

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

September 16, 2013

9 a.m.

Freeway Medical Building  
5800 W. 10<sup>th</sup> 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**

**General Public:**

*Present:*

**Scottie Burchett  
Shelley Plutt  
Michelle Carr  
Doraine Washington**

**Amber Sullivan  
Jequita Hughes  
Stephanie Sims  
Carla Jones**

## **CALL TO ORDER**

Meeting was called to order by Kimberly Ford.

## **ADOPT BYLAWS**

Trish Anderson made a motion to adopt the bylaws. Angela Jackson seconded. All were in favor. The motion passed.

## **ELECTION OF OFFICERS**

- Jessica Peck nominated Trish Anderson as Chair. Wendy Sullivan seconded. All were in favor.
- Wendy Sullivan nominated Cynthia Steele for Vice-Chair. Jessica Peck seconded. All were in favor.
- Jessica Peck nominated Wendy Sullivan as Secretary. Kimberly Ford seconded. All were in favor.

## **APPOINTMENT OF ONGOING SUB-COMMITTEES**

Kimberly Ford made a motion to appoint Trish Anderson, Angela Jackson, Kimberly Ford, Cynthia Steele, Wendy Sullivan, Kelli Kersey, Chris Strawn, Jessica Peck, Scottie Burchett, and Shelly Plutt to the Legislative Committee which will include Braiding, Dress code, and Aesthetics. Cynthia Steele seconded. All were in favor.

## **APPROVAL OF MINUTES**

Kimberly Ford made a motion to change the minutes to add Trish Anderson to list of attendees. Jessica Peck seconded. All were in favor.

## **APPROVAL OF PAID VIOLATIONS**

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

## **HEARINGS**

See attached transcript.

## **PROGRAM UPDATE BY KELLI KERSEY, SECTION CHIEF**

- New Employees:
  - Inspector – Christopher Nicklaus was hired as the new inspector for the Northwest Territory.
  - School Liaison – Kathryn Kersey was hired as the new school liaison for the Section. Ms. Kersey stated although the last names are the same, the new employee is no relation to her.

- Clips Software
  - The inspection part of CLIPS should be working by January 1, 2014.
- NIC National Conference
  - Kelli Kersey, Kenneth Roberts and Kimberly Ford attended the NIC National Conference on August 21-26, 2013. Kimberly stated that the conference was very informative and it is a great way to connect with other states. Out of the 26 states that were in attendance, all of them are having similar issues such as braiding.
- Memorandum of Understanding Update
  - Kelli stated that they are in contact with the Arkansas Board of Career Education. They are waiting on a signature from their office. Once this is received the Section will be able to start inspecting Vo-Tech schools again.
- Post-Secondary Update
  - Kelli stated they were still in contact with the Arkansas Board of Private Career Education regarding the language required. We are trying to determine what a post-secondary school is so that we can update our rules.
- CTAC Vacant Position
  - Kelli informed the CTAC that we have one vacant position to fill on the Committee. The name will be presented to the Board of Health in October and the selected person can possibly begin in November.
- Hair Braiding
  - Kelli informed the CTAC that Milady has come out with a new Braiding text book. She has also done research with all 50 states on their requirements for braiding. She provided everyone with a list. As of right now, anyone braiding hair is required to hold an Arkansas Cosmetology license because it falls under the definition of Cosmetology and if they do not have that license, they will receive a violation.
  - A Legislative sub-committee meeting was scheduled for September 30, 2013 at 9:00 A.M.
- Practical Examinations
  - Outsourcing - A few months ago, we received quotes from three companies and we have picked one of the companies that we would like to use. As of right now, we are currently in a lease for our examination site and the lease was just renewed for the fiscal year. If we cannot get out of the lease, we will have to put outsourcing on hold.
  - Grading – the grade sheets are now scanned in the same day the student examines and the results are received the next day. It will no longer take two to three weeks to receive grades.

## **OLD BUSINESS**

Dress code - A motion was made by Cynthia Steele to change the dress code to solid white or solid black scrubs, closed-toe shoes and a white lab coat as optional. Jessica Peck seconded. All were in favor.

Aesthetics and Dermaplaning was tabled until the October 28, 2013 Ad Hoc meeting at 1:00 P.M. the Arkansas Department of Health, Auditorium.

## **NEW BUSINESS**

Cynthia Steele presented information for National Coalition of Estheticians, Manufacturers/Distributors & Associations (NCEA). NCEA Certified is the professional status awarded to a skin care professional that has met the competency standards as set-forth by NCEA's 1200 Hour Esthetician Job Task Analysis. It represents the highest skin care credential available in the United States and adherence to the code of ethics of the profession.

Translation – Work is being done to translate instructions for Section forms to Spanish and Vietnamese. Kelli asked the CTAC if it was felt the instructions needed to be translated into Korean. No decision was made.

## **PUBLIC COMMENT**

Carla Jones said she spoke to Chris Strawn about the new dress code and she was not happy with the decision made. Scottie Burchett also spoke and said she was not happy with the new dress code as well. They both think the dress code should be left as it was before. No changes to the new dress code were made..

## **MEETING ADJOURNED**

**In The Matter Of:**

v.

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*COSMETOLOGY TECHNICAL ADVISORY COMMITTEE*  
*September 16, 2013*

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*Susan B. Whitson, CCR, Inc.*  
*Quality court reporting and videography since 1980*  
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*Mabelvale, Arkansas 72103*  
*(501) 455-1170*

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**Min-U-Script® with Word Index**

1 ARKANSAS DEPARTMENT OF HEALTH  
2 COSMETOLOGY SECTION  
3 COSMETOLOGY TECHNICAL ADVISORY COMMITTEE  
4  
5  
6  
7  
8 BE IT REMEMBERED that on Monday, the 16th day  
9 of September 2013, the meeting of the Arkansas Department  
10 of Health, Cosmetology Section, Cosmetology Technical  
11 Advisory Committee was held, at 9:00 a.m., at the  
12 Arkansas Department of Health, Freeway Medical Building,  
13 Suite 801, Little Rock, Pulaski County, Arkansas.  
14  
15  
16 TECHNICAL ADVISORY COMMITTEE:  
17 TRISH ANDERSON, CHAIR  
18 KIMBERLY FORD  
19 WENDY SULLIVAN  
20 CYNTHIA STEELE  
21 JESSICA PECK  
22 ANGELA JACKSON  
23  
24 REPORTED BY:  
25 SUSAN B. WHITSON, CCR  
Arkansas Supreme Court Certificate No. 158  
9810 Woodland Drive  
Mabelvale, Arkansas 72103  
(501) 455-1170  
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1 APPEARANCES:  
2 ON BEHALF OF THE COMMITTEE:  
3 ELIZABETH PITMAN, ESQ.  
4 HEARING OFFICER:  
5 PEGGY JOHNSON, ESQ.  
6 Office of the Attorney General  
7 323 Center Street, Suite 200  
8 Little Rock, Arkansas 72201  
9 Staff Members Present:  
10 KELLI KERSEY - Section Chief  
11 RENEE MALLORY  
12 TERI PREACHERS - Administrative Specialist  
13 KATHERINE KERSEY  
14  
15 Inspectors Present:  
16 KENNETH ROBERTS, Supervisor  
17 LAVONNE LESTER  
18 VERA WOOD  
19 KERRI GLAUDE  
20  
21 Court Reporter:  
22 Susan B. Whitson, CCR  
23 Arkansas Supreme Court Certificate No. 158  
24  
25

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1 us the copy of the paid violations from 7/15 of  
 2 2003 [sic] to 9/9/2003 [sic], been paid. Do we  
 3 have a motion? Motion to accept?  
 4 MS. SULLIVAN: I make a motion to accept.  
 5 MS. FORD: I second it.  
 6 MS. ANDERSON: We have a motion to accept  
 7 and a second. All those in favor?  
 8 COMMITTEE MEMBERS: Aye.  
 9 MS. ANDERSON: All those opposed?  
 10 The motion passes for all paid violations  
 11 to stand.  
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1 P R O C E E D I N G S  
 2 MS. KERSEY: All right, Kim.  
 3 MS. FORD: It's actually five after nine,  
 4 call this meeting to order. Roll call is  
 5 Angela Jackson.  
 6 MS. JACKSON: Here.  
 7 MS. FORD: Jessica Peck.  
 8 MS. PECK: Here.  
 9 MS. FORD: Cynthia Steele.  
 10 MS. STEELE: (Nodding head up and down.)  
 11 MS. FORD: Wendy Sullivan.  
 12 MS. SULLIVAN: Yes.  
 13 MS. FORD: Trish Anderson.  
 14 MS. ANDERSON: Here.  
 15 MS. FORD: And myself. There are six  
 16 present.  
 17 ---0---  
 18 (Ms. Anderson was voted chairman.)  
 19 MS. ANDERSON: And we are ready to do the  
 20 paid violations.  
 21 Does everybody have a copy?  
 22 MS. FORD: It should be in that packet.  
 23 MS. ANDERSON: No. I'm sorry.  
 24 MS. SULLIVAN: They are stuck together.  
 25 MS. ANDERSON: Okay. We have in front of

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1 ADMINISTRATIVE HEARING  
 2 IN THE MATTER OF:  
 3 ARKANSAS DEPARTMENT OF HEALTH PETITIONER  
 4 v.  
 5 LIGHTHOUSE CAREER ACADEMY RESPONDENT  
 6  
 7 HEARING OFFICER JOHNSON: Good morning,  
 8 everybody. We have, I've been told, four  
 9 hearings on the agenda today. We've started  
 10 out with quite a few more so I will rely on you  
 11 all to tell me which -- which four they will be  
 12 and which one you want to take up first.  
 13 MS. PITMAN: The first one will be the  
 14 Lighthouse Career Academy.  
 15 HEARING OFFICER JOHNSON: All right. The  
 16 Lighthouse Career Academy.  
 17 All right. Are the owners or  
 18 representatives of the Lighthouse Career  
 19 Academy present today?  
 20 Anyone present on behalf of Lighthouse  
 21 Career Academy?  
 22 Doesn't look like I'm getting a response,  
 23 but we're going to go ahead and proceed with  
 24 the hearing.  
 25 All right. So we are on the record this

Page 9	Page 11
<p>1 morning in the -- before the Cosmetology 2 Technical Advisory Committee in the Matter of 3 Arkansas Department of Health versus Lighthouse 4 Career Academy. This matter is before the 5 board to determine whether there has been a 6 violation of the rules and regulations that 7 govern the cosmetology industry. 8 The -- my name is Peggy Johnson, I'll be 9 conducting the hearing. I called earlier for a 10 representative of Lighthouse Career Academy. 11 Is anyone present? Just want to get that on 12 the record, does not appear to be anyone 13 present for the Lighthouse Career Academy, but 14 the board, I imagine, has sent -- well, has 15 sent out notice properly and that will be 16 brought forth during -- during the course of 17 the hearing. 18 Representing the board is Attorney 19 Elizabeth Pitman. 20 And, Ms. Pitman, will you be presenting 21 any testimony on -- in this matter today? 22 MS. PITMAN: Yes. 23 HEARING OFFICER JOHNSON: All right. And 24 who will you be -- who will be testifying? 25 MS. PITMAN: Kenneth Roberts, the</p>	<p>1 HEARING OFFICER JOHNSON: Okay. It's 2 under the red tab you said? 3 MS. PITMAN: It's under the red tab. 4 HEARING OFFICER: Okay. That's easy. 5 Under the red tab. Okay. This one. 6 MS. PITMAN: Yes. 7 HEARING OFFICER JOHNSON: Okay. All 8 right. 9 MS. PITMAN: Looks like the first page is 10 an email, from cosmo to Kenneth Roberts and 11 Kelli Kersey. 12 HEARING OFFICER JOHNSON: Okay. Okay. So 13 maybe when you're discussing with them, maybe 14 you can just kind of describe what -- 15 MS. PITMAN: I'll use yours. 16 HEARING OFFICER JOHNSON: Oh, okay. Well. 17 I don't know mine is, is in line with everyone 18 else's. 19 MS. KERSEY: Seventeen. 20 HEARING OFFICER JOHNSON: Okay. All 21 right. Let's switch. You definitely need to 22 have it right. 23 MS. PITMAN: I don't know why mine is 24 different. 25 HEARING OFFICER JOHNSON: All right, then.</p>
<p>Page 10</p> <p>1 investigator, and Kelli Kersey, the section 2 chief. 3 HEARING OFFICER JOHNSON: All right. 4 Mr. Kenneth Roberts and Kelli Kersey, section 5 chief. Okay. All right. Mr. Roberts? 6 MR. ROBERTS: Yes. 7 HEARING OFFICER: Are you Mr. Roberts? 8 MR. ROBERTS: Yes, ma'am. 9 And, Ms. Kersey, if you will raise your 10 right hand I'll swear you in. 11 (WHEREUPON, the witnesses were sworn by 12 the Hearing Officer.) 13 HEARING OFFICER JOHNSON: All right. 14 Thank you. 15 And next let me ask you, Ms. Pitman, is 16 there any -- are there any exhibits that you 17 want the board to consider or any kind of 18 documentary evidence? 19 MS. PITMAN: Yes, ma'am, there is a 20 hearing packet that was given to the board in 21 the folder, under the red tab. 22 HEARING OFFICER JOHNSON: Okay. All 23 right. 24 MS. PITMAN: I believe it is under -- it 25 is not numbered, so --</p>	<p>Page 12</p> <p>1 Then the exhibits, and it looks like we've 2 got -- 3 MS. PITMAN: Sixteen. 4 HEARING OFFICER JOHNSON: -- sixteen 5 pages, under the red tab, in the Cosmetology 6 Technical Advisory Committee binder will be 7 entered into the record as State's Exhibit, 8 collective Exhibit 1. 9 (WHEREUPON, Committee's Exhibit No. 1 was 10 received in evidence.) 11 HEARING OFFICER: All right. Is there 12 anything else, Ms. Pitman, we need to take up 13 before we begin, any type of opening? 14 MS. PITMAN: No, ma'am. 15 HEARING OFFICER JOHNSON: All right. Then 16 I will let you call your first witness. 17 MS. PITMAN: Call Ken Roberts. 18 HEARING OFFICER JOHNSON: And just a 19 reminder, speak up so Ms. Whitson can hear you. 20 Go ahead. 21 WHEREUPON, 22 KENNETH ROBERTS, 23 having been called for examination, and having been first 24 duly sworn by the Hearing Officer, was examined and 25 testified, as follows:</p>

