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ARKANSAS
STATE BOARD OF COSMETOLOGY

MEETING
OF
May 19, 2008

HOGAN COURT REPORTING
7 Foxhunt Trail
Little Rock, Arkansas 72227
(501) 225-8147

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A P P E A R A N C E S

CATHY CAVER-BLADE, President
ERIKA GEE, Esq., Attorney General's Office
MAURICE SHIRLEY, Director
NELLIE HOPPER, Board Member
SUSAN COLLINS-BURROUGH, Board Member
SCOTTIE BURCHETT, Board Member
TRACY AKARD, Board Member
BARBARA WARD, Board Member
ACIE FOREMAN, Board Member
ANN PICKERING, Board Member

SHEILA CAUDLE, Inspector
LAVONNE GREEN, Inspector
ROSE HORNER, Inspector
PAT JACKSON, Inspector
BRENDA MORGAN, Inspector

ANGELA FRIERSON, Administrative Assistant
GORDON BELL, Business Controller
TERI CRAVOTTA, Document Examiner II

ALSO PRESENT: Paul Louthian, Vita Traylor, Chris Straun,
Nicole Hart and Members of the Public

1 MS. CAVER-BLADE: I would like to call the State
2 Board meeting to order. And I would like to do a moment
3 of license for -- is it Linda Sorrel. She was an
4 instructor for over 30 years at Metropolitan.

5 (Moment of silence observed.)

6 MS. CAVER-BLADE: Thank you. At this time, Barbara
7 Ward, would you do roll call.

8 MS. WARD: All of the Board members are here except
9 for Patricia Turman and Joyce Smith.

10 MS. CAVER-BLADE: And will you do the treasurer's
11 report also?

12 MS. WARD: Okay. At the last meeting, we had
13 \$205.31. We added \$40 from the Board members, leaving us
14 a total of \$241.31.

15 MS. CAVER-BLADE: Okay. And the approval of the
16 minutes for the last meeting -- do you want a motion to
17 approve those meeting minutes?

18 MS. WARD: I make a motion.

19 MS. COLLINS-BURROUGH: I second.

20 MS. CAVER-BLADE: All those in favor? Anyone
21 against? One. So it passes.

22 MS. BURCHETT: Is that all three meetings that
23 needed to be approved?

24 MS. CAVER-BLADE: Yes. Now we have some updates.
25 I don't know if everybody has had a chance to meet

1 Maurice Shirley, our new director. So I want everybody
2 to make him feel welcome.

3 (Applause.)

4 MS. CAVER-BLADE: Do you have anything to say?

5 MR. SHIRLEY: Sure. I will do a self-introduction
6 for those of you who have not met me. Some of you have
7 met me in passing. I had the privilege of meeting with
8 our Board by way of an interview several weeks ago; and,
9 jokingly, when I got back in to see my hair stylist, who
10 is a cosmetologist, I told her it must have been her
11 fault that I didn't get the job because I hadn't received
12 a call as soon as I expected. And then a few days later,
13 I did get that call and was happy to hear that.

14 By way of introduction, I have worked for the State
15 for about ten years for the Department of Human Services
16 in various positions there, and then just most recently
17 worked for a private nonprofit that did millions of
18 dollars worth of services for the State on an annual
19 basis. So I have been fully exposed and either
20 contaminated or inoculated, as the case may be, as far as
21 involvement with State Government. And I am really
22 excited about being here; really excited. And I think
23 I've taken it as somewhat of a -- the approach that
24 working for a Board that's primarily made up of ladies --
25 and I know Mr. Foreman has just joined that Board, and so

1 I'll enjoy working with him as well -- but my previous
2 work experience, interestingly, almost my entire career
3 I've always worked for a lady. So now I get to work for
4 several of you at one time, and work with mostly women as
5 well through the -- all of the inspectors are as well.
6 So hopefully I'm prepared for this position and hope that
7 you find my services to your satisfaction.

8 MS. CAVER-BLADE: Thank you.

9 Sheila, do you have any updates on Access Database?

10 MS. CAUDLE: Lance continues to work on the Access
11 Database. Things are still not working. We can't key in
12 student hours. We can't do student drops for certified
13 or uncertified hours. We can't add new shops.

14 His contract has been paid in full. He was
15 contracted for 500 hours. According to him, he still
16 owes us somewhere around 200 hours left, but his contract
17 expires June the 1st. Every time he comes in and fixes
18 one thing, something else breaks. It's just a constant
19 battle. I don't know if we're going to ever make it work
20 or not. That's my report.

21 He's supposed to come in tomorrow. He called me on
22 Friday and was working on student hours again. I had to
23 re-explain to him how the process was done to develop a
24 student all the way through the school to completion, to
25 taking exam. And he said he was having to rebuild that

1 database to assign them more than one number, a permit
2 number and a license number, and maybe that could fix it.
3 So we'll see what happens tomorrow.

4 MS. BURCHETT: Can I ask a question?

5 MS. CAUDLE: Yes, ma'am.

6 MS. BURCHETT: Why did it -- or how did it work
7 before?

8 MS. CAUDLE: We also -- (inaudible) -- problem with
9 Wayne. Even as far back as Wayne, they were issued a
10 permit number; and when they took it and passed the exam
11 at that time, then they were issued a license number.

12 MS. BURCHETT: At one time, our permits had a
13 student ID and a --

14 MS. CAUDLE: Which is a permit number, and then the
15 other -- the license number that was on there at that
16 time actually showed where their money was received. It
17 was a receipt number. Like their \$10 -- when they keyed
18 in the \$10, that number linked back to that \$10 payment.

19 MS. BURCHETT: So do you know what the problems were
20 with GL Suite?

21 MS. CAUDLE: I didn't have -- the main problem with
22 GL Suite -- the only problem that I can figure out is
23 because the inspection piece wouldn't work. And,
24 logically, we could go back to GL Suites, do like we did
25 in the old days; because we would have online renewals;

1 the schools would have the capability to key in their
2 hours as they did before. Then that would free someone
3 up in the office, and we could do our paper forms and
4 mail our paper forms and let them key them in, and
5 everything would work.

6 MS. BURCHETT: So we fixed something that wasn't
7 broken, and now we have something that's broken?

8 MS. CAUDLE: Yes, ma'am.

9 MS. BURCHETT: Well --

10 MR. SHIRLEY: If I may -- I'm sorry.

11 MS. PICKERING: I want to ask a question. This
12 contract ends the last of this month and renewed in June,
13 so we need to do something to make a decision.

14 MS. CAUDLE: He still owes us hours, even though his
15 contract -- we can expand that contract if we choose to.
16 He still owes us hours. He has been paid in full. So
17 you have the option whether you still want to renew his
18 contract for ever how long until you collect these hours
19 or do something different.

20 MS. AKARD: How much money did we pay him per hour?

21 MS. CAUDLE: 70 something dollars -- \$75 or \$78, I
22 think is what it was. But what he's doing right now,
23 he's not getting paid because he still owes us those
24 hours.

25 MS. COLLINS-BURROUGH: Why was he paid before the

1 contract was fulfilled?

2 MS. CAUDLE: I don't know. That was done before I
3 came in.

4 MR. SHIRLEY: That was my line.

5 MR. LOUTHIAN: You know, logically, I think what
6 you've got to do is extend the contract because you don't
7 want to let those hours go away. It costs you nothing to
8 extend the contract. Until he charges you billable
9 hours, you can talk to him and say, "Tell me what you're
10 doing now; tell me when this is going to be out" and not
11 do anything past that. That gives you some time where
12 you can think about what you want to do. Obviously,
13 whatever decision is made, if you're going to go back to
14 GL Suites, we need to figure out what the cost of that is
15 going to be. You need to have a plan in place of how
16 we're going to take what's in the database now and get it
17 back into GL Suites; what's that going to cost you. Then
18 we've got to look at the ongoing maintenance cost of GL
19 Suites and make sure where we're at money-wise for '09
20 and what that does to us on the budget, because you're
21 going to be running fairly close to budget. So we need
22 to get some facts and figures and plans down on a piece
23 of paper before we make some decisions. But that would
24 be my suggestion, that we do that.

25 MS. GEE: I just wanted to throw in there: I don't

1 know exactly what the GL Suites problems were either; but
2 just when you're making this decision, there are other
3 agencies that use GL Suites that I represent, and they're
4 not very happy with them. So you might want to check
5 around with some of the other agencies to get an idea
6 before you make a decision. Pharmacy uses them;
7 Accounting Board uses them; I think Board of Nursing uses
8 them.

9 MR. LOUTHIAN: Which might be an opportunity to pull
10 five or six groups in and use the same piece of equipment
11 or the same software and do something -- you know, get
12 something that's better than what you have here or GL
13 Suites, depending on what you do. But I wouldn't just --
14 I wouldn't jump quickly. Do some work on the front end
15 and figure out what you need to do.

16 MS. CAUDLE: That's what I'm saying. We still have
17 about 200 hours left out of that 500-hour contract.

18 MS. BURCHETT: So does a motion need to be made to
19 extend the contract until --

20 MS. CAUDLE: To extend the contract doesn't cost us
21 anything. All we have to do is -- Tommy Tompkins, who is
22 in charge of the people that we pay through -- all we
23 have to do is e-mail him and say we're extending his
24 contract. You can extend it two weeks; you can extend it
25 two months. You just pick a date. Like it expired -- I

1 want to say it was May 15th when I was in there, and I
2 expanded it until June the 1st. All I had to do was send
3 an e-mail, because we weren't paying any money.

4 MS. HOPPER: So you want to extend it until the 200
5 hours are used up?

6 MS. CAUDLE: See if he gets it working or not within
7 the 200 hours.

8 MS. COLLINS-BURROUGH: Can we put that in there as a
9 stipulation, has to have 200 hours in by a certain time
10 or --

11 MS. CAUDLE: The thing is: Some of the things that
12 he's working on is things that he is supposed to have
13 already put in place. So those things that are not
14 working correctly, he's not charging you hours for those
15 until he gets those fixed.

16 MS. COLLINS-BURROUGH: But then he messes up
17 something else while he's here?

18 MS. CAUDLE: Usually.

19 MS. COLLINS-BURROUGH: Well, what good is he? I
20 mean --

21 MS. PICKERING: Exactly.

22 MR. SHIRLEY: What I would like to say: Since
23 coming in here, as a quick aside, I will say for the
24 record how much I appreciate Paul and his staff being
25 here.

1 MS. PICKERING: Yes.

2 MR. SHIRLEY: It would have been a real crisis if we
3 had not had them coming in here when they did. One of
4 his staff asked me the second day I was here if I was
5 coming back the next day, and I said, "I will be back."
6 But if I had walked in here my first day and seen what
7 they saw, I honestly don't know if I would have been
8 back, because that would have been a huge mountain. He's
9 a big guy; he can climb that mountain.

10 MR. LOUTHIAN: I got people.

11 MR. SHIRLEY: One of the things that I've looked at:
12 I know that you all went through a lot of -- or this
13 office went through a lot of changes over the last year
14 or two; looking at changing the database and other
15 issues. And I've studied it with all of my expertise and
16 tried to figure out what problems we were solving.
17 Change for the sake of change, I don't see the value in
18 that. But if there is something we can really identify
19 that we can improve, I see value in change. I see value
20 in being progressive. And I'm sorry to say I haven't
21 figured it out. And I've really questioned Sheila
22 several times, numerous times, to say what was the
23 problem that precipitated us making this particular
24 change. And more often than not, I get an "I don't know"
25 from her.

1 And that's not that -- that's not her fault. It's
2 just that in being out there in the field working as an
3 inspector, that would be where I would expect problems to
4 be generated from; because that's where the real heart of
5 this department is, is in those ladies sitting on that
6 front row, I think, that are out there assuring that the
7 rules and regulations that you all have put in place are
8 complied with across the state. And when they can't give
9 me a reason for us to have made those changes, I'm
10 sitting here with a blank look today as well. But we
11 have made some changes; and I certainly don't want to
12 just abandon the ship, when it may be the best ship after
13 all, if we can figure out the problems and solve them.
14 So I would really respectfully request that you all don't
15 direct me to just abandon this at this point. Give me
16 time to work with Lance and the GIS staff and see if we
17 can make this workable rather than just toss it overboard
18 at this point.

19 And there are other issues that are the same as
20 that; that there were changes that were made that I still
21 puzzle over why were they made when there were other
22 things that I feel like I've already seen that could have
23 been changed prior to my coming here that would have been
24 improvements as far as your staff is concerned and how
25 operationally things are done day-to-day. So I just

1 wanted to put that on the table for you to give you my
2 perspective from the month that I've been here.

3 MS. AKARD: Well, every month I know how screwed up
4 it really is; because every month we, as school owners,
5 are asked to submit student hours. And we look over the
6 hours, and they are so ridiculously off. And they're off
7 in decimal points, and we don't even use decimal points.
8 They are so -- it's such bazar numbers that it kicks out;
9 and this impacts absolutely every single student, and
10 this is at the core of what they are doing. You know,
11 they are -- (inaudible) -- our schools, and so it affects
12 every student every month. It's not something -- and I'm
13 not -- (inaudible) -- that we're going to -- but at the
14 same time, it needs to be -- it is impacting not only the
15 license but, you know, on a daily basis. And we, as
16 school owners, are asked to do a great deal of work, as
17 well as your staff. And so it affects students, every
18 single school every single month. And we are asked to do
19 additional hours worth of work because of computer --

20 MS. COLLINS-BURROUGH: That's unnecessary.

21 MS. AKARD: And it's ridiculous. I mean, it's just
22 like a kid sat down on a deal like this and generated a
23 report. It's -- they're trying to decipher it out, too,
24 so it's crazy --

25 MS. WARD: Is there any way that we can do an

1 open-end contract until those hours are used and to see
2 if they can resolve the problem and then, if they can't,
3 start looking at something else that would probably work
4 better -- that instead of having to worry about renewing
5 it every time if we don't use up to those 200 hours, we
6 don't want them to hurry up and use them up without
7 solving the problems. We want those problems solved.
8 And I don't know if you can do that or not. But could
9 you talk to him and find out if that's possible?

10 MS. CAUDLE: Can't do it open end. They want a
11 date, but you can do it week by week.

12 MR. LOUTHIAN: Why not just give it a year? It's
13 not going to cost you anything. If you don't use it, you
14 don't pay for it. Renew it for a year; it doesn't
15 matter. Then you manage the contract. You set some
16 goals for Lance of when you want these things done.
17 Okay? Which can be part of that. You don't have to put
18 it in the contract. You just say we want this done by
19 this date; this is what we expect. But it's costing you
20 nothing, because you've already paid for it and you don't
21 have to use it. If you decide to go another way and the
22 contract expires in another year, you have to do nothing
23 for that. It's just a formality to say, "I want to
24 extend it."

25 MS. WARD: But what we don't want is him to use --

1 let's say, like, in six months he uses up those 200 hours
2 and then we're stuck in a contract and have to pay him
3 additionally for something that isn't fixed, that he
4 can't fix.

5 MR. LOUTHIAN: Well, that doesn't mean that you
6 can't be developing an alternative if you decide that's
7 what needs to be done. Okay? You can run down two
8 tracks at the same time.

9 MR. SHIRLEY: That's where I want to go at this
10 point. I would like for us to extend it by six months to
11 twelve months; and, at the same time, I'm going to be
12 looking at the other alternatives. I'm going to be
13 monitoring Lance and what's happening with this database
14 to see if, functionally, we're getting where we need to
15 be. At the same time, I have had a call from the
16 representative from GL Suites who would like to sit down
17 and visit with me about what they might do. So I would
18 like to entertain those and even explore, with the other
19 boards who are using GL Suites, what's working for them
20 and what's not. And in that period of time, six to
21 twelve months, we will have an opportunity to utilize and
22 take advantage of all the funds that we've already
23 expended anyway but, before that time is up, to be able
24 to come back to you and let you know if this is going to
25 work or if we need to make a move.

1 MS. BURCHETT: Did we get GL Suites' backup? Did we
2 pay to do that?

3 MS. CAUDLE: We have them to look at only three --
4 only until March of next year. And it cost us \$6,500 to
5 look at them to March. But let me tell you: Without
6 them, there's a lot of things going on in that office
7 that could not be workable without it.

8 MS. BURCHETT: Oh, I understand that. So in GL
9 Suites, do we have access to see the student hours?

10 MS. CAUDLE: What it didn't distort when they copied
11 the database over to Lance. A lot of it is distorted.

12 MR. SHIRLEY: But I will say that's at that point in
13 time, in December when we transitioned over to Access.
14 So new hours are not going in there.

15 MS. CAUDLE: The new hours are not going on in
16 there, that's correct.

17 MS. BURCHETT: But everything up until December?

18 MR. SHIRLEY: Some of the old hours are not there
19 anymore. It just depends on what records you pull up.

20 MS. AKARD: But I believe it was probably November
21 or -- was it October or November when things just went
22 absolutely crazy?

23 MS. CAUDLE: That would be around November, yes.

24 MS. AKARD: It was just haywire.

25 MS. COLLINS-BURROUGH: And it's still that way?

1 MS. AKARD: It's ridiculous. It is absolutely --

2 MS. COLLINS-BURROUGH: So how long do you all, as
3 school owners, want to continue? Want another year of
4 that?

5 MS. AKARD: Oh, no.

6 MS. WARD: That's why, you know, I was saying we
7 need to resolve -- we don't want to spend more money for
8 something that can't be fixed. And that's why we need --
9 when you talk to them, this has got to be resolved. If
10 it can't be, we're going to look at something else and
11 make them understand that. You know, if they -- maybe
12 they just fix one thing and let something else go bad and
13 see why they've got this -- not somebody spending money
14 constantly for them. We don't want to operate that way.
15 We can't afford that.

16 MS. AKARD: And I understand that it's affecting
17 everything in the office, not just what it's affecting
18 for us. What did we initially pay for this?

19 MR. SHIRLEY: I don't know.

20 MS. CAUDLE: I think it was somewhere around 70,000.

21 MS. WARD: 70,000?

22 MS. CAUDLE: Uh-huh.

23 MS. BURCHETT: What else, besides student hours, is
24 affected that's in -- that's in as big a mess as the
25 student hours are in right now?

1 MR. SHIRLEY: The biggest problem that we have right
2 now is completing renewals, and that's one reason why
3 Paul is here today to talk about that. And that is
4 impacted by Access Database, and so forth, putting that
5 together and making sure that works. That's our biggest
6 problem at this point; getting that in place and getting
7 that completed and being -- and even knowing how many
8 licenses we have out there. That's one of the things,
9 since I came in here, just from management purposes, that
10 I keep -- I've been after Lance every time I've met with
11 him, is how many active licenses do we have and what
12 type. And he has struggled for the last month to give me
13 a good solid answer on that. That database would not
14 tell him that yet. The old database is not up-to-date,
15 so it can't tell yet. So I don't know how many licenses
16 we actually are responsible for at this point, and
17 that's -- that, to me, is a simple issue. If you don't
18 know how many people you're serving, what can you do?

19 MS. COLLINS-BURROUGH: You can't serve them.

20 MR. SHIRLEY: You can't serve them, right.

21 MS. BURCHETT: So until the renewals are caught up,
22 we're really not in a position to where we can get
23 serious about the student hour situation. Is that what
24 you're saying?

25 MR. SHIRLEY: We can continue working, and we do

1 have Lance working on multiple issues at the same time.
2 But beyond that issue, because Paul's staff are still
3 here and because we're not caught up on that and it
4 functionally is a computer problem from day-to-day at any
5 given moment -- they don't curse, but I'm sure they feel
6 like it --

7 MR. LOUTHIAN: Some of us might.

8 MR. SHIRLEY: And all of a sudden, it just
9 malfunctions; it quits, and then it's, "Who can we get?
10 Do we need to get Lance in here? Do we get somebody from
11 GIS in here to go through this and get this machinery and
12 technology running again so that we can get the job
13 done?"

14 MR. LOUTHIAN: We've had a lot of issues with the
15 printers themselves. I'm not sure, since I've been here,
16 that we've not had at least one loaner here and a machine
17 being worked on or replaced through warranty. It's just
18 a continuing -- at one point, we had two out of four
19 down. So the printers are not reliable. That's where
20 the biggest backlog is, is printing the licenses. And
21 we've done some stuff to shove all the information into
22 the database now, and we're simply looking at how fast
23 can we get the licenses printed and then cleaning up some
24 problems that have occurred over the three months --
25 things going in, not sure the money is there; money is

1 there, not sure where the license is at -- just a cleanup
2 effort which would be expected any time you have the type
3 of situation we've had.

4 But the real issue is the database and how it's
5 interacting with the program and then the printers,
6 themselves, not maintaining the pace that we're trying to
7 put them through on a daily basis. Down the road,
8 there's some solutions for that. But I really think that
9 you need to look at, in the next 30 to 45 days, putting
10 as much pressure as you can on Lance to fix the problems.
11 And I think you need to give him a priority list -- you
12 know, "Here's what's most important to us: We want to
13 keep it operational, and we want to knock these off one
14 at a time and set some deadlines for them"; and then,
15 like you said, on the separate train track, going out
16 here and figuring out what your best option is.

