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ARKANSAS DEPARTMENT OF HEALTH
COSMETOLOGY SECTION
COSMETOLOGY TECHNICAL ADVISORY COMMITTEE

BE IT REMEMBERED that on Monday, the 15th day of March 2010, the meeting of the Arkansas Department of Health, Cosmetology Section, Cosmetology Technical Advisory Committee was held, at 1:00 p.m., at Freeway Medical Building, 5800 West 10th Street, Eighth Floor, Little Rock, Pulaski County, Arkansas.

TECHNICAL ADVISORY COMMITTEE:

- SUSAN COLLINS-BURROUGH, Chair
- CATHY CAVER
- TRACY AKARD
- NELLIE HOPPER (not present)
- JIM BUTENSHOEN
- JACQUELYN REYNOLDS
- KATHY HAVNER

REPORTED BY:

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1 APPEARANCES :

2 ON BEHALF OF THE BOARD :

3 RICK HOGAN, ESQ.

4 Staff Members Present :

5 RENEE PATRICK - Interim Director

RENEE MALLORY

6 MICHELLE RUDOLPH - Administrative Assistant

TERI CRAVOTTA - Administrative Specialist

7 KELLI KERSEY

8 Board Inspectors Present :

9 ROSE HORNER

PAT BLAND JACKSON

10 LAVONNE LESTER

BRENDA MORGAN

11 VERA WOOD

12 ALSO PRESENT :

13 Gulam Mustafa

14 Theresa Gulley

15

16 Court Reporter :

17 Susan B. Whitson, CCR

Arkansas Supreme Court Certificate No. 158

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P R O C E E D I N G S

1
2 MS. COLLINS-BURROUGH: Okay. I would like to call
3 this meeting to order.

4 And the hearing notices that we had this morning,
5 the little training things, let's pass those all the
6 way up, please, if you have them.

7 And at this time I would like to take roll.
8 Nellie is ill, I understand, so everyone is here but
9 Nellie, Nellie Hopper.

10 And did you get your minutes either electronically
11 or in the mail of last meeting, January 25th?

12 Did you read them? Understand them? Is there any
13 discussion, amendments?

14 Okay. We need a motion to accept.

15 MS. CAVER: I make a motion we accept the minutes
16 from the last meeting.

17 MS. COLLINS-BURROUGH: Okay. I have a motion from
18 Cathy to accept. Do I have a second?

19 MR. BUTENSHOEN: Second.

20 MS. COLLINS-BURROUGH: All in favor, raise your
21 right hand.

22 (Six hands raised.)

23 MS. COLLINS-BURROUGH: Okay. Thank you for that.

24 I'm going to pass these around and the committee
25 members need to sign the back of them.

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1 Okay. I understand we have hearings or no
2 hearings?

3 MR. HOGAN: Yes. Madam Chairman, we have some
4 notices that went out this time, but we did not get the
5 green card returned and I wanted to ask that we table
6 these until -- send out notice. They are minor
7 violations, but I'm not sure in light of the time frame
8 that they were sent out that the people actually
9 received notice of them, so --

10 MS. COLLINS-BURROUGH: When were they mailed?

11 MR. HOGAN: March the 3rd.

12 MS. COLLINS-BURROUGH: Okay.

13 MR. HOGAN: Probably did, but I would like to, if
14 we could, incorporate -- our goal is to try to give a
15 30-day notice, if possible, to anybody that's in
16 violation.

17 MS. COLLINS-BURROUGH: Okay. Do we need a motion
18 to propose?

19 MR. HOGAN: If you would just table, table those
20 and put it to the next meeting, I would appreciate it.

21 MS. COLLINS-BURROUGH: Okay.

22 MR. BUTENSHOEN: I make a motion that we table the
23 violations until the next meeting.

24 MS. CAVER: Second.

25 MS. COLLINS-BURROUGH: Okay. All in favor, raise

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1 your right hand.

2 (Six hands raised.)

3 MS. COLLINS-BURROUGH: Okay. So carried. Thank
4 you for that.

5 Okay. Renee, do you have -- what are we doing on
6 this?

7 MS. PATRICK: Do we need to vote on this?

8 MR. HOGAN: Yes. You can vote on either en mass
9 or you normally vote on them one at a time, just
10 whatever the --

11 MS. COLLINS-BURROUGH: I don't see that that's
12 necessary, I would think that en mass would be fine.

13 So we need a motion to approve the paid violations
14 you have in front of you. Is there any questions or
15 any discussion?

16 Okay.

17 MS. HAVNER: Make a motion we accept these.

18 MS. COLLINS-BURROUGH: Okay. Motion by Kathy
19 Havner.

20 MR. BUTENSHOEN: Second.

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

22 All in favor, raise your right hand.

23 (Six hands raised.)

24 MS. COLLINS-BURROUGH: Thank you for that.

25 MR. HOGAN: We'll give a list of these to the

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1 court reporter so the record will be clear about -- the
2 names and numbers will be clear for the record.

3 MS. COLLINS-BURROUGH: Okay.

4 MS. PATRICK: I actually have a brief program
5 update.

6 The first thing I want to announce, and we're very
7 excited about, is we have a new section chief of
8 cosmetology, Kelli Kersey, who is at the end table
9 there. Her official first day will be Sunday,
10 March the 21st.

11 Did we tell you you were going to have to work on
12 weekends?

13 MS. KERSEY: Yeah.

14 MS. PATRICK: So she will actually be in the
15 office the first day the 22nd, so we are very excited
16 to have her on board.

17 Kelli has a lot of cosmetology experience, she is
18 a licensed practitioner as well as being a past salon
19 owner, so she has got a lot of experience in business
20 management as well, and so she's going to bring a lot
21 to the health department as the new section chief.

22 Would you like to say anything?

23 MS. KERSEY: No.

24 I'm just glad to be here, I'm excited for this
25 chapter in my life, and I can't wait to get started.

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1 MS. JACKSON: Welcome aboard.

2 MS. RUDOLPH: Yes.

3 MS. KERSEY: Thanks.

4 MS. PATRICK: The other staffing issue is we still
5 do not have a person for the front desk position.
6 We're still in the process of reviewing applications on
7 that, so that still is a vacant position that we've
8 been working on. But in terms of staffing, those are
9 the only two issues, all the other positions are
10 staffed. And they are all happy to be there. Right?

11 STAFF: Right.

12 MS. PATRICK: Right.

13 Okay. Online renewal process, we're working with
14 INA, which is another state agency, on getting that on
15 as quick as we can. We're hoping in the next --
16 hopefully by the next meeting we'll either have it
17 accomplished or we will be very close to that. So we
18 are not going to have to wait until we get new software
19 in place to get the online renewal process going, so
20 we're really excited.

21 Our chief information technology officer, whatever
22 he's called, is working with INA to get that
23 accomplished, so hopefully soon. We needed it three
24 months ago.

25 MR. BUTENSHOEN: Is it going to include the

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1 student permits?

2 MS. PATRICK: That will include --

3 MS. CRAVOTTA: No. No. Not --

4 MS. PATRICK: Will it?

5 MS. CRAVOTTA: No.

6 MS. PATRICK: No? Okay.

7 MS. CRAVOTTA: Not until we get a new program. Is
8 this the program or just online renewal?

9 MS. PATRICK: Online renewal.

10 MS. CRAVOTTA: Yeah. No. No. Just permits.

11 MR. BUTENSHOEN: That's the wrong answer.

12 MS. CRAVOTTA: We're working on it.

13 MS. KERSEY: We'll work on that.

14 MS. PATRICK: What is the reason for not being
15 able to do that?

16 MS. CRAVOTTA: We don't have the program, the
17 software so they can enter it themselves.

18 MS. PATRICK: Okay.

19 Okay. The renewal season update has been an
20 interesting process for me, and I know that it's
21 routine for the staff but it's been very interesting
22 for me, particularly with us being two staff members
23 down. It's an incredibly, incredibly busy time, and
24 particularly with not having the online renewal
25 available to us, the ability to process all of the

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1 renewals and then do the reconciliation reports and
2 then get the licenses out, and in the interim answer
3 all the questions that go along with that has been a
4 real learning experience, and it's been a -- I'm just
5 going to be real frank with you, it's been a very
6 difficult time for the staff.

7 Part of the difficulty is that we sent the
8 newsletter out not long after the renewal season hit,
9 and for some reason there were many people out there
10 who either forgot that the fees went up or they truly
11 did not know that the fees had gone up, and so this was
12 their first, what they are claiming to be their first
13 time that they knew that the fees had gone up the way
14 that they had. And so we -- we had literally, there
15 was about three of us, and we would be on the phone
16 with one person with another person or two on hold, all
17 of us taking phone calls. And so that did slow down
18 the process of being able to get all the renewals
19 processed.