Page 13	<p>1 DIRECT EXAMINATION</p> <p>2 BY MS. PITMAN:</p> <p>3 Q Please tell us your name.</p> <p>4 A Kenneth Roberts.</p> <p>5 Q And where do you work?</p> <p>6 A Inspector Supervisor for ADH.</p> <p>7 Q Okay. Mr. Roberts, did you conduct an inspection of</p> <p>8 Lighthouse Career Academy on June 7th of this year?</p> <p>9 A Yes, I did.</p> <p>10 Q Okay. Was that a routine inspection or was it in</p> <p>11 response to a complaint?</p> <p>12 A It was complaint driven.</p> <p>13 Q Okay. When was the complaint received?</p> <p>14 A When was the complaint received?</p> <p>15 Q Yes.</p> <p>16 A My email was May 24, 2013.</p> <p>17 Q And what was it?</p> <p>18 A A student named Jennifer Standlee sent a complaint</p> <p>19 that she was not for sure that her hours were correct</p> <p>20 with what the school was reporting.</p> <p>21 Q And is that complaint, that's in this hearing</p> <p>22 packet, is it not?</p> <p>23 A It is. It's toward the back.</p> <p>24 MS. FORD: It's the third page from the</p> <p>25 tab.</p>	Page 15	<p>1 the packet, immediately following the order and notice --</p> <p>2 Order and Notice of Hearing?</p> <p>3 A Yes.</p> <p>4 Q Is that the cosmetology school checklist you used?</p> <p>5 A Yes, it is.</p> <p>6 Q Looks like about the sixth -- fifth page.</p> <p>7 Mr. Roberts, when you went to the Lighthouse Career</p> <p>8 Academy on June 7th, did you notice any violations?</p> <p>9 A Yes. The salon license was not current -- or the</p> <p>10 school license. I'm sorry.</p> <p>11 Q And on this cosmetology school checklist you in fact</p> <p>12 have checked school and instructor license current, no,</p> <p>13 and have a comment, salon license?</p> <p>14 A Yeah. That should say school license.</p> <p>15 Q Who is the owner of Lighthouse Career Academy?</p> <p>16 A Ricketta and Parker Zielinski.</p> <p>17 Q Were either Mr. or Mr. Zielinski there that day?</p> <p>18 A Yes, Ricketta was.</p> <p>19 Q And did you review this citation and violation with</p> <p>20 Ms. Zielinski?</p> <p>21 A Yes.</p> <p>22 Q And did Ms. Zielinski indicate she knew about the</p> <p>23 violation?</p> <p>24 A Yes.</p> <p>25 Q When you were there that day, Mr. Roberts, did Mr.</p>
Page 14	<p>1 BY MS. PITMAN:</p> <p>2 Q It is the third from the last page.</p> <p>3 A Okay.</p> <p>4 Q And that's the complaint you received from</p> <p>5 Ms. Standlee?</p> <p>6 A Yes.</p> <p>7 Q Okay. In response to that complaint, Mr. Roberts,</p> <p>8 what did you do?</p> <p>9 A My notes says that I contacted her, that's probably</p> <p>10 by phone, on 5/31/13 and discussed her complaint, email</p> <p>11 complaint.</p> <p>12 Q Okay. And, specifically, what was her complaint?</p> <p>13 A Well, there are several things in the email, but her</p> <p>14 main complaint was that she thought that she had the</p> <p>15 hours to graduate, and the school was saying she did not.</p> <p>16 Q Did you go to Lighthouse Career Academy when you</p> <p>17 received this complaint --</p> <p>18 A Yes.</p> <p>19 Q -- to investigate it?</p> <p>20 A Yes.</p> <p>21 Q And when you went to Lighthouse Career Academy, did</p> <p>22 you use the cosmetology school checklist to go and do an</p> <p>23 inspection at this school?</p> <p>24 A Yes.</p> <p>25 Q And that's located, I believe about the middle of</p>	Page 16	<p>1 or Mrs. Zielinski try to explain to you why the school</p> <p>2 license was not current?</p> <p>3 A Yes. Ricketta said that she had tried to renew her</p> <p>4 license in January of 2013, and she thought she had</p> <p>5 renewed at that time through -- with a credit card</p> <p>6 online.</p> <p>7 Q Did she show you any payment, proof of payment where</p> <p>8 she had paid with a credit card?</p> <p>9 A No. She did not.</p> <p>10 Q And what did you do when she told you that?</p> <p>11 A Well, I told her -- oh, well, actually first I</p> <p>12 called the office, our office here in Little Rock to</p> <p>13 confirm that the license was not current and it was</p> <p>14 confirmed by whoever I talked to on the phone that day,</p> <p>15 that the license was not made current as of June 7th.</p> <p>16 Q So they checked the computer system to see if the</p> <p>17 license was current?</p> <p>18 A Yes.</p> <p>19 Q Okay. And as of June 7th it was not current in</p> <p>20 our computer system?</p> <p>21 A That's correct.</p> <p>22 Q And Ms. Zielinski didn't provide you any proof that</p> <p>23 she had in fact paid that?</p> <p>24 A No, she did not. She said that she would but she</p> <p>25 did not.</p>

Page 17	Page 19
<p>1 Q And she said she would on that day, today is 2 September 16, have you received anything from Mr. or Mrs. 3 Zielinski indicating they have paid? 4 A No, I have not. 5 Q Okay. Do you know right now, Mr. Roberts, whether 6 or not Lighthouse Career Academy has renewed its license? 7 A They have not. 8 Q Is there anything else about your investigation on 9 June 7th that you would like the board to know? 10 A Not about that day. 11 Q Okay. Anything about what happened after that? 12 A When we came back, Terry actually printed off some 13 records showing that Ms. Zielinski had attempted to renew 14 her license, but each time the credit card was denied, 15 three times. 16 Q Okay. And those are actually included in the 17 packet, are they not? 18 A I believe so. 19 Q They are right in front of the complaint? 20 A Right. 21 Q What day does it look like they attempted to pay by 22 credit card on these records? Is it January 3? 23 A Fourth. 24 Q And it looks like we attempted to run it three 25 times? Is that correct?</p>	<p>1 Mr. Roberts? 2 All right. Then you may -- 3 MS. PECK: I do have a question. 4 HEARING OFFICER JOHNSON: Okay. 5 MS. PECK: What did you find out about the 6 student's hours? Were they -- 7 THE WITNESS: Well, that's not involved in 8 this hearing, am I correct? Okay. 9 MS. PITMAN: We only notified them of this 10 license violation, so that's all that we are 11 hearing today. 12 MS. PECK: Okay. 13 MS. KERSEY: Security. 14 MS. SULLIVAN: I have no idea what it's 15 time for but -- it's off. 16 HEARING OFFICER JOHNSON: All right. Then 17 you may call your next witness. 18 MS. PITMAN: Call Kelli Kersey. 19 WHEREUPON, 20 KELLI KERSEY, 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:</p>
Page 18	Page 20
<p>1 A Yes, and there is a message that says, do not honor, 2 and do not honor, invalid card number. 3 Q So the information we got from them was either an 4 incorrect card number or just a bad credit card, it looks 5 like? 6 A Yes. 7 Q Okay. And for whatever reason the payment never 8 went through? 9 A Correct. 10 Q Did you make Mr. and Mrs. Zielinski aware of this? 11 A Kelli may need to help me on that, she has some 12 emails -- 13 Q Okay. That's okay. 14 A -- I believe. 15 Q Was there anything you did to follow-up after you 16 came back and saw these records? 17 A Just meeting with Kelli. 18 Q Okay. And is there anything else that we haven't 19 discussed about your investigation? 20 A No. 21 Q Either June 6th or thereafter? 22 A No. 23 MS. PITMAN: No other questions. 24 HEARING OFFICER JOHNSON: All right. Does 25 the board have any other questions specific for</p>	<p>1 Q Would you please tell us your name. 2 A Kelli Kersey. 3 Q And your job title, where you work? 4 A Arkansas Department of Health Cosmetology, Section 5 Chief. 6 Q Did you discuss the investigation of Lighthouse 7 Career Academy with Mr. Roberts? 8 A I did. 9 Q Okay. The school didn't have a license, is that the 10 correct citation? 11 A That's correct. 12 Q Okay. And he mentioned some email correspondence 13 between you and the Zielinskis? 14 A Uh-huh. 15 Q What was that correspondence regarding? 16 A He -- Mr. -- it was with Mr. Zielinski, he stated 17 the same thing that Ms. Zielinski had stated, is that 18 they had renewed their license, and that they had a 19 receipt showing that it was renewed, and I again asked 20 for that receipt and have not received it. I actually 21 sent him these three receipts that we have showing -- if 22 you will look at the receipts it's two different credit 23 cards that they tried. One of them was a Visa with the 24 last four numbers 8940 and the other one was a Visa card, 25 1321, so they knew that it was failing or they wouldn't</p>

<p style="text-align: right;">Page 21</p> <p>1 have changed credit cards twice, you know. So we still 2 have not gotten a receipt from them showing that it was 3 paid. 4 Q And, Ms. Kersey, the emails you are referring to are 5 right in front of those credit card receipts. Correct? 6 A Yes, ma'am. 7 Q Okay. 8 A Now, in our -- also in our -- in these emails, we 9 did talk about the student hours and we have received the 10 drops for these students that were in question when we 11 went that day. 12 Q So that's -- 13 A Even though that's not part of the -- that's why it 14 wasn't -- no, that's why it's not part of the hearing, 15 because the emails, he did actually send all the drops 16 that we needed. 17 Q Okay. So, the only outstanding issues with the 18 Zielinskis is this issue of paying the license fee? 19 A Correct. 20 Q Okay. And you let Mr. Zielinski know in these 21 emails that he could give you \$375 and that would renew 22 the license through the end of this year, did you not? 23 A Yes, ma'am. 24 Q Okay. Since that time have you heard -- since this 25 last email dated July 24th, have you heard again from</p>	<p style="text-align: right;">Page 23</p> <p>1 very beginning? 2 A Uh-huh. 3 Q That Order and Notice of Hearing does tell them that 4 they were cited for operating without a current and valid 5 license in Paragraph 2, correct? 6 A Correct. 7 Q It notifies them that there is a hearing scheduled 8 for today, at 9:00 a.m., in Room 801 of the Freeway 9 Medical Building, did it not? 10 A Yes, ma'am. 11 Q And it also notifies them that the fine can be 12 assessed up to a thousand dollars per violation? 13 A Correct. 14 Q Do you know if the Zielinskis received that Order 15 and Notice of Hearing? 16 A We sent it certified mail on the August 12th and 17 they signed for it on August 26th. 18 Q Okay. So you did get a green card showing that it 19 was received, that's the first page of the -- the second 20 page of this hearing packet? 21 A Correct. 22 Q Okay. And Mr. and Mrs. Zielinski are not here, 23 correct? 24 A They are not present, to my knowledge. 25 Q Anything, any other correspondence that you've had</p>
<p style="text-align: right;">Page 22</p> <p>1 Mr. and Mrs. Zielinski? 2 A I have talked to them on the phone, and actually 3 talked to Ms. Zielinski Friday, gave her the option of 4 coming and paying her license once again to avoid this 5 hearing, and she did not come. 6 Q Okay. 7 A So . . . 8 Q Did she indicate whether or not she would be here 9 today? 10 A She said -- she did not indicate at that point 11 whether she would not be here or not, and I did tell her 12 if she did not renew by Friday at 3:30, we would proceed 13 without her if she was not here, so . . . 14 Q Okay. Did you also tell her that if she brought a 15 receipt of any kind showing that it had been paid, we 16 would talk about what to do about that? 17 A Yes, ma'am. 18 Q Okay. Did she ever provide any receipts? 19 A I have not seen a receipt, no, ma'am. 20 Q And she has not paid the \$375? 21 A And she has not paid the renewal fee, no. 22 Q Ms. Kersey, did you send out an Order and Notice of 23 Hearing to the Zielinskis? 24 A We did, uh-huh. 25 Q And that is also in the packet, I believe, in the</p>	<p style="text-align: right;">Page 24</p> <p>1 with the Zielinskis that we've not already talked about? 2 A Not pertaining to this matter. 3 Q Okay. Let me make sure we talked about everything. 4 And just so that the record is clear, you also sent 5 them a letter dated July 17th, indicating that they 6 needed to cease and desist for their school operation 7 because they did not have a current school license? 8 A Correct. 9 Q Okay. 10 A And that's when I received the emails from them. 11 Q Okay. 12 A That he responded to the -- to the letter that he 13 received. 14 Q Okay. And that's when he started talking to you 15 about payment that didn't go through? 16 A Correct, yes. 17 Q And you gave them some options of how they could 18 correct that, did you not? 19 A I did. 20 MS. PITMAN: Okay. I believe I have no 21 further questions. 22 HEARING OFFICER JOHNSON: All right. Does 23 the board members have any questions for 24 Ms. Kersey? 25 MS. ANDERSON: I do.</p>

