

1 ARKANSAS DEPARTMENT OF HEALTH

2 COSMETOLOGY SECTION

3 COSMETOLOGY TECHNICAL ADVISORY COMMITTEE

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8 BE IT REMEMBERED that on Monday, the 23<sup>rd</sup> day of  
9 January 2012, the meeting of the Arkansas Department of Health,  
10 Cosmetology Section, Cosmetology Technical Advisory Committee was  
11 held, at 9:00 a.m., at the Arkansas Department of Health, Freeway  
12 Medical Building, Suite 801, Little Rock, Pulaski County,  
13 Arkansas.

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16 TECHNICAL ADVISORY COMMITTEE:

17 KIMBERLY FORD, Chair  
18 ROGERS BARNES  
19 SANDY DAVIS  
20 REBECCA ARGUELLO  
21 JACQUELYN REYNOLDS  
22 JEANNIE BONDS  
23 ANDREA FUENTES

24 REPORTED BY:

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1 APPEARANCES:

2 ON BEHALF OF THE COMMITTEE:

3 RICK HOGAN, ESQ.

4 Staff Members Present:

5 KELLI KERSEY - Section Chief

RENEE MALLORY

6 MICHELLE RUDOLPH - Administrative Assistant

TERI CRAVOTTA - Administrative Specialist

7

8 Inspectors Present:

9 ROSE HORNER

PAT BLAND JACKSON

10 LAVONNE LESTER

BRENDA MORGAN

11 VERA WOOD

12 ALSO PRESENT:

13 Marie Bangura

14 Debra Hubbard

15 Andra Williams

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

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2 MS. FORD: Next on our agenda will be the approval  
3 of the paid violations. And everyone should have a  
4 copy.

5 MS. DAVIS: I make a motion that we approve the  
6 paid violations.

7 MR. BARNES: I second it.

8 MS. FORD: We will now call for a vote for the  
9 approval of the paid violations from the November 21,  
10 2011 minutes. All in favor?

11 COMMITTEE MEMBERS: Aye.

12 MS. FORD: All opposed?

13 Paid violations will stand as approved.

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## 1 ADMINISTRATIVE HEARING NO. 11-9053

2  
3 IN THE MATTER OF

4 ARKANSAS DEPARTMENT OF HEALTH

PETITIONER

5 v.

6 EBONY AFRICAN HAIR BRAIDING

RESPONDENT

7 OWNER, MARIE BANGURA

8 MR. HOGAN: I'm not sure who's here this morning.  
9 I know we have a couple of hearings, Ebony African Hair  
10 Braiding, Marie Bangura. Is she here?

11 Marie?

12 MS. BANGURA: Yes, sir.

13 MR. HOGAN: I don't -- just before we get started,  
14 Marie, we received a consent agreement from you saying  
15 that you were agreeing to the 650-dollar fine.

16 MS. BANGURA: Uh-huh.

17 MR. HOGAN: If -- if that's the case, there is  
18 really no reason to have the hearing, but you can  
19 address the board if you would like to. But if you're  
20 agreeing to pay the penalty and agreeing as the consent  
21 requires, then there is no reason to have a hearing.

22 MS. BANGURA: Okay.

23 MR. HOGAN: But that's -- I need to ask you if you  
24 are agreeing to that, since you are -- since you're  
25 here. And the reason I'm asking is that we also

1 received a --

2 MS. BANGURA: Uh-huh.

3 MR. HOGAN: -- a hearing request from you.

4 MS. BANGURA: Uh-huh.

5 MR. HOGAN: So it depends on you, how ever you  
6 want to proceed. If you want to proceed with the  
7 hearing, we can do that; or if you agree to the  
8 consent, we're going to have the hearing, then you can  
9 address the board, it's up to you.

10 Do you need to consult with anybody or --

11 MS. BANGURA: Do I need to talk to you on that?

12 MR. HOGAN: It's up to whatever you want to do.

13 May I just have a moment, Madam Chair?

14 HEARING OFFICER AKIN JONES: Sure.

15 (WHEREUPON, a brief discussion was held off the  
16 record.)

17 MR. HOGAN: Madam Chair, if we could go back on  
18 the record.

19 I've had the chance to talk to Ms. Bangura, and I  
20 understand that she is -- she has signed previously a  
21 consent agreement dated December 19, 2011, which she  
22 agreed to the violation and to the -- to pay a civil  
23 penalty of \$650. She has asked that she be able to  
24 work out a payment arrangement with the board or  
25 department, and I've assured her that we will, the

1 staff will work with her to figure out a payment  
2 arrangement so that she won't have to pay \$650 today.  
3 And she is -- she is in agreement with that, that she  
4 will work with the staff to figure out a proper payment  
5 arrangement.

6 So I believe we have an agreement as to the  
7 allegations in the Order and Notice of Hearing.

8 I can tell you that Ms. Bangura does have a  
9 barber's license from the state of South Carolina and,  
10 apparently, South Carolina, and I guess it's under the  
11 barber board, permits braiding to be done as a separate  
12 licensure technique. And she has asked that we do the  
13 same in Arkansas, and I've told her that our law  
14 doesn't provide for that type of license. And, god, I  
15 hope I'm right about that.

16 MS. KERSEY: Yes, you are.

17 MR. HOGAN: Now that I'm saying it out loud I hope  
18 I'm right.

19 MS. KERSEY: It's on record.

20 MR. HOGAN: Yeah.

21 Well, I got that one right.

22 In any event, she's -- I instructed her to check  
23 with the barber board to see if there is such a license  
24 in the barber board. I don't know, I doubt that there  
25 is, but --

1 MS. BONDS: No.

2 MR. HOGAN: -- I'm sure it falls under our board  
3 and that's why we're here today.

4 But, in any event, I told her that I would make it  
5 known to the board that that's -- that is how she got  
6 in this business, that's why she's doing what she's  
7 doing. She assumed that the state of Arkansas' law was  
8 identical to the state of South Carolina's, where she  
9 does have a license.

10 So, having said that, I'll turn it over to our  
11 Hearing Officer, and if -- Ms. Bangura, is there  
12 anything else you want to add to that statement, to the  
13 board or anything else you would like to say?

14 MS. BANGURA: Well, I'm sorry I --

15 HEARING OFFICER AKIN JONES: Wait. Wait just a  
16 moment.

17 If we're going to put this on the record, let's  
18 come on down here and get your name on the record for  
19 Ms. Susan, and we're way off course already but we'll  
20 try.

21 MR. HOGAN: Sorry. I'm trying to shorten it.

22 MS. BANGURA: Where do you want me to go?

23 HEARING OFFICER AKIN JONES: Just come sit right  
24 down here, if you would, and tell us your name so that  
25 the court reporter can get that on the record.

1 MS. BANGURA: Okay. Good morning, everybody. My  
2 name is Marie Bangura, I'm from West Africa, Liberia.  
3 My question I have today is like some of us, we -- we  
4 here from Africa to come here, we already know our work  
5 career, you know, hand work I guess a God gift, you  
6 know. But when we came to America, anything you do you  
7 have to do like paper stuff.

8 Now it's only braiding hair. I been doing it  
9 since I was 15, and that is my career that I learn.  
10 And when I came out to South Carolina, they give me a  
11 license for braiding. But now when the inspector came  
12 the last time in my shop, she told me that in Little  
13 Rock doesn't accept the license.

14 So I'm asking you guys what should I do to get  
15 only the braiding license because it's only braiding I  
16 am doing. I am not doing chemical, I'm not cutting  
17 hair, just braiding. That's all I'm doing. And I  
18 don't know how to get the license of that, so I will  
19 ask you to help me to do something about it.

20 MS. BONDS: Go ahead.

21 MS. FORD: As it stands right now, we do not have  
22 a separate braiding license for the state of Arkansas.  
23 We have been petitioned here on the committee and we  
24 are doing a research right now --

25 MS. BANGURA: Uh-huh.

1 MS. FORD: -- to see what we can do --

2 MS. BANGURA: Uh-huh.

3 MS. FORD: -- or if we can do anything.

4 It's a very lengthy process because our definition  
5 is done through state legislation, which means a lot of  
6 paperwork, a lot of time involved.

7 MS. BANGURA: Okay.

8 MS. FORD: And right now, because of the way it's  
9 written in the law --

10 MS. BANGURA: Uh-huh.

11 MS. FORD: -- we can't do a separate license.

12 MS. BANGURA: Okay.

13 MS. FORD: So right now, if you're braiding hair,  
14 and I understand what you're saying, if you're braiding  
15 hair and you don't have a cosmetologist's license, you  
16 are in violation. And right now we don't -- because  
17 we -- our laws are different from South Carolina --

18 MS. BANGURA: Uh-huh.

19 MS. FORD: -- we don't have any way of licensing  
20 you to braid hair and make you legal except that you  
21 take the 1,500 hour cosmetology course because of how  
22 it stands now, our laws.

23 MR. ANDERSON: She's a licensed barber.

24 MS. KERSEY: She needs to see about reciprocity.

25 MRS. ANDERSON: Can I comment?

1 HEARING OFFICER AKIN JONES: Wait. Wait.

2 No. We can't go that far off the --

3 MRS. ANDERSON: Sorry.

4 HEARING OFFICER AKIN JONES: That's okay.

5 MR. HOGAN: Well, let me just say, I think we --

6 MS. FORD: Now, you do have a barbering license.

7 MS. BANGURA: Uh-huh.

8 MS. FORD: We don't cover barbering. You may want  
9 to contact the barber's board from the state of  
10 Arkansas --

11 MS. BANGURA: Okay.

12 MS. FORD: -- and try and get your license changed  
13 over through reciprocity, but as far as cosmetology, we  
14 cannot do it.

15 MS. BANGURA: Okay. So if I change my license to  
16 the barber there will be no inspector from cosmetology  
17 coming to my shop again to come and inspect for a  
18 license?