17 And it's possible this may be your best option of
18 going forward. It may still be the most viable option
19 once you get the rest of the programs integrated and
20 working. And I wouldn't rule that out, but I would
21 certainly go looking back at GL Suites and see what those
22 shortcomings were and then try to talk to the other
23 people and see if -- you know, it may be that y'all have
24 something very similar, and GL Suites may say, "Hey,
25 we'll fix it; we'll come up with another model" or "we'll

1 be fixing that if there's enough people to do that."
2 Right now, I just don't think you have enough information
3 to make a decision.

4 MS. CAUDLE: What Paul is saying, we have done with
5 Lance. We have gave him -- we've been meeting every
6 Tuesday for the last several Tuesdays, and we have gave
7 him a priority list of telling him what we need fixed.
8 And some part of it will work, and then another part of
9 it may not work.

10 As far as your question, Scottie, on the monthly
11 hours, Teri does work on those daily. So they are
12 getting worked on.

13 MR. LOUTHIAN: And I'm not trying to downplay what
14 you're saying, but understand that what's happening is
15 he's trying to develop this stuff and put it in live and
16 start with it right then.

17 MS. CAUDLE: Yes.

18 MR. LOUTHIAN: Whereas at my shop, if you're back at
19 DFA and I've got 30 programs over there -- maybe not that
20 many, but there's some number of programmers -- we go in
21 and write a program, and we go through testing -- quite
22 an extensive period of time for testing -- okay -- before
23 we ever bring it live. We're asking him to do this on
24 the fly, put it in, and then we're simply debugging it
25 live.

1 MS. CAUDLE: He's taking it home, and he says it's
2 working at home. So my comment to him last week was,
3 "Then y'all need to go to his house and work."

4 MR. LOUTHIAN: But there is some risk in doing what
5 you're doing. In doing it live, you may have some stuff
6 that's not right; but until you put it in and you either
7 test it or you run it live, sometimes you don't know what
8 those problems are. So I think it really comes down to,
9 "Is he making progress; and once he gets something in
10 there, is it making sense?" If it's not, then you need
11 to have a little different conversation with him.

12 MS. BURCHETT: So why does he work on it at home
13 when the issues and the answers are here?

14 MS. CAUDLE: Because that's where he's writing the
15 programs at. He has to write the programs, run them,
16 make sure they work, and then he brings them here. And
17 when he brings them here and we bring them to load them,
18 it's always something about he doesn't know why it
19 doesn't work here because it works at home.

20 MS. BURCHETT: My point exactly. Can he not --

21 MS. CAUDLE: So I got tired of hearing that last
22 week; and I said, "So we'll just all come up to your
23 house and work. You know, if it works at your house,
24 then" --

25 MS. BURCHETT: Can he not do it here?

1 MS. CAUDLE: He has another job, and so I think
2 we're just a part-timer.

3 MR. LOUTHIAN: He's employed by another company in
4 town on a full-time basis and does this on the side.

5 MS. COLLINS-BURROUGH: What's his full-time job?

6 MS. CAUDLE: He's CEO of -- (inaudible).

7 MS. COLLINS-BURROUGH: Clearly not developing
8 programs?

9 MS. CAUDLE: I don't know, but --

10 MS. BURCHETT: Okay. But does what he's working on
11 have anything to do with our licenses being printed and
12 put out?

13 MS. CAUDLE: Yes. Yes.

14 MR. LOUTHIAN: Yeah. The database is used for
15 several things. It's just a -- it's in a major --
16 (inaudible) -- table, for the most part. And it's just a
17 string of data information, and you pull different pieces
18 of it and do different things with it.

19 MS. BURCHETT: So he's messing us up on license
20 renewals occasionally? Is that --

21 MR. LOUTHIAN: I don't think the data information is
22 being damaged. I think what's happening is, is that when
23 he does something over here, he comes in and now it won't
24 access the information the way it should or doesn't pull
25 it in a timely manner; and then all of a sudden, it

1 stalls out. At least that's what I --

2 MS. CAUDLE: He forgets the link, I think is the
3 problem. He's forgetting to link all these different
4 tables together.

5 MS. BURCHETT: I mean, I think you should have full
6 reign to handle him, but I think he needs to be handled.
7 And then we get what we -- our time that we've paid for.
8 And then I'm thinking it sounds like we might need to
9 find somebody that does this on a full-time basis, or
10 something, that can come in here where the problem is and
11 fix it from where -- not his home. That's just a
12 suggestion, just from what I'm hearing. But we
13 definitely need to continue to work with him and get
14 everything that he owes us. And that's not to say that
15 he's not good or good at what he does. I don't think he
16 might be in a position to do the job we need.

17 MR. SHIRLEY: You all will be meeting again when
18 next? In July? If I can have between now and that date
19 to do what we need to do, see what we can do with him and
20 come back to you in the July meeting and report to you on
21 that and see if we've debugged enough to satisfy us in
22 the office that we're getting where we need to go. If
23 not, I'll let you all know that so that we can certainly
24 shift years at that point. We can find someone else who
25 has the capability of working with what he's got or

1 seriously looking at GL Suites or others as well.

2 MS. CAVER-BLADE: Sounds like a great idea. Should
3 we make a motion to give him until the next meeting?

4 MS. COLLINS-BURROUGH: Well, let's extend it through
5 December, and then you can report in July and --

6 MS. AKARD: Well, at this particular point, there is
7 no possibility of -- I mean, at \$200 -- 200 hours at \$75
8 an hour, that's \$15,000.

9 MS. CAUDLE: But he's already been paid for those,
10 Tracy.

11 MS. AKARD: I know it, and there's no --

12 MS. CAUDLE: But we can't get a refund, so we might
13 as well take the --

14 MS. AKARD: Are you sure he doesn't want out?

15 MS. WARD: Well, it's going to cost us more than
16 that to try to get somebody else in here to --

17 MS. AKARD: I'm thinking he might want out.

18 MS. COLLINS-BURROUGH: What's going to guarantee him
19 to come and fulfil those 200 hours?

20 MS. CAUDLE: Oh, he will. I know where he lives.

21 MS. WARD: I'm puzzled why we got him, I guess, to
22 begin with.

23 MS. CAUDLE: I will tell you --

24 MS. COLLINS-BURROUGH: We can't focus on the whys.
25 We have to focus on the whats.

1 MS. WARD: So we need at least six months to see if
2 we can't resolve it; and hopefully, you know, it's
3 resolved way before then.

4 MS. CAUDLE: On the phone call from him Friday, I
5 think I finally made him understand how the student hours
6 work. I'm not sure. And I think that's the problem. If
7 I can make him understand how everything works, then
8 maybe he can develop the program to work accurately. But
9 making him understand what we needed to do -- he moves so
10 fast; and so I just say, "Slow down just a minute; you
11 know, it needs to go this step, this step and this step."
12 If I can make him understand, he does a pretty good job.
13 So --

14 MS. COLLINS-BURROUGH: So when he comes and works on
15 them, is he here for a perked of time; or is he here for
16 a few minutes here, a few minutes there, and a few
17 minutes somewhere else?

18 MS. CAUDLE: Just a few minutes.

19 MS. COLLINS-BURROUGH: No wonder.

20 MR. SHIRLEY: Generally, he's here a brief period of
21 time. I don't know that he's been in the office for more
22 than an hour at any given time.

23 MS. CAUDLE: He works on his lunch hour.

24 MR. SHIRLEY: Instead, he -- (inaudible).

25 MS. WARD: If he works on it, that's on his lunch

1 hour?

2 MR. SHIRLEY: If he works on it, then --

3 MS. WARD: If he only has a couple of minutes -- he
4 needs to spend enough time so he can understand how the
5 process works so he can go back and work on it before --
6 if he doesn't fully understand what he needs to be doing,
7 how can he work on it? So --

8 MS. CAUDLE: That's what I'm saying. I think I'm
9 trying -- if I can make him understand -- and I think
10 he's finally getting some of it.

11 MS. PICKERING: Can I add something? So,
12 Mr. Shirley, you're wanting to try to get this together
13 by July, our next Board meeting, and come back with us?
14 Is that what you're saying?

15 MR. SHIRLEY: I would like to have that time frame
16 to really, if we could say this, put the squeeze on Lance
17 to produce as much as possible between now and then. And
18 then I can report to you all that we're having some
19 measurable success with getting this Access Database up
20 and running as it needs to be and fulfilling our needs in
21 that area; and if not, at the same time, then I'll be
22 looking at other -- even visiting with other boards and
23 commissions about what they're doing with GL Suites and
24 other software programs and see what the options would be
25 if we do need to move away from Access.

1 But if we can extend that contract through
2 December 31st, I think even if we are going to move to
3 something else, we've got to keep him online until we've
4 had the time to work through and prepare for a transition
5 to something else.

6 MS. BURCHETT: Madam President, I move that we give
7 Mr. Shirley authority to continue the contract with Lance
8 through December 31st and to work with him to try to
9 resolve as many problems as we can until these 200 hours
10 have been fulfilled, and also to visit other boards and
11 commissions and research what our options are and have an
12 answer for us by the July meeting as to which direction
13 he would propose.

14 MS. COLLINS-BURROUGH: Second.

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

16 (WHEREUPON, motion was unanimously passed.)

17 MS. CAVER-BLADE: At this time, I would like all the
18 Board members to introduce themselves to the office staff
19 and the inspectors, because there are new people that --

20 MR. SHIRLEY: And then the office staff and
21 inspectors to give an introduction of yourselves as well,
22 so that everybody knows who everybody is.

23 MS. CAVER-BLADE: Starting with Ann.

24 MS. PICKERING: Ann Pickering.

25 MR. FOREMAN: Acie Foreman.

1 MS. WARD: Barbara Ward.

2 MS. AKARD: Tracy Akard.

3 MS. BURCHETT: Scottie Burchett.

4 MS. CAVER-BLADE: Cathy Carver-Blade.

5 MS. COLLINS-BURROUGH: Susan Collins-Burrough.

6 MS. HOPPER: Nellie Hopper.

7 MS. CAUDLE: Sheila Caudle.

8 MS. LESTER: Lavonne Lester.

9 MS. HORNER: Rose Horner.

10 MS. JACKSON: Pat Jackson.

11 MS. MORGAN: Brenda Morgan.

12 MR. SHIRLEY: Stand up, please, back there in the
13 back.

14 MS. CRAVOTTA: Teri Cravotta.

15 MR. BELL: Gordon Bell.

16 MS. FRIERSON: Angela Frierson.

17 MR. SHIRLEY: Angela Frierson and Teri are our
18 current office staff, and I do have one open position
19 that we're hopeful to fill really quickly. I'm pleased
20 at this point with my -- with the office staff who are
21 already here that are in this room today. Thank you.

22 MS. FRIERSON: Can I leave now?

23 MR. SHIRLEY: Yes.

24 MS. CAVER-BLADE: Paul, are you going to give us an
25 update on renewals? It says, "Renewals, Department of

1 Finance." Where are we at?

2 MR. LOUTHIAN: Well, we're making progress. When we
3 started out, there were 63 boxes of licenses and money
4 sitting around in various places outside of your offices.
5 We're down to six boxes. Four of those are fairly small;
6 about 175 licenses to the box and about 300 in the other
7 two boxes. We think that we will have the ones that are
8 good, clean renewals out by the end of next week and,
9 hopefully, have most of the problem solved by the middle
10 of June. And like I said, when I said "problems"
11 earlier, if you may have a problem with a license; has it
12 been issued yet or has it not been issued or where's
13 the -- matching money up sometimes with the license
14 renewal if someone sent out a cashier's check and didn't
15 have their name on it or their address, or whatever.
16 It's amazing what people send sometimes and think you'll
17 figure it out for them.

18 MS. COLLINS-BURROUGH: Because we always have.

19 MR. LOUTHIAN: Well, I understand. I've seen this
20 before. It's just amazing sometimes what people think
21 you're capable of doing. I currently have five people
22 still working here, and one of them is going to come back
23 to the office -- to my office tomorrow. That will leave
24 four people here. Melanie is really working on a
25 part-time basis at this point. Depending on how many

1 people are there, how many computer systems are being
2 used, if there's a vacant computer, she comes in and
3 works either on Mondays or Fridays. So we're maximizing
4 utilization of the equipment and continue to work those
5 problems out.

6 I talked to Maurice a week ago, Friday, about the
7 staff and the staffing and where we were at and what was
8 going on. And I made a commitment to him at that point
9 in time that even if we pull back out as you replace this
10 other person and figure out what staffing you need and
11 what that expertise needs to be, we will be back on an
12 as-needed basis to continue to see that the progress is
13 made to the point that they're self-sufficient. They
14 understand some of the accounting issues that we've
15 encountered. And when I say that, what I'm talking about
16 is the receiving of money has a procedure that should be
17 followed; disbursing money has procedures that need to be
18 followed. And it's not uncommon in a small board or
19 commission for those procedures to not necessarily be
20 adhered to, either because of the size of the group
21 that's working it -- they don't have enough people to
22 segregate duties in the way that they should or they
23 simply have never been through training and the State
24 policies and procedures.

25 So just to be honest, we're going to use y'all as

1 kind of the guinea pig and then try to bring in some
2 people and do training and stuff. This is something that
3 will be ongoing with other boards and commissions as we
4 go forward over the next year or so. We've developed
5 some training for new finance people. It's about a
6 two-day course that the FA is going to start offering to
7 State agency personnel every day. So we're going to use
8 y'all as kind of a test client on that stuff to work out
9 our bugs. Just like I told you about, you can either
10 work out the bugs behind the scene, or you can throw it
11 out there and see where it lands. So we're going to do
12 some of that with y'all.

13 But we're getting to the end of the process of the
14 renewals, and I think now we need to, maybe, be somewhat
15 involved in seeing what you're going to do starting
16 January 2010 about how that's going to work and thinking
17 through some of those processes and what alternatives
18 might be better than what you currently have. And
19 Melanie and I will certainly be willing to work with you
20 on that basis, if necessary.

21 MS. CAVER-BLADE: So it sounds like June 1st we
22 actually might come to a deadline.

23 MR. LOUTHIAN: Yes.

24 MS. CAVER-BLADE: That's awesome.

25 MR. LOUTHIAN: But those are the problem issues, and

1 you're always going to have that. But we will have it
2 on-hand, in-house, ready to go, yes, June 1st.

3 MS. BURCHETT: Do you think that -- Mr. Shirley, do
4 you think -- and then Paul, too -- that maybe we should
5 have some sort of newsletter going out pretty soon just
6 to -- because I still have -- I still have people asking
7 me all the time, "You know, "I still don't have my
8 license, and I'm really concerned." And just to let --
9 just to get the word out that if you have not received
10 your license by a particular date, that you do need to
11 contact the office because theirs may be one that, you
12 know, something is hanging on the wall in there waiting
13 to hear from that person, you know; because I know the
14 problem ones -- how are you going to know -- how are we
15 going to know who has a problem out there and they don't
16 have a license until an inspector just happens to walk in
17 and --

18 MS. CAUDLE: They can actually call the office; and
19 the way Melanie has those loaded, we can look them up by
20 Social Security number or their name to tell them whether
21 they're in the problem box or not.

22 MR. LOUTHIAN: Yeah, I would -- I think that's a
23 great idea. I think I would sit down and put in there --
24 think through and put in the letter, "Here's the
25 information you need to have before you -- when you call

1 so that we can give you the prompt service that you would
2 like to have." But I would think through what are
3 possibilities; you know, name, Social Security number; if
4 they have a check that's been cashed, you know, the day
5 the check cleared your bank, how much it was for; any of
6 that information that would help us go back through and
7 trace everything we need to trace through before we issue
8 the license.

9 MS. AKARD: You said that you have all but maybe 500
10 that are done?

11 MR. LOUTHIAN: 500 to 600.

12 MS. AKARD: Okay. And for us to send out -- how
13 many newsletters -- doesn't that seem a little
14 ridiculous, unnecessary? And myself -- I haven't gotten
15 one; and I sent mine in, in December. And all I did
16 was -- and I was concerned about the June deadline -- I
17 just called the office, and they pulled me right up and
18 said we're going to have yours by such and such. So if
19 you're going to have all those out -- if you're going to
20 send out all those newsletters for 500 people, we're just
21 running a tight budget.

22 MS. BURCHETT: Well, that wasn't the only reason.
23 You know, I just think communication is important.

24 MR. LOUTHIAN: I understand what you're saying, and
25 I'm not trying to help you make a decision one way or the

1 another.

2 MS. BURCHETT: I'm just saying --

3 MR. LOUTHIAN: But if you're going to send that out,
4 you're right, you need to put some things in there about,
5 "Here's what we've been through; here's where we're at."
6 You know, as much as anything, you're right, some PR
7 would be involved in that also. I don't know that I
8 would make a five or six-page letter. I think I would
9 try and keep it down to a page.

10 MS. BURCHETT: Or at least more information up on
11 the web site so -- just to keep people updated. We could
12 get some current information on the web site so they'll
13 know. And I can just say, "Go to the web site, and the
14 answer should be there."

15 MR. LOUTHIAN: If you're going to do it at all,
16 you're right, I would put more in there than just "call
17 us." You're also right that if you've got -- what 20,000
18 licenses at 45 cents or 42 cents for postage, then --
19 well, I guess you could get a bulk mail rate, but still
20 you're talking about some money to put it out. But you
21 also have some PR issues at this point, too, I'm sure.

22 MS. WARD: They were already notified that it was
23 extended to June, so they're -- you know, we didn't say
24 June 1st or June 30th, you know, and to call in May -- if
25 you haven't received anything, to call the office in May.

1 And they should know their Social Security number to give
2 that and their name, so you're not asking for something
3 that wouldn't be -- that they shouldn't know.

4 MR. LOUTHIAN: What I'm saying, though, if the
5 Social Security number was miskeyed --

6 MS. WARD: Yeah.

7 MR. LOUTHIAN: -- and that's all you have, you know,
8 just, here again, having worked through some issues in
9 other places, anything you can think of in your database
10 that you can key back to, you need to have all those
11 elements so you get one phone call and one solution.

12 MS. BURCHETT: We just need some positive PR out
13 there and some encouraging PR. And, you know, it doesn't
14 have to be a newsletter, but at least -- at least on the
15 web site. We have a few black eyes that we really need
16 to work on.

17 MS. MORGAN: I have an idea about that. What about
18 just send it to salons? Word gets out from salons, and
19 we have lesser numbers of salons than we do
20 practitioners. Tell me that news doesn't travel from the
21 salons. It does.

22 MS. BURCHETT: The ones who are in the salons are
23 the ones who are so concerned.

24 MS. MORGAN: That's what I'm saying: If you could
25 just send -- if you're going to cut down on the money

1 thing on the postage, just send them to the salons where
2 we only have 5,000 to 6,000 salons instead of 30,000
3 practitioners. That would help out on the postage, and
4 the word is going to get out there.

5 MS. CAUDLE: Plus the salons usually have a good
6 address, and practitioners usually don't. They've got so
7 much mass mail out there that's undeliverable. You know,
8 out there in the field, there's a lot of people that do
9 not have them. But I feel like I'm an adult; they're an
10 adult; they should be responsible for checking on their
11 own license, too. That's one of my ideas as a
12 practitioner. The license type and renewal process that
13 you --

14 MR. SHIRLEY: I'm glad Paul is still in the room,
15 because he has, perhaps, some insight with his staff
16 working on that. But this is in reference to -- current
17 licenses that we're issuing out of this office is the
18 little plastic ID cards. Again, this goes back to one of
19 my questions that I've sat and talked to Sheila and said,
20 "Why are we doing these cards as opposed to the old
21 process or some other version? What was the problem that
22 we were trying to fix?" This is one of those times that,
23 from the field, her response is, "There wasn't a really
24 serious problem that required this level of change and
25 this level of investment of funds for this Board to make

1 this change." And it is very problematic. It was a
2 problem to begin with, and I anticipate that it will be
3 an ongoing problem as we even get into renewals in 2010,
4 even with the renewal dates being by birth dates.

5 The limited data that I've gotten from Lance at this
6 point indicates that we'll have, on average, 1,000 to
7 1,200 renewals per month. And when you calculate that by
8 the length of time it takes per license to process those,
9 we will need at least one additional staff person in this
10 office just to make that happen. We'll need an
11 additional person working with everybody else in that
12 office to make it happen on an ongoing basis. And I will
13 tell you right now I don't see -- we've prepared the
14 budget for the next fiscal year; and beyond that, I don't
15 see where the funds are at even with -- even with -- I
16 know you all are considering making increases in some of
17 the fees. Even with that, I don't know that we've got
18 the funds there to add an additional person to my staff.

19 And then beyond that, we've still got an issue with
20 the printing devices that are problematic. Anywhere from
21 one to two at a time are breaking down, and their cost is
22 not -- it has not been worth the effort and investment
23 that this Board has made to go to that type of license.

24 There are some alternatives. I have -- in the
25 limited time that I've been here, Paul pointed me in the

1 direction of one office. I walked upstairs and talked to
2 them. They've got a three-part license similar to what
3 you used to use. But there's a place at the bottom of
4 it, if you want a picture ID on there, that's laminated.
5 This one had -- (inaudible) -- I was going to bring it
6 down. It's laying in my office; but if you want to see
7 it, come by as you leave and I'll show you. But you can
8 send that out to each person who gets a license. They
9 can put their picture on there and it's self-laminated.
10 They can pull the piece of laminate material from the
11 back and stick it over the front, and you've got the
12 laminated picture ID, if that's what this Board so
13 desires.

