

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

November 18, 2013

9 a.m.

Freeway Medical Building
5800 W. 10th Street, Ste. 801, Little Rock, AR

Cosmetology Technical Advisory Members:

Present:

**Kimberly Ford
Cynthia Steele
Wendy Sullivan**

**Jessica Peck
Angela Jackson
Trish Anderson**

Cosmetology Technical Advisory Members:

Absent:

ADH – Cosmetology Staff Members:

Present:

Kelli Kersey, Cosmetology Section Chief

**Elizabeth Pitman, ADH Attorney
Vera Wood, Cosmetology Inspector**

Lavonne Lester Cosmetology Inspector

**Ken Roberts, Inspector Supervisor
Kerri Glaude, Cosmetology Inspector**

**Teri Preachers, Business Operations
Specialist**

**Kathryn Kersey, School Liaison
Christopher Nicklaus, Cosmetology
Inspector**

**Renee Mallory, ADH Branch Chief, Health
Systems Licensing and Regulation
Amanda Weeks, Exam Coordinator**

General Public:

Present:

**Erica Hollis
Michel Koffi
Charles Kirkpatrick
Scottie Burchett
Wilma Young
Katina Hodge
Doriane Washington
Stephanie Sims
Linda Lee
Patricia Phiri**

**Michelle Carr
Daniele Bryant
Amber Sullivan
Ida McLean
Jibad Tucker
Mariame Bambah
Bernard Cobbs
Shelley Platt
Binton Keita
Mariaina Camara**

CALL TO ORDER

Meeting was called to order by Trish Anderson.

APPROVAL OF MINUTES

Cynthia Steele made a motion approve the minutes from the September 16, 2013 meeting. Kimberly Ford seconded. All were in favor.

APPROVAL OF PAID VIOLATIONS

Kimberly Ford made a motion to approve the paid violations. Cynthia Steele seconded. All were in favor.

BARBER BOARD – SHAVING REGULATION

Katina Hodge from the Arkansas Attorney General's office spoke on behalf of the Arkansas Barber Board regarding shaving by a cosmetologist. According to comments from Ms. Hodge Barber Board statutes only allow shaving of the face or neck by licensed Barbers and the Committee agreed. Also, according to Ms. Hodge only Barbers can trim the beard or mustache of a customer. The Committee disagrees and feels trimming of a beard or mustache may be done by a Cosmetologists as part of a haircut. It was decided the Barber Board would request opinion by the Attorney General's.

HEARINGS

The transcript for the hearings are attached.

OLD BUSINESS

- Dress Code –After much discussion the Committee agreed to change the dress code for practical examinations to scrubs and closed-toe shoes of any color beginning January 2014.
- Braiding – An Ad-hoc meeting was scheduled for February 24, 2014 to discuss more on braiding.
- Aesthetics – will be discussed in the February 24, 2014 Ad-hoc meeting.

NEW BUSINESS

- Language/Accommodations for Examination - The Committee was told ADA does not recognize speaking in a different language as a disability therefore accommodations cannot be offered for the written examination. However, National Interstate Council does offer the examination in English, Vietnamese, Spanish and Korean. Trish Anderson will gather more information.

MEETING ADJOURNED

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ARKANSAS DEPARTMENT OF HEALTH
COSMETOLOGY SECTION
COSMETOLOGY TECHNICAL ADVISORY COMMITTEE

BE IT REMEMBERED that on Monday, the 18th day of November 2013, the meeting of the Arkansas Department of Health, Cosmetology Section, Cosmetology Technical Advisory Committee was held, at 9:00 a.m., at the Arkansas Department of Health, Freeway Medical Building, Suite 801, Little Rock, Pulaski County, Arkansas.

TECHNICAL ADVISORY COMMITTEE:

TRISH ANDERSON, Chair
KIMBERLY FORD
CYNTHIA STEELE
JESSICA PECK
ANGELA JACKSON
WENDY SULLIVAN

REPORTED BY:

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

COSMETOLOGY TECHNICAL ADVISORY COMMITTEE, 11/18/13

1 APPEARANCES:

2 ON BEHALF OF THE COMMITTEE:

3 ELIZABETH PITMAN, ESQ.

4 HEARING OFFICER:

5 PEGGY JOHNSON, ESQ.
Office of the Attorney General
6 323 Center Street, Suite 200
7 Little Rock, Arkansas 72201

8 Staff Members Present:

9 KELLI KERSEY - Section Chief
KEN ROBERTS
10 RENEE MALLORY
TERI PREACHERS - Administrative Specialist
11

12 Inspectors Present:

13 ROSE HORNER
LAVONNE LESTER
14 KERRI GLAUDE
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COSMETOLOGY TECHNICAL ADVISORY COMMITTEE, 11/18/13

I N D E X		
	AGENDA ITEM	PAGE
1	CAPTION	1
2	APPEARANCES	2
3	PAID VIOLATIONS	6
4	ADMINISTRATIVE HEARING	
5	ABANGOUA AFRICAN HAIR BRAIDING	7
6	WITNESSES	
7	KERRI GLAUDE	
8	Direct by Ms. Pitman	11
9	KELLI KERSEY	
10	Direct by Ms. Pitman	17
11	MICHAEL KOFFI	
12	Direct testimony	22
13	Cross by Ms. Pitman	28
14	Exam by the Committee	29
15	Exhibits received	11
16	Motion	42
17	ADMINISTRATIVE HEARING	
18	COSMETIC AND PAMPERING SALON SPA	
19	WILMA JEAN YOUNG, OWNER	47
20	WITNESSES	
21	KERRI GLAUDE	
22	Direct by Ms. Pitman	49
23	KELLI KERSEY	
24		
25		

COSMETOLOGY TECHNICAL ADVISORY COMMITTEE, 11/18/13

1	Direct by Ms. Pitman	53
2	Cross by Ms. Young	59
3	WILMA YOUNG	
4	Direct Testimony	61
5	Cross by Ms. Pitman	72
6	Exam by the Committee	78
7	Exhibits received	49
8	Motion	110
9	ADMINISTRATIVE HEARING	
10	KOOL KUTTS II	
11	BERNARD COBBS	114
12	WITNESSES	
13	LAVONNE LESTER	
14	Direct by Ms. Pitman	120
15	KELLI KERSEY	
16	Direct by Ms. Pitman	125
17	BERNARD COBBS	
18	Cross by Ms. Pitman	131
19	Exhibits received	119
20	Motion	137
21	ADMINISTRATIVE HEARING	
22	UNIQUE NAILS & HAIR SALON	139
23	WITNESSES	
24	KERRI GLAUDE	
25	Direct by Ms. Pitman	140

COSMETOLOGY TECHNICAL ADVISORY COMMITTEE, 11/18/13

1	KELLI KERSEY	
2	Direct by Ms. Pitman	146
3	Exam by the Committee	149
4	Redirect by Ms. Pitman	151
5	Re-exam by the Committee	152
6	Exhibits received	140
7	Motion	169
8	Reporter's certificate	171
9		---
10		
11		
12		
13		
14		
15		
16		
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COSMETOLOGY TECHNICAL ADVISORY COMMITTEE, 11/18/13

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P R O C E E D I N G S

MS. ANDERSON: We have the paid violations. So has everyone had a chance to look over those? There is four pages of those. Again, we have those paid violations.

Do I have a motion on the floor, please?

MS. FORD: I'll make a motion that the paid violations stand as approved.

MS. ANDERSON: Okay. Kim has made a motion. And do I hear a second?

MS. STEELE: I second.

MS. ANDERSON: Okay. Cynthia seconded it.

All those in favor, "Aye."

COMMITTEE MEMBERS: Aye.

MS. ANDERSON: The motion passes.

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COSMETOLOGY TECHNICAL ADVISORY COMMITTEE, 11/18/13

1 BEFORE THE COSMETOLOGY TECHNICAL ADVISORY COMMITTEE

2 (CTAC)

3 IN THE MATTER OF:

4 ARKANSAS DEPARTMENT OF HEALTH PETITIONER

5 v.

6 ABANGOUA AFRICAN HAIR BRAIDING RESPONDENT

7 MS. ANDERSON: At this time we will turn
8 this over to Ms. Putman -- Pitman for her
9 hearings.

10 MS. PITMAN: Okay.

11 MS. ANDERSON: I just -- I'm feeling my
12 meds today. I'm sorry.

13 HEARING OFFICER JOHNSON: That's okay. No
14 problem.

15 The first hearing that I have in our
16 agenda book is the matter of Arkansas
17 Department of Health versus Abangoua --
18 Abangoua African Hair Braiding. I did the best
19 I could. I hope I didn't mangle that.

20 MR. KOFFI: That's probably close enough.

21 HEARING OFFICER JOHNSON: Okay. Could you
22 pronounce it for me?

23 MR. KOFFI: Abangoua.

24 HEARING OFFICER JOHNSON: Abangoua. Okay.

25 Thank you.

COSMETOLOGY TECHNICAL ADVISORY COMMITTEE, 11/18/13

1 And your name, sir?

2 MR. KOFFI: Michael Koffi.

3 COURT REPORTER: I can't hear you.

4 MR. KOFFI: Koffi.

5 HEARING OFFICER JOHNSON: Spell it.

6 MR. KOFFI: K-o-f-f-i.

7 HEARING OFFICER JOHNSON: Oh, Koffi,
8 K-o-f-f-i.

9 MS. KERSEY: You can have a seat if you
10 want.

11 HEARING OFFICER JOHNSON: Yes, just have a
12 seat down there at the table.

13 And you are the owner of Abangoua African
14 Hair Braiding?

15 MR. KOFFI: Yes, ma'am.

16 HEARING OFFICER JOHNSON: Okay. All
17 right. And, of course, Mr. Koffi, do you have
18 any other representatives of your establishment
19 here today with you or are you the only person?

20 MR. KOFFI: Just -- just myself now and no
21 other.

22 HEARING OFFICER JOHNSON: All right.

23 Well, this matter is before the cosmetology

24 board to determine whether there has been

25 violations of the rules and regulations that

COSMETOLOGY TECHNICAL ADVISORY COMMITTEE, 11/18/13

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govern the Cosmetology Technical Advisory
Committee. Representing the board is
Ms. Elizabeth --

MS. PITMAN: Pitman.

HEARING OFFICER JOHNSON: -- Pitman. Okay
Ms. Elizabeth Pitman. And I'm Peggy Johnson,
I'll be conducting the hearing this morning.

Will you be presenting testimony,
Ms. Pitman, from any -- anyone?

MS. PITMAN: Yes, ma'am.

HEARING OFFICER JOHNSON: And who will be
testifying?

MS. PITMAN: Ms. Kerri Glaude and
Ms. Kersey.

HEARING OFFICER JOHNSON: All right.
Ms. Kerri Glaude?

THE WITNESS: Yes, ma'am.

HEARING OFFICER JOHNSON: All right. How
do you spell your last name?

MS. GLAUDE: G-l-a-u-d-e.

HEARING OFFICER JOHNSON: Okay. And
Ms. Kersey, Ms. Glaude, and Mr. Koffi, would
you raise your right hand and I'll swear you
all in.

(WHEREUPON, the witnesses were sworn by

COSMETOLOGY TECHNICAL ADVISORY COMMITTEE, 11/18/13

1 the Hearing Officer.)

2 HEARING OFFICER JOHNSON: All right.

3 Thank you.

4 All right. And, Ms. Pitman, do you have
5 any documents that you want the board to
6 consider in this matter?

7 MS. PITMAN: Yes, ma'am, there is a packet
8 behind the red tab which is 25 pages long.

9 HEARING OFFICER JOHNSON: All right.

10 MS. PITMAN: Mr. Koffi, I believe,
11 received a copy of that, if you would like to
12 see if he has --

13 HEARING OFFICER JOHNSON: All right.
14 Mr. Koffi, do you have a copy of the document
15 that she's referring to, this approximately 25
16 pages, right, Pages 1 through 25?

17 MR. KOFFI: Uh-huh.

18 HEARING OFFICER JOHNSON: Do you have any
19 objection to the board considering these
20 documents in this hearing today?

21 I'll give you a minute to look through
22 those.

23 MR. KOFFI: No.

24 HEARING OFFICER JOHNSON: All right.

25 You -- speak loudly enough so that the court

COSMETOLOGY TECHNICAL ADVISORY COMMITTEE, 11/18/13

1 reporter, Ms. Whitson, can hear you, because
2 she's recording all of this; so --

3 MR. KOFFI: All right. I said no.

4 HEARING OFFICER JOHNSON: All right.

5 Thank you. All right. Then these documents, 1
6 through 25, Pages 1 through 25, as contained in
7 the exhibit book will be entered into the
8 record.

9 (WHEREUPON, Exhibits Nos. 1 through 25
10 were received in evidence.)

11 HEARING OFFICER JOHNSON: And if there is
12 nothing further that we want to take up, then
13 I'll allow you to call your first witness.

14 MS. PITMAN: Call Ms. Kerri Glaude.

15 WHEREUPON,

16 KERRI GLAUDE,

17 having been called for examination, and having been first
18 duly sworn by the Hearing Officer, was examined and
19 testified, as follows:

20 DIRECT EXAMINATION

21 BY MS. PITMAN:

22 Q Please tell us your name.

23 A Kerri Glaude.

24 Q And where do you work?

25 A Arkansas Health Department, Cosmetology Section as

COSMETOLOGY TECHNICAL ADVISORY COMMITTEE, 11/18/13

1 an inspector.

2 MS. PITMAN: Could you speak a little
3 louder?

4 HEARING OFFICER JOHNSON: Use your outside
5 voice.

6 MS. PITMAN: I know you can. I know,
7 let's hear it.

8 THE WITNESS: All over?

9 MS. PITMAN: Yes.

10 THE WITNESS: Okay. Kerri Glaude,
11 Arkansas Health Department, Cosmetology
12 Section, as a cosmetology inspector.

13 BY MS. PITMAN:

14 Q Thank you, Ms. Glaude.

15 Did you do an inspection on Abangoua African Hair
16 Braiding?

17 MS. PITMAN: And, Mr. Koffi, did I say
18 that correctly? Is it Abangoua?

19 MR. KOFFI: Yeah.

20 MS. PITMAN: Thank you.

21 BY MS. PITMAN:

22 Q Did you do an inspection on Abangoua African Hair
23 Braiding?

24 A Yes.

25 Q On June 19, 2013?

COSMETOLOGY TECHNICAL ADVISORY COMMITTEE, 11/18/13

1 A Yes.

2 Q Was that inspection a routine inspection or a
3 response to a complaint?

4 A Routine.

5 Q Okay. And when you went out there, you used your
6 inspection, I don't ever remember the name of it, but
7 the --

8 A Cosmetology inspection report.

9 Q Inspection report?

10 A Yes, ma'am.

11 Q And I believe that's on Page 15 of the hearing
12 packet. If you can use that report and kind of tell us
13 what you saw at Abangoua on June 19th?

14 A Well, there were two -- there were two braiders
15 working at the time -- work -- actually working on
16 clients. I did not find a current license. Their --
17 their license had expired, and the practice -- the girls
18 working did not have practitioner license; therefore
19 their licenses were not posted at their stations; and
20 also, since the salon license was expired, I marked "all
21 posted licenses were current" because they were not.

22 Q Other than the license violations, were there any
23 other noted violations at the hair salon -- or at the
24 salon?

25 A Violations? No, ma'am.

COSMETOLOGY TECHNICAL ADVISORY COMMITTEE, 11/18/13

1 Q Okay. And off to the side where you have your
2 notes, you have two names written there. Can you kind of
3 go through what that is?

4 A These were the two girls working at the time, and
5 the first one I -- when -- when somebody does not have a
6 practitioner license that they can show me, I will ask
7 for their driver's license so I can get, you know, their
8 correct name and date of birth. The first -- the first
9 girl -- and I will fail to pronounce these correctly, but
10 she did -- she had a Tennessee driver's license, and
11 the -- Fatima Dosso, did not -- said she did not have a
12 photo ID on her.

13 Q Okay. And the purpose of that is so you can go back
14 to the office and run them through our computer system
15 and see if they are licensed?

16 A Right. I believe they can -- I believe the office
17 can find a practitioner by their birth date is a -- is a
18 good way to find them, their name and birthday.

19 Q Okay. You also have noted at the top, 12/31/2012,
20 and it's circled, why is that?

21 A Well, I had circled that to -- so in the office,
22 it -- that shows that it -- it was expired.

23 Q Okay. That's when his salon --

24 A On June of 2013, it was expired, and I circle it
25 just to bring attention to it when they are going through

COSMETOLOGY TECHNICAL ADVISORY COMMITTEE, 11/18/13

1 the paperwork in the office.

2 Q Okay. And so just to clarify, that's the expiration
3 date for the salon license or for the --

4 A The salon license, yes.

5 Q There is a second page called, "Inspection or
6 Violation Acknowledgment," and on this page at the bottom
7 you have checked "5.1(A) Enforcement, Rule 5.1 (B)
8 Consumer Information"?

9 A Yes, ma'am.

10 Q What are those?

11 A They are just -- on -- from the inspection sheet,
12 those are the sections that the violations came from, two
13 different -- enforcement is separate than consumer
14 information.

15 Q And this is Page 16 of the hearing packet.

16 And those Rule 5.1(A) and 5.1(B) correspond to the
17 cosmetology rules and regulations?

18 A Yes, ma'am.

19 Q And did someone sign off on this sheet?

20 A Yes. Brakissa Bakayoko, I don't -- I don't know how
21 to pronounce it, but, yeah, she was the one that signed.

22 Q She was one of the girls working in the salon that
23 day?

24 A Yes.

25 Q And it's Brakissa -- I will probably mess that up,

COSMETOLOGY TECHNICAL ADVISORY COMMITTEE, 11/18/13

1 too, Bakayoko. B-a-k-a-y-o-k-o --

2 A Yes.

3 Q -- for the record.

4 Ms. Glaude, did you go back out to the Abangoua
5 African Hair Braiding Salon after June 19?

6 A Let's see. I don't -- I -- no, I did not.

7 Q So today you can't tell us whether or not he has a
8 license, a current license?

9 A Not today. No.

10 MS. PITMAN: Okay. No other questions.

11 HEARING OFFICER JOHNSON: All right.

12 Mr. Koffi, do you have any questions
13 specifically for Ms. Glaude regarding anything
14 she just testified to?

15 MR. KOFFI: No.

16 HEARING OFFICER JOHNSON: Okay. All
17 right. Ms. Pitman, you may call your -- do you
18 have any other witness?

19 MS. PITMAN: Just Ms. Kersey.

20 HEARING OFFICER JOHNSON: All right.

21 WHEREUPON,

22 KELLI KERSEY,

23 having been called for examination, and having been first
24 duly sworn by the Hearing Officer, was examined and
25 testified, as follows:

COSMETOLOGY TECHNICAL ADVISORY COMMITTEE, 11/18/13

1 DIRECT EXAMINATION

2 BY MS. PITMAN:

3 Q Ms. Kersey, will you please tell us your name and
4 where you work?5 A Kelli Kersey, Arkansas Department of Health,
6 Cosmetology Section Chief.7 Q Okay. And you're aware Ms. Glaude did an inspection
8 on June 19, 2013?

9 A Yes, ma'am.

10 Q And after that inspection was completed, did you
11 send out a violation letter?

12 A Yes, ma'am.

13 Q And if I could find it in this packet -- I will tell
14 you where it is if I can find it.

15 MS. FORD: Fourteen?

16 MS. PITMAN: Thank you.

17 BY MS. PITMAN:

18 Q Page 14. Sorry about that.

19 Can you tell us what the violation letter says?

20 A It just states what their violations were and how
21 much their violation totaled up to be.22 Q Okay. And the violations, I believe, as Ms. Glaude
23 said, were the salon did not have a current license, it
24 was not posted, and then the two ladies at the salon that
25 day did not have license and those were not posted at

COSMETOLOGY TECHNICAL ADVISORY COMMITTEE, 11/18/13

1 their stations; is that correct?

2 A That's correct.

3 Q What is the total proposed penalty for those
4 violations?

5 A \$1,600.

6 Q All right. Have you heard from Mr. -- oh, and how
7 was this letter sent to them? Just regular mail?

8 A Just regular mail, uh-huh.

9 Q Did you hear from Mr. Koffi or anyone else from
10 Abangoua after you sent this letter?

11 A Yes. He contacted the office, and so he had also
12 had an attorney that contacted the office.

13 COURT REPORTER: Could y'all speak up,
14 please?

15 THE WITNESS: I'm sorry. He contacted the
16 office and he also had an attorney contact the
17 office.

18 BY MS. PITMAN:

19 Q When he contacted the office, what did he say?

20 A They were just questioning how -- how the fines were
21 determined, how much the amounts are determined, they
22 wanted to know if they were across the board, if like
23 each salon got the same amount of violations as another
24 amount, you know, and we informed them, yes, we did, we
25 actually sent them the fee schedule of how much the fines

COSMETOLOGY TECHNICAL ADVISORY COMMITTEE, 11/18/13

1 are.

2 Q Ms. Kersey, do you have any discretion to change the
3 amount of the fee in the letter that's listed as a \$1,600
4 fee?

5 A No, ma'am.

6 Q Okay. I don't know that the schedule -- I believe
7 it was put in here?

8 A Page 19.

9 Q Can you tell us how you arrived at that fee, using
10 that schedule?

11 A They do not have a salon license, so it's \$250; they
12 had two unlicensed --

13 HEARING OFFICER JOHNSON: Speak up,
14 please.

15 THE WITNESS: Oh, they had two unlicensed
16 practitioners working in the salon, which is
17 \$500 apiece. They weren't posted -- none of
18 their license were posted, and the \$500 is for
19 both of the people that were working and then
20 the salon gets a violation of a \$100 each for
21 allowing someone to work there that is
22 unlicensed, so it totaled \$1,600.

23 BY MS. PITMAN:

24 Q Okay. And you informed Mr. Koffi that if he wanted
25 to ask for a lower fee, he would have to do so through

COSMETOLOGY TECHNICAL ADVISORY COMMITTEE, 11/18/13

1 the CTAC?

2 A Yes, ma'am.

3 Q Okay. Did you send out a Notice of Hearing?

4 A Yes, ma'am.

5 Q And that's located on Pages 1 through 3, it appears?

6 A Yeah.

7 Q And then there is more on the individuals.

8 On Page 11 you have the letter. Will you please
9 tell us who signed for it?

10 A Lisa Walton.

11 Q And where was it sent?

12 A It was sent to his attorney's office.

13 Q Okay.

14 A Law office of Alicia Walton-Middleton.

15 Q And who requested that we set a hearing? Was it
16 Mr. Koffi or was it his attorney?

17 A His attorney.

18 Q And what day did they sign for it?

19 A She didn't -- there is not a date on there. Sorry,
20 she didn't sign a date.

21 Q That's okay.

22 Do you know what day we sent it? That appears to be
23 on Page 10?

24 A October 29th.

25 Q Okay.

COSMETOLOGY TECHNICAL ADVISORY COMMITTEE, 11/18/13

1 A It looks like on Page 12, when she returned it to
2 us, it was on 9/30/13, requesting a hearing.

3 Q Okay. This fax here is from his attorney --

4 A Uh-huh.

5 Q -- requesting a hearing?

6 A Correct.

7 Q Okay. Is there anything else about your
8 correspondence with Mr. Koffi that you would like the
9 committee to know today?