19 MS. FORD: It will be a barber -- if you are a  
20 barber --

21 MS. BANGURA: Yeah.

22 MS. FORD: -- and you have a barbering license.

23 MS. BANGURA: Uh-huh.

24 MS. FORD: -- whatever their law -- their  
25 regulations and laws, those are the people that will

1 govern you.

2 MS. BANGURA: Okay.

3 MS. FORD: Okay?

4 MS. BANGURA: Yeah.

5 MS. FORD: If -- you will need to contact them --

6 MS. BANGURA: All right.

7 MS. FORD: -- to see what their laws are for the  
8 state of Arkansas.

9 This is cosmetology and we're -- we're separate --

10 MS. BANGURA: Uh-huh.

11 MS. FORD: -- from the barbering board. And since  
12 you already have --

13 MS. BANGURA: Yeah.

14 MS. FORD: -- a barber's license from another  
15 state --

16 MS. BANGURA: Uh-huh.

17 MS. FORD: -- you need to check with them to see  
18 if you can have your license transferred over to  
19 Arkansas through the process called reciprocity.

20 MS. BANGURA: All right.

21 MS. FORD: Okay?

22 MS. BANGURA: All right.

23 MR. HOGAN: I think a motion is in order to accept  
24 the consent agreement at this point.

25 MS. FORD: Okay.

1 MR. HOGAN: I believe that we've --

2 MS. FORD: At this time we need to make a motion  
3 to accept the payment agreement and the consent of her  
4 understanding of being in violation according to the  
5 laws in the state of Arkansas.

6 MS. BONDS: Does she understand?

7 Do you understand?

8 MS. BANGURA: Well --

9 MS. BONDS: I don't think you do.

10 MS. BANGURA: No. I --

11 MS. BONDS: You have made these and work in a  
12 cosmetology environment. Correct?

13 MS. BANGURA: Uh-huh.

14 MS. BONDS: Without checking our Arkansas rules  
15 and regs.

16 Did you check our Arkansas rules and regs about a  
17 braiding license?

18 MS. BANGURA: Well, I check it out but --

19 MS. BONDS: And what did it say?

20 MS. BANGURA: It said --

21 MS. BONDS: Can you braid in Arkansas?

22 MS. BANGURA: Well, it didn't say I can't braid in  
23 Arkansas, but the license they said they cannot change  
24 it because I have to go to cosmetology class.

25 MS. BONDS: And then why didn't you go to

1           cosmetology class instead of opening a braiding school  
2           and putting out these coupons --

3           MS. BANGURA: Uh-huh.

4           MS. BONDS: -- and just dismissing what the  
5           cosmetology license says?

6           MS. BANGURA: Because I'm not doing cosmetology.

7           MS. BONDS: Okay. But you are braiding --

8           MS. BANGURA: Uh-huh.

9           MS. BONDS: -- and braiding does not fall under --  
10          under -- by itself, individual braiding license in  
11          Arkansas. And you knew that. Right?

12          MS. BANGURA: Well, okay.

13          MS. BONDS: Did you know that?

14          MS. BANGURA: No. Hold on.

15                 What about the -- the -- the barber license you  
16          guys are talking about. Because if I'm doing braiding  
17          hair, then I might fall under the barber, you see.  
18          It's not under cosmetology --

19          MS. BONDS: Okay.

20          MS. BANGURA: -- because I'm not dealing with no  
21          chemical.

22          MS. BONDS: Because I know the laws of barbering  
23          also, they do not have a braiding license also. You  
24          will have to either go to cosmetology school. If you  
25          continue braiding in Arkansas, you will have to get

1           your 1,500 hours of cosmetology. Do you understand  
2           that?

3           MS. BANGURA: Yeah.

4           MS. BONDS: Okay. And you cannot continue this.

5           MS. BANGURA: Okay.

6           MS. BONDS: They do not have a braiding license.  
7           Now, they can, but they don't have a specific  
8           license -- oh, you're saying under the barber's thing.  
9           I'm not sure.

10          MS. FORD: She can.

11          MS. BONDS: She can?

12          MS. KERSEY: Well, if she gets her barber's  
13          license --

14          MS. FORD: If she gets her barber's license she  
15          will be permitted to braid.

16          MS. FUENTES: But she only had the braiding  
17          license from South Carolina. She doesn't have the full  
18          license.

19          MS. BONDS: Right. She doesn't have the full  
20          license.

21          MS. FUENTES: She only had the braiding license.

22          MS. FORD: Well, she'll have to check with the  
23          barber license. She don't govern barbers --

24          MS. REYNOLDS: Can you show that to us?

25          MS. BANGURA: Yeah. I can show it to you.

1 MS. FORD: And really, you know, it's not relevant  
2 because we're cosmetology and that is an issue to be  
3 taken up with the barber board. What we can tell her  
4 is she can't do it from our perspective because of  
5 cosmetology laws for the state of Arkansas. If she  
6 goes to the barber board and they say, hey, we'll  
7 accept that, that's up to them. It's out of our hands.

8 And that is the law. We are bound by the law  
9 here. But because she had no license and is operating  
10 as a salon, we have the jurisdiction, our inspectors  
11 have the jurisdiction, the right, and the authority to  
12 go in and fine her. If they had gone in and there was  
13 a barbering license and a barber establishment license,  
14 they would have had to retreat and come back out that  
15 door. That is out of the jurisdiction. But because  
16 she had nothing, they had the authority to go in.

17 So, relevant to how many hours she has or doesn't  
18 have or what part of the course she took, it's not  
19 relevant here because we're not barber.

20 MS. BONDS: (Inaudible.)

21 COURT REPORTER: I can't hear you, ma'am.

22 MS. BONDS: I'm sorry.

23 She does not have a barber license to cut men's  
24 hair. She took a braiding -- she's got her braiding  
25 license under a barber. She does not have a full

1 barber license.

2 MS. FORD: But that will not be for us to  
3 decide --

4 MS. BONDS: Right.

5 MS. FORD: -- because we don't cover barber.

6 MS. BONDS: Right. But in Arkansas we can't do  
7 this.

8 MR. HOGAN: I think a motion is still in order to  
9 accept the consent agreement.

10 MS. FORD: Okay.

11 MR. HOGAN: As I understand she signed this  
12 document and she understands the application that she  
13 might --

14 MS. FORD: So we already have a motion on the  
15 floor to accept her agreement that she is in violation  
16 and she is willing to pay the 650-dollar fine.

17 MR. BARNES: I second it.

18 MS. FORD: The motion has been seconded. All in  
19 favor?

20 COMMITTEE MEMBERS: Aye.

21 MS. FORD: All opposed?

22 HEARING OFFICER AKIN JONES: Please let the record  
23 reflect the decision of the board to accept the consent  
24 agreement of Ms. Bangura, in violation of No. 11-9053.

25 This hearing will be closed for the record, or



## 1 ADMINISTRATIVE HEARING NO. 11-9100

2  
3 IN THE MATTER OF:

4 ARKANSAS DEPARTMENT OF HEALTH

PETITIONER

5 v.

6 STYLE 4 YOU

RESPONDENT

7 OWNER, DEBRA HUBBARD  
89 HEARING OFFICER AKIN JONES: We're going to move  
10 on to violation 11-9100, Style 4 You, owner Debra  
11 Hubbard.12 My name is Kendra Akin Jones and I'm the Hearing  
13 Officer today in the matter of the Arkansas Department  
14 of Health vs. Style 4 You, owner Debra Hubbard, to be  
15 heard before the Cosmetology Technical Advisory  
16 Committee. Today is Monday, January 23, 2012. We're  
17 located in the conference room of the Freeway Medical  
18 Building.19 Would the respondent please identify yourself for  
20 the record?21 MS. HUBBARD: I am Debra Hubbard, owner of Style 4  
22 You.23 HEARING OFFICER AKIN JONES: Okay. Ms. Hubbard,  
24 do you have any counsel with you today?

25 MS. HUBBARD: No.

1 HEARING OFFICER AKIN JONES: Okay. And you  
2 received a copy of the Order and Notice of Hearing sent  
3 from the cosmetology board?

4 MS. HUBBARD: Yes, ma'am.

5 HEARING OFFICER AKIN JONES: Okay. State's  
6 counsel, please identify yourself for the record.

7 MR. HOGAN: Rick Hogan, general counsel for the  
8 health department.

9 HEARING OFFICER AKIN JONES: For the benefit of  
10 the respondent, and anyone present today who may not  
11 have appeared in an administrative hearing, I will  
12 explain that the board will base its decision solely on  
13 the evidence that is presented here today. The hearing  
14 is being held under the Administrative Procedures Act,  
15 which means that the strict rules of evidence do not  
16 apply as they would in a court of law. To ensure the  
17 efficiency of the proceedings, I will grant cautions  
18 and objections only as is necessary. The board members  
19 know of this case only as it appears and is set forth  
20 in the Notice of Hearing. Anything to be submitted by  
21 staff or by you, Ms. Hubbard, that you want them to  
22 consider must be presented as evidence here today.

23 All participants to the hearing should be aware  
24 that these proceedings are open to the public under the  
25 Freedom of Information Act, and this does include the

1 board's recess for deliberations.

2 Those of you who are going to be witnesses in  
3 today's matter, if you will please raise your right  
4 hand, we'll have the court reporter swear you in.

5 (WHEREUPON, the witnesses were sworn.)

6 HEARING OFFICER AKIN JONES: Mr. Hogan, any  
7 preliminary matters?

8 MR. HOGAN: Yes, Madam Hearing Officer, we would  
9 ask that the document, let's see, I believe it's eight  
10 pages in length that includes the Order and Notice of  
11 Hearing for today's hearing, and the inspection  
12 report --

13 MS. HUBBARD: Uh-huh.

14 MR. HOGAN: -- and the hearing request --

15 MS. HUBBARD: Uh-huh.

16 MR. HOGAN: -- and also a letter of December 16,  
17 2001 [sic], a blank consent agreement, and a blank  
18 hearing request, and then the signed return receipt.  
19 We would ask that that be admitted as Board's Exhibit  
20 No. 1 for the record, please.

