order and Notice of Hearing as 1; the inspection
23 report as Exhibit 2; and the proof service as
24 Exhibit 3.

25 HEARING OFFICER JONES: Those will be entered as

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□

56

1 such.

2 (WHEREUPON, State's Exhibits Nos. 1, 2, and 3 were
3 received in evidence.)

4 HEARING OFFICER JONES: Moving on to Fashion
5 Nails, Sandra Harlow, Owner, 07-416.

6 MS. GEE: Madam Hearing Officer, this one involves
7 a letter. I would like to save that to the end, if we
8 could.

9 ADMINISTRATIVE HEARING NO. 07-524

10 12808-CosBd
HEARING OFFICER JONES: Okay. We will move to
11 Kool Kutts & Style II, Bernard Cobbs, Owner, 07-524.

12 WHEREUPON,

13 KATHY WITTUM,
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 Okay. Ms. Wittum, are you familiar with the records
20 pertaining to Mr. Cobbs?

21 A Yes.

22 Q Okay. What is he charged with?

23 A He is charged with failing to have current establishment
24 license and failing to follow several health and safety
25 guidelines.

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57

1 Q Okay. And he has a recommended penalty listed in the Order
2 and Notice of Hearing?

3 A Yes.

4 Q It's a total of \$372 recommended. Is that correct?

5 A That's correct.

6 Q Okay. And what --

7 MS. GEE: I would like to introduce that as
8 Exhibit 1, the Order and Notice of Hearing; Exhibit 2
9 would be the inspection report summary.

10 BY MS. GEE:

11 Q Does that list the violations upon the inspector's visit to
12 the salon?

13 A Yes. It does.

14 Q Okay. And was Mr. Cobbs served with notice?

15 A Yes.

16 Q When was that?

17 A January 4, 2008.

18 MS. GEE: Okay. I would like to introduce that as
19 Exhibit 3, please.

20 HEARING OFFICER JONES: Those will be accepted as
21 the exhibits read off by counsel.

22 (WHEREUPON, State's Exhibits Nos. 1, 2, and 3 were
23 received in evidence.)

24 ADMINISTRATIVE HEARING NO. 07-431

25 HEARING OFFICER JONES: Moving on to Symmetrix

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□

58

1 Salon & Day Spa, Kelly Baughman, 07-431.

2 WHEREUPON,

3 KATHY WITTUM,

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

5 sworn by the undersigned notary public, was examined and

6 testified, as follows:

7 DIRECT EXAMINATION

8 BY MS. GEE:

9 Q Ms. Wittum, are you familiar with the records pertaining to
10 Kelly Baughman?

11 A Yes.

12 Q What is Ms. Baughman charged with?

13 A For failing to renew her establishment license.

14 Q Okay. And there is a recommended penalty of \$50?

15 A Yes.

16 Q When was Ms. Baughman served with notice of this?

17 A January 4, 2008.

18 MS. GEE: I would like to introduce the notice as
19 Exhibit 1; inspection report as Exhibit 2; and proof of
20 service as Exhibit 3.

21 HEARING OFFICER JONES: Entered as such.

22 (WHEREUPON, State's Exhibits Nos. 1, 2, and 3 were
23 received in evidence.)

24 ADMINISTRATIVE HEARING NO. 07-403

25 HEARING OFFICER JONES: Moving on to Trendsetters,

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59

1 Paula Twitchell, Owner, 07-403.

2 WHEREUPON,

3 KATHY WITTUM,

4 having been called for examination, and having been first duly
5 sworn by the undersigned notary public, was examined and
6 testified, as follows:

7 DIRECT EXAMINATION

8 BY MS. GEE:

9 Q Ms. Wittum, are you familiar with Paula Twitchell's charges?

10 A Yes.

11 Q Okay. What is she charged with?

12 A Failing to have a current establishment license.

13 Q Okay. And there is a recommended penalty listed?

14 A Yes.

15 MS. GEE: And I would like to introduce the Order
16 and Notice of Hearing as Exhibit 1; and the inspection
17 report as Exhibit 2.

18 BY MS. GEE:

19 Q Was Ms. Twitchell served with notice?

20 A Yes.

21 Q And when was that?

22 A January 8, 2008.

23 MS. GEE: I would like to make that Exhibit 3.

24 HEARING OFFICER JONES: Those will be entered as
25 such exhibits as listed.

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60

1 (WHEREUPON, State's Exhibits Nos. 1, 2, and 3 were
2 received in evidence.)

3 ADMINISTRATIVE HEARING NO. 07-443

4 HEARING OFFICER JONES: Moving on to Valerie's,
5 Valerie Baker, Owner, 07-443.

6 WHEREUPON,

7 KATHY WITTUM,

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

11 DIRECT EXAMINATION

12 BY MS. GEE:

13 Q Ms. Wittum, are you familiar with Valerie Baker's --

14 A Yes.

15 Q -- records?

16 what is Ms. Baker charged with?

17 A For failing to have a current establishment license.

18 Q Okay. And Ms. Baker was served with notice of the hearing
19 today?

12808-CosBd
20 A Yes. On January 4, 2007.
21 Q Okay. And did Ms. Baker respond with a letter to the board?
22 A Yes. She did.
23 Q Okay. Could you please read that letter to the board?
24 A Yes.
25 "To whom it may concern: Hi, my name is Valerie Baker. Let

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61

1 me start off by apologizing for not being able to attend this
2 hearing. I am 2 1/2 hours from Little Rock and can't manage to
3 get off of work. I am writing in regards to a licensing
4 violation I received in July. I know I am guilty of this
5 violation, but I just wanted to write to let you maybe understand
6 how this mishap happened. I thought I had to renew only two
7 different license, my establishment and my practitioner. For
8 some unknown reason I mistaken my city business license for my
9 establishment license. Sorry. When I went to renew my business
10 license in January, I seen my establishment license renewal right
11 beside it, but for some reason thought it was a copy of my
12 practitioner license. They look so much alike. So therefore it
13 resulted in failure to renew it. I am so sorry for this mishap.
14 This is only my second year in business and I work alone. I am
15 so sorry to even have to write this letter explaining my
16 unfortunate mistake instead of paying my fine. My husband is
17 currently employed by Georgia Pacific and they have recently laid
18 their employees off for three weeks, resulting in no pay, which
19 is why I am not able to take off. I am apologizing for not being
20 there. This has truly been a lesson learned. I will notice the
21 difference between business license and the establishment
22 license. If there is any way for me to be excused, I will

23 guarantee this will never happen again. Thank you so much for
24 your time. Valerie Baker."

25 MS. GEE: I would like to introduce the Order and

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62

1 Notice of Hearing as Exhibit 1; the inspection report
2 as Exhibit 2; the service, proof of service as 3; and
3 the letter from Ms. Baker as Exhibit 4.

4 HEARING OFFICER JONES: Those exhibits will be
5 entered as read by counsel.

6 (WHEREUPON, State's Exhibits Nos. 1, 2, 3, and 4
7 were received in evidence.)

8 ADMINISTRATIVE HEARING NO. 07-416

9 HEARING OFFICER JONES: Now going back to Fashion
10 Nails, Sandra Harlow, Owner, 07-416.

11 WHEREUPON,

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

16 DIRECT EXAMINATION

17 BY MS. GEE:

18 Q Ms. Wittum, are you familiar with Sandra Harlow, Sandra
19 Harlow's case?

20 A Yes.

21 Q Okay. What is Ms. Harlow charged with?

22 A She is charged with operating an establishment without a
23 current license; with also, according to the -- the information
24 that the inspector provided, she reopened a salon without

25 properly licensing it; she also failed to post her licenses; she

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63

1 refused the inspector admission into the establishment for an
2 inspection; she failed to properly renew her manicure license.
3 And that's all.

4 Q Okay. And is there a recommended penalty against
5 Ms. Harlow?

6 A Yes. There is.

7 Q And is that a total of -- actually that's not the total.
8 \$583?

9 A Yes.

10 Q Okay. And was Ms. Harlow served with notice of this hearing
11 today?

12 A Yes. She was.

13 Q When was that?

14 A On January 12, 2008.

15 Q Okay. And did Ms. Harlow respond to the notice that was
16 served on her?

17 A Yes. She sent in a letter.

18 Q Okay. And she wanted that letter to be read to the board.
19 Is that correct?

20 A Yes. That's correct.

21 Q Could you please read that letter to the board?

22 A Yes.

23 "Dear Kathy Wittum, I'm not sure what this is all about. I
24 was and am sick with flu since Sunday, December 2, 2007. I was
25 going to call on the 3rd but could not get my head up long

1 enough. This might not be for -- this might not be for me, as I
2 have never done nails here in Arkansas as a job. I moved here in
3 2000. The only thing I did was let Lisa do nails in one of my
4 buildings under Nails by Lisa, then Dana Fincher work under
5 Fashion Nails. I sold that building to Jane and it is now His &
6 Hers. I do not even have set ups to do nails. The dress shop
7 building has been closed for three years. I have it leased to
8 Belinda Mercer. She has a resale shop in it. The only set hours
9 she has as far as I know is on the second Saturday of each month
10 for trade days. Other than that, she just comes in when she can.
11 No set time. She's had it for two years.

12 "Ms. Billie Ridling is part of my family. She is in her 80s
13 and cannot get around well enough at all and has a lot of health
14 problems. She did get her nails done by Lisa when she was there
15 and then by Dana when she was there. She is a diabetic with
16 problem feet. I hope no one is giving her a pedicure now.

17 "This notes that this all happened March 15, 2007. If this
18 is going on on Wednesday and the place is open on Friday and
19 Saturday, why has the inspector not come back? I'm sure Belinda
20 Mercer, if there, would let her in. I only renew my license so
21 they do not go bad. I work six days a week or seven sometimes, I
22 do not have time for a nail business. How did this all get
23 started?

24 "My license is under Sandra Barham. That's my name change.

25 "I'm sorry for all this. But I am not doing nails or

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1 pedicures as a living like I did in Texas years ago. Probably
2 would have a hard time starting over after all these years.
3 Sandy Barham."

4 MS. GEE: Okay. I would like to introduce the
5 Order and Notice of Hearing, the inspector's -- as No.
6 1; the inspector's report as No. 2; the proof of
7 service as No. 3; and the letter from Ms. Harlow as
8 Exhibit No. 4.

9 HEARING OFFICER JONES: They will be entered as
10 such.

11 (WHEREUPON, State's Exhibits Nos. 1, 2, 3, and 4
12 were received in evidence.)

13 MS. GEE: Thank you.

14 To the board members, you have before you the --
15 all of the exhibits from each one of these cases. You
16 also have the information that each one of these people
17 were served with notice of the hearing today and chose
18 not to attend or otherwise respond to the hearing, with
19 the exhibit -- with the exception of the two who wrote
20 letters.

21 If you would like any additional information about
22 any of these cases, we would be glad to present it to
23 you. These are the cases that in the past the board
24 has voted whether or not to accept the recommended
25 penalty contained in the Order and Notice of Hearing.

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66

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

2 Since the Respondents are not present, you can't
3 ask them questions; but if the board does have any

4 questions for Ms. Gee or Ms. Wittum, you can ask them
5 at this time.

6 MS. POWELL: I move to accept.

7 HEARING OFFICER JONES: Okay. Sounds like we have
8 a decision. There is a motion to accept the evidence
9 as presented in each of the cases, with the Respondents
10 not being present, and apply the board -- or apply the
11 inspector's and the board's recommended penalties for
12 each one.