14 MS. HOPPER: Is there a problem with -- has there
15 been a problem with the license and people not knowing
16 who they were? I mean, is that -- I mean, is there a
17 need for a picture? Have y'all had them in the salons?

18 MS. CAUDLE: The law is that they have to be able to
19 produce a Government-issued photo ID when we go in to
20 inspect. In some of our salons, some will not produce
21 that. But --

22 MS. HOPPER: So you feel like that's a need?

23 MS. CAUDLE: No, I do not. Sometimes we've had -- I
24 feel like that salon owner should be held responsible.

25 MS. HOPPER: I agree. That salon owner should know

1 who that person is and should have their photo ID or -- I
2 absolutely agree. And if they refuse, then --

3 MS. CAUDLE: Then that's a violation.

4 MS. HOPPER: And that would eliminate having to do
5 another piece of paper and a laminated picture. And I
6 don't know if that -- I mean, that's just more work for
7 the staff members to do all that, I would think -- just
8 me.

9 MR. SHIRLEY: Changing that license process has
10 dramatic -- I just can't emphasize that enough, to think
11 how much increased work goes into producing those plastic
12 IDs as opposed to the three-part license that you've
13 issued in the past. Again, I wish I could give you some
14 rationale and logic justification for why that decision
15 was implemented, but I can't at this point.

16 And I would like to bring to you -- and I'll do some
17 further research if that's what you all want, with what
18 your pleasure is at this point -- to go back to the
19 traditional ones, once we get through this period, to
20 work it out to begin issuing the old type of license or
21 to look at other alternatives and bring that report back
22 to you in July, as well as to tell you what other
23 alternatives are there.

24 MS. AKARD: But what you are already having the
25 schools do, we're no longer getting the badge type.

1 We're getting the paper, so -- and we are attaching the
2 photo. So we're meeting that law requirement, because
3 we've got to do that until we choose to have the law --
4 try to have the law changed, which I can't imagine is
5 going to be a big deal. So if -- so there is a solvable
6 problem -- I mean, to go back to a paper way of doing
7 that and having people attach their photos; because,
8 again, already the school thing has been solvable. And
9 we're not even required to laminate that, but the
10 laminate is not a big issue. But that, in itself, has
11 been helpful, has it not, for y'all to go through the --

12 MS. CAUDLE: It has helped. It has. And the way I
13 see it is for us -- I told him just to make the box
14 there; you guys can fix your own photos when you get it;
15 and then if the photo is not on there, it's a violation
16 when the inspector comes in. So that is working.

17 MS. AKARD: Absolutely. And we're able to do the
18 photos there at school.

19 MS. CAUDLE: Right.

20 MS. AKARD: And --

21 MS. CAUDLE: Print them off and --

22 MS. AKARD: It works out just fine. And the size of
23 them now is smaller than they used to be. And, yes, it's
24 very expedient and works out well.

25 MS. JACKSON: You know, Texas licenses three or four

1 times more than we do. And this was suggested before
2 this card thing ever came about. They leave that little
3 square open on their license, and that practitioner or
4 salon owner is required to put that on there. And as
5 Sheila said, it's a violation if the inspector goes by
6 and that photograph is not there. So, you know, it's
7 quite easy, if you're in doubt and in a salon and that
8 photograph is there, to say, "May I see your driver's
9 license or a photo ID," so that the inspector can compare
10 that and see, you know, that is the proper person up
11 there. They made that transition, and I'm sure they
12 didn't spend near the money we did for it. It works very
13 well, and they're -- you know, they are very disciplined
14 about that photograph, because it's a healthy fine if
15 it's not up there. So --

16 MS. HOPPER: So what you're saying is to do the
17 photo ID, but that's the responsibility for either the
18 school owner or the --

19 MS. JACKSON: The practitioner or the salon owner is
20 responsible.

21 MS. HOPPER: Okay.

22 MS. JACKSON: And like I say, Texas leaves a little
23 square with a little perforation around it, little dots
24 around it, to show that their photo goes in the left-hand
25 corner or right-hand corner or whatever you decide. And

1 they put it on there themselves. They don't have to go
2 to the expense of going to get a passport photo. It just
3 has to be one that will fit in that square and is
4 current. I think they do say current photo. So when
5 they renew every two years, you have to change that
6 photograph.

7 MS. BURCHETT: Mr. Shirley, do you know what it
8 would cost to do the license like the one you saw
9 upstairs?

10 MR. SHIRLEY: It's very inexpensive. I don't -- I
11 think she gave me a figure. But I'll tell you one of the
12 things that really caught my attention, and I focused on
13 that more than the price, was the time that it takes to
14 do that. And this is the Speech Pathology Board, and
15 they have fewer to license than we have. But they
16 actually have it set up at this point where they can do
17 their renewal online. She goes in once a day and pulls
18 it down, and it takes her about two minutes max -- I
19 think two minutes is what she was saying -- to print
20 out -- to pull the information from the web site and then
21 put it over to their database and then hit the print
22 button, and it prints out however many of them that are
23 renewing on that particular day.

24 MR. LOUTHIAN: Does the number 40 cents a license
25 versus 75 cents or so a license -- that's in the

1 ballpark, I'm sure.

2 MR. SHIRLEY: Yeah.

3 MR. LOUTHIAN: So, obviously, depending on the
4 quantity you're buying, they're anywhere from 65 to 80
5 cents a piece. My understanding is this other is on
6 State contract, and I think it's about 40 cents a
7 license.

8 MS. CAUDLE: But that's just for the card. That's
9 not counting the ribbons or anything.

10 MR. LOUTHIAN: Exactly. I'm talking about just
11 piece of paper for piece of paper. They're about
12 anywhere from 25 to 35 cents a piece, depending on the
13 volume that you're purchasing, times 20,000 people would
14 be about -- what -- 7,000 a year, maybe, difference in
15 the cost of just that. You're right, the ribbons and
16 stuff of these printers that we're using are very, very
17 expensive.

18 MS. CAUDLE: They're \$113 per ribbon, and each
19 ribbon only will do 100 to 120 licenses.

20 MR. LOUTHIAN: Your operating costs are probably in
21 the neighborhood of twice as much for what you have --
22 for what you could get otherwise, maybe even a third.

23 MS. BURCHETT: If we're going to be so low on funds,
24 maybe we should just have the colored paper like we did
25 before and leave the box in the corner for the picture

1 and --

2 MS. COLLINS-BURROUGH: I love that idea.

3 MS. JACKSON: You know, Scottie, when we go in as
4 inspectors, we know the change -- green, purple, yellow
5 blue -- and we can look. They post it on that wall, and
6 we can readily look and say, "Where are your 2007-2008
7 license" or da-da-da. We know exactly.

8 MS. COLLINS-BURROUGH: Saves you a multitude of
9 time.

10 MS. JACKSON: We know exactly. There's a place for
11 us to sign on the license that we've been there; there's
12 their birthday on there; there's the expiration date, the
13 number, the owner's name, the address. We get all that
14 information on paper, whereas we're quite limited with
15 this little card. We get --

16 MS. HORNER: If there's no address on the salon,
17 that's going to be a problem.

18 MS. BURCHETT: So we know it needs to change.

19 MS. HOPPER: Let's change it.

20 MS. CAVER-BLADE: Sell the old equipment. We have
21 to ask a couple of things in the office. I wonder what
22 we could get on E-bay.

23 MR. SHIRLEY: We've still got some time to work, I
24 think; because we've got to finish getting everybody one
25 of these new cards out first, and then we can begin

1 making the transition. We can work to January 1 of
2 implementing. So, again, if you would like, I can report
3 back to you further in July as to that.

4 MS. WARD: Why don't we make it in December, because
5 that's when a lot of people start sending in for their
6 renewals, so that you can start transitioning to the new
7 ones in December --

8 MR. SHIRLEY: Right.

9 MS. WARD: -- because you have some who are getting
10 licensed; but when they get it the next year, they will
11 be on the new type. So we can make the transition then,
12 and that way we'll get this done and then --

13 MS. COLLINS-BURROUGH: They're for two years,
14 though.

15 MS. WARD: Yeah, but you've got a lot of people who
16 are getting their license and we'll be having to do more
17 instead of waiting until January.

18 MR. SHIRLEY: I don't know how many at this point --
19 (inaudible) -- arguably, we will have some that will
20 be --

21 MS. COLLINS-BURROUGH: I understand that, because we
22 still have people graduating and taking the exam and all
23 that. The bulk of them won't be in December anymore, is
24 my point.

25 MS. WARD: No, not the bulk. But we'll start, so it

1 will be for the following --

2 MS. BURCHETT: So for the record, Madam President, I
3 move that we authorize Mr. Shirley to investigate the
4 different types of licenses that we could move to and
5 find out the cost for us and the processes and report
6 back to us at the meeting in July. And, if possible, we
7 could -- any licenses that are renewed for 2009 would
8 move to that -- to a new process, if that's feasible.

9 MS. CAVER-BLADE: Anybody second that?

10 MS. WARD: I second it.

11 MS. CAVER-BLADE: All those in favor? Anybody
12 against?

13 (WHEREUPON, motion was unanimously passed.)

14 MS. PICKERING: May I ask a question after we noted
15 yes? I think Barbara brought this out -- or maybe
16 Tracy -- the students that are graduating from these
17 schools, we need to make sure that the office is not tied
18 up with the licenses we've just gotten. We need to make
19 sure that we can do the transition for them. How do we
20 do that?

21 MS. WARD: Same way.

22 MS. PICKERING: Same way?

23 MS. WARD: Yeah; because when they pass their exam,
24 then they get their license. Okay? And then they will
25 start getting the new license. That gives us time to see

1 which way to do it, and you can design it for --
2 (inaudible) -- or however you want to do it and then put
3 their picture. And then we can decide on which one; but
4 then when the students pass their exam and get their
5 license, they would start in December getting the new
6 type of license.

7 MR. SHIRLEY: For right now, I think we should stick
8 with -- since we're issuing everyone one of these plastic
9 cards and the volume is slowing down, I think everybody
10 is going to end up with the plastic card at least one
11 time. Those who graduate up until the end of November or
12 beginning December 1, we can have the new process ready
13 to go online.

14 MS. CAVER-BLADE: Next on the agenda is "Outsourcing
15 Exams."

16 MS. GEE: Do we have a motion to take a break?

17 MS. CAVER-BLADE: Yeah, Let's take a 10-minute
18 break.

19 (WHEREUPON, a brief recess was taken at this time.)

20 MS. CAVER-BLADE: Call the meeting back to order.
21 At this time, I guess the next thing on the agenda is
22 "Outsourcing Exams." Maurice, you want to address that
23 one?

24 MR. SHIRLEY: Actually, if I could have Sheila talk
25 about that for a moment, outsource of exams and where

1 we're at on that.

2 MS. CAUDLE: Okay. The first thing I want to talk
3 about is Lasergrade. They have -- instead of sending us
4 sheets, every day Erika did talk to Suzanne with
5 Lasergrade, and they're sending those to us once a week
6 as opposed to two or three times every day. And that has
7 made things much, much easier for the staff to keep up
8 with.

9 The second thing I want to talk about on Lasergrade
10 is: Back last year, the Board approved a motion for us
11 to pay the \$30 fee for each student going to test at
12 Lasergrade. The way the budget is right now, we were
13 wanting to see if we could have that \$30 fee be paid by
14 the students instead of the Board paying that fee.

15 MS. AKARD: Can I say something about Lasergrade? I
16 haven't seen grades of my students in months. And why is
17 that a big deal? It is a big deal, because we have to
18 have those scores for -- we have to have those scores.
19 That is a requirement for schools, that we have those
20 scores, but I have not seen scores in months.

21 MS. CAUDLE: They are in the office. Tracy, to
22 address that, they are in the office. There just has not
23 been the manpower to get those out. At some point, when
24 we get everything caught up, Teri and I are going to sit
25 down and prepare those reports and get them to all the

1 schools. There just has not been manpower to get it
2 done.

3 MS. AKARD: Well, that's good to know, that they
4 are --

5 MS. CAUDLE: They are there.

6 MS. AKARD: And, you know, I don't -- I don't like
7 to call for something like that, you know, and I don't
8 ever -- I never encourage my students to call, because
9 eventually they'll get the --

10 MS. CAUDLE: Last month, she did start getting the
11 list prepared for last month's exams. So we'll have to
12 just go back and recoup the previous ones and get those
13 to you; but last month, she did get that done. There
14 just hasn't been anyone in there to train to try to get
15 them out to everyone.

16 MS. AKARD: Well, I'm just glad to hear that they
17 are coming down the pipe.

18 MS. CAUDLE: They will.

19 MS. BURCHETT: Sheila, do we get the breakdown from
20 NIC?

21 MS. CAUDLE: The breakdown sheet?

22 MS. BURCHETT: The breakdown of their practical
23 course?

24 MS. CAUDLE: Yes.

25 MS. BURCHETT: Does that come from NIC?

1 MS. CAUDLE: Yes. We do have it.

2 MS. BURCHETT: That comes to you?

3 MS. CAUDLE: Uh-huh.

4 MS. BURCHETT: Can we not just request that from
5 NIC? Can they not -- you know, I really think we can.

6 MS. CAUDLE: You probably can. I don't know that
7 they would send it to each school owner. I'm not sure
8 about that, Scottie.

9 MS. BURCHETT: They did in the past, I mean, when I
10 asked for it, because it had been --

11 MS. CAUDLE: We get the grades from -- SMT is who
12 the grades come through -- (inaudible). They send us the
13 breakdown on the written exam, and then NIC sends us the
14 breakdown -- I'm not sure if it comes in from NIC or PCS
15 at this point. We get the e-mail telling us the scores,
16 but we do have the breakdowns. I just have to find out
17 who actually e-mails them to us, but we do have all the
18 sheets up there.

19 MS. BURCHETT: I did receive it from NIC.

20 MS. CAUDLE: It has "NIC" in the heading, but I'm
21 not sure that it comes directly from NIC.

22 MS. BURCHETT: I just wonder if they -- if they can
23 send it to the schools, why don't they do it instead
24 of --

25 MS. CAUDLE: Probably because all the students come

1 to us in alphabetical order when they send us our e-mail;
2 and they're probably not going to sit there and break out
3 all the names, which is what we have to do to send it to
4 each individual school. I'm probably thinking that
5 they're not going to do that.

6 MS. BURCHETT: It came from NIC with my school's
7 heading on it and my students on it.

8 MS. CAUDLE: Yeah.

9 MS. BURCHETT: So I'm not sure. I bet they have it.

10 MS. CAUDLE: When was that?

11 MS. BURCHETT: After the last school overview
12 whenever I had asked for the last -- for the past year,
13 for a breakdown of my scores.

14 MS. CAUDLE: Did any other school get that, or you
15 specifically asked for that?

16 MS. BURCHETT: I specifically sent an e-mail and
17 asked; and they sent it to me, and it was not a problem.

18 MS. AKARD: We received it.

19 MS. CAUDLE: That's something we can check on.

20 MS. BURCHETT: Because anything that -- any data
21 they have that they can share with the schools that you
22 guys don't have to --

23 MS. CAUDLE: It would make our lives much easier.
24 Hello? I mean --

25 MS. BURCHETT: I mean, I think it should be part of

1 their job. And we may have to ask for it.

2 MS. CAUDLE: Right.

3 MS. BURCHETT: But that's fine.

4 MS. CAUDLE: If we can just ask for it and receive
5 it, I'm not bashful. I can ask.

6 MR. SHIRLEY: We'll ask.

7 MS. CAUDLE: So we really need to decide on the \$30
8 fee, what you guys want to do there.

9 MS. PICKERING: Excuse me. I have a question. I
10 thought we voted on that the last --

11 MS. CAUDLE: We voted on it in a committee meeting,
12 but it's never been before the Board for a formal vote.

13 MS. HOPPER: Now, who is paying the fee now?

14 MS. CAUDLE: We are.

15 MS. HOPPER: Why?

16 MS. COLLINS-BURROUGH: Don't ask why; ask what.

17 MS. CAUDLE: There was money in the budget earmarked
18 "exam." And Cathy just adjusted that, since it was
19 there, that we might as well spend it and use it for the
20 students.

21 MR. SHIRLEY: I would recommend to you that you vote
22 to let those students pay their own expenses. I don't
23 know of any other board or commission that pays the cost
24 of testing for prospective license holders.

25 MS. COLLINS-BURROUGH: Madam Chair, I would like to

1 make a motion that we rescind the \$30 fee that we are
2 paying for students.

3 MS. PICKERING: Second that.

4 MS. CAVER-BLADE: Any discussion?

5 MS. BURCHETT: Can that money be reappropriated, if
6 there's anything left, so it can be put somewhere else
7 for students?

8 MR. SHIRLEY: I believe it can be.

9 MR. LOUTHIAN: It's all the same appropriation.

10 MS. CAVER-BLADE: Any more discussion? All those in
11 favor or any opposed?

12 (WHEREUPON, motion was unanimously passed.)

13 MS. CAUDLE: As far as PCS, I haven't heard any
14 complaints or anything. No one has called us with any
15 complaints on the PCS testing. Maurice did have the
16 opportunity, when they were testing, last week -- I think
17 it was last week --

18 MR. SHIRLEY: Yes.

19 MS. CAUDLE: I took him down, and he went in and out
20 two or three times to check out the testing area to see
21 what was going on. Everything seems to be running
22 smoothly there.

23 MR. SHIRLEY: I would say, just as an insight quote
24 for those of you here, that I'm coming in as a total
25 novelist observing that process since I've not been

1 through it before -- that it functioned -- I saw it
2 function very well. I would say there were a couple of
3 staff that I perhaps suggested to them that they work
4 with their staff on improving reading skills when they
5 were reading instructions -- the test takers -- that I
6 simply thought that it would be a little bit confusing to
7 have to be sitting there -- as nervous as you are when
8 you start to take an exam, to begin with, to have someone
9 who is halting and reading halfway through a sentence and
10 so -- but, overall, I thought it went very well, the
11 parts that I observed.

12 MS. GREEN: I've been hearing complaints in the
13 field that the students who are testing know more than
14 the examiners do.

15 MS. AKARD: Do what? What did you say?

16 MS. GREEN: The students know more than the
17 examiners that are examining now do.

18 MS. AKARD: Good. I hope they're that prepared.

19 MS. GREEN: That makes us look bad. That's -- we
20 need to do it ourselves.

21 MS. CAVER-BLADE: Any more discussion on outsourcing
22 of exams?

23 MS. BURCHETT: One thing I would like to say -- I
24 guess this is where it would need to be -- is the school
25 overview and the rater training is scheduled just like it

1 is for Arkansas every year, and I don't know why we've
2 got stuck with it being right when public school starts.
3 And I'm sure most -- well, a lot of private schools are
4 closed on Monday, so it usually doesn't affect them. But
5 it really affects us as far as being able to -- all the
6 instructors being able to come to the school overview.
7 And it is so important that every instructor -- I mean, a
8 lot of private schools don't even bring anybody, so they
9 must not care a whole lot anyway -- some of them must not
10 if they're closed on Mondays and they don't come to do
11 that. But, you know, I think every instructor that
12 possibly can should be there, because you hear it from
13 the person who is in charge of the test.

14 And in preparation with a student instructor
15 recently -- I get so frustrated every time I help a
16 student instructor with the process of getting ready to
17 go to Board, because it's -- I don't know who designed --
18 you write a lesson plan, and then you put it aside and
19 then do it a different way when you make a presentation.
20 You should write a lesson plan and then be able to use
21 that lesson plan to teach the class. So it's --

22 And so I called last week, in the middle of my
23 frustration, and said -- you know, talked about that and
24 got good comments and, you know, requested more help.
25 But, also, I said, "Why is our school overview always

1 when public school starts?" It's always then. And, you
2 know, we can take teachers out of the classroom two or
3 three or four weeks into the semester, but not the first
4 day of class. And he said, "Well, you know, that's just
5 when it's been." And I was talking to Kirby, so he's the
6 one that's coming to do it.

7 And so I said, "What?" I said, "Could we have
8 it" -- he said we couldn't have it any sooner, and he
9 told me all these dates. I said, "Well, can we have it
10 later?" He said, "Yes, but some of the examiners might
11 not be -- their time might not extend that far." He
12 said, "They only can examine for a year after they're
13 trained." And I -- and he -- we talked about it a while;
14 and he finally said that -- I said, "Well, who makes the
15 determination whether they would be allowed to train for
16 an additional month or six weeks or whatever?" You know,
17 maybe one exam might be all it would be. And he said,
18 "Well, PCS and I would talk about it; and I would tell
19 them, yes, it's okay for them to do one more exam, and
20 then we'll do the school overview." So, I mean, I don't
21 know who at the State decides, if it's you or --

22 MS. CAUDLE: Actually, I called Kirby to try to get
23 that rescheduled. And, actually, Francine Tilley at PCS
24 is the one who handles the scheduling, because we have --
25 with one our inspectors always has that week scheduled as

1 vacation. And I tried to get it rescheduled; and they
2 gave me the option of two weeks, and they said that's it.
3 And that's what Francine said. She said that's what
4 Kirby had told her.

5 MS. BURCHETT: Well, he opened his calendar up,
6 because I was pretty frustrated and he knew it, and --

7 MS. CAUDLE: Because we would like it changed.

8 MS. BURCHETT: He gave me the date of October -- and
9 it's on my desk; I'm sorry I didn't bring it with me --
10 but October -- about the third week, or so, of October.
11 And, you know, he said that testing would not be an
12 option -- I mean a problem -- he said because he would
13 allow them to test one more time or two more times if
14 that's what it took.