21 HEARING OFFICER AKIN JONES: Ms. Hubbard, do you  
22 have any objection to any of those documents?

23 MS. HUBBARD: No, ma'am.

24 HEARING OFFICER AKIN JONES: Then that will be  
25 admitted as compilation Exhibit No. 1 of the state's,

1 the Order and Notice of Hearing, the inspection report,  
2 and the hearing request that was signed by Ms. Hubbard,  
3 and the letter that was mailed to her on December 16,  
4 including the enclosures and the certified mail  
5 receipt.

6 (WHEREUPON, State's Exhibit No. 1 was received in  
7 evidence.)

8 HEARING OFFICER AKIN JONES: Anything else,  
9 Mr. Hogan?

10 MR. HOGAN: There is also a document indicating  
11 that there has been a request for licensure that was  
12 asked for, on January the 3<sup>rd</sup>?

13 MS. HUBBARD: Yes.

14 HEARING OFFICER AKIN JONES: And we would ask that  
15 that be admitted as Board's Exhibit No. 2 for the  
16 record, please.

17 MS. HUBBARD: Yes.

18 HEARING OFFICER AKIN JONES: Very well. That will  
19 be admitted as Board's Exhibit No. 2, and that's the  
20 request for licensure.

21 (WHEREUPON, State's Exhibit No. 2 was received in  
22 evidence.)

23 MR. HOGAN: We would also ask that the board be  
24 able to take notice of the rules and regulations and  
25 their statute for the record, please.

1 HEARING OFFICER AKIN JONES: That will be so  
2 noted, the board can take notice of the rules and  
3 regulations pertaining to cosmetology.

4 MR. HOGAN: That concludes my preliminary matters  
5 at this time.

6 HEARING OFFICER AKIN JONES: Ms. Hubbard, do you  
7 have anything with you that you would like the board to  
8 consider today or to see?

9 MS. HUBBARD: I have everything that he has, I  
10 just brought my copies.

11 HEARING OFFICER AKIN JONES: Okay. Very well,  
12 then.

13 Mr. Hogan, anything in opening?

14 MR. HOGAN: I'll waive any opening statement.

15 HEARING OFFICER AKIN JONES: Ms. Hubbard, would  
16 you like to state anything in an opening statement to  
17 the board?

18 I'll give you a chance to tell your full side of  
19 the story and for them to ask you questions and  
20 Mr. Hogan as well. But if you want to tell them  
21 anything before we start with witnesses, go right  
22 ahead.

23 MS. HUBBARD: No, ma'am.

24 HEARING OFFICER AKIN JONES: Okay. Mr. Hogan,  
25 call your first witness.

1 MR. HOGAN: Call Brenda Morgan, please.

2 WHEREUPON,

3 BRENDA MORGAN,

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

5 sworn by the undersigned notary public, was examined and

6 testified, as follows:

7 DIRECT EXAMINATION

8 BY MR. HOGAN:

9 Q Brenda, state your name for the record.

10 A Brenda Morgan.

11 Q Brenda, what's your position with the Arkansas Department of  
12 Health?

13 A I'm an inspector.

14 Q And can everybody hear her okay? Everybody okay?

15 Brenda, in the document that we introduced as Exhibit No. 1,  
16 there is an inspection citation report?

17 A (Nodding head up and down.)

18 Q Do you -- are you familiar with this document?

19 A Yes, sir. I am.

20 Q Did you fill this out? Is that your name on it? Did you  
21 sign this and --

22 A Yes. It is.

23 Q When did you go inspect the -- the establishment?

24 A Looks like October the 27<sup>th</sup> of 2011.

25 Q When you walked into the establishment, was there a sign on

1 the front door? Was there some indication that it was open for  
2 business?

3 A Yes, sir. I was at a business that was adjacent, I mean  
4 side -- beside it, and I saw "Style 4 You," which was not a  
5 normal thing for me to see on that window, so I walked into the  
6 business --

7 Q So there was a sign --

8 A -- after I left the other business. Yes, sir.

9 Q There was a sign --

10 A It was painted on the -- the window, I believe.

11 Q Okay. Now, what did you see when you walked in?

12 A When I walked into the room, there was a little area to my  
13 right that was another business, I don't know exactly what -- I  
14 think it was a dry cleaning picking up and delivery business, I  
15 don't know, but it was separated with a door. Walked in, chairs  
16 on this side, station right to the -- in front of me at the end  
17 of the room there and some chairs.

18 Q Chairs and station? Can you kind of elaborate what --

19 A Station as to me cosmetology station, we had all kinds of  
20 things set up there. There was a gentleman there, I asked was he  
21 the owner.

22 Q All right. Now, were these styling chairs or what I call  
23 barber chairs or what?

24 A It was a hydraulic chair.

25 Q Okay.

1 A A barber chair.

2 Q And then there was a table there with a --

3 A There was --

4 Q With products on it --

5 A Yes, sir.

6 Q -- or things you would -- Barbicide --

7 A Yes.

8 Q -- or things like that?

9 A (Nodding head up and down.)

10 Q And there were brushes or combs or implements or anything

11 such as that?

12 A Yes, sir.

13 Q Okay. Now, you saw someone there. Did you see -- did you

14 see Ms. Hubbard? Was she there when you walked in?

15 A No, sir. She was not there that day.

16 Q Well, who was -- who was -- the business was open. Were

17 there any customers inside of it?

18 A As far as there was no one in the chair having -- getting

19 any services. There was a couple of other gentlemen in there

20 besides the person I thought that was in charge. I asked him was

21 he in charge. He said, yeah -- or he was going to work there, he

22 was working there. So I asked --

23 Q And who was that? Who did you talk to?

24 A A Mr. Williams, Andra Williams.

25 Q And he said he was going to work there?

1 A I'm going to try to recall that he told me that he had  
2 not -- he was just settling in to work there. I don't know  
3 exactly, I didn't ask how long, I didn't ask any time frame on  
4 that. And I asked him for a license and he did retrieve a  
5 cosmetology license for me.

6 Q And that's the license No. 58579 you noted?

7 A Yes, sir.

8 Q Which expires in July of this year?

9 A Yes, sir.

10 Q That was --

11 A Which was current for our records.

12 Q Now, did you ask him if he was open for business, or did you  
13 just assume since the door was open the sign was up --

14 A Well, when you walk -- you see the sign and you walk into a  
15 business, and that is my job as a cosmetology inspector to do  
16 those things, I believed it to be open.

17 Q When you got a copy of his license or he gave you his  
18 cosmetology license, did you -- was there anybody else in the --  
19 that were working there or that was --

20 A There was no one else working there. There was some other  
21 gentlemen sitting there on the side lines and I think we talked  
22 with -- I talked with them. They -- you know, we were just in a  
23 regular conversation.

24 Q You asked him who the owner of the business was?

25 A Yes, sir.

1 Q And what did he say?

2 A He told me Ms. Hubbard.

3 Q Debra Hubbard was the owner?

4 A I recognized the name because I believe I've -- I've --

5 she's had other salons in town that I've been in and out of.

6 Q Is Ms. Hubbard a licensed cosmetologist?

7 A No. No, sir. She's a barber.

8 Q She's a licensed barber?

9 A Uh-huh.

10 Q And was there any evidence of a barber's license posted by

11 Ms. Hubbard in the facility?

12 A I did not have any numbers to put down, I didn't see any

13 barber license or --

14 Q Was there a salon --

15 A I did say barber, yes, I did say barber license are current.

16 There were current barber license. Excuse me.

17 Q There were current barber's license posted there?

18 A Uh-huh. Uh-huh.

19 But she was not there and I don't believe I saw any license

20 for her, but that was not -- you know.

21 Q Did you see a salon license? Was it posted?

22 A A cosmetology license?

23 Q Yes.

24 A No, sir.

25 Q Did you ask Mr. Williams about --

1 A He said that Ms. Hubbard --

2 Q -- since he was a licensed cosmetologist, was he --

3 A We had a discussion about it. I believe he said that she  
4 was taking care of all of the paperwork, that he was just  
5 beginning to go to work there.

6 Q And did you ask him or -- how long the business had been  
7 open? Style 4 You?

8 A No, sir. I don't recall that.

9 Q Did you have any subsequent conversations with Ms. Hubbard?  
10 Did you talk to her on the phone or --

11 A No, sir. I have not.

12 Q -- discuss with her?

13 A (Shaking head from side to side.)

14 Q And this inspection report, what did you do with that? Did  
15 you have someone sign that or did you leave it there with him or  
16 how did that occur?

17 A Mr. Williams signed it for me.

18 Q He signed the inspection report --

19 A I -- uh-huh.

20 Q -- and you left him a copy of it there?

21 A Yes, sir.

22 Q Is there anything else that you want to make the board aware  
23 of or the committee aware of?

24 A Not at this time.

25 MR. HOGAN: I'll pass the witness.

1 HEARING OFFICER AKIN JONES: Ms. Hubbard, do you  
2 have any questions for Ms. Morgan?

3 MS. HUBBARD: No.

4 I'll address the board when it's my turn to speak.

5 HEARING OFFICER AKIN JONES: Okay. Very good.

6 Board members, do y'all have any questions for  
7 Ms. Morgan?

8 MS. FORD: Ms. Morgan, when you went into the  
9 salon and you spoke with Mr. Williams, at that time was  
10 his station set up?

11 THE WITNESS: There was a station set up.

12 MS. FORD: Just one?

13 THE WITNESS: That's all I recall. Yes.

14 MS. FORD: Okay. And where did he get the license  
15 from? Was it posted in the business or --

16 THE WITNESS: I don't think it was posted. It was  
17 either in a briefcase or some -- I don't remember -- I  
18 can't remember exactly. I don't remember if he got it  
19 out of a drawer, but it was not visible -- visibly  
20 posted for me.