20 I'm happy to say that we are, what, a week behind?

21 MS. RUDOLPH: Uh-huh.

22 MS. PATRICK: Yeah, so we are not very behind at
23 all, almost completely caught up on that.

24 But as the interim section chief, I did ask the
25 staff to make that their priority, and so that is what

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1 we have been working on.

2 Therefore, during the next meeting that we have,
3 we will have more violations, there are some violations
4 for you to go through, and that may be a lengthy list
5 simply because we did not have the time to be able to
6 process those for the meeting. And until we get online
7 renewal going, and maybe even some other efficiencies
8 put in place, I'm not sure that the March meeting will
9 have very many violations if -- if this continues to be
10 the trend for January, February and March work in the
11 office; it's pretty much, it takes everybody on board
12 to send renewals.

13 MS. COLLINS-BURROUGH: You mean May meeting?

14 MS. PATRICK: No. Actually every March, like this
15 time next year.

16 MS. COLLINS-BURROUGH: I see.

17 MS. PATRICK: Unless things change so no, but in
18 March, I mean we're in March, so in May you can expect
19 violations, so the training you got this morning will
20 benefit you in May, I'm sure. So -- so that kind of
21 took care of that, the next one.

22 Is -- are there any questions of me?

23 Great. That's all I have. Okay.

24 MS. COLLINS-BURROUGH: Okay. Administration of
25 the 2008 fee increase.

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1 MS. PATRICK: Okay. And so that kind of goes
2 along with what has happened. There has been, we've
3 gotten lots of e-mails both to me individually as
4 interim section chief but also to our generic e-mail
5 address, cosmoArkansas.com, gov, dot gov, and then lots
6 of phone calls with complaints about the fee increase.
7 And what we've been telling everyone that, you know,
8 that that went into effect in '08, that the office was
9 working under a deficit at that time and something had
10 to happen, and that, you know, we had been looked at
11 other states to see what other states had been charging
12 to bring us in line. And it did seem that many
13 understood but still were very upset that they had not
14 been notified earlier.

15 There were also many who are not practicing
16 cosmetologists and there is a request on if we could
17 look at a -- what's the term?

18 MS. HORNER: Inactive.

19 MS. PATRICK: Active and nonactive license, if
20 that would be a possibility. So I did tell them that I
21 would bring it before the committee for discussion.

22 What are your thoughts about that?

23 MR. BUTENSHOEN: Do we have any idea how large,
24 what percent is inactive and what percent is, of the
25 licensees?

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1 MS. PATRICK: I -- I would have no way of knowing.

2 MR. BUTENSHOEN: I wouldn't think so.

3 MS. PATRICK: Unless we did a survey.

4 MR. BUTENSHOEN: Well, we could cut off our nose
5 to spite our face if we did that, financially.

6 MS. AKARD: I don't -- I don't think there is any
7 way that -- I think you will have people working with
8 an inactive license.

9 MR. BUTENSHOEN: Right.

10 MS. AKARD: And I don't think --

11 MS. HAVNER: Particularly when they are working
12 with the inspectors, they would have to police that
13 constantly.

14 MS. COLLINS-BURROUGH: Some states do it, some
15 states don't, those that have enacted it seems to have
16 been a pro and con, you can pro and con it to death,
17 but it's really hard to keep up with and straight,
18 really, so --

19 MS. AKARD: I know as a dental hygienist, when you
20 were inactive you still paid the same fee, you just
21 checked on your license that you were inactive but you
22 still paid the same fee, you still went to the same
23 continuing ed, it was still --

24 MR. BUTENSHOEN: I'm not comfortable.

25 MS. HAVNER: I'm not either.

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1 MS. COLLINS-BURROUGH: Do we need a motion or do
2 we --

3 MS. PATRICK: We do.

4 MS. COLLINS-BURROUGH: Okay. We need a motion to
5 not establish an active/inactive list, roster.

6 MR. BUTENSHOEN: I make a motion not to
7 distinguish active and inactive licenses.

8 MS. COLLINS-BURROUGH: Okay. A second?

9 MS. HAVNER: Second.

10 MS. COLLINS-BURROUGH: Okay. All in favor, raise
11 your left hand -- right hand. I'm sorry. Just seeing
12 if you're awake.

13 (Six hands raised.)

14 MS. COLLINS-BURROUGH: Okay. Motion passes.
15 Thank you.

16 MS. PATRICK: That's all I have today.

17 MS. COLLINS-BURROUGH: Okay. We have an item on
18 our agenda for eyebrow threading.

19 MS. PATRICK: There should be a person here to
20 introduce that.

21 MS. COLLINS-BURROUGH: Well, they are not
22 scheduled for another hour.

23 MR. BUTENSHOEN: Can we talk about town halls and
24 NIC?

25 MS. COLLINS-BURROUGH: You can talk about anything

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1 you want to talk about.

2 MS. PATRICK: Yeah.

3 MR. BUTENSHOEN: No. No. I was just looking at
4 the agenda.

5 MS. COLLINS-BURROUGH: Well, it's not on the
6 agenda but that's okay. What do you want to talk
7 about?

8 MR. BUTENSHOEN: It is on mine.

9 MS. PATRICK: It's on the draft.

10 MR. BUTENSHOEN: Oh, okay. Sorry.

11 MS. COLLINS-BURROUGH: What do you want to talk
12 about?

13 MR. BUTENSHOEN: I was just looking at the agenda,
14 I was going through the --

15 MS. COLLINS-BURROUGH: Well, yours is different
16 than ours, though.

17 MR. BUTENSHOEN: I have nothing to discuss then.
18 It was a tickler, that's all.

19 MS. COLLINS-BURROUGH: Okay. Is it on the --
20 I guess not. It's not on mine.

21 MS. PATRICK: It's on the draft.

22 MS. COLLINS-BURROUGH: But we can?

23 MR. BUTENSHOEN: We can, yes.

24 MS. COLLINS-BURROUGH: Let's talk about the
25 regional meeting.

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1 We need an amendment to --

2 COURT REPORTER: I can't hear.

3 MS. COLLINS-BURROUGH: We need an amendment to or
4 a motion to amend the agenda to add the committee --
5 what do you want to call that? The regional hearings?

6 MS. PATRICK: Uh-huh. The regional hearings and
7 the NIC.

8 MR. BUTENSHOEN: Regional town hall meetings, is
9 what the agenda says.

10 MS. COLLINS-BURROUGH: Okay. I need a motion to
11 that and a second.

12 MR. BUTENSHOEN: I make a motion that we discuss
13 the regional town hall meetings.

14 MS. CAVER: I second that.

15 MS. COLLINS-BURROUGH: Okay. Raise your hand.

16 (Six hands raised.)

17 MS. COLLINS-BURROUGH: Motion passes.

18 MS. PATRICK: Okay. On the regional town hall
19 meetings we have been asked to do those to talk about
20 the transition of abolishing the cosmetology board and
21 putting those activities under the board of health and
22 the department of health; and so we are working right
23 now to -- actually we've got tentative dates in mind
24 but we don't have our places confirmed yet. We are
25 looking at doing these across the state and one in

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1 central Arkansas. So, and there will be a standard
2 agenda for each of those. We've got the presentation
3 from -- was it NIC? Was Kirby with NIC or --

4 MS. JACKSON: What?

5 MS. PATRICK: The videotape.

6 MS. CRAVOTTA: NIC.

7 MS. PATRICK: Okay. So we've got the DVD from NIC
8 on health and safety we plan on showing and we have an
9 opportunity to meet your inspector and visit with her a
10 bit, and then for the health department to talk about,
11 there will be one of us to talk about our perspective
12 in terms of the transition and some of the things that
13 we can bring to the cosmetology industry.

14 The -- I will say that many of the phone calls
15 that we received were concerns about us not
16 communicating with the industry as much, and so we hope
17 that with having town hall meetings and doing
18 newsletters that are not for the purpose of renewal but
19 for the purpose of communication, that we can better --
20 we can improve that, but that -- I have a lot of
21 complaints the last few months about lack of
22 communication with our practitioners.

23 So that's what that was about.

24 MR. BUTENSHOEN: And when would those occur?

25 MS. PATRICK: Sometime in the next -- we're hoping

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1 between May and June is what we're hoping for, we just
2 have to nail down the location.

3 MS. COLLINS-BURROUGH: And will someone from the
4 panel need to be here or --

5 MS. PATRICK: That would be great. It would be
6 very nice to have somebody from the CTAC come at each
7 one of those to talk about your role.

8 MS. COLLINS-BURROUGH: Is that something you guys
9 can kind of assign to us?

10 MS. PATRICK: Uh-huh.

11 MS. COLLINS-BURROUGH: Okay.

12 MR. BUTENSHOEN: Based on region?

13 MS. PATRICK: Yes. Absolutely.

14 MS. COLLINS-BURROUGH: Now, you said you don't
15 have locations?

16 MS. PATRICK: Not yet.

17 MS. COLLINS-BURROUGH: Okay. The October '06, I
18 think it was, or October of '06, I think, there is four
19 locations listed where they were before, prior.