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1 MS. SULLIVAN: I do. So this school is  
2 still in operation as of right now, is that  
3 what I am understanding?  
4 THE WITNESS: Well, they are currently  
5 closed right now.  
6 MS. SULLIVAN: Okay.  
7 THE WITNESS: But not because of that,  
8 it's because of their landlord.  
9 MS. SULLIVAN: Okay. And did they have  
10 much comment about why they used two different  
11 cards? Obviously, they knew that the one  
12 wasn't going through so they used a different  
13 one. Did they have any excuse supposedly for  
14 that?  
15 THE WITNESS: Did not answer. They  
16 didn't, you know, look at that, you know,  
17 respond to it, I guess you would say, yeah.  
18 MS. ANDERSON: Is this school an  
19 accredited school?  
20 THE WITNESS: I believe it is an  
21 accredited school. Is it, no? I think it is,  
22 is it not?  
23 MR. ROBERTS: I don't think so.  
24 MS. KERSEY: Yeah, I'll check it. Yeah.  
25 You can check that.

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1 MR. ROBERTS: Okay.  
2 THE WITNESS: Sorry. Probably not  
3 supposed to say that.  
4 MS. ANDERSON: Yes, I can check it and  
5 tell you in just a minute.  
6 MS. FORD: I have a question. So, is this  
7 the only violation or was a full inspection  
8 done at that time or did we just go in, did the  
9 inspectors just go in for this specific  
10 purpose?  
11 THE WITNESS: Generally when we do a  
12 complaint we only go in for the complaint.  
13 Now, I'm not sure if they actually did a  
14 complete inspection that day. That would have  
15 to go back to -- but you can't answer, Ken  
16 can't answer that right now, you would have to  
17 go back to him.  
18 MS. PITMAN: We'll go back to him.  
19 THE WITNESS: Yeah.  
20 MS. SULLIVAN: They went for the other?  
21 THE WITNESS: Uh-huh.  
22 MS. SULLIVAN: The reason you went was  
23 because of a complaint --  
24 THE WITNESS: Right. And generally when  
25 we do --

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1 MS. SULLIVAN: -- even though it was not  
2 this complaint, it was a complaint though?  
3 THE WITNESS: Right.  
4 MS. SULLIVAN: So, obviously, there is  
5 other problems, I would assume, going on.  
6 THE WITNESS: Okay.  
7 MS. JACKSON: But if they would have paid  
8 their \$250 on Friday we would have avoided this  
9 whole thing?  
10 THE WITNESS: 375. Yeah.  
11 MS. JACKSON: 375?  
12 THE WITNESS: Yeah. I gave them the  
13 opportunity to rectify it at that point.  
14 MS. FORD: So, the arrears plus the  
15 renewal at this time is 375, or is 375 the late  
16 fees?  
17 THE WITNESS: 250 to renew a license and  
18 125 late fee. This -- the 375 is --  
19 MS. FORD: Is total?  
20 MS. KERSEY: And is no fine, that's just  
21 to renew the license. We did not assess them a  
22 penalty. The committee does that on the -- on  
23 the schools.  
24 MS. SULLIVAN: But they didn't choose to  
25 take that.

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1 MS. ANDERSON: They are not at this time,  
2 they did not show up.  
3 THE WITNESS: Okay.  
4 MS. FORD: Okay.  
5 THE WITNESS: So, the answer to that is  
6 no, they are not accredited.  
7 MS. ANDERSON: That's right.  
8 THE WITNESS: Okay. You asked me so now  
9 I'm answering.  
10 MS. ANDERSON: Okay.  
11 THE WITNESS: Anybody else?  
12 HEARING OFFICER JOHNSON: All right. Is  
13 there anything else from you, Ms. Pitman, that  
14 you wanted to --  
15 MS. PITMAN: I think we were going to  
16 recall Mr. Roberts to address the inspection  
17 issue.  
18 HEARING OFFICER JOHNSON: All right, go  
19 ahead.  
20 WHEREUPON,  
21 KENNETH ROBERTS,  
22 having been recalled for examination, and having been  
23 previously duly sworn by the Hearing Officer, was  
24 examined and testified, as follows:  
25 MS. FORD: Yes. Mr. Roberts, at the time

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1 that you went in for the complaint at the  
 2 school, was a full inspection done or just to  
 3 address the issue, the complaint issue?  
 4 THE WITNESS: Like Kelli said, usually  
 5 when -- or when we go on a complaint, all we do  
 6 is investigate the complaint.  
 7 MS. FORD: Okay.  
 8 THE WITNESS: Unless it is time to do a  
 9 full inspection --  
 10 MS. FORD: Okay.  
 11 THE WITNESS: -- and it was time to do a  
 12 full in inspection.  
 13 MS. FORD: It was time?  
 14 THE WITNESS: Yes.  
 15 MS. FORD: So you did one?  
 16 THE WITNESS: Yes.  
 17 MS. FORD: And the only violation that was  
 18 cited on the inspection sheet was the license  
 19 of the school itself, but it showed that the  
 20 instructors, all their license were up to date?  
 21 THE WITNESS: That's correct.  
 22 MS. FORD: Okay.  
 23 DIRECT EXAMINATION  
 24 BY MS. PITMAN:  
 25 Q Mr. Roberts, do you know, did you discuss a proposed

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1 penalty with your section chief, Ms. Kersey?  
 2 A (Nodding head up and down.)  
 3 Q What is that? Do you remember?  
 4 A Can we talk?  
 5 Q Do you remember discussing a \$375 fee to bring the  
 6 license current and then assessing a penalty of up to a  
 7 thousand dollars?  
 8 A Yes.  
 9 Q Okay. And is that your recommendation today?  
 10 A It is. It is.  
 11 MS. PITMAN: Okay. Thank you. Nothing  
 12 further.  
 13 MS. KERSEY: Spit it out.  
 14 HEARING OFFICER JOHNSON: All right. All  
 15 right. Is the board ready to deliberate?  
 16 MS. ANDERSON: Are you ready to  
 17 deliberate?  
 18 Yes.  
 19 HEARING OFFICER JOHNSON: Okay. All  
 20 right. We'll go off the record and allow the  
 21 board to deliberate.  
 22 (WHEREUPON, the Committee retired to  
 23 deliberate, off the record, from 9:38 a.m. to  
 24 9:39 a.m., and returned with the following  
 25 questions:)

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1 HEARING OFFICER JOHNSON: Okay. We're  
 2 back on the record in the matter of Lighthouse  
 3 Career Academy.  
 4 You wanted to address a question to  
 5 Ms. Kersey?  
 6 MS. ANDERSON: Yes. Our options here, for  
 7 us to all know since this is our first  
 8 hearing --  
 9 MS. KERSEY: Uh-huh.  
 10 MS. ANDERSON: -- is the -- 375 is the  
 11 penalty for not renewing, is the licensure fee,  
 12 and the delinquency. Then the thousand dollars  
 13 is the -- is the violation?  
 14 MS. KERSEY: Correct.  
 15 MS. ANDERSON: What other violations could  
 16 we -- because they are a school operating with  
 17 students, failure to -- it sounds like they had  
 18 failure to promptly to report. Is there  
 19 another option for us as far as in the  
 20 penalties and law?  
 21 MS. PITMAN: Would you like me to give  
 22 instruction on this?  
 23 MS. KERSEY: Yes.  
 24 MS. PITMAN: You can only assess them the  
 25 penalties for the citations they received,

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1 which is the failure to -- to have a license.  
 2 You can't assess a penalty on anything other  
 3 than what we brought them here today for.  
 4 MS. ANDERSON: Okay. So that's the only  
 5 penalties in that school?  
 6 MS. PITMAN: Yes.  
 7 MS. STEELE: So if there was other  
 8 violations that were brought before us --  
 9 MS. PITMAN: Yes.  
 10 MS. STEELE: -- for other?  
 11 HEARING OFFICER JOHNSON: <sup>Because the only</sup>  
 12 violation they have been notified of for the  
 13 purpose of this hearing today concerns the  
 14 violation for the failure to be licensed --  
 15 have the license renewed. And is it my  
 16 understanding that the penalty is up to one  
 17 hundred -- or \$1,000, not necessarily -- I  
 18 mean, it's up to and including 1,000?  
 19 MS. PITMAN: Yes.  
 20 MS. KERSEY: Yeah.  
 21 HEARING OFFICER JOHNSON: Okay.  
 22 MS. ANDERSON: My other question is do  
 23 they have a teacher at school for these  
 24 students who are no longer in school? Do they  
 25 have a teach out option?

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1 MS. KERSEY: They have not done that.  
 2 MS. ANDERSON: Okay. That's my only  
 3 question.  
 4 MS. KERSEY: They have dropped most --  
 5 most of the students have dropped from that  
 6 school at this point. Yeah.  
 7 HEARING OFFICER JOHNSON: All right. Any  
 8 other questions? Are we ready to go back off  
 9 the record?  
 10 MS. ANDERSON: Yes.  
 11 HEARING OFFICER JOHNSON: Okay. Off the  
 12 record.  
 13 (WHEREUPON, the Committee retired to  
 14 deliberate, off the record, from 9:41 a.m. to  
 15 9:48 a.m., and returned with the following  
 16 questions:)  
 17 HEARING OFFICER JOHNSON: Okay. We're  
 18 back on the record in the matter of Lighthouse  
 19 Career Academy. And you wanted to ask a  
 20 question.  
 21 MS. ANDERSON: Yes. Please clarify the  
 22 law, what -- what the law states about a school  
 23 and the licensure and revoking that license.  
 24 MS. PITMAN: I assume you're asking me?  
 25 HEARING OFFICER JOHNSON: Yes, the

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1 attorney. Yes.  
 2 MS. ANDERSON: And seeing your law --  
 3 HEARING OFFICER JOHNSON: Would it be in  
 4 this?  
 5 MS. PITMAN: No.  
 6 (Discussion between attorney and  
 7 Ms. Kersey.)  
 8 MS. ANDERSON: If you will look under  
 9 Section 17-26-401, this is about schools and  
 10 school establishments.  
 11 COURT REPORTER: You guys, we're on the  
 12 record, and I'm having trouble telling -- I  
 13 can't hear most of what you're saying, I've got  
 14 a problem hearing and we're on the record.  
 15 HEARING OFFICER JOHNSON: Speak up so she  
 16 can hear.  
 17 MS. PITMAN: Okay. I think, just from  
 18 what I know today, is the license goes to the  
 19 school, not the owner, I mean it listed the  
 20 owner so, yeah, they could very well bypass it  
 21 unless you try to restrict the owner, and we  
 22 didn't bring the owner or the owner's license,  
 23 we brought the school's license, so it's to the  
 24 school.  
 25 MS. FORD: I have a question.

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1 MS. PITMAN: Yes.  
 2 MS. FORD: So, with the law being what it  
 3 says, would it be -- could we retain authority  
 4 over that particular license by suspending --  
 5 MS. PITMAN: I mean, the license is  
 6 still --  
 7 MS. FORD: -- suspending -- suspending the  
 8 license itself versus revoking? If you revoke  
 9 the license, they cannot renew.  
 10 MS. PITMAN: Right.  
 11 MS. FORD: If you suspend the license,  
 12 there is always an option to renew, but can we  
 13 set parameters for that suspension?  
 14 MS. PITMAN: Is the license -- I mean, it  
 15 in fact is already suspended because it's not  
 16 current.  
 17 MS. FORD: Right.  
 18 MS. PITMAN: So you can set parameters for  
 19 how they could get it back to being a current  
 20 license.  
 21 MS. FORD: Okay. That's what I wanted to  
 22 know.  
 23 MS. ANDERSON: My question is in  
 24 section -- Madam Chair, my question is in  
 25 Section 17-26-401, it states where no person,

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1 firm, or corporation shall operate a  
 2 cosmetology establishment, school of  
 3 cosmetology, and so forth, as taught --  
 4 teaching of the practice, without a license, so  
 5 in that regard, it is unlawful for a person to  
 6 employ or allow a person or any person not  
 7 licensed in a cosmetology establishment to do  
 8 any of those practices, so if we chose to, then  
 9 you're saying that we can put stipulations to  
 10 that, but those owners, can we name those  
 11 owners in that stipulation?  
 12 MS. PITMAN: I don't believe so, because  
 13 we didn't name the owners here. All we named  
 14 here was Lighthouse Career Academy.  
 15 MS. ANDERSON: Is it incorporated? Are  
 16 they self proprietors or are they a  
 17 partnership?  
 18 MS. PITMAN: I don't know.  
 19 MS. KERSEY: Look that up.  
 20 MS. ANDERSON: Because if it's a  
 21 corporation, Madam Chair, wouldn't the  
 22 corporation come back to them anyway just for a  
 23 corporation?  
 24 MS. PITMAN: Just for clarification,  
 25 you're the chairperson, I'm just the attorney.