10 A No. I don't think so.

11 MS. PITMAN: Okay. No other questions.

12 HEARING OFFICER JOHNSON: All right.

13 Mr. Koffi, I'll give you the opportunity also
14 to ask Ms. Kersey any questions that you might
15 have regarding anything she just testified to,
16 if you have any questions.

17 MR. KOFFI: I don't.

18 HEARING OFFICER JOHNSON: If you don't,
19 that's fine.

20 All right. Then, Mr. Koffi, now it's your
21 turn to address the board regarding this matter
22 and anything you -- any other issues you've
23 heard stated today, you can -- this is your
24 opportunity to give your side of the story and
25 you may do so, and after you finish, Ms. Pitman

COSMETOLOGY TECHNICAL ADVISORY COMMITTEE, 11/18/13

1 will be allowed to question you.

2 WHEREUPON,

3 MICHAEL KOFFI,

4 having been called for examination, and having been first

5 duly sworn by the Hearing Officer, was examined and

6 testified, as follows:

7 DIRECT TESTIMONY

8 THE WITNESS: Okay. I was here, I think,
9 about 2010 or '11, and then we came out here,
10 we talked to you guys about, you know, how you
11 guys can come up with something for us in order
12 for us to avoid all of this fining and -- and
13 regarding the braiding. And then I was told
14 that that's something that you guys going to
15 put in the matter and that you guys are going
16 to let us know, and then ever since, we never
17 got anything from you guys, no letter saying
18 that -- usually we used to receive, like, I
19 mean, what's the brochure where it says all
20 the -- about a meeting, all that stuff, but
21 ever since -- I mean, I don't know about the
22 other shop, but my shop never receive anything
23 like that. And then, I mean, I never got
24 anything, any feedback from you regarding the
25 amount of the braiding -- I mean, the African

COSMETOLOGY TECHNICAL ADVISORY COMMITTEE, 11/18/13

1 braiding stuff, I mean, and in -- I mean
2 when -- when -- I haven't got anything. If --
3 I mean if any -- if any is not -- if any -- if
4 it is no, but at least get a piece of letter
5 saying that, okay, we discussed so and so but
6 we end up having decide not to or we're still
7 working on it, but we never receive anything
8 like that from the board since 2010. And then,
9 I mean, we keep on getting them -- I
10 mean inspect -- I mean, inspections all the
11 time, but we trying to -- not to -- I mean to
12 stay close to not to get in fine. But
13 regarding the braiding license, we still
14 haven't got anything from you guys yet
15 concerning that issue. So I want you to -- I
16 mean, think seriously about that, because I
17 mean it's killing us. Because we want to do
18 this, we don't want to be doing it in the house
19 or in the kitchen or something, we want to do
20 it outside in the public and, you know, so
21 people can know exactly what we're doing. But
22 if we're -- we can -- you guys cannot give us
23 anything that we can -- any to -- I mean any --
24 something that we can work with it.

25 HEARING OFFICER JOHNSON: Now, what

COSMETOLOGY TECHNICAL ADVISORY COMMITTEE, 11/18/13

1 exactly were -- I -- for my clarification.

2 THE WITNESS: Uh-huh.

3 HEARING OFFICER JOHNSON: What was the
4 board supposed to be taking under consideration
5 and getting back with you about?

6 THE WITNESS: About a braiding license, a
7 license for braiders -- braiders.

8 HEARING OFFICER JOHNSON: For braiders?

9 THE WITNESS: Yeah.

10 HEARING OFFICER JOHNSON: Okay. Your
11 establishment was trying to get a license --

12 THE WITNESS: For the braiders.

13 HEARING OFFICER JOHNSON: -- for the
14 braiders?

15 THE WITNESS: Uh-huh.

16 HEARING OFFICER JOHNSON: And you brought
17 that to the board --

18 THE WITNESS: Yeah.

19 HEARING OFFICER JOHNSON: -- and requested
20 that in 2010?

21 THE WITNESS: Yes, ma'am.

22 HEARING OFFICER JOHNSON: And -- okay.

23 THE WITNESS: Ever since I haven't got
24 anything from them yet regarding that matter.

25 HEARING OFFICER JOHNSON: Okay. And they

COSMETOLOGY TECHNICAL ADVISORY COMMITTEE, 11/18/13

1 were supposed to take it under advisement --

2 THE WITNESS: Yeah.

3 HEARING OFFICER JOHNSON: -- and then get
4 back with you?

5 THE WITNESS: Yeah, they did take it under
6 consideration they said they going to, you
7 know, trying to come up with a -- at that time
8 there was -- there was a -- a man was a lawyer
9 and then there -- she was -- I can't remember
10 his name, but she was there, Ms. Kelli was
11 there.

12 HEARING OFFICER JOHNSON: Okay.

13 THE WITNESS: And then I remember some
14 faces, her, she was there.

15 HEARING OFFICER JOHNSON: Okay.

16 THE WITNESS: And then she wasn't there.
17 Anyway --

18 HEARING OFFICER JOHNSON: Ms. Kimberly
19 you're pointing to, when you said she wasn't
20 there?

21 THE WITNESS: Okay. Yeah. I mean, you
22 know, they took that into consideration.

23 HEARING OFFICER JOHNSON: Okay.

24 THE WITNESS: And then we -- myself, I was
25 expecting them to send me, I mean, something

COSMETOLOGY TECHNICAL ADVISORY COMMITTEE, 11/18/13

1 that it -- even if it's no, but something that
2 telling me to -- I mean, can tell me that,
3 okay, we decide not to or -- or we decide to
4 work on it and we going to get back to you, but
5 I never got anything from them. So I want
6 you -- I want -- that's what the reason why
7 I'm -- I mean, I could take care of that over
8 on the phone but I want to come by here myself
9 trying to see if you guys can retake that
10 matter from 2010 back and then put it in
11 consideration, because it is hurting all the
12 African braiding shop and then, I mean --

13 HEARING OFFICER JOHNSON: So this is the
14 same license that you're here today -- that
15 you're here today about not having --

16 THE WITNESS: Yeah.

17 HEARING OFFICER JOHNSON: -- that you
18 requested in 2010?

19 THE WITNESS: Yeah. Yeah.

20 HEARING OFFICER JOHNSON: Okay.

21 THE WITNESS: So this -- this -- this fine
22 here, I couldn't take that -- I couldn't take
23 that on the form, but I wanted to -- I wanted
24 to come here -- over here and then let you guys
25 know that that's something that is -- I mean,

COSMETOLOGY TECHNICAL ADVISORY COMMITTEE, 11/18/13

1 isn't taken -- it's taken a little bit -- well,
2 I'm not good at, I mean, expressing myself
3 there, because -- but there is someone over
4 here that must go by a little bit further down
5 deeper in it and let you guys know exactly what
6 we want.

7 HEARING OFFICER JOHNSON: And who is that
8 person you're talking about?

9 THE WITNESS: It's Mr. Tucker.

10 HEARING OFFICER JOHNSON: Mr. Tucker.

11 MS. PITMAN: We are going to take that up,
12 I believe, the issue of braiding license
13 later --

14 MS. ANDERSON: Yes, uh-huh.

15 MS. PITMAN: -- so if you would like to
16 stick around for that?

17 THE WITNESS: Okay. Okay.

18 HEARING OFFICER JOHNSON: Okay.

19 THE WITNESS: Okay. I have nothing -- I
20 have no -- none what -- I mean, none -- none --
21 nothing else I have to say.

22 HEARING OFFICER JOHNSON: Okay. All
23 right. So, did you have any questions for
24 Mr. Koffi?

25 MS. PITMAN: I do.

COSMETOLOGY TECHNICAL ADVISORY COMMITTEE, 11/18/13

1 CROSS-EXAMINATION

2 BY MS. PITMAN:

3 Q Mr. Koffi, I believe we spoke very briefly earlier
4 today. And we talked about, you know, we don't have the
5 discretion to change the amount of the fee, we can't tell
6 you that it can be 1,000 instead of 1,600. Do you want
7 to ask the committee to do that today?

8 A Yeah, if -- if you guys can try to, you know,
9 expunge a little bit the amount and then, you know, give
10 me some time to -- to pay that amount.

11 MS. STEELE: Can we ask questions?

12 HEARING OFFICER JOHNSON: Yes. Oh, yes.

13 I'm sorry. Thank you.

14 MS. PITMAN: If I could ask one more,
15 though?

16 HEARING OFFICER JOHNSON: Okay. After
17 Ms. Pitman is finished you may ask questions.

18 BY MS. PITMAN:

19 Q Okay. You also mentioned the braiding, and like I
20 said, we are still considering that issue and it will be
21 discussed later today. Do you want notification of when
22 those meetings to discuss that issue?

23 A Please.

24 Q Okay.

25 A That will give us an idea, you know.

COSMETOLOGY TECHNICAL ADVISORY COMMITTEE, 11/18/13

1 Q Okay. I just wanted to make sure and get you on the
2 record and we'll add you to the list and send that to
3 you.

4 MS. STEELE: Are there other people that
5 are on the list too?

6 MS. PITMAN: They have to request it,
7 that's why I was having him request it from me.

8 HEARING OFFICER JOHNSON: Okay. But if
9 there are people that would like to be
10 notified --

11 MS. PITMAN: If you will put your name and
12 address on there --

13 HEARING OFFICER JOHNSON: Okay. You can
14 make a note and then you will be notified as
15 well.

16 MS. STEELE: Can we ask questions?

17 HEARING OFFICER JOHNSON: Yes.

18 MS. PITMAN: Yes, you may ask. I'm sorry.

19 MS. STEELE: Are the unlicensed people
20 still working for you?

21 THE WITNESS: Yes.

22 MS. STEELE: And do you have a current
23 salon license now?

24 THE WITNESS: I haven't -- I haven't got a
25 chance to get it because I were myself out --

COSMETOLOGY TECHNICAL ADVISORY COMMITTEE, 11/18/13

1 that would more be an excuse but it was my
2 fault, right now I don't have a license -- a
3 salon license.

4 MS. STEELE: And do you have other
5 unlicensed people besides the two?

6 THE WITNESS: Right now, no.

7 MS. PECK: And they have never been
8 licensed?

9 THE WITNESS: Who?

10 MS. PECK: They have never been
11 licensed -- it's not just an expired license?

12 MS. STEELE: Have they ever been --

13 MS. PECK: No license -- they have no
14 license, no training?

15 THE WITNESS: No. Not in the -- not in
16 the state of Arkansas. Not in the --

17 MS. PECK: Well, that's where we're at.

18 THE WITNESS: Not in the state of
19 Arkansas.

20 MS. ANDERSON: Are they -- are they
21 licensed in another state or are they --

22 THE WITNESS: Yeah. Yeah.

23 MS. ANDERSON: Where are they licensed?

24 THE WITNESS: Some in Dallas, in Texas,
25 and in Tennessee.

COSMETOLOGY TECHNICAL ADVISORY COMMITTEE, 11/18/13

1 MS. ANDERSON: Okay.

2 THE WITNESS: And in Virginia.

3 MS. ANDERSON: Okay. So you have multiple
4 license -- multiple people with different
5 states?

6 THE WITNESS: Yes. Yes, ma'am.

7 MS. ANDERSON: Okay.

8 MS. PECK: What kind of license?

9 THE WITNESS: Braiding license.

10 MS. PECK: Okay.

11 THE WITNESS: And then when I first
12 mentioned that to the -- the -- the board of --
13 at that time the board was in downtown, I think
14 it was 3 -- 301 Markham, somewhere downtown,
15 right across the street from the Bank of
16 America, nearby in that area, that was back in
17 2006. When I first opened the -- the first
18 shop down on -- on Geyer Springs.

19 So they told me that the --

20 MS. PATRICIA PHIRI: May I say something?

21 MS. PITMAN: Not right now.

22 THE WITNESS: -- the -- the state of
23 Arkansas does not recognize out of state
24 license.

25 MS. PITMAN: Out of state braiding

COSMETOLOGY TECHNICAL ADVISORY COMMITTEE, 11/18/13

1 license?

2 THE WITNESS: Yeah.

3 MS. PITMAN: Okay.

4 THE WITNESS: I mean cosmetology license
5 period, that's what it say. Yeah. That was
6 back in 2005.

7 MS. PITMAN: Okay. For the record, we do
8 recognize out of state cosmetology license.

9 THE WITNESS: Okay --

10 MS. PITMAN: We don't have a braiding
11 license.

12 THE WITNESS: Okay, okay. I guess it was
13 the braiding --

14 MS. PITMAN: Okay.

15 THE WITNESS: I miss -- miss -- you know,
16 I just miscomprehend about that part.

17 HEARING OFFICER JOHNSON: So Arkansas does
18 not have a braiding license?

19 THE WITNESS: No.

20 MS. PITMAN: No.

21 MS. KERSEY: No.

22 HEARING OFFICER JOHNSON: Okay.

23 MS. KERSEY: Just cosmetology.

24 HEARING OFFICER JOHNSON: Okay. Now,
25 someone over here wanted to --

COSMETOLOGY TECHNICAL ADVISORY COMMITTEE, 11/18/13

1 MS. PATRICIA PHIRI: No, that was the
2 point that I was trying to make, because the
3 state of Arkansas don't have a braiding license
4 at all. So now what they require us to do is
5 go to a full cosmetology school, but we're not
6 doing all the cutting, we're not doing the
7 siding, we don't need to do all of that, we
8 just doing braids, we don't do any kind of
9 chemical. So for me to go to a school for -- I
10 don't have any hours and all that money and all
11 that, don't do any chemical, all I need is
12 braid, that's really not, you know, necessary
13 as it is. But in other states I have that
14 braiding license, like I have a braiding
15 license from Texas, but then they told me in
16 the state of Arkansas I have to go through the
17 whole cosmetology program, but all I do is
18 braid, I don't do any chemicals, we barely even
19 wash hair because they come with their hair
20 already washed, so that's where the problem is
21 right now.

22 COURT REPORTER: Excuse me. Could you
23 identify yourself, please?

24 MS. PATRICIA PHIRI: Oh, my name is
25 Patricia Phiri.

COSMETOLOGY TECHNICAL ADVISORY COMMITTEE, 11/18/13

1 HEARING OFFICER JOHNSON: P-e-r-r-y?

2 MS. PHIRI: No, P-h-i-r-i.

3 HEARING OFFICER JOHNSON: P-h-i-r-i.

4 Yes, ma'am, Ms. Kim?

5 MS. FORD: I have a question in response
6 to the inspection report. On here it says that
7 at one time you actually had a salon license.

8 THE WITNESS: Uh-huh.

9 MS. FORD: So you -- that says to me --

10 THE WITNESS: Uh-huh.

11 MS. FORD: -- that you took the time to
12 obtain a license and open your salon --

13 THE WITNESS: Yes.

14 MS. FORD: -- in the correct way?

15 THE WITNESS: Yeah.

16 MS. FORD: Why didn't you keep the license
17 up?

18 THE WITNESS: Well, like I say, I take the
19 blame, I take that blame, because at that time
20 they -- I wasn't -- I wasn't in town, I was in
21 New York state. Matter of fact, I just got
22 back not long ago, that's the reason why that I
23 have that -- the lawyer postpone, to give me
24 time to do whatever I got -- I was supposed to
25 be doing in New York and give me a time so I

COSMETOLOGY TECHNICAL ADVISORY COMMITTEE, 11/18/13

1 could be here on time, otherwise they give me a
2 deadline about, you know, payment and all of
3 that stuff, when I was on the phone with them I
4 wasn't even here. I got back, she said
5 probably Thursday.

6 MS. FORD: Are you a licensed
7 cosmetologist or a salon owner?

8 THE WITNESS: Salon owner and I have a
9 cosmetology license -- I mean, braiding license
10 from out of state.

11 MS. FORD: But you don't have a
12 cosmetology license?

13 THE WITNESS: No, ma'am.

14 HEARING OFFICER JOHNSON: So how many of
15 your -- besides you, the people that work for
16 you --

17 THE WITNESS: Uh-huh.

18 HEARING OFFICER JOHNSON: -- have
19 cosmetology -- out of state cosmetology
20 licenses?

21 THE WITNESS: Two.

22 MS. MALLORY: What, braiders?

23 THE WITNESS: Braiders. Braiders.
24 Braiders. Yes, because that is where the
25 confusion is coming in.

COSMETOLOGY TECHNICAL ADVISORY COMMITTEE, 11/18/13

1 HEARING OFFICER JOHNSON: Okay. I meant
2 out of state cosmetology, but --

3 THE WITNESS: No, no, no. No cosmetology,
4 no.

5 HEARING OFFICER JOHNSON: Okay. Thank you
6 for clearing that up.

7 MS. PITMAN: Ms. Mallory would like to say
8 something.

9 THE WITNESS: I thought you said braiding.

10 HEARING OFFICER JOHNSON: Right.

11 MS. MALLORY: Just from a historical
12 perspective, so that the new members know kind
13 of what happened, Mr. Koffi did come here
14 probably two, two and a half years ago, and
15 talked about he wanted to open a salon, he did
16 have braiders. And at that point is when the
17 committee discussed, it did take 1,500 hours
18 because we did not have anything lesser than a
19 cosmetology license. So anybody that wanted to
20 braid had to be a cosmetologist.

21 Now, we did at that point tell him, we did
22 say they have to be a cosmetologist, I mean,
23 that was made clear, but we did say we would
24 start looking into other states and braider's
25 license and what it would take for us to do it.

COSMETOLOGY TECHNICAL ADVISORY COMMITTEE, 11/18/13

1 But at that point we didn't have time to go
2 have the law changed, because that's what it
3 would take, and so that's the reason now we
4 have the committee that's actually trying to
5 look at that, but they're -- they are kind of
6 caught right now, either to do it like he is
7 saying, in a kitchen or where ever, because
8 that, you know, that -- that's what he's
9 alluding to, or, you know, we go out and fine
10 him -- or assess violations every time that
11 he's caught doing it. So, now, the salon issue
12 is a different issue, but he -- we did discuss
13 the braider and what we might could do about
14 that when he came in several years ago.

15 HEARING OFFICER JOHNSON: And so --

16 MS. MALLORY: But -- but it was made clear
17 that they -- we had nothing less than a
18 cosmetology license at that point.

19 HEARING OFFICER JOHNSON: And then since
20 that time, you know, as you stated, three years
21 later, have you done anything to address that
22 issue and --

23 MS. MALLORY: Yeah. The committee is
24 becoming active to try to do that probably in
25 the next session, if that's what they elect to

COSMETOLOGY TECHNICAL ADVISORY COMMITTEE, 11/18/13

1 do.

2 HEARING OFFICER JOHNSON: The next
3 legislative session?

4 MS. MALLORY: Correct, because that's the
5 next opportunity.

6 HEARING OFFICER JOHNSON: And that will
7 require a change in the law, an addition or
8 something --

9 MS. MALLORY: Correct, right. Right.
10 Sorry, I just wanted to clarify kind of what
11 that history was with Mr. Koffi.

12 MS. PITMAN: Thank you. The law sets
13 forth the licenses that we issue and regulate
14 and they don't have anything about braiding
15 regulations at this time.

16 MS. WILMA YOUNG: Can I ask a question off
17 the book? Will you let me know when the
18 legislature be ready to do that, because I have
19 a proposal that I want to introduce to Arkansas
20 for African braiding schooling. So --

21 MR. TUCKER: I will be working with her
22 also on that.

23 HEARING OFFICER JOHNSON: So you would
24 need to put your name --

25 MS. PITMAN: Speaking of the notice of our

COSMETOLOGY TECHNICAL ADVISORY COMMITTEE, 11/18/13

1 rule making, the legislative session will be in
2 2015.

3 HEARING OFFICER JOHNSON: 2015, beginning
4 in January 2015 is the session. It will be --
5 it will be publicized in the paper.

6 COURT REPORTER: Ma'am, could you identify
7 yourself, please?

8 MS. WILMA YOUNG: Wilma Young.

9 COURT REPORTER: Thank you.

10 THE WITNESS: Could we be notified -- I
11 mean notified also regarding that dates?

12 HEARING OFFICER JOHNSON: Well, this board
13 doesn't provide notice as to when the
14 legislature is in -- legislature is in session,
15 that is something that will be in the
16 newspapers, it will be publicized, it will be
17 on television. It's going to be in January of
18 2015.

19 THE WITNESS: Okay.

20 HEARING OFFICER JOHNSON: But it will be
21 then. So but this board only provides notice
22 with regard to its actions.

23 THE WITNESS: Okay. Okay. Okay. I got
24 it.

25 MS. PITMAN: And that, if you want to put

COSMETOLOGY TECHNICAL ADVISORY COMMITTEE, 11/18/13

1 your name and address on the list.

2 HEARING OFFICER JOHNSON: Right.

3 MS. ANDERSON: Does anybody else have a
4 question?

5 MS. PITMAN: And the braiding issue
6 itself, it's my understanding and Ms. Anderson
7 can correct me if I'm wrong, will be covered
8 later today. This is particularly regarding
9 the hearing for Mr. Koffi.

10 MS. ANDERSON: And we will cover all of
11 your questions, because we do have a proposed
12 course, we do have a proposed bill, we do have
13 a carrier for that proposed bill as well. So
14 we have -- we have that proposed for January
15 2015. We will tell you more details about it
16 when we get to that.

17 MS. PITMAN: So don't leave if that's why
18 you're here.

19 MS. ANDERSON: Please stay you if you want
20 to know about it. If you -- if you don't, if
21 you have your email address, we can send you an
22 email, but we've already met, we have already
23 discussed, and we have -- we have put an ad hoc
24 committee together. I remember meeting you
25 previously.

COSMETOLOGY TECHNICAL ADVISORY COMMITTEE, 11/18/13

1 THE WITNESS: Say again?

2 MS. ANDERSON: A long time ago, I met you
3 when you first came. Yes.

4 THE WITNESS: Oh, okay.

5 MS. KERSEY: In 2006 or '10?

6 MS. ANDERSON: I have seen him on multiple
7 occasions, more than once.

8 MS. PITMAN: Are there any other questions
9 for Mr. Koffi regarding these -- I'm trying to
10 keep -- I'm not trying to do your job.

11 HEARING OFFICER JOHNSON: Right.

12 MS. PITMAN: I'm just trying to keep it
13 limited to the record here.

14 HEARING OFFICER JOHNSON: Right. No
15 problem. Any other questions by the board for
16 Mr. Koffi?

17 All right. Anything further from you,
18 Ms. Pitman?

19 MS. PITMAN: I have nothing else.

20 HEARING OFFICER JOHNSON: All right. Is
21 the board ready to deliberate?

22 MS. ANDERSON: We would like to go off
23 record to discuss, please.

24 HEARING OFFICER JOHNSON: Okay.

25 MS. PECK: Could I get a recommendation?

COSMETOLOGY TECHNICAL ADVISORY COMMITTEE, 11/18/13

1 MS. KERSEY: I don't have -- it's in here.

2 MS. ANDERSON: It's in here. We have
3 this, we have that recommendation, and that's
4 on Page 14, is it?

5 HEARING OFFICER JOHNSON: All right. Do
6 we want -- we will go off the record to allow
7 the board to deliberate. We're off the record
8 now.