21 MS. FORD: Okay.

22 HEARING OFFICER AKIN JONES: Other questions from  
23 the board members?

24 MR. HOGAN: That does bring up one other.

25 REDIRECT EXAMINATION

1 BY MR. HOGAN:

2 Q I think set up, station set up means something in your  
3 industry or in --

4 A Station set up means it's ready to cut someone's hair, just  
5 to color someone's hair, to perm someone's hair, to provide the  
6 art of cosmetology to a customer.

7 Q And you're saying that Mr. --

8 A He did not have a customer in that chair.

9 Q But you're saying, your testimony is that Mr. Williams had a  
10 station set up ready for people to have their hair styled?

11 A There was a station set up. Whether it was his station,  
12 that's the only one, station that I actually saw that was set up.

13 MR. HOGAN: Okay. I'll pass the witness.

14 HEARING OFFICER AKIN JONES: Any other questions  
15 from the board members?

16 MS. BONDS: Yes.

17 HEARING OFFICER AKIN JONES: Go right ahead.

18 MS. BONDS: Ms. Hubbard, you're --

19 HEARING OFFICER AKIN JONES: No, no. For  
20 Ms. Morgan.

21 THE WITNESS: Me.

22 MS. BONDS: Oh, I'm sorry.

23 MS. KERSEY: Only Ms. Morgan.

24 HEARING OFFICER AKIN JONES: You can only ask  
25 Ms. Morgan right now.

1 MS. KERSEY: We're working on --

2 HEARING OFFICER AKIN JONES: Okay. I'll --

3 MS. BONDS: Sorry.

4 Ms. Morgan, as you pulled in, was -- did you --  
5 was this a cosmetology establishment or a barber  
6 establishment, or could you --

7 THE WITNESS: As I pulled in, into the parking  
8 lot, I was -- I went into another established salon to  
9 inspect. Upon entering that particular establishment  
10 and doing my inspection, I saw the sign of this other  
11 one that said "Style 4 You." The other one was of a  
12 different name, different owner. So when I left one I  
13 went into the other.

14 That's nothing uncommon for us, that is our job to  
15 do that, because I do not know if it's barber or  
16 cosmetology.

17 MS. BONDS: Okay.

18 THE WITNESS: But Ms. Hubbard did have a barber  
19 establishment license that was current. And it was --  
20 she did -- her license were not there but that was not  
21 an issue.

22 MS. BONDS: Okay.

23 HEARING OFFICER AKIN JONES: Further questions  
24 from the board members for Ms. Morgan?

25 If there are none, thank you, Ms. Morgan.

1 (Witness excused.)

2 Mr. Hogan, you can call your next witness.

3 MR. HOGAN: I would like to call Ms. Hubbard, if  
4 that's okay, just to ask her a few questions.

5 HEARING OFFICER AKIN JONES: Works for me.

6 WHEREUPON,

7 DEBRA HUBBARD,

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

11 DIRECT EXAMINATION

12 BY MR. HOGAN:

13 Q Ms. Hubbard, can you state your name for the record, please?

14 A Debra Hubbard, TMI.

15 Q TMI?

16 A Instructor Teacher Manager.

17 Q I thought I had already asked you too many personal  
18 questions. I had swayed into an area that --

19 Let me ask you, how long have you been in business in Little  
20 Rock?

21 A Sixteen years.

22 Q Sixteen years?

23 You're a licensed barber in this state, is that correct?

24 A I'm a licensed barber, stylist, teacher, manager.

25 Q And you've applied now as of January the 3<sup>rd</sup> for a salon

1 license cosmetology license in Arkansas?

2 A Yes.

3 Q Correct?

4 A Because I see it as a problem that the person that I had  
5 running my -- have running my dry cleaners is a licensed barber  
6 stylist, barber stylist instructor.

7 Q Tell me about your relationship with Mr. Williams.

8 I mean does -- is he -- do you pay him as an employee, Andra  
9 Williams? Was he working for you? Was he a contractor? How --  
10 what was your arrangement with him?

11 A I contracted with him to help me open up my dry cleaners.

12 Q The dry cleaners?

13 A It's a drop-off service.

14 Q Did you know at the time that you contracted with him that  
15 he was a licensed cosmetologist?

16 A Yes, sir. But he don't do hair in my salon.

17 Q Now, you heard Ms. Morgan's testimony that there was a  
18 station set up there?

19 A (Nodding head up and down.)

20 Q He was in the cosmetology part of the business, he was there  
21 near the station?

22 A It was one --

23 Q I think he may have been sitting in the chair.

24 I guess I'm asking, is -- you understood he was a licensed  
25 cosmetologist, you had a cosmetology -- or at least you had

1 the -- the products there to do work.

2 I mean did you -- you understood then that he was not going  
3 to do any cosmetology work?

4 A I know he was not doing any cosmetology work, that was my  
5 station. I teach at a local barber college and I work at the  
6 salon part time.

7 Q And he -- was he a licensed barber?

8 A No. He's a cosmetologist.

9 Q He's a cosmetologist?

10 A He work at the nursing home.

11 Q Okay. And how long had he been working or how long had he  
12 been with you there at the business?

13 A I was just recently opening the business in October and I  
14 had my station set up and we were setting up everything for the  
15 drop-off service.

16 Q Okay.

17 A And he was there just as far as to keep the business open  
18 for me and things like that while I stepped out --

19 Q And --

20 A -- in the dry cleaner service section.

21 Q So he was in charge of both the salon or the business as  
22 well as the dry cleaning business while you were not there?

23 A No, sir.

24 Q Oh, he wasn't?

25 Okay. Tell us about, what was his -- when Ms. Morgan went

1 through the door to this Style 4 You door --

2 A Uh-huh.

3 Q -- did you have to enter that door to get to the dry  
4 cleaning business?

5 A The way it's set up, that's just the hallway, and right here  
6 is the dry cleaning and it's a window and then it's a door and  
7 then the back is the barber shop.

8 Q So if I wanted to go just to the dry cleaning business, then  
9 I would never have to go to the -- to the --

10 A (Shaking head from side to side.)

11 Q -- to the other establishment?

12 A That's correct.

13 Q So, I guess given that set up, Ms. Morgan says, apparently,  
14 she walks past the dry cleaning business into the salon or the  
15 establishment?

16 A He came out the door --

17 Q And Mr. --

18 A Right. He came out the door to --

19 Q Mr. Williams was there?

20 A Yes.

21 Q So is there a way to close off the -- the dry cleaning  
22 business from the rest of the business?

23 A Yes.

24 Q So, basically, both of them were open?

25 A It was a barber in the barber shop. The gentleman that she

1 saw sitting around, one of them was a barber.

2 Q Okay.

3 A So, basically, if anything had come to be addressed in the  
4 barber side, he could have taken care of. Andra was over there.

5 I have pictures of it if you just need a visual.

6 Q Okay. Well, do -- I mean it's -- I wanted to ask you some  
7 questions --

8 A That's fine.

9 Q -- but if you want to --

10 A -- no, you can continue asking your questions.

11 Q -- you know, show your photos, go ahead. I mean, that's  
12 okay, too.

13 A Okay.

14 Q What is the status of the business now? Is it still open?  
15 I mean, who's there for you when you're like here today, is the  
16 business open or is it closed?

17 A I have a young lady in the dry cleaners right now and I have  
18 a barber in the barber shop right now. Yes, sir.

19 Q And the barber shop and this business has been open since  
20 October?

21 A That is correct.

22 Q What kind of work do you do? I mean do you work with  
23 anybody that comes in do you do styling for or --

24 A Being a barber stylist you can do cutting and styling on a  
25 barber stylist license.

1 Q Do you know if Mr. Williams had performed any kind of work  
2 there since October?

3 A I know he have not.

4 Q He's done no cosmetology work, no barbering work or  
5 anything?

6 A No, sir.

7 Q Do you still have the barbers that work for you?

8 A Yes.

9 Q Okay. How many do you have?

10 A I have one.

11 Q Total -- how many?

12 A One.

13 Q Okay.

14 A It's only three chairs in the salon besides mine. It's  
15 small.

16 MR. HOGAN: Okay. I'll pass the witness.

17 HEARING OFFICER AKIN JONES: Ms. Hubbard, if you  
18 want you can tell your side now, or I can let the board  
19 ask you questions and then you can tell your side.  
20 It's a little bit -- how ever you want to do it at this  
21 point, I'm going to let you proceed that way.

22 THE WITNESS: Well --

23 HEARING OFFICER AKIN JONES: If you want to go  
24 ahead and tell them your side right now, I'm going to  
25 let you do it.

1           THE WITNESS: I did not receive a copy of the  
2           inspection report. I didn't know anything about this  
3           until I got the -- well, Andra told me she stopped by  
4           but I didn't get a copy of that. I got it with my  
5           certified mail.

6           And when I got my certified mail, it said January  
7           the 6<sup>th</sup>, on Monday, and I took off from work to do that  
8           and that didn't even exist.

9           And I went ahead and applied for a cosmetology  
10          license only because I recognize there was a problem  
11          having him in the building, and I did not want this to  
12          happen again, so I went ahead and applied for a  
13          license.

14          HEARING OFFICER AKIN JONES: Okay. I'm going to  
15          let the board ask you some questions now and then I'll  
16          give you another chance if there is more you want to  
17          try to clarify after their questions --

18          THE WITNESS: Okay.

19          HEARING OFFICER AKIN JONES: -- or anything like  
20          that. Okay?

21          Board members, questions for Ms. Hubbard?

22          If there are none --

23          MS. FORD: Ms. Hubbard.

24          THE WITNESS: Uh-huh.

25          MS. FORD: If Mr. Williams is in a separate area,

1           why would he sign -- and there was a barber already  
2           there, why would he sign the inspection paper as the  
3           representative?