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1 MS. ANDERSON: I'm sorry.  
 2 MS. PITMAN: That's okay.  
 3 MS. ANDERSON: I know that. Thank you  
 4 very much. Just --  
 5 MS. STEELE: Says he's president, Parker  
 6 Zielinski is president, so that means it's a  
 7 corporation.  
 8 MS. ANDERSON: So it would come back to  
 9 them.  
 10 MS. PITMAN: I mean, I don't -- I don't  
 11 know how their business is set up, on how it's  
 12 on file.  
 13 HEARING OFFICER JOHNSON: Well, I think  
 14 what Ms. Pitman is saying, you correct me if  
 15 I'm wrong, is that you can't take action  
 16 against any entity that's not named in this  
 17 notice of hearing.  
 18 MS. PITMAN: That's what I'm saying, yes.  
 19 MS. ANDERSON: That would be Lighthouse  
 20 Career Academy and so they are -- if it is a  
 21 corporation, then they are the sole  
 22 propriety -- or they are the owner so they  
 23 would be named as well because of the  
 24 corporation, so they don't have to be named per  
 25 se, it would be attached to that?

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1 MS. PITMAN: No. If it's a  
 2 corporation it's exactly the opposite.  
 3 COURT REPORTER: I didn't hear that. I'm  
 4 sorry.  
 5 HEARING OFFICER JOHNSON: She -- she just  
 6 said, no, if it's a corporation, in fact, it's  
 7 exactly the opposite of what you were saying.  
 8 MS. ANDERSON: So they would not be  
 9 attached, so we would have to name them?  
 10 MS. PITMAN: Which we haven't done.  
 11 MS. ANDERSON: Which you have not done so  
 12 we cannot do it?  
 13 HEARING OFFICER JOHNSON: Individually.  
 14 Right. You cannot take action today against  
 15 any entity that's not named in that notice of  
 16 hearing, your action today is to be limited to  
 17 the named entity.  
 18 MS. ANDERSON: Okay.  
 19 HEARING OFFICER JOHNSON: All right. Any  
 20 other questions, clarification?  
 21 Ready to go back off the record? Okay.  
 22 We're off the record.  
 23 (WHEREUPON, the Committee retired to  
 24 deliberate, off the record, from 9:54 a.m. to  
 25 10:00 a.m., and returned with the following

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1 discussion:)  
 2 HEARING OFFICER JOHNSON: Ms. Kersey wants  
 3 to address an issue. We're on the record.  
 4 MS. KERSEY: Okay. We don't give schools  
 5 fines -- violations, that's why the only issue  
 6 is the license. We give them 30 days to  
 7 correct the issues. Okay? So that's why the  
 8 issue is not on there, they corrected  
 9 everything except for the license. So it  
 10 wasn't an -- it's not an oversight on our part,  
 11 it's that we give them 30 days to correct it,  
 12 so y'all keep saying if they get another  
 13 violation. Well, there -- generally schools  
 14 don't get violation. I mean we send out 30 day  
 15 corrections a lot to schools and they correct  
 16 them, this one just happened to not correct  
 17 that, that one issue. So when you're thinking  
 18 about that and you keep -- and you keep  
 19 bringing up that we can't -- if there was more,  
 20 if there was more, well, there is not more  
 21 because they corrected it. So just remember  
 22 that's the policy is that we send a 30-day  
 23 correction, if they correct it, it's not a  
 24 violation, if they don't correct it, it's a  
 25 violation.

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1 It's brought to you guys if they don't  
 2 correct it. That's the only time a school -- I  
 3 mean, we don't actually assess a school  
 4 penalty. That's why we bring it -- that's why  
 5 it's brought to you all.  
 6 MS. ANDERSON: So we could do a one year  
 7 probation but no conditions, is that correct?  
 8 Because you would have the 30-day correction  
 9 notice already?  
 10 MS. KERSEY: I'm just saying that you all  
 11 are probably never going to see another  
 12 violation from them because they are going to  
 13 correct it.  
 14 MS. FORD: Right. They will take care of  
 15 it.  
 16 MS. ANDERSON: So --  
 17 MS. KERSEY: I'm sorry. I just had to  
 18 clarify that. So I didn't want you to think,  
 19 you know, that we didn't do anything with the  
 20 other stuff. It's corrected.  
 21 MS. SULLIVAN: I didn't think that y'all  
 22 hadn't done anything with it, I thought maybe  
 23 that it had to be a separate hearing, you know,  
 24 because, I mean, like setting on a jury, they  
 25 only bring certain things up --

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1 MS. KERSEY: I mean, if it hadn't been  
2 corrected, we would have added that to it,  
3 but --  
4 MS. ANDERSON: Okay. So, the probation, I  
5 mean -- I'm asking.  
6 MS. KERSEY: Sorry. Okay. Now I'm done.  
7 MS. ANDERSON: I'm asking a question.  
8 MS. KERSEY: Okay. Sorry.  
9 MS. ANDERSON: So, the probation is okay  
10 or it is not necessary in this case? It could  
11 be either way? It could be revoked or  
12 probation?  
13 HEARING OFFICER JOHNSON: Well, it could  
14 be --  
15 MS. ANDERSON: Or suspended?  
16 HEARING OFFICER JOHNSON: You can ask her  
17 a question about, you know, whether that  
18 recommendation would be something that you can  
19 do under your laws and whether it would be wise  
20 in this case. That's -- I mean, she can speak  
21 on that.  
22 MS. ANDERSON: Yes, that's our question.  
23 Is it wise in this case to do a probation of a  
24 one year period anyway?  
25 MS. KERSEY: I think it -- I mean, I think

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1 you can, I'm just not sure that y'all will ever  
2 know it if they -- if we give them a 30-day  
3 plan of correction and they correct it. I  
4 mean, do you want to put in there, did they get  
5 any 30-day plans of correction?  
6 MS. ANDERSON: Okay.  
7 MS. KERSEY: You know, you see what I'm  
8 saying? Because, I mean, 30 days is a long  
9 time and they -- generally schools correct it.  
10 MS. ANDERSON: Because we have to turn in  
11 our hours, we have to do all those things --  
12 MS. KERSEY: Yeah.  
13 MS. ANDERSON: -- on a 30-day notice.  
14 MS. KERSEY: I mean, you can, and you can  
15 put that in there, but I just don't know if  
16 y'all will ever see it, is what I'm saying.  
17 MS. ANDERSON: Okay. So, we ready to go  
18 back off the record?  
19 MS. KERSEY: Sorry.  
20 MS. ANDERSON: Okay. So off the record.  
21 We want to go back off the record then?  
22 HEARING OFFICER JOHNSON: Sure. You can  
23 also -- I mean this is just -- this is just a  
24 suggestion, you can also ask that any -- you  
25 know, you can make it to where any failure to

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1 correct a particular matter, that it be, you  
2 know -- that if that's brought to the board's  
3 attention, which it would be, from what I  
4 understand Ms. Kersey is saying, something  
5 that's -- that after 30 days is not corrected,  
6 those would be the issues that you probably  
7 would take up if an entity were under  
8 probation.  
9 MS. KERSEY: Right.  
10 HEARING OFFICER JOHNSON: And you would  
11 probably deal more severely with those issues  
12 that might arise.  
13 MS. ANDERSON: Okay. Are we ready to make  
14 a decision?  
15 MS. JACKSON: Are we on or off?  
16 HEARING OFFICER JOHNSON: We're on but we  
17 can go back off.  
18 MS. ANDERSON: Would you like to discuss?  
19 HEARING OFFICER JOHNSON: All right.  
20 Okay. We're off the record.  
21 (WHEREUPON, the Committee retired to  
22 deliberate, off the record, from 10:05 a.m. to  
23 10:08 a.m., and returned with the following  
24 decision:)  
25 MS. ANDERSON: All right. I think we have

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1 made a decision and we are ready to go back on  
2 the record. Madam Attorney, we're ready to go  
3 back on the record.  
4 HEARING OFFICER JOHNSON: Okay. All  
5 right. We're back on the record in the matter  
6 of Lighthouse Career Academy. The board has  
7 deliberated and is ready to entertain a motion  
8 with respect to disposition of this matter.  
9 I'll turn it over to the chair.  
10 MS. ANDERSON: And I will turn it to --  
11 MS. FORD: I would like to make a motion  
12 that the \$375 penalty, and in addition to that  
13 the \$1,000 fine, be imposed and that they be on  
14 a probationary period for 12 months, that they  
15 will have -- within their -- if they have any  
16 violations that are not corrected within their  
17 30-day period, and they have to come back  
18 before here, that their license will be up for  
19 revocation.  
20 MS. SULLIVAN: I second.  
21 MS. ANDERSON: The motion has been made  
22 and seconded. All those in favor?  
23 COMMITTEE MEMBERS: Aye.  
24 MS. ANDERSON: All those opposed?  
25 The motion passes.

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1 HEARING OFFICER JOHNSON: The board has  
 2 made a disposition of this matter and that's  
 3 going to be in a written form to the  
 4 respondent, Lighthouse Career Academy. And  
 5 that concludes this matter.  
 6 (WHEREUPON, at 10:09 a.m., the  
 7 above-entitled proceedings were concluded.)  
 8 ---o---

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1 ADMINISTRATIVE HEARING  
 2 IN THE MATTER OF:  
 3 ARKANSAS DEPARTMENT OF HEALTH PETITIONER  
 4 v.  
 5 JESSICA BUCKS RESPONDENT  
 6  
 7 HEARING OFFICER: All right. The next  
 8 issue before the board this morning?  
 9 MS. PITMAN: Jessica Bucks.  
 10 HEARING OFFICER JOHNSON: Okay. Jessica  
 11 Bucks. Is Jessica Bucks present?  
 12 She does not appear to be present, but  
 13 we'll go ahead with the hearing.  
 14 This matter is before the Cosmetology  
 15 Technical Advisory Committee to determine  
 16 whether there has been a violation of the rules  
 17 and regulations that govern the cosmetology  
 18 industry. Representing the board is attorney  
 19 Elizabeth Pitman. And, Ms. Pitman, will you be  
 20 presenting testimony in this matter today?  
 21 MS. PITMAN: Yes, ma'am.  
 22 HEARING OFFICER JOHNSON: And who will be  
 23 testifying?  
 24 MS. PITMAN: Kenneth Roberts and Kelli  
 25 Kersey.

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1 HEARING OFFICER JOHNSON: All right. And  
 2 will you have any documents that you want the  
 3 board the consider?  
 4 MS. PITMAN: Yes. There is a hearing  
 5 packet located behind the blue tab of the  
 6 binder, that's in the --  
 7 HEARING OFFICER JOHNSON: Okay. My first  
 8 page has Jessica Buck's name on the top of it.  
 9 MS. PITMAN: Yes.  
 10 HEARING OFFICER JOHNSON: Okay.  
 11 MS. PITMAN: I have 38 pages.  
 12 HEARING OFFICER JOHNSON: All right. It  
 13 appears to be the exhibits under the blue tab,  
 14 looks to be the light -- the blue tab in the  
 15 binder, it numbers about thirty --  
 16 MS. PITMAN: Thirty-three.  
 17 HEARING OFFICER JOHNSON: Thirty-three  
 18 pages, and those documents will be entered into  
 19 the record in this matter as a Respondent's  
 20 Exhibit 1.  
 21 MS. PITMAN: Between Pages 33 and 35.  
 22 HEARING OFFICER JOHNSON: Well,  
 23 approximately 33 pages, it could be anywhere  
 24 between 33 and 35 pages, so that's an  
 25 approximate number. All right.

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1 (WHEREUPON, Committee's Exhibit No. 1 was  
 2 received in evidence.)  
 3 HEARING OFFICER: All right. And let me  
 4 go ahead and swear you in.  
 5 (WHEREUPON, the witnesses were sworn by  
 6 the Hearing Officer.)  
 7 HEARING OFFICER JOHNSON: All right.  
 8 Thank you.  
 9 Then you may begin.  
 10 MS. PITMAN: Call Ken Roberts.  
 11 WHEREUPON,  
 12 KENNETH ROBERTS,  
 13 having been called for examination, and having been first  
 14 duly sworn by the Hearing Officer, was examined and  
 15 testified, as follows:  
 16 DIRECT EXAMINATION  
 17 BY MS. PITMAN:  
 18 Q Please tell us your name.  
 19 A Kenneth Roberts.  
 20 Q And where do you work?  
 21 A Inspector supervisor for Arkansas Department of  
 22 Health Cosmetology.  
 23 Q Okay. Mr. Roberts, did you receive a complaint  
 24 regarding Jessica Bucks?  
 25 A Yes.