13 Is there a second?

14 MS. COLLINS-BURROUGH: I so move.

15 HEARING OFFICER JONES: All right. There is a
16 motion and a second. All those in favor, please raise
17 your right hand.

18 (Hands raised.)

19 Let the record reflect that the decision was
20 unanimous to accept the recommended penalties assessed
21 by the board for each of the hearings just listed off.
22 I will read them once again for clarity. It's 07-497,
23 07-471, 07-512, 07-416, 07-524, 07-431, 07-403, 07-443.

24 Please reduce the board's decision to writing and
25 make service upon the Respondents and notify the

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□

67

1 Respondents of their right to appeal under the
2 Administrative Procedures Act 25-15-201, or any
3 specific provision of this board.

4 If there are no further questions or comments
5 pertaining to these hearings, this record will be

6 closed.

7 Thank you.

8 As for Maribel's Beauty Salon, 07-531, that has
9 been continued until the next hearing in March.

10 Okay.

11 MR. WILSON: We just got here. We are the wilsons
12 from --

13 MS. WILSON: wilsons from Wilmar.

14 MR. WILSON: -- wilsons, Family Connection Barber
15 & Beauty Shop.

16 HEARING OFFICER JONES: Okay. Hold on a moment.

17 MS. GEE: You're the Hearing Officer.

18 HEARING OFFICER JONES: well -- the hearing
19 started -- I mean --

20 That will be up to the board as to whether or not
21 they want to reopen the hearings. The hearings were
22 scheduled to start at nine.

23 And you are with Family Connection Barber --
24 Barber & Beauty Shop, Nanette Wilson?

25 MS. WILSON: Yes.

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68

1 HEARING OFFICER JONES: Okay. The wilsons have
2 shown up now. If the board wants to -- I'm not real
3 sure how we can do that.

4 MS. GEE: We can reopen it if you want.

5 HEARING OFFICER JONES: We can find a way to
6 reopen it, I'm sure, but that will be up to the board's
7 discretion as to whether they want to.

8 Cathy, take over the --

9 MS. CAVER-BLADE: Do you guys want to hear the --
10 I mean they are here. Do we vote on this?

11 HEARING OFFICER JONES: It's 07-471.

12 MS. CAVER-BLADE: I think they --

13 HEARING OFFICER JONES: That's up to you-all.

14 MS. POWELL: No. The board has made a decision.

15 MS. CAVER-BLADE: Okay. Does anybody in here have
16 an --

17 MS. GEE: I don't know. What did she say?

18 MS. CAVER-BLADE: She said no, as far as hearing.

19 MS. BURCHETT: Do what?

20 MS. CAVER-BLADE: As far as hearing, she said no.

21 HEARING OFFICER JONES: The issue is we've already
22 made a record on this hearing. Do you want to hear it
23 now that the Respondents have shown up or not? And
24 that's something that the board will have to decide.

25 MS. COLLINS-BURROUGH: How far away is this town?

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□

69

1 HEARING OFFICER JONES: Where are you here from,
2 sir?

3 MS. WILSON: We're from Wilmar.

4 MR. WILSON: We're from Wilmar, near Monticello.

5 HEARING OFFICER JONES: Monticello. That's two
6 hours.

7 MR. WILSON: Couldn't find the building.

8 MS. COLLINS-BURROUGH: Well, I think --

9 MR. WILSON: We tried to call.

10 MS. COLLINS-BURROUGH: I think we should just go

11 ahead and then if they want to, they can appeal. Do
12 you think? Because we've got a busy day.

13 MS. CAVER-BLADE: Unless -- unless everybody says
14 it's --

15 MS. POWELL: Do we need a motion?

16 Is that what we need to do?

17 MS. GEE: Sure. You can do a motion.

18 MS. CAVER-BLADE: That's fine. Would you like to
19 make a motion?

20 would anybody like to make a motion on whether we
21 hear this case or let them get a continuance?

22 MS. COLLINS-BURROUGH: I'll make a motion that we
23 just keep it like we did, because we've already settled
24 it. And if they want to appear again, then they can
25 appeal or whatever.

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D

70

1 MS. WARD: Second.

2 MS. CAVER-BLADE: Okay. All those in favor?

3 (Hands raised.)

4 MS. CAVER-BLADE: Opposed?

5 HEARING OFFICER JONES: I'm sorry. The board does
6 not want to reopen that case at this time, since they
7 had already made a decision on the record. That
8 decision will be reduced to writing and sent to you or
9 I'm sure if you would like, Ms. Wittum can tell you
10 what that decision was. If you all want to take a
11 quick break anyway, it's like 10:15. Okay. And let
12 Ms. Wittum talk to you about the decision.

13 Okay. Thank you.
Page 64

14 MS. CAVER-BLADE: Ten minute break. Okay.

15 (WHEREUPON, a break was held.)

16 MS. CAVER-BLADE: Okay. I would like to call the
17 meeting back to order. And we do have some stuff from
18 DL Roope, and I would like to -- we probably need to go
19 over it as far as from PCS and DL Roope, compare the
20 two and maybe get back together in February and make a
21 decision on whether we want to stay with PCS or go with
22 another company.

23 So, February 11, does that sound like -- let's all
24 get back together then? Nine o'clock.

25 MS. BURCHETT: So we're not going to look at

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71

1 anything today, is that what you're saying?

2 MS. WITTUM: I've got binders. It's probably too
3 much for you to look at today and actually absorb.

4 MS. BURCHETT: Okay. Can we take them with us
5 or --

6 MS. WITTUM: Oh, yeah. We'll be passing them out
7 today.

8 MS. BURCHETT: Okay. At nine o'clock on the 11th?

9 MS. CAVER-BLADE: Uh-huh.

10 MS. PICKERING: All right. What did you say
11 she -- I heard Scottie say nine o'clock the 11th.

12 MS. CAVER-BLADE: We're going to get together on
13 the 11th of February and go over PCS and DL Roope and
14 see what decisions can be made.

15 MS. PICKERING: I know I can't be here, that's a

16 pilot week, but that's okay.

17 MS. TURMAN: Okay. We actually do --

18 MS. PICKERING: School, honest.

19 MS. CAVER-BLADE: Yeah.

20 MS. COLLINS-BURROUGH: As long as we have a
21 quorum.

22 MS. TURMAN: I probably will not be able to make
23 that meeting -- make that meeting.

24 MS. COLLINS-BURROUGH: Well, we need to take a
25 vote to see who can so we have a quorum.

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72

1 MS. CAVER-BLADE: Okay. How many can be there
2 February 11?

3 MS. GORDON: I don't believe I have anything to
4 stop me. I have looked in my calendar but I'm not
5 sure.

6 (Hands raised.)

7 MS. CAVER-BLADE: Okay. So I can be there.
8 Barbara?

9 MS. WARD: I can be there.

10 MS. CAVER-BLADE: Okay. So that's the majority,
11 so we'll be okay.

12 MS. COLLINS-BURROUGH: Okay.

13 MS. WITTUM: Then there is one sample sheet that's
14 the sample pass/fail information that was left out of
15 the binder, so if you will put it in the binder. And
16 then she also sent me her resumé and some
17 recommendation letters.

18 MS. BURCHETT: So do we have copies of anything
Page 66

19 from PCS to compare, or we just go by what we think we
20 know?

21 MS. WITTUM: They provided information previously.
22 I don't have -- I didn't collect those back, I just
23 assumed that you probably still had those.

24 If you need anything more than --

25 MS. BURCHETT: All right. So have we --

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73

1 MS. WITTUM: -- than just your experience or the
2 binders that you already have, then I can see if PCS
3 can provide something.

4 MS. BURCHETT: Did it include a copy of the
5 contract?

6 MS. WITTUM: No. It did not. But I can get you
7 all copies of the contract.

8 MS. BURCHETT: That would be great.

9 MS. COLLINS-BURROUGH: So it's for sure the
10 11th at nine?

11 MS. CAVER-BLADE: The 11th at nine o'clock.

12 MS. WITTUM: I'll see if we can get this room.

13 MS. CAVER-BLADE: Okay.

14 MS. WITTUM: If not, then we'll get the upstairs
15 room.

16 MS. CAVER-BLADE: Okay.

17 MS. WITTUM: And Deborah Roope did say that she
18 would be able to be here to answer any questions that
19 the board had.

20 MS. COLLINS-BURROUGH: Okay.

21 MS. CAVER-BLADE: And at this time I guess I'll
22 turn the meeting over to Kathy Wittum.

23 MS. WITTUM: On LaserGrade, at the last meeting
24 there was a person in the audience who complained about
25 dogs being in one of the LaserGrade -- at one of the

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74

1 LaserGrade sites during the exam. So I asked
2 LaserGrade about that. They said that that was one of
3 the more rural sites that they have, but they have
4 addressed it with the coordinator at that -- that site,
5 and they have instructed him that it's not to happen
6 again, that the dog is to be removed whenever there is
7 an exam going on.

8 So they believe that that resolves the situation,
9 but asks for us to let them know if we find that that's
10 not the case.

11 MS. COLLINS-BURROUGH: What was the deal with the
12 dog? Was it like a service animal?

13 MS. WITTUM: No. Just a pet.

14 MS. COLLINS-BURROUGH: Just a pet?

15 MS. WITTUM: Uh-huh.

16 MS. COLLINS-BURROUGH: And it was sitting in there
17 barking or what?

18 MS. WITTUM: They didn't give me the details. He
19 just brings the dog to work.

20 MS. BURCHETT: They are in the reception area.
21 They are like in -- on the other side of the counter
22 where -- from where you sign in. And I've never seen
23 one go into the room where the computers are, I've

24 never -- but, I mean, I'm not in there. But I've never
25 seen them go in that direction when I've been there.

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75

1 MS. WITTUM: well, LaserGrade hopes that it's not
2 going to be an issue again, but they did stress that if
3 we hear of any other complaints, they would like to
4 know about it.

5 MS. BURCHETT: Do we have a -- are we still trying
6 to make a site here?

7 MS. WITTUM: Yes. There is paperwork that still
8 has to be done and I just haven't had time to get that
9 completed.

10 MS. BURCHETT: Okay.

11 MS. WITTUM: The computers are set up but there is
12 quite a bit of paperwork and things that have to be
13 done before LaserGrade will officially name this a
14 facility.

15 MS. BURCHETT: Site?

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

17 The Same-Day-Scoring, it was just by chance when I
18 was talking with Debra Norton that she mentioned that
19 it is possible for us to have Same-Day-Scoring here at
20 the exam facility if we are interested, so I got her to
21 give me the information on it and I've talked with SMT
22 about it. We could do it with the practical exams, so
23 that those testing materials or those score sheets
24 never have to be mailed, and the candidates would know
25 that day if they passed or failed.

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76

1 what -- what is necessary, the process that they
2 outlined is that we would have to purchase the scanning
3 equipment and have that information -- that equipment
4 shipped to SMT. SMT would set it up and do the
5 calibrations on it and then ship the equipment back to
6 Arkansas. We also would have to have computer work
7 stations and high speed Internet access and a modem
8 connection. They, SMT, would come to Arkansas and do
9 training on how to process those score sheets, and
10 then -- then we would be ready to launch it.

11 Now, we've got the computer work stations, we have
12 the high speed Internet access, we can arrange to get a
13 modem back there. The cost of the scanner is estimated
14 to be about \$5,000.