9 MS. ANDERSON: Thank you.

10 (WHEREUPON, the Committee retired to
11 deliberate, off the record, from 10:09 a.m. to
12 10:11 a.m., and returned with the following
13 motion.)

14 HEARING OFFICER JOHNSON: All right.
15 We're back on the record In The Matter of
16 Abangoua African Hair Braiding. The board has
17 deliberated and is now ready to discuss a
18 motion.

19 MS. FORD: I will make a motion that
20 violate --

21 MS. ANDERSON: Just a minute. Excuse me,
22 just a second.

23 First of all, we would like to find the
24 defendants, do we find them at fault, and would
25 you please take a vote individually, Cindy?

COSMETOLOGY TECHNICAL ADVISORY COMMITTEE, 11/18/13

1 MS. STEELE: I find them at fault, yes.

2 MS. ANDERSON: Jessica?

3 MS. PECK: At fault.

4 MS. JACKSON: Yes.

5 MS. FORD: Yes.

6 MS. SULLIVAN: Yes.

7 MS. ANDERSON: Okay. So the vote is
8 unanimately that they are at fault. I'm just
9 doing it in two steps then we'll do a motion.
10 First we found that -- that they are guilty of
11 what you fined them for. And then we're going
12 to go ahead with our motion. You may go ahead.

13 MS. FORD: I will make a motion that
14 Violation 13-554 will stand as it is stated in
15 the notice letter and that the fine will be
16 \$1,600.

17 MS. SULLIVAN: I second that.

18 MS. ANDERSON: Okay. We have a motion of
19 the Violation 13-55, as stated in --

20 MS. FORD: 4 -- 554.

21 MS. ANDERSON: -- 554, as stated in their
22 letter on Page 14, that the fine will be
23 \$1,600, and that they will -- that's \$1,600?

24 MS. FORD: Yes, and that the fine will
25 stand at \$1,600, as recommended by the

COSMETOLOGY TECHNICAL ADVISORY COMMITTEE, 11/18/13

1 section --

2 MS. ANDERSON: Okay.

3 MS. FORD: -- in accordance with the law.

4 MS. ANDERSON: And then we have that by
5 Kimberly and the second by Wendy at this time.

6 Those in favor?

7 COMMITTEE MEMBERS: Aye.

8 MS. ANDERSON: Okay.

9 HEARING OFFICER JOHNSON: Let's also amend
10 your motion to include that the factual
11 allegations, that you find they have been
12 proven, and you did your motion with respect to
13 the fine, but we need to include in that motion
14 that your factual allegations, your findings
15 that they have all been proven.

16 MS. FORD: Okay.

17 HEARING OFFICER JOHNSON: And seconded.

18 MS. FORD: Okay.

19 MS. ANDERSON: Second --

20 MS. FORD: Would you like for me to
21 restate that?

22 HEARING OFFICER JOHNSON: Yes. Yes. Just
23 for the record.

24 MS. FORD: Okay. I would like to make a
25 motion that the facts found in this hearing

COSMETOLOGY TECHNICAL ADVISORY COMMITTEE, 11/18/13

1 are --

2 HEARING OFFICER JOHNSON: Substantiated by
3 the record.

4 MS. FORD: -- substantiated by testimony
5 and the documents provided here, and that
6 Violation 13-554 stand as -- with the
7 recommendation of \$1,600 as the fine.

8 MS. SULLIVAN: And I second.

9 HEARING OFFICER JOHNSON: And with respect
10 to -- I believe they asked for any time frame
11 as far as payment.

12 MS. FORD: Yeah.

13 HEARING OFFICER JOHNSON: Okay. All
14 right.

15 Anything further from the board?

16 MS. ANDERSON: And we need to go ahead and
17 vote again on that, since we changed it.

18 HEARING OFFICER JOHNSON: Yes.

19 MS. ANDERSON: At this time would you
20 please give a vote?

21 All those in favor?

22 COMMITTEE MEMBERS: Aye.

23 MS. ANDERSON: Any opposed?

24 Okay. Thank you.

25 HEARING OFFICER JOHNSON: All right. The

COSMETOLOGY TECHNICAL ADVISORY COMMITTEE, 11/18/13

1 board has decided this matter, and this matter
2 is -- is concluded, but you are invited to stay
3 until later to -- to be in on the board's
4 discussion of their proposal -- proposed
5 changes in the law.

6 Oh, yes. And, Mr. Koffi, you do have the
7 right to appeal this board's decision today.
8 You will receive this decision in written form
9 and it will explain your appeal rights and what
10 you have to do to appeal that decision when you
11 receive it. You roughly have 30 days from
12 receipt of the appeal to appeal that decision,
13 so -- and that is your right. So that will be
14 sent to you in the mail. Thank you.

15 (WHEREUPON, at 10:14 a.m., the
16 above-entitled proceedings were concluded.)

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COSMETOLOGY TECHNICAL ADVISORY COMMITTEE, 11/18/13

1 BEFORE THE COSMETOLOGY TECHNICAL ADVISORY COMMITTEE

2 (CTAC)

3 IN THE MATTER OF:

4 ARKANSAS DEPARTMENT OF HEALTH

PETITIONER

5 v.

6 COSMETIC AND PAMPERING SALON SPA

7 WILMA JEAN YOUNG, OWNER

8 HEARING OFFICER JOHNSON: We are back on
9 the record before the Cosmetology Technical
10 Advisory Committee. The next matter before the
11 board this morning is The Matter of Arkansas
12 Department of Health versus Cosmetic and
13 Pampering Salon Spa, Wilma Jean Young, owner,
14 and Ms. Wilma Jean Young is present this
15 morning. Thank you, Ms. Young. And you may go
16 ahead and take your seat up there. And, of
17 course, representing the board is Ms. Pitman.

18 And, Ms. Pitman, will you be providing
19 testimony in this matter today?

20 MS. PITMAN: Yes, ma'am.

21 HEARING OFFICER JOHNSON: And who will be
22 bringing the testimony?

23 MS. PITMAN: Inspector Kerri Glaude and
24 Kelli Kersey, Section Chief.

25 HEARING OFFICER JOHNSON: All right.

COSMETOLOGY TECHNICAL ADVISORY COMMITTEE, 11/18/13

1 Ms. Glaude, Ms. Kersey, and Ms. Young, if
2 you-all would raise your right hand and I will
3 swear you in.

4 (WHEREUPON, the witnesses were sworn by
5 the hearing officer.)

6 HEARING OFFICER JOHNSON: Thank you.

7 All right. And this matter, again, is
8 before the Cosmetology Technical Advisory
9 Committee to determine whether there has been a
10 violation of the rules and regulations that
11 govern the profession of cosmetology, and if
12 so, what action will be taken in response.

13 The -- do you have any documents that you
14 want the board to consider in this matter,
15 Ms. Pitman?

16 MS. PITMAN: Yes, ma'am. In the third
17 tab, I believe it's green in your binder --

18 HEARING OFFICER JOHNSON: Yes, uh-huh.

19 MS. PITMAN: -- there are 49 pages.

20 HEARING OFFICER JOHNSON: All right.
21 Pages 1 through 49. And have a copy of those
22 pages been provided to Ms. Young?

23 MS. YOUNG: Yes.

24 HEARING OFFICER JOHNSON: All right.

25 Ms. Young, and do you have any objection to

COSMETOLOGY TECHNICAL ADVISORY COMMITTEE, 11/18/13

1 tell me if I don't.

2 Ms. Glaude, will you please state your full name and
3 where you work?

4 A Kerri Glaude, Arkansas Health Department,
5 Cosmetology Section, Cosmetology Inspector.

6 Q And, Ms. Glaude, as a Cosmetology Inspector, did you
7 do an inspection of Cosmetic and Pampering Salon Spa on
8 July 3, 2013?

9 A Yes, ma'am.

10 Q And did you use your cosmetology inspection report
11 sheet for that inspection?

12 A Yes, ma'am.

13 Q Was that a routine inspection or part of a -- in
14 response to a complaint?

15 A Routine.

16 Q What -- what did you find on July 3rd?

17 A The salon license was not current, therefore all
18 posted license weren't current.

19 Q Who is Ms. Tracy Dunn?

20 A She was a practitioner working that day.

21 Q Okay. And she was licensed?

22 A Yes.

23 Q Okay. What day did the license for the salon
24 expire?

25 A December 31, 2012.

COSMETOLOGY TECHNICAL ADVISORY COMMITTEE, 11/18/13

1 Q And did someone sign acknowledging the violations
2 the day that you went out on July 3rd?

3 A Tracy Dunn did.

4 Q Okay. And did you also do the inspection or
5 violation acknowledgment?

6 A Yes.

7 Q And by the way, I'm looking at Page 8 and 9 -- or 7
8 and 8 of the hearing packet.

9 A Right. Yes.

10 Q Which rules were checked as being violated?

11 A The enforcement and the consumer information.

12 Q And, again, did someone sign on this inspection
13 violation acknowledgment?

14 A Yes. Tracy did.

15 Q Was Ms. Young, Wilma Young, the owner of the salon,
16 present on July the 3rd?

17 A No, ma'am.

18 MS. YOUNG: No, I wasn't.

19 BY MS. PITMAN:

20 Q Ms. Glaude, have you done any other inspections of
21 Cosmetic and Pampering Salon?

22 A I have.

23 MS. YOUNG: Let me see this. No.

24 BY MS. PITMAN:

25 Q If you have not, that's fine.

COSMETOLOGY TECHNICAL ADVISORY COMMITTEE, 11/18/13

1 MS. YOUNG: It wouldn't be more than the
2 last one. She was the last one.

3 THE WITNESS: No, I didn't.

4 MS. YOUNG: Tracy gave me all the
5 information because she had worked there.

6 BY MS. PITMAN:

7 Q Did you have any other -- or did you go back out
8 after July 3rd?

9 A No, ma'am.

10 MS. YOUNG: No.

11 BY MS. PITMAN:

12 Q Okay. So can you tell us today whether or not
13 Ms. Young has renewed her license?

14 A I would not know that information.

15 HEARING OFFICER JOHNSON: Okay.

16 Ms. Glaude, you're trailing off, but you
17 started out strong. Keep your voice up.

18 THE WITNESS: I'm sorry. I don't have any
19 of that information.

20 HEARING OFFICER JOHNSON: Okay. Thank
21 you.

22 MS. PITMAN: I think we're all going to
23 have to use our outside voices today.

24 I don't believe I have any other questions
25 at this time.

COSMETOLOGY TECHNICAL ADVISORY COMMITTEE, 11/18/13

1 HEARING OFFICER JOHNSON: All right.

2 Ms. Young, do you happen to have any questions
3 for Ms. Glaude? Just anything that she
4 testified to?

5 MS. YOUNG: No. Because Tracy is the one
6 that works there, I work another job --

7 HEARING OFFICER JOHNSON: Okay. All
8 right. And --

9 MS. YOUNG: -- so I wasn't there, but she
10 did sign off -- okay.

11 HEARING OFFICER JOHNSON: -- I'll give you
12 an opportunity when it's your turn to explain
13 all of that.

14 MS. YOUNG: Okay.

15 HEARING OFFICER JOHNSON: That's fine. We
16 can move on to your next witness.

17 MS. PITMAN: I'll call Ms. Kelli Kersey.

18 WHEREUPON,

19 KELLI KERSEY,

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

23 DIRECT EXAMINATION

24 BY MS. PITMAN:

25 Q Ms. Kersey, state your name and where you work.

COSMETOLOGY TECHNICAL ADVISORY COMMITTEE, 11/18/13

1 A Kelli Kersey, Arkansas Department of Health,
2 Cosmetology Section, Section Chief.

3 Q Are were you aware that Ms. Glaude did an inspection
4 on July 3, 2013?

5 A Yes, ma'am.

6 Q And once you received that cosmetology inspection
7 report, did you prepare and sign a violation notice?

8 A Yes, ma'am.

9 Q Under that violation notice, what violations were
10 noted and how much was the penalty?

11 A No -- salon license was expired and all posted
12 license were not current and it's \$300.

13 Q Did Ms. Young receive that letter?

14 A Yes.

15 Q And have you heard from her since you sent it?

16 A She requested a hearing, I believe. I believe she
17 sent it back requesting a hearing.

18 Q On Page 5 is the hearing request?

19 A Yes.

20 Q Is that what you're referring to?

21 A Yes.

22 MS. YOUNG: Oh, August 29th.

23 BY MS. PITMAN:

24 Q Okay. And that was on September 5, 2013?

25 A Correct.

COSMETOLOGY TECHNICAL ADVISORY COMMITTEE, 11/18/13

1 Q Okay. Have you spoken to Ms. Young?

2 A I have not.

3 Q Okay. On the violations that we're here regarding

4 today, did you send out a Notice of Hearing?

5 A I did.

6 Q That's Pages 1 through 4 of the hearing packet?

7 A Yes.

8 Q What day did you send it?

9 A October 29th.

10 Q Okay. And did Ms. Young sign for it?

11 A She did.

12 Q What day?

13 A It is stamped October 30th, but I'm not sure

14 that's the day she signed it but it's stamped that day.

15 Q Okay. And the notice itself sets forth the

16 violations?

17 A Correct.

18 Q And it tells her that today's hearing is November 18

19 at 9 a.m. in Room 801 in the Freeway Medical Building?

20 A Yes, ma'am.

21 Q Ms. Kersey, going towards the amount of the

22 violation, does Ms. Young have any previous violations?

23 A She does.

24 Q I believe that starts, if I could find that, on

25 Page --

COSMETOLOGY TECHNICAL ADVISORY COMMITTEE, 11/18/13

1 A 16.

2 Q -- 12?

3 A Oh, yeah.

4 Q Twelve? Twelve of the hearing packet there appears
5 to be a cosmetology inspection report?

6 A Yes.

7 Q And are these kept in the files as part of the
8 regular course of business for cosmetology?

9 A Yes, ma'am.

10 Q Okay. On this report, what were the violations
11 listed?

12 A No current salon license, the practitioner's license
13 was expired, and there wasn't any health and safety
14 posted, the salon license wasn't posted, and the
15 practitioner's license wasn't posted.

16 Q Okay. And who signed for these violations?

17 A Ms. Dunn, Tracy did.

18 Q Okay. And was there a hearing on those violations?

19 A Yes, ma'am.

20 Q What day was that?

21 A It was on, oh, goodness.

22 MS. YOUNG: May the 12th -- I mean,
23 sorry, it was on --

24 HEARING OFFICER JOHNSON: Well, excuse me.

25 Ms. Young, now, we have an order, a process

COSMETOLOGY TECHNICAL ADVISORY COMMITTEE, 11/18/13

1 here.

2 MS. YOUNG: Oh, I'm sorry.

3 HEARING OFFICER JOHNSON: If you want
4 to -- if there is something you want -- just
5 raise your hand and I'll acknowledge you.

6 MS. YOUNG: I'm sorry.

7 HEARING OFFICER JOHNSON: But she's
8 questioning Ms. Kersey right now. So go ahead.

9 THE WITNESS: July 18, 2011.

10 BY MS. PITMAN:

11 Q Okay. And you found that on Page 16?

12 A Yes, ma'am.

13 Q What were the findings that day?

14 A The findings stood as we had sent them out. She was
15 to pay -- I'm sorry, I don't know how much. Sorry, I'm
16 trying to get there. It's not -- it's not listed, I'm
17 sorry.

18 Q It appears to be on Page 48, actually, at the top?

19 A \$475.

20 Q Okay. Does that sound familiar?

21 A Yes. I'm sorry.

22 Q Ms. Kersey, were there any -- was there anything
23 else about that previous violation that you would like
24 the CTAC to consider today?

25 A She had requested when she left that hearing that

COSMETOLOGY TECHNICAL ADVISORY COMMITTEE, 11/18/13

1 she was going to appeal it to the Board of Health, which
2 an appeal was never sent to the office. And it has not
3 been paid.

4 Q It has not been paid?

5 A Has not been paid.

6 MS. PITMAN: Okay. I don't believe I have
7 any other questions at this time.

8 I do have one other question.

9 BY MS. PITMAN:

10 Q Ms. Kersey, do you know if Ms. Young's license has
11 been renewed at this time?

12 A She did renew her license on 7/5/2013, two days
13 after Ms. Glaude inspected her.

14 Q Okay. And that was approximately -- approximately
15 how long after it had expired?

16 A Seven months.

17 MS. PITMAN: Okay. No other questions.

18 HEARING OFFICER JOHNSON: All right.

19 Ms. Young, now, do you have any questions
20 specifically for Ms. Kersey regarding anything
21 she has just testified to?

22 If not, then I'm going to go to you and
23 I'll give you the opportunity to address
24 anything you want to address.

25 MS. YOUNG: I don't know if I should

COSMETOLOGY TECHNICAL ADVISORY COMMITTEE, 11/18/13

1 address it with mine, because everything I
2 got --

3 HEARING OFFICER JOHNSON: Well, if you
4 don't want to question her, you can -- you have
5 the opportunity to say anything you want to now
6 I'll give you that.

7 MS. YOUNG: Oh. Okay, then. I guess I
8 have -- I do have one --

9 HEARING OFFICER JOHNSON: Okay.

10 MS. YOUNG: -- question for Ms. Kersey.

11 HEARING OFFICER JOHNSON: All right.

12 MS. YOUNG: Well, I'll do mine first as
13 far as -- I'll be able to come back and I'll
14 discuss it with her.

15 HEARING OFFICER JOHNSON: Okay. Well, now
16 is the --

17 MS. YOUNG: Now is the time?

18 HEARING OFFICER JOHNSON: Now is the
19 opportunity if you want to ask a question.

20 MS. YOUNG: Okay. I don't know what
21 question to ask her. Because she is --

22 CROSS-EXAMINATION

23 BY MS. YOUNG:

24 Q Ms. Kersey, you are the lady that is -- is over the
25 department of health for cosmetology, am I correct?

COSMETOLOGY TECHNICAL ADVISORY COMMITTEE, 11/18/13

1 A Yes, ma'am.

2 Q Okay. You are the one that if I have any complaints
3 or any issues that's going on with the Department of
4 Health Cosmetology Board you are the one that I contact,
5 am I correct?

6 A Yes.

7 Q Okay.

8 A I don't handle all the complaints but, I mean, you
9 can contact me, yes.

10 Q Okay. But you are the person name they give -- when
11 I go and renew my license --

12 A Uh-huh.

13 Q -- or even pay for my license, you are the person,
14 if the secretary -- the receptionist don't understand
15 something, our questions about our license, you are the
16 person that they contact, they give to contact for the
17 license question?

18 A They -- they can. Yes, they can.

19 MS. YOUNG: Okay. That's all I had to
20 ask.

21 HEARING OFFICER JOHNSON: All right. All
22 right. This is your opportunity, Ms. Young, to
23 state whatever you want to state regarding this
24 issue that's before the board.

25 MS. YOUNG: Okay. This is my opportunity?

COSMETOLOGY TECHNICAL ADVISORY COMMITTEE, 11/18/13

1 HEARING OFFICER JOHNSON: Yes, ma'am.

2 WHEREUPON,

3 WILMA JEAN YOUNG,

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

7 DIRECT TESTIMONY

8 THE WITNESS: On -- I have all of my
9 receipts from where I've been to the Department
10 of Health Cosmetology Board, on January 31.
11 Which December 31, our license expire, so we
12 have 30 days to have our license paid for. I
13 visit that board on the 31st, the first, the
14 31st of 2013 to pay my temp -- to attempt to
15 pay my -- for my establishment license. Okay.
16 The young lady by the name of Teri or
17 Christian, is the two ladies that was the
18 persons that I talked with, she explained to me
19 that, well, the 31st is considered as late,
20 but Ms. Kersey had an issue saying that from
21 January -- from December 31st, from January
22 31st, was that considered late, so she said,
23 well, what I'll do, I'll give you -- she gave
24 me a number, and she told me to contact
25 Ms. Kersey, Kelli Kersey, and she gave me

COSMETOLOGY TECHNICAL ADVISORY COMMITTEE, 11/18/13

1 another number. No one never returned my phone
2 calls on about -- on about renewing my license.
3 I attempt to renew my license on that day.

4 So Teri and Christian explained to me that
5 even Ms. Kersey had an issue whether that was
6 considered late on the first or the 31st from
7 December 31st, so no one returned my phone
8 calls. Okay. I work another job. Tracy Dunn
9 is the young lady that's a cosmetologist that
10 works in my salon. Okay. On July --

11 Well, first, I think it confused me
12 because I had an inspection on the first, the
13 29th of '13, and she had checked the same
14 things, that I had a current license. Okay.
15 Which is -- is either the first or the 31st
16 for actually saying that it considered late, so
17 she had me a current license. She gave me the
18 same answer when she inspected my salon on July
19 3, '13 she had the same answers on the same
20 sheets, okay.

21 HEARING OFFICER JOHNSON: The same answers
22 meaning?

23 MS. KERSEY: Okay. Are you saying
24 January?

25 THE WITNESS: Uh-huh. January '13, is

COSMETOLOGY TECHNICAL ADVISORY COMMITTEE, 11/18/13

1 when --

2 MS. KERSEY: Right. Which is not late on
3 January 31st.

4 THE WITNESS: Okay. Well, she gave me the
5 same answer like they were late on the -- which
6 I new, then I said, oh, nobody never contacted
7 me back from the cosmetology board. So when I
8 went and talked to Teri and Christian was there
9 that day when I went in in July --

10 MS. KERSEY: And it's Christine, I want to
11 say it's Christine.

12 THE WITNESS: Christine, okay.

13 MS. KERSEY: Yeah.

14 THE WITNESS: Okay. Christine, when I
15 went in July the 5th --

16 MS. KERSEY: Uh-huh, after your
17 inspection.

18 THE WITNESS: After my inspection when
19 they brought me aware that my license was
20 still -- had expired because I had contact you
21 all and I had attempt to pay for my license
22 because of the current problems I had with a
23 previous hearing. She gave me my license, when
24 I went in July the 5th, she gave me my license
25 for a hundred dollars, because you know what, I

COSMETOLOGY TECHNICAL ADVISORY COMMITTEE, 11/18/13

1 couldn't go on no more than what that
2 receptionist told me the information. I
3 attempted to contact -- I attempted to pay for
4 my establishment license on January 31st.

5 MS. KERSEY: Did you try to do it online?

6 THE WITNESS: No, I came to -- I don't do
7 anything, I come person to person. I'm a
8 business person, I'm a person-to-person person,
9 I went to the cosmetology board, it shows you
10 right here. I -- I keep my receipts for
11 everything I do. And so when I went in to
12 attempt to pay it, she said, well, you have to
13 contact -- she gave me this number. I felt --
14 I couldn't contact that person, y'all never did
15 contact me back. So it went forgotten, I don't
16 even work in my shop, Tracy Dunn works there.
17 And so from there when I went back, you know
18 what, when I went back July 1st, she gave me
19 my license for a hundred dollars, because you
20 know why, because she knew I attempt to get my
21 license renewed on July -- on January 31st.
22 Nobody never contact me back, I was busy
23 working doing my job, Tracy works at my salon.
24 So, she -- yeah, any paperwork in here is
25 signed off by Tracy Dunn because she is the

COSMETOLOGY TECHNICAL ADVISORY COMMITTEE, 11/18/13

1 cosmetology person that works in my salon.