20 MS. PATRICK: Okay.

21 MS. COLLINS-BURROUGH: And you may want to contact
22 them.

23 MS. PATRICK: Okay.

24 MS. COLLINS-BURROUGH: Since it's been there, done
25 that type of situation.

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1 MS. PATRICK: Right.

2 MS. COLLINS-BURROUGH: I saw it online, I believe
3 it was October of '06.

4 MS. PATRICK: Good. Okay.

5 MS. COLLINS-BURROUGH: And it listed all four
6 locations and the board.

7 MS. PATRICK: Okay. Great. Great. That's very
8 helpful.

9 MS. COLLINS-BURROUGH: Okay. Does that -- is that
10 it for that?

11 Okay. Is the gentleman ready?

12 Is that -- all right. Let's go on with threading,
13 the eyebrow threading technique.

14 MR. MUSTAFA: Would you like to know the technique
15 or the history for the --

16 MS. COLLINS-BURROUGH: Well, what did you discuss?

17 MS. PATRICK: You -- you wanted to present on
18 eyebrow threading to this committee, so maybe a little
19 bit of both.

20 COURT REPORTER: Could you identify yourself, sir?
21 Could you tell me who you are?

22 MR. MUSTAFA: I'm from Eyebrow Designer 21 is our
23 company, and I'm with the office staff for there.

24 COURT REPORTER: What's your name?

25 MR. MUSTAFA: My name is Gulam Mustafa.

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1 COURT REPORTER: Spell that, please.

2 MR. MUSTAFA: G-u-l-a-m, and the last name is
3 Mustafa, M-u-s-t-a-f-a.

4 COURT REPORTER: Thank you.

5 MR. MUSTAFA: I'll give you information about
6 eyebrow threading. Eyebrow threading is a technique
7 that has been around for centuries.

8 COURT REPORTER: I'm sorry. Sir, I need you to
9 look where I can -- I can't understand you.

10 Okay. Could you start again?

11 MR. MUSTAFA: Okay. Eyebrow threading is a
12 practice that has been around for centuries. This
13 procedure is used for eyebrows shaping as well as
14 removing hairs from the cheeks, upper lip and chin.
15 Some men use this procedure to remove the hairs from
16 between the eyebrows or to remove facial hairs.
17 Eyebrow threading is popular in Middle East, India and
18 some Asian countries; it is slowly becoming fashionable
19 in the United States and getting a lot of popularity.
20 It's the alternative to waxing and plucking.

21 Threading is done in a salon with one simple tool.
22 This tool is a piece of 100 percent cotton thread. One
23 end of the thread is held between the teeth or in
24 anchored around the neck of the beautician or
25 technician, and the other end of the thread is twisted

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1 around in the right hand from a loop in the center of
2 the string; and when applied, it applied, the thread is
3 then rolled over the surface of the skin and that
4 collects the hair from the follicle. The thread is
5 then used to lift the hairs out by the root. This
6 procedure does involve a small amount of pain. The
7 amount of pain does vary from the person to person.
8 Many people find that this is the best way to get the
9 great arch to the eyebrows because threading is so
10 effective in removing even fine hairs, and they don't
11 have to use any chemicals or any harsh wax, lotions
12 which spoils the skin and removes a layer of the skin
13 whenever it's applied. Threading is natural and it's a
14 regular 100 percent cotton thread.

15 Threading eliminates this entirely, waxing is
16 another popular procedure, that threading surface is,
17 as you can see a person skill in threading can give
18 your eyebrows a smooth and a neat look. When your
19 eyebrows are waxed, a layer of the skin is pulled off
20 with the wax. This can be painful and bad for the
21 health of the skin around your eyes. Threading does
22 not disturb the skin at all and can be done just
23 quickly as waxing. Eyebrow threading also renews the
24 utilization, often accompanied with other procedure.
25 Excessive tugging and pulling by tweezers can lead to

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1 here one set of wrinkles, some people experience some.
2 And -- and like whenever we use the threading, and
3 whenever you use a thread for one customer like this,
4 we throw that thread and a new thread is used. And the
5 thread is 100 percent cotton and it's a regular thread,
6 nothing special about this thread.

7 And the procedure is like this. Few people hold
8 it around the neck and some, some then they put it
9 inside their mouth.

10 (Demonstration.)

11 That's it.

12 MR. BUTENSHOEN: That's it?

13 MR. MUSTAFA: That's it. This is the procedure.
14 And -- and the person who knows threading, they use it
15 to shape the eyebrows. And this is all they -- they --
16 they pull this from like this. The hairs remove and
17 they pulling of the lining of the hairs at the same
18 time. And this is getting very popular in all of the
19 states. And in California, Illinois, Texas, Maryland
20 and Virginia, they have treated this as an art and it's
21 not about cosmetology, and so anybody can get it
22 without a license.

23 MR. BUTENSHOEN: Is that allowed in our rules?

24 MS. COLLINS-BURROUGH: Well, I think that's what
25 we're going to discuss today. But I have some

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1 questions for Mr. -- is that temporary or is it
2 permanent removal or how does that work?

3 MR. MUSTAFA: It's temporary. Like once you get
4 it done for, it's good for three or four weeks. It
5 depends on growth of the hairs. Because sometimes is
6 good for three weeks. It lasts longer, but it's
7 temporary. It's like waxing every few weeks, you have
8 to get it done.

9 MS. COLLINS-BURROUGH: Uh-huh. And what sort of
10 education do you go through in order to do that?

11 MR. MUSTAFA: It has to become, in India it's a
12 common practice. Every woman, she knows about this.

13 MS. COLLINS-BURROUGH: But how?

14 MR. MUSTAFA: It's learned from like some teachers
15 or parents like.

16 MS. COLLINS-BURROUGH: Just kind of passed around?

17 MR. MUSTAFA: Passed around like that.

18 MS. COLLINS-BURROUGH: And what do you do prior to
19 hooking up the thread? What's the preparation of the
20 client?

21 MR. MUSTAFA: Nothing. Just like on the chair,
22 she sits on the chair, she like, she pulls back the
23 skin like this so that she doesn't see more pain and
24 they wear gloves. For every customer we change the
25 gloves. I have the gloves also. So it's just gloves.

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1 MS. COLLINS-BURROUGH: What do you do to prepare
2 the area?

3 MR. MUSTAFA: Nothing.

4 We don't have to do no lotions, no powders, no
5 combs.

6 MS. COLLINS-BURROUGH: You don't clean the area?

7 MR. MUSTAFA: No, you don't need to clean that.
8 We never pull any of the hairs in the eyebrows, it's
9 only for the upper, of the eyebrows, and right here, up
10 there.

11 MR. BUTENSHOEN: Is there bleeding?

12 MR. MUSTAFA: No. Never.

13 There is no chances of getting hurt, there is no
14 chances of getting cut on the eyebrows or the skin.
15 Never.

16 MS. COLLINS-BURROUGH: Any more questions?

17 MR. HOGAN: Can I ask a few?

18 MS. COLLINS-BURROUGH: Sure.

19 MR. HOGAN: Do you use it on anywhere else in the
20 body other than along the eyebrows? Can it be used in
21 other areas?

22 MR. MUSTAFA: Upper lip, chin, and eyebrows. Only
23 on the face, nowhere on the other part of the body.

24 MR. HOGAN: Only on the head?

25 MR. MUSTAFA: Only on the head, face or the head.

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1 MS. AKARD: Where are you wanting to perform these
2 services?

3 MR. MUSTAFA: We are doing them in malls. This
4 concept is very much popular in all of the malls of the
5 United States and now we're do it, yes, right in the
6 malls of Arkansas.

7 MS. AKARD: Are you talking about like in a kiosk?

8 MR. MUSTAFA: Yes. That.

9 MS. COLLINS-BURROUGH: Out in the middle of the
10 mall?

11 MR. MUSTAFA: Yeah. In the middle of the malls.

12 MR. HOGAN: Sounds like, from what you're saying,
13 is you understand with the changing of the gloves and
14 the cleanliness of the act itself, that being near a
15 place that can go into -- absorb or go into your body,
16 that you understand that there is a need to be clean,
17 that someone with a, you know, may have an open sore on
18 their hand or something like that, would not actually
19 be doing the threading. Right? Or is that a --

20 MR. MUSTAFA: Well, the only reason we are
21 changing the gloves, to just make the fact where people
22 satisfied like that they are clean and the people that
23 are watching. Because some people they want to see
24 like how it is they are doing. Because it's -- there
25 is no way the person doing the threading touches the

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1 skin of the customer, there is no like this. Only she
2 touches the thread and the thread touches the skin and
3 the hairs.