15 The training, there probably would be a cost for
16 it, but at this time they do not have an estimate to
17 give to us. They said it would probably just depend on
18 how many trainings we think that we would need to get
19 us up and going.

20 There is one state, Ohio, that has actually
21 launched with SMT on this, and she -- she gave me the
22 scanning and remote scoring process overview that they
23 used for Ohio, so I can get you copies of all of this
24 so that you can take a look at it. This may be
25 something that you want to include in the things that

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77

1 we need to make decisions on February 11, after you've
2 had time to look at all of it and see if this is
3 something that you would actually want to do.

4 We probably would have to ask for the additional
5 money to purchase the equipment. I can look at the
6 budget and see if it's something that we would be able
7 to absorb this fiscal year, but I suspect we probably
8 would not be able to.

9 Does anybody have any questions?

10 Scottie?

11 MS. BURCHETT: Who would be the ones trained to do
12 that?

13 MS. WITTUM: The staff.

14 I'll get you copies of this before you leave so
15 that you can take it with you.

16 On the updates, the -- as you know, the office has
17 been short-handed, Janie left in September. I have
18 hired a person, I know I sent out an e-mail, I believe
19 it was last week, letting you know that Mitzy Bynum has
20 been hired. She will start on February 11.

21 She's not only coming to us with administrative
22 skills, but she is a licensed cosmetologist. She has
23 been since, I think it was October of 2004.

24 Amber has vacated her position at the -- at the
25 office. She was intending to stay until Shaunta

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□

78

1 returns from medical leave, but she was not going to be

2 able to do that after all. I've already posted that
3 position and have, I think it's around 65 applications
4 of people who are interested. So I'll start doing
5 those interviews the end of this week, so that we can
6 hopefully get that position filled quickly.

7 Shaunta will be out of the office starting Friday,
8 February 1st, for an unknown period of time. So the
9 office is going to be even more strapped than it has
10 been with the renewals as well as everything else that
11 needs to be done.

12 So, if you have anyone who complains about not
13 being able to get through, I would suggest that you
14 have them e-mail. If they e-mail me, I always have a
15 ton of e-mails in my in-box, but I go through those on
16 a regular basis. The -- they are also welcome to call
17 my direct line if they need to.

18 The main line is filling up with messages or
19 hang-up calls every hour and a half to two hours. So
20 we're doing our best to retrieve those messages and
21 empty out that voice mailbox as quickly as we can
22 during the day or as often as we can during the day,
23 but there are, I'm sure, going to continue to be people
24 who are not able to get through to the mailbox or get
25 through on that main number. So I -- and I also

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□

79

1 suggest that my personal number be used as an
2 alternative as opposed to any of the other offices,
3 because they are likely to be empty.

4 The renewals, we have received several hundred
Page 72

5 renewals. It is taking more time to get them processed
6 with doing the photo ID. The -- there have been quite
7 a few of us that have worked over. That seems to be
8 the best time, either before office hours, after office
9 hours, or on the weekends, just because during the day,
10 we've had some people who are coming in to get the
11 renewals and that ties up the machine that actually
12 produces the photo ID.

13 The -- the -- with the computer changes that we
14 have, with the -- just the whole changes with the
15 licensing and the renewal changes all together, I would
16 like to extend the renewal deadline because there are
17 plenty of people who are panicking with the fact that
18 January 31st is upon us and they don't have their
19 license yet.

20 We also started receiving word last week that some
21 of the salons, I believe JC Penney and Sports Clips,
22 will not allow their people to work because they do not
23 have their 2008 license. And we're not going to be
24 able to search through the hundreds that we have up
25 there to find those particular people. So what I would

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80

1 like to do is extend the renewal deadline to June 1st,
2 to give us several months to try and get control of the
3 renewals and get everyone's ID license out to them. If
4 there is no objections to that, then I've already
5 prepared a notice that we'll be able to give to places
6 like JC Penney and Sports Clips, as well as get it

7 posted on the website. We will also put it on the
8 recording on the phone, the main line, so that people
9 calling in will be able to have that information.

10 It would be a lot shorter to give them this
11 information than trying to go over the long list of
12 things that -- that have changed.

13 Are there any questions or objections to that
14 happening?

15 Okay. The Access Database is going well. We did
16 convert -- the last day that we were in GL Suite was
17 December 28th. We do have the -- the data that GL
18 Suite provided to us and Lance McDonigal, who is the
19 programmer building the Access Database, he has used it
20 and converted us into an Access system. We knew that
21 it was unlikely that we would be able to get 100
22 percent of the data during that conversion. That's
23 almost impossible.

24 The problem areas that Lance has found deal with
25 the education and the examination of records. And I

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81

1 won't go into the long drawn-out story about it, but GL
2 Suite is a program that is written on a transactional
3 basis. So that means that every single time something
4 is done to a person's record in the GL Suite system it
5 creates a transaction record, and it stores that record
6 just somewhere. It doesn't store it with the person's
7 record. So that's been one of the problems that Lance
8 has encountered when he's trying to bring everything
9 into a relational database, like Access is, to put

10 every single thing that happens to a person with that
11 person's record.

12 He noticed that he will be able to still obtain or
13 retrieve some of the data, but he is still working on
14 the education and the examination information. That
15 includes the hours as well as any past history of the
16 examination information for the -- the people who have
17 passed or who have taken the exam and not passed, as
18 well as for those of you sitting around the room now
19 who have come in and have a record of examining.

20 So we're hopeful that it won't be long and he will
21 be able to have all that information into the system,
22 but until he can get that completely done, we will be
23 crippled in that one area and we will have to rely on
24 trying to locate the information in the GL suite disk
25 that they gave us, if we need to refer back to that.

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□

82

1 The status of the reciprocity errors, we have --
2 as you know, there were -- there were 11 people who
3 were issued a license in error when they needed to take
4 an examination here in Arkansas but they were allowed
5 to come in and only take the state law exam. All but
6 three of those -- all but four of those people have
7 completed their requirements, and they are licensed.
8 Of the four that have not, I have been in contact with
9 one, she's completed the practical exam, she is getting
10 scheduled to do the written, so I've -- I believe
11 that -- I have every reason to believe that she will

12 complete that process.

13 There are three that have not made -- that either
14 have not scheduled to make any effort to take the exam
15 that they need to, or they scheduled and then did not
16 show up for the exam. So I just need some direction
17 from the board on whether or not you want to issue
18 hearing orders for those people.

19 MS. BURCHETT: For -- for what? For them to bring
20 their license back or --

21 MS. WITTUM: For them to complete the reciprocity
22 process.

23 And do you have anything you would like to add on
24 to that?

25 MS. GEE: Well, I mean, it would essentially be

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□

83

1 revoking their license on the basis that they were
2 incorrectly given the license. So, but we would have
3 to have a hearing to do that, I think that's what
4 you're asking.

5 MS. GORDON: I didn't hear you.

6 MS. GEE: You have to have -- we have to have a
7 hearing to do that. I don't know if you remember the
8 one person we did that before, before we knew that
9 there was more than one, where we would have to bring
10 them in and have a hearing to establish that they
11 weren't entitled to the license to begin with and that
12 it was mistakenly issued to them, and then so that it
13 needs to be revoked. And what we had been doing was
14 giving people time to take the test and get into

15 compliance with the requirements of state law, but so
16 there is just three, right --

17 MS. WITTUM: Right.

18 MS. GEE: -- that haven't resolved it yet.

19 MS. CAVER-BLADE: Do we have a deadline or what
20 was their deadline?

21 MS. WITTUM: Their deadline was the first part of
22 January.

23 MS. GEE: The first part.

24 MS. WITTUM: Because they were sent certified
25 notices telling them that they had 60 days. So of the

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□

84

1 three that have -- have made no -- basically made no
2 effort, their deadline was January 6 and January 7th,
3 of this year.

4 MS. GEE: So I guess the question is whether you
5 all want to give them additional time to take the test
6 or what, what do you want to do?

7 MS. POWELL: Well, I think since they have not
8 responded, and they have been -- you have made contact,
9 right?

10 MS. WITTUM: I haven't talked to them personally,
11 but they have been sent correspondence that they signed
12 for.

13 MS. POWELL: Okay.

14 MS. COLLINS-BURROUGH: They are aware of it?

15 MS. WITTUM: Uh-huh.

16 MS. POWELL: Right. Right.

17 MS. COLLINS-BURROUGH: Right.

18 MS. POWELL: I think there should be a hearing
19 order that should be sent out and give them an
20 opportunity to come in and explain.

21 MS. GEE: I can do that.

22 MS. WITTUM: On the hours and examination issues,
23 Elizabeth Reaves is a person who has been attempting to
24 be deemed eligible to examine for an electrology
25 license. When she initially sent in her paperwork,

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85

1 she -- she indicated that she has gotten her training
2 in Texas and she had no documentation of -- of that
3 training. So we told her that we would have to have
4 something from Texas or from her school that verified
5 that she had in fact had the training.

6 Apparently, Texas does not regulate electrology,
7 so the Texas board there was not able to give us any
8 information. And the school has since closed, so she
9 does not have any way of getting the information from
10 the school. What she did provide was, they actually
11 got on our website, her and the daughter of the lady
12 who taught her at the school. They downloaded our
13 Certificate of Training form and Renee Ryan completed
14 it verifying that she has earned 604 hours in the
15 electrology curriculum or program.

16 Renee -- I corresponded with Renee several times,
17 and she has indicated that she oversaw the practical
18 training for this girl, so it -- she must have worked
19 at the school with her mother. But there -- the

20 information that we have is very sketchy on exactly who
21 Renee Ryan is or anything about the school.

22 I have not felt comfortable making a decision to
23 allow this person to be deemed eligible to come in and
24 examine, so I just need to know if you have any
25 additional information that I could be asking for that

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0

86

1 I've not asked for, or do you think this would be
2 sufficient for her to come in and examine?

3 MS. POWELL: Kathy, I believe our statute
4 expresses that they would have a license from another
5 state to go through the reciprocity process?

6 MS. GEE: She's not -- she's seeking to take the
7 exam as a new licensee, right?

8 MS. WITTUM: Yeah, she's not licensed.

9 MS. POWELL: So she's not going through
10 reciprocity?

11 MS. WITTUM: She is and she --

12 MS. POWELL: She's not licensed?

13 MS. WITTUM: Right.

14 MS. POWELL: I mean, it sounds to me like you're
15 trying to do --

16 MS. WITTUM: well, reciprocity comes in two
17 different fashions. I mean people -- either
18 reciprocity in a license that they have from another
19 state, or if they have earned their training in the
20 other state, they will bring in or provide the
21 documentation of that training so that it can be

22 recognized here, whether it's all of the training that
23 they have gotten or just part of the training that they
24 have gotten from another state.

25 MS. POWELL: So, in this case, she has

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87

1 verification or -- and certification of the 604 hours
2 in Texas?

3 MS. WITTUM: Yes.

4 MS. POWELL: But she now needs to take the
5 examination?

6 MS. WITTUM: Yes.

7 MS. POWELL: The written and practical?

8 MS. WITTUM: Yes.

9 And she has no problem with that. She's ready
10 to -- to take it, she just needs to be deemed eligible
11 to do that.

12 MS. COLLINS-BURROUGH: And find out from her when
13 her school closed.

14 MS. WITTUM: She attended the Dallas Institute of
15 Electrolysis between February 2006 and March 2007. And
16 I don't know --

17 MS. POWELL: But you don't have a state agency
18 validating any of that information. Correct?

19 MS. WITTUM: Right. Right.

20 She says -- in her e-mail that she sent to me, she
21 says, "I had overlooked the high school diploma," she
22 is providing that. "I cannot seem to locate any high
23 school documentation."