2 And not only up today, we want to go into,
3 like I said on July 5th when I went in and
4 she gave me my license, I can show you for a
5 hundred dollars, she didn't charge me a
6 50-dollar fee, but you know why, because she
7 knew I was determined to get my license renewed
8 on time. I was there on January 31st to renew
9 my license. Y'all had the issue. I didn't
10 have the issue. I contacted you all, and I not
11 only contacted you, the same thing you talked
12 about my violation. Two years ago -- you know
13 why you didn't find an order or anything,
14 because y'all never did accept it. I did
15 re-appeal this case, nobody's attorney, you
16 guys have, never did contact me back. I went
17 in there to even ask Teri and Christian about
18 the same case. We are talking about 2011, here
19 this is 2013. Why you renew my license when I
20 have violations. Huh?

21 How can you say that you even -- y'all
22 following up on --

23 MS. KERSEY: You did on the --

24 THE WITNESS: I mean, how can you follow
25 up on what you did because this was -- this was

COSMETOLOGY TECHNICAL ADVISORY COMMITTEE, 11/18/13

1 2011 license when y'all did this. No one
2 never -- I re-appealed that, nobody never
3 contacted -- I even went back to the -- I even
4 came to the cosmetology place trying to settle
5 this, which I did do my establishment license,
6 because I hadn't even ever opened that. When
7 that lady came by and inspected my salon, I had
8 never even opened it. I got -- I got proof of
9 that with my owner who I leased from, I hadn't
10 even opened my salon yet, that was a new salon,
11 a new establishment. So I went back, I got my
12 new establishment license, and -- for my new
13 establishment license, it was still saying
14 Tracy Dunn had just moved there, her license
15 was practitioner. Well, I, you know why, she
16 just moved there, when that lady came in there,
17 she did not see anybody working on no one's
18 hair because I hadn't even opened my salon yet,
19 that's why that you don't see anything charged
20 for because it wasn't even the case, and then I
21 re-appealed it and nobody never contacted me,
22 and that was two years ago.

23 HEARING OFFICER JOHNSON: Can I ask you
24 what was the result of your appeal?

25 THE WITNESS: They didn't never contact

COSMETOLOGY TECHNICAL ADVISORY COMMITTEE, 11/18/13

1 me. She said the attorney -- you know what she
2 told me, she said, I don't know if you-all
3 changed attorneys or what, the attorney never
4 did even contact me, that was his job to -- I
5 did my appeal and she told me, the attorney
6 will get back with me. Never heard from him.
7 Y'all must have a new attorney. Never heard
8 from him.

9 HEARING OFFICER JOHNSON: And the little
10 envelope that you have showing that you came in
11 on the 31st, what -- what is that? Did
12 somebody stamp it or --

13 THE WITNESS: No -- yeah, this is what
14 you -- when you go through --

15 HEARING OFFICER JOHNSON: What is it that
16 shows you?

17 THE WITNESS: What this is, when you go
18 into the -- any time you go into the
19 cosmetology, there is a police officer sitting
20 there, and he stamps you in and clocks in at
21 what time you come in and what time you leave.

22 MS. JACKSON: You have to give him your --
23 okay, driver's license.

24 THE WITNESS: You have to give him your
25 ID, your driver's license --

COSMETOLOGY TECHNICAL ADVISORY COMMITTEE, 11/18/13

1 HEARING OFFICER JOHNSON: Okay.

2 THE WITNESS: -- that says I am Wilma
3 Young any time you come --

4 HEARING OFFICER JOHNSON: And do you want
5 the board to see that?

6 THE WITNESS: They can.

7 HEARING OFFICER JOHNSON: Well, I think
8 you might want them to.

9 THE WITNESS: Yeah, my receipt where they
10 charged me a hundred dollars for my license and
11 they didn't charge me a late fee, because I
12 attempt to pay my -- my -- my bills on time.

13 MS. PITMAN: Are we entering it into the
14 record?

15 HEARING OFFICER JOHNSON: May not be
16 entering it into the record, but I think she
17 wants the board to see it because she testified
18 to it.

19 THE WITNESS: Yeah, it shows that I was
20 there, and then she charged me a hundred
21 dollars. Why didn't she charge me \$50 for late
22 fee, when I went there in July, because she
23 knew I attempted, nobody never contact me back.
24 The number she gave me, I tried to -- besides,
25 I work another job.

COSMETOLOGY TECHNICAL ADVISORY COMMITTEE, 11/18/13

1 MS. KERSEY: And did you leave a voice
2 mail?

3 I'm sorry. Excuse me. Did you leave a
4 voice mail?

5 THE WITNESS: I left voice mail. I sure
6 did, Ms. Kersey. I mean, I went there and I
7 was standing in line, this is the truth, and I
8 did everything to my power. And then I forgot
9 about it and I'm working and Tracy Dunn works
10 at my salon. I forgot all about it because
11 nobody ever contacted me back either, and
12 that's why she charged me a hundred dollars for
13 my license, she didn't charge me a \$50 late
14 fee.

15 MS. KERSEY: So you left voice mails at
16 this number?

17 THE WITNESS: Well, that's the number she
18 gave me.

19 MS. KERSEY: Yeah.

20 THE WITNESS: And then I had -- she gave
21 me another number too, I got two numbers.
22 Because she left -- I left voice mails there
23 and I -- nobody never did contact me, and I can
24 understand where the guy from the other salon
25 said, you don't -- y'all don't return our

COSMETOLOGY TECHNICAL ADVISORY COMMITTEE, 11/18/13

1 information. Y'all fine us but y'all never
2 follow up on what you fine us for. And then
3 when we appeal it, that attorney never did
4 contact me back. I went back to the -- you
5 know, I'm about business, you know, I'm going
6 back to the cosmetology board in the health
7 building and asked them, well, what is they
8 going to -- you know, she said, well, don't
9 worry about it, they going to contact you, the
10 attorney, he's the one that handles that and
11 not them. Never heard from them. That's why I
12 never paid that fine.

13 MS. KERSEY: And who -- who did you talk
14 to about that?

15 THE WITNESS: Teri and Christian, the two
16 ladies at the receptionist.

17 MS. KERSEY: That one?

18 THE WITNESS: Yeah, that one too.

19 MS. KERSEY: Christine wasn't here in
20 2011.

21 THE WITNESS: Well, Teri. Teri is the one
22 that always at the reception?

23 MS. KERSEY: No.

24 THE WITNESS: Teri?

25 MS. KERSEY: No.

COSMETOLOGY TECHNICAL ADVISORY COMMITTEE, 11/18/13

1 THE WITNESS: Who is the young lady that
2 always be up front at the reception?

3 MS. KERSEY: Patricia.

4 THE WITNESS: Patricia. Patricia.
5 Because I went back to find out about that and
6 Patricia said, well, the attorney will be
7 contacting you. Because I filed an appeal, I
8 gave that appeal to Patricia. I didn't mail
9 anything in.

10 HEARING OFFICER JOHNSON: Is there
11 anything further, Ms. Young, that you want to
12 say?

13 THE WITNESS: Yes. I would -- I would
14 like to say that -- I would like to confirm the
15 amount that they charged me for not -- not that
16 I didn't follow up, on good faith I was there
17 to pay my bill, because I know, I don't never
18 have penalty, I've been in business for 11
19 years and I never had a penalty because I
20 always pay my stuff on time. And when I
21 attempt to pay it on time, I think that if they
22 didn't do their job, I shouldn't be penalized
23 for it because I did mine.

24 HEARING OFFICER JOHNSON: All right.

25 Ms. Pitman has some questions for you,

COSMETOLOGY TECHNICAL ADVISORY COMMITTEE, 11/18/13

1 Ms. Young, and I will -- I will allow her to
2 ask those now.

3 MS. PITMAN: Okay.

4 CROSS-EXAMINATION

5 BY MS. PITMAN:

6 Q Ms. Young, you said you came in on January 31st to
7 attempt to pay your license. On January 31st of this
8 year you were aware that your license was expired, is
9 that right?

10 A Well, you know, they expire December 31st, so you
11 have 30 days.

12 Q So on January 31st of this year, you were aware your
13 license had expired?

14 A No. The -- the license -- I ain't going to say the
15 license expired. I attempt to pay the license, but --

16 Q Okay. Let me rephrase.

17 A Okay.

18 Q On February 1st -- you came in on January 31st --

19 A Okay.

20 Q -- because you knew on February 1st your license
21 would be expired?

22 A I knew that on January 31 -- on January 31st it
23 would be expired.

24 Q Okay.

25 A Okay. So I --

COSMETOLOGY TECHNICAL ADVISORY COMMITTEE, 11/18/13

1 Q I'm --

2 A Okay. I'm sorry.

3 Q Thank you.

4 So did you ever come back to attempt to pay it after
5 January 31st?

6 A No, because I got busy, just like I'm looking for
7 them to --

8 Q Okay.

9 A I contact -- no. Yeah, I made an attempt because I
10 made phone calls. They told me they couldn't do anything
11 about it at the level, this receptionist, so I attempted
12 several times to make phone calls to the number they gave
13 me to address the issue.

14 Q Is that the 682-2168?

15 A That was -- that is one of the numbers, but I wrote
16 several numbers.

17 Q Okay.

18 A That was -- I wrote on every single paper but I had
19 other numbers because I went back again.

20 Q Okay. So the 682-2168, were you able to get ahold
21 of anybody at that number?

22 A No.

23 Q Okay. I believe that's because that's not a correct
24 number for the office.

25 A Well, that's the number she gave me.

COSMETOLOGY TECHNICAL ADVISORY COMMITTEE, 11/18/13

1 MS. KERSEY: It is a number. It's not
2 mine.

3 THE WITNESS: Well, all I know --

4 BY MS. PITMAN:

5 Q That's not the number for Ms. Kersey.

6 A Okay. Well, all I know those were the numbers they
7 gave me that the only person could address not paying the
8 late fee.

9 Q Okay.

10 A So I got busy, and if she didn't come back by in
11 July, I would have never known the license wasn't current
12 up there because I don't work at my store.

13 Q Okay. I'm -- I'm just asking questions, just answer
14 those for me. Okay?

15 A Okay.

16 Q Now you said something about you never heard from
17 the attorney. Did you file a notice of appeal?

18 A I did.

19 Q Okay. Did you show up for a hearing at the Board of
20 Health?

21 A They never did -- I went back, they didn't never
22 even contact me, the attorney never did contact me. I
23 bet Ms. Kersey couldn't show me information that he
24 contact me back. Once I filed --

25 Q No, she can't, because he's in a different office

COSMETOLOGY TECHNICAL ADVISORY COMMITTEE, 11/18/13

1 from her.

2 A I know because he was left there currently because
3 he never did contact me at all.

4 Q I don't know who you are talking about.

5 A Well, he was a male, he was -- he was the same male
6 that the other guy was talking about.

7 Q He's not important.

8 A Okay.

9 Q But you did file an appeal?

10 A I did.

11 Q Okay. Do you have that with you today, by any
12 chance?

13 A I don't.

14 Q Okay. That's okay.

15 And, Ms. Young, you said you were able to get a
16 license even though you had the violations. Are you
17 operating the same salon that you were operating when you
18 got the violations?

19 A Talking about the first one or the second one?

20 Q The first one. The first one that you got --

21 A Yeah, it's the same, it was where I was at. I
22 hadn't yet -- I hadn't opened it yet --

23 Q You had not opened it yet?

24 A I had not opened it.

25 Q Okay.

COSMETOLOGY TECHNICAL ADVISORY COMMITTEE, 11/18/13

1 A I had just moved there, it hadn't -- it wasn't even
2 open.

3 Q Oh, okay. Thank you.

4 A That's why I had to pay the new establishment
5 license, because it was never opened.

6 Q Is that what you have there?

7 A That's what I have here.

8 Q What is that dated?

9 A My --

10 Q Thank you.

11 A That was after the hearing.

12 Q So you opened your -- the salon after the hearing,
13 February 22, 2012?

14 A Is somewhere --

15 Q Okay. On the day that they came in to do the
16 original inspection, were you operating in that salon?

17 A I was not operating, wasn't nobody working there. I
18 hadn't even just opened it, that's why the inspection, I
19 had a problem with her saying I violated something
20 because it wasn't -- her license wasn't posted by the
21 practitioner, because I wasn't even operating. I mean
22 she wasn't even working there, she had -- she had just
23 moved from another salon, Tracy Dunn had. Tracy had just
24 moved there.

25 Q Okay. If you look at Page 12 -- I understand that

COSMETOLOGY TECHNICAL ADVISORY COMMITTEE, 11/18/13

1 you don't work at the salon, Ms. Dunn does; is that
2 correct?

3 A Ms. Dunn is the one that works there.

4 Q Okay. So you were probably not there that day?

5 A I was not.

6 Q But if you look at Page 12 of the hearing packets,
7 it appears to say -- I'm in the wrong hearing packet.

8 MS. KERSEY: That's it.

9 BY MS. PITMAN:

10 Q It says, "Practitioner was in salon, she didn't have
11 a license, open for business January 20th." Is that
12 what that says?

13 A Yeah. But she -- she gave that information, she
14 didn't know that.

15 Q Okay. So that is what that says --

16 A Tracy -- Tracy don't know when my -- she had just
17 moved there from another salon.

18 Q Okay. And you will have a chance to respond to
19 anything I'm asking you.

20 A Okay.

21 Q If you can just answer my questions today.

22 A Okay.

23 Q And Ms. Dunn did, in fact, sign that that's what
24 that says?

25 A She gave wrong information, she didn't know.

COSMETOLOGY TECHNICAL ADVISORY COMMITTEE, 11/18/13

1 Q Okay. Thank you.

2 MS. PITMAN: If anybody else wants to look
3 at this?

4 MS. KERSEY: Do y'all want to look at
5 that? That's the first -- this is the first
6 one.

7 MS. PITMAN: I don't have any other
8 questions.

9 HEARING OFFICER JOHNSON: All right. Was
10 there anything else you wanted to say with
11 respect to -- I think there was something you
12 might have wanted to expound on in respect to
13 the questions she just asked you, Ms. Young?

14 THE WITNESS: No, I think she was asking
15 me about -- I think I answered her.

16 HEARING OFFICER JOHNSON: Okay. All
17 right. Any other questions by the board of
18 Ms. Young?

19 MS. ANDERSON: Okay. So I have a
20 question. You moved from another salon to this
21 salon that you were the owner of? Is that
22 correct?

23 THE WITNESS: You say I moved?

24 MS. ANDERSON: Your salon, is this your
25 second salon or is this your first salon?

COSMETOLOGY TECHNICAL ADVISORY COMMITTEE, 11/18/13

1 THE WITNESS: This is my third salon.

2 MS. ANDERSON: Okay. So on the --

3 THE WITNESS: This is the same salon with
4 three locations.

5 MS. ANDERSON: I just don't want to get
6 confused. This fee is the fee for this salon
7 Cosmetic and Pampering Salon, correct?

8 THE WITNESS: Yeah, it's in the same
9 location, those are the same --

10 MS. ANDERSON: Same salon, same license?
11 Should be the same license, is that correct?

12 THE WITNESS: They're the same license --
13 same type of -- okay. I have two violations,
14 you said, at both at the same salon that both
15 of these violations occurred?

16 MS. ANDERSON: Yes, ma'am.

17 THE WITNESS: Yes, it is.

18 MS. ANDERSON: Okay. And Tracy Dunn has
19 worked for you from -- how long? When did she
20 start working for you?

21 THE WITNESS: She -- she didn't come in
22 until after -- let me see. I've been there
23 three years. Tracy must have moved there
24 February of 2012 -- 2011. 2011, '12, '13,
25 yeah, 2011. She came from on Rodney Parham,

COSMETOLOGY TECHNICAL ADVISORY COMMITTEE, 11/18/13

1 she had just moved, I hadn't even opened yet.
2 She just moved there, she would be my first and
3 only stylist that ever worked there.

4 HEARING OFFICER JOHNSON: Would you move
5 your hand from your mouth?

6 THE WITNESS: Oh, I'm sorry. I'm sorry.
7 Y'all, I'm afraid I'm being too loud, but I'm
8 just -- I'm sorry.

9 HEARING OFFICER JOHNSON: No, your voice
10 level is fine. I just can't hear and see you.

11 THE WITNESS: Okay. Yeah. Tracy came in
12 February of 2011.

13 MS. ANDERSON: Okay. And that salon
14 license was done -- the date on that was --

15 THE WITNESS: This establishment?

16 MS. ANDERSON: That was February 22nd.

17 THE WITNESS: That was after the hearing.

18 MS. ANDERSON: Okay. So --

19 THE WITNESS: February 22, 2012.

20 MS. ANDERSON: Okay. So you were aware
21 that you could not open a salon without a
22 license due to the Arkansas law. Right?

23 THE WITNESS: I hadn't -- I hadn't put
24 anybody in it yet. I do know that because I
25 have a barber stylist license where I went when

COSMETOLOGY TECHNICAL ADVISORY COMMITTEE, 11/18/13

1 I was a barber stylist, and then I have a
2 cosmetology establishment license too. I ain't
3 always had a cosmetologist. Tracy was the
4 first cosmetology -- I'm a barber stylist, I
5 had barber stylist establishment license.
6 Tracy is a cosmetologist, wanted to come work
7 into my store. So until she came in there to
8 work, I didn't have to get a cosmetology
9 establishment license because I had a barber
10 stylist establishment license.

11 MS. ANDERSON: So when Ms. -- Ms. Morgan
12 came in the first time to inspect, and Tracy
13 was there, it was -- she said the salon opened
14 in January, but this is dated in May of '11.
15 So at that time your license was not posted?

16 THE WITNESS: No. Because when -- when
17 Tracy came in in February, I had to go to a
18 hearing, so that's when they -- they -- okay.
19 When you said -- okay. Go back. Ask me that
20 question again, because you're trying to say
21 when Tracy --

22 MS. ANDERSON: Okay. In May, May 12 of
23 '11, when Ms. Morgan came in to inspect, you
24 had gotten your license 2/22 of '11, but you
25 hadn't posted it here. So the license never --

COSMETOLOGY TECHNICAL ADVISORY COMMITTEE, 11/18/13

1 MS. KERSEY: No, 2/22/12.

2 MS. ANDERSON: Of '12?

3 MS. SULLIVAN: Yeah.

4 MS. ANDERSON: Of '12. Okay. Thank you.
5 Of '12.

6 THE WITNESS: April.

7 MS. ANDERSON: Of '12. So you didn't have
8 a salon license at the time of this one, and
9 now we're back to -- well, now we're up to
10 date, to 7/3/13, there is still not a license,
11 a current salon license, and you got -- you got
12 that license after this penalty again?

13 So it's just -- you just forget to do that
14 and -- and there is no license -- there is no
15 law that makes you do that, or is that just --

16 THE WITNESS: Well, the law was -- I mean,
17 the law was, it expires -- this -- on this
18 particular one, the hearing for today, yes, the
19 law is it expires December 31st. The law --
20 the law did say I have until January 31st.
21 That's what they had issues with, cosmetology
22 board had issue with, was that considered late
23 or do I -- is that on time. I consider that --
24 we used to look at December 31st, January
25 31st, I consider that's the same amount of days

COSMETOLOGY TECHNICAL ADVISORY COMMITTEE, 11/18/13

1 they have before it actually said it expired.

2 MS. SULLIVAN: What time does the office
3 close?

4 MS. KERSEY: 4:30.

5 MS. ANDERSON: Okay. But --

6 THE WITNESS: Okay. That was -- that was
7 this particular one.

8 On that one, on the first one where I had
9 the establishment license at -- I mean I needed
10 a establishment license because of the
11 cosmetologist, yes, I'm aware that you supposed
12 to have an establishment license, but we hadn't
13 even opened yet. When Tracy moved there, her
14 stuff was -- she wasn't even working there yet,
15 she just had moved her stuff there.

16 MS. JACKSON: January 1st or the 2nd?

17 THE WITNESS: She should never had said
18 that she saw Tracy --

19 MS. KERSEY: Yeah, well --

20 THE WITNESS: Okay.

21 MS. KERSEY: Just the second one is what
22 we're just talking about.

23 MS. ANDERSON: I understand. I'm just
24 trying to figure out --

25 MS. KERSEY: Right.

COSMETOLOGY TECHNICAL ADVISORY COMMITTEE, 11/18/13

1 MS. ANDERSON: Okay. So we have a penalty
2 that's outstanding; is that correct?

3 MS. KERSEY: (Nodding head up and down.)

4 MS. ANDERSON: On the books we have a
5 penalty of how much that's outstanding?

6 MS. JACKSON: 475.

7 MS. ANDERSON: \$475?

8 THE WITNESS: It's not \$475, because that
9 includes \$150 for my -- that's why I appealed
10 it. That -- that -- that 175 -- \$475, it
11 was -- it was to prove my establishment
12 license, when I went and gotten --

13 MS. ANDERSON: Okay.

14 THE WITNESS: So you subtract the 150 off
15 of that. Plus the other one was for a penalty
16 that Tracy didn't have her practitioner license
17 hung, because Tracy hadn't even started working
18 there yet when Ms. -- Ms. -- Ms. -- when Ms.
19 Morgan came in. She had just moved her stuff
20 there.

21 MS. ANDERSON: Okay.

22 THE WITNESS: I should have brought Tracy
23 today is what I should have did.

24 MS. ANDERSON: Thank you, Ms. Young.

25 HEARING OFFICER JOHNSON: But we are here

COSMETOLOGY TECHNICAL ADVISORY COMMITTEE, 11/18/13

1 today on the --

2 MS. ANDERSON: Current.

3 HEARING OFFICER JOHNSON: -- current
4 violation, we're not here today on the May 12,
5 2011, violation.

6 MS. ANDERSON: Correct.

7 THE WITNESS: Correct. But Ms. Kersey did
8 bring that up, that's why I'm addressing that
9 too.

10 HEARING OFFICER JOHNSON: Okay. I
11 understand. All right.

12 MS. PITMAN: And, if I could clarify, we
13 brought it up for the purposes of considering
14 the penalty, not for the purpose of determining
15 whether or not she violated anything --

16 HEARING OFFICER JOHNSON: Okay. And I
17 understand, she addressed it because it was --

18 THE WITNESS: And like I said, I went
19 there, attempted to pay it, but nobody never
20 did return my phone -- they gave me the wrong
21 number, and plus I paid a hundred dollars, I
22 paid no late fee, because she knew I tried -- I
23 attempt to pay for my establishment -- my -- or
24 pay my cosmetology for my establishment
25 license. I attempt to pay it.