4 MR. HOGAN: And obviously --

5 MR. MUSTAFA: And still to remain cautious we are
6 wearing the gloves.

7 MR. HOGAN: And obviously the same thread couldn't
8 be used over and over again?

9 MR. MUSTAFA: No. We throw the thread. We break
10 the thread, after the thread is done, we break the
11 thread and throw it away.

12 MR. HOGAN: Now, I've had bad razors in my day and
13 chafing, but I can't believe that pulling hair out by
14 the roots there wouldn't be some bleeding involved in
15 that? Is that --

16 MR. MUSTAFA: Huh-uh.

17 MR. HOGAN: There is not any bleeding?

18 MR. MUSTAFA: Huh-uh. Because like for 5 years we
19 are doing this. The first in the -- the first mall
20 it's in 2005 and we are doing it in 2009, and since
21 there we have, we have like 42 locations right now.
22 And there are other companies, not only myself also.
23 The other companies are [indecipherable], they have
24 around 50, according to, like this, locations in
25 California, Texas, all over the United States, and

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1 nobody had a contact like that, nobody here.

2 MR. HOGAN: What kind of complaints if any do you
3 get from your customers?

4 I mean is it more of an appearance or if someone
5 said they didn't like how much you took off or is it
6 any kind of pain or result? Anybody ever come back to
7 you and say my eyes swelled up or my --

8 MR. MUSTAFA: Never.

9 MR. HOGAN: Any kind of problems like that?

10 MR. MUSTAFA: We never had a problem come through
11 like that.

12 People are like referring, a lot of people who
13 are, like they can out of the acne of their skin break
14 out, they like threading, even dark girls sometime they
15 become, some people like you cannot do wax because you
16 have a rash to your skin, so the same option you have
17 is like go back, go through thread.

18 MR. HOGAN: Do you ever use or in this practice
19 have you used any lotions or anything after the fact to
20 moisturize the skin --

21 MR. MUSTAFA: No.

22 MR. HOGAN: -- or even before?

23 MR. MUSTAFA: No.

24 MR. HOGAN: Are there any precautions that you
25 advise as far as don't use alcohol, don't use some --

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1 don't wash your face for a period of time, anything
2 like that after that?

3 MR. MUSTAFA: No. They can do whatever they like
4 to, there is no after effects of it. They don't have
5 to wait for any time.

6 MR. HOGAN: That's all my questions.

7 MS. COLLINS-BURROUGH: How long does this
8 procedure take, roughly?

9 MR. MUSTAFA: Three to four minutes. Five minutes
10 maximum.

11 MS. COLLINS-BURROUGH: And what do you charge for
12 that?

13 MR. MUSTAFA: \$10.

14 I've got a flyer also for this so you can see
15 this.

16 COURT REPORTER: Do you want this in your record?

17 MS. PATRICK: Yes.

18 MR. MUSTAFA: In California, every malls, each of
19 them, every mall take one, and every mall is taking
20 them and people like them. After we are doing a lot of
21 customers, we were moving to a store also.

22 MS. HAVNER: Is it regulated anywhere else? Any
23 other state?

24 MR. MUSTAFA: The same thing?

25 It's regulated in Illinois, California, and

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1 Maryland, Virginia, North Carolina and Texas,
2 everywhere.

3 MS. HAVNER: And these state boards have approved
4 this procedure?

5 MR. MUSTAFA: Yes.

6 MR. HOGAN: This is an alternative to waxing, is
7 that right?

8 MR. MUSTAFA: Yes.

9 MR. HOGAN: Okay. And waxing, I think, is fairly
10 regulated, to my understanding?

11 MR. MUSTAFA: Yes. It is all people do waxing. A
12 lot of people, like I told you earlier, there are a lot
13 of people that are allergic to waxing, they are liking
14 this very much. And there is no damage to your skin
15 this is natural, we do it with just a regular cotton
16 thread and you can take this thread to see what it is.
17 It's a regular cotton thread.

18 And Arkansas, this is the first time we are trying
19 to do this, but in other states, like five years ago,
20 they no worries about it, it's common in this.

21 MS. COLLINS-BURROUGH: Any more questions?

22 MR. BUTENSHOEN: How do you dispose of the hair?

23 MR. MUSTAFA: That, the hairs, like it's -- it's
24 invisible, that the hairs are, they are not visible
25 there. A small particle of hair is like rolled into

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1 the thread and we, we pull the thread and we throw the
2 thread in the garbage.

3 MR. BUTENSHOEN: So the hair stays in the thread?

4 MR. MUSTAFA: In the thread. The hair is not --

5 MR. BUTENSHOEN: Doesn't fall to the floor?

6 MR. MUSTAFA: No. Because we're at, we are just
7 doing, like we are doing right here below the eyebrows,
8 so it is so tiny small hairs that it's not even
9 visible. We never cut this eyebrow, we only like clean
10 in the bottom.

11 MS. HAVNER: And there is no way to get the skin,
12 loose skin caught into that thread?

13 MR. MUSTAFA: No. No. The person that do that,
14 do the eyebrows, they are so professional they know
15 that. They are doing it for a long time, so years that
16 they do know that, they do it for six, seven years,
17 they experience. There is no way they will do it.

18 MS. COLLINS-BURROUGH: You were talking about the
19 technique of holding it like this and something in your
20 mouth. What other techniques do you have?

21 MR. MUSTAFA: There are two things, like some
22 people they hold in their mouth and some people, they
23 put their tread and some of it they put it in their
24 cheek. That thing, that part is only to pull it when
25 they move like, so that the thread is pulled like this

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1 to pull it back. They are not using the thread or the
2 part that they put in the mouth is to get the -- not to
3 do the eyebrow, it's only to pull the thread.

4 MR. HOGAN: Do you make a distinction between if
5 it's a child versus an adult? Do you -- would you do
6 threading with respect to a child, for example?

7 MR. MUSTAFA: Well, usually we are like we deal
8 with anything like parents, a lot of parents they do it
9 to kids also to get them done, but we are not doing to
10 the kids like eight years, 10 years, we are come in
11 only like 16 years old, with an adult involved just to
12 be on the safe side.

13 MR. HOGAN: So you require their parents to come
14 in with them or not --

15 MR. MUSTAFA: No. There is no kid.

16 MR. HOGAN: So kids can be in the mall and come up
17 and --

18 MR. MUSTAFA: No. We are not doing to the kids.

19 MR. HOGAN: So you're not doing children at all?

20 MR. MUSTAFA: No. There is no children.

21 MR. HOGAN: Okay. So it's just adults?

22 MR. MUSTAFA: Adults only.

23 MR. HOGAN: They have to be older than what?

24 MR. MUSTAFA: 16 years.

25 MR. HOGAN: Older than what?

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1 MR. MUSTAFA: 16 years. Only to be they come and
2 they say why do you that, and there is not a --

3 MS. COLLINS-BURROUGH: Do you not have a release
4 form that you go by and sign? Do you do any kind of
5 pre-treatment analysis?

6 MR. MUSTAFA: No. We have a, people like a TV
7 going on on a TV, like it shows the whole procedure,
8 how that we are doing the threading on the other
9 customers, so the people see that, they watch that, and
10 they can come in and they do like that, 24 hour like --
11 like eight, 10 hours, the TV goes on on the card,
12 people see that and they come in.

13 MS. COLLINS-BURROUGH: So what do you want from us
14 today?

15 MR. MUSTAFA: Like in -- in new states like that
16 where the people don't know about threading, they go in
17 and sign in the mall and afterwards they come and say
18 like we -- we don't want this to be done, this we don't
19 allow training in our state, so it could be a problem
20 so that we have to shut down. Before that I wanted to
21 talk to you and come in and see you guys and do all
22 that as we are investing in the same malls.

23 MR. BUTENSHOEN: Is the skin disinfected at all
24 before or after the preparation?

25 MR. MUSTAFA: No. There is no need for that.

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1 MS. COLLINS-BURROUGH: How do you know that?

2 MR. MUSTAFA: Pardon me?

3 MS. COLLINS-BURROUGH: How do you know that it's
4 not needed?

5 MR. MUSTAFA: Because we are using this technique
6 almost like more than a hundred years, so we never use
7 any of disinfectants or any lotions or anything.

8 MR. BUTENSHOEN: Are you currently doing this in
9 the mall?

10 MR. MUSTAFA: Yeah. Uh-huh. We have -- we have
11 42 locations, like 42 malls we have.

12 MR. BUTENSHOEN: I mean here in Arkansas?

13 MR. MUSTAFA: No. Not in this state.

14 Somebody is doing in McCain Mall, but that is not
15 our company.

16 MR. BUTENSHOEN: Somebody is doing it?

17 MR. MUSTAFA: Somebody is doing it in McCain Mall
18 right now.

19 MR. BUTENSHOEN: But not you?

20 MR. MUSTAFA: But not me. We are taking Park
21 Plaza and other place like somebody do it in McCain
22 Mall, but after this we wanted to see if we could do
23 the procedure.