24 MS. COLLINS-BURROUGH: So the school's been closed
Page 80

25 a year about, or a little bit less?

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88

1 MS. WITTUM: Yeah.

2 MS. TURMAN: Do they not have to keep their
3 records for a certain length of time, Kathy? Or are
4 these forms notarized for any legal -- some kind of
5 legality of them?

6 MS. WITTUM: We have no documentation of anything
7 from the school.

8 MS. GEE: That's notarized, isn't it?
9 The certificate of training is notarized.

10 MS. WITTUM: From Renee Ryan, yeah, it is
11 notarized.

12 MS. COLLINS-BURROUGH: But we don't know if she's
13 an instructor or not, she just says she supervised her
14 being there.

15 MS. GEE: She said she taught at the school with
16 her mother.

17 MS. POWELL: Well, another thing, aren't the
18 certification of hours supposed to be coming from a
19 licensed school?

20 MS. WITTUM: I don't think it says that
21 specifically in the --

22 MS. GEE: I think that's if it's a state -- I mean
23 all it says is if the training was provided in another
24 state, you must provide an affidavit certifying the
25 applicant has completed the required training.

1 MS. WITTUM: What --

2 MS. GEE: And it says it should have a state board
3 seal imprint, but I guess in Texas the state board
4 doesn't regulate it.

5 MS. COLLINS-BURROUGH: Does the medical board
6 regulate that?

7 MS. GEE: I don't know.

8 MS. WITTUM: Huh-uh.

9 MS. COLLINS-BURROUGH: Somebody has to.

10 MS. POWELL: No. Not in Texas.

11 MS. WARD: They don't have any license for --

12 MS. POWELL: They just have a certification from
13 the school.

14 MS. GORDON: Someone told me that the licensing
15 agency in Texas certifies the cosmetology license.

16 MS. POWELL: But this is electrolysis they are
17 talking about.

18 MS. GORDON: But, I mean, they would probably
19 certify the licensing agency there in Texas, like
20 Texas, I guess, the driver's license bureau and all
21 these places that issues license, because that's not a
22 cosmetology, get their license through the licensing
23 agency there.

24 MS. GEE: Well, she doesn't have a license.

25 MS. GORDON: But what I'm saying, the hours should

1 have been certified through that agency in order for
2 them to give her a license if she had completed those
3 hours. Would that agency not have regular -- if that's
4 the agency that does that, and one of my friends is a
5 cosmetologist in Texas, and that's what she told me.

6 MS. WITTUM: well, the --

7 MS. GORDON: This all --

8 MS. WITTUM: -- the board that regulates the
9 cosmetology industry, I contacted them and they said
10 they do not regulate electrology.

11 MS. GORDON: Oh.

12 MS. WARD: Does anybody regulate electrology in
13 Texas?

14 MS. WITTUM: Not that I know of.

15 MS. GORDON: Even the medical board?

16 MS. WITTUM: I don't know Texas, so...

17 MS. WARD: Okay.

18 MS. WITTUM: And Elizabeth was not able to give me
19 any agency that would have any information about her
20 education in electrology.

21 MS. GORDON: So the health department or nothing
22 governs the electrologists in Texas that we know of?

23 MS. WITTUM: Not that I know of.

24 MS. GORDON: well, can't we check those boards of
25 health or something?

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□

91

1 MS. WITTUM: I haven't called all of the boards in
2 Texas, I just called that one.

3 MS. GORDON: No. I'm just saying the health --

4 MS. WITTUM: Really don't have time to call them
5 all.

6 MS. GORDON: Well, that's not what I was asking
7 you to do.

8 MS. WITTUM: I know that.

9 MS. GORDON: I was just saying that, you know,
10 some agency there has to regulate, you would think they
11 would, and issue electrologists.

12 COURT REPORTER: One at a time, please.

13 MS. TURMAN: You would think somebody could have
14 told her if they do, of anyone that regulated it. I'm
15 sure they --

16 MS. GORDON: Who would do the --

17 MS. TURMAN: That's crazy.

18 MS. WITTUM: Now, according to Elizabeth's
19 e-mails, one of the e-mails that she sent, she said, I
20 wrote to my instructor in Dallas to inform her of the
21 request for us to get that information. She said
22 because electrologists is not licensed in Texas, there
23 is no regulatory board to address this.

24 She -- I sent her information on what she would
25 have to provide, and she said in response, "My

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□

92

1 education would certainly comply with Arkansas Code
2 Annotated 17-26-306, except that my instructor, who had
3 been a professional electrologist for over 20 years, is
4 not licensed as there is no licensing in Texas. I'm
5 also wondering what other verification of my training I

6 can supply beyond the letter from my instructor that
7 should be with my application."

8 MS. POWELL: Well, I think that under the
9 circumstances, not having the validation from the
10 school and not being regulated by the state, she should
11 require -- be required to fulfill the educational
12 requirements that are required here in Arkansas.

13 MS. GEE: But I just want to say one thing before
14 you-all make a decision about that. You might want to
15 take a look at this certificate of training form that
16 the woman filled out. This woman says she was her
17 instructor for when she attended the school. So, I
18 mean, if you don't -- if you don't feel like that's
19 valid, that's fine. I just want to make sure that you
20 know what she did submit.

21 MS. CAVER-BLADE: Tracy?

22 MS. POWELL: My problem is not that the instructor
23 said it --

24 MS. AKARD: Since Texas is not regulated, my
25 recommendation is that you call another perhaps

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□

93

1 electrology program down there and perhaps talk to
2 another electrology school?

3 MS. POWELL: Or she could even have contacted the
4 school owner.

5 MS. AKARD: You know, and find out what they do
6 teach --

7 MS. POWELL: I question an instructor providing

8 this information on our certification. That's --
9 that's my only --

10 MS. GEE: She -- she said -- didn't she say that
11 her mother was the owner and her mother had died and
12 that's why the school was closed?

13 I think that's what she said.

14 MS. TURMAN: Did they throw away all the records?

15 MS. GEE: I don't know. That's all I know.

16 COURT REPORTER: I can't hear you, Ms. Blade.

17 MS. CAVER-BLADE: I was just questioning whether
18 she had to go through examination in this state.

19 MS. GEE: Yes. The question is whether or not she
20 can take the exam, not whether or not she should get
21 her license.

22 MS. WITTUM: Okay. What -- what -- what Renee
23 Ryan said is that, "My mom, Edna Small, was Dallas
24 Institute for 30 years. I took her place 25 years ago.
25 Elizabeth came to me and asked us about her school. My

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□

94

1 mom and I asked her what she needed for the Arkansas
2 State Board and she worked very hard to finish.
3 Elizabeth was engaged to a man that lived here in
4 Dallas. I oversaw her practical training. She did
5 most of her reading in Arkansas. She is ready for the
6 test. Thank you, Renee Ryan."

7 MS. POWELL: So she indicates she's the owner, she
8 took her mother's place. Right?

9 MS. WITTUM: That's what it sounds like.

10 MS. POWELL: Okay. Okay.

11 MS. COLLINS-BURROUGH: And she oversaw the what in
12 Arkansas?

13 MS. WITTUM: Well, she said, "I oversaw her
14 practical training." And then, "She did most of her
15 reading in Arkansas." I don't know what that means.

16 MS. COLLINS-BURROUGH: What does that mean?

17 MS. WITTUM: I don't know what that means.

18 MS. TURMAN: I think if she has this, what would
19 it hurt us to let her take the test? I mean, you know,
20 I just -- if she can't pass it, then she has to do
21 something else.

22 MS. POWELL: There is your answer.

23 MS. CAVER-BLADE: That's right.

24 MS. WITTUM: Can you pass that down?

25 MS. TURMAN: I was stingy. I wanted to keep it.

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95

1 MS. COLLINS-BURROUGH: Do we have electrology
2 instructors in our pool of examiners?

3 MS. WITTUM: Pardon me?

4 MS. COLLINS-BURROUGH: Do we have an electrology
5 instructor in our pool of examiners?

6 MS. WITTUM: I don't know. That would be PCS who
7 would have that information.

8 MS. TURMAN: I say let's just go ahead and have
9 her -- I'm just one board member, but I would say let's
10 go ahead and let her take the test.

11 MS. POWELL: Is that a motion?

12 MS. TURMAN: Yes. I make a motion.

13 MS. POWELL: I second it.
14 MS. TURMAN: I mean, you know, she's got to --
15 MS. CAVER-BLADE: Okay. All those in favor of
16 letting her take the test, raise your right hands.
17 (Seven hands raised.)
18 MS. CAVER-BLADE: Okay. Opposed?
19 (One hand raised.)
20 MS. COLLINS-BURROUGH: Opposed.
21 MS. HORNER: I have talked to this lady several
22 times, she has bought a building in Eureka Springs and
23 her business is set up ready to go. So, I mean, I look
24 at that she's serious in what she's doing.
25 MS. CAVER-BLADE: Right.

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□

96

1 MS. WITTUM: Cedric Crutchfield, some of you may
2 remember Cedric. He -- he was brought before the
3 board, I believe, in May.
4 MS. GEE: Last summer.
5 MS. WITTUM: Yeah. May -- well, actually it was
6 May 2006. He was performing cosmetology in his home
7 over -- here in Little Rock. We actually became aware
8 of it when the Little Rock Police Department contacted
9 us and asked us to do something about it, because of
10 the traffic jam in the neighborhood.
11 MS. POWELL: He's good, huh?
12 MS. MORGAN: Yes. He is.
13 MS. WITTUM: He was fined \$1,000 by the board back
14 in May of 2006. He has not paid anything towards that
15 civil penalty yet. He did go to school. He has

16 completed his 1,500 hours and is ready to examine.
17 I've not let him examine because I wasn't sure that you
18 would want him to examine, since he still owes the
19 penalty. But he came to see me last week and told me
20 that he really wants to get this right. He can't -- he
21 can't make money until he can perform these services
22 legally, and he would like the opportunity to examine,
23 get his license, and then start paying the civil
24 penalty.

25 So, if you have no objections to me allowing him

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□

97

1 to do that, then I can have him on a list and he will
2 probably be examined here in the next month, maybe
3 month and a half.

4 MS. POWELL: So he needs a job to pay the penalty?

5 MS. WITTUM: Yes.

6 MS. POWELL: And policy is usually not to examine
7 when you owe an outstanding penalty.

8 MS. WITTUM: I don't know what you-all have done
9 in the past. I don't know that I've had this
10 particular issue come up before.

11 MS. POWELL: Well, I think we've had something
12 where if someone had written a hot check, there was an
13 issue where they would not get hours or something.

14 MS. WITTUM: Now, we do tell -- if there is a
15 student who writes a hot check for the enrollment
16 fee --

17 MS. POWELL: Right.

18 MS. WITTUM: -- then they are told that they have
19 to satisfy that and the hot check.

20 MS. POWELL: Right. Makes sense to me.

21 MS. TURMAN: How are we going to get him to pay
22 this thousand dollars after he starts work? Are we
23 going to give him a time frame?

24 MS. WITTUM: I would think we would want to.

25 MS. COLLINS-BURROUGH: we'll have his license

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98

1 until its paid or something, revoke it.