4           THE WITNESS: I'm not sure that even happened. I  
5           don't see a --

6           MS. FORD: There is a copy here of --

7           THE WITNESS: With -- where did he sign?

8           MS. KERSEY: Right at the top.

9           MS. MORGAN: I have my copy that she can see.

10          THE WITNESS: From my understanding of that, by  
11          him being a cosmetology instructor, I think they were  
12          familiar with each other and he greeted her and helped  
13          her out as much as possible. But I've always licensed  
14          my salons as barber stylist because that's what I've  
15          always done. It's --

16          MS. FORD: Okay. Do you --

17          THE WITNESS: I don't think ever --

18          MS. FORD: You did make a statement that there was  
19          a barber --

20          THE WITNESS: Uh-huh.

21          MS. FORD: -- in your salon at that particular  
22          time.

23          THE WITNESS: Uh-huh.

24          MS. FORD: I'm just wondering why he wouldn't come  
25          forward with his barber license --

1 THE WITNESS: And --

2 MS. FORD: -- and be the representative of that  
3 shop so that it would say, hey, we're a barber shop,  
4 there is no need for you to be here.

5 I mean, if I'm working -- and I'm an instructor --

6 THE WITNESS: I understand.

7 MS. FORD: -- and I am a stylist also --

8 THE WITNESS: Uh-huh.

9 MS. FORD: -- and many other jobs. But, I mean,  
10 if I'm at one job doing something that's completely  
11 different, why would I have my license with me? It's  
12 not something that you carry around. The law states  
13 that it's to be posted in a conspicuous place.

14 THE WITNESS: I'm going to answer both of your  
15 questions.

16 As far as the barber, he's fresh out of barber  
17 school and he may have not known any better. Okay?  
18 And by Mr. Williams being a little more experienced in  
19 the industry, he may have just stepped forward to  
20 assist her.

21 I can almost guarantee or almost -- Mr. Williams  
22 took those license out of his wallet. They were not  
23 posted because he was not working as a cosmetologist.

24 MS. FORD: Uh-huh.

25 Then why would he -- if he had nothing to do with

1 the salon, why would he be in the salon? He could have  
2 simply made a statement, I work in the cleaners.

3 THE WITNESS: I'm going to give him a chance to  
4 answer that question, but that's what --

5 MS. FORD: Because, I mean, to me that's like  
6 going from Moose over to Fantastic Sam's -- Moose Dry  
7 Cleaners to Fantastic Sam's. If they are two separate  
8 entities, which they are, then he does not have the  
9 authority or he shouldn't have the authority to be in  
10 another business --

11 MS. BONDS: Right.

12 THE WITNESS: Unfortunately --

13 MS. FORD: -- is what I'm saying. And because he  
14 did go in there and he presented a cosmetology license  
15 as if he was a part of that establishment, that made  
16 him under our jurisdiction, which gives her the right  
17 to go in and inspect the facility because he's  
18 presenting his license in your salon.

19 THE WITNESS: To go from Moose to Fantastic Sam's,  
20 unfortunately you go through one door. And like I  
21 said, he may have just been courtesy and kind enough to  
22 assist her as an inspector because they were familiar  
23 with themselves.

24 MS. FORD: Right.

25 THE WITNESS: And the young gentleman that was

1           there was fresh out of barber school and he didn't, I'm  
2           sure, know what to do.

3           MS. FORD:   Right.

4           THE WITNESS:   And if she walked in the door and  
5           addressed Mr. Williams as a person that she knew, he  
6           just stepped up to help her but he -- I'm sure he let  
7           her know he was not working there as a cosmetologist,  
8           because he's --

9           MS. FORD:   But he presented his license, ma'am.  
10          That's what I'm saying.

11          THE WITNESS:   Then he --

12          MS. FORD:   And when you present a cosmetology  
13          license to a cosmetology inspector, he falls under her  
14          jurisdiction.   He could have simply stated, I'm the  
15          manager of this facility, period, but he presented that  
16          license.

17          THE WITNESS:   Okay.   I was not there and I don't  
18          know how, why he presented it.

19          MS. FORD:   Well, I mean he did, because she has  
20          the license number --

21          THE WITNESS:   I understand.

22          MS. FORD:   -- written in the report.   And that's  
23          where it becomes an issue for us.

24          THE WITNESS:   I understand.

25          MS. FORD:   Because he did present his cosmetology

1 license in that salon or, you know, in that place of  
2 business. If he was not working in that capacity, then  
3 why would he need to submit. And, you know, by him  
4 being a licensed cosmetologist, it's his responsibility  
5 to understand that.

6 And if you have 16 years, you know, then you --  
7 you should be able to understand what the issue is  
8 here. The issue is he presented a cosmetologist  
9 license to a cosmetologist instructor. He could have  
10 simply stated, if he was going to help, here is the  
11 barber's licensing salon, the license is current, here  
12 is the individual license, it's current, and at that  
13 time she would have exited the facility because we  
14 don't have jurisdiction in a barber salon.

15 THE WITNESS: I understand.

16 MS. FORD: But because he did hand her that  
17 license, then it gives us the authority.

18 THE WITNESS: Well, the reason why I requested  
19 this hearing is to clear it up. I don't -- I was not  
20 there.

21 MS. FORD: Uh-huh.

22 THE WITNESS: And I do understand the rules.

23 MS. FORD: Right.

24 THE WITNESS: And I try to follow them.

25 MS. FORD: Right.

1 THE WITNESS: I'm not sure how, why he pulled the  
2 license out. The understanding in the contract that I  
3 have with Mr. Williams is that for him to assist in the  
4 dry cleaners.

5 MS. FORD: All right. Do you have a copy of that?

6 THE WITNESS: No, ma'am.

7 MS. FORD: And, also, when the inspector was  
8 giving her statement, she said that he did admit to her  
9 that he was getting ready to start to work there. And  
10 I'm not sure, because I would have to go back to  
11 Ms. Morgan, as to where he clarified he was going to  
12 work, he was starting to work in the salon. She wasn't  
13 inspecting the cleaners.

14 THE WITNESS: I understand.

15 MS. FORD: So that would not be relevant to what  
16 she's doing there, which I believe, I'm inclined to  
17 believe that he said he was just, just starting to work  
18 there and he offered up his cosmetology license because  
19 that is what was being inspected and that is what he  
20 was speaking about.

21 Now, without speaking to this young man and with  
22 what has been presented to the board, this is what I'm  
23 inclined to believe. And I understand what you're  
24 saying.

25 HEARING OFFICER AKIN JONES: I'm not sure there is

1 a question in here, and we're getting pretty far off  
2 course on most of this, so let's try to keep this time  
3 to a question and answer of Ms. Hubbard.

4 MS. FORD: Okay. So you said the other barber  
5 what was there, was his license posted?

6 THE WITNESS: Yes, ma'am.

7 MS. REYNOLDS: I think I have a question.

8 HEARING OFFICER AKIN JONES: Go right ahead.

9 MS. REYNOLDS: Ms. Hubbard, how are you?

10 THE WITNESS: I'm wonderful. How are you?

11 MS. REYNOLDS: I'm pretty good.

12 You stated that Ms. Morgan when she came in, she  
13 said that there was only one station set up?

14 THE WITNESS: Uh-huh.

15 MS. REYNOLDS: But you just said a minute ago that  
16 you had three chairs that are there. Do you also have  
17 three stations set up?

18 THE WITNESS: Stations to me is a counter with a  
19 chair in front of it. That's what I mean by a station.  
20 But as far as having tools and implements at each  
21 station, my station was set up and the new barber, as  
22 soon as you walk through the door, he had some things  
23 set up at his station. So there is a station there and  
24 the station in the back. Was nothing else.

25 MS. REYNOLDS: Okay. At the time when she came

1 in, was it only one station or did you just set up two  
2 extra stations later?

3 THE WITNESS: It was one station set up and the  
4 new barber had a few things at his station right at the  
5 front door.

6 MS. REYNOLDS: Okay.

7 HEARING OFFICER AKIN JONES: Further questions  
8 from the board members for Ms. Hubbard?

9 MS. BONDS: I do.

10 HEARING OFFICER AKIN JONES: Go right ahead,  
11 Ms. Bonds.

12 MS. BONDS: So is this going to be a cosmetology  
13 establishment or a barber establishment?

14 I'm confused.

15 THE WITNESS: It's a barber shop.

16 MS. BONDS: Okay. So he pulled out his  
17 cosmetology license and said he was getting ready to  
18 work. Correct?

19 THE WITNESS: That's what Ms. Morgan said. I was  
20 not there.

21 MS. BONDS: Okay. So if he's pulling out his  
22 cosmetology license and he was getting ready to work,  
23 then it's going to be a cosmetology establishment.  
24 Correct?

25 THE WITNESS: Once the license is approved, I'll

1 hold license for both.

2 MS. BONDS: For both?

3 THE WITNESS: Yes. But I'm --

4 MS. BONDS: Okay. I just wanted to clear that up  
5 because he was saying he pulled a cosmetology license  
6 out with a little license number and said he was  
7 getting ready to work.

8 THE WITNESS: I'm sure he can clear that up when  
9 it's his turn. I'm not sure. I don't want to guess.

10 MS. BONDS: Okay. Great.

11 HEARING OFFICER AKIN JONES: Okay. If there are  
12 no further questions for Ms. Hubbard at this time,  
13 Ms. Hubbard, thank you very much.

14 THE WITNESS: Okay.

15 (Witness excused.)

16 HEARING OFFICER AKIN JONES: Mr. Hogan, you can  
17 call your next witness.

18 MR. HOGAN: We rest.

19 I think the record is pretty clear.

20 HEARING OFFICER AKIN JONES: Okay. Ms. Hubbard,  
21 do you have anything else you would like to say or any  
22 witnesses you would like to call?