15 MS. CAUDLE: We were trying to figure out how we
16 could get Brenda in there one day; because either week
17 that they gave us, she was either going to be leaving
18 that day or coming back on one of those days.

19 MS. BURCHETT: So would it be Mr. Shirley? Would he
20 be the one to --

21 MR. SHIRLEY: We'll pursue that.

22 MS. BURCHETT: -- to call --

23 MR. SHIRLEY: We can make that change.

24 MS. BURCHETT: Well, his calendar books up pretty
25 quick. So I have his cell phone number if you need it.

1 MS. HOPPER: I have a question. I think I was
2 asleep. I want to go back to the statement that you made
3 about the exams and the students. Now, what did you say?

4 MS. GREEN: The comment that I heard was that the
5 students knew more than the examiners did that were
6 examining the students.

7 MS. HOPPER: Well --

8 MS. GREEN: But, you know, you hear a lot of things,
9 but still --

10 MS. COLLINS-BURROUGH: I've heard that as well.

11 MS. GREEN: -- that makes you think.

12 MS. HOPPER: Well, who are the examiners? I mean --

13 MS. CAUDLE: They're hired by PCS.

14 MS. HOPPER: Well, what's their -- I mean, who are
15 they?

16 MS. MORGAN: They're cosmetologists or --

17 MS. HOPPER: Oh, they are? Okay.

18 MS. CAUDLE: They're licensed.

19 MS. HOPPER: They are licensed?

20 MS. CAUDLE: They're licensed in our state. When
21 you go through the rater training, the rater training
22 teaches you the way the exam is set up. And it's just --
23 I mean, you have a statement there, and it's either a yes
24 or no answer for the exam.

25 MS. MORGAN: For clarification for Nellie, we all

1 take the training. We've taken it; the Board members
2 take it. These people that are testing have taken this.
3 They've taken it one time and examined this past year.
4 Am I correct? We've had outsourcing for this past year,
5 and those people are in there to test the students. We
6 no longer do the tests. It was Board members and
7 inspectors, and we no longer do it.

8 MS. HOPPER: Is that a good thing or a bad thing?

9 MS. MORGAN: That's for y'all to decide.

10 MS. COLLINS-BURROUGH: It's debateable.

11 MS. PICKERING: We've heard so many negative
12 comments about it, Nellie.

13 MS. HOPPER: So are we going to address it at some
14 point or --

15 MS. BURCHETT: I think that's what on the agenda
16 right now.

17 MS. CAUDLE: We have a contract with them until
18 2010.

19 MS. HOPPER: Until 2010?

20 COURT REPORTER: Excuse me. I need for y'all to
21 identify who is --

22 MS. CAVER-BLADE: Stand up. Say your name.

23 MS. TRAYLOR: Vita Traylor. I understand. I've had
24 the training numerous times. The way I understand the --
25 whoever they are -- that a list of eligible -- eligible

1 people was sent to them. And they took from the list
2 that was sent them by the director, and they just kind of
3 picked whoever fit the category to do that. So that's
4 the way they were picked. I don't know if they worked in
5 the last 30 years or not. Nobody knows. But that's the
6 way it was picked.

7 MS. COLLINS-BURROUGH: And they won't tell us.

8 MS. HOPPER: They won't tell us?

9 MS. TRAYLOR: Yeah, they told me. The people that
10 were qualified to do it --

11 MS. COLLINS-BURROUGH: They won't tell us how much
12 continuing ed they had or --

13 MS. TRAYLOR: -- or their name was left off the
14 list.

15 MS. CAUDLE: We did give our first electrology exam
16 this for PCS this last Monday.

17 MS. TRAYLOR: Who gave the exam?

18 MS. CAUDLE: I'm not sure. PCS. I don't know who
19 the examiners were.

20 MS. HOPPER: And they have a contract until 2010?

21 MS. CAUDLE: I think so.

22 MS. COLLINS-BURROUGH: Don't ask why.

23 MS. HOPPER: I'm not.

24 MS. BURCHETT: I would think if there were enough
25 complaints, though, that we could possibly look at

1 getting out of that contract.

2 MS. TRAYLOR: At one time, they said they could get
3 out.

4 MS. GEE: It's not impossible.

5 MS. HOPPER: What's not impossible?

6 MS. GEE: It's not impossible to get out of a
7 contract. I think you have to have something a lot more
8 concrete than what I've heard so far.

9 MS. CAUDLE: Can't get out of it until someone here
10 is trained to give the exam, because students are going
11 to be on hold and can't take exams. We weren't allowed
12 to do the rater training last year, so no one here is
13 qualified at this point in time to give exam -- because
14 you have to have that rater training once a year.

15 MS. BURCHETT: The law still states that the
16 inspectors can give the exam, but not the Board.

17 MS. HOPPER: Oh, so y'all can give the exams?

18 MS. CAUDLE: No, we can't right now.

19 MS. COLLINS-BURROUGH: They can't right now. They
20 didn't attend training.

21 MS. MORGAN: We didn't get our training. We weren't
22 allowed to.

23 MS. HOPPER: So you weren't allowed to get your
24 training?

25 MS. MORGAN: No.

1 MS. HOPPER: So you have to get your training before
2 you can do that?

3 MS. CAUDLE: Yes.

4 MS. HOPPER: How long does it --

5 MS. CAUDLE: You have to be recertified once a year.
6 It takes two 8-hour days, Saturday and Sunday.

7 MS. MORGAN: That's what Scottie was talking about,
8 was the change.

9 MS. BURCHETT: That's okay. You don't know unless
10 you ask.

11 MS. CAUDLE: It's called rater training.

12 MS. TRAYLOR: I would suggest y'all maybe talk to
13 Mary -- (inaudible) -- about changing the dates.

14 MS. BURCHETT: I just think it's very important to
15 try to get these dates changed, because all the
16 inspectors need to be trained; because if we do go back
17 to the inspectors and not a private testing entity, then
18 we have to have the inspectors ready to train -- to
19 examine.

20 MS. PICKERING: Can I ask a question about -- the
21 examiners can't do it all the time, though. We would all
22 have to rotate, wouldn't we? Because examiners, it would
23 take them off the road -- I mean -- I'm sorry -- the
24 inspectors, it would take them off the road too much.

25 MS. BURCHETT: Until the law is changed, only the

1 inspectors can do it. And if they are in the field every
2 day doing their job and not having to be in the office,
3 then one day a month --

4 MS. COLLINS-BURROUGH: It only takes two.

5 MS. BURCHETT: -- shouldn't be a problem. And it's
6 not all of them.

7 MS. CAUDLE: But it can't be done in one day with
8 us, because there's not enough of us. We have to go to
9 two-day testing when it's just us.

10 MS. PICKERING: And the law cannot be changed until
11 2010?

12 MS. BURCHETT: '09.

13 MS. PICKERING: '09. So they meet in '09?

14 MS. CAUDLE: Yes.

15 MS. PICKERING: And it can be changed in '09, if we
16 so desire as a Board?

17 MS. GEE: Yes. You're looking at probably a year
18 from now.

19 MS. HOPPER: So we can't do anything until then;
20 right?

21 MS. WARD: Now, the inspectors could start -- if
22 they had rater training, they could test them before
23 then, couldn't they?

24 MS. GEE: If you resolve the issue with PCS, yes.

25 MS. WARD: Before '09?

1 MS. GEE: Right. That's just the Board members,
2 though.

3 MS. WARD: Right.

4 MS. CAUDLE: And if you choose, there are rater
5 trainings all over the United States. You would just
6 have to send us to that rater training instead of having
7 the rater training come to us. You're always welcome to
8 go sit in with another state's training.

9 MS. WARD: So what we need to look at is how to get
10 out of the contract and have them have the rater training
11 to stop the outsourcing on the practical part of the
12 exam.

13 MS. GEE: If that's what y'all want to do, then --

14 MS. WARD: I think we need to do it -- the
15 inspectors.

16 MS. GEE: There could be significant costs
17 associated with that. Depends on how you move forward.
18 If you want to get out of the contract at any cost or if
19 you want to wait until you feel like you have reason
20 to -- I mean, in my discussions with PCS so far, I don't
21 think they're going to just let go easily. So --

22 MS. WARD: Well, we've got to see if we've got
23 enough complaints or legal issues that would be able to
24 help us get out of that contract.

25 MS. GEE: Well, basically, what you'd be looking at

1 is: You would have to have complaints; you would have to
2 talk to PCS about it; they would have to refuse or fail
3 or be unable to resolve them, which I don't think we're
4 at that point. That's what it sounds like. I mean, if
5 y'all -- I mean, I'm not suggesting to you that you try
6 to get out of the contract, because it doesn't sound to
7 me like it's a situation where that could be easily done.
8 But if you decide that that's what you want to do, then
9 that's what we can start working on. But I would not
10 suggest you do it lightly, I guess is what I'm getting
11 at. It may be that PCS would be amenable to letting us
12 cancel the contract. I don't know. I kind of doubt it,
13 but --

14 MS. WARD: Okay. Another question. On the money
15 that we would receive from the students taking the exam,
16 that would go to the Board office, you know, as an
17 additional income; whereas right now when they're taking
18 it, the Board gets nothing. Right?

19 MS. COLLINS-BURROUGH: We're getting in the hole.
20 We're paying. We're supplementing the students.

21 MS. WARD: Yes. But that's on the written part;
22 correct? Aren't we supplementing the written part of the
23 exam?

24 MS. CAUDLE: Yes.

25 MS. WARD: We're not supplementing the practical?

1 MS. CAUDLE: No.

2 MS. WARD: But we would have an income from there
3 that would help pay some of the cost.

4 MS. CAUDLE: They pay PCS \$65, and they pay
5 Lasergrade \$20, and we pay Lasergrade \$30.

6 MS. WARD: Right. So we would have an additional
7 income from the practical, and then we need to discuss
8 what the charges are going to be for that if we're going
9 to do that. But that would be an additional income which
10 would help cover some of the costs we have now that we're
11 not even recouping, because we have to pay for those
12 rooms and everything. And so that would be -- that would
13 help with our budget, that I can see. So we've got to
14 take all that in consideration.

15 MS. GEE: Well, one thing to just throw in there:
16 You don't necessarily have to be giving the exam in order
17 to charge more for the exam. There's not necessarily a
18 rule. You could say you're going to have to pay us \$15
19 or \$20 to cover the cost of the room and the staff time
20 to deal with the exams -- or start charging another fee
21 to the students for a license. I mean, that's not the
22 only option, I guess is what I'm saying. I don't know if
23 that would be -- if the main point is to get some more
24 income in, there might be some other ways to do that.

25 MS. WARD: But we need to watch to see if there's

1 anything that comes up legally that we can get out of
2 that contract without causing us any problems.

3 MS. GEE: If that's what y'all want to do.

4 MS. STRAUN: My name is Chris Straun. My question
5 is: I'm concerned that maybe we're still not testing all
6 the students that are eligible in a timely fashion. One
7 of the big concerns I had at the school when we were
8 beginning was that students would have to wait because of
9 the one day -- the one-day deal that we're doing. The
10 numbers, according to the data on the web site, there's a
11 huge difference. And when we were -- I say "we" -- I
12 mean you guys -- when you guys were testing and then the
13 next month we went to PCS, and the numbers dropped
14 significantly.

15 And so it's really hard for me to track -- as a
16 school owner, it's hard for me to track where my students
17 are in the process, and all that, without bugging the
18 office. You know, that would be my biggest concern with
19 PCS, is that it's hard for us to track them. And I'm
20 afraid -- with them only being testing one day a month,
21 I'm afraid there's some people getting lost in the
22 shuffle and they're having to wait longer than they need
23 to. That's my concern.

24 MS. CAUDLE: If that's happening, then they are not
25 notifying the Board office.

1 MS. STRAUN: As I said, though, Sheila, it's real
2 hard to -- you know, whereas before we would just send in
3 the application and it was a done deal. I mean, you guys
4 handled it and all that. And I know that it was a lot of
5 work; but it's really, really, really hard to track now.
6 You know, there's students shooting off here to take the
7 Lasergrade and coming up to do this, and it's just
8 difficult to --

9 MS. CAUDLE: When we done it, it was a whole lot
10 easier --

11 MS. STRAUN: Right.

12 MS. CAUDLE: -- paper-wise, tracking-wise,
13 time-wise.

14 MS. STRAUN: And as an accredited school owner, we
15 have to account for those students. I mean, we are
16 expected to -- like Tracy was saying about a report
17 earlier -- or someone -- you know, we have to have those
18 numbers; and if we don't have those numbers, they're
19 wanting to know why and all that. And, frankly, I can't
20 always answer why or --

21 MS. COLLINS-BURROUGH: And you're held accountable
22 if you don't have them.

23 MS. STRAUN: Yeah, we really are.

24 MS. BURCHETT: Sheila did re-implement the
25 application, which definitely helps the process as far as

1 coming from a school, and that way you guys know for sure
2 who is going to exams. But I think that a lot of -- I
3 know a lot of our students are not taking the exam
4 because of -- right then because of cost.

5 MS. CAUDLE: Cost, yes.

6 MS. BURCHETT: That has kept a lot of students out,
7 you know, that are ready for exam and not --

8 MS. CAUDLE: We have drawers full up there of people
9 that are ready and have been sent over to PCS, but they
10 have not made any action or anything to take it. But we
11 have drawers and drawers full of people that are ready;
12 that have been sent to PCS and ready for exam, and
13 they've just not taken any action.

14 MS. STRAUN: If you think it's the money, Scottie,
15 that's an issue, too, that maybe we need to look at.
16 Maybe it is too expensive for our students.

17 MS. AKARD: You know what? They know the cost ahead
18 of time.

19 MS. STRAUN: Well, they do now. But at the
20 beginning, the students --

21 MS. AKARD: They know ahead of time what the money
22 is that's going to be involved. And so, you know, it's
23 not -- it's poor planning on their part if they don't
24 have the money.

25 MS. BURCHETT: They have plenty of time to plan for

1 it.

2 MS. AKARD: Yeah, they've got plenty of time to plan
3 for the money. And that's priority. If it's not
4 important to them to pass that exam, then it's not
5 important to them and they're not looking at it the
6 proper way. And we don't need to be -- and I know we've
7 agreed not to subsidize it, but it's got to be important
8 to them to put toward that.

9 MS. STRAUN: I agree with that; but some kids just
10 don't have the money, and they are kids. And the ones
11 that are -- you know, I think we're going to evolve
12 into -- they do know what it is in the very beginning,
13 but most of these students now -- they thought it was
14 going to cost them \$30, and it's costing them -- I should
15 remember, but I don't remember. But, you know, I do
16 agree that they should, but this little group of people
17 that we're bringing through right now, that is not what
18 they signed up for. How long have we been doing the PCS
19 laser deal?

20 MS. COLLINS-BURROUGH: Right at a year.

21 MS. STRAUN: A year in September or October, so
22 still these kids are -- when I say kids -- our kids --
23 these students were not planning on that at the
24 beginning. And I agree that they should do it, but
25 they're still not working.

1 MS. COLLINS-BURROUGH: Well, I don't want to start a
2 trend either of them not getting their license and going
3 underground. I want them to want to get that license.
4 Some will; some won't, but cost should not be a factor.

5 MS. CAUDLE: But you've always had that. Through
6 all these years that I've been there, you have people --

7 MS. COLLINS-BURROUGH: I understand that.

8 MS. CAUDLE: -- that complete the training and never
9 take the exam.

10 MS. STRAUN: But drawers full?

11 MS. CAUDLE: Uh-huh.

12 MS. STRAUN: Okay. Well, maybe money is not an
13 issue.

14 MS. COLLINS-BURROUGH: We need to stop that somehow,
15 figure out a way to help them get licensed. That just
16 helps us -- this Board.

17 MS. CAUDLE: You know, they can complete their
18 training, but you can't force them to take the exam.

19 MS. COLLINS-BURROUGH: True. I understand that.

20 MS. CAUDLE: I'm just -- they go through the
21 training and decide, "This is not for me" and seek other
22 avenues, you know.

23 MR. FOREMAN: Would you say that is causing a lot of
24 bootleggers?

25 MS. CAUDLE: It could have a lot to do with it. It

1 could have a whole lot to do with that.

2 MR. FOREMAN: I know it can.

3 MS. PICKERING: We have some bootleggers in Earle,
4 too. But you know what? If a student wanted to go to
5 college, the parents of those students would make sure
6 they went to college. So we can't -- we can't
7 determine -- we can't make them pay. And we can't, as a
8 Board -- this is my opinion: We can't afford to
9 subsidize. I mean, that's just a fact.

10 MR. FOREMAN: (Inaudible).

11 COURT REPORTER: I can't hear you.

12 MR. FOREMAN: If they get the license, that would --
13 (inaudible) -- chairs to rent or whatever. Most of the
14 bootleggers are doing more work than the hairdressers at
15 home.

16 MS. WARD: Well, you've got bootleggers no matter
17 where you go; you're going to have them, and they're
18 always going to be there. And as long as they can get by
19 with it, they're going to. So if you hear about them, we
20 need to know about them so they can be surprised
21 sometimes. And that will help cut down. You know, but
22 then they're going to open up someplace else. That's a
23 problem we're always going to face, unfortunately;
24 because when they go to school, they have no intention of
25 taking the exam.

1 MS. PICKERING: Can I say something about the
2 bootleggers? And you probably know this. Most of the
3 bootleggers are barbers, which we don't control. You're
4 not supposed to go into their shops. That's just one
5 situation we have in Earle.

6 MR. FOREMAN: I disagree. Most of them are
7 hairdressers, and they're going in the kitchen and
8 shampooing. I think that's why we have so many diseases
9 passed around since the '80s -- all these other diseases.
10 We need more inspectors. We need to get out there and
11 get those people who --

12 MS. CAUDLE: Well, the way the new complaint system
13 is set up -- they used to complain, and we would get sent
14 out on that complaint. But when the grievance committee
15 met on that new complaint system that's set up,
16 everything has to be put in writing. People actually
17 have to sign their name to it. They won't do it, so we
18 don't get the complaints anymore. So it's just going to
19 grow. It's going to escalate, as far as working out of
20 their homes.

21 MS. JACKSON: We used to be able to take a complaint
22 in the shop. If Ms. Jones down the street is doing hair,
23 we would take that complaint and go straight to
24 Ms. Jones. Now we can't do that.

25 MS. BURCHETT: That's not passed the legislative

1 committee --

2 MS. CAUDLE: No. But Cathy and I did that for us,
3 and we were stopped from doing that.

4 MS. BURCHETT: Cathy didn't have the approval, if
5 I'm not mistaken, to override something that the
6 legislative committee should have to vote on.

7 MS. JACKSON: When you're given instructions to do a
8 job --

9 MS. GEE: There wasn't anything specific in the
10 rules about that before, so currently there's not --

11 (Multiple conversations going on at the same time.)

12 MS. BURCHETT: That's what I'm saying.

13 MS. CAUDLE: So no one is taking complaints over the
14 phone in the office unless it's done -- you know, they
15 have to give their name; they have to sign a document and
16 send it in and all that. And so that's why that is going
17 to escalate.

18 MS. JACKSON: But they actually can do it, is what
19 you're saying, Scottie?

20 MS. CAUDLE: Scottie is saying that --

21 MS. BURCHETT: It's not been changed on the hill.

22 MS. MORGAN: We've not been sent any complaints
23 since the committee has discussed all this. I haven't
24 gotten any written --

25 MS. CAUDLE: Over a year.

1 MS. MORGAN: In a good while. We were usually sent
2 written complaints that came into the office like "go
3 here; go there" just from a phone call, somebody --
4 Cheryl or somebody would run us down on that. Very few
5 I've gotten. I do get some complaints, and I have worked
6 a couple. And I have been successful at those, even
7 though I didn't get approval. Just this last week, I had
8 a couple.

9 But this is back about the students and the prices
10 and things. You know, the price -- and I'm not doing
11 this as a cut to anything -- any education cost, if it's
12 important enough to get that education, it should be
13 important enough to put back a little bit of Coke money
14 or pizza money to pay for that license. It was for me,
15 and I went to school when I was 16 years old. And, you
16 know, I was not 18 when I graduated from beauty school.
17 And so it was very important to get those license. I
18 know it was not as expensive then as it is now, but, you
19 know, that's the way it is. And I'm like Tracy. I think
20 it should be important to the person. If it's not, then
21 you know, they've just wasted their 1,500 hours and their
22 money. If it's not worth that little piece of money to
23 get their license or to take the test to take a
24 license -- I think it's important that they pay for it.

25 MR. SHIRLEY: I will say, in conjunction with that:

1 I've been sitting here listening to all this. I really
2 wondered about -- you know, if we're talking about \$100
3 to \$200 to go through this licensing process or taking
4 the test, how that compares to the fees and costs of
5 attending school to get the training to begin with. I
6 just -- I don't see how that is an impediment to somebody
7 moving forward and obtaining their license. And if so,
8 if it really truly is, is there some way to build into
9 the process of the schools so that they somehow pay for
10 it as they go through that process with the school? That
11 could become a part of the fees that are charged there so
12 that you all help them in that sense; if they're getting
13 a grant for something to attend your school, that you all
14 are helping them to pay -- prepay their cost of taking
15 the test.