<p style="text-align: right;">Page 49</p> <p>1 Q When did you receive that complaint?  2 A April 12th of this year.  3 Q Okay. And what was it?  4 A It was a phone call from the owner of Cuttin Up  5 Salon, Brenda Boya-Mondok, in Bryant, Arkansas.  6 Q Okay. What did Ms. Boya-Mondok state or tell you?  7 A A -- someone was applying for a job with her at her  8 salon, and she suspected the license -- that the girl's  9 license might be fake.  10 Q Okay. What did you do when you received that?  11 A Well, we actually requested that she fax it to us so  12 she did.  13 Q Fax a copy of the license to you?  14 A Right, which is --  15 Q Is that included in this hearing packet?  16 A It is.  17 Q I think it's the --  18 A It's about ten pages in.  19 Q It looks to be about halfway through the packet.  20 Does everyone --  21 A About ten or 12 pages in.  22 Q Do what?  23 A It's about ten or 12 pages in.  24 Q About ten or 12 pages in?  25 When you received this license, Mr. Roberts, did it</p>	<p style="text-align: right;">Page 51</p> <p>1 A It does not.  2 Q Did you check Jessica Bucks to see if she had a  3 license number?  4 A We did.  5 Q Does she?  6 A No.  7 Q So did Jessica Bucks go to cosmetology school?  8 A Yes. She attended Paul Mitchell in North Little  9 Rock.  10 Q Did she complete it?  11 A Yes.  12 Q Has she taken either the written or the practical  13 examination?  14 A She has taken the practical and passed.  15 Q Okay. Has she taken the written?  16 A No.  17 Q Is that all she has left to do to get her license?  18 A Yes.  19 Q When you received this license, what did you then do  20 after you got this license?  21 A Kelli and I went to Cuttin Up Salon in Bryant,  22 and -- actually we talked to Brenda, the owner, before we  23 went to make sure that we could come out and pick up the  24 original fake license. I don't know how to say that.  25 Q I'm sorry?</p>
<p style="text-align: right;">Page 50</p> <p>1 appear to be a fake license to you?  2 A Yes, it did.  3 Q Why?  4 A It looks like the name Jessica S. Bucks has been cut  5 and pasted, and the license number, the expiration date,  6 the issue date are handwritten.  7 Q Okay. Is this what a license that's typically  8 issued by your section looks like?  9 A No.  10 Q Okay. There is a copy of a license typically issued  11 by your section, I believe, on the last page?  12 A On the last page, yes.  13 Q And you've kind of stated some of these differences,  14 but if you could go through them one more time with us,  15 Mr. Roberts, so that the committee could see them?  16 A Okay. The name "Jessica S. Bucks" appears to be cut  17 and pasted on to the license; the license number, the  18 license issue date and the license expiration date are  19 handwritten.  20 Q Did you check that License No. 124992?  21 A Yes.  22 Q Who does that belong to?  23 A It belongs to a practitioner named Christina  24 Garland.  25 Q It doesn't belong to Jessica Bucks?</p>	<p style="text-align: right;">Page 52</p> <p>1 A The license that was presented.  2 Q Oh.  3 A We went to pick up the license that was presented by  4 the practitioner, or the -- the girl that was applying.  5 Q So you went to pick up the paper copy of the --  6 A Yes. Yes. That's correct.  7 Q While you were out at Cuttin Up Salon, did you speak  8 with Ms. Boya-Mondok?  9 A Yes.  10 Q And what did she tell you?  11 A She presented us with the -- the license, and also  12 the young lady's resumé, which is -- which is in our  13 packet.  14 Q There is actually two different versions of that  15 resumé, I believe, am I correct?  16 A Yes. The first one, let me make sure -- or by  17 first --  18 Q My first one is directly behind the fake license.  19 A Okay.  20 Q And the first --  21 A That is the one that was presented to us that day.  22 Q Okay. Mr. Roberts, looking at this resumé that was  23 given to you by Ms. Boya-Mondok, is there anything about  24 it that sticks out to you?  25 A Well, Jessica Bucks does not hold a current</p>

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<p>1 practitioner's license and in her work experience at 2 Studio 2121 she lists that she assisted stylists with 3 shampoos, blow dries, color, Brazilian blowouts, and 4 extensions, she also worked on her own clientele on days 5 that she was not assisting. 6 Q Are those things that someone without a license can 7 do? 8 A No, ma'am. 9 Q So it appears that she told Ms. Boya-Mondok that she 10 was doing or practicing cosmetology without a cosmetology 11 license. Is that correct? 12 A Yes. She portrayed that she was licensed, though. 13 Q Okay. She portrayed to Ms. -- 14 A -- Mondok that she was licensed. 15 Q Okay. Did you ever speak with Ms. Bucks? 16 A I did not. 17 Q You did not? 18 A I did not. 19 Q Okay. Did you attempt to contact her? 20 A We did. 21 Q Okay. When did you attempt to contact her? 22 A On 4/24. 23 Q Okay. And did she ever -- you said you tried to 24 make contact with her by phone? 25 A Yes.</p>	<p>1 Q I'll call Ms. Kersey next. 2 A Okay. 3 Q Okay. Okay. Now, Mr. Roberts the violation is 4 specifically what? What did you fine her for, the 5 violation? 6 A What did we fine her for? 7 Q I don't think I asked you a very good question. Did 8 you find that she had attempted to obtain employment 9 without a license? 10 A Yes, we did. 11 MS. PITMAN: Okay. 12 HEARING OFFICER JOHNSON: Does -- do 13 you -- does the board have any questions for 14 Mr. Roberts? 15 MS. PITMAN: Okay. No. Call Ms. Kersey. 16 WHEREUPON, 17 KELLI KERSEY, 18 having been called for examination, and having been first 19 duly sworn by the Hearing Officer, was examined and 20 testified, as follows: 21 DIRECT EXAMINATION 22 BY MS. PITMAN: 23 Q Ms. Kersey, state your name. 24 A Kelli Kersey. 25 Q Where do you work?</p>
Page 54	Page 56
<p>1 Q Did she ever return your phone call? 2 A No. We left a voice mail for her to return -- 3 Q Okay. 4 A -- the phone call. 5 Q Did you speak with Ms. Garland, Christina Garland? 6 A Yes. We did on 4/24. 7 Q Okay. What did Ms. Garland tell you? 8 A We visited with her and the salon owner of 9 Cosmetique Salon on JFK, and Ms. Garland denied any 10 knowledge of Ms. Bucks using her license to create a fake 11 license. 12 Q Did she have any idea how Ms. Bucks could have 13 possibly gotten her license? 14 A She stated that she attended school at Paul Mitchell 15 with Ms. Bucks, they were friends, and she recalled 16 posting a picture of her acquired license on Facebook, so 17 she assumed that was how Ms. Bucks got a copy of her 18 license. 19 Q Printed it off of Facebook? 20 A Printed it off of Facebook. 21 Q Mr. Roberts, after you spoke with Ms. Mondok and 22 Ms. Garland, did you -- and attempted to call Ms. Bucks, 23 did you do anything else on this investigation? Did you 24 personally do anything else on this investigation? 25 A No.</p>	<p>1 A Arkansas Department of Health Cosmetology Section -- 2 Section Chief. 3 Q Okay. And did you help Mr. Roberts on this 4 investigation? 5 A Yes, ma'am, I did. 6 Q What did you do? 7 A I went with him to the salon that Ms. Bucks had 8 applied at and we retrieved the license that she had 9 presented with her resumé. We retrieved both of those. 10 I -- after -- we had her down for a hearing last -- two 11 months ago, and I've actually -- I actually spoke to her 12 on the phone several times, her grandfather had broken 13 his hip and she stated that she would like to have a 14 continuance until this time, so we did. We corresponded 15 back and forth with several emails that are in here. She 16 was trying to explain that she did not turn this license 17 in, she didn't know where -- how that owner got the 18 license or the resumé. She actually sent me another 19 resumé, and the only difference is that her work 20 experience under Studio 2121 states that -- and so she 21 doesn't know where the first resumé came from and she 22 doesn't know how this license got made with her name on 23 it. 24 Q Okay. I want to back you up a little bit. 25 A Okay. Go ahead.</p>

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<p>1 Q You said that you helped Mr. Roberts on the 2 investigation? 3 A Uh-huh, yeah. 4 Q You guys tried to contact her back on the 24th of 5 April? 6 A Uh-huh. 7 Q Okay. When did you first hear from Ms. Bucks? 8 A It was, let me -- it was -- oh, I wish I would have 9 remembered the date. I'm sorry. 10 Q That's okay. Maybe it was in the emails in this 11 packet? 12 A Yeah. It was like three days before the first 13 scheduled hearing. 14 Q And the first scheduled hearing was in -- 15 MR. ROBERTS: July. 16 THE WITNESS: So it looks like July 17 14th. 18 BY MS. PITMAN: 19 Q July 14th was the first -- 20 A Is when -- no, wait a minute, I forget, you have to 21 go backwards with emails. Friday, July the 12th, I got 22 an email from her. 23 Q And what did that email say? 24 A That she had been out of town, and she was not going 25 to be able to come to the hearing. I think I actually</p>	<p>1 Q -- earlier in your packet? 2 A That helps. It's earlier. 3 Q After -- after the first resumé. 4 A After the first resumé? 5/5/2012. 5 Q So it looks like she worked at Studio 2121 right 6 after she finished cosmetology school? 7 A Correct. 8 Q Did she have any explanation for how this license 9 could have possibly gotten to Ms. Mondok? 10 A She had no idea. 11 Q Okay. And you said she was -- was she aware of the 12 hearing when she spoke to you on Friday, July 12th? 13 A Yes, ma'am. 14 Q Okay. And she said she didn't think she was going 15 to be able to make it? 16 A Right. 17 Q We came to that hearing on -- I can't remember what 18 date it was in July, did we not? 19 A Yeah. 20 MS. ANDERSON: July 21. 21 MS. KERSEY: July 21. 22 BY MS. PITMAN: 23 Q It was July 21st? 24 A Yeah. 25 Q And the advisory committee decided to continue it</p>
Page 58	Page 60
<p>1 had spoke with her a couple of times on the phone, too, 2 and she said that she had not signed the green card, that 3 somebody had signed her name on the green card. 4 Q Okay. She stated that she had never presented the 5 license, the false license? 6 A Uh-huh. That's correct. 7 Q Okay. And you said she sent you another resumé? 8 A Uh-huh. She did. 9 Q And that resumé is at the very back of the -- 10 A Yes. 11 Q -- packet? And the only difference between the 12 first resumé and this resumé is that Studio 2121 entry, 13 is that right? 14 A Yes, ma'am. 15 Q Okay. And what does it say she did at the Studio 16 2121 on the resumé she sent you? 17 A It still says she assists stylists, May '12 to 18 present, but it said she's a receptionist, booking 19 appointments, handling payments, ran errands, made sure 20 the salon was kept clean. 21 Q Okay. And those dates that she worked -- do you 22 know when she completed cosmetology school? 23 A Let me see. 24 Q I think that's -- 25 A Yeah, that's --</p>	<p>1 until today, correct? 2 A Correct. July 22nd. 3 Q Did you send Ms. Bucks another notice, Order and 4 Notice of Hearing? 5 A We did. 6 Q Okay. And again it says here that she is cited for 7 attempting to obtain employment as a practitioner with a 8 fraudulent license? 9 A Yes, ma'am. 10 Q Okay. It also notifies her that the hearing is 11 scheduled for today at 9:00 a.m. in Room 801 of the 12 Freeway Medical Building? 13 A Yes, ma'am. 14 Q And it told her that she could get a fine up to a 15 thousand dollars? 16 A Yes. 17 Q Do you know if Ms. Bucks received that second 18 letter? 19 A She did. She -- well, the green slip was signed. 20 Q What date was the green slip signed? I think it's 21 the second page behind your hearing notice. 22 A Thank you. 23 Q No problem. 24 A And she -- it's stamped August 2nd. 25 Q Okay.</p>