23 MS. HUBBARD: Since the question is first, can I  
24 call Mr. Williams?

25 MR. HOGAN: Yes.

1 HEARING OFFICER AKIN JONES: Yes, you may.

2 MS. HUBBARD: Okay.

3 HEARING OFFICER AKIN JONES: Mr. Williams, were  
4 you sworn in earlier?

5 MR. WILLIAMS: I raised my hand when everybody  
6 did, so --

7 HEARING OFFICER AKIN JONES: Very good. I just  
8 wanted to make sure.

9 Have a seat.

10 If you will, state your name for the record and  
11 Mr. --

12 MR. WILLIAMS: My name is --

13 HEARING OFFICER AKIN JONES: Go right ahead.

14 MR. WILLIAMS: My name is Andra Williams.

15 HEARING OFFICER AKIN JONES: And then Ms. Hubbard  
16 can ask you questions and then I'll let Mr. Hogan and  
17 the board, as well.

18 WHEREUPON,

19 ANDRA WILLIAMS,

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

23 DIRECT EXAMINATION

24 BY MS. HUBBARD:

25 Q Mr. Williams, can you tell the board what happened when

1 Ms. Morgan came into the cleaners, barber shop?

2 A Yes, ma'am.

3 When Ms. Morgan came in, I recognized her because I have a  
4 cosmetology instructor license, and I recognized her from --  
5 actually from Paul Mitchell and -- not Paul Mitchell but from  
6 Velvetex when I taught over there and went to school there, I  
7 recognized her from there. So we had -- when she came in she was  
8 asking about the establishment and I was letting her know that it  
9 was a barber shop, Ms. Hubbard wasn't there at the time, I was  
10 helping her with the cleaners. And -- and that was pretty much  
11 it.

12 She asked about her license, this, that, and the other. I  
13 showed her where the one was posted on Ms. Husband's station, and  
14 then she asked about the establish license. I'm like, I really  
15 don't know about all of that, I'm helping her out with the  
16 cleaners, and that was it. That was pretty much the end of the  
17 conversation on the business end.

18 And we just got to talking about Velvetex, we got to talking  
19 about how long she had been in business, how you get in to be an  
20 instructor, I mean we just was talking because we have a rapport,  
21 I knew her from being in the business. And I didn't think  
22 anything of it, and so when she asked for the license I was like,  
23 yeah, you know, because I told her I work at nursing homes. I  
24 don't -- I work in nursing homes and I keep my license with me  
25 because I travel to different nursing homes.

1           So I was like, yes, I have my license, let me run in the car  
2 and get it. I went out to the car, pulled it out of my computer  
3 bag, brought it back in. And it was just, at that time, I  
4 thought all of her business was over with, you know.

5           And Ms. Hubbard has a station set up. There was another guy  
6 there.

7           The only reason I was actually in the barber shop part of  
8 it, because the cleaners, like you say, when you walk into the  
9 door, there is a short hallway, there is a window there, you have  
10 to go into the cleaners into another door or in through the  
11 barber shop into another door to get back into the cleaners,  
12 okay, as far as to get inside the drop off. But the TV is there.  
13 There was no clients there, so you get tired of sitting in this  
14 little room so I just came out and was sitting in one of the  
15 chairs with another guy, we was sitting there watching TV. The  
16 other guy was, he was actually -- he's a young barber. I mean he  
17 just had just took the board and got his license. So we were  
18 just sitting there watching TV.

19           And, like I say, the only reason I showed the license, just  
20 because we had -- and I wasn't even thinking about she's  
21 instructing -- you know, she's inspecting the cosmetology.

22           And when I was saying that I was there -- or -- or going to  
23 work there, it was in the cleaners. Because my schedule is  
24 varied. I -- I -- I work at -- at the different, three different  
25 nursing homes across town now, so my schedule is pretty much my

1 schedule. So I was able to help.

2 I know a lot of things other than just cosmetology, you  
3 know, as far as the business end of it and as far as, you know,  
4 putting up the doors and this and the shelves and this, that, and  
5 the other, a lot of little, you know, handyman type stuff that  
6 she needed done. And it was -- I mean, we go to church together  
7 so when I knew she was getting a business started, yeah, I don't  
8 have a problem helping you. I have the extra time on my hand and  
9 I might as well do something constructive.

10 So the license part of it was not like I'm going to be  
11 working at the shop and, you know, that's -- that's what it was.  
12 It was kind of a shock to me when I got the letter, because if it  
13 was -- if I was going to tell her I was going to work there I  
14 would have give her my home address. The letter that I got, the  
15 certified letter that -- or the letter that I got actually came  
16 to the shop. And she had to catch me at church to give me the  
17 letter. I'm like, what is this about?

18 So when I called them and went to the board, I had them send  
19 it to the -- you know, my home address, I went ahead and gave  
20 them my home address and all that.

21 So but that's pretty much what happened.

22 HEARING OFFICER AKIN JONES: Ms. Hubbard, do you  
23 have further questions for Mr. Williams?

24 MS. HUBBARD: Not at this time.

25 HEARING OFFICER AKIN JONES: Okay. Mr. Hogan,

1 questions for Mr. Williams?

2 CROSS-EXAMINATION

3 BY MR. HOGAN:

4 Q Yeah. Just to make sure we're -- good morning,  
5 Mr. Williams.

6 A Good morning.

7 Q Okay. The inspection form or report that we talked about,  
8 this is what you signed?

9 A (Nodding head up and down.)

10 Q It says "salon representative," and that's the way you've  
11 signed it. I mean, is that -- your testimony is today that you  
12 were not the representative of the salon or the establishment?

13 A No. I wasn't the representative but I figured I was the  
14 only one there at the time. Because the other guy, he -- he  
15 didn't -- he didn't -- you know, and it's -- I was -- I was under  
16 the impression, when I signed it, I was under the impression that  
17 I was just signing it to say that someone had gotten the  
18 document, to pass it on to Ms. Hubbard. And I wasn't even -- I  
19 mean, like I say, me and -- we had the conversation, we had a  
20 lengthy conversation, we had a conversation about a couple other  
21 students, we had a conversation about some of the other salons  
22 that she had worked at, some of the people. I mean we talked for  
23 probably 30 minutes that had nothing to do with the inspection,  
24 per se. It was just, it's almost like meeting an old friend,  
25 someone you hadn't ran into for a long time, so we were just

1 catching up on some stuff. So I really didn't even -- I -- it  
2 was -- the business end was not -- that was the last thing on my  
3 mind when I signed it. I wouldn't have signed it at all if I  
4 thought it was -- you know, but, yeah, I give it -- I'm she has  
5 it, she's been in business for a long time.

6 Q What was your arrangement for pay for your services there at  
7 the business, between you and Ms. Hubbard?

8 A I mean there was not -- I was there to help out. And, like  
9 I said, we go to church together. I've known her before. I just  
10 had the extra time. It wasn't like I was actually going to be  
11 right there 24/7, and so --

12 Q Well, I understand that, but was there any compensation, is  
13 your understanding?

14 A The compensation was I was going to be actually on the  
15 cleaners, on the -- on the -- on the clothes that were brought  
16 in, the profits on the cleanings, I was going to get a percentage  
17 of that. So we had nothing in writing because we didn't actually  
18 know where the cleaning business was going to go, how much was  
19 going to be made. It was -- it was something new for her, so it  
20 was like, she couldn't say, well, I'm going to pay you \$200 a  
21 week to work three or four hours a day. There was nothing  
22 established there other than a percentage, once it starts making  
23 money, then we can sit down and establish a -- a price.

24 Q So there was no discussion between you and Ms. Hubbard about  
25 you having a station or you doing work for friends --

1 A No.

2 Q -- family, or anybody in the -- in the other establishment?

3 A No. I -- I do hair at nursing homes, you know. I go -- I  
4 go to three different nursing homes around town, and I do that --  
5 you have to understand, my thing is this, I -- I enjoy doing  
6 hair. Okay. I do a lot of hair. I don't do it for the money.  
7 I do it more because I really enjoy what I do. So helping her  
8 out, that's just another part of the person that I am. You know,  
9 it wasn't about the money, it was about seeing someone doing  
10 something, needing some help, and stepping in where I can.  
11 That's pretty much what I did.

12 Q So your other business or your other employment, the nursing  
13 homes --

14 A Uh-huh.

15 Q -- is the type of job where you can spend time at the  
16 cleaners, and it allows you to work there and take in cleaning.  
17 What -- how many days a week are you able to do that?

18 A I do three nursing homes, I do them twice -- so three days  
19 out of the week, and I'm only there in the mornings, okay,  
20 usually from eight until one o'clock, but it varies on the days  
21 that I'm there. So it's like I have the freedom to pick and  
22 choose my schedule. So there is nothing -- there is nothing  
23 concrete as far as, okay, you're going to be here for six hours  
24 today or you're going to be here, you know, going to be over  
25 there for how ever many hours. It's just -- it just depends on

1 the schedule of the day or the week.

2 Q You -- I mean, just listening to you talk and everything, I  
3 think you know what you're -- you're very astute and, I mean, it  
4 sounds like you have an instructor's license --

5 A Yes.

6 Q -- for cosmetology?

7 A Right.

8 Q And it sounds like that you've done cosmetology work in  
9 nursing homes. And I don't have -- how long have you had your  
10 instructor's license?

11 A It's going on five years.

12 Q And so that means you teach other students?

13 A Right.

14 Q Okay. Is that what -- so is it your testimony today that  
15 you would teach other students that it is acceptable for a  
16 licensed cosmetologist to be in an establishment such as this and  
17 to show an inspector their license and not accept responsibility  
18 then for making sure that the establishment owner is also a  
19 licensed cosmetology establishment owner?

20 A If I was working there, before I worked any place I would  
21 make sure that they are licensed because I'm not going to  
22 jeopardize myself. I can't -- I'm not -- I don't like paying  
23 fines, I've never been here before, I don't -- I don't plan on  
24 ever being here again. I don't like being questioned. I  
25 don't -- a lot of things I don't like personally, you know,

1 that's why I choose the field that I'm in, I work for myself.