24 MR. BUTENSHOEN: Do you comb the brow?

25 MR. MUSTAFA: I'm sorry?

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1 MR. BUTENSHOEN: Do you comb the brow at all?

2 MR. MUSTAFA: No.

3 MR. BUTENSHOEN: Well, that would be necessary for
4 me.

5 MS. COLLINS-BURROUGH: Is there any other
6 questions or comments? Discussion?

7 MR. BUTENSHOEN: I've got a concern about
8 sanitation.

9 MS. COLLINS-BURROUGH: Okay. Well, let's --

10 MR. BUTENSHOEN: I -- can you demonstrate that
11 string thing again?

12 Fascinating.

13 MS. HORNER: We need a model. A model, some
14 facial hair.

15 MR. HOGAN: I've got a massive amount of hair.

16 MS. HORNER: Kathy is going to.

17 And there wasn't anything to get there.

18 MS. CAVER: Was there anything there to get?

19 MR. MUSTAFA: There was one hair.

20 MR. HOGAN: Do you feel it?

21 MS. CAVER: A little bit. I usually use a hard
22 wax.

23 MR. MUSTAFA: I don't do threading. I've been in
24 this business a long time, the girls are very good,
25 they keep their hands very far away and they are very

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1 fast. Within like five minutes, some girls within
2 three minutes they finish two people, they do. It's
3 easy for them, they come, light on the hairs, very
4 quick.

5 MS. REYNOLDS: I mean, I'm not quite sure, there
6 is a lot of people that come in there and they have
7 makeup on.

8 MR. MUSTAFA: Uh-huh.

9 MS. REYNOLDS: I would think you need a cleanser
10 to clean their face?

11 MR. MUSTAFA: Makeup, no.

12 MS. REYNOLDS: If they come with makeup?

13 MR. MUSTAFA: If they come with makeup, they don't
14 need any clean up like that, they don't stop us from
15 doing any threading, it doesn't make any difference
16 even if you --

17 MS. REYNOLDS: But the pores are open, once you
18 pull the hairs out, they are going to need some kind
19 of, you know, cleanser to clean it.

20 MR. MUSTAFA: We do not use that.

21 MS. REYNOLDS: Well, I've had --

22 MR. MUSTAFA: I mean no people has never
23 complained about that in so long.

24 MS. REYNOLDS: Well, I had a client that had
25 actually gone up there to get theirs done and they came

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1 back and they were blistered, so that's why I asked did
2 you have any cleanser. I mean they liked the procedure
3 but they still --

4 MR. BUTENSHOEN: No -- not much different from
5 waxing?

6 MS. REYNOLDS: I wouldn't think so. I mean it
7 lasts longer.

8 MS. COLLINS-BURROUGH: I've never seen a blister
9 from wax.

10 MS. CAVER: I have.

11 MS. HAVNER: I have. I have seen with wax, I've
12 seen skin pulled off, I've seen blisters.

13 MS. CAVER: I've had a client that used to get
14 threading in Memphis because there is no place to do
15 it. In Memphis, when you get threading -- when you put
16 wax it pulls the skin off, too, where the threading
17 just doesn't.

18 MR. BUTENSHOEN: Threading just pulls the hair.

19 MS. REYNOLDS: She could have just been sensitive,
20 though.

21 MR. BUTENSHOEN: She's a whiner.

22 MS. COLLINS-BURROUGH: Well, what's your pleasure?
23 Do you want to possibly table this and have the staff
24 do some research on it and come back at a later time
25 or --

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1 MS. AKARD: Well, I -- I have, certainly have a
2 comment on -- in the art of cosmetology, it says in C,
3 temporary -- the art of cosmetology says, temporary
4 removing of superfluous hair from the body of any
5 person by the use of depilatories, by the use of
6 tweezers, chemicals, or preparations, or by the use of
7 devices or appliances of any kind or description,
8 except by the use of light waves.

9 So y'all can sure take a look at that, but it is
10 telling us --

11 MS. COLLINS-BURROUGH: That's rules and reg 2.2.

12 MR. BUTENSHOEN: C, 2.2 C.

13 MS. AKARD: In the rules and regulations, that is
14 2.2, that is defining --

15 MS. COLLINS-BURROUGH: Page 9.

16 MS. AKARD: -- cosmetology. And that is some type
17 of an appliance or a device, that is getting into the
18 art of cosmetology. And if you're in the art of
19 cosmetology, you have to have a license.

20 It is really a cool technique and I'm not saying
21 that it's not and that it's not useful, but it is, in
22 my opinion, into the art of cosmetology.

23 MR. MUSTAFA: And in other states the, like there
24 is no license required. This technique has never been
25 taught in any school of the United States. There is

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1 nobody who are in school to organize, to our
2 information, nobody teaches this. So this states like
3 Illinois and California, there was a case going on for
4 like it took them three or four months, six months,
5 then they finally decided this is not taught in
6 cosmetology.

7 MS. AKARD: Well, even if it's not taught in
8 cosmetology, it doesn't mean that it's not within
9 that -- that we can open that up. It's still -- it's
10 still there.

11 MS. COLLINS-BURROUGH: It's within the scope of
12 practice.

13 MS. AKARD: And I don't think that we can --

14 MR. BUTENSHOEN: Why don't we ask our counsel?

15 MR. HOGAN: Yeah. I think they are still
16 concerned over health and safety versus a specific
17 technique that might be taught or not taught in a
18 classroom or in a school of cosmetology. I think the
19 health and safety concerns go across the board --

20 MR. MUSTAFA: Yeah.

21 MR. HOGAN: -- without respect to some specific
22 technique that you may use.

23 Our code section, what you quoted, comes directly
24 from our statute. And the statute is 17-26-102 (b) (4),
25 and it says the art of cosmetology includes temporarily

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1 removing superfluous hair from the body of any person
2 by the use of depilatories. A depilatory is not
3 defined in our regulation or statute, but the
4 definition I've found in Websters for that is it just
5 means any agent for removing hair. Our regulations
6 only address threading in 7.14, where it provides that
7 threading is defined as epilation, e-p-i-l-a --

8 MS. AKARD: Epilation.

9 MR. HOGAN: Epilation, which is referred
10 specifically in the Regulation 7.14 when referencing
11 electrology. And although the removal of hair
12 generally refers to any agent, use, or device, in the
13 general clause following depilatories does not
14 reference threading. I would think that the board
15 obviously could interpret their code section in the
16 regulations to include threading as a removal of
17 superfluous hair; since threading is mentioned
18 specifically in 7.14, the regulations referencing
19 electrology, I would think that the board may also want
20 to either go back and define depilatory or expand on
21 7.14 in such a way that threading was not limited to
22 just that regulation.

23 But in my opinion the -- the art of cosmetology
24 could be interpreted to include threading. Again, I
25 would hope that if that were the finding of the board,

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1 committee, that we also go back and amend 7.14 to
2 further define what threading means or to not limit it
3 to just electrology.

4 Everybody asleep?

5 MS. KERSEY: Could you repeat that?

6 No, just kidding.

7 MR. HOGAN: Do you need some threading?

8 Did that make any sense?

9 MS. PATRICK: Yes. It did.

10 MS. AKARD: Well, actually epilation, epilation
11 can be any type of tweezing --

12 MS. HAVNER: Removing --

13 MS. AKARD: -- shaving. Depilation is usually the
14 chemical ways, not just -- but either way, having said
15 that, it's still, it would fall, if not there, in the
16 areas of cosmetology.

17 MS. COLLINS-BURROUGH: So what's your thoughts?

18 MR. HOGAN: That's your call. If you want us to
19 study it further by looking at some other states --

20 MS. CAVER: I would like you to research it more.

21 MS. KERSEY: Table it.

22 MR. HOGAN: -- or give you something at a later
23 board meeting, we can certainly do that. And if there
24 is any other documentation -- Gulam Mustafa?

25 MR. MUSTAFA: Yes. Gulam.

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1 MR. HOGAN: If there is any other information you
2 want to make us aware of, you can direct it to
3 Ms. Patrick.

4 MR. MUSTAFA: Right now I don't have any other
5 information, but I can e-mail you the malls maybe where
6 we are doing and the states that we are doing, and the
7 names of the three companies that are doing it to our
8 information, including us. We have covered all of
9 there tonight, almost.