16 MS. WARD: I think a lot of your bootleggers are
17 people who have dropped out of school or have not
18 attended, because we've got some in our area. They've
19 got their children working in nail salons that are not
20 even licensed. They're still in high school, 16 years
21 old. And, you know, this shouldn't be going on. But
22 they've got people working who aren't licensed, who have
23 never been to school or have dropped out. They just
24 learn enough to get by, and they think they know it all
25 and they're going out and doing it in their kitchen.

1 MS. CAUDLE: But they teach each other.

2 MS. STRAUN: Prior to changing over to PCS, I did
3 have the cost of the exam in my tuition. I think it was
4 on the contract; and if they dropped out, that was taken
5 out of the contract price and all that. If we get to
6 where we have a solid price, I can put it back in there.
7 Right now, though, we're paying \$30 or we're not paying
8 30 and it's 65. And if I could get real sure solid
9 numbers, I will put it back in my contract. And it's
10 unfortunate that that's the kind of students some of us
11 have. And, you know, I have some students, too, that are
12 just as sharp as they can be and others that just don't
13 do what they need to do. So if I can get good numbers, I
14 will put it back in my deal and I'll see to it that's
15 paid so they can do it; not a problem.

16 MS. AKARD: You know, we've kind of opened up
17 another can of worms in this discussion, too, about what
18 we can do; because I agree with Barbara, in that I don't
19 think that our bootleggers are the ones that are -- that
20 have completed 1,500 hours. They are people that have
21 dropped out or have never gone. That's probably an
22 element that we are going to have. But can we -- now
23 that we've made this discussion, can we not discuss it
24 further about what we can do about giving inspectors a
25 little bit more authority to inspect or investigate;

1 what -- you know, what -- can we not discuss this a
2 little bit more?

3 MR. SHIRLEY: Actually, I think -- I really think --
4 because as I'm understanding it, we do not have a rule or
5 statute that dictates that process. I think it's simply
6 an administrative process, and I would like to sit down
7 with my inspectors and work out how to make that help.
8 It is important for them to be able to respond to
9 complaints. So let me work with Sheila and the other
10 inspectors, and we will procedurally put that process --

11 MS. AKARD: And, you know, when Scottie was talking
12 about a newsletter or putting things on the web site,
13 then these would certainly be things, too, to add,
14 because salon owners and those working in a salon would
15 really like to know this type of information. So maybe
16 we can put this on the agenda for July to talk further.
17 But y'all have --

18 MS. CAUDLE: You know, in the old days, we would
19 just go knock on someone's door; and if they were doing
20 hair, we would just tell them that they were in violation
21 of the Arkansas State Board of Cosmetology law and write
22 it up and have them sign it and --

23 MS. AKARD: Do you not think that's the number one
24 complaint people have? You know, that's probably the
25 number one thing that I hear. It's not -- it's not

1 about -- in my 24 years, it's not been about anything
2 else but about that.

3 MS. CAUDLE: You need to have a license to work. I
4 hear it daily.

5 MR. FOREMAN: (Inaudible).

6 MS. CAUDLE: And I agree. I went to school and got
7 my license.

8 MS. WARD: But there's another aspect: When they're
9 working in their kitchen, they're not just in violation
10 of the State Board. They also --

11 MS. AKARD: It's sanitation.

12 MS. WARD: Well, yes, but also with the Federal
13 Government because of tax issues --

14 MS. CAUDLE: City codes.

15 MS. WARD: -- and City codes, yeah. That's -- if
16 you're doing work and getting paid and not getting that
17 on your taxes, that could be very serious. And just if
18 we had a list, if they get caught doing that, that their
19 name will go to them and just --

20 MS. CAUDLE: And we've all had training. We all
21 know how to do the investigations that way. We were just
22 stopped, so --

23 MR. SHIRLEY: I will work with the inspectors, and
24 we'll report back to this Board in July over that
25 process.

1 MS. WARD: That would be good.

2 MS. CAVER-BLADE: Did you have --

3 MS. JONES: Well, what I was going to say was -- my
4 name is Carla Jones.

5 COURT REPORTER: Thank you.

6 MS. JONES: Part of the problem that I find is that
7 the exam is only given one day. And they told us in the
8 beginning that they were going to test as many as they
9 possibly could and that if they had to work over into the
10 evening, that they would -- or the next day. Well,
11 that's not usually happening, because some of our
12 students are not being able to get in. I brought some
13 things in the Board for students to be tested, and the
14 lady said to me, "Do you realize that the deadline was
15 yesterday?" I said, "Well, is it full?" And she said,
16 "No, but they're going to have to wait until next month."
17 The problem with that is the students need to go to work,
18 and a lot of them are going to go ahead and go to work
19 because they need to work. So they're going to go to
20 work, and then they're going to get caught up and not
21 even go to boards. That's how a lot of them are getting
22 bootleggers and not being able to go to work, is because
23 they're not being able to get tested.

24 And the other problem that I find is: Part of my
25 job is to keep up and track the students and where they

1 work and what they do. Well, today they may take the
2 written, and then they don't get scheduled to go to
3 practical for another month or two because they don't
4 have time to get them in or they can't get them in. And
5 that throws my numbers off, because I can't keep up with
6 them. And then when they do test, they go ahead and go
7 to work and you never hear from them. So that's a
8 problem.

9 MS. COLLINS-BURROUGH: Or they do go ahead and take
10 their written and then fail the practical and they go to
11 work anyway.

12 MS. JONES: And they go ahead and go to work.

13 MS. CAUDLE: But what you just said was you brought
14 them in after the deadline. Anybody that meets the
15 deadline is making the exam.

16 MS. JONES: But she said -- I mean, even if they're
17 coming after the deadline, if they have space for them,
18 they should go ahead and let them test instead of making
19 them wait.

20 MS. CAUDLE: The way the function works is: We
21 prepare the list to PCS. We have a deadline with them in
22 order to get that list sent to them. Every name that's
23 on that list by that deadline, they get into exam. They
24 don't give us an extended deadline. We have one deadline
25 that we have to send to them.

1 MR. SHIRLEY: They did work after hours last Monday.
2 There were three different sessions -- three, at least,
3 that took place during day. And so it was 6:30, or
4 something like that, when they finished last week.

5 MS. CAVER-BLADE: Moving on to Statute and Rule
6 Revisions.

7 MR. SHIRLEY: We did distribute to each of the Board
8 members draft changes on those. This afternoon, we will
9 have committee meetings that you'll have an opportunity
10 to go back through and review those and discuss them.
11 But I think Erika --

12 MS. GEE: In the Board meeting about the staggering
13 of licenses?

14 MR. SHIRLEY: Yeah.

15 MS. GEE: What he's referring to is: The drafts I
16 put together of changes that the committee talked about
17 to the statute to get changed in the next session, and I
18 think -- and the people who are on the committee, please
19 tell me if I'm wrong -- but I think we incorporated all
20 of the things that we had talked about. And I did have
21 one question, because I know we talked about it -- I
22 don't know if we talked about it in committee or not.

23 MS. COLLINS-BURROUGH: Which page?

24 MS. GEE: On Page 4 -- I'm sorry -- not of the
25 rules, but of the statute. It's got "Draft" stamped

1 across the front of it. If you don't have one, I've got
2 copies.

3 MS. COLLINS-BURROUGH: I don't have it.

4 MS. GEE: It's the smaller of the two handouts.

5 MS. PICKERING: Erika, are you saying this one?

6 MS. GEE: No, ma'am. It looks like this
7 (indicating).

8 MS. WARD: That's not it either.

9 (Off-the-record discussion.)

10 MS. GEE: There had been some discussion before
11 about trying to figure out a way to stagger the renewals
12 so that everybody doesn't renew at the same time; so that
13 you don't have the entire group of licensees all renewing
14 in 2010. So if y'all want to talk about that, I don't
15 know if you want to try to -- how you might want to split
16 it up. You could split it up by all the cosmetologists
17 in one year and everybody else the next year or what
18 might work the best. But it would be less of a burden on
19 the office, I think, to do it that way. And if you want
20 to, we probably ought to talk about putting that in the
21 statute. So I want to bring that up. I think we might
22 have comments.

23 MR. LOUTHIAN: When you do that, take the time to
24 sit down and figure the financial impact and how that's
25 going to hit, because that will also have to be part of

1 your budget. And they'll be putting budgets together in
2 August and September of this year -- July, August,
3 September -- for the next two years. Okay? So you need
4 to make your mind up fairly quick, put some numbers
5 together, and see what it's going to do to you cash
6 flow-wise.

7 MS. GEE: And what we could do, incorporating that
8 suggestion, is make a revision to the statute but just
9 leave it more open-ended so that y'all can decide how you
10 want to make it happen and put it in a rule, which is a
11 lot more flexible than having to have it in the statute.
12 And so that's something you might want to work into this.
13 That was the point?

14 MR. SHIRLEY: I think so.

15 MS. GEE: Thank you.

16 MR. SHIRLEY: Sure.

17 MS. WARD: What are some thoughts from those that
18 have been working on it this year? What are some of
19 their thoughts?

20 MS. STRAUN: Is this time to -- is this public
21 comment time, or is --

22 MS. CAVER-BLADE: No.

23 MS. STRAUN: -- that going to be this afternoon
24 when -- are you going to go back over the statutes this
25 afternoon or just the rules? Like official comment time?

1 MS. CAVER-BLADE: No. As far as the rule-making
2 procedure, no. But I think there's -- I think your
3 comments are welcome.

4 MS. AKARD: Well, on what we were talking about, on
5 staggering, I mean, I would like to hear from Paul and
6 Sheila on some of their thoughts if they've been working
7 on it. I mean, I would like to hear staff thinking.

8 MS. CAUDLE: Well, anytime you change anything in
9 the cosmetology field, it's a state of confusion. I'm
10 sorry, but that's the real world. So -- but you could --
11 in 2010, you could go in there and do something like odd
12 and even years, or something like that; let the ones who
13 was born on an odd year renew for one year, the ones
14 that's born an even year renew for two years. It's going
15 to run into other confusion to get it changed, but I
16 don't know how to go about changing it where they're
17 staggered without causing confusion.

18 MS. AKARD: A through L.

19 MS. CAUDLE: Yeah, you could even do that, you know;
20 renew for one year and M through Z renew for two years.
21 So there's several options that you could choose there.
22 But, on the other hand, if we go back to the paper
23 licensing and them post their own picture, we could stay
24 like this and it not -- and the work could get done and
25 out of there and we wouldn't have to change anything from

1 the way it is.

2 MS. MORGAN: And have revenue every year.

3 MR. LOUTHIAN: Yeah. These are not independent
4 decisions.

5 MS. CAUDLE: Right.

6 MR. LOUTHIAN: You're going to have to sit down and
7 figure out, "If we change this, what ripples through" --

8 MS. CAUDLE: Right.

9 MR. BELL: -- or "If we don't change this, where are
10 the roadblocks and what do we need to do to remove some
11 of those roadblocks?"

12 MS. CAUDLE: Exactly.

13 MR. LOUTHIAN: It's not just -- that's what got you
14 where you're at right now, is making independent
15 decisions without --

16 MR. SHIRLEY: As I've spent the last month in this
17 office day in and day out and reviewing stuff and trying
18 to analyze it, that's what has brought us to this point;
19 is that there were changes that were implemented and
20 those intended and unintended consequences that fall out
21 as a result of that were not thought through. And that's
22 what I don't want to happen again. You don't want that
23 to happen again. We're going to do our best to keep that
24 from happening again, so --

25 And this ties back into our database issue from

1 earlier. I've been after Lance to give me some numbers,
2 and the best that he's produced so far -- somewhere at
3 1,000 to 1,200 per month are going to be -- if we do it
4 by birth date -- would be renewing -- it goes as low as
5 about 900 up to 1,200 and something in any given month.
6 But those numbers are not final numbers. We really don't
7 know what the total number is from month to month.

8 But if you change the entire format of the license,
9 I believe it will be manageable if we simply do it by
10 birthday.

11 MR. LOUTHIAN: See, I was told -- and, granted, I
12 haven't been hands-on like I was early on -- but I was
13 told that you're looking more in the neighborhood of
14 1,800 to 2,000 a month. Okay?

15 MR. SHIRLEY: That's --

16 MR. LOUTHIAN: And that gets you back to the 22,000
17 to 24,000 licensees. And if you figure that on a good
18 week you'll get 400 licenses out -- okay -- that means
19 you need five weeks a month to get your licenses out if
20 you stay in the current situation with the current
21 processing that's going on. If you go back to where you
22 can get 1,000 a week out or 1,500 a week out because you
23 change the process, now all of a sudden that's more
24 manageable; because two people a month can take care of
25 licenses, and you've got another person or two persons to

1 deal with the other issues that have to be done -- the
2 school hours and stuff.

3 So, really, I think your first decision is: What's
4 the license structure going to look like going forward?
5 If I was going to approach it without any help from
6 anybody else, that's where I would make my decision and
7 then let that dictate where I was going to go.

8 MS. BURCHETT: I think it's important that we change
9 one thing at a time and see what happens after that one
10 thing is changed before we try to change something else.
11 But I don't understand how the -- unless it's just
12 because it cost less -- how changing it back to the paper
13 license is going to help our revenue. Did somebody say
14 that? Other than the fact that --

15 MR. LOUTHIAN: It will decrease your cost.

16 MS. BURCHETT: Is that what you were talking about?

17 MR. LOUTHIAN: Yeah. It's not -- it won't bring in
18 any more money; but you'll decrease your operating costs
19 significantly, so you may not have to raise your fees.

20 MS. CAUDLE: Plus saves worlds of time.

21 MR. LOUTHIAN: Which translates back to money, too,
22 because of personnel. Just to go hire somebody that
23 makes about \$25,000 a year is going to cost you, roughly,
24 50,000 by the time you put their benefits on, their
25 retirement and everything -- insurance and all that. So

1 if you can reduce staff by one person, that's 50,000 you
2 don't have to generate in fee income.

3 MS. CAUDLE: If we stay in this process, we're going
4 to have to add a staff member.

5 MR. LOUTHIAN: Or, actually, I think maybe two.

6 MS. CAUDLE: Or two.

7 MR. SHIRLEY: That's my goal at this point, is that
8 we can maintain with the existing positions that we have
9 at this time and not have to add additional positions. I
10 don't think that we have to reduce any staff, but
11 changing the license process so that we're not having to
12 add \$50,00 to our cost --

13 MS. WARD: When students take the exam and get their
14 license, are we issuing it for one year or two years?
15 Because we don't get any additional -- when we used to
16 charge the \$30 for them to take their exam, that was
17 paying for their license, too. Now, when they're getting
18 their license, are they getting it for one or two years?
19 That's no income for the Board.

20 MR. SHIRLEY: I will say it this way: Effectively,
21 that first license that your new students or licensees
22 are getting, you're paying for that at this point as
23 well.

24 MS. WARD: Yeah, that's what I mean. That's what
25 I'm talking about. So we need to --

1 MS. CAUDLE: That was to be discussed later this
2 afternoon. Actually, that could be changed to where it
3 wouldn't impact the students so far at the end. But
4 right now what they're doing, they're paying their exam
5 fee. They're not paying any licensing fee. We're
6 issuing them a two-year license free of charge for taking
7 the exam? Okay. But that could be changed. I have a
8 theory on that. But, you know, one way it could be
9 changed: Instead of them having a \$10 permit fee when
10 they enroll, they could have a \$30 permit fee, which
11 would cover a two-year license and a \$10 permit at
12 registration. But it would be on the front end, not on
13 the back end, so that would space the monies out and they
14 wouldn't be so overwhelmed with such big costs.

15 MS. WARD: Well, another suggestion I had is: If
16 they receive a one-year license instead of two years,
17 that also will help us right now. Getting on to a
18 different year, then -- but I didn't know they were
19 getting a two-year license when they took the exam.

20 (Off-the-record discussion.)

21 MS. GEE: Part of the point I was trying to make on
22 this issue is: There are some things that were changed
23 in the last session and put in the statute that are real
24 specific. They don't give y'all very much flexibility,
25 which can become a problem. So I'm just suggesting that

1 you might want to consider making some changes to the
2 statute in this session so you have flexibility -- so as
3 you go forward and make decisions about how you want
4 everything to be structured, how you want to do the
5 testing, that you have options that you can take and you
6 won't have to take until the session in 2011 in order to
7 make some changes.

8 MS. WARD: Does it state in there when they either
9 pass their exam or how long -- what -- that their license
10 was going to be issued for one or two years? Does it
11 state anything about that?

12 MS. GEE: It says licenses of everyone until
13 expired -- of everyone except the establishment -- shall
14 expire on an biannual basis.

15 MS. WARD: I didn't know that.

16 MS. GEE: That's what it says. So I don't think you
17 can just issue it for one year, because it says they'll
18 have a two-year license.

19 (Inaudible discussion.)

20 MS. WARD: We didn't word it --

21 MS. CAUDLE: So to break that down, all that the
22 State Board of Cosmetology is receiving for a student to
23 become licensed the first time is \$10. If you break it
24 down in real life, that's what it amounts to; because all
25 the other funds that are being paid is going to test

1 monitors.

2 (Multiple conversations going on at one time.)

3 MS. CAVER-BLADE: At this time, I would like to ask
4 for public comments. Anybody?

5 MS. AKARD: What are they public commenting on? On
6 everything or all the --

7 MS. COLLINS-BURROUGH: Anything they want to say.

8 MS. STRAUN: Do you want me to comment on the rules
9 and regs and the law statute changes and everything, or
10 do you want me to wait and do that at the committee
11 meetings, or what do you want me to do?

12 MS. CAVER-BLADE: We can do it at committee
13 meetings. We're going to adjourn. Let's adjourn and do
14 lunch, and then we'll come back for Executive Session.
15 It's 11:35 right now. What time -- not adjourn -- let's
16 recess until 12:30.

17 (WHEREUPON, a lunch recess was taken at this time.)

18 MS. CAVER-BLADE: We're back on the record, and now
19 I guess we're getting to the legislative committees.
20 We've had some changes, because we've had some people not
21 on the -- drop off the Board. So whose place --

22 MS. AKARD: Jane.

23 MS. CAVER-BLADE: Okay. So is it fair to say
24 everywhere Jane was listed, now Tracy can be?

25 MS. BURCHETT: Well, actually, you took Jane's

1 official spot. So everywhere you were listed on this
2 list would be where she would fill, if that's how you
3 would want to do it.

4 MS. CAVER-BLADE: I think that's fine.

5 MS. AKARD: And I'm going wherever Jane was.

6 (Off-the-record discussion.)

7 COURT REPORTER: I'm sorry. Are we on the record?
8 I can't hear you.

9 MS. CAVER-BLADE: I'm sorry.

10 COURT REPORTER: That's okay.

11 MS. CAVER-BLADE: The first thing we need to address
12 is the first vice position since Jane Powell is no longer
13 on the Board. So we probably have to have a nomination
14 for first vice. Do we have any -- anybody like to
15 nominate?

16 MS. PICKERING: I would like to nominate Scottie
17 Burchett.

18 MS. CAVER-BLADE: Anybody second? Do we have a
19 second?

20 MS. HOPPER: Second.

21 MS. BURCHETT: Nominations don't have to have a
22 second.

23 MS. CAVER-BLADE: I didn't think so. So we vote
24 now. All those in favor of Scottie as first vice? It's
25 pretty much unanimous.

1 Okay. You're it. Congratulations.

2 MS. BURCHETT: Thanks, I think.

3 (Multiple conversations.)

4 MS. CAVER-BLADE: So on the Legislative Committee,
5 we have Ann Pickering; Chair is Scottie Burchett; Susan
6 Collins-Burrough; Cathy Caver and Maurice and Tracy
7 Akard. On the Fee Structure Committee, we now have
8 Nellie Hopper, Acie Foreman, Barbara Ward, Ann Pickering,
9 Cathy Caver, Maurice Shirley, Erika Gee. On the
10 Equipment and Use Scope of Practice Committee, Cathy
11 Caver, Nellie Hopper, Maurice Shirley, Erika Gee, Tracy
12 Akard. Grievance Committee is Scottie Burchett as Chair,
13 Susan Collins-Burrough, Barbara Ward, Joyce Smith, Cathy
14 Caver, Maurice Shirley, Erika Gee. Student Advisory
15 Committee is Nellie Hopper, Joyce Smith, Maurice Shirley,
16 Acie Foreman, and Erika Gee.

17 MR. SHIRLEY: Who is chair?

18 MS. CAVER-BLADE: Nellie, you want to be the -- how
19 about you be the chair for the Fee Structure?

20 MS. HOPPER: For which one?

21 MS. CAVER-BLADE: Fee Structure Committee. Want to
22 be chair for that?

23 MS. HOPPER: Okay. I don't know what I'm doing,
24 but --

25 MS. CAVER-BLADE: Okay. So, Ann, at this time, I'm

1 going to turn this over to you, because you're the chair
2 for the Legislative Committee.

3 MS. PICKERING: And I do not know what I'm doing or
4 where to go. So what do we do?

5 MS. GEE: This draft is what we discussed and came
6 up with last time the committee met.

7 MS. PICKERING: Let me find it again.

8 MS. BURCHETT: It's right there in your hand.

9 MS. GEE: It's right here.

10 MS. PICKERING: It's in my hand.

11 MS. GEE: You've got one.

12 MS. PICKERING: Erika, is this the changes we made
13 in --

14 MS. GEE: Yes, ma'am, or it should be. It should
15 be, yes. That's what I tried to do.

16 MS. PICKERING: Well, we got through with this,
17 didn't we?

18 MS. GEE: Well, we did. We went through all of the
19 law and the ideas that y'all had -- that that committee
20 had. And then what I drafted was incorporating those
21 changes. So I don't know if y'all have additional
22 changes or if you want to go back through what we had
23 done.