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<p>1 A There is not a date on it, so, looks like a date of 2 delivery, I guess, that's the August 2. 3 Q I think -- 4 A Yeah. August 2nd. 5 Q Okay. Have you heard from Ms. Bucks since she 6 received this on August 2nd? 7 A I have not. 8 Q Okay. Is she here today? 9 A No, ma'am. I do not see her. 10 And I actually have the last one, if they want to 11 look at the actual one that I picked up from her. 12 Q Would you like to -- 13 A Yeah. 14 Q Do you need to keep that for your records or -- 15 A I do need to keep it, but they can look at it, and I 16 brought an actual, like my actual, this is my license 17 from cosmetology, so -- so you are able to see the 18 difference. 19 MS. PITMAN: And I guess the record can 20 just say that these were passed around for the 21 advisory committee to review, and that they are 22 kept in the records of the cosmetology section. 23 BY MS. PITMAN: 24 Q Ms. Kersey, we went over this a little bit with 25 Mr. Roberts, but you -- are you the keeper of the records</p>	<p>1 Q Okay. Is there anything else that we haven't 2 discussed, Ms. Kersey, regarding the communication with 3 Ms. Bucks or this investigation? 4 A No, ma'am. I believe that's all. 5 HEARING OFFICER JOHNSON: All right. Does 6 the board have any questions of Ms. Kersey? 7 Okay. 8 BY MS. PITMAN: 9 Q What's your proposal going to be in this case? 10 A I discussed that. A thousand dollars fine and she; 11 would have to pay that before she takes her written part. 12 I don't think that -- I mean, I think that she should 13 still get a license, because she did actually go to 14 school, but she does need to feel it a little bit. 15 MS. SULLIVAN: What about the forgery 16 issue? 17 MS. PECK: That's something the -- that's 18 something the girl she took the license of -- 19 COURT REPORTER: You need to speak up. 20 MS. PECK: That's something the girl she 21 took the license number should report to the 22 police. 23 THE WITNESS: Yeah. We actually -- I 24 don't think this is a question, but we actually 25 issued the real person a new license and new</p>
<p>1 for the cosmetology committee? 2 A Uh-huh. 3 Q Okay. Do you know if Ms. Bucks had completed 4 cosmetology school? 5 A Yes, ma'am. She completed. 6 Q And do you know if she had taken an exam? 7 A She took the practical exam on June 11th, and she 8 actually applied to take the written exam twice and both 9 times was a no show, she did not show up to take the 10 written exam. 11 Q When did she -- 12 A Oh, I'm sorry. 13 Q No. That's okay. When did she apply to take the 14 written exam? 15 A She applied on 4/11/2013, and she scheduled, and she 16 did not show up on that one. Let's see. And I believe, 17 yes, she applied on June 22, 2012, and I'm -- the 18 4/11 was 2013. The 6/22/2012 she applied, she did not 19 show up for that one either, she was scheduled and she 20 did not show up, so she applied twice. All she lacks is 21 the written part of her test. But she did pass the 22 practical part. 23 Q And she paid for the written test twice, didn't she? 24 A Yes. But if you don't show up you have to pay 25 again.</p>	<p>1 license number, so this license number is no 2 more -- not longer valid. 3 She was very upset. The other girl was 4 very upset, so . . . 5 MS. SULLIVAN: So it's believed that 6 she -- the other girl was truly innocent? 7 THE WITNESS: Absolutely. 8 MS. SULLIVAN: Okay. 9 THE WITNESS: There is no doubt in my mind 10 that she was -- she didn't have anything to do 11 with it. 12 MS. SULLIVAN: She didn't have anything to 13 do with it? She really did get it off of 14 probably Facebook or something like that? 15 THE WITNESS: Yeah. And the only -- and 16 how we determine that is because when you copy 17 it, my copy of my license in here, it says 18 "void," so if she would have copied her license 19 it would say "void" on it. 20 MS. SULLIVAN: It would say "void" on it. 21 THE WITNESS: So she had to have taken a 22 picture of it and so -- 23 MS. SULLIVAN: Okay. That's amazing. 24 THE WITNESS: -- and printed it off. 25 Yeah.</p>

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1 MS. SULLIVAN: It's amazing what people  
2 do.  
3 THE WITNESS: It is.  
4 MS. FORD: So I have a question. Under  
5 the parameters what we are allowed to do as a  
6 committee, we can assess a fine and we can also  
7 impose a condition that the fine be paid prior  
8 to the written or before a -- before a new  
9 license -- before a new license can be issued,  
10 either or?  
11 THE WITNESS: Yes. I believe so.  
12 MS. PITMAN: I think so.  
13 MS. SULLIVAN: So, basically, we can only  
14 fine her for working without a license?  
15 MS. KERSEY: Correct.  
16 MS. SULLIVAN: So we cannot fine her for  
17 being a master forgery artist or anything of  
18 that nature?  
19 THE WITNESS: That would have to go to the  
20 prosecuting attorney.  
21 MS. SULLIVAN: That would be a legal or  
22 ethical issue?  
23 MS. PECK: Yes, ma'am.  
24 MS. PITMAN: I'm not sure that's a --  
25 MS. SULLIVAN: I don't know if that's a

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1 master job.  
2 THE WITNESS: It's not a really good job  
3 really. I think I could have done better.  
4 MS. SULLIVAN: Yeah, even the untrained  
5 eyes can tell that's not right.  
6 THE WITNESS: Yeah.  
7 MS. STEELE: Was she allowed to work as an  
8 assistant in the salon?  
9 MS. JACKSON: That was going to be my  
10 question. Did you verify the employment with  
11 Studio 2121, or was that --  
12 THE WITNESS: Yes, we did.  
13 MS. STEELE: And that she was currently  
14 there still working?  
15 THE WITNESS: Well, we went back in May to  
16 Studio 2121. She had worked there.  
17 MS. STEELE: And are these her records --  
18 MS. JACKSON: With that license?  
19 THE WITNESS: No, no, no, she was -- he  
20 knew she was a student.  
21 MS. JACKSON: Okay.  
22 THE WITNESS: Yeah.  
23 MS. FORD: So I have a question, was he  
24 fined?  
25 No, because he admitted it because we

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1 didn't catch it?  
2 THE WITNESS: Yes, he paid his fine. He  
3 paid his fine. Yes.  
4 MS. STEELE: What was his fine?  
5 THE WITNESS: Having unlicensed people in  
6 there --  
7 MS. STEELE: Uh-huh.  
8 THE WITNESS: -- it's \$250, I believe --  
9 no, a hundred dollars. Sorry. It's a hundred  
10 dollars. Per person.  
11 MS. SULLIVAN: Per person?  
12 THE WITNESS: Per person. Correct. So --  
13 MS. SULLIVAN: (Inaudible.)  
14 COURT REPORTER: I can't hear you.  
15 MS. SULLIVAN: I think we need to go to,  
16 what is it called, deliberation off the record.  
17 HEARING OFFICER JOHNSON: Okay. All  
18 right. We are off the record.  
19 (WHEREUPON, the Committee retired to  
20 deliberate, off the record, from 10:32 a.m. to  
21 10:34 a.m., and returned with the following  
22 decision:)  
23 HEARING OFFICER JOHNSON: Okay. All  
24 right. We are back on the record in the matter  
25 of Jessica Bucks. The board has deliberated

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1 and is now ready to entertain a motion with  
2 respect to its disposition of this matter.  
3 MS. ANDERSON: Would you like to make the  
4 motion, Jessica?  
5 MS. PECK: I would like to make a motion  
6 to -- I forgot what it was -- find the  
7 allegations proven --  
8 HEARING OFFICER JOHNSON: As stated in the  
9 Order and Notice of Hearing.  
10 MS. SULLIVAN: -- the allegations proven  
11 as stated in the notice of hearing.  
12 HEARING OFFICER JOHNSON: And?  
13 MS. PECK: And \$1,000 fine upon the  
14 license issue.  
15 MS. ANDERSON: Okay. Is there a second?  
16 HEARING OFFICER JOHNSON: \$1,000 fine to  
17 be imposed after the written examination is  
18 taken?  
19 MS. ANDERSON: Okay.  
20 MS. STEELE: Before she can receive her  
21 license.  
22 MS. FORD: I second it.  
23 MS. ANDERSON: Okay. So we have a motion  
24 that she will pay the fine, with the  
25 allegations proven from the litigation, that

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1 the \$1,000, upon that being paid, then she can  
 2 take her written examination. Is that  
 3 basically what you stated?  
 4 HEARING OFFICER JOHNSON: No. I believe  
 5 it was that after -- that she be allowed to  
 6 take her written examination, but before any  
 7 license can be issued, she has to pay \$1,000  
 8 fine.  
 9 MS. FORD: That's correct. Yes.  
 10 MS. ANDERSON: We have a motion, and we  
 11 have a second.  
 12 MS. FORD: Yes.  
 13 MS. ANDERSON: All those in favor?  
 14 COMMITTEE MEMBERS: Aye.  
 15 MS. ANDERSON: The motion passes.  
 16 HEARING OFFICER JOHNSON: All right. Then  
 17 that concludes this matter.  
 18 (WHEREUPON, at 10:36 a.m., the  
 19 above-entitled proceedings were concluded.)  
 20 ---O---

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1 ADMINISTRATIVE HEARING  
 2 IN THE MATTER OF:  
 3 ARKANSAS DEPARTMENT OF HEALTH PETITIONER  
 4 v.  
 5 SISTA'S STYLES RESPONDENT  
 6  
 7 HEARING OFFICER JOHNSON: All right. And  
 8 the next item on the hearing agenda?  
 9 MS. PITMAN: This is Sista's Styles.  
 10 HEARING OFFICER JOHNSON: All right. This  
 11 is the matter of Arkansas Department of Health  
 12 versus Sista's Styles. Is there anyone  
 13 representing Sista's Styles here today?  
 14 All right. This matter is before the  
 15 Cosmetology Technical Advisory Committee to  
 16 determine whether there has been a violation of  
 17 the rules and regulations that govern the  
 18 cosmetology industry.  
 19 The attorney representing the board is  
 20 Ms. Pitman. And, Ms. Pitman, will you be  
 21 presenting testimony today?  
 22 MS. PITMAN: Yes.  
 23 HEARING OFFICER JOHNSON: And who will be  
 24 testifying?  
 25 MS. PITMAN: Kerri Glaude and Kelli

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1 Kersey.  
 2 HEARING OFFICER JOHNSON: Okay. Could you  
 3 spell Ms. Glaude's last name?  
 4 MS. PITMAN: G-l-a-u-d-e.  
 5 HEARING OFFICER JOHNSON: Okay. All  
 6 right. All right. All right. Ms. Glaude and  
 7 Ms. Kersey, if you will raise your right hand,  
 8 I'll swear you in.  
 9 (WHEREUPON, the witnesses were sworn by  
 10 the Hearing Officer.)  
 11 HEARING OFFICER JOHNSON: All right.  
 12 Thank you.  
 13 Just speak up loudly enough so that you  
 14 can be heard by the court reporter.  
 15 And will there be any documents that you  
 16 want the board to consider today, Ms. Pitman?  
 17 MS. PITMAN: Yes, ma'am. There is a  
 18 hearing packet that's been included in the  
 19 binders behind the fourth tab.  
 20 MS. KERSEY: Yellow.  
 21 HEARING OFFICER JOHNSON: Okay. Yellow  
 22 tab.  
 23 MS. PITMAN: I believe it's ten pages.  
 24 MS. KERSEY: That's what I got.  
 25 HEARING OFFICER JOHNSON: Okay. Then the

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1 exhibits that are in the documents behind the  
 2 yellow tab, the approximately ten pages, will  
 3 be entered into the record as State's Exhibit,  
 4 Collective Exhibit 1.  
 5 (WHEREUPON, Committee's Exhibit No. 1 was  
 6 marked for identification.)  
 7 HEARING OFFICER JOHNSON: And then I will  
 8 let you call your first witness, Ms. Pitman.  
 9 MS. PITMAN: Call Ms. Glaude.  
 10 WHEREUPON,  
 11 KERRI GLAUDE,  
 12 having been called for examination, and having been first  
 13 duly sworn by the undersigned notary public, was examined  
 14 and testified, as follows:  
 15 DIRECT EXAMINATION  
 16 BY MS. PITMAN:  
 17 Q Will you please tell us your name.  
 18 A Kerri Glaude.  
 19 Q Ms. Glaude, where do you work?  
 20 A Arkansas Department of Health, Cosmetology Section,  
 21 as the Cosmetology Inspector.  
 22 Q Okay. Ms. Glaude, did you do an inspection of the  
 23 Sista's Styles salon on 5/29/2013?  
 24 A Yes.  
 25 Q Okay. Is that a routine inspection or in response