2 But before I go into any establishment, even at the nursing  
3 home, if I go into a nursing home and they have their own  
4 establishment, they have their own salon set up, if they don't  
5 have certain things as far as the right electrical outlets above  
6 the sinks, I let it be known before I go in there and work,  
7 because an inspector comes in and I'm liable for that, you know.  
8 So, anywhere that I work I often -- I mean I make sure their --  
9 their paperwork is in order before I step in.

10 Now, as far as Ms. Hubbard, I knew she had a license and all  
11 that as far as the barber shop end, but I wasn't in there. And  
12 the only reason my license even came into effect was because we  
13 were talking. I -- I mean we, we had finished up the business  
14 end of the conversation. I was under that impression. So when  
15 she asked to sign it I was like, well, I have my license, and I  
16 was thinking -- and it might have been where she needed someone  
17 licensed to sign it or something, you know, so --

18 Q But, Mr. Williams, I'm -- I'm not sure you quite answered  
19 the question, but I -- I think you said that you were -- you  
20 would instruct your students or you would make certain from your  
21 own perspective that if someone had an establishment such as  
22 this, that you would make sure that they were properly licensed,  
23 that they had their license --

24 A Right.

25 Q -- what the law required, that's one thing you make certain

1 of?

2 A Right.

3 Q And I guess, you know what the law is, you've instructed on  
4 it and you're very knowledgeable of the cosmetology law. And I  
5 guess what I'm sure the committee is troubled about is that you  
6 were licensed, you were an instructor, you were in the  
7 establishment that provides hair care services, and although you  
8 were helping out a friend and trying to make a little money on  
9 the side on the cleaning business, you can't testify today, can  
10 you, that you would instruct a student of yours, a licensed  
11 cosmetologist, that it would be something that they should do,  
12 and represent themselves as a representative of this salon  
13 without making sure that Ms. Hubbard in this case had an  
14 establishment license that allowed her to have a cosmetology  
15 establishment?

16 A Okay. I -- I think I understand the question. The question  
17 is you're saying if, as an instructor, would I -- would I --  
18 would I tell a student or instruct a student to say -- to make  
19 sure that the -- before I started working there or before they  
20 started working there they had a proper cosmetology instructor or  
21 cosmetology establishment license?

22 Q Right.

23 You're -- you're teaching people that are licensed  
24 cosmetologists, so you're teaching them how to comply with the  
25 law and to make sure that everything is according to what the law

1 is.

2 A Okay.

3 Q And you understood, as your testimony was, that if you're a  
4 licensed cosmetologist, you're going to make sure first thing  
5 that the place you're working is in fact a licensed  
6 establishment --

7 A Correct.

8 Q -- and that that's done according to law?

9 And I guess, based on you signing off as a representative --  
10 and I understand your testimony, and I know this is a friend of  
11 yours and y'all go to church together and, you know, and the  
12 axiom no good deed goes unpunished, I understand all of that, but  
13 still you're -- you're in this establishment, you represented  
14 yourself as a representative of the salon and you're a licensed  
15 cosmetologist, and I guess the committee, I'm sure, is going to  
16 have questions about why you would do all of that without making  
17 sure that Ms. Hubbard was properly licensed as a cosmetology  
18 establishment?

19 A Okay. The answer to that question, the operative word there  
20 was working there, and I wasn't working there. That's why it was  
21 not -- it was -- it was not any concern of mine.

22 I mean my thing was with the -- with the two businesses  
23 together, now one thing I -- now I just understood that with the  
24 two businesses, that's where I was working on the -- on the  
25 cleanings end of it. You know as far as what do you need to do

1 as far as having your barber shop here and then having the  
2 cleaners over here, separating those two businesses, as far as  
3 having the door, as far as having, you know, a separation, you  
4 can't have one in one big building or one big open area. That's  
5 where I was at, that's -- that's what I was doing. So as far as  
6 her having the cosmetology establishment permit, that was not a  
7 concern of me because I had no -- I -- I mean I, I don't work for  
8 anyone. I don't -- I had no plans of working doing hair in the  
9 shop --

10 Q You understand --

11 A -- my work was going to be --

12 Q -- given your -- our knowledge of your expertise and your  
13 professional licensure is, what would the -- the disconnect, I  
14 think, is what would make this committee believe that you were  
15 there because of your expertise as a dry cleaning manager as  
16 opposed to your knowledge and experience as a cosmetologist?

17 I mean, is -- is there something -- you understand what --  
18 what my question is?

19 A I mean, I understand the question, but -- but I don't -- I  
20 don't -- I don't see why that is so hard to understand because  
21 it's like --

22 Q Well, enlighten us about why your, you know, dry cleaning  
23 would be your forte or would be your expertise in addition to  
24 the, what we know to be your expertise, which is a cosmetologist?

25 A Okay. Mr. Hogan, I've done --

1 MS. REYNOLDS: Wow.

2 THE WITNESS: I've been -- I've been blessed to  
3 have done just about everything. I'm a hustler, I do  
4 everything. I do, I mean seriously, I have -- before I  
5 got my license, I cut down trees, I did housing repair,  
6 I did electrical work, I did roofing, I did name it, I  
7 have probably done it in my life. Okay?

8 BY MR. HOGAN:

9 Q Have you done dry cleaning?

10 A I have done some dry cleaning, yes. I have done some --  
11 I've had enough shirts pressed to know how that works also.

12 Q Well, that's my question.

13 A Now, but the thing is -- the thing is, it's the separation.  
14 I mean, just because I have my instructor's license doesn't mean  
15 that's all I do.

16 I mean I can -- if I go and get my hair done at a barber  
17 shop and someone -- I mean, is it like I can't say anything about  
18 being an instructor? I can't -- you know, this doesn't -- this  
19 doesn't just mean that I can't do anything else other than hair.  
20 You know, I -- I enjoy doing a variety of things. But I wasn't  
21 working there, I had no station set up there, you know.

22 And the only reason -- it kind of -- we had a disagreement  
23 with her going down and even applying for a cosmetologist permit.  
24 I'm like, you don't have any cosmetologists there, you know, that  
25 doesn't make sense to me. It was my whole thing was the

1       cosmetology board came in to inspect a barber shop, okay? I was  
2       there. I just happened to be more versed at dealing with people.  
3       And so after the business end, like I say, the conversation was  
4       about business maybe the first five or ten minutes she was there,  
5       then we got to talking about a whole lot of other stuff. And the  
6       conversation just lasted and we went and this and this and that,  
7       and she was there, what, 30, 45 minutes maybe after that. I mean  
8       we just -- so it was no -- and then at the end, okay, well, I  
9       need to leave a copy, who can sign for it. Okay, I'll sign for  
10      it, just because -- I didn't even look at the thing. I don't  
11      even know if I actually gave it to her or not. You know, I  
12      probably put it on her station and left, you know. So --

13                   MR. HOGAN: Okay, sir. I'm going to pass the  
14      witness.

15                   HEARING OFFICER AKIN JONES: Y'all, I hate to do  
16      this, but I have to have a five minute break to run to  
17      the restroom. We'll be back in five minutes.

18                   (WHEREUPON, a break was held from 10:29 a.m. to  
19      10:34 a.m.)

20                   HEARING OFFICER AKIN JONES: We'll go back on the  
21      record.

22                   At this time, if there are any questions from the  
23      board members for Mr. Williams?

24                   If there are no questions by the board members for  
25      Mr. Williams?

1 MS. BONDS: No.

2 MS. DAVIS: Wait.

3 HEARING OFFICER AKIN JONES: Great. Thank you,  
4 Mr. --

5 MS. FORD: Wait. I do.

6 HEARING OFFICER AKIN JONES: Sorry. You have to  
7 get my attention.

8 MS. FORD: Mr. Williams, you said that you had to  
9 go out to your car to retrieve the license?

10 THE WITNESS: Yes, ma'am.

11 MS. ARGUELLO: That's it.

12 HEARING OFFICER AKIN JONES: Okay. Well, go right  
13 ahead.

14 MS. REYNOLDS: You say you don't like questions  
15 but I'm going to ask you one.

16 MS. HUBBARD: It's okay.

17 MS. REYNOLDS: I'm sorry. How are you?

18 THE WITNESS: I'm fine. And yourself?

19 MS. REYNOLDS: I'm good.

20 You said that you always inspect certain places  
21 everywhere you go as far as doing hair and all of that?  
22 You didn't check to see if she had all of her license  
23 up?

24 Even though you said that you weren't doing hair  
25 there, but you didn't check to see if she had the

1 license and everything up there even though you weren't  
2 helping out, to make sure that she had everything so  
3 that you can tell her, by you being an instructor?

4 THE WITNESS: Actually, now, her instructor's  
5 license -- or rather her -- her -- her license was  
6 posted. Her barber's license, her instructor's  
7 license, and then the -- the permit for the -- the  
8 building, that was all posted. The license on the --  
9 on the sheet that she was asking about was a -- it was  
10 some other kind of regulations license or whatever. I  
11 didn't know where it was. We had talked about it, she  
12 had said she had all the license. Actually, it was  
13 behind -- it was in the -- in the -- in another room,  
14 or in the --

15 MS. HUBBARD: In the break room.

16 THE WITNESS: In the break room, it was posted in  
17 the break room. I didn't know where it was, but we had  
18 talked about the license. I mean, I knew where it was  
19 as far as the establishment and her barber's license  
20 and all that, I knew that was posted up, I knew exactly  
21 where, that was at her station. But the other license  
22 she was asking about, I didn't know where it was. It  
23 was in the break room so that was the one that I was  
24 thinking about.

25 MS. REYNOLDS: Okay. Well, Ms. Morgan stated that

1           when she came in she didn't see anything posted  
2           anywhere, but to your knowledge you said that you  
3           always check to see everything was -- where everything  
4           was. So when did you realize that all of the license  
5           were posted in the break room?