10 MS. PATRICK: Do you have a copy of the case that
11 you referred to?

12 MR. MUSTAFA: Yes. I do have that.

13 MS. PATRICK: That would be great.

14 MR. HOGAN: Anything you think that would help us
15 to make a decision, send it to us.

16 MR. MUSTAFA: Yes. And I will send you a copy of
17 the order in California by this week. I will e-mail it
18 to you.

19 MS. PATRICK: Thank you.

20 MR. MUSTAFA: Could I get a card?

21 MR. HOGAN: Yeah.

22 You may want to just move to table this to a
23 future meeting, once we've had an opportunity to report
24 back to you and put it on the agenda.

25 MR. MUSTAFA: Yes, sir.

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1 MR. BUTENSHOEN: I make a motion to study this
2 further until our next meeting.

3 MS. COLLINS-BURROUGH: Okay. That would be the
4 May meeting?

5 MR. BUTENSHOEN: Yes.

6 MS. CAVER: I second that motion.

7 MS. COLLINS-BURROUGH: Okay. All in favor, raise
8 your right hand.

9 (Six hands raised.)

10 MS. COLLINS-BURROUGH: Motion carried. Thank you.

11 MR. MUSTAFA: Thanks, everybody.

12 Thank you.

13 MS. COLLINS-BURROUGH: Thank you.

14 Thank you for your time.

15 MS. CAVER: There is not a place that teaches it.

16 In other words, schools don't teach it.

17 MS. AKARD: Well, that wouldn't --

18 COURT REPORTER: I can't hear you.

19 MS. AKARD: I'm mumbling.

20 MR. BUTENSHOEN: Off the record.

21 MS. MORGAN: What's the difference between
22 braiding and threading? They are both not licensed in
23 our state.

24 MS. REYNOLDS: Well, with the tweezers it's in the
25 rule.

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1 MS. COLLINS-BURROUGH: Rose, did you have
2 something?

3 MS. HORNER: I had a school that they had a
4 student from Iran or Iraq, somewhere, and he was
5 demonstrating, but it wasn't in his mouth, it was -- it
6 was like his hands, and it was just a real smooth, just
7 kind of like you would use a shear.

8 MS. COLLINS-BURROUGH: Almost between two fingers?

9 MS. HORNER: Yes.

10 MS. AKARD: Well, it's not even the mouth part
11 that bothers me. It's the fact that it's in the rules
12 and regulations. It's the license.

13 MS. MORGAN: Well, what if I have an open sore and
14 they are going to thread my eyebrows, and so what if
15 they have the gloves on. What about the rim of that
16 thing we just passed around here, the thread, how
17 many -- how many germs do you think got on that just
18 around this table?

19 MS. HAVNER: I think that it is referenced in our
20 cosmetology, it should be licensed, it's like braiding,
21 anything else, comes back --

22 (Mr. Hogan left the room.)

23 MS. COLLINS-BURROUGH: It's like, research it.

24 MR. BUTENSHOEN: Did our lawyer leave?

25 MS. PATRICK: Yeah, he had to leave.

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1 MR. BUTENSHOEN: Well, but I understand that they
2 are doing it in McCain Mall and we're not stopping it.

3 MS. AKARD: Well, we should be. We should be. We
4 didn't know that until now.

5 MS. WOOD: It's already been written up. It was
6 turned in to the office.

7 MS. AKARD: Okay.

8 MS. WOOD: Yeah.

9 MS. RUDOLPH: Renee got it.

10 MS. AKARD: Okay.

11 MR. BUTENSHOEN: I mean, we're -- I mean let me
12 see if I can -- we're not against them doing it, but
13 they need to be licensed to do it is what we're saying.
14 Is that correct?

15 MS. HAVNER: Exactly.

16 MS. REYNOLDS: Okay. There seems to be some --

17 MR. BUTENSHOEN: There does seem to be some
18 unsanitary aspect of it.

19 MS. REYNOLDS: Right.

20 MR. BUTENSHOEN: When you're pulling a hair out,
21 something is exposed. Right?

22 MS. HAVNER: Even with tweezers, if you pull a
23 hair out, sometimes you bleed.

24 MR. BUTENSHOEN: Right.

25 MS. MORGAN: Or there is body fluids.

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1 MS. HAVNER: Yes. Yes.

2 MS. COLLINS-BURROUGH: I have a problem with not
3 cleaning before and not cleaning it after.

4 MR. BUTENSHOEN: But Tracy's point is pretty
5 clear. Right?

6 MS. AKARD: I mean it's the law.

7 MR. BUTENSHOEN: Okay. Well, we don't have to
8 wait until May, then.

9 MS. AKARD: Well --

10 MS. COLLINS-BURROUGH: We will.

11 MS. REYNOLDS: I mean because you have licensed
12 cosmetologists that do this in their salon, so --

13 MS. MORGAN: They are allowed to do that.

14 MS. CAVER: When they get their restitution
15 license or their cosmetology license, just the thread,
16 I mean that's all they are going to do is thread?

17 MS. HAVNER: Does an aesthetician license cover
18 waxing?

19 MS. CAVER: Yes.

20 MS. KERSEY: Can I say something? Am I allowed to
21 say something?

22 MS. COLLINS-BURROUGH: Sure. Kelli, go ahead.

23 MS. KERSEY: Okay. We were talking about the
24 braiding and the threading, and then to me it is the
25 same thing, too. But we don't teach threading in

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1 cosmetology schools.

2 MS. MORGAN: True.

3 MS. KERSEY: So do we need to look at that?

4 MS. AKARD: No.

5 MS. KERSEY: Okay. So kind of need to look at
6 that, too, though, that we don't teach it, but we do
7 teach braiding.

8 MR. BUTENSHOEN: But I'm not sure it matters.
9 Because -- because if they are a licensed
10 cosmetologist, they are following all of our rules and
11 sanitation and health is foremost.

12 MS. KERSEY: Right.

13 MR. BUTENSHOEN: So whether we teach threading or
14 plucking or waxing or niking, there is still going to
15 be covered by the sanitation associated with our
16 licenses? Or your licenses, not mine.

17 MS. KERSEY: And that's what I'm saying, I am
18 saying that. But I'm still saying, if we want them to
19 get that license we're going to have to teach it,
20 right?

21 MR. BUTENSHOEN: They are going to have to learn
22 it some way.

23 MS. KERSEY: Does that make sense?

24 MS. AKARD: No. Because to me it's a trend.

25 MS. MORGAN: It's a technique.

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1 MS. AKARD: Yeah. It's a technique. It's just,
2 what's going to be next? You --

3 I don't teach people how to pull hair through a
4 cap, I don't teach that.

5 MS. KERSEY: Yeah.

6 MS. AKARD: So does that mean that we have to let
7 people --

8 MR. BUTENSHOEN: Develop a criteria or a
9 curriculum?

10 MS. AKARD: Well --

11 MS. KERSEY: But they do do that in beauty school?
12 They do -- do you see what I'm saying?

13 MS. AKARD: I'm sure they do that because the
14 public does that, the public can do that. So do we
15 have to allow that to go on in the kiosk of a mall
16 because it's not taught in the school?

17 MS. KERSEY: No. No. That's what I'm saying. I
18 mean that's what I'm saying, is that if we expect them
19 to get a cosmetology license to do threading, then
20 we're going to have to teach it. I mean we can't
21 expect them to go all the way through beauty school to
22 do that one thing.

23 MS. MORGAN: They can take an aesthetician course,
24 though.

25 MS. COLLINS-BURROUGH: Apparently they already

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1 know where to go.

2 MS. KERSEY: Yeah.

3 MS. MORGAN: They can take an aesthetician course
4 for 600 --

5 MS. KERSEY: Right.

6 MS. COLLINS-BURROUGH: Well, I think it's similar
7 to the hair straightening that you see going on in the
8 mall.

9 MS. MORGAN: Hair styling.

10 MS. KERSEY: Yeah.

11 MS. COLLINS-BURROUGH: And what did we ever do
12 about that?

13 MS. KERSEY: Nothing. That's true.

14 MS. COLLINS-BURROUGH: And there needs to be
15 something done about that as well, in my opinion.

16 MS. KERSEY: Absolutely. Yeah.

17 MS. COLLINS-BURROUGH: And I see that's just
18 more --

19 MS. LESTER: That would fall under a demonstration
20 license, I would think.

21 MS. KERSEY: What did she say?

22 MS. RUDOLPH: That would fall under a
23 demonstration license.

24 MR. BUTENSHOEN: But isn't it just a technique?

25 And I don't know, I'm not a cosmetologist. But, I

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1 mean, if they have the cosmetology license, they have
2 the foundations of sanitation and health established,
3 whether it's braiding or -- or whatever.

4 MS. HAVNER: Whatever the trend is.

5 MS. COLLINS-BURROUGH: That can be considered a
6 continuing ed.

7 MR. BUTENSHOEN: Whatever the trend is. Yeah.
8 And so the fact that we don't teach that particular
9 thing doesn't necessarily mean that we have to develop
10 a curriculum for it, but they do have to have the
11 license, which gives them the foundation for sanitation
12 and health.