<p style="text-align: right;">Page 73</p> <p>1 to a complaint?  2 A A routine.  3 Q A routine?  4 A Uh-huh.  5 Q Okay. Sorry. I'm having a hard time hearing you.  6 A I'm sorry. Okay.  7 Q Can you speak up a little?  8 A I will talk -- okay. I will talk up a little bit.  9 Q Thank you. That's usually my problem.  10 Ms. Glaude, when you do these routine inspections,  11 do you take with you a cosmetology inspection report,  12 which I believe is found on Page 6 of the hearing packet?  13 A Yes.  14 Q And that cosmetology inspection report, is that a  15 checklist of what you're looking for when you inspect a  16 salon?  17 A Yes.  18 Q And did you use that inspection report when you did  19 your inspection of Sista's Styles Salon?  20 A Yes.  21 Q Who's the owner of Sista's Styles?  22 A I believe it's Tina Sims.  23 Q Was Ms. Sims there that day?  24 A Yes.  25 Q When you were at the salon, did you find any</p>	<p style="text-align: right;">Page 75</p> <p>1 A Right.  2 Q And what day did her license expire? When did it  3 expire?  4 A December 31, 2012.  5 Q And so that was about six months?  6 A Yeah.  7 Q Five and a half to six months before you actually  8 went out and inspected?  9 A Yes.  10 Q Okay. Ms. Glaude, did you go back out to Sista's  11 Styles after your May 29th inspection?  12 A No.  13 Q And so do you know sitting here today whether or not  14 she's renewed her license?  15 A I don't know. Huh-uh.  16 Q And do you know today whether or not she actually  17 closed her salon?  18 A I do not know for a fact, no.  19 Q Okay. Is there anything else about your  20 investigation or your inspection that we haven't talked  21 about?  22 A No.  23 MS. PITMAN: Okay. No other questions.  24 HEARING OFFICER JOHNSON: <sup>Okay. Does the</sup>  25 board have any questions for Ms. Glaude?</p>
<p style="text-align: right;">Page 74</p> <p>1 violations?  2 A The salon license was not current and therefore all  3 posted license weren't current.  4 Q Okay. So you noted two license violations: One was  5 in the first box, Regulation 17-23-401, No. 5, salon  6 license not current; the second listed under consumer  7 information, No. 5, all listed licenses were not current?  8 A Yes.  9 Q When you noted those violations, did you then  10 explain them to Ms. Sims and have her sign that she knew  11 they were violations listed on the sheets?  12 A Yes.  13 Q On that day, May 29th, did Ms. Sims offer any reason  14 why her license wasn't current?  15 A She told me that as of June 1st she would be  16 closing.  17 Q Did it appear that she was closing when she was  18 there, when you were there that day?  19 A It did. A lot of the equipment had been moved out.  20 Q Okay. Did she have customers in the salon the day  21 that you were there?  22 A She was working on a -- on a client when I was in  23 there.  24 Q So she was working on a client that day and her  25 license wasn't -- wasn't valid?</p>	<p style="text-align: right;">Page 76</p> <p>1 All right. You may call Ms. Kersey.  2 WHEREUPON,  3 KELLI KERSEY  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 EXAMINATION  8 BY MS. PITMAN:  9 Q Ms. Kersey, will you tell us your name again.  10 A Kelli Kersey.  11 Q Okay. Where do you work?  12 A Arkansas Department of Health, Cosmetology Section,  13 Section Chief.  14 Q Okay. And as the section chief, did you review the  15 investigation of Sista's Styles Salon with Ms. Glaude?  16 A I did. Yes, ma'am.  17 Q Okay. And you're aware that the violation is for  18 operating without a current license and having uncurrent  19 or invalid license posted?  20 A Yes, ma'am.  21 Q All right. Did you send them a letter notifying  22 them of those violations?  23 A Yes, ma'am.  24 Q And that letter was dated June 24th?  25 A Yes, ma'am.</p>

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<p>1 Q In that violation letter you give them the option of  2 paying the penalty or having a hearing. Is that right?  3 A Correct.  4 Q What did Ms. Sims' response say?  5 A She requested a hearing.  6 Q And what day was that sent back to us?  7 A July 9th.  8 Q Okay. And what did she say in her letter response  9 there at the bottom?  10 A She stated that she was closing the salon, "moving  11 the shop permanently the same day the inspector came in  12 to inspect my shop."  13 Q Okay. And that response, I believe, is the page  14 right after that Order and Notice of Hearing? No. 5,  15 actually?  16 A Page 5, uh-huh.  17 Q Okay. After you received that response, did you  18 prepare an Order and Notice of Hearing for Ms. Sims?  19 A Yes, ma'am.  20 Q And did that Order and Notice of Hearing notify her  21 that there were violations for operating without a  22 current valid license and not having a current valid  23 license posted?  24 A Correct.  25 Q Did it notify them that a hearing would be held</p>	<p>1 Q And that is Page 2 of the hearing packet, is that  2 right?  3 A Correct.  4 Q Okay. Is that the same address that you used to  5 send her the notice of the violation?  6 A Yes, ma'am.  7 Q And she did receive that, correct?  8 A Yes, ma'am.  9 Q Ms. Kersey, what is your proposed penalty or  10 recommended penalty for this case?  11 A \$300. 250 for working without a license and 50 for  12 not being posted.  13 Q Okay. Do you know if Sista's Styles has renewed  14 their license?  15 A I do not know that either.  16 Q Okay. And have they notified you that their salon  17 has closed?  18 A Not -- none other than Ms. Glaude's comment that  19 they were closing on June 1st.  20 Q Would a salon typically notify you if they are  21 closing?  22 A Yes. They are supposed to send us a letter.  23 Q Okay. And you haven't received one on Sista's  24 Styles?  25 A No, ma'am.</p>
Page 78	Page 80
<p>1 today, at 9:00 a.m., in Room 801 of the Freeway Medical  2 Building?  3 A Yes.  4 Q Is Ms. Sims or anyone from Sista's Styles Salon here  5 today?  6 A I don't -- it doesn't appear they are.  7 Q And did this notice also let them know that they  8 could be assessed a fine?  9 A Yes, ma'am.  10 Q How did you send this letter to Ms. Sims?  11 A Certified.  12 Q Certified mail at what address?  13 A 5128 Mabelvale Pike, Little Rock.  14 Q And was that the last address you had for the salon,  15 Sista's Styles, that's in the file?  16 A Yes, ma'am.  17 Q Do you have proof that that was received by Sista's  18 Styles?  19 A We have proof that it was left, but we do not have  20 proof that she ever signed for it.  21 Q What do you mean by you have proof that it was left?  22 A We have a tracking and confirmation of our certified  23 mail, we send all of our Notice of Hearings certified  24 mail, and we printed that out and it was left on  25 August 28th, but she never signed for it.</p>	<p>1 MS. PITMAN: Okay. No other questions.  2 HEARING OFFICER JOHNSON: <small>All right. Does</small>  3 the board have any further questions for  4 Ms. Kelli Kersey?  5 MS. FORD: I do. In our packet here,  6 there is a hearing request, but I know you said  7 in your testimony that there was no signing,  8 that you only had proof that the document was  9 left. But here, there is a sheet in here where  10 she has requested a hearing. Is this correct?  11 I think the respondent is Tina Sims, I'm not  12 sure what page.  13 THE WITNESS: This is the first one that  14 we know she got.  15 MS. FORD: Okay.  16 THE WITNESS: The second one she is -- is  17 the one that we don't know if she signed for.  18 That's what goes with the green slip.  19 MS. FORD: Okay.  20 MS. ANDERSON: My -- my concern was it  21 doesn't state she's closing her salon  22 permanently, it says moving and closing salon  23 permanently, so she -- was she moving --  24 closing this salon, this Sista's Styles  25 permanently at that time, at that date?</p>

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1 THE WITNESS: I can only go by what -- I  
2 mean, I'm looking at the same thing, so I guess  
3 it's pretty unclear.  
4 MS. ANDERSON: Okay.  
5 THE WITNESS: Is she moving it or is she  
6 closing. Yeah.  
7 MS. ANDERSON: That was my question.  
8 THE WITNESS: Yeah.  
9 MS. ANDERSON: So, would this go so far as  
10 a letter of closing here for you as far as  
11 that?  
12 THE WITNESS: (Shaking head from side to  
13 side.)  
14 MS. ANDERSON: So it would not go so far  
15 as to meet the law?  
16 THE WITNESS: No.  
17 MS. ANDERSON: Okay.  
18 THE WITNESS: Because this is actually  
19 something that we get, you know, she's  
20 requesting a hearing, so . . .  
21 MS. SULLIVAN: So she didn't submit proper  
22 paperwork of closing a salon or reopening  
23 another one?  
24 THE WITNESS: No. Not to my knowledge.  
25 MS. SULLIVAN: And has she -- she has not

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1 renewed her license as of this time?  
2 THE WITNESS: Not to my knowledge. No.  
3 MS. SULLIVAN: Is she working in this  
4 salon? Has no one been back to see if it's  
5 closed like -- or anything?  
6 THE WITNESS: It's usually a -- I mean,  
7 she wouldn't go -- it hasn't been six months  
8 yet, so it wouldn't be time to go back to that  
9 salon.  
10 MS. SULLIVAN: But due to the fact that  
11 there was issues, you don't go back and check  
12 to see if things have been rectified?  
13 THE WITNESS: Not salons.  
14 MS. SULLIVAN: Not salons?  
15 THE WITNESS: Huh-uh. We just send them  
16 violations.  
17 MS. STEELE: So she could currently have  
18 her own personal license and be working  
19 somewhere else?  
20 THE WITNESS: She could. Yeah.  
21 MS. ANDERSON: But we don't know that she  
22 does? She doesn't have a license with the  
23 Arkansas Department of Health?  
24 THE WITNESS: She has a license, yes.  
25 MS. ANDERSON: A current license?

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1 THE WITNESS: Yeah.  
2 MS. ANDERSON: So she could have moved to  
3 another salon?  
4 THE WITNESS: Yeah. That's what she said.  
5 MS. SULLIVAN: So it was the salon license  
6 that was expired --  
7 THE WITNESS: Correct.  
8 MS. SULLIVAN: -- not her personal  
9 practitioner's license?  
10 THE WITNESS: Correct.  
11 HEARING OFFICER JOHNSON: *Okay. Any other*  
12 questions?  
13 All right. Is the board ready to  
14 deliberate?  
15 All right. Then we'll go off the record  
16 and allow the board to deliberate.  
17 (WHEREUPON, the Committee retired to  
18 deliberate, off the record, from 10:48 a.m. to  
19 10:55 a.m., and returned with the following  
20 decision:)  
21 HEARING OFFICER JOHNSON: All right.  
22 We're back on the record in the matter of  
23 Sista's Styles. The board has deliberated and  
24 is ready to entertain a motion, first with  
25 respect to finding the allegations proven as

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1 contained in the notice of hearing and secondly  
2 with respect to whatever fine or disposition  
3 that you want. I'll turn it over to you.  
4 MS. ANDERSON: Okay. And, Ms. Ford, would  
5 you like to make a motion?  
6 MS. FORD: I would. I would like to make  
7 a motion that the allegations are found  
8 relevant and that the fine be imposed of a  
9 thousand dollars.  
10 MS. PECK: I second that.  
11 MS. ANDERSON: Second has been made. We  
12 have a motion and a second. All those in  
13 favor?  
14 MS. PECK: Aye.  
15 MS. FORD: Aye.  
16 MS. STEELE: Aye.  
17 MS. SULLIVAN: Aye.  
18 MS. ANDERSON: All those opposed?  
19 MS. JACKSON: Aye.  
20 MS. ANDERSON: Okay. Motion passes.  
21 (WHEREUPON, at 10:56 a.m., the  
22 above-entitled proceedings were concluded.)  
23 ---0---  
24  
25

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<p>1 ADMINISTRATIVE HEARING 2 IN THE MATTER OF: 3 ARKANSAS DEPARTMENT OF HEALTH PETITIONER 4 v. 5 SALON CHRISTOPHER RESPONDENT 6 7 HEARING OFFICER JOHNSON: All right. Next 8 item on the agenda? 9 MS. PITMAN: Salon Christopher. 10 HEARING OFFICER JOHNSON: Okay. Is there 11 anyone in attendance representing Salon 12 Christopher? 13 Okay. This matter is before the 14 Cosmetology Technical Advisory Committee to 15 determine whether there has been a violation of 16 the rules and regulations that govern the 17 cosmetology board. 18 Present representing the board is 19 Ms. Pitman. And, Ms. Pitman, will you be 20 presenting testimony today with regard to this 21 matter? 22 MS. PITMAN: Yes, ma'am. I will be 23 calling Kerri Glaude and Kelli Kersey. 24 HEARING OFFICER JOHNSON: All right. All 25 right. Ms. Glaude and Ms. Kersey, let me swear</p>	<p>1 WHEREUPON, 2 KERRI GLAUDE, 3 having been called for examination, and having been first 4 duly sworn by the Hearing Officer, was examined and 5 testified, as follows: 6 DIRECT EXAMINATION 7 BY MS. PITMAN: 8 Q Ms. Glaude, will you tell us your name. 9 A Kerri Glaude. 10 Q Where do you work? 11 A Arkansas Health Department, Cosmetology Section, 12 Cosmetology Inspector. 13 Q And did you inspect Salon Christopher? 14 A Yes, I did. 15 Q On two different occasions, on December 5, 2012, 16 and again on June 25, 2013? 17 A Yes. 18 Q Ms. Glaude, the December 5, 2012 investigation, was 19 that a routine inspection -- 20 A Yes. 21 Q -- or a response to a complaint? 22 A Yes. Just routine. 23 Q Routine? 24 A (Nodding head up and down.) 25 Q And on that inspection and on the June 25th one,</p>
<p>1 you in. 2 (WHEREUPON, the witnesses were sworn by 3 the Hearing Officer.) 4 HEARING OFFICER JOHNSON: All right. And 5 will you be presenting documentary evidence to 6 the board, Ms. Pitman? 7 MS. PITMAN: Yes, ma'am. 8 HEARING OFFICER JOHNSON: All right. And 9 what is that? 10 MS. PITMAN: Appears to be 15 pages, it's 11 located behind the third green tab in the 12 binder. 13 HEARING OFFICER JOHNSON: Okay. Okay. 14 The green tab and it's 13 pages. All right. 15 These -- 16 MS. PITMAN: Fifteen. Approximately. 17 HEARING OFFICER JOHNSON: Okay. 18 Approximately 15 pages behind the green tab 19 will be entered into the record as State's 20 Exhibit 1. 21 (WHEREUPON, Committee's Exhibit No. 1 was 22 marked for identification.) 23 HEARING OFFICER JOHNSON: And you may go 24 ahead and call your first witness. 25 MS. PITMAN: Call Kerri Glaude.</p>	<p>1 did you use the inspection report that is taken -- 2 A Yes. 3 Q -- that lists all of the things that you look for in 4 an inspection? 5 A Yes. 6 Q On that December 5th inspection -- well, first, 7 who is the owner of Salon Christopher? 8 A I'm pretty sure his last name, from -- is Ruple, 9 Chris -- Chris Ruple. 10 Q Okay. And on that December 5, 2012 inspection, was 11 Mr. Ruple present? 12 A No. 13 Q Who was there? 14 A Rhonda Holub, which is a practitioner, and Barron 15 McMillion, practice -- well, actually, Barron was not 16 there that day, he wasn't working that day. 17 Q All right. On the December 5th inspection, did you 18 note any violations? 19 A Yes. 20 Q What were they? 21 A The -- No. 24, under the physical facilities, 22 Section C, it says "All supplies and instruments that 23 can't be disinfected are disposed of immediately after 24 use." I marked that. There was a wax stick in the wax 25 pot.</p>