2 MS. WARD: well, he's -- he's had, what, a year
3 and a half and he hasn't made an effort to pay
4 anything?

5 MS. WITTUM: We have not received any payments
6 from him.

7 MS. GORDON: He's probably paying for the school.

8 MS. POWELL: well, we -- we always can exercise
9 the authority to revoke those license once they are
10 given.

11 MS. TURMAN: We're not going to get our money
12 unless we take the exam and -- let him take his exam
13 and get his license so he can go to work. So why are
14 we going to shoot ourselves in the foot and not let him
15 take the exam?

16 MS. WARD: If we set a deadline that he has to
17 have it paid by a certain date, otherwise his license
18 will be revoked.

19 MS. TURMAN: Absolutely.

20 MS. GEE: I've suggested to Kathy that if you want
Page 90

21 to do that, we should put a written agreement that sets
22 out the payment schedule and when he is supposed to
23 have it all paid, and that he agrees if he doesn't
24 stick to that schedule, he'll be subject to discipline.

25 MS. POWELL: Erika, can we do something to the

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99

1 effect of making weekly installments towards this thing
2 and giving him a, you know, maybe a year to get it paid
3 for?

4 MS. GEE: Sure. Whatever you want to do.

5 MS. POWELL: At least make sure that it's done
6 prior to renewal again.

7 MS. WITTUM: well, and you may want to consider,
8 or did I ask you if we can. When, if he passes the
9 exam and he's issued a license, not give him the
10 two-year --

11 MS. GEE: (Shaking head from side to side.)

12 MS. WITTUM: We can't do that. We have to give
13 him the two-year license.

14 MS. GEE: You can give him a year to pay.

15 MS. POWELL: I see. I see. But you still revoke
16 it prior to.

17 MS. COLLINS-BURROUGH: What were his violations to
18 cause this fee?

19 MS. WITTUM: He was performing services in his
20 home without a license.

21 MS. POWELL: Typical student.

22 MS. COLLINS-BURROUGH: Maybe he's been doing that

23 all along. He's been doing that the last year and a
24 half.

25 MS. LEE: And he had the money.

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100

1 MS. POWELL: was he enrolled in school at this
2 time?

3 MS. WITTUM: No. He went to the school after he
4 was cited by the board in May of 2006.

5 MS. POWELL: Okay. Okay. So he did go to school
6 and complete the program?

7 MS. WITTUM: Yeah, he completed -- yeah, he
8 completed -- he enrolled the same month that he was
9 issued the order, and he completed the program in
10 August of last year.

11 MS. POWELL: well, I move that we give him an
12 opportunity to pay his debt and take his examination.

13 He's going to have to pay for his examination.
14 Correct?

15 MS. WITTUM: Uh-huh.

16 MS. POWELL: Okay. And --

17 MS. COLLINS-BURROUGH: Has he got the money for
18 that?

19 MS. POWELL: I'm sure he does.

20 MS. TURMAN: well, he is not operating without a
21 license right now, is he?

22 MS. WITTUM: He said no.

23 MS. COLLINS-BURROUGH: Guarantee he is. He's got
24 the money for that.

25 MS. AKARD: Tracy Akard, Hot Springs Beauty
Page 92

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101

1 College. I am busting at the seams. This guy had a
2 year to pay this debt. A year. And if he had people
3 parking, he had plenty of money to pay this debt. You
4 got him, you got some pressure.

5 People have to pay before they go to the exam,
6 not -- not after. That -- this is -- that's not right.
7 That's not right. He's playing and making his own
8 rules. That -- that is simply not fair to the people
9 that have to pay before they go. It's not right for
10 him to take nine -- no, that's not -- that's not --
11 that's not right. He's had plenty of time. Plenty of
12 time. Like all of the rest of the students that work
13 and go to school and pay their fines, whatever.

14 MS. POWELL: I respect that opinion.

15 MS. TURMAN: I do, too. But he --

16 MS. POWELL: But our option as a board, if not
17 given that grace, is -- is there an option to take that
18 to court?

19 MR. ANDERSON: Has the inspector been back to his
20 place?

21 MS. GEE: To collect the thousand dollars?

22 MS. POWELL: Uh-huh.

23 MS. GEE: It would cost us but, yes.

24 MS. POWELL: That's my point.

25 MS. GEE: But yes. Yes. It would cost probably

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1 about \$250 in fees to file an action to collect from
2 him. In court fees, not in attorney's fees.

3 MS. POWELL: And we're already in the thousand
4 dollar fine.

5 MS. GORDON: Can those fees be added to his
6 responsibility to pay?

7 MS. POWELL: No. Because you've got a thousand
8 dollar --

9 MS. GORDON: The court fees? The court costs?

10 MS. GEE: You can ask for them. You can ask for
11 them, it's up to the judge.

12 MS. GORDON: But that could be up to him to pay
13 the court fee?

14 MS. GEE: I mean, from the collection standpoint,
15 my suggestion would be to work out a payment plan with
16 him because that would be more likely for him to
17 actually pay it, but -- but other than that, it's up to
18 you-all if you-all want to let him do it.

19 MS. GORDON: If we would agree to let him pay it
20 and he started paying it and then somewhere two months
21 later he decides, well, I'm not going to pay it
22 anymore, then what would we do?

23 MS. GEE: well, as far as collecting it or with
24 his license?

25 MS. GORDON: with his license.

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1 MS. GEE: Okay. well, I'm assuming he took the
Page 94

2 exam and he passed his license, then if we set it up
3 the way that I was mentioning before, then he would
4 come in for a hearing and he would have to tell the
5 board why his license shouldn't be revoked because he
6 didn't live up to his agreement.

7 MS. GORDON: So it would be the same thing where
8 we have --

9 MS. GEE: So you can revoke his license. Yes.

10 MS. TURMAN: So, Kathy, you're also telling us
11 that once he got that notification, he went and
12 enrolled in a school right away, so he wasn't probably
13 working at that time, so he -- you know, to have the
14 funds. But I know, I understand what they are saying,
15 what she's saying, but what we're trying to do is -- is
16 get someone to be able to pay the fine and still get
17 him licensed and be productive. And I don't know what
18 else we can do, because I don't think he's -- he will
19 be able to pay it, because we'll probably have him
20 again, in here again operating illegally.

21 MS. CAVER-BLADE: Barbara?

22 MS. WARD: If he stopped making payments, are you
23 going to give him a whole year before we can take him
24 back or pull those licenses or to revoke them, or would
25 that be immediate, because if he misses, let's say like

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□

104

1 two payments, if you decide to do it on a weekly thing
2 and he misses two, then let him come in for a hearing
3 or catch up or revoke his license? Because why should

4 we let him work a whole year and not pay it if he
5 decides not to?

6 MS. WITTUM: Well, what is on the -- the language
7 currently that goes out to people who get set up on
8 installments is if they -- if they fail to make one
9 installment payment, then the full balance is
10 immediately due or they will be subject to disciplinary
11 action.

12 MS. POWELL: Well --

13 MS. GEE: You can set it up how ever you want.

14 MS. POWELL: Well, you know, Mr. Crutchfield has
15 managed to pay for his education.

16 MS. GEE: Yes.

17 MS. POWELL: He has managed to pay for that
18 education. And he has spent the nine, ten, 12 months,
19 what ever it was in school to do it. Right? So he's
20 obviously come up with it if he wants to.

21 MS. WARD: I think he can do it.

22 MS. CAVER-BLADE: Just go ahead.

23 MS. COLEMAN: Okay. First of all, I would like to
24 say that I'm from Blytheville Academy of Cosmetology in
25 Blytheville. I feel like if this person wants it, they

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105

1 can go out and get a job and pay for it like everybody
2 else does. And besides that, if you-all let this go
3 by, those 40 people that I'm going to turn in for doing
4 hair at home, are you-all going to give them that same
5 option? Because I'm going to be here to hear it. I
6 want to see if they are going to have this same option

7 to pay after you fine them, because this just...

8 COURT REPORTER: Would you identify yourself,
9 please?

10 MS. COLEMAN: Lucille Coleman, Blytheville,
11 Arkansas.

12 COURT REPORTER: Thank you.

13 MS. COLLINS-BURROUGH: I think whatever we do, we
14 need to be careful to set a precedent.

15 MS. WARD: Yeah.

16 MS. TURMAN: Because how many people do we fine
17 for not having a license, goes to school to obtain that
18 license?

19 MS. WARD: Well, if we let him do that and pay it
20 afterwards, I think we're opening up a -- like I say, a
21 can of worms, because we're going to have a lot of
22 people doing that. And I don't think we should let
23 them, I think they should pay, then be able to take the
24 exam, personally.

25 MS. POWELL: Is that a motion?

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106

1 MS. WARD: That's -- that's a motion. I think he
2 should pay and then take his exam.

3 MS. POWELL: I second.

4 MS. CAVER-BLADE: All those in favor?

5 (Hands raised.)

6 MS. CAVER-BLADE: Okay. All for it?

7 MS. BURCHETT: Kathy -- whichever Kathy.

8 MS. CAVER-BLADE: Yes.

9 MS. BURCHETT: I have a question about -- I know
10 we've already passed over Ms. Reaves, but does she have
11 a cosmetology license?

12 Of course, I guess I'm holding the -- but I assume
13 that she doesn't?

14 MS. CAVER-BLADE: She would be the one --

15 MS. BURCHETT: The electrology person.

16 MS. WARD: Oh, okay.

17 MS. GORDON: We probably don't have enough time to
18 call around all the places that check to see if she
19 does, and the office is probably -- don't have enough
20 time to do it.

21 MS. CAVER-BLADE: We can't do cosmetology.

22 COURT REPORTER: I can't hear you guys. One at a
23 time, please.

24 MS. BURCHETT: Okay. You can. The reason I
25 question that is because a person has to have more

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□

107

1 hours if they are not a cosmetologist, if they do not
2 have a cosmetology license. Correct?

3 MS. COLLINS-BURROUGH: Yes.

4 MS. BURCHETT: And she, apparently, does not have
5 a cosmetology license and was supposed to have a
6 minimum of 50 hours in bacteriology, sanitation and
7 sterilization, and only received 30. She would have
8 had to have 25 hours in that area if she had a
9 cosmetology license. So this shows that she did not
10 have the required number of hours in bacteriology,
11 sterilization and sanitation, since she did not have a

12 cosmetology license first.

13 MS. POWELL: I think that when we have a student
14 coming in from another state, we would follow their
15 guidelines on the curriculum, not Arkansas. What we
16 regulate is the hours, I thought, not specific to the
17 curriculum. Are we monitoring the curriculum hours of
18 other states?

19 MS. WITTUM: (Shaking head from side to side.)
20 We haven't been. If you all want us to --

21 MS. BURCHETT: Well, just a question, because
22 she's using our form and if she's going to use our
23 form, you know --

24 MS. POWELL: Well, her school burned, she said,
25 and I guess you sent them the Certification of Hours

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108

1 form?

2 MS. WITTUM: No. They downloaded it from the
3 website.

4 MS. BURCHETT: But this is our form?

5 MS. POWELL: Right. She downloaded it. I guess
6 because their school burned, they don't have one.

7 MS. BURCHETT: Their school burned?

8 MS. WITTUM: Closed.

9 MS. POWELL: Closed.

10 MS. GORDON: And they don't have records on her.

11 MS. WARD: When a school closes, they are supposed
12 to maintain those records, though. Are they not?

13 MS. POWELL: I don't know.

14 MS. WITTUM: She said she could not provide any
15 and neither could the daughter/owner when she was
16 contacted.

17 MS. WARD: I thought the law said you had to
18 maintain the records for so many years?

19 MS. WITTUM: I don't know if Texas law says that.

20 MS. WARD: would be something to check out.

21 MS. COLLINS-BURROUGH: If they are accredited. If
22 they are accredited, and we don't know if they are
23 accredited or not.