13 MS. HAVNER: Right.

14 MR. BUTENSHOEN: That, I think, is what I'm --

15 MS. MORGAN: You're right.

16 MS. AKARD: And even talking about depilatories, I
17 don't do depilatories in my school. I don't have Nair
18 or Neat in my school.

19 MS. COLLINS-BURROUGH: Or shave --

20 MR. BUTENSHOEN: But you've got battery acid,
21 so...

22 MS. AKARD: But, you know, depilatories is
23 something. So, I mean, you just can't cover
24 everything.

25 MS. COLLINS-BURROUGH: And back when the --

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1 MS. AKARD: I don't think that holds water.

2 MS. COLLINS-BURROUGH: Back to the blistering,
3 that's just incompetence. That is not typical.

4 MS. HAVNER: Yes. I agree.

5 MS. REYNOLDS: So if they just do cosmetology or
6 aesthetician, they can just do it all, right? Then it
7 would cover everything?

8 MR. BUTENSHOEN: That's right. The cosmetology
9 license will cover this.

10 MS. COLLINS-BURROUGH: And so would the
11 aesthetician.

12 MS. HAVNER: So would aesthetician.

13 MS. WOOD: Aesthetician would, too.

14 MR. BUTENSHOEN: So would an aesthetician.

15 MS. HAVNER: Just any matter of treatment.

16 MS. COLLINS-BURROUGH: Well, that's why I asked
17 him what he did to prepare beforehand, what he did to
18 prepare after.

19 MR. BUTENSHOEN: I don't believe --

20 MS. HAVNER: It's regulations. Regulations.

21 MS. REYNOLDS: Some people prepare before and
22 after because you have some people have sensitive skin
23 and there is some need of sanitation.

24 MR. BUTENSHOEN: I just don't think there is --

25 MS. AKARD: You know there is. You know there is.

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1 MS. COLLINS-BURROUGH: And I don't know about
2 tweezing.

3 MS. AKARD: And you have to think about how many
4 dead skin there is on your face and you're running
5 threads across the face. I mean it's a whole
6 sanitation issue, too.

7 MS. HAVNER: I understand.

8 MS. CAVER: (Inaudible.)

9 COURT REPORTER: I didn't hear you. I'm sorry.
10 Cathy, I didn't hear you.

11 MS. CAVER: I said I wonder what other states,
12 what their regulations are, whether we would be the
13 only state that would regulate it.

14 MS. COLLINS-BURROUGH: Well, that's for the staff.

15 MR. BUTENSHOEN: Well, I don't care about the
16 other states.

17 MS. AKARD: No, me either.

18 MS. COLLINS-BURROUGH: Okay. Do we want to beat
19 this dead horse or do we want to move on?

20 MS. CAVER: Move on.

21 MS. HAVNER: And we'll bring it up in the next, in
22 the next, in May.

23 MS. COLLINS-BURROUGH: Okay. After the staff does
24 some research.

25 MR. BUTENSHOEN: In all of their spare time.

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1 MS. COLLINS-BURROUGH: Right.

2 Okay. We have next on our agenda is public
3 comment. Do we have any comments?

4 Do you have something you would like to say?

5 MS. GULLEY: I am so -- I would first like to
6 apologize that I missed the program updates because
7 it's about the renewal process, and that's what I want
8 to ask about.

9 COURT REPORTER: Could you tell us who you are?

10 MS. GULLEY: Would you like to know? Theresa
11 Gulley, Mother Theresa. No.

12 So I have two different licenses. And when I went
13 to get my renewal on Monday, I'm told that I had to pay
14 two different fees. So is this what we're going to be
15 doing now, \$200?

16 MS. RUDOLPH: That's the way it's always been.

17 MR. BUTENSHOEN: Well, we raised it to five.

18 MS. GULLEY: Don't do that.

19 MS. COLLINS-BURROUGH: What are you renewing?

20 MS. GULLEY: My aesthetician and my manicure
21 license. So --

22 MS. AKARD: It's always been that way. I have an
23 instructors and a cosmetology license, so I've always
24 had to pay both license.

25 MS. GULLEY: Yeah, but when we went up that much

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1 money, then I want to see, okay, so what does this mean
2 as far as benefit for, you know, us? That much of an
3 increase?

4 MS. AKARD: That means you are -- you have a job,
5 that means you are employable if you have a license.

6 MS. GULLEY: Not for long, 200 like this, it
7 almost took my whole paycheck. No, I mean really, what
8 does it do? What is the increase for?

9 MS. CAVER: That is for two years.

10 MS. GULLEY: It's for two years.

11 MS. CAVER: And then if you really compare also,
12 Mississippi is \$50 a year for hair license.

13 MS. COLLINS-BURROUGH: Minnesota is 75 and Texas
14 is 62.

15 MS. GULLEY: Okay. And so, because of businesses
16 that are cropping up like this gentleman, first I have
17 to deal with the losing the manicure clients to people
18 who are not licensed. Then I have to deal with losing
19 waxing clients to people that are not licensed. So
20 where am I benefiting?

21 You understand what I'm saying? It's \$200 that I
22 pay --

23 MS. HAVNER: Are you saying that --

24 MS. GULLEY: -- but I'm supposed to be regulated
25 but then there are so many other people who are not

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1 regulated. What is the --

2 MS. AKARD: Who do you think is not regulated?

3 MS. GULLEY: What is the purpose --

4 MS. AKARD: Who is not regulated?

5 MS. GULLEY: Have you been over to Park Plaza
6 Mall?

7 Well, I suggest you guys make a trip over there
8 and see the threading process that's going on, and make
9 more frequent trips to these nail salons and see -- I
10 want to know why they don't abide by what we supposed
11 to be abiding by. Why are they not being regulated?
12 So I've got to pay \$200 --

13 MS. AKARD: But what makes you think that they are
14 not being regulated?

15 MS. GULLEY: Have you visited?

16 MS. AKARD: What makes you think, other than the
17 threading, that they are not being regulated?

18 MS. GULLEY: Have you visited?

19 MS. AKARD: Our investigators have.

20 MS. MORGAN: I have been to Park Plaza Mall and I
21 have not seen threading there. I have been wanting to
22 find threading going on there but I have not found it.
23 I have found a hair styler and I have manicurists there
24 and I have salons there, but I have not found threading
25 going on there.

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1 MS. GULLEY: I was in Park Plaza --

2 MS. MORGAN: I have not been there since the first
3 of the year.

4 MS. GULLEY: -- it wasn't this weekend it was,
5 what day is this?

6 MS. MORGAN: This is Monday.

7 MS. GULLEY: It was this last Saturday, and I was
8 shocked to see it.

9 MS. MORGAN: They have the DefC stuff that they
10 want to rub on your hands, they have that in the
11 kiosks. I have been looking, they have -- I've been
12 looking for threaders because Vera has put me to those.

13 MS. GULLEY: I saw it Saturday, and I haven't
14 stepped foot in Park Plaza in I don't know when, but I
15 went in there, I took my grandkids in there, I was
16 surprised.

17 MS. REYNOLDS: Was that the only thing that they
18 were doing that was down there?

19 MS. GULLEY: That's the only time I was in there,
20 because I don't do a lot of mall stuff, but I was
21 surprised to see it. I didn't even stop to inquire.
22 But my coworker had informed me that she had seen, you
23 know, threading so I didn't even think about it. I
24 didn't even know it wasn't regulated. I thought that
25 they had to have aesthetician license.

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1 MS. REYNOLDS: I knew they had it at McCain Mall
2 but I didn't know they had it here at Park Plaza.

3 MS. GULLEY: Well I was here at Park Plaza. Was
4 it three floors? I was on the floor with the --

5 MS. MORGAN: You were on two, you were on the
6 second floor?

7 MS. GULLEY: Yes. Uh-huh.

8 They did a young lady that was doing the --
9 demonstrating the hair --

10 MS. MORGAN: The flat iron was a hair styler.

11 MS. GULLEY: She was a hair styler. So you know?

12 MS. MORGAN: Those have been reported also and --

13 MS. GULLEY: Well, if she has license, does that
14 matter still?

15 MS. KERSEY: Still not in a salon.

16 MS. MORGAN: She's not in a licensed
17 establishment --

18 MS. GULLEY: Oh, well, neither are they, so --

19 MS. MORGAN: -- when they are doing that.

20 MS. GULLEY: Well, you know, I am concerned about
21 this, you know. If I have one license number, why do I
22 have to pay for two different, you know, license fees?