24 MS. PICKERING: I don't think I need to. Scottie,
25 any of you need to go back through this and make any

1 changes, looking at the draft?

2 MS. BURCHETT: So are the changes underlined?

3 MS. GEE: Yes. The added language is underlined,
4 and the part that's going to be deleted is stricken out
5 with the strike-through line through the middle. So we
6 can go through each one individually, if you want to do
7 that, and make sure everybody understands what we've got.

8 MS. AKARD: I think you should, and I think it
9 should be open for discussion.

10 MS. GEE: That's entirely up to y'all.

11 MS. PICKERING: So we want to go back through each
12 one?

13 MS. BURCHETT: Absolutely.

14 MS. WARD: Since we've got new people, I think it's
15 wise to go through this so they know what's going on and
16 what we've changed. And if they have any comments, I
17 think they should be allowed to --

18 MS. GEE: That's totally up to y'all. Want to do it
19 that way?

20 MS. PICKERING: Yeah. Want me to read each one?

21 And I'm not a good reader and a good speller and --

22 MS. GEE: Well, we can just go through the changes
23 in each section.

24 MS. BURCHETT: Erika might just guide us through the
25 changes.

1 MS. PICKERING: Erika, would you guide us through?

2 MS. GEE: Sure, if you would like to do that. Does
3 everybody who wants a copy have a copy, if we're going to
4 go through those? No? Do we have any more copies of
5 those? That might be best for --

6 (Off-the-record discussion.)

7 MS. GEE: We'll get some more copies. While they're
8 doing that, because a lot of you were not there at the
9 committee meeting, so just to let y'all know what
10 happened at that meeting: Everybody in the committee
11 which was Susan and Scottie and Ann and Barbara -- that's
12 right; I don't think I'm missing anybody -- we went
13 through this law book and each section and talked about
14 whether the committee felt that there was any need for
15 changes in that particular section; and if there was,
16 then the committee decided what they wanted to be
17 changed, and then the language that I added was to make
18 that change. So we will go through -- go through each
19 one of those. And I guess, depending on what
20 Ms. Pickering wants to do, if there's a section that a
21 change wasn't made to and y'all think there should be,
22 then we can talk about that today also.

23 MS. AKARD: When would you like for us to comment or
24 discuss or ask for rationale behind these changes or
25 whatever? When would you like for us to do that?

1 MS. GEE: When would I like you to do that?

2 MS. AKARD: I think that -- as we cover each one?

3 MS. GEE: Yeah. And we're just going to --

4 MS. AKARD: Okay. Just over the ones that you --

5 MR. SHIRLEY: The draft is --

6 MS. CAVER-BLADE: It goes along with these.

7 MS. GEE: Sheila went to get more copies of the law
8 book if anybody wants one. So everyone has got the
9 papers in front of them.

10 (Off-the-record discussion.)

11 MS. GEE: I guess we'll go ahead and -- the first
12 section there is a change to right now is Section 103,
13 Scope of Chapter. And the change to that is at the very
14 end in Section C about the exemption for recommendation,
15 demonstration, administration or sale of cosmetics. And
16 the change that the committee wanted to make is that that
17 exemption would not apply to someone who was working in a
18 cosmetological establishment. So the people who are at
19 makeup counters would not have to be licensed; but if you
20 were doing makeup in a salon, you would have to have a
21 demonstrator's permit. Is that correct, Committee? So
22 that's the sentence I added on that to make that change.

23 MS. BURCHETT: Didn't we do that to make sure that
24 the law made sense or that it was more clear? Because we
25 felt like if someone was demonstrating makeup for no

1 charge in a salon, that they should be able to do that;
2 yet, they needed to be governed. The inspectors needed
3 to know what they were doing if they walked in the door
4 and caught them doing it.

5 MS. CAUDLE: Right.

6 MS. BURCHETT: There didn't need to be anyone just
7 off the street, somebody's daughter or whatever, anybody
8 doing that. That's the reason we felt that should be --

9 MS. CAUDLE: If they were in there working, they
10 needed to be able to present some form or reason why
11 they're in there working.

12 MS. BURCHETT: The Board needed to know that they
13 were there and had permission to be in there doing that?

14 MS. CAUDLE: Yes.

15 MS. GEE: Anybody else? Comments on that section?
16 All right. Section 201 is the next change, and that is
17 about the membership of the Board. And the change the
18 committee wanted on that one is to -- in the last
19 session, it was changed to make it so that there was a
20 time limit on the number of years a person could serve on
21 the Board, and also it was changed that it had to be
22 nonconsecutive terms. So the committee wanted to change
23 that and remove the nonconsecutive terms provision so
24 that Board members could serve successive terms in a row
25 instead of having to take a break, and also to change it

1 from a 10-year time limit to a 15-year time limit. And I
2 think that's the only change. We'll let the committee
3 talk about why they thought that was a change that needed
4 to happen.

5 MS. PICKERING: I'll comment on that. I'll be one
6 of the comments on it. We felt like that it would take
7 at least three to four years to really learn what's going
8 on. And then by the time you get comfortable with all
9 the decisions that we need to make in business, we're
10 off; we're gone, and you bring someone else new in. We
11 felt it would be better for the State of Arkansas and the
12 Cosmetology Board for us to be allowed to serve at least
13 three terms because of that. And someone else may want
14 to comment on that.

15 MS. STRAUN: I actually do. I have a problem with
16 the consecutive, because I think five years is kind of
17 quick. But I think three to five-year terms is way too
18 long. We went over this and over this and over this and
19 over this in the last time this -- we did this. I think
20 this is a Board position that -- I think for the good of
21 the State and our industry, I think people need to be
22 rotated off of it. I don't have a problem with striking
23 the "nonconsecutive." I don't have a problem with that,
24 but I do the extra five years. I think fifteen years is
25 almost a generation. You know, I think it's too many

1 years. And I think, like right now, these new girls that
2 have been here -- we've had people on this Board that are
3 seasoned -- you are, Ms. Ward. Tracy has just been
4 seated on the Board, but she certainly knows the deal.
5 Scottie knows the deal; I think Susan certainly does. So
6 I don't think you have to be there three to five-year
7 terms to be able to do the State's business. I think ten
8 years is more than enough.

9 MS. AKARD: I'm in agreement with Chris, too. I
10 could deal with that, to strike the "nonconsecutive," but
11 fifteen years is too long. Two to five-year terms --
12 this is not --

13 MS. COLLINS-BURROUGH: There's no guarantee they'll
14 be there that long. If you have someone such as Joyce,
15 she's missed more times not being here than she's been
16 here. And that affects us.

17 MS. AKARD: That's not good either, to not be here.
18 You know, to not be a --

19 MS. COLLINS-BURROUGH: You're only as good as you
20 are.

21 MS. AKARD: -- to not be available. But fifteen
22 years is a long time. Ten years is plenty. And when
23 you're looking at the legislators, too, they can't serve
24 fifteen years, and their jobs are a lot more difficult
25 than what we're doing. I can't -- I cannot support

1 fifteen years at all. That's almost a mini dynasty.
2 That's way too long. You need new blood and new ideas,
3 and ten years is plenty -- two 5-year terms.

4 MS. COLLINS-BURROUGH: It's really not that long
5 when you meet every other month; and if you're not here,
6 that's only six meetings a year. And if you're not too
7 bright, then it's going to take a long time to catch on
8 and catch up. And I just think it ought to be up to the
9 individual. It's not a guarantee. It's not a guarantee.
10 They may get here and may not like it.

11 MS. AKARD: But we've seen in the past where it has
12 been guaranteed, where you basically had to die for you
13 to get a position on there or --

14 MS. TRAYLOR: I'm not dead yet, Tracy.

15 MS. AKARD: I'm not talking about you.

16 MS. TRAYLOR: Yeah, you are. That's --

17 MS. AKARD: No, ma'am.

18 MS. BURCHETT: Let's stay on business.

19 MS. STRAUN: I think, pretty much, once you are
20 appointed to the Board, unless you don't want to be back
21 on the Board, it kind of is almost a guarantee that --
22 you know, the same people have been on the Board year
23 after year after year. And I think that the new -- I
24 think our new Board -- I think it's wonderful. You know,
25 we've got lots of different opinions. And, as I said, I

1 certainly don't mind the consecutive thing being struck,
2 because I think that it makes it easier on the Governor
3 and everything else for people to roll over and keep
4 going as long as they can. But I think that fifteen
5 years -- that extra five years is a very, very, very long
6 time. And if a person is not coming -- if a person isn't
7 showing the respect to the Board, or whatever, I don't
8 know what the rules are; but, again, a person can be --
9 then, you know, someone else can be reappointed. And the
10 ones that are here are carrying the train and --

11 MS. TRAYLOR: If you miss three meetings in a row,
12 then --

13 MS. CAVER-BLADE: Any more discussion on that?
14 Okay.

15 MS. GEE: Y'all want to take a vote on it? Y'all
16 want to leave it as it is for now or -- I need to know
17 what you'll want to do.

18 MR. FOREMAN: Table it.

19 MS. AKARD: I think this as a whole -- I don't think
20 that we're ready to vote on any of this for -- I mean,
21 the first time I saw any of this was on Friday.

22 MS. GEE: I don't think there was a plan to have a
23 vote today. I could be wrong.

24 MS. AKARD: I think we need to bring all this stuff
25 back up again. I mean, I think we just need to be

1 commenting on it; and there may be other things, other
2 than just what the committee saw.

3 MS. GEE: Sure, absolutely.

4 MS. AKARD: So I don't know that we're really ready
5 to vote on it, but just have some healthy discussion.

6 MS. BURCHETT: I'm just concerned about our time
7 frame.

8 MS. WARD: Doesn't everything have to go to the
9 legislature -- we have a deadline before we go there to
10 make these changes, so we do have a time frame. We can
11 discuss it now, but we definitely have to go ahead with
12 some kind of vote or --

13 MS. COLLINS-BURROUGH: If we want to enact them in
14 '09 --

15 MS. AKARD: Let's not make the vote today. It's not
16 right to present the material today without --

17 MS. WARD: Without the new Board members not being
18 able to look it over --

19 MS. HOPPER: What's the deadline?

20 MS. GEE: There's not a particular day that you have
21 to have it submitted. You will need to have it put
22 together in the form that y'all want it to have and talk
23 to the legislator that's going to sponsor it for you, I
24 would say, summer for sure. You need to try to make that
25 happen, just because there's a lot of work that's done

1 leading up to the session and you want to make sure that
2 you get it in there. So, I mean, it's not like it has to
3 be done tomorrow. What we talked about before was just
4 making sure that we're making progress on this so that
5 you can get it done in plenty of time to have everybody
6 be able to comment on it, make sure that you have it the
7 way you wanted to --

8 MS. BURCHETT: You know what has to happen as far as
9 to get it in the format that it needs to be, but we still
10 have to have public comment.

11 MS. GEE: Not on this. You have to have public
12 comment on the rules.

13 MS. BURCHETT: Okay.

14 MS. GEE: On this, what you'll need to have is:
15 You'll need to have a legislator who wants to sponsor it.
16 And they will file it for you, or their version of what
17 they want filed, and then it will go through the
18 legislature. It will go through the committee and to the
19 floor of the legislature to vote on. And they'll -- I
20 mean, I'm sure the committees will allow public comment
21 during that process, but --

22 MS. BURCHETT: So if our next meeting is not until
23 July -- and you said summer -- and we don't, as a Board
24 agree on anything today, is waiting until July to make
25 final decisions too late?

1 MS. GEE: No, probably not. I mean, when we had
2 talked about this before, I think y'all said you had some
3 legislators in mind to sponsor it. I mean, you probably
4 will need to talk to that legislator and see what they
5 think about what the time line should be and what they
6 want to do on that.

7 MS. BURCHETT: I don't have a problem with not
8 making decisions today, but I don't want us to get any
9 further behind than we already are.

10 MS. GEE: Well, I would think if you have that
11 conversation with the legislator and say, you know,
12 "We're working on this; we're putting a draft together;
13 the Board is considering it, and we want everybody to
14 have a chance to look at it, and we expect that we'll
15 have a draft to you for you to proceed with in July" -- I
16 think that would probably be fine. But I would suggest
17 that y'all talk to whoever that is to make sure that
18 that's going to work. But I think Nicole has something
19 to say.

20 MS. HART: You also want to make sure --

21 COURT REPORTER: Ma'am, can you tell me your name,
22 please.

23 MS. HART: Nicole Hart, Governor's office. You also
24 want to make sure that whoever does it -- that you guys
25 can defend why you're wanting the changes. So you need

1 to make sure that you all understand why you're wanting
2 to change it to 10 or to leave it at 15, because you're
3 going to have to get everybody else to understand that.
4 So if you guys aren't -- if you don't have a consensus
5 and you can't explain why you're wanting the law the
6 change, then you can't expect somebody else to agree and
7 vote in favor of it. So time is always better. Be
8 prepared.

9 MS. GEE: I would also add to: If y'all can't reach
10 a consensus, you should probably just take it out, or at
11 least consider taking it out; because if you all don't
12 agree, then it's going to be hard to get the Board or the
13 legislature to make the change one way or another in that
14 regard.

15 MS. WARD: Once they talk to somebody to represent
16 us, if we find that they say we need it before then, we
17 can always call a special meeting where we can make a
18 decision so they can go on.

19 MS. GEE: Sure.

20 MS. WARD: So we're not just bound that we have to
21 wait until July. So if somebody finds that they think
22 they need it before then, we can call a special meeting
23 and go back over it and make our decisions then. And
24 that would give the new ones the time to look it over and
25 see if there's some other suggestions they have or so

1 they know what's going on. But just to get something and
2 have to make a decision without being able to look it
3 over completely is not really fair. That's -- when I
4 came in, they were making decisions; and I didn't really
5 know what was going on with certain things, and you're
6 kind of, "Well" -- I mean, you're really not sure. So I
7 think this would be a better way of looking at it; going
8 over it now and letting them have a chance to look it
9 over and then getting together with who is going to
10 represent us and go from there.

11 MS. GEE: Sounds like a great plan.

12 MS. WARD: I think we could wait until even
13 September if we have to, and I know time is very
14 important. But if we have to make a decision even as
15 late as September, it's not going to --

16 MS. BURCHETT: But it's not about us. It's about
17 the legislator that's going to carry it.

18 MS. WARD: That would be too late for the
19 legislative committee?

20 MS. GEE: And they've got a process they have to go
21 through to get the bill -- to try to --

22 MS. PICKERING: So July would be the perfect time,
23 then, to --

24 MR. SHIRLEY: My experience says September would be
25 more challenging than having it ready in July. But it's

1 not insurmountable at that point, if it does take until
2 September. At this point, it's certainly critical that
3 the members of this Board be in agreement once it goes
4 forward; because if we haven't reached a consensus here,
5 that's -- if there is opposition in some other point and
6 some other level, that is -- then the disagreement here
7 is going to be discovered through the legislative
8 process; and that will kill the entire bill, in all
9 likelihood.

10 MS. BURCHETT: Sheila, do you remember what other
11 reasons there were for us putting 15 years?

12 MS. COLLINS-BURROUGH: Well, I think it's taking
13 into consideration the seats that we all occupy, whether
14 it be public, salon owner, cosmetologist, school owner,
15 whatever. And then, you know, since we just have six
16 meetings a year in a five-year term, if you come, that's
17 only thirty meetings. And if you have a tendency to not
18 show, you could miss up to three and you've missed half a
19 year's meetings.

20 And I think something else we need to take into
21 consideration is congressional districts. You can't just
22 roll off and -- you have to take into consideration the
23 geographical area.

24 MS. WARD: If you're talking about the different
25 congressional meeting areas, that has a play in it

1 because you don't have that many in certain areas to be
2 able to serve on the Board. And that has something to do
3 with the decision of --

4 MS. BURCHETT: Or willing to. I remember a lady
5 from Russellville that said, "I don't work this hard in
6 my salon; I'm out of here."

7 MS. WARD: And getting people to -- well, you've
8 seen the problems it has been for them to appoint
9 somebody to be on the Board. It was something that
10 didn't just happen overnight, so that has something to do
11 with it also. So there was several things that were
12 taken into consideration when we decided on 15 years
13 versus 10.

14 MS. COLLINS-BURROUGH: And I think some respect
15 ought to be given to the governor's staff and office.
16 They know what they're doing. You know, if someone is
17 not going to be working out, they're going to know. If
18 someone doesn't want to be here, they're not going to be
19 here.

20 MS. STRAUN: Another thing about who made the
21 determination about the term limit and all that, as some
22 of you well know, it was the legislators that made that
23 determination of how many years it should be and the
24 nonconsecutive and all that. So I think that -- I think
25 that needs to be taken into consideration, too, because

1 this was -- these terms -- the actual time frame and the
2 nonconsecutive deal was suggested by legislators, and
3 they're still there.

4 MS. COLLINS-BURROUGH: Well, with all due respect to
5 them, they evidently didn't think about the seats that we
6 all have, that congressional districts -- because you
7 can't just roll off and then roll someone back on.
8 There's more to it than, "Oh, well, I kind of like them,"
9 or whatever. And I think that should be respected as
10 well.

11 MS. STRAUN: With all due respect, I think they did
12 look at that, because they can only have so many terms.
13 You know, they've kind of got the same deal going as we
14 do, so I think that may be an issue. So --

15 MS. PICKERING: I think we need to go on. We've
16 discussed this, and I really think we need to move on.
17 We're not at public comments yet. And I hate to be rude,
18 but we're not supposed to be accepting public comments at
19 this point.

20 MS. GEE: Okay. "Powers and Duties," the change in
21 there is in the Section Number 1 -- not Section 205 -- to
22 remove the phrase that the director of cosmetology will
23 make all day-to-day and employment decisions. Again, I
24 want to let the committee talk about.

25 MS. WARD: Well, I think that was maybe because we

1 want to have more input about what's going on in the
2 office. The decision had to do with the Board members
3 being informed about what is going on in the office and
4 knowing what's going on and not just the decisions made
5 without the Board being aware of it, because we are the
6 ones held responsible. So we -- they have to do all the
7 duties in the office and of the employees, but certain
8 decisions may need to be brought before the Board and
9 make the Board aware of it. And that -- I think that had
10 something to do with the reason we decided to strike that
11 out of there.

12 MS. PICKERING: I believe that had everything,
13 actually, to do with -- everything to do with it. I
14 believe that we've talked about this a little bit in the
15 Executive Session, and I'm very right to -- I can comment
16 on anything I need to about Executive Session, but we
17 feel like that we have a director and we're going to see
18 to it that's going to run that Board correctly, and he
19 will bring up -- bring to us -- not everyday things,
20 but -- not day-to-day things, but I believe that he will
21 work with us. And so -- but we all know that in the --
22 the Board members know that we've been working with
23 someone -- not to degrade that person -- but that just
24 hid a lot of stuff from us. That's exactly why we put
25 this in here. We wanted to know more about what was

1 going on with the office and with the staff.

2 MR. SHIRLEY: If I may, I would say I -- and I don't
3 know how long this particular piece of language has been
4 in your statute. But your reference just now to
5 day-to-day and employment decisions, I really would hope
6 that I am able to make those employment decisions based
7 on the cohesion within my office and what my needs are
8 that I've identified. And I certainly, as I told you all
9 earlier, make that commitment to you to bring that to you
10 to keep you informed. But I would like and I do hope to
11 be able to make those day-to-day decisions.

12 So I'm not sure -- this is kind of cutting against
13 the grain for me somewhat to see this removed at this
14 point with me being new and coming in here like this. I
15 do have a little bit of trouble with this coming in, just
16 for the record.

17 MS. BURCHETT: Well, I believe a part of your job
18 responsibilities are to handle the day-to-day --

19 MR. SHIRLEY: Right.

20 MS. BURCHETT: -- decisions of the office. So why
21 it got put in there -- to my knowledge, the last
22 legislative session is when it was put in there -- those
23 words were put in there.

24 MR. SHIRLEY: So previous to that --

25 MS. BURCHETT: So why should it be in the law when

1 it's already in your job description? That would be the
2 question.

3 MR. SHIRLEY: If it's there and you and I and this
4 Board have that understanding, then I have no problem
5 with that. I was just -- I was somewhat concerned, when
6 I first read this, that I'm going to have Board members
7 calling me up wanting me to tell them what color paper
8 we're going to use for the new licenses next year, those
9 kind of things, which is, I think, a waste of your time
10 and, by its very nature, should be something that we
11 can -- "we've got all the beautiful salmon color ones;
12 that's what we're going to use next, if that's okay with
13 the" --

14 MS. BURCHETT: You'll still have Board members call
15 and tell you what color to use. But, you know, that's --
16 it's your job to decide still, but that's -- I believe
17 it's in your job description and --

18 MS. WARD: Yeah, because you have the right to run
19 that office. You are in charge of the employees that are
20 in that office; telling them what they need to do, what
21 they don't do. And if you have problems, let us know
22 about it. I think that's, you know, some of the things
23 that we discussed earlier in Executive Session -- so that
24 we are aware and not just because somebody just said
25 something wrong and you said, "I'm just going to get rid

1 of them." You know, I think this is why we said some
2 things would change. You know what I'm saying? And
3 you've got the responsibility -- that's your
4 responsibility, but basically to keep us informed of
5 what's going on so that we really know what's going on.
6 So that was just extra language that was put in there
7 that didn't need to be in there.