COSMETOLOGY TECHNICAL ADVISORY COMMITTEE, 11/18/13

1 HEARING OFFICER JOHNSON: All right.

2 Ms. Glaude has raised her hand, she had wanted
3 to say something. Ms. Glaude?

4 MS. GLAUDE: I think Ms. Pitman had asked
5 me a question that I -- I don't think I
6 answered correctly. You asked me if July was
7 the only time I had been in her salon?

8 MS. PITMAN: Yes, ma'am, I did.

9 MS. GLAUDE: I -- I didn't exactly
10 recollect, but Ms. Young did say -- I think she
11 has an inspection sheet from January. I was
12 there in January.

13 THE WITNESS: In January.

14 MS. PITMAN: Okay. That was you that went
15 in January?

16 MS. GLAUDE: Yes. So I had been before.

17 MS. PITMAN: And can you explain the --
18 because I believe there was an issue she held
19 up both sheets?

20 THE WITNESS: Yeah, because --

21 MS. ANDERSON: If you will let me look
22 at -- if you could explain that for us?

23 THE WITNESS: -- because you gave me the
24 same response.

25 MS. GLAUDE: Right.

COSMETOLOGY TECHNICAL ADVISORY COMMITTEE, 11/18/13

1 THE WITNESS: See, when you check this,
2 you had me current on both times, if you look
3 at the day you inspected on the 29th --

4 MS. GLAUDE: Okay. That's fine.

5 THE WITNESS: All right.

6 HEARING OFFICER JOHNSON: Okay.

7 Ms. Young, just let her -- let her address it,
8 if you would.

9 MS. GLAUDE: Okay. This is the July one.
10 In January, I was trying -- I had -- I had
11 started with the health department in October
12 of -- or September 30th of 2012, so as -- when
13 we go, even if it's during the 30-day grace
14 period, we mark what we see. I mean, if
15 it's -- if it's January 1st -- well, it won't
16 be, January 2nd, we mark that it's not
17 current if they don't have it. But now in the
18 office, they have a different system to where
19 they will hold that to make sure they were --
20 you know, Ms. Kersey can explain how it is in
21 the office, but we as inspectors mark what we
22 see. So as of January 29th, her salon
23 license said the expiration date was 12/31/13,
24 so we mark what we see, that it was expired,
25 and then it is another process in the office.

COSMETOLOGY TECHNICAL ADVISORY COMMITTEE, 11/18/13

1 HEARING OFFICER JOHNSON: So, if it's one
2 day after the expiration date --

3 MS. GLAUDE: If it's one day we mark it --

4 HEARING OFFICER JOHNSON: -- you will mark
5 it as expired?

6 MS. GLAUDE: -- we will mark that it's --
7 that it's -- but Ms. Kersey can probably
8 explain the process once it goes to the office.
9 I don't know.

10 HEARING OFFICER JOHNSON: But for purposes
11 of paying a license fee, the -- the licensee
12 has 30 days after the expiration date --

13 THE WITNESS: To pay it.

14 HEARING OFFICER JOHNSON: -- to pay it to
15 bring it current without incurring any penalty,
16 is what I'm --

17 MS. KERSEY: Correct. Correct.

18 HEARING OFFICER JOHNSON: Okay.

19 MS. PITMAN: Okay. So, Ms. Glaude, just
20 so we're all clear on this, you mark what you
21 see as a violation, you have nothing to do with
22 the determination of any fines or --

23 MS. GLAUDE: Right, right.

24 MS. PITMAN: Okay.

25 MS. GLAUDE: And I -- never mind. Go

COSMETOLOGY TECHNICAL ADVISORY COMMITTEE, 11/18/13

1 ahead. Right.

2 THE WITNESS: So that's confusing to me
3 too, what she wrote on here and what it really
4 was. I don't know what y'all do in the office
5 but --

6 MS. JACKSON: I'm just --

7 COURT REPORTER: I can't hear you,
8 Ms. Angela. I didn't hear what you said.

9 MS. JACKSON: I think that she thinks by
10 it being checked that it's current, I don't
11 think that she understands that by it being
12 checked that it's not current.

13 HEARING OFFICER JOHNSON: What does the
14 check current --

15 THE WITNESS: But see, it was on the
16 29th, which it was expired on -- you know, my
17 license, like you say, their office has some
18 different way how they determine, we don't know
19 that. So when she -- when I look at her
20 paperwork and she gave me the same check mark
21 and it was on January the 29th, well, they
22 hadn't really legally expired, I wouldn't say
23 they expired.

24 MS. KERSEY: Right. So you didn't get a
25 violation for that one.

COSMETOLOGY TECHNICAL ADVISORY COMMITTEE, 11/18/13

1 THE WITNESS: So I didn't -- when I -- but
2 she checked the same thing on the violation
3 date to the same thing, so it's kind of
4 confusing to me.

5 MS. KERSEY: Because to her it was.

6 THE WITNESS: To her it was but to me I
7 didn't -- you know, it's confusing.

8 MS. KERSEY: Right.

9 MS. FORD: If it's possible, can I see
10 those sheets, please --

11 HEARING OFFICER JOHNSON: Yes.

12 MS. FORD: -- so that I can get a clear
13 picture in my mind? Because I'm not
14 understanding the two dates --

15 MS. KERSEY: All right.

16 MS. FORD: -- and the check marks.

17 MS. STEELE: The inspection sheets?

18 MS. FORD: Yes, please.

19 THE WITNESS: The inspection sheets.

20 MS. PITMAN: And if I may ask a question
21 of Ms. Kersey to clarify a little bit?

22 Ms. Kersey, she's saying that she doesn't
23 believe the license expired. Does the license
24 expire on December 31st or January 31st?
25 When does it expire?

COSMETOLOGY TECHNICAL ADVISORY COMMITTEE, 11/18/13

1 MS. KERSEY: December 31st.

2 MS. PITMAN: Okay. What is that 30 days
3 from January 31st?

4 MS. KERSEY: They have a grace period to
5 renew their license.

6 MS. PITMAN: Without incurring any
7 penalty?

8 MS. KERSEY: Correct.

9 MS. PITMAN: Okay.

10 MS. KERSEY: When she went -- came in to
11 renew her license on December 31st, the
12 system recognized that it was 30 days past it,
13 they were going to charge her \$150. This is
14 the reason she didn't renew her license, is
15 because the system was recognizing that it was
16 30 days past. So we did -- we had a
17 discussion, Renee was in on that, and she
18 didn't have to pay the late fee, and that's why
19 Christine waived the late fee, is because she
20 did come in on the 31st.

21 THE WITNESS: Uh-huh. Uh-huh.

22 MS. KERSEY: Okay. Because it does say
23 either 30 days past the owner's birthday or
24 January 31st. Okay. But in the system it
25 only recognized the 30 days, so when they were

COSMETOLOGY TECHNICAL ADVISORY COMMITTEE, 11/18/13

1 trying to renew her license, it was pulling up
2 \$150. Okay?

3 I cannot recall any voice mails that I had
4 from Ms. Young. I'm pretty good about calling
5 people back if they leave me a message. I
6 don't know, you know, maybe I missed one.

7 HEARING OFFICER JOHNSON: But you did say
8 the number that she stated that she had was not
9 your number?

10 MS. KERSEY: Is not my number; correct.

11 THE WITNESS: And that's the number they
12 gave me, they gave me the person's number to
13 contact --

14 MS. KERSEY: It is the front desk number,
15 that is the front desk number.

16 THE WITNESS: Yeah, that's who they gave
17 me to contact, the issue, she said, well,
18 Ms. Kersey has some issue with that herself,
19 that 30 days.

20 MS. KERSEY: The general practice is, if
21 they leave a voice mail at the front desk, we
22 will call them back and tell them, they tried
23 to call them back, but we do not call back
24 multiple times trying to catch them. I mean,
25 generally we get there in the morning, we have

COSMETOLOGY TECHNICAL ADVISORY COMMITTEE, 11/18/13

1 20 voice mails usually or more; so --

2 MS. FORD: I have -- I have one more
3 question. We have a new establishment license
4 on 22nd February 2012. Now, what made this a
5 new establishment? Was it a name change? Was
6 it an address move?

7 THE WITNESS: A move. A move, an address
8 move.

9 MS. FORD: Okay. Now, it says here that
10 you opened a new business, on the 22nd of
11 February 2012, you were given a new
12 establishment license; however, in the records
13 it shows that back in, what was it, May of 2011
14 you were at the same address?

15 THE WITNESS: Uh-huh.

16 MS. FORD: Was Ms. Dunn in there?

17 THE WITNESS: Ms. Dunn wasn't in there.
18 Ms. Dunn had just moved there, she wasn't even
19 working in there. She had just moved her stuff
20 in.

21 MS. FORD: But she was occupying that
22 space as a cosmetologist?

23 THE WITNESS: She was not.

24 MS. FORD: Her -- her belonging were in
25 there?

COSMETOLOGY TECHNICAL ADVISORY COMMITTEE, 11/18/13

1 THE WITNESS: Yes, but she wasn't working
2 there yet.

3 MS. FORD: Okay --

4 THE WITNESS: She had just moved down from
5 down the street. When that -- when that
6 inspector came by that day, she had just moved
7 in.

8 MS. FORD: Okay.

9 THE WITNESS: She was not operating in
10 that salon.

11 MS. FORD: So -- so what you're saying is,
12 she moved all of her belongings and her
13 professional items in on May 2011, and just
14 left them there for a period from May to
15 February before she ever started working?

16 THE WITNESS: May? You're going
17 backwards. You're going from May to February.

18 MS. SULLIVAN: Because that's the --

19 MS. FORD: May 2011. I'm looking at dates
20 here. Because here in the --

21 THE WITNESS: Well, in the meantime I
22 couldn't get no establishment license because
23 we had a hearing. I couldn't get anything,
24 okay, because I was waiting on my appeal to get
25 establishment license. Whether she worked

COSMETOLOGY TECHNICAL ADVISORY COMMITTEE, 11/18/13

1 there or not, I had to wait on the cosmetology
2 board to contact me back on my appeal about
3 the -- that was the -- that was the case about
4 the establishment license. I had just moved
5 there and Tracy license wasn't posted, so I
6 couldn't do -- she brought her license the next
7 day, but I couldn't get no establishment
8 license because I had an appeal pending where
9 I'm supposed to heard from the cosmetology
10 board, so I could get my establishment license.
11 That's why I went down and got them on
12 February the 22nd, 2012. Damn, that's not
13 right. 2012, 2011. I couldn't wait that long
14 to get the establishment license, or I didn't
15 hear from them or something -- because she's
16 got the date on here for February 22, '11.

17 MS. FORD: But, I mean --

18 THE WITNESS: Or was it '12?

19 MS. FORD: -- the dates in the packet
20 shows it.

21 THE WITNESS: When did I get the
22 establishment --

23 MS. FORD: -- it shows that Ms. Dunn was
24 present in the salon at that particular
25 address. I don't know what the --

COSMETOLOGY TECHNICAL ADVISORY COMMITTEE, 11/18/13

1 THE WITNESS: Right, oh, right, but --

2 MS. FORD: But she was present on
3 May 2011 --

4 THE WITNESS: That's correct.

5 MS. FORD: -- at your place of business or
6 your proposed place of business?

7 THE WITNESS: Correct.

8 MS. FORD: So, obviously, it had to have
9 been yours because you had to give her
10 permission to be in there?

11 THE WITNESS: No. What I'm sharing with
12 you, I couldn't -- the reason why I went ahead
13 and got this, because I was waiting on a
14 hearing from this. I couldn't get an
15 establishment license, so she went ahead in
16 February 2012 and gave me my establishment
17 license. I was --

18 MS. FORD: But before ever obtaining an
19 establishment license as a business owner,
20 you're hiring and allowing -- allowing a
21 cosmetologist to bring her professional
22 supplies into your location without you making
23 preparation and having your facility licensed
24 to have her working in there legally?

25 THE WITNESS: Okay. Well, let's go back

COSMETOLOGY TECHNICAL ADVISORY COMMITTEE, 11/18/13

1 to when -- we going to go back to the legal
2 part of the it. Yes, she had moved in there
3 then in --

4 MS. FORD: Uh-huh.

5 THE WITNESS: -- in 2011, right?

6 MS. FORD: Uh-huh.

7 THE WITNESS: Well, in 2011 is when they
8 gave me the violation. Am I not correct?

9 Okay. From 2011 and going back to
10 cosmetology and trying to address this issue, I
11 never did hear from them.

12 MS. FORD: Okay.

13 THE WITNESS: So I filled it out an
14 application and got the establishment license.

15 MS. FORD: But -- but --

16 THE WITNESS: That was beyond my control
17 that I had --

18 MS. FORD: Actually, I'm going to beg to
19 differ on that. Because if you have full legal
20 responsibility over a certain address, and you
21 allow a cosmetologist to come and place their
22 professional implements and tools into your
23 facility, it is your responsibility as a
24 business owner to have that facility already
25 licensed to receive that cosmetologist in,

COSMETOLOGY TECHNICAL ADVISORY COMMITTEE, 11/18/13

1 what -- if she came and put her supplies in
2 today and you didn't have a license in
3 accordance with our laws --

4 HEARING OFFICER JOHNSON: And,
5 Ms. Kimberly --

6 MS. FORD: -- she wasn't -- the facility
7 wasn't --

8 HEARING OFFICER JOHNSON: Just letting --
9 and I just want to remind everyone here that
10 the issue before you-all today --

11 MS. FORD: Uh-huh, yes.

12 HEARING OFFICER JOHNSON: -- is as stated
13 in the Notice of Hearing --

14 MS. FORD: Uh-huh.

15 HEARING OFFICER JOHNSON: -- the
16 inspection on 7/3/2013, that found that
17 Cosmetic and Pampering Salon Spa was operating
18 without a current valid license, and that same
19 inspection found that the Cosmetic and
20 Pampering Salon Spa did not have a current
21 valid license posted in the salon. We don't
22 want to get too focused on May of 2011.

23 MS. FORD: Well, but my -- my issue for
24 bringing up May 2011 --

25 THE WITNESS: You-all to do your job --

COSMETOLOGY TECHNICAL ADVISORY COMMITTEE, 11/18/13

1 MS. FORD: -- there -- there already was a
2 cosmetologist at this location, and if you have
3 a business and -- okay, let's say I am running
4 a medical facility. Okay? I have to have
5 certain parameters in place before I can bring
6 a medical doctor in to practice in this
7 particular area. Well, we would not even be
8 here with this situation if there had not -- if
9 the license had have already been in place, is
10 what I'm saying, before you allow it. So I
11 believe that -- to include this date because
12 the previous packet is included in here.

13 MS. SULLIVAN: Uh-huh, sure is.

14 MS. ANDERSON: She's already been cited on
15 that.

16 MS. FORD: Yeah, I do understand that,
17 but --

18 MS. PITMAN: Can I -- can I clarify
19 something?

20 MS. FORD: Yeah.

21 MS. PITMAN: From our perspective, I see
22 what you are saying.

23 MS. FORD: Uh-huh.

24 MS. PITMAN: They have looked at that
25 issue and found her to have violated that for

COSMETOLOGY TECHNICAL ADVISORY COMMITTEE, 11/18/13

1 that date, and the only purpose we had in
2 bringing it up was to go towards the penalty.

3 MS. FORD: Right, right.

4 MS. PITMAN: Okay.

5 MS. ANDERSON: Correct.

6 MS. PITMAN: Just so that --

7 MS. FORD: I want to establish that the
8 history is there to -- to substantiate the
9 findings here.

10 MS. PITMAN: Okay.

11 THE WITNESS: Could I ask her what she
12 said? What she fail to realize that not only
13 were you talking about what I did on my start,
14 I tried diligently to contact and deal with the
15 attorney from the past for the same issue and
16 nobody have contacted me. I got the same issue
17 the other guy had, nobody respond to us. They
18 have penalized us, they fine us, but they don't
19 respond back to us. So what your purpose three
20 years later, they never responded for me that's
21 saying that I supposed to make sure my license
22 was -- we all get busy.

23 MS. SULLIVAN: Can I say something?

24 It is your business, though, and it is
25 your responsibility to maintain it and to keep

COSMETOLOGY TECHNICAL ADVISORY COMMITTEE, 11/18/13

1 up the proper paperwork.

2 THE WITNESS: Yeah. And I think it's the
3 cosmetology board's business too, right, all of
4 us is businesses.

5 MS. SULLIVAN: There is changes in the
6 business --

7 THE WITNESS: Yeah.

8 MS. SULLIVAN: -- but you're consistently
9 the same owner.

10 THE WITNESS: Yeah. I got you.

11 MS. JACKSON: And I know this isn't the
12 issue, but if they appeal something, wouldn't
13 there be proof that she appealed it somewhere?
14 And she's not providing -- I mean I know that's
15 not the issue, but since we are talking about
16 it.

17 HEARING OFFICER JOHNSON: Well, the
18 board -- I mean I -- I'm -- I'm a little leery,
19 because she was notified of one issue here
20 today, and when you bring in a second issue and
21 then on top of that you place the burden on her
22 to prove that second issue of -- and she's
23 saying that she did the notice, I see lots of
24 avenues to appeal that.

25 MS. SULLIVAN: If she doesn't have record

COSMETOLOGY TECHNICAL ADVISORY COMMITTEE, 11/18/13

1 and we don't have record, so that can't be --
2 we can't hold her at fault for that. Right?

3 HEARING OFFICER JOHNSON: And this
4 board -- well, the board would be the one to --
5 you know, be the one who would furnish that.
6 And perhaps it would have been probably more
7 prudent to not get into the May 2011 issue
8 until after you had fully questioned her and
9 found facts dealing with the 7/3/2013 issue,
10 and then at the end when you're thinking of
11 penalty phases, to bring that up because that
12 might go into the penalty. But I do want to
13 just remind everybody what we're here to focus
14 on and the record needs to find factual
15 findings to justify, you know, the -- the
16 July 2013 matter.

17 MS. SULLIVAN: Kelli, will you state again
18 why on -- I think you said it while ago but I
19 was looking at the forms that were being passed
20 around. On -- was it the 20 -- let's see, on
21 January 31st she had came at 3:59 p.m. to pay
22 and wasn't allowed to pay, or whatever that
23 was? Can you explain?

24 MS. KERSEY: When she came to pay, it was
25 January 31st, it was 30 days after her

COSMETOLOGY TECHNICAL ADVISORY COMMITTEE, 11/18/13

1 expiration, so the system was showing \$150.
2 Okay? So we -- we looked at the statute and
3 the rules and it does state January 31st or
4 30 days, which contradicts itself.

5 THE WITNESS: It sure did, it --

6 MS. KERSEY: Because it's 31 and 30.

7 Okay? So, I mean we had a big discussion about
8 it, so I'm not sure why we wouldn't have called
9 her back on that issue, you know, I mean if
10 that was the issue.

11 MS. SULLIVAN: Uh-huh.

12 MS. KERSEY: So when she came back in,
13 Christine, I'm assuming, we had the
14 conversation, we talked to Renee, talked to
15 Rick, you know, is why she waived the late fee
16 in July, because she in fact did come in in
17 January to renew it, but from January to July,
18 there is --

19 MS. ANDERSON: A lot of months.

20 THE WITNESS: No, I came in before --
21 after June -- I'm sorry, I came in two times.
22 I came in in January, and I came in -- well,
23 three times. And she said you never -- nobody
24 never come back -- contact me back, because I
25 addressed the issue about it.

COSMETOLOGY TECHNICAL ADVISORY COMMITTEE, 11/18/13

1 HEARING OFFICER JOHNSON: So when in
2 January, did you go on the 31st?

3 THE WITNESS: Uh-huh.

4 HEARING OFFICER JOHNSON: Or --

5 THE WITNESS: No, I'm not talking
6 January -- January, and then it must have been
7 in March and then Christine said --

8 MS. SULLIVAN: Do you have your receipt
9 that shows that one that you had on your other
10 ones?

11 THE WITNESS: No, because he stopped
12 giving them. If you go down there today --

13 MS. PECK: No. Now, they give them.

14 THE WITNESS: Well, he did not give me
15 mine, the officer or whoever was there, I
16 didn't get it. I just had those two and I had
17 this one, when I went back to file my appeal,
18 those are the only two I had.

19 HEARING OFFICER JOHNSON: Two? I've only
20 heard you talk about one today. What's the
21 other one?

22 THE WITNESS: Oh, when I went and filed my
23 appeal.

24 MS. SULLIVAN: July 5th.

25 THE WITNESS: Yeah. July 5th and in

COSMETOLOGY TECHNICAL ADVISORY COMMITTEE, 11/18/13

1 March.

2 MS. FORD: Okay. And this -- this is back
3 online with what we're doing. I have a
4 question about the license. I know the license
5 states that it expires December 31st of that
6 current year. Okay, the license states that.
7 However, within our system, you have a grace
8 period of 30 days, not 31.

9 MS. PECK: Or January 31st .

10 MS. KERSEY: Correct, correct.

11 THE WITNESS: Or January 31.

12 MS. PECK: The system only allows -- in
13 their system --

14 HEARING OFFICER JOHNSON: But because of
15 that discrepancy, you all made the -- you made
16 the decision to waive that in that particular
17 case because of the discrepancy that's in the
18 language of 30 days after the date of
19 expiration or January 31st .

20 MS. FORD: Okay.

21 HEARING OFFICER JOHNSON: That ambiguity.

22 MS. KERSEY: Correct.

23 MS. FORD: So, if the late fee has been
24 waived, when she came in to renew on July --

25 MS. KERSEY: Uh-huh, the 5th.

COSMETOLOGY TECHNICAL ADVISORY COMMITTEE, 11/18/13

1 THE WITNESS: And January 31st .

2 MS. FORD: July the 5th of 2013, we waived
3 the late fee on that. So I'm not understanding
4 why.

5 MS. KERSEY: We waived the late fee but
6 she still didn't have a license from January to
7 July.

8 MS. FORD: Okay.

9 MS. JACKSON: She was inspected on July
10 3rd.

11 MS. FORD: Right.

12 COURT REPORTER: I didn't hear that. I
13 didn't hear what you --

14 MS. JACKSON: She was inspected on July
15 the 3rd.

16 MS. FORD: Okay. I just needed clarity.

17 HEARING OFFICER JOHNSON: Okay. And,
18 Ms. Young --

19 THE WITNESS: Yeah, because I want to keep
20 in mind that I did attempt to contact, that's
21 why nobody contacted me so I could get my
22 license renewed, because I wasn't hearing from
23 Ms. Kersey or whoever. So that's why I was up
24 until July, when she brought it to my
25 attention, nobody ever contacted me, I went,

COSMETOLOGY TECHNICAL ADVISORY COMMITTEE, 11/18/13

1 attempt to pay it, they didn't let me pay it.
2 I went to pay it, they didn't let me pay it
3 because of the system.

4 MS. KERSEY: We would have let her pay
5 it --

6 THE WITNESS: Like she said, because of
7 the system --

8 MS. KERSEY: -- but she didn't want to pay
9 150 because the system was saying 150.

10 THE WITNESS: Well, you say the system was
11 making me knock it off and waive the late fee,
12 but really was legally it was 30 days.