23 MS. HAVNER: Because it's two separate, it's two
24 separate entities.

25 MS. GULLEY: They put me --

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1 MS. COLLINS-BURROUGH: Are you wanting them
2 combined? Is that what your --

3 MS. GULLEY: Yeah. Yeah. So I can continue to
4 work.

5 MS. COLLINS-BURROUGH: Are you wanting the
6 manicurist license to fall under the aesthetician?

7 MS. GULLEY: Yeah. I really wish that I could
8 just do the aesthetician, you know, but they tell me I
9 can't do manicure under my aesthetician license.

10 MS. MORGAN: No. And you can't do aesthetician
11 under manicurist.

12 MS. GULLEY: Well, I know that, I know that, but I
13 have one license.

14 MS. COLLINS-BURROUGH: Michelle, did you want to
15 say something?

16 MS. RUDOLPH: Maybe on her -- on your former
17 license, did you have the little plastic card license?

18 MS. GULLEY: Uh-huh. And it was one number.

19 MS. RUDOLPH: On those licenses they used to list
20 if you were instructor, all of your licenses were on
21 that one little card, but now since we've gone to paper
22 license, they have the same license number but they are
23 different titles.

24 MS. JACKSON: But they still pay the same fee.

25 MS. COLLINS-BURROUGH: Even though there were

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1 several listed on one, you still paid a fee for each
2 one.

3 MS. RUDOLPH: Yeah. But I think people are
4 getting confused by that being the case because we've
5 gotten several calls in the office.

6 MS. GULLEY: I was glad to have everything
7 combined, you know, I was just one person with one
8 number, and, yeah, I didn't mind it when it was \$12 or
9 whatever. But this is \$200, you know, and it's making
10 me have to make a choice between what am I going to do
11 now, so...

12 MS. COLLINS-BURROUGH: Pat?

13 MS. JACKSON: Could -- could -- could this lady,
14 she has a manicure license, she has an aesthetician
15 license, that's 600 and 600, is that correct? Hours?

16 MS. COLLINS-BURROUGH: Hours?

17 MS. JACKSON: Is that correct, 600 hours?

18 Could she go back to school for 300 more hours?
19 I'm just curious.

20 MS. AKARD: No.

21 MS. JACKSON: She would have to do the whole thing
22 again?

23 MS. GULLEY: Raising grandchildren. No. I don't
24 have time, no more schooling for me.

25 MS. MORGAN: She would have to go back for --

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1 MR. BUTENSHOEN: But she would have to get the
2 extra credit for --

3 MS. AKARD: I think it's 240 and 240.

4 MR. BUTENSHOEN: Some amount, she would get some
5 credit, I guess the 1,500 for the manicurists and
6 aesthetician license, but not the whole thing.

7 MS. AKARD: I think it's 240 and 240.

8 MS. KERSEY: What her point was is that a
9 cosmetologist can do all that.

10 MS. GULLEY: Right. Yeah.

11 I go to school every year to keep abreast of
12 things and it costs money to do this, so, but I know
13 going to school to keep abreast, I'm benefiting, you
14 know. But paying this much money for my fees, you
15 know, I don't know how it's benefiting me other than
16 stating that I'm licensed.

17 MR. BUTENSHOEN: Well, for one thing --

18 MS. GULLEY: That make sense?

19 MR. BUTENSHOEN: For one thing those fees pay for
20 those inspectors to go to the mall.

21 MS. MORGAN: To work.

22 MR. BUTENSHOEN: Well, whatever you do there.

23 MS. MORGAN: To work.

24 MR. BUTENSHOEN: Whatever you do there.

25 MS. GULLEY: I'm not saying that you guys are not

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1 worth, you know --

2 MS. MORGAN: I understand.

3 MR. BUTENSHOEN: When is the last time that fee
4 increased?

5 MS. GULLEY: Last year.

6 MS. COLLINS-BURROUGH: I've been licensed 25 years
7 and I paid a 12-dollar license fee for a year, you
8 can't get your car shampooed for that.

9 MS. GULLEY: And then it went up to, what was it?

10 MS. COLLINS-BURROUGH: Twelve to 50. However you
11 need to get them for two years which makes it a
12 hundred; and it seems like it went from 12 to a hundred
13 when it didn't.

14 MS. GULLEY: Well, it went from 12 to --

15 MS. KERSEY: 24. But it was two years. It was
16 still two years. We had to do it for two years for 24,
17 too.

18 MS. LESTER: No, it was --

19 MS. KERSEY: No, it never went up. It's never
20 went up since I've been a cosmetologist.

21 MS. MORGAN: Okay. I've held a license for 40
22 years, say I got them when I was a baby, I won't go
23 into that, and I paid \$10 for a license and I think I
24 paid \$10 for a couple of years. After that they went
25 to 12 a year. And up until this last year, when I paid

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1 a hundred dollars for my cosmetology license also, they
2 have always been -- and this is how I put fires out
3 when I go to a salon. Look how long you've had it,
4 look how long it has not increased. Barbers pay \$40
5 and have been paying \$40 for over eight or 10 years
6 since I have been inspecting. I know that for a fact.
7 Truthfully, and this is for none of us around the
8 table, if our previous administrations had foreseen
9 things correctly, they should have increased every five
10 years, but that's hindsight, we can't do anything about
11 it, so we had to take it by the horns and do it now or
12 we were going to be in a bigger mess later on.

13 MS. GULLEY: I understand that. But I'm just
14 saying I'm one person and because I have these
15 different license why should I, you know, have to pay
16 for what could fall under one license, you know?

17 MS. LESTER: It doesn't. It's two separate
18 things.

19 MS. CAVER: I own a day spa and I have two
20 therapists that are dual licensed, or aestheticians and
21 nail techs. Those two girls get so much work because
22 they are so valuable because they can do either, they
23 can do both. So, you know, it's worth it. I mean they
24 make a good living.

25 MS. GULLEY: I'm not saying it's not worth it,

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1 don't think I'm trying to undermine, you know. But
2 when you are one person and you are multi-licensed, you
3 know, it could fall under cosmetology, but --

4 MS. COLLINS-BURROUGH: I pay for three licenses
5 and it's over \$400.

6 MS. GULLEY: Yeah. Well, I have another license
7 from another state, which we don't even recognize here
8 in this state, so, you know, it's not you guys' fault
9 that I have these different licenses, and I wish I
10 could go back to school, you know, because it will
11 probably --

12 MS. COLLINS-BURROUGH: Some states do offer the
13 curriculum in a school of just manicuring and
14 aesthetician. I mean that's, it's combined, but we
15 don't do that here.

16 MS. GULLEY: Should be one. It should be one.

17 MS. COLLINS-BURROUGH: And that may be something
18 we should address later on. There's nothing we can do
19 about it today.

20 MS. GULLEY: Yeah, yeah. I don't know why I came
21 up here, and that was really --

22 MS. COLLINS-BURROUGH: And I appreciate your
23 comments. I appreciate your coming.

24 Does anybody else want to say anything?

25 No?

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1 Okay. Do we want a motion for adjournment?

2 MS. HAVNER: I make a motion we adjourn.

3 MS. COLLINS-BURROUGH: Motion.

4 MR. BUTENSHOEN: Second.

5 Raise your right hand?

6 (Six hands raised.)

7 MS. COLLINS-BURROUGH: Motion carried.

8 We are adjourned until May.

9 (WHEREUPON, at 2:15 p.m., the above-entitled
10 proceedings were concluded.)

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1 CERTIFICATE

2
3 STATE OF ARKANSAS)4 COUNTY OF PULASKI)
5

6 I, SUSAN B. WHITSON, Certified Court Reporter and
7 notary public in and for Pulaski County, State of Arkansas, do
8 hereby certify that the meeting of the Cosmetology Technical
9 Advisory Committee, held March 15, 2010, was taken by me in
10 Stenotype and was reduced to computer-generated typewritten form
11 by me or under my direction and supervision, and that the same is
12 a true and correct reflection of the proceedings that occurred,
13 to the best of my knowledge and ability.

14 I FURTHER CERTIFY that I am neither counsel for,
15 related to, nor employed by any of the parties to the action in
16 which these proceedings were taken; and, further that I am not a
17 relative or employee of any attorney or counsel employed by the
18 parties hereto, nor financially interested, or otherwise, in the
19 outcome of this action; and that I have no contract with the
20 parties, attorneys, or persons with an interest in the action
21 that affects or has a substantial tendency to affect
22 impartiality, that requires me to relinquish control of an
23 original transcript or copies of the transcript before it is
24 certified and delivered to the custodial attorney, or that
25 requires me to provide any service not made available to all

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1 parties to the action.

2 SIGNED AND SWORN this _____ day of

3 _____.

4

5

6 SUSAN B. WHITSON, CCR, #158

7

NOTARY PUBLIC IN AND FOR

8

PULASKI COUNTY, ARKANSAS

9

10 My Commission Expires: June 4, 2012.

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