8 MS. BURCHETT: I just have one more question. Did
9 this change anything about how the inspectors were --

10 MS. CAUDLE: Yes.

11 MS. BURCHETT: -- hired?

12 MS. CAUDLE: Yes.

13 MS. COLLINS-BURROUGH: Traditionally, the director
14 took care of just the staff in the office. Any
15 inspector's job position that came open, or whatever,
16 came before the Board. That's how it --

17 MS. CAUDLE: Inspectors were all hired by the Board,
18 and the reasoning behind that was because the office
19 staff does not have to be licensed in any capacity. The
20 inspectors have to hold a license; so the Board members
21 are all licensees, so they were the ones who interviewed
22 and hired the inspectors.

23 MS. HOPPER: So is this going to change that? Is
24 this going to change that? Is this going to change from
25 the Board members --

1 MS. CAUDLE: That's what is on the table right now,
2 is do you want to change that.

3 MS. WARD: Well, the way it was written, does that
4 mean that the director would hire the inspectors, by
5 taking this out, and then the Board would; correct? Am I
6 misunderstanding that?

7 MS. CAUDLE: When Cathy originally put it in there,
8 she put it in there so that she would be in charge of all
9 the hiring -- inspectors and office staff. That was the
10 reason for the change.

11 MS. WARD: But taking it out, that means that the
12 Board would hire inspectors?

13 MS. CAUDLE: You could add language to it to say
14 that the director is in charge of all the day-to-day
15 operation of the staff and the Board is responsible for
16 hiring of the inspectors but the director can oversee the
17 inspectors or something. You know, you can put any kind
18 of language in there that you choose.

19 MS. GEE: You don't have to put any of that
20 language --

21 MS. CAUDLE: Right.

22 MS. GEE: I mean, y'all are ultimately in charge of
23 everything, so you can do however you want.

24 MS. WARD: Good. I think that was kind of put in
25 there so if there was a dis -- if there was a problem

1 between the director and inspector --

2 MS. COLLINS-BURROUGH: I think it's an intimidation
3 factor.

4 MS. WARD: Yeah.

5 MS. BURCHETT: Well, this just says "employment
6 decisions." It doesn't say "inspectors." It was just
7 perceived to say "inspectors."

8 MS. WARD: I think that's one of the reasons to
9 strike it.

10 MS. GEE: Ready to move on?

11 MS. AKARD: I think it's an area we need to come
12 back and revisit.

13 MS. WARD: Maybe at another meeting.

14 MS. AKARD: Yeah.

15 MS. GEE: Okay. The next change is one that y'all
16 have already discussed somewhat, in Section 206, about
17 exams. It's on Page 3 of the draft. This change would
18 allow the inspectors, the Board, or a private testing
19 entity to administer the exams. And it would limit any
20 member of the Board -- (inaudible) -- school of
21 cosmetology, or who is an inspector at a school will not
22 be able to participate in the exams -- the way that this
23 is written. I imagine y'all are going to want to discuss
24 that.

25 MS. AKARD: I don't have a problem.

1 MS. GEE: Everybody likes it?

2 MS. PICKERING: Yes.

3 MS. GEE: Okay. Very good then.

4 MS. STRAUN: Can I comment now? The only thing that
5 I think ought to be -- I don't think -- and maybe I'm
6 wrong for this, but I don't have a problem -- I wouldn't
7 have a problem with Scottie, Tracy or Barbara -- any of
8 those women testing my students. It never was a problem
9 before. I don't think -- I don't know why they're being
10 discriminated against, if that's the proper -- if that's
11 appropriate, you know. I don't have a problem. You
12 know, they're professional women. I don't have a problem
13 with that. And if you guys are going to do some of the
14 testing, taking three out of the mix is taking a big
15 chunk out. So --

16 MS. CAUDLE: Can I respond to that? Through PCS, if
17 they are affiliated with a school, if they are an
18 instructor in a school or of a school, they cannot take
19 the rater training through PCS.

20 MS. BURCHETT: But that's PCS, not NIC; right?

21 MS. CAUDLE: Right. That's who we're talking about
22 when we --

23 MS. TRAYLOR: I'm not sure it's not NIC, too.

24 MS. CAUDLE: It may be NIC. I haven't talked to --

25 MS. STRAUN: Well, y'all used to do it when we --

1 (inaudible) --

2 (Multiple conversations at one time.)

3 MS. WARD: I've got a question. Since it is with
4 the testing, can that be just stricken and that it could
5 not be because of the testing -- who does the testing?
6 Why does that even have to be --

7 MS. CAUDLE: Now, repeat your question. I'm not
8 sure I follow you.

9 MS. WARD: If PCS -- if they don't allow it, if this
10 was stricken because we may not stay with PCS, does it
11 need to be in here?

12 MS. CAUDLE: No.

13 MS. WARD: Or we just could not do it because they
14 would not allow it?

15 MS. CAUDLE: As Erika said before, you can take it
16 out of the law and have it in the rule, I'm thinking. Is
17 that right, Erika?

18 MS. GEE: Sure.

19 MS. WARD: But we would not be allowed to. PCS
20 would not allow it. But that -- does it have to be
21 worded in there at all?

22 MS. CAUDLE: No.

23 MS. AKARD: I'm in favor of it, because I think it
24 avoids the appearance of wrongdoing at any time. And if
25 in the future we choose not to use a testing agency, for

1 me personally, it would be the only way that I could
2 support the Board ever going back to testing. That would
3 be the only way that if another -- this would be the only
4 way I could support it, so that's why I'm for the
5 wording.

6 MS. WARD: That way, they have the assurance that
7 we're not going to play favoritism.

8 MS. BURCHETT: And everybody doesn't have an open
9 mind like you, Chris, and trust --

10 MS. STRAUN: The Board doing testing, for me, has
11 never been an issue, and certainly not the school owners
12 or the instructors. That's never been an issue with me.

13 MS. BURCHETT: It has been with a lot of people.

14 MS. HOPPER: Yeah, I can see why.

15 MS. BURCHETT: I like the way it's worded, too, the
16 new --

17 MS. GEE: Okay. Want to discuss that any more?

18 MS. PICKERING: Huh-uh.

19 MS. GEE: Okay. Fees is the next section. That's
20 209. And as y'all know, in the last session it was
21 changed so that the Board will decide what the fees are
22 by rule, which is one of the things being worked on. The
23 part that's removed from that is that the Board will
24 accept checks -- just taking that out. Doesn't mean that
25 the Board will or won't accept checks; it just means that

1 y'all will decide whether or not you will accept checks.
2 That's the change made. I'm not real sure why that was
3 in here anyway.

4 MS. WARD: Because of the amount of bad checks the
5 Board was getting. And they already achieved a license;
6 and so having to collect for them, if they didn't receive
7 them, they would have an issue.

8 MS. GEE: Well, I'm not sure why the law says you
9 have to accept checks. That's the part that I'm --
10 somebody decided that you would --

11 (Multiple conversations at one time.)

12 MS. CAUDLE: Some legislator decided that we would
13 have to accept checks because that's -- (inaudible).

14 MS. GEE: Is he still in there?

15 MS. COLLINS-BURROUGH: No, I don't think so.

16 MS. GEE: Okay. The next change is on reciprocity;
17 and it's an issue that y'all have discussed several times
18 in other Board meetings, which is, for a reciprocal
19 candidate, that they just have to pass a written and
20 practical exam comparable to the exam in this state.
21 We're taking out the requirement that it's national. And
22 y'all can decide what you consider to be comparable to
23 the one in this state.

24 MS. CAUDLE: Doesn't the law exam still apply to
25 this?

1 MS. BURCHETT: That's Number 4.

2 MS. GEE: And so they still have to take the law
3 exam. It just removes the national exam problem.

4 MS. WARD: Good. That's better.

5 MS. GEE: Okay. 316 is about the license. Just
6 the -- Section A removes the requirement that it be
7 signed by the president and attested by the director of
8 cosmetology and bears the impress of the seal. And I
9 think the idea behind that -- and y'all correct me if I'm
10 wrong -- is just so you would have more flexibility on
11 what the license would look like, have the requirements
12 about exactly what would be on there. Is that right?
13 No?

14 MS. CAUDLE: Mainly because these cards that are
15 going on does not have a director's signature or the more
16 present signature. It does have a signature, but it's
17 not an impressed seal; it's a printed seal.

18 MS. GEE: That's right. The current licenses don't
19 fit the law.

20 MS. CAUDLE: That's right.

21 MS. WARD: If we make our decisions on the format of
22 the new license, would that change -- that needs to --
23 (inaudible) -- when we make a decision on the format to
24 have a new license, would that change --

25 COURT REPORTER: I didn't hear all of that.

1 MS. BURCHETT: That may be something we want to
2 address when we make that decision.

3 MS. GEE: Well, the way it's written now, it just
4 says that every license shall have a Board seal, which I
5 think you're probably going to want to do anyway. And
6 then other than that, you can make it look however you
7 want.

8 MS. WARD: I mean, yeah, but I meant the president's
9 signature on this.

10 MS. GEE: Right.

11 MS. WARD: We may not want to put that back on.

12 MS. GEE: At that point, you could either put it on
13 or you could not put it on. It doesn't matter. It would
14 be your choice.

15 MS. CAUDLE: Whatever the law states how you
16 choose --

17 MS. GEE: Whatever y'all want to make it look like.
18 We can leave it in there, whatever.

19 MS. WARD: Okay. Whatever.

20 MS. BURCHETT: We're too bound if we leave it in
21 there. It has to be signed by the president and the
22 director.

23 MS. GEE: Right.

24 MS. BURCHETT: And it has to bear the impress --

25 MS. GEE: Impress --

1 MS. BURCHETT: -- of the seal.

2 MS. GEE: Make it more general. Okay. The other
3 change in that section is to remove the choice of wearing
4 the license instead of displaying it, so that it will go
5 back to how it was -- that every licensee shall display
6 their license at the place of employment. Anybody have
7 any comment? The inspectors are like, "Better not change
8 that."

9 The next section is the duplicate license section.
10 And the change that was made there was to remove the
11 requirement that someone has to swear that they lost
12 their license in order to get a duplicate license.
13 Instead, it would change it to -- which I understand has
14 kind of been the way it was -- that if someone asks for a
15 duplicate license, then they can get one without
16 having --

17 MS. CAUDLE: Someone working in two or three
18 different salons, you want to leave one issued in each
19 salon -- (inaudible).

20 MS. GEE: Without having to say they lost it.
21 Everybody good with that?

22 MS. BURCHETT: It's still going to say "duplicate"
23 and it's going to -- how do we --

24 MS. CAUDLE: Right now there's no way to stamp on
25 that card, but there is a blank line we can type

1 "duplicate" in. But this has to be passed before we can
2 do that. By that time, we may be to a new license
3 format, and then we have a duplicate -- if we go to
4 paper, we can actually stamp "duplicate" on it.

5 MS. GEE: Were you concerned about the stamp part?

6 MS. BURCHETT: No. I was concerned about the
7 duplicate. This doesn't say anything about a cost.
8 That's in the other part.

9 MS. GEE: Oh. I just said "a fee in an amount
10 determined by the Board." I assumed that would be one of
11 the things that was in the rule.

12 MS. CAUDLE: Yes.

13 MS. TRAYLOR: I think it's \$2 now, isn't it?

14 MS. WARD: That was one of the things that's up for
15 discussion later on.

16 MS. GEE: Well, I also put in there the receipt of
17 the completed application. So if you decided that you
18 wanted to have people have to explain why they wanted a
19 duplicate or to tell you where they were going to have a
20 duplicate posted or something like that, you could put it
21 in the application so you would have that -- or whatever
22 you thought was appropriate.

23 Okay. 319 -- the only thing that was on there was
24 what I brought up before about staggering the licenses;
25 which I think is out, so we'll skip that.

1 We're just moving right along. On Page 5, Section
2 401, this change was in response to some concerns that
3 committee members have heard from licensees that the way
4 it was worded was confusing; that it made it sound like
5 you could not operate an establishment or a school unless
6 you are, yourself, licensed. So that was what that
7 change was intended for; to make it more clear that the
8 school and the establishment has to be licensed, but the
9 owner does not have to be. Is that right, Barbara?

10 MS. WARD: The owner does not have to be, but --
11 yeah, that was the object behind that one.

12 MS. GEE: Okay. And Section (b)(2) was my attempt
13 to address holding the salon owner responsible for having
14 people in the salon who did not have a driver's license.
15 And I'm not entirely pleased with the way that's worded,
16 but we're moving in that direction. There isn't anything
17 in the statute, and I think it would be a little
18 problematic to -- the way things are right now -- to
19 discipline a salon owner because they had people in the
20 salon who ran out the back door or issues like that, that
21 you have a lot, without having something concretely
22 making them responsible for that. So that's what
23 we're -- that's what that is.

24 MS. WARD: Instead of putting a driver's license,
25 could we say a valid picture ID -- that they could get an

1 ID? Because some people don't drive and they don't have
2 a driver's license.

3 MS. GEE: Yes. It say's "State-issued
4 identification."

5 MS. WARD: Yeah, because you are --

6 MS. COLLINS-BURROUGH: I think that would help the
7 inspectors and help us, the regulatory agency, to kind of
8 keep up with all the --

9 MS. GEE: Well, I know it's a big problem, so -- but
10 from a legal perspective, it's a little bit difficult to
11 put the responsibility on someone for something that
12 somebody else did without -- I mean, I'm going to have to
13 work on it a little bit. It's a little problematic.

14 MS. CAUDLE: Then, again, if they can be held
15 accountable, it may slow some of it down.

16 MR. SHIRLEY: That is concerning. I've seen this in
17 the last week, looking through the violations that have
18 been written up by inspectors; that there have been times
19 when some of them have been in there and they've not
20 gotten the documentation that they've needed. And yet,
21 as I'm understanding the way the law is written right
22 now, we can't hold -- essentially, we can't hold anybody
23 accountable because you have someone unlicensed working
24 in that office. If they walk out or just simply refuse
25 to present a valid ID to our inspectors, then there's no

1 one to write up. I think that there should be a measure
2 of accountability to the salon owner. If they're in
3 there working, that salon owner should know who's there
4 and that they are licensed to perform the services
5 they're performing.

6 MS. CAUDLE: And our law states that they have to
7 have a government-issued photo ID available upon request.

8 MS. GEE: It does.

9 MS. WARD: Couldn't we add "and/or manager"?
10 Because some people own it; they're not there; may have
11 somebody managing it, and they figure they're not going
12 to get slapped -- their hands aren't going to get
13 slapped, so big deal. And if we would add the manager of
14 the salon, that might make them a little bit more --

15 MS. GEE: Well, it just says -- the way it's worded
16 is "for any person to employ or allow to be employed."
17 So I think that that's broad enough that it could
18 possibly apply to the owner and also to the manager. The
19 manager is allowing this person to be employed.

20 MS. WARD: But they go back and say, "I don't own
21 it; it's their responsibility." We don't want that to
22 happen.

23 MS. GEE: Right.

24 MS. WARD: We might just say "and/or."

25 MR. SHIRLEY: And if the owner is off-site, they're

1 going to say, "Well, I didn't know they were there," to
2 try to excuse themselves.

3 MS. WARD: Yeah. So if we could put "and/or," and
4 it might be both of them or just one. We just don't know
5 the situation, and I think that would cover both of them.

6 MS. BURCHETT: "Employee or allowed to be employed"
7 should cover both.

8 MS. WARD: If they're just employed, they could just
9 say, "Well, I just run the place; I'm not the owner."
10 The owner is the one that -- so, you know, anyway --

11 MS. BURCHETT: As long as we have them both covered.

12 MS. GEE: Okay. The next section is 410, and -- I'm
13 sorry.

14 MS. STRAUN: Your language on Page 11 could go --
15 it's under "health and safety" -- you could stick
16 something right there. With that, that covers everybody.

17 MS. GEE: Page 11 on the --

18 MS. STRAUN: Page 11 on the rules and regs. It's
19 the same language. It kind of says that everybody -- you
20 know, no matter who you are, you're responsible to take
21 care of health and safety issues. Something real similar
22 to that could go under that, and that covers everybody.

23 MS. GEE: Where it says, "The salon owner or school
24 owner and the person in charge of salon or school"?

25 MS. STRAUN: Yeah. At the bottom, "All

1 practitioners, students, demonstrators" -- everybody --
2 if you break the rule or the law, it's your deal.

3 MS. GEE: Okay.

4 MS. STRAUN: So that way everybody could be.

5 MS. GEE: That might make sure that everybody
6 understands that. That may be a good idea. I'll see if
7 I can come up with some other alternative ways to word it
8 and see what you think about what would be best.

9 The next one is the instructor qualifications. I
10 think that's really mostly a technical change, because it
11 did say "an exam given by the State Board" -- which the
12 Board is not currently doing that, so just to change it
13 to say "a written and practical exam."

14 The Section 415 on the next page, on Page 6, this
15 is -- the language that was added to that came out of
16 417. The committee felt like it belonged in 415, so it's
17 pretty much just moved over. I think I might have taken
18 out something that was repeating what was already there,
19 but that was pretty much it -- about student permits.

20 So then in 417, that is -- the change there is
21 removing all of the stuff about volunteering and charity
22 or special events so that the Board would no longer be
23 maintaining records on that. But I think what we had
24 talked about is that the school would still need to
25 maintain the records so that they would have them

1 available to justify the hours that were given for an
2 event like that.

3 MS. CAUDLE: They don't get hours, was the deal.

4 MS. GEE: I'm sorry. You're right. So, yeah, that
5 was what it was. They don't get hours, so there wasn't
6 any reason for the Board to keep up with it.

7 MS. CAUDLE: Right.

8 MS. GEE: That's what that was then. And then the
9 rest of that -- (e) is what was moved over to 415.
10 That's it. I mean, there are other sections of the law
11 that are not included in here. I only included the ones
12 that there were changes to.

13 MS. CAUDLE: I wanted to talk about something. I
14 thought that we voted in the committee to have the part
15 moved over where that the students in a school could
16 actually go to a nursing home and provide charitable
17 services. Didn't we talk about that, that day? And it's
18 in the stricken part over here, and I thought that we
19 had --

20 MS. BURCHETT: Didn't we decide that would be
21 covered under "off campus student discretionary hours"?

22 MS. GEE: Discretionary hours.

23 MS. CAUDLE: But it's a charitable thing, so --

24 MS. BURCHETT: Would it matter what it was called?

25 MS. CAUDLE: No, it wouldn't matter what it was

1 called -- if charity were issued and they couldn't
2 receive hours for it. But I thought we discussed letting
3 them receive hours. There needs to be something in here
4 pertaining to that.

5 MS. BURCHETT: That's why, if it's under "student
6 discretionary hours," it doesn't matter if it's
7 charitable or not.

8 MS. WARD: I think, while we're discussing
9 charities, if they're doing a charity for some
10 specific -- (inaudible) -- that was what was considered
11 charity.

12 MS. CAUDLE: Right.

13 MS. WARD: And the nursing home is considered part
14 of the discretionary hours.

15 MS. CAUDLE: So we did agree to let it fall there?

16 MS. WARD: I think that's what they were talking
17 about.

18 MS. BURCHETT: I think so.

19 MS. GEE: We took out the part that says they
20 couldn't do it.

21 MS. CAUDLE: Right. So I wanted it gone, as far as
22 it did not -- (inaudible) -- I wasn't sure where we
23 actually put it, if they could receive hours for that
24 or --

25 MS. BURCHETT: If it's under "student discretionary

1 hours," they could.

2 MS. CAUDLE: They can as long as they have a --
3 provide us a list and the instructor went with them.

4 MS. BURCHETT: Right. But I think it had -- I think
5 something has to be changed somewhere else to allow that
6 to happen again. And it may be in the rules.

7 MS. CAUDLE: I think the law actually has to be
8 changed back before it can start happening.

9 MS. BURCHETT: Well, I know that. But what I mean
10 is: Somewhere it said something about students not being
11 able to go to --

12 MS. AKARD: Work on the elderly?

13 MS. BURCHETT: Right.

14 (Multiple conversations at one time.)

15 MS. BURCHETT: Yeah, that is in the rules and
16 regulations. So that would need to come out, because we
17 decided that --

18 MS. CAUDLE: And it is struck out. It's in 417.

19 MS. BURCHETT: Was that part of the last --

20 MS. CAUDLE: Uh-huh.

21 MS. BURCHETT: Okay.

22 MS. CAUDLE: 417, Section 4 (e)(1).

23 MS. GEE: If y'all are saying it's in the rules,
24 too --

25 MS. AKARD: Yeah, it's in the rules, but the --

1 MS. CAUDLE: Section 4, "Students shall" --

2 MS. BURCHETT: That's the only place it's written?

3 Because I thought it was in the --

4 MS. AKARD: It's right here.

5 MS. BURCHETT: And is that the only place it's

6 written? Because I thought it was in the --

7 MS. AKARD: Yeah. It's right here, "Students shall
8 not provide services to an elderly person who is confined
9 to a hospital or a nursing home." So y'all did strike
10 that?