13 MS. KERSEY: Correct.

14 THE WITNESS: Your system did it.

15 MS. KERSEY: Well, I mean, we were -- we
16 would have let you pay that day but you didn't
17 want to pay 150.

18 THE WITNESS: I didn't want to pay 150
19 because that wasn't right.

20 MS. KERSEY: Correct. So we didn't --

21 MS. SULLIVAN: So we're talking about the
22 next time.

23 HEARING OFFICER JOHNSON: So, Ms. Young's
24 point is that there was an ambiguity in the
25 law, and because of that ambiguity, it was

COSMETOLOGY TECHNICAL ADVISORY COMMITTEE, 11/18/13

1 taken into consideration and that's why they
2 waived the late fee and that's why she didn't
3 pay that day. I mean, she has a -- a
4 reasonable argument that, you know --

5 MS. SULLIVAN: That -- that is very
6 reasonable --

7 HEARING OFFICER JOHNSON: Yeah.

8 MS. SULLIVAN: -- but July is not.

9 HEARING OFFICER JOHNSON: Well, July,
10 that's another issue for the board.

11 THE WITNESS: Well, no, you got to look at
12 July, I was waiting for them to contact me so I
13 could -- I mean I could visit just like you
14 guys do, we women, and then I don't work there
15 every day, I ain't looking at that license on
16 that wall. So until she went back and did the
17 inspection, that's what brought it back to my
18 attention. Nobody ever called me back from the
19 cosmetology board.

20 HEARING OFFICER JOHNSON: But that's for
21 the board to decide, you heard -- heard
22 Ms. Young address that. Any other questions
23 from the board?

24 Any other questions from you, Ms. Pitman?

25 MS. PITMAN: I don't believe so. I would

COSMETOLOGY TECHNICAL ADVISORY COMMITTEE, 11/18/13

1 ask that we take notice of the rules and the
2 statute, we've discussed them extensively and
3 at length --

4 HEARING OFFICER JOHNSON: Yes.

5 MS. PITMAN: -- and note that the fee
6 schedule is found in the cosmetology rules,
7 Rules No. 1 --

8 HEARING OFFICER JOHNSON: Did I hear
9 someone ask for a break?

10 MS. PITMAN: Five. Page 5.

11 MS. SULLIVAN: No. I think we're ready to
12 go into deliberation.

13 HEARING OFFICER JOHNSON: All right. Is
14 the board -- is the board ready to deliberate
15 now?

16 MS. ANDERSON: Yes.

17 HEARING OFFICER JOHNSON: All right. We
18 are going to go off the record to allow the
19 board to deliberate. The time for comment and
20 testimony is over and I ask that you respect
21 that and allow the board to deliberate.

22 We're off the record.

23 (WHEREUPON, the Committee retired to
24 deliberate, off the record, from 11:14 a.m. to
25 11:22 a.m., and returned with the following

COSMETOLOGY TECHNICAL ADVISORY COMMITTEE, 11/18/13

1 motion.)

2 HEARING OFFICER JOHNSON: We are back on
3 the record, and the board -- in the matter of
4 Cosmetic and Pampering Salon Spa and Ms. Wilma
5 Jean Young, owner. The board has deliberated
6 and is now ready to entertain a motion with
7 respect to the allegations of fact.

8 MS. ANDERSON: Okay. And do you want to
9 make the motion?

10 MS. PECK: I would -- I would like to make
11 a motion that the allegations have been proven
12 and a fine of \$300.

13 MS. ANDERSON: Okay. And --

14 MS. JACKSON: I'll second that.

15 MS. ANDERSON: Angela, wants to second
16 that. So the motion was made by Jessica and
17 seconded by Angela Peck -- Angela --

18 MS. JACKSON: Jackson.

19 MS. ANDERSON: -- Jackson. I'm getting
20 all these names confused today, that we have
21 the findings and that the fine and penalty for
22 those findings and violations will be \$300.
23 All those in favor?

24 COMMITTEE MEMBERS: Aye.

25 MS. ANDERSON: All those opposed?

COSMETOLOGY TECHNICAL ADVISORY COMMITTEE, 11/18/13

1 MS. STEELE: Aye.

2 HEARING OFFICER JOHNSON: Okay. The
3 board --

4 MS. ANDERSON: The motion passed.

5 HEARING OFFICER JOHNSON: Okay. The
6 motion has passed by a vote of three --

7 MS. ANDERSON: Four to one.

8 HEARING OFFICER JOHNSON: Four to one.
9 All right. Ms. Young, again, this decision
10 will be reduced to writing, it will be mailed
11 to you. And I believe it's by certified mail;
12 is that correct?

13 MS. KERSEY: Yes.

14 HEARING OFFICER JOHNSON: And you will
15 have 30 days after -- from receipt of the
16 appeal -- I mean, you know, to -- to -- from
17 receipt of the decision to file an appeal.

18 All right. And --

19 MS. YOUNG: Okay. I got a question. On
20 my appeal, can I deliver it, hand deliver it
21 and mail it? Because I am going to appeal it.

22 HEARING OFFICER JOHNSON: Yes, you can --
23 it can -- it can be hand delivered and mailed.

24 MS. YOUNG: And mailed, okay.

25 MS. PITMAN: I don't have a business card

COSMETOLOGY TECHNICAL ADVISORY COMMITTEE, 11/18/13

1 but, Ms. Young, I can give you my phone number.

2 MS. YOUNG: Yes. I'll have an attorney
3 next time --

4 MS. PITMAN: Okay. I'll give you my phone
5 number --

6 MS. YOUNG: -- because we're going to
7 talk -- we're going to talk face to face.

8 MS. PITMAN: Do you want me to give it to
9 you right now while we're on the record?

10 MS. YOUNG: Okay. That will be fine.
11 Y'all staying on for the afternoon hearing.

12 MS. PITMAN: Okay. It's 280-4034. And --
13 and the legal division's phone number is 661 --
14 I believe it's 2878. But if that happens to be
15 wrong --

16 MS. YOUNG: 2878?

17 MS. PITMAN: Yes, ma'am. If that happens
18 to be wrong, ask the man at the front desk to
19 get you in touch with legal because he knows
20 all of our phone numbers, and that way you can
21 make sure --

22 MS. YOUNG: Okay. What's name of the
23 firm, the law firm?

24 MS. PITMAN: It's the department of
25 health --

COSMETOLOGY TECHNICAL ADVISORY COMMITTEE, 11/18/13

1 MS. YOUNG: Oh, Department of Health.

2 MS. PITMAN: Yes, ma'am.

3 HEARING OFFICER JOHNSON: They are in
4 house attorneys for Department of Health.

5 MS. YOUNG: Okay.

6 MS. PITMAN: Just ask him for legal.

7 HEARING OFFICER JOHNSON: Okay. All
8 right.

9 Thank you, Ms. Young.

10 MS. YOUNG: You're welcome.

11 HEARING OFFICER JOHNSON: All right. Do
12 we want a quick break? A bathroom break?

13 MS. MALLORY: Lunch is here.

14 MS. ANDERSON: Do we want to do lunch? Do
15 we want to do lunch?

16 MS. KERSEY: Sure.

17 MS. ANDERSON: Let's break for lunch to
18 discuss until 12:15, 12:30, 12:00?

19 HEARING OFFICER JOHNSON: Yes.

20 (WHEREUPON, a lunch break was held at this
21 time.)

22 ---o---

23

24

25

COSMETOLOGY TECHNICAL ADVISORY COMMITTEE, 11/18/13

1 BEFORE THE COSMETOLOGY TECHNICAL ADVISORY COMMITTEE

2 (CTAC)

3 IN THE MATTER OF:

4 ARKANSAS DEPARTMENT OF HEALTH PETITIONER

5 v.

6 KOOL KUTTS II RESPONDENT

7 BERNARD COBBS RESPONDENT

8 MS. ANDERSON: We're ready to reconvene.

9 HEARING OFFICER JOHNSON: Good afternoon.

10 We are back on the record this morning -- this
11 afternoon before the Cosmetology Technical
12 Advisory Committee.

13 And we are going to take up the matters of
14 Arkansas Department of Health versus Kool Kutts
15 II and versus -- Arkansas Department of Health
16 versus Bernard Cobbs. My understanding,
17 Mr. Cobbs is present; is that correct?

18 MR. COBBS: Yes.

19 HEARING OFFICER JOHNSON: All right.

20 Mr. Cobbs, can you come on up?

21 Thank you.

22 Have a seat. And this -- these both
23 involve -- you are the -- are you the owner of
24 Kool Kutts II as well?

25 MR. COBBS: Yeah.

COSMETOLOGY TECHNICAL ADVISORY COMMITTEE, 11/18/13

1 HEARING OFFICER JOHNSON: All right. All
2 right. And, of course, representing the board
3 is Ms. Elizabeth Pitman. And, Ms. Pitman, will
4 you be presenting testimony in this matter?

5 MS. PITMAN: Yes, ma'am.

6 HEARING OFFICER JOHNSON: Okay. And who
7 will be your witnesses?

8 MS. PITMAN: Lavonne Lester and Kerri
9 Kersey.

10 HEARING OFFICER JOHNSON: Lavonne Lester
11 and --

12 MS. PITMAN: Kerri Kersey.

13 HEARING OFFICER JOHNSON: -- Kelli Kersey.

14 MS. PITMAN: Kelli Kersey. Kelli Kersey.
15 I'm sorry.

16 HEARING OFFICER JOHNSON: Kelli Kersey.
17 Okay. There is a lot of Ks to deal with.

18 MS. KERSEY: My name is Sarah.

19 MS. PECK: I'm from Jonesboro. Where he's
20 from.

21 COURT REPORTER: I can't hear you.

22 MS. PECK: I'm from Jonesboro where he's
23 from.

24 HEARING OFFICER JOHNSON: Identify
25 yourself for the record.

COSMETOLOGY TECHNICAL ADVISORY COMMITTEE, 11/18/13

1 MS. PECK: Jessica. And --

2 HEARING OFFICER JOHNSON: You are asking
3 is it --

4 MS. PECK: I know of him.

5 HEARING OFFICER JOHNSON: You know of him?

6 MS. PECK: Uh-huh. So do I --

7 HEARING OFFICER JOHNSON: Is there
8 anything that you know of him that would
9 prevent you from being impartial in considering
10 this matter today?

11 MS. PECK: I don't know. I don't guess
12 so. I think your --

13 HEARING OFFICER JOHNSON: Do you have any
14 objection to Ms. Peck considering this matter,
15 Mr. -- Mr. Cobbs?

16 MR. COBBS: No.

17 HEARING OFFICER JOHNSON: You don't?

18 MR. COBBS: No.

19 HEARING OFFICER JOHNSON: Okay. All
20 right. Then --

21 MS. PITMAN: Sorry.

22 HEARING OFFICER JOHNSON: Then Ms. Peck
23 will remain on the board in the consideration
24 of this matter.

25 All right. Thank you for bringing that to

COSMETOLOGY TECHNICAL ADVISORY COMMITTEE, 11/18/13

1 the board's attention, though.

2 MS. PECK: Okay.

3 HEARING OFFICER JOHNSON: All right.

4 Okay. And, Mr. Cobbs, I just ask that you
5 speak up and -- so that you can be heard by
6 Ms. Whitson, and I'm going to swear you in
7 along with the other witnesses. Mr. Cobbs,
8 Ms. -- Mr. Lester and Ms. Kersey, would you
9 raise your right hand?

10 MS. KERSEY: Oh.

11 HEARING OFFICER JOHNSON: Oh, Ms. Lester,
12 I'm sorry. Please, I stand corrected. Okay.

13 (WHEREUPON, the witnesses were sworn by
14 the Hearing Officer.)

15 HEARING OFFICER JOHNSON: All right.

16 Thank you both -- thank you, all.

17 Okay. We are going to combine both of
18 these hearings. I understand they involve
19 common issues of fact and law, and these
20 matter -- these -- both of these matters are
21 before the board to determine whether there has
22 in fact been a violation of the rules and
23 regulations that govern the cosmetology
24 committee -- industry.

25 All right. Is there anything we need to

COSMETOLOGY TECHNICAL ADVISORY COMMITTEE, 11/18/13

1 take up before you begin with your testimony of
2 your witnesses, Ms. Pitman?

3 MS. PITMAN: Yes, ma'am. There is two
4 packets of information.

5 HEARING OFFICER JOHNSON: All right.

6 MS. PITMAN: My colors are purple and red.

7 HEARING OFFICER JOHNSON: All right.

8 MS. PITMAN: In the matter of ADH versus
9 Kool Kutts II there are 16 pages. In the
10 matter of ADH versus Bernard Cobbs there are --
11 appears to be ten pages.

12 HEARING OFFICER JOHNSON: Ten pages.

13 All right. Does Mr. Cobbs have copies of
14 both of these documents --

15 MR. COBBS: Yes.

16 HEARING OFFICER JOHNSON: -- that you
17 referenced? You do, Mr. Cobbs?

18 MR. COBBS: Yes.

19 HEARING OFFICER JOHNSON: All right. Any
20 objection to them being considered --

21 MR. COBBS: No.

22 HEARING OFFICER JOHNSON: -- by this
23 board?

24 MR. COBBS: No.

25 HEARING OFFICER JOHNSON: All right. Then

COSMETOLOGY TECHNICAL ADVISORY COMMITTEE, 11/18/13

1 these -- both of the documents, the documents
2 after the purple tab, Pages 1 through 16, will
3 be entered into the record; as will the
4 documents after the red tab, Pages 1 through
5 10, both will be entered into the record.

6 (WHEREUPON, Exhibits Nos. 1 through 16 and
7 1 through 10 were received in evidence.)

8 HEARING OFFICER JOHNSON: Okay.
9 Ms. Pitman, you may call your first witness.

10 MS. PITMAN: Yes, ma'am. And before I do,
11 the board can take notice of the rules and regs
12 and the statutes governing cosmetology.

13 HEARING OFFICER JOHNSON: All right. The
14 rules and regulations, we will take judicial
15 notice of the rules and regulations that govern
16 the cosmetology board.

17 MS. PITMAN: Thank you. And call
18 Ms. Lester.

19 HEARING OFFICER JOHNSON: All right.
20 Ms. Lester.

21 WHEREUPON,

22 LAVONNE LESTER,
23 having been called for examination, and having been first
24 duly sworn by the Hearing Officer Johnson, was examined
25 and testified, as follows:

COSMETOLOGY TECHNICAL ADVISORY COMMITTEE, 11/18/13

1 DIRECT EXAMINATION

2 BY MS. PITMAN:

3 Q Please state your name and where you work.

4 A Lavonne Lester, Arkansas Department of Health,
5 Cosmetology Inspector.6 Q All right. And as a Cosmetology Inspector, did you
7 inspect Kool Kutts II, the salon owned by Mr. Cobbs?

8 A I did.

9 Q Okay. What days did you inspect it?

10 A On 4/25 of '13, and -- oh -- oh, I had two. I think
11 both of mine are the same.

12 MS. KERSEY: Should be Page 13.

13 BY MS. PITMAN:

14 Q It's Page 13.

15 A Okay. And 10/4 of 2012.

16 Q Okay. Starting with the inspection on April 25,
17 2013, when you went that day, was that in response to a
18 complaint or a routine inspection?

19 A Routine inspection.

20 Q And what did you find?

21 A I found that the salon license and the practitioner
22 license had both expired.

23 Q Whose practitioner's license?

24 A Bernard Cobbs'.

25 Q And what specific violations did you note in your

COSMETOLOGY TECHNICAL ADVISORY COMMITTEE, 11/18/13

1 inspection report?

2 A The salon license was current, practitioner has
3 current Arkansas license, and all posted license are
4 current.

5 Q When did Mr. Cobbs' license expire?

6 A 8/13 of 2012.

7 Q And this is on Page 7 of the hearing packet; is that
8 correct?

9 A Well, I've got six.

10 Q Oh, let me --

11 A Let me see, let me see this. I've got two. Yes,
12 seven.

13 Q Page 7?

14 A Got it.

15 Q Okay. When did the salon license expire?

16 A It would have been 12/31 of 2012.

17 Q Okay. And on that date, the 4/25 date, did
18 Mr. Cobbs sign an inspection or violation acknowledgment?

19 A Yes, he did.

20 Q Is that Page 8 in the hearing packet, is what I have
21 it at. What do you have checked there? You have
22 Rule 6.1. What is that?

23 A That's licensing.

24 Q Okay. And Mr. Cobbs himself signed that
25 acknowledgment noting that that violation --

COSMETOLOGY TECHNICAL ADVISORY COMMITTEE, 11/18/13

1 A He did.

2 Q Okay. When you went back out on August -- I mean,
3 not August, October 4th, what did you find?

4 A Well, I think the October was in 2012, so it was
5 actually before my April.

6 Q Sorry, I didn't -- you are correct.

7 Okay. So when you went for the first time, that
8 October 4, 2012 date, what did you find?

9 A In October I found that the salon license were not
10 current, and that all posted license were not current,
11 and also at that time he had a large pile of hair on the
12 floor, so I cited him for that.

13 Q Okay. And at that time his personal cosmetologist
14 license was current; is that correct?

15 A They were current at that time. Yes.

16 Q Okay. Well, they were?

17 A Oh --

18 Q But he was not cited for that at that time?

19 A No, he was not.

20 Q Okay.

21 HEARING OFFICER JOHNSON: So, the answer
22 to that question, Ms. Lester, is they were
23 current?

24 THE WITNESS: (Shaking head from side to
25 side.)

COSMETOLOGY TECHNICAL ADVISORY COMMITTEE, 11/18/13

1 HEARING OFFICER JOHNSON: They were not
2 current?

3 THE WITNESS: Were not.

4 HEARING OFFICER JOHNSON: Okay. I just
5 wanted to --

6 MS. PITMAN: Just to clarify.

7 HEARING OFFICER JOHNSON: Yes, thank you.

8 BY MS. PITMAN:

9 Q You've noted on here that his license expires on
10 what day?

11 A 8/13/2012.

12 Q Okay. And the day you went out was on October 4,
13 2012?

14 A Yes, it was.

15 Q Okay. And then you went back in April of 2013, and
16 at that time you cited him for not having a current
17 license?

18 A For both, yes.

19 Q Okay. Have you been back to Kool Kutts II since
20 April 22, 2013?

21 A No, I have not.

22 Q And, Ms. Lester, as of today, do you have any
23 knowledge of whether or not Mr. Cobbs has renewed his
24 salon license?

25 A I don't know, I don't have that information.

COSMETOLOGY TECHNICAL ADVISORY COMMITTEE, 11/18/13

1 Q Or his cosmetologist license? When you went back
2 out on the April 25th date, was there hair in the
3 floor?

4 A No.

5 Q Any other health or safety concerns that you noted
6 in the salon that day?

7 A (Shaking head from side to side.)

8 Q So that -- that violation had been remedied by that
9 time?

10 A (Nodding head up and down.)

11 Q When Mr. Cobbs signed these acknowledgment forms,
12 did he say anything in response to these violations that
13 are listed?

14 A No.

15 MS. PITMAN: No other questions at this
16 time.

17 HEARING OFFICER JOHNSON: All right. All
18 right. Mr. Cobbs, did you have any specific
19 questions for Ms. Lester?

20 MR. COBBS: No.

21 HEARING OFFICER JOHNSON: Okay. All
22 right. Your next witness, Ms. Pitman?

23 MS. PITMAN: Call Ms. Kersey.

24 WHEREUPON,

25 KELLI KERSEY,

COSMETOLOGY TECHNICAL ADVISORY COMMITTEE, 11/18/13

1 having been called for examination, and having been first
2 duly sworn by the Hearing Officer Johnson, was examined
3 and testified, as follows:

4 DIRECT EXAMINATION

5 BY MS. PITMAN:

6 Q Ms. Kersey, would you state your name and where you
7 work.

8 A Kelli Kersey, Arkansas Department of Health,
9 Cosmetology Section, Section Chief.

10 Q And doing these in order this time, starting with
11 the October inspection, did you send out a violation
12 letter after you received that cosmetology report?

13 A Yes, we did.

14 Q And that letter is, I think, located on Page 12.
15 When did you send that?

16 A Correct. November 14, 2012.

17 Q Okay. What penalties did you cite Mr. Cobbs for in
18 that letter?

19 A It was \$350, his salon license was not current,
20 sorry about that, and all posted license were not
21 current, and a health and safety violation for the hair
22 being on the floor.

23 Q Did you hear from Mr. Cobbs regarding that?

24 A We did. He was actually scheduled for a hearing
25 last time, and he called to say that he was going to pay

COSMETOLOGY TECHNICAL ADVISORY COMMITTEE, 11/18/13

1 it. We sent him a new establishment license form and --
2 because his license had been expired for a year, so you
3 have to do a new establishment after it's expired for a
4 year, and he still has not paid, and when she went back
5 out he received another violation, so now we're doing
6 both hearings because he didn't show up last time and did
7 not pay.

8 Q Okay. So he was scheduled to have a hearing in
9 September?

10 A Yes.

11 Q Okay. And that's when he did not show up?

12 A Correct.

13 Q And just so that I'm understanding, you're saying he
14 did not show up at that time because he had said he was
15 going to pay the violation?

16 A Correct.

17 Q Okay. On December 21, 2012, did you send another
18 letter to Mr. Cobbs?

19 A Yes.

20 Q And that's located on Page 11 of the hearing packet?

21 A Correct.

22 Q What is that letter?

23 A Telling him that if he doesn't pay the fine, that
24 his license will be suspended.

25 Q Okay. And regarding the violation -- violations

COSMETOLOGY TECHNICAL ADVISORY COMMITTEE, 11/18/13

1 that were noted on the April 25th inspection --

2 A Uh-huh.

3 Q -- did you send a violation notice?

4 A We did.

5 Q And what -- what did you cite him for in that
6 violation?

7 A Salon license not current and allowing a person to
8 work there without a current license, which is Mr. Cobbs
9 himself, and all posted license -- all license that were
10 posted were not current.

11 Q Okay. And what was the recommended penalty for
12 those?

13 A \$400.

14 Q And when was that sent?

15 A And that was sent June 3rd.

16 Q Have you heard from Mr. Cobbs regarding that letter?

17 A I do not know.

18 Q Okay. And then there were two notices of hearing
19 sent out, one for Kool Kutts II, and one for Mr. Cobbs
20 himself; is that correct?

21 A Correct.

22 Q For the one for Kool Kutts II, when did you send it?

23 A October 29, 2013.

24 Q And did Mr. Cobbs sign for that?

25 A Do you see it?

COSMETOLOGY TECHNICAL ADVISORY COMMITTEE, 11/18/13

1 Q Did Mr. Cobbs have notice of the hearing?

2 A Yes.

3 Q Is he here today?

4 A Yes, he's here.

5 I don't see it. The notice was left October 31,

6 2013 --

7 Q Okay.

8 A -- at his address.

9 Q And you're getting that from Page 4?

10 A Yes.

11 Q The product and tracking information?

12 A Correct.

13 Q Looking at the notice of hearing on Kool Kutts II
14 salon, it appears that Mr. Cobbs was cited for operating
15 without a current valid license on 10/4 and 4/25?