24 MS. WARD: Even if not, you still have to have
25 them for several years, I believe. I think that's

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□

109

1 something we should check out. We probably should find
2 out if they are required to maintain them for several
3 years. Correct?

4 MS. GORDON: But that would take more time.

5 MS. CAVER-BLADE: Go ahead.

6 MS. GORDON: That would take more time, and as
7 Kathy stated, the office just doesn't have that kind of
8 time to devote to something like that. That's --

9 Am I wrong?

10 MS. CAVER-BLADE: I'm just thinking, we've already
11 settled this one and she's going to --

12 MS. BURCHETT: That's fine. Sorry. I just --

13 MS. CAVER-BLADE: That's okay.

14 MS. BURCHETT: I just thought I would ask that
15 question because if she used our form, I would think it
16 would have to be according to our form. So I guess if

17 she passes our test she gets licensed, and if she
18 doesn't, that proves she really didn't do it.

19 MS. TURMAN: That's what I think.

20 MS. CAVER-BLADE: Okay.

21 MS. WITTUM: Okay. Ralph Kolen, he has been
22 contacting the office for a while now. He says that he
23 is petitioning to get his cosmetology hours. According
24 to him, he has earned or he earned 2,002 hours in 1991
25 and 1992 at Cosmopolitan Beauty College in Pine Bluff

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110

1 and Deluxe Beauty College in Pine Bluff.

2 He -- he's told the staff when he's called that he
3 has called the office regularly, I think every year is
4 what he said, to confirm that his hours were on file
5 with the board office, and they always were up until
6 just a couple of years ago.

7 The -- if there were hours for him, then they are
8 not in the old microfiche records, they are not in the
9 Database documentation that we can look into the old
10 records. They could possibly have existed at some
11 point in an OptiDoc program that the office had when I
12 came into the office. That computer system crashed.
13 They were able to retrieve a few of the records but not
14 all of them. So if it existed, then it had to have
15 been in that group there that we can no longer verify.

16 As far as the state board office is concerned, we
17 have no record of Ralph Kolen attending school or
18 earning hours. But he wants these hours so that he can

19 examine and pursue a license in cosmetology.

20 MS. CAVER-BLADE: Jane?

21 MS. POWELL: You said, did you not, that he had
22 2,000?

23 MS. WITTUM: That's what he has here, 2,002 hours
24 completed in 1991 and 1992.

25 MS. POWELL: And he now in 2007 --

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111

1 MS. WARD: Now eight.

2 MS. POWELL: Well, he obviously has contacted you
3 in 2007, wanting these hours -- he wants to take the
4 test now?

5 MS. WITTUM: Yes.

6 MS. POWELL: He's never taken the test?

7 MS. WITTUM: Not that I can document.

8 I have -- there is no record.

9 MS. POWELL: There is no record of him at all? He
10 has no license?

11 MS. WITTUM: There is no record of him at all.

12 MS. POWELL: But he says he doesn't have a
13 license, he says he wants to test?

14 MS. WITTUM: Yes.

15 MS. POWELL: Since 2000 -- I mean 1991 and 1992?

16 MS. GORDON: Why did --

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

18 MS. GORDON: -- he get so many hours?

19 MS. WARD: That's 16, 15 years.

20 MS. POWELL: And he's not tested?

21 MS. WITTUM: Not that I can tell.

22 MS. COLLINS-BURROUGH: He and Cedric have been
23 working.

24 MS. GORDON: So he has 2,002 hours from two
25 years -- I mean collectively from two different

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112

1 schools?

2 MS. WITTUM: Yes.

3 Now, I've never heard of Cosmopolitan Beauty
4 College in Pine Bluff.

5 MS. POWELL: Well, why would he need 2,000 hours
6 anyway?

7 MS. GORDON: That's my question. Why did he keep
8 going to school? Was it --

9 MS. WITTUM: Maybe he enjoyed it.

10 MS. CAUDLE: Have you contacted Stephanie Mitchner
11 at Deluxe to see if she has any records of him?

12 MS. WITTUM: He had contacted them and they do not
13 have any record of him.

14 MS. POWELL: Okay. And you're asking us to
15 either --

16 MS. WITTUM: I told him that we have no record, we
17 will not allow him to examine until he produces the
18 documentation. He wanted me to bring that to the
19 board.

20 MS. POWELL: I agree. I concur.

21 MS. WARD: I agree.

22 MS. GORDON: I move that we don't examine him
23 until he brings the documents to prove that he's had

24

the proper hours.

25

MS. WARD: I'll second that.

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113

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MS. WITTUM: Okay. Just wanted to make sure.

2

MS. CAVER-BLADE: All those in favor?

3

(All hands raised.)

4

MS. POWELL: 1991?

5

MS. HUGHES: Jenita Hughes from Newport.

6

When they had the rule for a few years back where

7

if you didn't test in three years you lost your hours,

8

where did those hours go? Could someone now who lost

9

those hours during that time frame call you and say,

10

I've got hours somewhere, and test on them?

11

MS. WITTUM: If we have record of them or if they

12

can provide the verifiable documentation to prove that

13

they have those hours, then we will consider them.

14

MS. HUGHES: Well, I just wondered if, when they

15

said after three years, you know, the hours were gone

16

and did they just ditch them somewhere and there is no

17

record? Is that the --

18

MS. WITTUM: Well, it is possible that there will

19

not be record of it, at least at the state board

20

office, whether it's when the computer system was

21

purged and that information was lost, or if it happened

22

during the crash of the OptiDoc.

23

MS. HUGHES: Because I was just wondering if those

24

hours -- because now they would be good?

25

MS. GORDON: But that's been over ten years,

1 right? 1991?

2 MS. CAVER-BLADE: Right. Over ten years.

3 MS. WARD: Well, 16 years.

4 MS. GORDON: Usually the school probably would
5 have them.

6 MS. WITTUM: That's it for me. Do you --

7 MS. CAVER-BLADE: Okay. At this time Linda Lee
8 has petitioned to talk to the board.

9 Linda, would you like to come up?

10 MS. LEE: Thank you for seeing me. I know
11 everybody is hungry, so I'll try to make this short.

12 Through the years, through the last two years,
13 we've had problems with so many things, and I would
14 like to just give you one instance, and I think there
15 is other school owners here who would like to share
16 some thoughts with you also.

17 I've been trying since September 17th to get a
18 student enrolled, Ashley York. I personally brought
19 the paperwork over.

20 I'll wait until Kathy listens.

21 MS. WITTUM: I'm listening.

22 Go ahead.

23 MS. LEE: Thanks.

24 I've waited until September 17th, brought the
25 paperwork, hand carried it over. I waited until

1 September, October hours to come out. She was not on
2 the list. I waited until November. In the meantime
3 the student decided she didn't want to go to school and
4 I, in good faith, finally got through to the office, I
5 kept calling.

6 I have found out that if you let it ring twice and
7 hang up and keep dialing, you will get through, so I
8 have found that out.

9 But we are in good faith, we were told that we
10 would be able to let her clock in and I did, got her
11 federal money. Then when I waited for the October
12 monthly to come in, she wasn't on the list. waited
13 until November, and in the process she had transferred
14 to another school. Then I was told that if I brought
15 in -- okay. I was told that if -- they couldn't put
16 her back on the list because she was already enrolled
17 in another school, which is not correct because I had
18 another student that was in another school and they
19 took her instead. So there is a lot of inconsistency
20 in the office and that really bothers me, because we
21 cannot get our hours straight. I have my hours, my
22 hour monthly, have students on there that have already
23 graduated. I've dropped them. I have tried to drop
24 them again and they continuously come up.

25 Then I can't get student permits because they will

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□

116

1 say they will get to it, then I don't know if the
2 student is enrolled because we, within the week we

3 would get our student permits and we would know if they
4 were properly enrolled or sitting somewhere with
5 missing paperwork and we would take care of it.

6 So on to Ashley York. She had transferred to
7 another school. I asked for them to do something about
8 that so I could get the federal Pell grant. I can't
9 drop the student if she's not dropped to begin with.
10 So I went in and talked to the office in December and I
11 said, please, you know, NACCAS is coming, I've got to
12 get this straightened out.

13 So Shaunta generated a student permit and I said
14 are you going to go all the way back to September 17th?
15 She said yes. And so I said, but I need a letter to
16 explain why it's not on there, and they said the only
17 person that could do that is Ms. Wittum. And so I
18 waited for the letter, and when I got the letter it was
19 incorrect.

20 So, you know, I don't know what we can do to get
21 everything -- I don't know if Kathy needs five people,
22 three people, what it's going to take to get a simple
23 letter, because it wasn't any good, the date was wrong.
24 She had -- and I don't want -- you know, it could be
25 anybody, it just happened to be Ms. Wittum sitting at

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117

1 that desk. But if you see a student permit that says
2 September 17, looks like you could write a letter and
3 the dates could match, so the letter did me no good
4 after waiting three and a half months for it.

5 So, you know, I don't know what we need to do. I
6 used to could count on hours to be correct, because if
7 I make mistakes, then I expect somebody to correct
8 them, and I can't count on the hours anymore.

9 These students are losing hours. We've had a -- a
10 meeting with my attorney to explain the Smart Program,
11 and now I -- I am required to send eight pages every
12 month, which I have no problem with, to make sure that
13 those hours are correct and they are honored. But what
14 has happened to the students these hours have not been
15 honored because I've stepped up to the plate. I'm as
16 busy as everybody else, and NACCAS was there Friday
17 with no limitations, so I'm here for six more years, so
18 I'm not going anywhere, you know. And we've gotten so
19 busy that I've had to have two -- I have two theory
20 classes now because our classroom won't hold all of the
21 students in one class. It's a -- it's a hard problem,
22 I'm really glad that I have that problem. I don't have
23 time to figure out the hours, and that's so important
24 to these students.

25 So I'm asking for help. I -- I've -- we almost

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□

118

1 got ourselves in trouble December 10. One of the
2 students that their hours were lost. Her mentor has
3 already talked to Erika Gee about what to do and what's
4 going to happen, she happened to be a malpractice
5 attorney. Now we -- you know, we slid under the radar
6 on that one, but it was getting to be a big deal, and
7 it could have been a big deal, and we need to figure

8 out what we can do. The communication, it's sad that
9 we have to have -- we can't get through to the office
10 to get our answers. I'm a veteran, I was in the Air
11 Force, and I always believe in the chain of command and
12 I start at the bottom and work up. And if I can't get
13 my answers I've got to go to the next step. I've tried
14 in the office to get the answers. I've tried with the
15 board. I've had a board member -- I've had three board
16 members return their call and I've had one tell me they
17 didn't get my message. If we can't communicate -- and
18 she's explained to me what happened, her electricity
19 went out and it must have erased it, and that's fine.
20 But where do we go to get the answers? We're depending
21 on the board to help us, as school owners to help us.
22 We can't get our hours straight. And that's, you know,
23 that's a big deal.