11 MS. WARD: I think it's in the rules.

12 MS. AKARD: But you did strike it out here --

13 (inaudible).

14 MS. WARD: But then we're going back to the rules to
15 change it to go along with the law, so we didn't get
16 there yet.

17 MS. AKARD: We did strike it.

18 MS. BURCHETT: And the reason we did, just for the
19 record, is because no nursing home or hospital is going
20 to allow someone to come in and be in danger or endanger
21 their patients.

22 MS. JACKSON: Yes, they do, on doing hair.

23 MS. WARD: Yeah, they let people -- they let anybody
24 come in and do hair within --

25 MS. JACKSON: They sure do. They --

1 MS. BURCHETT: Well, if there's any kind of
2 instructor behind that student, they're not going to put
3 them in danger or put the patient in danger. So if they
4 are, I guess --

5 MS. WARD: The thing behind this is making sure that
6 they're not going there on their own and doing it,
7 basically. They want an instructor there.

8 MS. CAUDLE: Well, I did it while I was in
9 cosmetology school, and it's a joyful experience for the
10 elderly. Some of them have no family; no one to come
11 visit them, and that weekly visit from the cosmetologist
12 is very important to them.

13 MS. BURCHETT: And the students learn a lot more
14 than doing hair.

15 (Multiple conversations going on at one time.)

16 MS. COLLINS-BURROUGH: And the students learn more
17 as well.

18 MS. STRAUN: Well, when we were made to quit doing
19 that at the nursing home where we used to go every
20 Wednesday morning, they called for one month crying. It
21 was, "I'm sorry; you know, we didn't mean to -- I'm
22 sorry. Did someone offend you?" And I'm, like, "No, I
23 promise." And I can't wait for us to get back out there,
24 because they love it -- everybody does.

25 MS. GEE: Anything else on law changes that anybody

1 has any ideas about? Nothing?

2 Well, I know there's a few things that y'all would
3 like to see some changes on for discussion. And, I mean,
4 I'll be glad to e-mail these to whoever or put it in the
5 mail so you can have it ahead of time or whatever y'all
6 want me to do. So you tell me. I mean, it didn't sound
7 like there was a lot of contentious issues. I don't know
8 if you want to try to meet again before July or not. You
9 want to just plan on doing it in July?

10 MS. BURCHETT: I think that will give the new
11 members time to kind of study and go over and prepare and
12 kind of get familiar with it, maybe.

13 MS. GEE: That's fine. My only caveat would be that
14 if y'all think there's going to be something else you
15 want to change, probably need to start working on it
16 before July -- I mean major changes, not just little
17 language things here and there, but -- okay?

18 MS. BURCHETT: But what about the rule revisions?

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

20 MS. BURCHETT: Isn't that the one -- I guess that's
21 the one we really need to be --

22 MS. GEE: Those are separate issues, yeah.

23 MS. BURCHETT: -- in a hurry on. If we're going to
24 get anything changed, that needs to happen.

25 MS. GEE: There are areas of the rules right now

1 that conflict with the law that need to be changed. And
2 you -- I know there are some fees that y'all wanted to
3 raise that can't be raised until that rule process is
4 complete. So the rule revisions -- the copy that you
5 have is the latest copy that I had. So I'm not swearing
6 it's the latest version, but there are a lot of changes
7 in here. So I don't know how you all want to do this.
8 If you want to try to pick out what's the most important
9 thing and look at those or --

10 MS. AKARD: With all due respect, I don't think we
11 can just pick them out. If we need to set another time
12 to go through them, then that's what we need to do.

13 MS. GEE: It's a lot.

14 MS. WARD: I think that we need to go through the
15 whole thing, but I don't think we have time today.

16 MS. AKARD: I think we need to go through it, and we
17 need public comments on it. If that means we need to do
18 it at another time, we need to do it another time and get
19 some feedback on it and then come back again in July and
20 then vote on it.

21 MS. GEE: Okay. Well, just to go over again what
22 the process would be to do the rules: What y'all will
23 need to do is come up with a draft of rules that
24 everybody on the Board is okay with; that you are all
25 right with going forward with that. Then what will

1 happen is you will put them out for public comment, and
2 that has to be at least 30 days where they're posted on
3 the web site and they're available for everyone to get
4 copies of -- anyone who is interested in them -- and then
5 you will have a Board meeting where you take comments
6 from the Board members. And anyone who wants to speak
7 for or against any part of it shall have the opportunity
8 to do that. And that's one of the things that's making
9 me say this is a lot of stuff, because there are a lot of
10 issues in here. Some of them, I know, are kind of
11 contentious. And if we try to do them all at once, it
12 might hold the whole thing up. But that's entirely up to
13 y'all, however you want to do that.

14 But once that is done, you hear the public comments,
15 then you will vote whether to adopt it or not; make
16 changes to it; y'all will make your final decision, then
17 it will go to the legislative committee. We'll go over
18 it with the Board of directors, whoever wants to answer
19 questions from the legislature about why you made the
20 changes you made and why the legislature should approve
21 them. Sometimes they have lots of questions; sometimes
22 they don't. It's just kind of hard to predict. And it's
23 only after that, that you can put the rules into effect.

24 So that's going to be at least 60 days from the time
25 that you decide that you're good with that draft before

1 you can actually put them into effect. And that is the
2 absolute shortest time frame. It will probably be longer
3 than that, so just keep that in mind.

4 MS. AKARD: I have glanced through these -- through
5 the draft of the rules and regs, and there's some of it
6 that I can tell my Board members that I'm going to have
7 to comment on. So I don't know if we want to do that
8 before we put it out, or whatever, but I've got to have
9 some discussion on some of this.

10 MS. GEE: Well, a lot of this stuff -- I mean, it
11 had gotten to the point before, a number of months ago,
12 where the Board had voted to go ahead and put these out
13 for public comment, but the Board is significantly
14 different now than it was at that time. I don't know
15 that that's -- that you all will still support all of
16 this, so I think you definitely should make sure that --

17 MS. AKARD: We can put it on a fast track so we can
18 have it ready by July.

19 MS. GEE: Yeah, just to make sure that everybody
20 supports all the changes.

21 MS. WARD: Is it possible that we could get together
22 before July to discuss it so that everybody on the Board
23 can discuss some things and then --

24 MS. COLLINS-BURROUGH: Yeah, because we're going to
25 have several hearings in July. We've not had hearings

1 for quite some time, so that's going to be --

2 MS. WARD: Yeah. Well, we might have -- can we have
3 this before July, a meeting on going over this before the
4 July meeting?

5 MR. SHIRLEY: Since we didn't have hearings for
6 today, we were trying to do the committee this afternoon.
7 So we don't have it officially scheduled for tomorrow.
8 But what I would suggest is if we could call a special
9 meeting for June the 2nd, which is the first Monday --
10 two weeks from today -- next Monday being the holiday --
11 that would be the first open time. With most of you
12 working in salons and schools, Mondays are usually better
13 days, from what I'm understanding, to call a special
14 Board meeting. So if we call a special meeting --

15 MS. COLLINS-BURROUGH: I'll be gone to the regional
16 meeting New Orleans. So I won't be there.

17 MR. SHIRLEY: What about June the 9th, which is the
18 next Monday?

19 MS. CAVER-BLADE: I've got trainers coming down from
20 New Jersey that I'm paying \$1,000 a day, but you don't
21 necessarily have to have me.

22 MS. CAUDLE: I think it's important that everyone be
23 able to be here.

24 MS. GEE: I really would suggest that you might want
25 to remove a couple of these and set them aside for later

1 discussion; maybe try to do it in phases. I'm thinking
2 specifically of the equipment use rule. It's a whole new
3 rule, and there's a lot of stuff in there. And I think
4 there's going to be a lot of discussion about it, and I
5 don't think y'all want to hold up your fees to do that.
6 And there may be a couple of other things that I would
7 put in that category, also, that maybe aren't immediately
8 pressing. And Sheila probably has a comment on that.

9 MR. SHIRLEY: The rule changes regarding the fees is
10 just replacing the board's ability to enact those rule
11 changes?

12 MS. GEE: No. It's the actual fees.

13 MR. SHIRLEY: The actual fees?

14 MS. GEE: As it stands right now, the law says the
15 Board will set the fees, and y'all haven't set any fees.
16 I consider that to be the highest priority item.

17 MR. SHIRLEY: And I agree with you from one
18 perspective, but I'm concerned about making any decisions
19 on this -- (inaudible) -- so I have a better handle on
20 the budget and whether those fees need to vary somewhat
21 from what you have already looked at.

22 MS. GEE: Well, that's a great point.

23 MR. SHIRLEY: I'm not wanting to second guess you
24 right now; but until I really know what we're looking at
25 budget-wise, I'm not sure that we need to make a final

1 decision on fees until we have a better understanding of
2 what the budget is going to look like for the next couple
3 of years.

4 MS. GEE: Well, that's not to say that you couldn't
5 change it again. I mean, we only have a rule, which is a
6 lot easier to change than a statute. And I absolutely
7 see what you're saying. I think that's a great point.
8 But I have a little bit of concern about going forward
9 and charging people fees without it being established
10 anywhere what they are.

11 MR. SHIRLEY: I understand that.

12 MS. GEE: I think y'all need to do something about
13 that fairly soon.

14 MR. SHIRLEY: If we need to do that to be in
15 compliance, then we should move forward. But I would
16 like it to be with the understanding that I may have to
17 come to you and ask you to modify some of those fees
18 again, just out of necessity, to take care of our budget
19 issues.

20 MS. WARD: Have you had a chance to look at our
21 fees, what we have -- our suggestions?

22 MR. SHIRLEY: I have looked at them limited. I've
23 not spent a lot of time looking over those, because I've
24 been wanting to find out more what the budget is; and
25 then, once I know where the breaking point is there, to

1 say, "Okay, let's go over here and look at these fees and
2 see if they'll take care of that."

3 MS. WARD: Well, I think there's a few things we
4 didn't address here on the fees, but we did on most of
5 them. But I think there's some things that were on that,
6 that we haven't really discussed. Are we going to have
7 any executive -- I mean a special meeting?

8 MS. BURCHETT: I think we need a meeting in June,
9 but it's kind of tough to get everybody here.

10 MS. CAVER-BLADE: I have the 16th, 23rd, or June
11 30th. Anybody --

12 (Multiple conversations going on at one time.)

13 COURT REPORTER: I can't hear. Sorry.

14 MS. WARD: The end of June, I won't be able to make
15 them. So --

16 MS. CAVER-BLADE: The 16th? Does it look like the
17 16th is open for everybody?

18 MS. PICKERING: It is for me.

19 MS. GEE: I don't know. I can't think of anything I
20 have, but I have a lot of meetings. I'll have to check
21 to be sure that I can do that. I'll try to go call my
22 secretary.

23 (WHEREUPON, a brief recess was taken at this time
24 and the meeting was resumed before the court
25 reporter returned from break.)

1 MS. STRAUN: -- I do think they need to be paying
2 students. And a survey, that's kind of a gray area, too.
3 You know, I just feel like private schools need some
4 protection there.

5 MS. BURCHETT: We discussed that; right? Are you
6 talking to me, Sheila?

7 MS. CAUDLE: No, we haven't discussed that yet.
8 It's in here. The old way was that there had to be 25
9 Bona fide students before the school could open up. It,
10 somewhere in the process, got changed and said that if --
11 as long as there were 25 saying that they were going to
12 attend. And there, in fact, are schools that have been
13 allowed to open up in the last year with less than 25
14 Bona fide students.

15 MS. STRAUN: I think, originally, it was to try
16 to -- I don't know -- I guess I need to ask my
17 grandmother or Ms. Betty or somebody -- or maybe Ms. Vita
18 would know -- but I think that was put in place so that
19 people couldn't just pop schools on every corner like we
20 have salons. School is a big deal, obviously. We've got
21 lots of pages directing it. And I think just saying that
22 25 students that say they're going to come to school -- I
23 don't think you ought to be able to just throw a school
24 in there like that. It's too big a deal. There's lots
25 of -- it's never been -- this is real gray language, and

1 I think it needs to -- we need to have a little more help
2 with this than that.

3 MS. TRAYLOR: When the Board had the decision of
4 whether a school could go in within a search radius of
5 another operating school --

6 MS. STRAUN: Right. Maybe it needs to say 25 Bona
7 fide -- I mean, I've looked up "Bona fide" a thousand
8 times and tried to decide if it meant they had to pay.

9 MS. TRAYLOR: Saying "paying students."

10 MS. STRAUN: Yeah, "Bona fide paying students" or
11 whatever, you know. But I just think that it's just hard
12 enough --

13 MS. AKARD: Chris, I spent -- you know, I've spent a
14 lot of time thinking about that one, so I'm real
15 passionate on that one. So, you know, I'll spend some
16 time on that particular --

17 MS. STRAUN: Just, please, read -- please look at
18 that, and please --

19 MS. AKARD: Yeah. And I've got a lot of ideas.

20 MS. STRAUN: Good. Maybe you need both. You know,
21 maybe you need 25 Bona fide paying students and a survey
22 saying the town needs it or the county needs it or
23 whatever. But I don't think they ought to just be able
24 to --

25 MS. TRAYLOR: Let the legislators instruct on doing

1 that; tell them how much distance there had to be around
2 the school.

3 MS. BURCHETT: We did discuss that. Does anybody --
4 nobody remembers?

5 MS. CAUDLE: I'm looking.

6 MS. BURCHETT: Okay. We did discuss this, when we
7 were going through the law, and determined that if
8 it's -- if it takes place the way the law is written, we
9 won't have a -- there won't be a problem, because --

10 MS. CAUDLE: Okay. We have to follow the law, not
11 the rule.

12 MS. BURCHETT: Right.

13 MS. STRAUN: What's the law on that?

14 MS. BURCHETT: Well, this page doesn't have a
15 number, but it's 17-26-407, "Inspection of School
16 Facilities: Before any school license as provided in
17 this chapter shall be finally granted, a second
18 inspection shall be made after the equipment is" -- but
19 anyway -- and then, (b), "No applicant shall be granted a
20 license to operate a school unless the State Board of
21 Cosmetology finds that sufficient number of equipment has
22 been installed per the requirements of enrolling a
23 minimum of 25 students -- Bona fide students -- and that
24 not fewer than 25 Bona fide full-time students'
25 registration requests have been received in the case of

1 any new school." And that means received by the office.
2 So the forms and the money have to be in the office for
3 25 students; and so 25 student permits, along with the
4 school license, then can be taken by the inspector for
5 that school to be able to be open. And so the law has
6 not been followed as it's written, so that's why --
7 that's why the committee didn't look at making any
8 changes there, is because if the -- if we just follow the
9 law that's in place, there won't be any more schools
10 opening with 8 students or 11 students.

11 MS. GEE: I would just like to throw one thing in,
12 since we're talking about this: That Section 418 in the
13 law, the very last section, says that public schools are
14 approved by State Board of Education and Career
15 Opportunities -- not by this Board -- and that State
16 schools don't have to get a license. So --

17 MS. AKARD: Why?

18 MS. GEE: I don't know. That's just what it says.
19 I don't know why it was put in that way. I mean, I would
20 guess that it was because it's State-supported schools
21 and they say, "We're going to make the decision about
22 when a program needs to be put in and when it doesn't."

23 MS. BURCHETT: But a State school has to follow
24 every law and every rule as it's written. So what that
25 means is: If we only have eight students, then our

1 students can't get hours because the -- because we're not
2 following the rule.

3 MS. CAUDLE: Exactly.

4 MS. BURCHETT: We are not educating --

5 MS. CAUDLE: You have to bring yourself to code of
6 these laws and rules and regulations before your students
7 can be allowed to clock hours at your school.

8 MS. BURCHETT: That's correct.

9 MS. AKARD: But, no, because State schools are not
10 under the same standards.

11 MS. CAUDLE: They are if they want to receive hours.
12 Now, they can teach cosmetology all day long at any high
13 school in the state of Arkansas; but if they want to
14 receive hours to qualify for a cosmetology license, then
15 they have to follow these guidelines.

16 MS. AKARD: Okay. So maybe I'm misunderstanding.
17 We're trying to close down this meeting anyway, so we'll
18 have this discussion at a later --

19 MS. CAUDLE: Right; because, you know, you can go
20 right down the street, if it's a public school, and open
21 up a cosmetology course and teach cosmetology in there to
22 those students in a public school. But in order for
23 those students to qualify and receive hours, clock hours
24 for credit to get a cosmetology license, then that school
25 has to adhere to these laws.

1 MS. AKARD: Well, they don't have to have 25
2 students, though. We're going to run into --

3 MS. BURCHETT: If they're going to get hours, they
4 do.

5 MS. WARD: Well, we're going to run into a problem,
6 because they're going to say these students -- and this
7 is something that came up -- they've been intending --
8 they've got -- they've been there; they have all this
9 study; they've put in so many hours; it's not fair for
10 you not to give them their hours. And we don't want
11 that, and that's something I'm afraid we're going to end
12 up coming up against. And they're going to fight the
13 Board; because it's, "Well, you let them go to that
14 school" where -- even though it was with a public school
15 or whatever kind it was -- and they didn't get any hours
16 and --

17 MS. CAUDLE: But the majority of them -- I've not
18 run across any so far, and you guys might have -- the
19 majority of them are going to bring that department up to
20 code before they open.

21 MS. GEE: Can I just jump in with one other thing?
22 I mean, I went over and talked to Higher Ed about this.
23 We had a discussion about this situation and how they
24 looked at it, because it came up recently. And,
25 basically, the way that they do it is: They assume that

1 this Board is going to make sure that that school meets
2 the requirements to teach a cosmetology program. They
3 don't want a State school opening up teaching cosmetology
4 that's not going to do the students any good.

5 MS. CAUDLE: Exactly.

6 MS. GEE: So they don't want State money going to
7 that. So the way they looked at it is: They asked the
8 school, "Have you gotten approved by the Board of
9 Cosmetology," which to them means have you brought
10 everything in line with the way it's supposed to be. And
11 they were assuming that this Board was making a
12 determination that there was a need for that program and
13 that all of the other things that are set out -- the way
14 that they do it -- and they do it totally differently
15 than what this Board does -- but, I mean, I think y'all
16 can certainly put a procedure in place for how you're
17 going to look at public schools and how you're going to
18 decide whether public schools should go forward, just
19 keeping in mind that it can't be exactly the same as
20 private schools because it's put in -- it's in a little
21 bit different footing. But that doesn't mean that public
22 schools can just do whatever they want. I think that's
23 what Sheila was --

24 MS. CAUDLE: Right.

25 MS. STRAUN: I think one of very basic things about

1 opening a school, though, are the numbers. And I've been
2 told that there's, like, ten students at -- I can't
3 pronounce that --

4 MS. AKARD: It's (inaudible).

5 MS. STRAUN: Yeah. There's very few students there.
6 And, to me, there's not -- to me, that's not a need. You
7 know, you don't open a program for ten people and the
8 State pay for it.

9 MS. AKARD: Well, we had the one that also opened in
10 south Arkansas -- well, is getting ready to in El Dorado.
11 There's two schools there.

12 MS. STRAUN: Yeah, there's two beauty schools there.

13 MS. AKARD: And we sat right here last summer and --

14 MS. BURCHETT: But that's no different than two
15 private schools opening in North Little Rock with eight
16 or twelve students. You know, I don't want to see us
17 treated any different than a private school.

18 MS. AKARD: But, you know, those two never came to
19 the Board. That one never saw that come to the Board.
20 The public school did come to the Board for the opening.
21 There was a big debate whether that one was to open. And
22 the other ones proved that they supposedly had 25; the
23 others never did.

24 MS. CAUDLE: Which one never came to the Board?

25 MS. STRAUN: The other two in North Little Rock

1 never --

2 MS. AKARD: Yes, they did. They did.

3 (Off-the-record discussion.)

4 MS. CAVER-BLADE: Ready to get out of here and
5 discuss this June 16th?

6 MS. WARD: Well, where it's not listed on the rules,
7 I think it should be repeated in the law as far as what
8 they need to meet, because some of them will just look at
9 the law and say, "Well, I can do it; it doesn't specify."
10 So like it says in the law book, I think it probably
11 needs to be repeated so that they can see for the ones
12 who don't read both.

13 MS. AKARD: And just one second. I know we're ready
14 to go, but there needs to be some more discussion about
15 it. June is fine.

16 MS. CAVER-BLADE: All those in favor to adjourn?

17 (WHEREUPON, meeting was adjourned at approximately

18 3:15 p.m.)

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CERTIFICATION

STATE OF ARKANSAS:

COUNTY OF PULASKI:

I, CELESTE HOGAN, Certified Court Reporter and Notary Public for the State of Arkansas, do hereby certify that I reported in machine shorthand the above-captioned proceedings.

I HEREBY CERTIFY that the foregoing pages contain a full, true and correct transcript of my said Stenotype notes then and there taken.

I FURTHER CERTIFY that I am not an attorney or counsel of any of the parties, nor a relative or employee of any of the parties, nor am I a relative or employee of any attorney or counsel connected with the action, nor am I financially interested in the action.

I FURTHER CERTIFY that in order for this document to be authentic and genuine, it must bear my original signature and my embossed notarial seal and that any reproduction in whole or in part of this document is not allowed or condoned and that such reproductions should be deemed a forgery.

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