16 A Correct.

17 Q Allowing himself to work without a current or valid
18 license on 4/25?

19 A Correct.

20 Q And the salon not having a posted license on 10/4
21 and 4/25?

22 A Correct.

23 Q Okay. The notice of hearing on Mr. Cobbs himself,
24 just simply that he was found working without a valid or
25 current license on 4/25 and he was not posted on 4/25?

COSMETOLOGY TECHNICAL ADVISORY COMMITTEE, 11/18/13

1 A Correct.

2 Q Those are the only violations that we're here to
3 discuss today; is that right?

4 A Correct.

5 Q And both notices of hearing tell Mr. Cobbs that the
6 hearing is going to be held today, November 18, at
7 9:00 a.m. in Room 801 of this building?

8 A Correct.

9 Q Okay. Ms. Kersey, since the time you sent these
10 notices of hearing, have you heard from Mr. Cobbs?

11 A I have not personally heard from him, no.

12 Q Has he renewed his personal cosmetologist license or
13 his salon license?

14 A No. Neither one.

15 Q Has he attempted to pay either violation fee?

16 A No, ma'am.

17 Q What is your recommendation today regarding the
18 penalty for all of the combined violations?

19 A \$750.

20 MS. PITMAN: Okay. No other questions at
21 this time.

22 HEARING OFFICER JOHNSON: All right.
23 Mr. Cobbs, do you have any questions for
24 Ms. Kersey?

25 MR. COBBS: No.

COSMETOLOGY TECHNICAL ADVISORY COMMITTEE, 11/18/13

1 HEARING OFFICER JOHNSON: All right.

2 MR. COBBS: Well, I mean, everything that
3 she said was -- you know, I contact -- I never
4 talked to her about it. I contact whoever is
5 in the office, and they told me -- well, I was
6 going to pay it Friday but when they told me
7 how much it was, I said, well, I can't pay that
8 much Friday, so they told me just come up
9 today.

10 HEARING OFFICER JOHNSON: So, are you
11 saying --

12 MR. COBBS: I mean the -- the license is
13 correct, I mean -- I'm just going through a lot
14 of time with my mother, she's been in the
15 hospital and just an overlooking of the dates,
16 that's all.

17 HEARING OFFICER JOHNSON: Okay. So you
18 are -- you are -- are you asking for time to
19 pay it or --

20 MR. COBBS: That's all. Uh-huh.

21 HEARING OFFICER JOHNSON: Some
22 arrangements of some type?

23 MR. COBBS: (Nodding head up and down.)

24 HEARING OFFICER JOHNSON: Okay. All
25 right. Any -- any questions?

COSMETOLOGY TECHNICAL ADVISORY COMMITTEE, 11/18/13

1 Or was there anything else you wanted to
2 say with regard to this?

3 MR. COBBS: No, she -- it's correct.
4 Everything is correct.

5 HEARING OFFICER JOHNSON: Okay. All
6 right. Ms. Pitman, do you have any questions
7 for Mr. Cobbs?

8 WHEREUPON,

9 BERNARD COBBS,
10 having been called for examination, and having been first
11 duly sworn by the Hearing Officer, was examined and
12 testified, as follows:

13 CROSS-EXAMINATION

14 BY MS. PITMAN:

15 Q I would just like to clarify, you said you called up
16 to our office, or to the cosmetology office. When was
17 that?

18 A Well, I called -- I called Friday and I called in
19 September when they changed my date until -- to this one.

20 Q And is that -- the one you're talking about when you
21 called in September, the conversation Ms. Kersey was
22 referring to, where she said you had paid -- wanted to
23 pay so we took the hearing off for September? Is that --

24 A (Shaking head from side to side.)

25 Q Okay. What conversation was that, then?

COSMETOLOGY TECHNICAL ADVISORY COMMITTEE, 11/18/13

1 A Well, I guess that's -- must have been what it was.

2 Q Okay. And then you called last Friday?

3 A Yes.

4 MS. PITMAN: Okay. That's all. I just
5 wanted to clarify that.

6 HEARING OFFICER JOHNSON: Okay. All
7 right. Does the board have any questions for
8 Mr. Cobbs? Anybody on the board?

9 Okay. Anything further from you,
10 Ms. Pitman?

11 MS. PITMAN: No, ma'am.

12 HEARING OFFICER JOHNSON: Okay. Is the
13 board ready to deliberate?

14 MS. ANDERSON: I do have a question.

15 HEARING OFFICER JOHNSON: Okay. Okay.

16 MS. ANDERSON: For Ms. Kersey.

17 Okay. So that this -- the original fine
18 is 400 but it's been extended to 750 because it
19 hasn't been paid?

20 MS. KERSEY: There is two fines.

21 MS. ANDERSON: There is two fines, it's
22 two together?

23 MS. KERSEY: Yeah.

24 MS. ANDERSON: Okay. Thank you. That's
25 350 and the other one is four?

COSMETOLOGY TECHNICAL ADVISORY COMMITTEE, 11/18/13

1 MS. KERSEY: Right.

2 MS. ANDERSON: Okay.

3 MR. COBBS: Okay. I got a question. You
4 say I was charged for the pile of hair on the
5 floor? Is that a violation for that?

6 HEARING OFFICER JOHNSON: Okay. That
7 question should probably either --

8 MR. COBBS: To Ms. --

9 HEARING OFFICER JOHNSON: Be to
10 Ms. Kersey --

11 MR. COBBS: -- Ms. Kersey --

12 HEARING OFFICER JOHNSON: -- or to the
13 inspector. She -- your question was, you
14 said -- he said he had been charged for hair
15 being on the floor.

16 MS. KERSEY: Uh-huh, hair being on the
17 floor.

18 HEARING OFFICER JOHNSON: And what was
19 your --

20 MR. COBBS: Is that a -- is that a
21 monetary violation or just a violation or what?

22 HEARING OFFICER JOHNSON: Is that a
23 monetary violation? That's -- that's his
24 question.

25 MS. KERSEY: Yes, it's a monetary. It's

COSMETOLOGY TECHNICAL ADVISORY COMMITTEE, 11/18/13

1 \$50.

2 HEARING OFFICER JOHNSON: Okay. And
3 Ms. Pitman wants to speak to that issue.

4 MS. PITMAN: That was included in the
5 violation letter and in the fine that is
6 calculated for that; however, that violation is
7 not included in the notice of hearing so,
8 technically, we're not here on that issue
9 today.

10 HEARING OFFICER JOHNSON: So that
11 particular issue as far as the hair being on
12 the floor is not included in the fine
13 recommendation today, is that --

14 MS. PITMAN: It may have been but that --
15 the 50-dollar -- so is it a 50-dollar fine?

16 MS. KERSEY: Uh-huh.

17 MS. PITMAN: I think it should probably be
18 executed.

19 HEARING OFFICER JOHNSON: It probably
20 should be excluded, is what Ms. Pitman is
21 saying, so that would bring the recommendation
22 to --

23 MS. PITMAN: 700.

24 HEARING OFFICER JOHNSON: -- 700, is what
25 she's saying, okay, since it wasn't actually in

COSMETOLOGY TECHNICAL ADVISORY COMMITTEE, 11/18/13

1 the notice.

2 MR. COBBS: Yeah. She explained it to me.

3 HEARING OFFICER JOHNSON: Okay. Okay.

4 Okay. All right. Any -- any -- any further
5 questions?

6 MR. COBBS: Wait a minute. Okay. By hair
7 being on the floor, I mean, I know she
8 explained it to me, it's not in here, but when
9 we get through cutting hair, do we have to stop
10 right then and sweep the hair up right then?

11 HEARING OFFICER JOHNSON: That's -- that's
12 what Ms. Lester is trying to respond to you.
13 She is saying -- (nodding head up and down.)

14 MR. COBBS: Who is Ms. Lester?

15 HEARING OFFICER JOHNSON: The inspector.

16 MR. COBBS: Oh, okay. But when you have
17 three or four people back to back cutting their
18 hair, it's kind of hard to stop and cut -- and
19 sweep up hair and go to the next person.

20 But that's the case, then why don't you --
21 fine people for not washing their hands from
22 going from customer to customer. We don't do
23 that.

24 MS. SULLIVAN: They should or use hand
25 sanitizer.

COSMETOLOGY TECHNICAL ADVISORY COMMITTEE, 11/18/13

1 MR. COBBS: We don't do that. We don't do
2 that. I work right next door to another salon,
3 they go from one customer to another.

4 MS. PITMAN: We don't need to consider
5 that either.

6 HEARING OFFICER JOHNSON: But Ms. Lester,
7 she will answer your questions with regard
8 to --

9 MR. COBBS: She answered it.

10 HEARING OFFICER JOHNSON: Okay. Okay.
11 All right. Anything further from the board?

12 All right. Is the board ready to
13 deliberate?

14 MS. ANDERSON: Yes.

15 HEARING OFFICER JOHNSON: All right. If
16 there is no further testimony, the board will
17 go into deliberations, no further comments or
18 testimony is to be taken after this point, and
19 then the board will come back on the record
20 after they have deliberated.

21 We're off the record now.

22 (WHEREUPON, the Committee retired to
23 deliberate, off the record, from 12:24 p.m. to
24 12:26 p.m., and returned with the following
25 decision:)

COSMETOLOGY TECHNICAL ADVISORY COMMITTEE, 11/18/13

1 HEARING OFFICER JOHNSON: All right.

2 We're back on the record In The Matter of Kool
3 Kutts and In The Matter of Mr. Bernard Cobbs.
4 The board has deliberated and is ready to
5 entertain a motion.

6 MS. ANDERSON: At this time do I hear a
7 motion by the board?

8 MS. FORD: Yes. I would like to make a
9 motion that the facts presented here have been
10 substantiated, and that Kool Kutts and the
11 combination for --

12 HEARING OFFICER JOHNSON: Mr. Bernard
13 Cobbs.

14 MS. FORD: -- Bernard Cobbs, in both
15 cases, that the facts will stand and that the
16 fine of \$700, which is submitted on the
17 recommendation from the section, stand.

18 MS. SULLIVAN: I second that. I second
19 that motion.

20 MS. ANDERSON: And Wendy seconded that
21 motion, so that motion is made by Kim that
22 it's -- the facts are substantiated that Kool
23 Kutts and Mr. Bernard Cobbs will pay a fine --
24 fine for those violations of \$700 as the
25 section has suggested, and it's been seconded

COSMETOLOGY TECHNICAL ADVISORY COMMITTEE, 11/18/13

1 by Wendy.

2 All those in favor?

3 COMMITTEE MEMBERS: Aye.

4 MS. ANDERSON: Any opposed?

5 The motion carries.

6 HEARING OFFICER JOHNSON: All right. And,
7 Mr. Cobbs, with respect to payment
8 arrangements, I believe they stated you can
9 see -- Ms. Preacher is right back here, and she
10 will work out that -- that issue with you.

11 All right. And you will be receiving the
12 board's action today in written format, you
13 will have a right to appeal that from 30 days
14 from receipt of the -- of the order.

15 Thank you for being here today. And that
16 concludes this matter.

17 MS. ANDERSON: Thank you, sir.

18 (WHEREUPON, at 12:28 p.m., the
19 above-entitled proceedings were concluded.)

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COSMETOLOGY TECHNICAL ADVISORY COMMITTEE, 11/18/13

1 BEFORE THE COSMETOLOGY TECHNICAL ADVISORY COMMITTEE

2 (CTAC)

3 IN THE MATTER OF:

4 ARKANSAS DEPARTMENT OF HEALTH

PETITIONER

5 v.

6 UNIQUE NAILS & HAIR SALON

RESPONDENT

7 HEARING OFFICER JOHNSON: And we have
8 one -- we have one other matter before the
9 board, that involves Unique Nails and Hair
10 Salon. Is a representative from Unique Nails
11 and Hair Salon present today?

12 Any representative from Unique Nails and
13 Hair Salon?

14 Doesn't appear to be, but we will go ahead
15 and establish that notice has properly been
16 given.

17 Representing the board, of course, is
18 Elizabeth Pitman. And, Ms. Pitman, you will be
19 eliciting testimony from Ms. Kerri Glaude?

20 MS. PITMAN: And Ms. Kelli Kersey.

21 HEARING OFFICER JOHNSON: And Ms. Kelli
22 Kersey. Okay. All right. Ms. Kersey and
23 Ms. Glaude, if you will raise your right hand.

24 (WHEREUPON, the witnesses were sworn by
25 the Hearing Officer.)

COSMETOLOGY TECHNICAL ADVISORY COMMITTEE, 11/18/13

1 HEARING OFFICER JOHNSON: All right. And
2 with respect to documents, you have some
3 documents you want the board to consider?

4 MS. PITMAN: Yes, ma'am. There are 23
5 pages located behind, I believe, the yellow
6 tab.

7 HEARING OFFICER JOHNSON: Okay. Those 23
8 pages will be entered into the record for the
9 board's consideration and we will also take
10 judicial notice of the rules and regulations
11 that govern the Cosmetology Technical Advisory
12 Committee.

13 MS. PITMAN: Thank you.

14 (WHEREUPON, Exhibits Nos. 1 through 23
15 were received in evidence.)

16 HEARING OFFICER JOHNSON: All right. Then
17 you may begin, call your first witness.

18 MS. PITMAN: Call Ms. Kerri Glaude.

19 WHEREUPON,

20 KERRI GLAUDE,

21 having been called for examination, and having been first
22 duly sworn by the Hearing Officer, was examined and
23 testified, as follows:

24 DIRECT EXAMINATION

25 BY MS. PITMAN:

COSMETOLOGY TECHNICAL ADVISORY COMMITTEE, 11/18/13

1 Q Ms. Glaude, please tell us your name and your
2 occupation.

3 A Kerri Glaude, Arkansas Department of Health,
4 Cosmetology Inspector.

5 Q Thank you.

6 And as a cosmetology inspector, did you inspect
7 Unique Hair and Nail -- Nail and Hair Salon on July 24,
8 2013?

9 A Yes, I did.

10 Q Okay. Was that in response to a complaint?

11 A Yes.

12 Q Okay. When did you receive the complaint?

13 A Let me see here.

14 Q And, Ms. Glaude, if you will please speak louder so
15 Ms. Whitson and the recorder can pick you up.

16 HEARING OFFICER JOHNSON: So Ms. Whitson
17 can hear you.

18 THE WITNESS: We received a complaint on
19 July 19, 2013, and -- and a complaint on --
20 let's see -- well, I do have another complaint
21 but I'm not sure what the date of that
22 complaint is.

23 BY MS. PITMAN:

24 Q Is that the one located on Page 12?

25 A Twelve, yes.

COSMETOLOGY TECHNICAL ADVISORY COMMITTEE, 11/18/13

1 Q Okay. If you look on Page 13, it appears the
2 envelope where that was sent?

3 A Okay.

4 Q What does it list as the date?

5 A July 5th.

6 Q Okay. That complaint, the one you received on July
7 5th, what was it?

8 A Excuse -- what did you say? I'm sorry.

9 Q Oh, no, I'm sorry.

10 On the complaint received on July 5th, what was
11 the complaint?

12 A Oh. This person says that the nail shop was very
13 dirty, and that the employee worked there that didn't
14 have a license, and she listed a couple -- a couple of
15 names that didn't have license, I guess three names, and
16 she said they didn't have license. And that was it.

17 Q Okay. And then the one you received on July 19th,
18 what was it?

19 A It was, this girl noticed that there was other
20 people's foot crust in the shampoo bowl.

21 Q Okay. Continuing on to that email, I don't know
22 that I want to read it directly, but if you could
23 paraphrase for us exactly what happened the day that she
24 went to the salon?

25 A Okay. She -- okay. I'll just read it if you want

COSMETOLOGY TECHNICAL ADVISORY COMMITTEE, 11/18/13

1 me to. "As I walked in, I was asked to pick my color and
2 I did." I'm going to read this just as it is written.
3 "As I walked over to the spa chair, she started the water
4 and I noticed that it was other people foot crust still
5 in it. After I asked he was she gone clean that out and
6 she told me No and that I can go somewhere else. I have
7 been in the Salon before and it was fine but this time it
8 was not. I feel like that was very nasty of her to do
9 and stay that to me. I will never go back to this
10 business because I know that if that was something so
11 easy to do and she couldn't clean that what about their
12 other parts and other people that may not say anything
13 just go somewhere else that's not" -- and I think she
14 meant good business it says "go business," but --

15 Q Thank you. Thank you, Ms. Glaude.

16 What did you do in response to those complaints?

17 A I went to -- I went and did the inspection on
18 July 24th.

19 Q Okay. And what did you find on July 24th?

20 A I found that the pedicure bowls were very dirty,
21 there was residue left in the bowls.

22 Q Okay. And this is on Page 6 of the hearing packet
23 of your cosmetology inspection report?

24 A Yes. And as far as the other complaint on July
25 5th where she listed names --

COSMETOLOGY TECHNICAL ADVISORY COMMITTEE, 11/18/13

1 Q Uh-huh.

2 A -- those -- all three of those people had current
3 license.

4 Q Okay.

5 A So that was un -- not substantiated.

6 Q Okay. And you've noted that here on this inspection
7 report; is that right?

8 A Yes.

9 Q Okay. You also noted that you gave them a printout
10 on the process to clean pedi-bowls. Is that here in the
11 packet?

12 A I don't know if that -- we, recently, as inspectors
13 were given a sheet to hand out that kind of -- it -- it
14 was the directions how to disinfect jetted and non-jetted
15 pedicure bowls, but I don't see it in here.

16 Q All right. And that's the material you're referring
17 to?

18 A Yes.

19 Q What is Page 9 that has "void" all over it, but
20 Page 9 of the packet?

21 A Oh, that is my report of complaint that I had to --
22 to -- to write out after I had done the inspection.

23 Q Okay. And this explains your finding and again says
24 that they were given a printout; is that right?

25 A Yes.

COSMETOLOGY TECHNICAL ADVISORY COMMITTEE, 11/18/13

1 Q Have you been back to Unique Nails and Hair Salon
2 since --

3 A No.

4 Q -- July 24th?

5 A No, ma'am.

6 Q So, to your knowledge, you don't know if they have
7 corrected this problem?

8 A No, ma'am.

9 Q Who signed for the inspection report?

10 A By looking at the signature, I can't swear to it,
11 but I believe it was Koseng Vixay.

12 Q Okay. And if you look at Page 7 on the inspection
13 or violation acknowledgment, that's the salon owner?

14 A Yes.

15 Q Okay. And so the owner was aware of these
16 violations? Did Koseng Vixay say anything in response to
17 them?

18 A Actually, at the time, they acted appreciative that
19 I had shown them how to clean their bowls, and he knew I
20 was there to inspect a complaint.

21 Q Okay. Is there anything else you would like the
22 committee to consider today about your inspection on July
23 24th?

24 A No.

25 MS. PITMAN: Okay. No other questions.

COSMETOLOGY TECHNICAL ADVISORY COMMITTEE, 11/18/13

1 HEARING OFFICER JOHNSON: All right. Does
2 the board have any other questions for
3 Ms. Glaude?

4 Okay. Then you may question Ms. Kersey.

5 WHEREUPON,

6 KELLI KERSEY,
7 having been called for examination, and having been first
8 duly sworn by the Hearing Officer, was examined and
9 testified, as follows:

10 DIRECT EXAMINATION

11 BY MS. PITMAN:

12 Q Ms. Kersey, would you please tell us your name and
13 occupation?

14 A Kelli Kersey, Arkansas Department of Health,
15 Cosmetology Section, Section Chief.

16 Q And were you aware of the inspection conducted on
17 July 24, 2013?

18 A Yes, ma'am.

19 Q And did you send out a violation letter?

20 A Yes, ma'am.

21 Q That is on Page 17?

22 A Uh-huh.

23 Q Okay. When did you send it?

24 A April 20 -- I mean August 23, 2013.

25 Q And what is the citation for?

COSMETOLOGY TECHNICAL ADVISORY COMMITTEE, 11/18/13

1 A Let me look. Equipment and furnishing, fixtures
2 clean and repaired, they are not. It's in the health and
3 safety violation.

4 Q And the penalty asked for in the letter?

5 A Fifty dollars.

6 Q And did Mr. -- I forgot his name -- did the owner of
7 the salon contact you in response to that letter,
8 Mr. Vixay?

9 A No. Did he? No. Huh-uh.

10 Q Okay.

11 A I'm like, huh?

12 Q Did you send out a notice of hearing for today's
13 hearing?

14 A I did, yes.

15 Q And that's located on Page 1 of the packet?

16 A Yes.

17 HEARING OFFICER JOHNSON: I'm sorry. What
18 page?

19 MS. PITMAN: Page 1.

20 HEARING OFFICER JOHNSON: Okay.

21 BY MS. PITMAN:

22 Q In that notice of hearing, you stated that the
23 inspection was for equipment, furnishing, and fixtures
24 that were not clean?

25 A Yes.

COSMETOLOGY TECHNICAL ADVISORY COMMITTEE, 11/18/13

1 Q Okay.

2 A Yes. No. 2.

3 Q All right. And did you notify him that the hearing
4 would be held today, November 18, 2013, at 9:00 a.m.?

5 A Yes. Yes, I did.

6 Q And is there anyone here today representing Unique
7 Hair and Nail Salon?

8 A Not to my knowledge.

9 Q Okay. Did you send this by certified mail?

10 A I did.

11 Q What day?

12 A October 29.

13 Q And somebody signed for it?

14 A They did.

15 Q What day?

16 A It is not dated again.

17 Q It is not?

18 A Huh-uh.

19 Q Can you tell from that who did sign for it?

20 A Oh, looks like Koseng --

21 HEARING OFFICER JOHNSON: Koseng Vixay?

22 BY MS. PITMAN:

23 Q Okay. So, the owner?

24 A The owner, yes.

25 MS. PITMAN: No other questions.

COSMETOLOGY TECHNICAL ADVISORY COMMITTEE, 11/18/13

1 HEARING OFFICER JOHNSON: All right. Does
2 the board have any questions for Ms. Kersey?
3 Ms. Kimberly?

4 MS. FORD: Yes. I have a -- I'm seeing
5 7/24, the inspection on 7/24 is what we're
6 doing today?

7 THE WITNESS: (Nodding head up and down.)

8 MS. FORD: And that's it? That's all
9 that's included in this particular hearing?

10 THE WITNESS: The committee --

11 MS. FORD: Is that --

12 THE WITNESS: Yes. But on the notice of
13 hearing that's listed, the paid violation from
14 before, because the committee voted that if
15 they get three violations of the same
16 violation, health and safety, licensing,
17 whatever, you know --

18 MS. FORD: Uh-huh.

19 THE WITNESS: -- then they were going to
20 be brought before the committee.

21 MS. FORD: Okay.

22 THE WITNESS: So this is your record, I
23 mean, yes, they have paid them, but this is
24 your record showing that this is their third.
25 It's actually their fourth, but --

COSMETOLOGY TECHNICAL ADVISORY COMMITTEE, 11/18/13

1 MS. FORD: Okay.

2 MS. KERSEY: Because on 6/18 it's not been
3 paid, that one has not been paid, and now
4 7/24 hasn't.

5 MS. FORD: So we have two?

6 THE WITNESS: Correct.

7 MS. PITMAN: However --

8 THE WITNESS: Yeah, however. Yeah.

9 MS. PITMAN: Two have not been paid, but
10 only one was brought on the notice of hearing,
11 the equipment, furnishings, fixtures are not
12 clean.