24 Thank you for listening.

25 MS. MCCUIEN: Hi. I'm Amber McCuien, former

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□

119

1 Administrative Assistant II with the board.

2 I just have a comment. I can't speak on this
3 particular student, but I do know that the office is
4 very congested, that the office is backed up, that the
5 phones ring all day long. That for the past, I would
6 say since September, there have been me, Shaunta, and
7 Gordon trying to do everything.

8 Reciprocity has to be done, student enrollments
9 have to be done, license renewals have to be done. The

10 mail bucket that we open every day sits about this high
11 off the ground (indicating) and it's about this wide
12 (indicating) and it's overflowing with mail. Now, who
13 has time to open the mail when one of us has to be on
14 the phones all day? If you go up, if you step up right
15 now, there is people lined up outside the office to
16 renew licenses.

17 Shaunta is busy with answering the phones. She's
18 busy with trying to do reciprocity and she's busy with
19 people on the front counter. Now, I don't know if you
20 know how it goes, but when someone comes on the front
21 counter, the phone, you know, everybody else takes a
22 back seat because the people up at the front counter
23 have to be helped right then. So all day long, since
24 the last week in December, I've been on front counter,
25 me and Shaunta all day long renewing licenses. So we

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□

120

1 had to call the inspectors in because we can't get the
2 mail open and we can't do reciprocity, and I'm having
3 trouble getting my new shops done and issuing my
4 penalties because the front counter takes priority.

5 So all I'm -- and the phones, we understand that
6 the phone does not get answered all the time. Even if
7 there were one person up there to do nothing but answer
8 the phones, ask the inspectors since they have been
9 here in the office, it rings -- it has about three
10 different lines, I think, and it rings all day long.
11 There is no way that one person, if they did nothing
12 but answer the phones, would catch all of those phone

13 calls. And I understand the frustration, but I can
14 also say that I worked every weekend except for the
15 Christmas holiday weekend Saturday and Sunday, up until
16 my last day, which was last Saturday, which I wasn't
17 supposed to work then, my last day was supposed to be
18 Thursday but I came in on Saturday because I needed to
19 help out because there is so much to be done.

20 And I don't know, you know, how it works. You
21 know, I know that it's frustrating to people who can't
22 get through on the lines and for people who have
23 questions who can't get it answered right then, but the
24 office staff is working very, very, very hard.

25 And I'm not taking away anybody's problems or

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□

121

1 anybody's issues. I understand that they are there,
2 they do exist, and there are problems. But right now
3 there are two people in the office handling
4 reciprocities, phones, mail, renewing licenses, new
5 shops, civil penalties. With the inspectors coming in
6 and helping, and they have been great, of course, but
7 you guys just need to understand that there are only
8 two hands on each person and one mouth and two ears and
9 it's just virtually impossible for the office staff as
10 it exists now to take care of all of that. And that's
11 just the bottom line.

12 Last year during renewal season, I don't know how
13 many of you know, but we had two temporary people in
14 the office helping. With those two temporary people we

15 still didn't get all of the licenses renewed and out
16 until March the 1st, and we all worked every single
17 weekend in January and every single weekend in February
18 last year, seven days a week. And I worked from
19 6:30 in the morning until six at night many, many
20 nights over the course of the last month; and Kathy is
21 there from six o'clock in the morning until eight
22 o'clock at night. And somebody has been supposedly
23 living in the building and, you know, it's not safe to
24 be here, but we're still here. And so, you know,
25 before you just jump down on the office and say the

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□

122

1 office is bad, the office is terrible or, you know,
2 something needs to be done, you know, I challenge you
3 to get a glimpse of everything that goes on in the
4 office.

5 And I've spoken to Nicole before who comes in, you
6 know, periodically to deal with complaints, and she was
7 under the impression that back in the back where the
8 conference room is, that there were three or four
9 people back there working, and she wasn't even aware
10 that it was just us taking care of all of this stuff.

11 So, if you guys would just, you know, have an open
12 mind and think about it and, you know, just put
13 yourself in the position. You know, we do work hard,
14 it's not like we get here from eight to 4:30 and go
15 home. You know, we try to stay and we try to push it
16 out and we come in at seven o'clock on Saturday
17 mornings and stay until 4:30 Saturday afternoon. It's

18 just too much work.

19 so that's all I have to say.

20 BOARD MEMBERS: Thank you, Amber.

21 MS. CAVER-BLADE: Yes?

22 MS. COLEMAN: You know, I would like to agree with
23 everything that she said, but on the same thing that
24 you're saying is that I got wrote up for office work.

25 MS. LOVE: Uh-huh. Yep.

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123

1 MS. COLEMAN: And it's not because -- it's because
2 of a student comes in and complain about because they
3 owe me money, and they send the paperwork to state
4 board with all of these things, and then she will have
5 to come back and inspect and come back and inspect
6 again, but you expect mines to be everything correct.

7 MS. LOVE: Right. In order.

8 MS. COLEMAN: Not one mistake, otherwise I get
9 wrote up for it. So why not shouldn't we be on you-all
10 case, you know, same thing. You know, we make
11 mistakes, and I can understand, I promise you, I can
12 truly understand how backed up you-all be. But don't
13 knock on the schools about an error maybe on the time
14 card or something like this or somebody didn't sign her
15 name on a piece of paper.

16 I'm through. Because I'm hearing all of this and
17 I don't believe it.

18 MS. ANDERSON: I'm sorry, but I feel like for many
19 years that I've been in this industry -- and I'll speak

12808-CosBd
20 to the whole group of you. I started when I was 16
21 years old and I wanted a career. I had a dream to have
22 a school. I now at 50 years old have a school. It's
23 been my dream all these years.

24 I have been as part of this group on a number of
25 occasions when I was very young. I sat with Ms. Jane's

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124

1 mother, and I slept in the same room with eight of
2 these women, Veda Traylor in the same room. We went to
3 national hair conventions.

4 Ladies, we are a group of people. We are not all
5 divided here. You are to be commended for all of your
6 hard work, all those people that work in that office.
7 But until we join as a group and quit complaining and
8 bitching, excuse me, you're not going to accomplish
9 anything. Inspectors, examiners, board members, school
10 owners, cosmetologists, electrologists, manicurists,
11 aestheticians, are we professionals?

12 This is not professional, ladies. Yes, we make
13 mistakes. Yes, I make mistakes, and, yes, I send
14 e-mail and say, I made a mistake on these hours.

15 I've been doing this less than two years. My
16 school started with 13 students less than two years
17 ago. We are now up to about 65 students on our
18 registry. We dropped several students because they
19 didn't attend. I just transferred a student to another
20 school that had 39 percent. I don't have time for
21 those people. I'm sorry. I'm here to be a
22 professional, and I think that some of the bickering

23 and the back biting and the back stabbing in this room,
24 I'm going to speak up. I'm sorry, I'm not going to sit
25 here and waste my time.

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125

1 MS. COLEMAN: Oh, lord. She's here to take
2 mine --

3 MS. ANDERSON: Sister, sister, you've had your
4 time to talk, this is my time to talk.

5 I've heard people, I've got phone calls to join
6 this group that wants to oust Kathy. Kathy has made
7 changes in a law that has not been changed since 1965.
8 She stepped up to the plate. How many of you would
9 have stepped up and taken that job and gone against all
10 these people? I'm telling you, eight sisters in a
11 room, laid out in a room in what, 1970-what, 5, '78,
12 Veda? Somewhere in there. Not even 1980. And we all
13 went, we had fun, we did a good job. But at some point
14 people started to complain. All they wanted to do was
15 complain.

16 Are you going to get change across by complaining?
17 Are you going to get change across by action? Are you
18 going to take positive action? Are you going to take
19 negative action? Until you-all decide to unify as a
20 group and take positive action, nothing is going to be
21 accomplished.

22 This lady that's sitting in front of you wants
23 that change. She wants that change. I've talked to
24 her on many occasions.

25

12808-CosBd
I've made mistakes. She's been in my -- in my

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126

1 ball park telling me I've made mistakes. I've had
2 letters from Kathy Wittum, but I took them positively.
3 I didn't take them as though your school is going down
4 the tubes, I took them as I can make an improvement.
5 I've had more than one letter from her, so I could be
6 fussing at her, too, if I chose to, but I don't choose
7 to. I choose to train young striving professionals in
8 this career. It's a choice, ladies. It's a choice,
9 and gentlemen. Excuse me. It's a choice for all of
10 us.

11 If you want to change and you want to bicker and
12 you want to fuss about it, then maybe you're not
13 wanting to educate the public in cosmetology to become
14 professionals, unless you want them all to be kitchen
15 beauticians who don't have a license and there is no
16 regulatory board to regulate them.

17 I think you really want more than that. I hope
18 you want more than that, because I know in my school we
19 strive for more than that, and I think most of you do
20 or you wouldn't be here wasting your time either.

21 So, stop and think what you're fussing about.
22 Stop and think what you're really fussing about.

23 MS. LEE: I'm going to tell you what I'm fussing
24 about.

25 MR. PHILYAW: Amen.

SUSAN B. WHITSON, CCR, INC. (501) 455-1170
Page 116

1 MS. LEE: You're the one who brought Kathy
2 Wittum's name into it, but you have no way to make a
3 comparison because you've only been in it two years.
4 We have never had the headaches that we've had upon our
5 hours -- I'm not finished. I'm not finished. I let
6 you talk, and now it's my turn and I'm going to be
7 done. And you can smile like you want to, but the
8 bottom line is we've had problems for two and a half
9 years with our hours. You have no way to compare that
10 because you've only been in the business for two years.
11 So when you put in 25 and 30 years and you can make a
12 comparison, come talk to me.

13 MS. ANDERSON: I've been in this 30-some years and
14 I did have --

15 MS. LEE: Not as a school owner.

16 MS. ANDERSON: -- and I did have to --

17 MS. LEE: Not as a school owner.

18 MS. ANDERSON: But I did have to go back before
19 the board and renew my license and --

20 MS. LEE: Not as a school owner.

21 MS. ANDERSON: And I did know what it was like to
22 go before the board.

23 MS. LEE: Not as a school owner.

24 MS. MCCUIEN: Okay. Do you-all see that these
25 people are talking like there is going to be some

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1 order? This happens all the time.

2 MS. LEE: No, it doesn't, Amber. We have been
3 finally able to get this out and we're finished.

4 MS. MCCUIEN: Okay.

5 MS. LEE: We're finished.

6 MS. CAVER-BLADE: Okay. Can we -- should we move
7 on or should we break for lunch and you guys move on?

8 MS. TURMAN: Let's break for lunch.

9 MS. CAVER-BLADE: Okay. Let's break for an hour.
10 (WHEREUPON, a lunch break was held.)

11 MS. CAVER-BLADE: I would like to call the meeting
12 back to order, and I guess turn it over to Erika Gee.
13 We are going to go into executive session.

14 Erika is going to kind of explain the rules and
15 then we'll go from there.

16 MS. GEE: Okay. All right. There is an executive
17 session on the agenda, which probably everybody
18 noticed. And you-all haven't at this point voted to go
19 into executive session, but assuming that you do, just
20 the basic ground work for that is that the only people
21 who can be in the room during the executive session are
22 the board members and, if you choose, the employee that
23 you are going to discuss. The employee could be there
24 for all or part of the session, it's at your option.
25 It's the board's decision on that. But nobody else can

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□

129

1 be here, including me, including the court reporter,
2 including anybody.

3 So, and during the executive session, you can --

4 you need to talk about employee-related issues. That's
5 the only thing that sessions are authorized for.