6           THE WITNESS: No, no, no. She didn't say that.  
7           She, Ms. Morgan said that when she came in she saw her  
8           license and all, that was posted at her station. That  
9           was all posted at her station. That's -- that's what  
10          she said. All that was there.

11          MS. REYNOLDS: So she basically asked you for your  
12          license?

13          THE WITNESS: No. The license that she asked  
14          about, it had -- it was some other license that was,  
15          and I don't know exactly which one it was. It was some  
16          license that was -- what is that?

17          The health and safety regulations, that was --  
18          that was the one. I didn't know where it was. It was  
19          actually posted up in the break room, and that's what  
20          she --

21          MS. REYNOLDS: No, that's not what I'm talking  
22          about. She asked you where were your license, because  
23          she stated earlier that you told her you were working  
24          here but you didn't state that you were working in the  
25          cleaners. You should have stated to her that you were

1 working in the cleaners and not in the salon.

2 THE WITNESS: That conversation -- no, that's --  
3 that's not how -- like I say, there was -- to me there  
4 was two conversations. There was a business  
5 conversation when she came in. We talked about the  
6 license, about this. I wasn't working there, that  
7 was -- that was made clear. And --

8 MS. REYNOLDS: No, but you said earlier that you  
9 were getting ready to work here.

10 THE WITNESS: In the cleaners.

11 MS. REYNOLDS: But --

12 THE WITNESS: And I don't know if we ever went --

13 MS. REYNOLDS: But you didn't tell her in the  
14 cleaners. You should have stated that you were getting  
15 ready to work in the cleaners. She was under the  
16 assumption that you were working in the salon.

17 THE WITNESS: Well, I mean, we can't --  
18 Ms. Reynolds, we really can't say what -- I mean, we're  
19 talking about a conversation that happened, a 30, 40  
20 minute conversation that happened three months ago. I  
21 don't know verbatim how the conversation went. All I  
22 know is that I did not give my license until at the end  
23 when she asked about signing the form to leave the form  
24 there, here, do you need my license. Let me run and  
25 get it. I offered my license just because to say, you

1 know, who it was that you were talking to, and I only  
2 did that out of respect for the industry, I guess,  
3 because I mean we knew each other, so --

4 MS. REYNOLDS: I know what you're saying right  
5 there but what I'm saying is she asked for -- I mean,  
6 you know, who were you, and you say you were getting  
7 ready to work here. So if you were getting ready to  
8 work there, you should have had your license already  
9 posted. But Ms. Williams said -- I mean Ms. Hubbard  
10 said that you weren't working there.

11 THE WITNESS: Okay. And just what you asked, if I  
12 was getting ready to work there my license would have  
13 been posted there, but since my license were in the  
14 car, I wasn't working there.

15 MS. REYNOLDS: Okay.

16 HEARING OFFICER AKIN JONES: Further questions  
17 from the board members?

18 MS. BONDS: No.

19 HEARING OFFICER AKIN JONES: Okay. If there are  
20 none, thank you, Mr. Williams.

21 THE WITNESS: Thank you.

22 (Witness excused.)

23 HEARING OFFICER AKIN JONES: Ms. Hubbard, anything  
24 further?

25 MS. HUBBARD: Yes. I think on -- our

1           misunderstanding is because the one that we're talking  
2           about is the first 30 days that I was opening up this  
3           business, and the first 30 days in opening up anything,  
4           you solicit contract help and advisory help, you know,  
5           from different people. And I did not understand that  
6           by him standing in that building that I was in  
7           violation. I knew, he knew that he was not doing any  
8           hair in my barber shop, but I did not know that if he  
9           walked in there to visit with me, to sit around and  
10          watch TV or anything, that I would be in violation or I  
11          would not have let him do it.

12                   And that's all.

13                   HEARING OFFICER AKIN JONES: Okay. If there is  
14                   nothing further from you, Ms. Hubbard, we'll move on to  
15                   closings.

16                   Mr. Hogan, anything in closing?

17                   MR. HOGAN: No. I do not have anything.

18                   HEARING OFFICER AKIN JONES: Okay. Ms. Hubbard,  
19                   anything else you want to say in closing before the  
20                   board deliberates?

21                   MS. HUBBARD: Thank you for listening to me.

22                   HEARING OFFICER AKIN JONES: Okay. At this time  
23                   we'll make the record closed and complete except for  
24                   the board's recess for deliberations. Once the  
25                   decision has been reached by the board we'll go back on

1 the record.

2 (WHEREUPON, the Committee retired to deliberate,  
3 off the record, from 10:40 a.m. to 10:55 a.m., and  
4 returned with the following motion.)

5 HEARING OFFICER AKIN JONES: Okay. At this time  
6 we'll go back on the record for the board's decision.

7 Is there a motion?

8 MS. DAVIS: I'll make a motion that we reduce the  
9 fine to \$100 instead of \$250.

10 MS. BONDS: I second the motion.

11 HEARING OFFICER AKIN JONES: There is a motion and  
12 a second. All those in favor, please raise your right  
13 hand.

14 (Hands raised.)

15 COMMITTEE MEMBERS: Aye.

16 HEARING OFFICER AKIN JONES: Please let the record  
17 reflect that the decision of the board is unanimous,  
18 please reduce the decision to writing and make or  
19 attempt service upon all parties. If the respondent  
20 cares to appeal the decision, an appeal may be taken  
21 under the Administrative Procedures Act, found at  
22 Arkansas Code Annotated 25-15-201, et seq., or any  
23 specific provisions of this board.

24 If you have any questions or comments pertaining  
25 to anything in this hearing, you can see Ms. Kersey

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afterwards.

At this time, the record is closed and made complete. Thank you.

(WHEREUPON, at 10:55 a.m., the above-entitled proceedings were concluded.)

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CERTIFICATE

STATE OF ARKANSAS )

COUNTY OF PULASKI )

I, SUSAN B. WHITSON, Certified Court Reporter and notary public in and for Pulaski County, State of Arkansas, do hereby certify that the meeting of the Arkansas Department of Health, Cosmetology Section, Cosmetology Technical Advisory Committee, January 23, 2012, was taken by me in Stenotype and was reduced to computer-generated typewritten form by me or under my direction and supervision; that the witnesses were duly sworn by the undersigned notary public; and that the same is a true and correct reflection of the proceedings that occurred, to the best of my knowledge and ability.

I FURTHER CERTIFY that I am neither counsel for, related to, nor employed by any of the parties to the action in which these proceedings were taken; and, further that I am not a relative or employee of any attorney or counsel employed by the parties hereto, nor financially interested, or otherwise, in the outcome of this action; and that I have no contract with the parties, attorneys, or persons with an interest in the action that affects or has a substantial tendency to affect impartiality, that requires me to relinquish control of an original transcript or copies of the transcript before it is

1 certified and delivered to the custodial attorney, or that  
2 requires me to provide any service not made available to all  
3 parties to the action.

4 SIGNED AND SWORN this \_\_\_\_\_ day of  
5 \_\_\_\_\_.

6  
7 \_\_\_\_\_

8 SUSAN B. WHITSON, CCR, #158

9 NOTARY PUBLIC IN AND FOR

10 PULASKI COUNTY, ARKANSAS

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12 My Commission Expires: June 4, 2012.

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**Arkansas Department of Health  
Cosmetology Technical Advisory Committee**

January 23, 2012

9 a.m.

Freeway Medical Building  
5800 W. 10<sup>th</sup> Street, Ste. 902, Little Rock, AR

**Cosmetology Technical Advisory Members:**

*Present:*

|                  |                     |
|------------------|---------------------|
| Kimberly Ford    | Roger Barnes        |
| Rebecca Arguello | Jacqueline Reynolds |
| Andrea Fuentes   | Jeannie Bonds       |
| Sandy Davis      |                     |

**ADH – Cosmetology Staff Members:**

*Present:*

**Kelli Kersey, Cosmetology Section Chief**  
**Rick Hogan, ADH Attorney**  
**Rose Horner, Cosmetology Inspector**  
**Lavonne Lester Cosmetology Inspector**  
**Pat Jackson, Cosmetology Inspector**  
**Anastashia Flowers, Admin. Specialist**

**Teri Dwyer, Admin. Specialist**  
**Michelle Rudolph, Bus. Oper. Spec.**  
**Brenda Morgan, Cosmetology Inspector**  
**Vera Wood, Cosmetology Inspector**  
**Renee Mallory, Branch Chief, Lic. & Reg.**

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**Proceedings:**

· *Meeting called to order* at 9:04 a.m.

· *Meeting Minutes* – A motion was made and seconded to accept the November 21, 2011 meeting minutes. Motion approved.

· *Paid Violations* – A motion was made and seconded to approve the listing of paid violations. Motion approved. (See attached list)

· *Stipends* – A motion was made and seconded to approve stipends for the CTAC committee.

· *Program Updates*

- *Launching of New Software* –Kelli Kersey informed the committee that the Cosmetology Section launched the new CLIPS (Cosmetology Licensing, and Permit System) with the Schools.
- *Excessive Fund Balance* – Kelli Kersey and Renee Mallory informed the committee of the proposal made to the Board of Health to lower the license renewal fees.
- *Proposal for New Positions* – Kelli Kersey and Renee Mallory discuss the proposal of three new positions for the office.
- *Hearings* begin at 9:30 and the transcript of the hearings are in a separate attachment and will be made available for review at the next official meeting, or at the Office of Cosmetology in the Arkansas Department of Health. The committee heard 1 case.

· *Public Comments* –

A representative from a cosmetology school addressed the committee regarding the change in day for the examination deadline.

A representative from the braiding community addressed the committee regarding obtaining braiding license in the State of Arkansas. The committee concluded to research other states that have braiding licenses and would address the matter at a later date.

- A motion was made and seconded to adjourn until the March 19, 2012 meeting.
- Minutes submitted by Administrative Specialist, Teri Dwyer.