13 MS. FORD: But the pack was put in there
14 because of the new regulation or what was --

15 THE WITNESS: Right.

16 HEARING OFFICER JOHNSON: Did you have a
17 question?

18 MS. JACKSON: Well, what is the -- what is
19 the new regulation? What were you saying,
20 if -- if they have three?

21 THE WITNESS: It's not a regulation.

22 MS. JACKSON: Okay.

23 THE WITNESS: It's just something that the
24 previous committee voted on and put into effect
25 that, if they had three consecutive violations

COSMETOLOGY TECHNICAL ADVISORY COMMITTEE, 11/18/13

1 of the same, like, either health and safety,
2 licensing, or, you know, etc., then they were
3 to be brought before the committee, even if
4 they paid them, because all they are doing is
5 getting the violation and then just paying
6 them, they felt like they needed a little
7 more --

8 MS. JACKSON: And brought before the
9 committee to --

10 THE WITNESS: For the hearing, just so
11 that --

12 MS. JACKSON: Period?

13 THE WITNESS: Period. Yeah.

14 MS. JACKSON: Even if they paid it? Is
15 that what you're saying?

16 THE WITNESS: They don't get the option to
17 pay it on the third time.

18 MS. JACKSON: Okay.

19 THE WITNESS: We send them a notice of
20 hearing that they have to come here. They
21 don't -- they don't get the letter that says if
22 you wish to pay or you wish to have a hearing,
23 they have to have a hearing on the third time.

24 BY MS. PITMAN:

25 Q Ms. Kersey, I meant -- forgot to ask you, what is

COSMETOLOGY TECHNICAL ADVISORY COMMITTEE, 11/18/13

1 your recommended penalty for today?

2 A Fifty dollars, I believe, it is. Was that it? Yes.
3 I'm sorry. I'm not there.

4 MS. STEELE: Yeah, you have 50 down.

5 THE WITNESS: Yeah, \$50.

6 MS. ANDERSON: I have a quick question.

7 So in this case when they have been
8 brought before the committee and they don't
9 appear at the committee, then it's the
10 committee's responsibility to endorse that
11 penalty, of course, but what -- what happens
12 with the next violation? Is there a -- is
13 there anything else that the previous committee
14 just wanted to see happen or what -- what was
15 the purpose of that, basically? I mean kind of
16 like Angela's question, I think, I'm asking.

17 THE WITNESS: Well, the -- I mean our --
18 the recommendation is \$50, that's what a health
19 and safety is.

20 MS. ANDERSON: Uh-huh.

21 THE WITNESS: But I believe the reason
22 that they wanted it to come before the
23 committee is so that you could maybe give them
24 more of a penalty, just they needed a little
25 more accountability than just giving them a

COSMETOLOGY TECHNICAL ADVISORY COMMITTEE, 11/18/13

1 50-dollar fine and just saying, okay, you're
2 just going to continue to do that, continue to
3 do that. If you brought them before the
4 committee, even if they don't show, we're still
5 having a hearing, and you guys get to decide if
6 you want to put a stiffer penalty on them to
7 hold them a little more accountable so they
8 will hopefully detour them from continuing on.

9 So is that out of line?

10 HEARING OFFICER JOHNSON: No.

11 THE WITNESS: Okay.

12 MS. FORD: Can I answer the question? I
13 was a part of that committee.

14 THE WITNESS: Yes, she was a part of the
15 committee. Yeah.

16 MS. FORD: And the reason why we thought
17 is because we had continually people coming
18 before or people being on our paid fine
19 violations for the same offenses continually,
20 continually, continually. And with that being,
21 the safety issue of the public's health was of
22 more concern to us than the violation itself --
23 or the fine itself. So we thought by forcing
24 them to come here, that it was -- allowed them
25 to maybe get assessed not only a stiffer

COSMETOLOGY TECHNICAL ADVISORY COMMITTEE, 11/18/13

1 penalty but that maybe we could mandate or
2 get -- make sure that they have clarity and
3 understanding about our health and safety
4 regulations. Because some of these things can
5 kick off major, major infections, bacterias and
6 it's huge. Safety and sanitation is huge.
7 We're dealing with the public. And if I can
8 continually file your nails or scrub your feet
9 or pick your cuticles off with the same dirty
10 implements and blood particles and body fluids
11 are being transferred, we're going to have a
12 major health issue.

13 MS. MALLORY: Can I add to that?

14 MS. PITMAN: Yes.

15 MS. MALLORY: Plus it gives us a public
16 record of -- of the violations, I mean, it's
17 not like they can just pay that and you can't
18 see it. This is a public record which is
19 posted on our website.

20 MS. FORD: Yes, and the public can know --

21 MS. SULLIVAN: Yes.

22 MS. FORD: -- who -- who is running these
23 types of businesses. This is more for the
24 public welfare.

25 MS. ANDERSON: Thank you for bringing us

COSMETOLOGY TECHNICAL ADVISORY COMMITTEE, 11/18/13

1 as a committee up to date.

2 COURT REPORTER: I didn't hear that.

3 MS. ANDERSON: I said thank you for
4 bringing us as a committee up to date.

5 HEARING OFFICER JOHNSON: All right. Is
6 there anything further from you, Ms. Pitman, or
7 from the board?

8 MS. PITMAN: I just ask the board to
9 remember that they can also assess -- I mean
10 civil penalties, but also revocation,
11 suspension, and probation of a license is also
12 on the table.

13 HEARING OFFICER JOHNSON: All right. Is
14 the board ready to deliberate?

15 All right. Then we are going to go off
16 the record and I'm going to allow the board to
17 deliberate.

18 (WHEREUPON, the Committee retired to
19 deliberate, off the record, from 12:45 p.m. to
20 , and returned with the following
21 questions:)

22 HEARING OFFICER JOHNSON: In the Matter of
23 Unique Nail Salon and Spa, the board will come
24 back on the record to pose a question to the
25 attorney.

COSMETOLOGY TECHNICAL ADVISORY COMMITTEE, 11/18/13

1 MS. ANDERSON: Okay. If we are -- if we
2 are able to suspend his license until they come
3 before the board, until they appear before the
4 board, or a penalty of this -- of this third
5 violation, is that something that we can do at
6 this time?

7 MS. PITMAN: I don't see why -- you know,
8 you're given the authority to suspend, revoke
9 or place on probation the license.

10 MS. ANDERSON: And so --

11 MS. SULLIVAN: And so suspension of his
12 license upon payment of --

13 MS. PECK: So the salon has until
14 January --

15 MS. ANDERSON: Salon and the
16 practitioner's.

17 MS. SULLIVAN: Can we suspend the
18 practitioner's as well?

19 MS. ANDERSON: It's only for the salon, so
20 we can only discuss the salon, the owner of the
21 salon. Any other questions for --

22 MS. STEELE: And how long will it take
23 them to have a hearing?

24 MS. SULLIVAN: It would be January.

25 MS. PITMAN: It would be January.

COSMETOLOGY TECHNICAL ADVISORY COMMITTEE, 11/18/13

1 MS. SULLIVAN: Twenty-seventh or whatever
2 that was.

3 MS. PITMAN: It would be January.

4 MS. FORD: And I think that when you're
5 sent a hearing notice and you disregard it,
6 it's disrespectful of the law but also for the
7 section, for this committee, and everybody else
8 in the industry that's trying to do right, and
9 also, I mean, you're putting the public at risk
10 because you don't want to correct your mistakes
11 and it's obvious, and I think that if it were a
12 mistake, they would come here and they would
13 pay that in this particular case.

14 MS. ANDERSON: Oh, do we want -- we would
15 like to go back off the record so we can
16 continue to discuss this.

17 HEARING OFFICER JOHNSON: We're going
18 off -- we're off the record now.

19 (WHEREUPON, the Committee retired to
20 deliberate, off the record, from 12:49 p.m. to
21 12:50 p.m., and returned with the following
22 question:)

23 HEARING OFFICER JOHNSON: Okay. We are
24 going back on the record in this matter to
25 clarify an issue.

COSMETOLOGY TECHNICAL ADVISORY COMMITTEE, 11/18/13

1 MS. PITMAN: Okay.

2 MS. ANDERSON: Thank you.

3 MS. PITMAN: It's not that you can't do
4 what you're proposing, I think you legally can.
5 He's been notified that revocation, probation,
6 or suspension is on the table. The
7 practicality of that, though, I don't know how
8 that's going to work.

9 You might -- I would recommend, and I
10 don't know, I've talked to Ms. Mallory about
11 it, we would recommend doing -- starting with a
12 probation, you know, in which you would say
13 your license could be revoked or suspended if
14 you have another violation, you will have to
15 come before the board, because the --

16 MS. ANDERSON: Steps.

17 MS. PITMAN: -- it kind of builds on that.

18 MS. ANDERSON: Okay.

19 MS. PITMAN: And you can deliberate upon
20 that as well.

21 MS. ANDERSON: We would like to go back
22 off the record.

23 MS. KERSEY: Well --

24 MS. PITMAN: Wait, before you do.

25 MS. ANDERSON: Before you do, she's got

COSMETOLOGY TECHNICAL ADVISORY COMMITTEE, 11/18/13

1 something.

2 MS. KERSEY: If it -- I mean, when they
3 have a violation, we -- in our eyes, they are
4 already suspended, so they can't renew until
5 they pay their violation, so that is kind of
6 not --

7 MS. PECK: Okay.

8 MS. KERSEY: Okay?

9 MS. PECK: Yeah.

10 MS. KERSEY: They don't know that it's
11 suspended until they call us and we say, okay,
12 you've got to pay this violation, so we don't
13 send them a thing that says your license is
14 suspended.

15 MS. FORD: What -- what if they then send
16 them a letter saying your license has been
17 suspended. Are we on the --

18 HEARING OFFICER JOHNSON: Yeah, and I'm
19 thinking that's a -- probably a good question
20 to pose in light of the fact that if you're
21 revoking someone's license for their
22 livelihood, that's a property right and they
23 might have to have due notice.

24 MS. KERSEY: Yeah, if they do it, yeah.

25 MS. PITMAN: Well, no, we can do it

COSMETOLOGY TECHNICAL ADVISORY COMMITTEE, 11/18/13

1 pending a hearing for health and safety
2 violations. We will discuss that later in the
3 office.

4 MS. KERSEY: Okay. Yeah, sorry. Yeah,
5 but I mean, in our eyes, they can't do it, in
6 the system they can't do it, just saying they
7 can't go online and renew their license if they
8 have a violation.

9 MS. PITMAN: But for clarification, that's
10 pending a hearing --

11 MS. KERSEY: Yes, yes.

12 MS. PITMAN: -- that's not, if you choose
13 to take different action, that's all out.

14 MS. MALLORY: That's two separate issues.

15 MS. KERSEY: Yes. Yes. Sorry.

16 MS. ANDERSON: So anything else that you
17 would like to educate us on or share with us or
18 are we ready to go back off the record?

19 MS. PITMAN: Do what? I'm sorry.

20 MS. ANDERSON: Anything else you want to
21 share with us before we go back off the record
22 to decide what we're going to do?

23 MS. PITMAN: I don't think so.

24 HEARING OFFICER JOHNSON: All right.

25 We're back off the record.

COSMETOLOGY TECHNICAL ADVISORY COMMITTEE, 11/18/13

1 (WHEREUPON, the Committee retired to
2 deliberate, off the record, from 12:53 p.m. to
3 12:55 p.m., and returned with the following
4 question:)

5 HEARING OFFICER JOHNSON: We're back on
6 the record, first of all. Okay.

7 MS. JACKSON: Don't answer --

8 HEARING OFFICER JOHNSON: Go ahead.

9 MS. JACKSON: Since they are already
10 suspended because they have something that's
11 not paid, but they are still working --

12 MS. PITMAN: Can I clarify this?

13 MS. KERSEY: Yes, clarify.

14 MS. PITMAN: We cannot summarily suspend a
15 license.

16 MS. JACKSON: Correct.

17 MS. PITMAN: What we do is we issue a
18 violation letter and say you have to either pay
19 the violation or have a hearing before that
20 license -- before you can reinstate it. They
21 have a right -- you're the only guys that can
22 summarily -- that can suspend the license, we
23 cannot do that without coming in front of you.
24 So we don't suspend, all we say is you can't --
25 you either have to pay the violation or you

COSMETOLOGY TECHNICAL ADVISORY COMMITTEE, 11/18/13

1 have to come for a hearing, that's what we say,
2 if that makes sense.

3 MS. SULLIVAN: And they have done neither?

4 MS. PITMAN: Right, they have done
5 neither.

6 MS. JACKSON: But their license could
7 still be current on the wall date wise?

8 MS. PITMAN: Right.

9 MS. JACKSON: So it's --

10 MS. ANDERSON: Until --

11 MS. JACKSON: They can ignore it until
12 they have to renew; is that right?

13 MS. PITMAN: Yeah. Because we cannot --
14 they have to have due notice and the right to
15 be here before we suspend license.

16 HEARING OFFICER JOHNSON: Right. And the
17 only -- only disciplinary action you can take
18 toward them for not having paid that fine is
19 here today by virtue of this hearing.

20 MS. PITMAN: Uh-huh.

21 HEARING OFFICER JOHNSON: So that's the
22 remedy for that. Not -- you can't do it before
23 you have the hearing.

24 MS. FORD: Right.

25 MS. KERSEY: Right.

COSMETOLOGY TECHNICAL ADVISORY COMMITTEE, 11/18/13

1 MS. PITMAN: So if you want to say your
2 license is suspended until you pay a penalty,
3 you can do that.

4 MS. JACKSON: Okay.

5 MS. FORD: So we would --

6 HEARING OFFICER JOHNSON: Your point was
7 that -- that there was --

8 MS. PITMAN: We can't.

9 HEARING OFFICER JOHNSON: -- a progression
10 of -- and that it might, you know, be more -- I
11 don't know, make more sense to consider the
12 grades of --

13 MS. PITMAN: When we're looking at appeal,
14 which, you know, I don't know if they will
15 appeal or not, when you're looking at appeal,
16 the argument is stronger if it's done by the
17 step-by-step process and give them a chance to
18 correct the violation to justify and then to a
19 higher board or a court.

20 HEARING OFFICER JOHNSON: Right, instead
21 of jumping to revocation.

22 MS. JACKSON: So if there -- again, I
23 don't know what we're supposed to talk about,
24 you can give them a thousand dollar fine and
25 say your license is suspended until that fine

COSMETOLOGY TECHNICAL ADVISORY COMMITTEE, 11/18/13

1 is paid, if it happens again on a fifth
2 violation, we will revoke your license?

3 MS. PITMAN: Well, that's probation.

4 MS. JACKSON: Okay.

5 MS. PITMAN: What you're talking about,
6 probation is where we're putting your license
7 on probation, with the understanding that you
8 could be suspended or revoked if you have
9 another violation.

10 MS. JACKSON: Okay.

11 MS. SULLIVAN: They need to be put on
12 probation in, my opinion.

13 COURT REPORTER: I didn't hear that.

14 MS. SULLIVAN: They need to be put on
15 probation, in my opinion.

16 HEARING OFFICER JOHNSON: And you do have
17 a right to assess a more severe fine,
18 probation, with the understanding that if
19 another violation occurs, license will be --
20 more severe action will be taken in the form of
21 suspension or revocation.

22 MS. MALLORY: Can I say something?

23 MS. ANDERSON: Please.

24 MS. MALLORY: You can also -- can't they
25 also direct us to go back within a certain

COSMETOLOGY TECHNICAL ADVISORY COMMITTEE, 11/18/13

1 amount of time?

2 MS. PITMAN: Uh-huh.

3 MS. MALLORY: And so then you are assured
4 that we will be back in there within a certain
5 period of time.

6 HEARING OFFICER JOHNSON: Within three or
7 six months or --

8 MS. MALLORY: Exactly. So there is an
9 option along with everything else.

10 MS. ANDERSON: Can we say 30 days?

11 MS. MALLORY: Say what you want, I guess.

12 MS. PITMAN: Yeah.

13 MS. ANDERSON: Because we would want it
14 prior to the end of the year.

15 MS. PITMAN: I mean, you will have to make
16 sure they get a copy of the order, so, I mean
17 it's printed today and, you know, sent, so --

18 MS. FORD: And, guys, I really would -- I
19 would hate for January or February to come
20 around and we have a massive health issue
21 because of this salon and people are going to
22 look at us and say, "Well, y'all didn't do
23 nothing, they have been written up how many
24 times? You know, and y'all didn't do nothing
25 to protect us." So I can hear it.

COSMETOLOGY TECHNICAL ADVISORY COMMITTEE, 11/18/13

1 HEARING OFFICER JOHNSON: But the action
2 of --

3 MS. FORD: Because that's our job.

4 HEARING OFFICER JOHNSON: -- you know,
5 specifying that an inspection be done within a
6 certain number of days, months, weeks,
7 whatever, that would be considered action to
8 assure --

9 MS. FORD: Public safety.

10 MS. ANDERSON: Uh-huh.

11 HEARING OFFICER JOHNSON: (Nodding head up
12 and down.)

13 MS. ANDERSON: Let's go back off the
14 record, please.

15 HEARING OFFICER JOHNSON: All right.
16 Okay. We're ready?

17 Okay. We're going to go back off the
18 record. We're off the record at this time.

19 (WHEREUPON, the Committee retired to
20 deliberate, off the record, from 12:59 p.m. to
21 1:02 p.m., and returned with the following
22 question:)

23 HEARING OFFICER JOHNSON: We are back on
24 the record in the matter of Unique Nails to
25 clear up a matter.

COSMETOLOGY TECHNICAL ADVISORY COMMITTEE, 11/18/13

1 MS. PITMAN: Ms. Mallory would like to --

2 MS. MALLORY: Well, I'm thinking, you
3 know, I mean, this really is new ground here
4 and, I mean, and I understand where y'all are
5 coming from, and so I'm trying to think of
6 things that we can be assured without taking
7 the revocation, you know, and just boom, doing
8 that, you know. So if we -- if -- if, you
9 know, considering the probation and the going
10 back within a certain amount of time, and have
11 it -- and what y'all are saying when you look
12 at their record, they are paying right before
13 renewal so they are, you know, that -- that's
14 an issue, you know, because they can't renew if
15 they don't pay.

16 So I was -- I was talking to Elizabeth,
17 do -- do we tell them they have to pay within a
18 certain amount of time or we start a bigger --
19 the next step? You know, so you could also put
20 that in place, that they have to pay the fine
21 within a certain amount of time, or we begin a
22 new action.

23 HEARING OFFICER JOHNSON: Within 30 days
24 or --

25 MS. MALLORY: And I'm sorry that we're --

COSMETOLOGY TECHNICAL ADVISORY COMMITTEE, 11/18/13

1 you know, but we're having, you know, to think
2 through this process too.

3 MS. ANDERSON: But that -- can -- may I
4 ask, would that be something that we would work
5 on the fine structure and the penalty --
6 payment of penalties within a certain period of
7 time? Would that be something to go back to
8 that later on?

9 MS. MALLORY: Well, it could be, but I
10 think we need to deal with this issue right
11 now, you know.

12 HEARING OFFICER JOHNSON: Okay. All
13 right. Thank you.

14 All right. We will go back off the
15 record.

16 (WHEREUPON, the Committee retired to
17 deliberate, off the record, from 1:04 p.m. to
18 1:09 p.m., and returned with the following
19 decision:)

20 HEARING OFFICER JOHNSON: All right.
21 We're back on the record in the matter of
22 Unique Nails and Hair Salon, the board has
23 deliberated and is ready to entertain a motion
24 with respect to the allegations of fact and any
25 action the board wishes to take.

COSMETOLOGY TECHNICAL ADVISORY COMMITTEE, 11/18/13

1 MS. ANDERSON: Do we have a motion?

2 MS. JACKSON: Yes. We have a motion
3 against Unique Nails and Hair Salon. We have
4 found them guilty, implementing a \$500 fine,
5 the license cannot be renewed until violation
6 is paid, probation for the next 12 months, if
7 any infractions are incurred, the board may
8 take action towards suspension or revocation of
9 their license, and they are to be reinspected
10 within 30 days.

11 MS. STEELE: And they have to have the
12 fine paid within --

13 MS. JACKSON: And fine paid within 30
14 days.

15 MS. ANDERSON: Okay. And do I hear a
16 second to that motion?

17 MS. FORD: I second that motion.

18 MS. ANDERSON: Okay. I have a second by
19 Kim. The motion was made by Angela and
20 seconded by Kim.

21 All those in favor?

22 COMMITTEE MEMBERS: Aye.

23 MS. ANDERSON: And the motion passes
24 unanimously.

25 HEARING OFFICER JOHNSON: All right. All

COSMETOLOGY TECHNICAL ADVISORY COMMITTEE, 11/18/13

1 right. This matter will be -- the board's
2 decision will be sent -- sent to the salon and
3 the salon will have a right to appeal that
4 decision. This concludes our matters.

5 Are there any other hearings before the
6 board today?

7 Thank you.

8 (WHEREUPON, at 1:11 p.m., the
9 above-entitled proceedings were concluded.)

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COSMETOLOGY TECHNICAL ADVISORY COMMITTEE, 11/18/13

1 CERTIFICATE

2
3 STATE OF ARKANSAS)

4 COUNTY OF PULASKI)

5
6 I, SUSAN B. WHITSON, Certified Court Reporter
7 and notary public in and for Pulaski County, State of
8 Arkansas, do hereby certify that the hearings held Before
9 the Cosmetology Technical Advisory Committee (CTAC),
10 November 18, 2013, were taken by me in Stenotype and were
11 reduced to computer-generated typewritten form by me or
12 under my direction and supervision; that the witnesses
13 were duly sworn by the Hearing Officer; and that the same
14 is a true and correct reflection of the proceedings that
15 occurred, to the best of my knowledge and ability.

16 I FURTHER CERTIFY that I am neither counsel
17 for, related to, nor employed by any of the parties to
18 the action in which these proceedings were taken; and,
19 further that I am not a relative or employee of any
20 attorney or counsel employed by the parties hereto, nor
21 financially interested, or otherwise, in the outcome of
22 this action; and that I have no contract with the
23 parties, attorneys, or persons with an interest in the
24 action that affects or has a substantial tendency to
25 affect impartiality, that requires me to relinquish

COSMETOLOGY TECHNICAL ADVISORY COMMITTEE, 11/18/13

1 control of an original transcript or copies of the
2 transcript before it is certified and delivered to the
3 custodial attorney, or that requires me to provide any
4 service not made available to all parties to the action.

5 SIGNED AND SWORN this _____ day of
6 _____.

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SUSAN B. WHITSON, CCR, #158
NOTARY COMMISSION #12388076
NOTARY PUBLIC IN AND FOR
PULASKI COUNTY, ARKANSAS

My Commission Expires: June 4, 2022.

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