6 And then if you decide to take any kind of action,
7 you have to take a vote on that once you return to the
8 public meeting. You don't have to explain everything
9 you talked about, but if you're going to take an
10 action, it has to be -- the vote has to be in a public
11 meeting.

12 So that's it.

13 MS. CAVER-BLADE: Okay. And at this time I would
14 like to ask Nicole if she has anything.

15 MS. THOMPSON: Nicole Thompson, Governor Beebe's
16 liaison to the board.

17 Good afternoon, ladies.

18 BOARD MEMBERS: Good afternoon.

19 MS. THOMPSON: I know you've had a long day and so
20 many beautiful women making great comments to the
21 board.

22 I'm going to leave with you-all just some of the
23 complaints and issues that have been brought to our
24 office concerning the board. This is in no way the
25 least of it, but this is just some complaints that

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□

130

1 we've had. I'm going to leave it for your review. I
2 do have another meeting I have to attend at 2:00, but
3 I'm going to leave it, I'm going to leave it with Kathy
4 to make sure I can get the information back so I have
5 it for my records, but if you want to review the

6 information.

7 There is a memo that I'm not sure from the meeting
8 that I had, did you-all make copies for them to review
9 that?

10 MS. WITTUM: I can make copies for them.

11 MS. THOMPSON: That would be great, because that
12 kind of broke down some of the issues that they had on
13 the board that I met with Ms. Blade and Ms. Wittum
14 about. So just so you know, I want to leave you this
15 information, you're free to look through. Okay. If
16 you have any questions, you can ask me, I guess, after
17 you get back.

18 That's it.

19 Where do you want me to leave it?

20 MS. GEE: Do you have questions now?

21 MS. POWELL: She said she would answer
22 questions --

23 MS. THOMPSON: After I come back, because I can't
24 be in the session.

25 MS. COLLINS-BURROUGH: Okay. But she has to be

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□

131

1 back at 2:00.

2 MS. GEE: If you know you have something to ask
3 her, you might want to ask her, because she has to
4 leave.

5 MS. POWELL: Do we have a letter of response,
6 based on the meeting that you had with the chair and --

7 MS. THOMPSON: I haven't -- I haven't put the
8 letter together yet. I wanted to see what happened

9 from the meeting first, and then based on the meeting
10 today, I'm just going to go back and get some
11 advisement from our legal counsel and from our senior
12 staff about some things that I've seen and that I've
13 encountered, and then I'll follow up with a letter to
14 those individuals that had complaints but cc all of the
15 board members on that letter.

16 MS. PICKERING: Nicole?

17 MS. THOMPSON: Yes.

18 MS. PICKERING: I need to ask you a question, too.

19 MS. THOMPSON: All right.

20 MS. PICKERING: All right. The ones that can
21 legally stay in here, did they -- how did they come
22 about getting that done? I mean do they have a letter
23 of approval to stay in here or how do we do that?

24 MS. THOMPSON: No. I'm sorry, I'm not
25 understanding your question.

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□

132

1 MS. WARD: Nobody can stay in here.

2 MS. PICKERING: Okay.

3 MS. LEE: Nobody was going to stay.

4 MS. POWELL: So are you saying, Nicole, that there
5 was a letter cc'ed to the board members about --

6 MS. THOMPSON: No. I'm saying that there have
7 been several complaints made to the Governor's office.
8 Some of those complaints are in this pile. Some are
9 pertaining to the Executive Director, some are
10 pertaining to the board's office, and some are just

11 concerns that some of the board members have.

12 MS. POWELL: Okay.

13 MS. THOMPSON: It is for you-all to discuss in
14 your executive session. If you have any questions of
15 me, you can ask after the session is completed.

16 MS. PICKERING: But if that time runs over and you
17 have to leave, we --

18 MS. THOMPSON: I could come back and I can leave
19 my number.

20 I have a meeting that I have to go to, so I will
21 come back after the meeting. If you -- I'll be here
22 tomorrow.

23 MS. POWELL: All right.

24 MS. WARD: Okay.

25 MS. THOMPSON: So any other questions?

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□

133

1 Okay. Did you want me to leave this right here?

2 MS. CAVER-BLADE: That's fine.

3 MS. GEE: As a general matter, you-all are the
4 employers of everybody involved with this board.

5 MS. TURMAN: So we can all stay? Even if it was a
6 complaint about one of us, we can stay?

7 MS. GEE: Oh, yeah, you can stay. But as far as
8 deciding what kind of action would be appropriate, it's
9 up to you. I just thought I would throw that out
10 there.

11 MS. CAVER-BLADE: So somebody just needs to make a
12 motion?

13 MS. GEE: Somebody needs to make a motion, unless
Page 122

14 somebody has any other questions.

15 MS. TURMAN: Are we making a motion?

16 MS. WARD: Are we going to get copies?

17 MS. WITTUM: Yes. We're having copies made right
18 now.

19 MS. WARD: Okay. Thank you.

20 MS. CAVER-BLADE: So I guess we should make a
21 motion that we go into executive session.

22 MS. PICKERING: I would like to make a motion that
23 we go into executive session.

24 MS. TURMAN: I second it.

25 MS. CAVER-BLADE: All those in favor?

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□

134

1 (All hands raised.)

2 MS. CAVER-BLADE: Okay. So that means that
3 everybody, kind of clear out.

4 (WHEREUPON, the board went into closed executive
5 session, off the record.)

6 MS. CAVER-BLADE: Okay. I would like to call the
7 board meeting back into regular session.

8 And at this time do we have any public comments?
9 Nicole?

10 MS. THOMPSON: Did you guys have any questions of
11 me?

12 MS. CAVER-BLADE: Did we have any questions of
13 Nicole, from the governor's office?

14 MS. POWELL: No, we didn't.

15 MS. TURMAN: Do you have any questions from us?

16 MS. BURCHETT: Sorry. It kind of got spread out.

17 MS. THOMPSON: Just to ask if you have any
18 questions of my role as a liaison to the board, the
19 Governor's position, or where he could intervene or
20 what -- what type of role our office can play in
21 assisting you in any type of decision making or things
22 like, just anything in that area, if you had any
23 questions.

24 One thing that I was able to clarify through our
25 office is that we can assist you guys in areas that --

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135

1 where like say you're having situations with the phone,
2 trying to work with you guys to establish maybe a
3 larger phone line, more numbers, contractor through the
4 IS to see if they have been contacted. If the board
5 has approved or disapproved the concept of having more
6 lines. I think the voice messages were added.

7 MS. WITTUM: They have increased, been increased
8 to the max.

9 MS. THOMPSON: Been increased.

10 MS. WITTUM: And I've already checked to see if
11 that could be increased again, and I was told, no, and
12 I think we have the max number of lines that the phone
13 system will give us.

14 MS. THOMPSON: That that phone system. So then
15 it --

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

17 And it's very costly to change out the phone
18 system because you have to change all the wiring.

19 MS. THOMPSON: Uh-huh.

20 And they -- you guys have looked into that and
21 decided that --

22 MS. WITTUM: Uh-huh. I've already talked to DIS
23 about it.

24 MS. THOMPSON: You talked with DIS.

25 Has the board decided to go or you decided --

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136

1 MS. WITTUM: No. I just called and asked what our
2 options were.

3 MS. COLLINS-BURROUGH: well, if we just increased
4 our lines, we still don't have anyone to answer them.

5 MS. THOMPSON: So and staff situation?

6 MS. POWELL: Uh-huh.

7 MS. WITTUM: Can you give us some more people?

8 MS. CAVER-BLADE: That's what we want.

9 MS. COLLINS-BURROUGH: Merry Christmas.

10 MS. THOMPSON: You know we can talk at the
11 governor's office about looking for people, so to my
12 knowledge it's been a couple of months since that
13 office has been understaffed to the fullest extent.

14 MS. COLLINS-BURROUGH: Oh, it's been longer than
15 that.

16 MS. THOMPSON: Things like that usually apply, not
17 to put you on the spot, with the Executive Director to
18 make those decisions, to get those people working with
19 the board. If that's not being done, I can definitely
20 look into helping Kathy or helping someone to come

21 along --

22 MS. WITTUM: It was my understanding that we
23 couldn't do anything before the session in 2009, to add
24 to our personnel.

25 MS. THOMPSON: The staff position that you already

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137

1 have available?

2 MS. WITTUM: Huh-uh. No.

3 MS. POWELL: No.

4 MS. COLLINS-BURROUGH: No. Adding new staff.

5 MS. WITTUM: No. We're hiring the new staff to
6 fill the vacancies that we have.

7 MS. THOMPSON: You are hiring them to fill the
8 vacancies?

9 MS. WITTUM: Yeah. We hired one person and we'll
10 be interviewing starting the end of this week for the
11 second.

12 MS. THOMPSON: Are you -- I think the next
13 question that they had was are you sure that the
14 license renewals will be done in -- what's the time
15 frame you will be doing them?

16 MS. WITTUM: We've extended them to June 1st .

17 MS. THOMPSON: To get everyone renewed?

18 MS. WITTUM: Uh-huh.

19 MS. PICKERING: Nicole, may I speak as a board
20 member? As -- as just myself, but we've already
21 discussed this.

22 MS. THOMPSON: Uh-huh.

23 MS. PICKERING: We know that the office is
Page 126

24 understaffed, we know that we need someone to answer
25 the phone. We know that. There is a huge problem with

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138

1 the phones, so we just thank you that you're going to
2 help us out in that area.

3 If you could hire us two more people and the
4 governor's office pay for it, we would appreciate that.

5 MS. THOMPSON: No. No. See, that's where it gets
6 iffy, the funding situation. But there is definitely
7 something. I mean, I can't make any promises on behalf
8 of the Governor, but it's my job to see what we can do
9 from our office to assist you to make the office and
10 the board more effective and more efficient to serve
11 the state, so...

12 MS. PICKERING: Thank you.

13 MS. THOMPSON: I'm more than willing to do that.
14 No promises.

15 Is that on the record?

16 But I promise to help what I can.

17 MS. PICKERING: Thank you.

18 MS. THOMPSON: Anything else?

19 Okay.

20 MS. CAVER-BLADE: Thank you.

21 MS. POWELL: Thank you, Nicole.

22 MS. PICKERING: Thank you.

23 BOARD MEMBERS: Thank you.

24 MS. POWELL: Long day, but thank you.

25 MS. CAVER-BLADE: Now, do we have any more public

1 comments or questions?
2 would you all like to move to adjourn?
3 MS. POWELL: Hearing no further discussion, I move
4 to adjourn.
5 MS. GORDON: I second.
6 MS. CAVER-BLADE: All in favor?
7 MS. TURMAN: I second.
8 (All hands raised.)
9 (WHEREUPON, at 3:49 p.m., the above-entitled
10 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 hearings held before the Arkansas State Board of Cosmetology, January 28, 2008, 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 proceeding 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 outcome of this action; and that I have no contract with the parties, attorneys, or persons with an interest in the action that affects or has a substantial tendency to affect impartiality, that requires me to relinquish control of an original transcript or copies of the transcript before it is

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1 certified and delivered to the custodial attorney, or that

12808-CosBd
2 requires me to provide any service not made available to all
3 parties to the action.

4 SIGNED AND SWORN this _____ day of
5 _____.

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SUSAN B. WHITSON, CCR, #158

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NOTARY PUBLIC IN AND FOR

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PULASKI COUNTY, ARKANSAS

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12 My Commission Expires: June 4, 2012.

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