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<p>1 Q Okay. And they are supposed to throw the wax stick 2 away after they use it. Is that right? 3 A Immediately. 4 Q Ms. Glaude, when you noted that violation, did you 5 explain it to Ms. Holub who was present that day? 6 A Yes. 7 Q Did you have her sign acknowledging that? 8 A Yes. 9 Q And then you went back to Salon Christopher on 10 June 25th of this year? 11 A Yes. 12 Q Is that right? 13 A (Nodding head up and down.) 14 Q And, again, was that a routine inspection or in 15 response to a complaint? 16 A Routine. 17 Q On that inspection on June 25th, you used the same 18 inspection report, you don't have No. 24 checked, so 19 there were no more -- 20 A Right. 21 Q -- wax sticks in the pot? 22 A Right. 23 Q Okay. Did you note any violations on the June 25th 24 date? 25 A Yes.</p>	<p>1 inspection report. Is that right? 2 A Right. 3 Q Ms. Glaude, have you been back out to Salon 4 Christopher since 6/25? 5 A No, I haven't. 6 Q So do -- do you know today whether or not he has 7 renewed his license? 8 A I have no idea. 9 MS. PITMAN: No other questions. 10 HEARING OFFICER JOHNSON: All right. Does 11 the board have any questions for Ms. Glaude? 12 All right. You may call Ms. Kersey. 13 WHEREUPON, 14 KELLI KERSEY, 15 having been called for examination, and having been first 16 duly sworn by the Hearing Officer, was examined and 17 testified, as follows: 18 DIRECT EXAMINATION 19 BY MS. PITMAN: 20 Q Ms. Kersey, tell us your name. 21 A Kelli Kersey. 22 Q And where do you work? 23 A Arkansas Department of Health, Cosmetology Section, 24 Section Chief. 25 Q Thank you.</p>
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<p>1 Q Okay. What were those? 2 A In the first section the salon license was not 3 current, therefore, under Section 2, "All posted license 4 are current," and I wrote the salon was not current. 5 Q So their license had expired? When did it expire? 6 A 12/31/2012. 7 Q Okay. And you went out on 6/25, so it had been 8 approximately five to six months -- 9 A Yes. Six -- 10 Q -- later? 11 A Yeah. 12 Q Okay. And they had -- still had the expired license 13 posted? Is that right, on the second one? 14 A Yes. 15 Q Okay. You said Mr. Ruple was the owner. Was 16 Mr. Ruple present on 6/25? 17 A Yes. 18 Q And did he sign acknowledging these violations? 19 A Yes. 20 Q And did you explain these violations to him? 21 A Yes. 22 Q Did he give you any reason why the license was 23 expired? 24 A Not that I recall. 25 Q Okay. And you don't have any reason noted on your</p>	<p>1 And do you -- did you go over the inspections, both 2 inspections, the December 5th and the June 25th 3 inspection with Ms. Glaude? 4 A Yes, ma'am. I did. 5 Q Okay. On the December 5th inspection, was a 6 violation letter sent? 7 A Yes, ma'am. 8 Q Okay. And that violation letter asked for how much 9 in penalty? 10 A Fifty dollars. 11 Q All right. It was sent January 18th? 12 A Yes, ma'am. 13 Q Did you ever receive the \$50? 14 A No, ma'am, I did not. 15 Q It looks like the letter before that is dated 16 March 21st? 17 A Uh-huh. 18 Q And that's a follow-up letter? 19 A Yes, ma'am. 20 Q And that letter again asks for the \$50? 21 A Yes, ma'am. 22 Q And it says that the license can be suspended if it 23 is not received? 24 A Yes, ma'am. 25 Q And you still have not received the \$50?</p>

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<p>1 A No, ma'am.</p> <p>2 Q On the June 25th investigation, did you send out</p> <p>3 another violation letter?</p> <p>4 A Yes.</p> <p>5 Q Okay. And where is that in the packet?</p> <p>6 A Oh, yeah, I don't know. We had somebody else doing</p> <p>7 violations at that time but he is no longer with us.</p> <p>8 Q Okay.</p> <p>9 A So do --</p> <p>10 Q Okay. Well, that's fine. But you did send out a</p> <p>11 Order of Notice of Hearing, did you not?</p> <p>12 A Yes.</p> <p>13 Q And in that Order and Notice of Hearing, you noted</p> <p>14 that he had been inspected on both December 5th and</p> <p>15 June 25th?</p> <p>16 A Yes, ma'am.</p> <p>17 Q And you cited him for not immediately getting rid of</p> <p>18 the wax sticks after use, for operating without a current</p> <p>19 or valid license, and for not having a current or valid</p> <p>20 license posted?</p> <p>21 A Correct.</p> <p>22 Q And in that same Order and Notice of Hearing, again,</p> <p>23 you notified him that there would be a hearing today,</p> <p>24 September 16, at 9:00 a.m., in Room 801, where we are</p> <p>25 now?</p>	<p>1 Q And that's for all three of the violations, the</p> <p>2 failure to have the wax stick? Okay. The operating</p> <p>3 without a license and having an uncurrent license posted?</p> <p>4 A Correct.</p> <p>5 MS. PITMAN: Okay. No other questions.</p> <p>6 HEARING OFFICER JOHNSON: Does the board</p> <p>7 have any questions for Ms. Kersey?</p> <p>8 MS. STEELE: Does he have a current</p> <p>9 license now?</p> <p>10 THE WITNESS: It was not renewed as of</p> <p>11 August 22nd, but that's the last -- sorry,</p> <p>12 when we got this ready, that's the last time I</p> <p>13 looked.</p> <p>14 MS. STEELE: So, as of August 22nd, he</p> <p>15 had not renewed?</p> <p>16 THE WITNESS: He had not renewed his</p> <p>17 license, yeah.</p> <p>18 MS. STEELE: And is he still open?</p> <p>19 THE WITNESS: Yes.</p> <p>20 MS. STEELE: For business?</p> <p>21 THE WITNESS: Yes.</p> <p>22 MS. JACKSON: In March his license was</p> <p>23 suspended for nonpayment?</p> <p>24 THE WITNESS: Of the wax, the first</p> <p>25 violation, yes.</p>
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<p>1 A Yes, ma'am.</p> <p>2 Q And you notified him that there could be a penalty</p> <p>3 and including revocation or suspension of license and</p> <p>4 fine of up to \$1,000 per violation?</p> <p>5 A Yes, ma'am.</p> <p>6 Q And did Mr. Ruple receive that notice of hearing?</p> <p>7 A Someone at the salon signed for it on 8/28.</p> <p>8 Q Okay. And that was sent to the salon address, 7610</p> <p>9 North Hills Boulevard?</p> <p>10 A Yes, ma'am.</p> <p>11 Q And that's the current address for Salon</p> <p>12 Christopher?</p> <p>13 A Yes, ma'am.</p> <p>14 Q Okay. To your knowledge, is Mr. Ruple here today?</p> <p>15 A No, ma'am.</p> <p>16 Q And have you heard from him regarding any of these</p> <p>17 violations?</p> <p>18 A I have not.</p> <p>19 Q Has he paid any of these violations?</p> <p>20 A No.</p> <p>21 Q Is there anything else we need to know about this</p> <p>22 inspection, either inspection we have not talked about?</p> <p>23 A No.</p> <p>24 Q And what is your recommended penalty today?</p> <p>25 A \$350 -- no -- yeah, \$350 altogether.</p>	<p>1 MS. JACKSON: So his shop license was</p> <p>2 suspended?</p> <p>3 THE WITNESS: Uh-huh.</p> <p>4 MS. JACKSON: But he didn't take care of</p> <p>5 that and then you went back later and it was</p> <p>6 expired?</p> <p>7 THE WITNESS: Yes.</p> <p>8 MS. JACKSON: So he's working with an</p> <p>9 expired and a suspended license?</p> <p>10 THE WITNESS: Correct.</p> <p>11 MS. JACKSON: Okay.</p> <p>12 MS. SULLIVAN: And on --</p> <p>13 MS. ANDERSON: Go ahead.</p> <p>14 MS. SULLIVAN: -- on the second trip back,</p> <p>15 the trashcan lids were still not fixed as well?</p> <p>16 THE WITNESS: Correct. That's what it</p> <p>17 appears to me on the inspection sheet.</p> <p>18 MS. SULLIVAN: I should have asked</p> <p>19 Ms. Glaude.</p> <p>20 THE WITNESS: Yeah.</p> <p>21 MS. ANDERSON: So your recommendation for</p> <p>22 penalty is 300 for the non license, \$50 for non</p> <p>23 posting?</p> <p>24 THE WITNESS: It's 250 for non license,</p> <p>25 \$50 on non posting. Yeah.</p>

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1 MS. ANDERSON: And then the \$50 for the  
2 license?  
3 THE WITNESS: Uh-huh.  
4 HEARING OFFICER JOHNSON: Okay. Is the  
5 board ready to deliberate?  
6 MS. ANDERSON: Yes, ma'am.  
7 HEARING OFFICER JOHNSON: All right.  
8 We'll go off the record.  
9 (WHEREUPON, the Committee retired to  
10 deliberate, off the record, from 11:06 a.m. to  
11 11:09 a.m., and returned with the following  
12 questions:)  
13 MS. PITMAN: I'm sorry. I just wanted to  
14 clarify that, regarding your penalties, the  
15 trashcan lid versus the wax stick, you can't  
16 penalize them for anything that we've not  
17 notified them of in the Order and Notice of  
18 Hearing, and there was nothing on it on the  
19 trashcan.  
20 MS. SULLIVAN: Why wasn't it? Can I ask  
21 that question?  
22 MS. ANDERSON: We cannot ask that question  
23 at this time.  
24 MS. PITMAN: We are back on the record if  
25 you want to ask. We can ask her.

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1 MS. SULLIVAN: I would like to, just for  
2 curiosity more than anything.  
3 MS. PITMAN: Go ahead. You can ask her.  
4 WHEREUPON,  
5 KERRI GLAUDE,  
6 having been recalled for examination, and having been  
7 previously duly sworn by the Hearing Officer, was  
8 examined and testified, as follows:  
9 MS. SULLIVAN: Why was it not on the  
10 letter, the penalty, since they had not -- the  
11 trashcan lids were not fixed from one visit to  
12 the next?  
13 THE WITNESS: Right. When I went in  
14 December, was it December 5th of last year, I  
15 just started working in October here, so a lot  
16 of the -- my first round, my first time  
17 through, we did a lot of -- and I discussed  
18 this with my supervisor that, you know --  
19 because there had been a lot of confusion about  
20 the trashcans, about the way it's stated so a  
21 lot, I had just been giving warnings.  
22 MS. SULLIVAN: Oh, okay.  
23 THE WITNESS: So, of course when I go back  
24 the second when I went back in June, I do not,  
25 I don't have my original sheet and so I thought

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1 I -- I guess gave him the benefit of the doubt,  
2 instead of -- I thought, well, maybe I didn't,  
3 you know, so I just wrote it as a warning. And  
4 those aren't actually -- that's not a violation  
5 when it's written down there as a note.  
6 MS. SULLIVAN: Okay. Thank you.  
7 No, that makes sense to me, I was just  
8 confused. I thought, well, I know I want to  
9 get him for it, but I mean if it's just a  
10 warning.  
11 THE WITNESS: Right.  
12 MS. SULLIVAN: Because everybody can mess  
13 up here and there.  
14 THE WITNESS: Right.  
15 MS. SULLIVAN: So I just wanted to  
16 understand why. So thank you.  
17 HEARING OFFICER JOHNSON: Okay. We  
18 addressed that. Okay. We can go back off the  
19 record.  
20 (WHEREUPON, the Committee retired to  
21 deliberate, off the record, from 11:10 a.m. to  
22 11:12 a.m., and returned with the following  
23 discussion:)  
24 HEARING OFFICER JOHNSON: All right.  
25 We're back on the record in the matter of Salon

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1 Christopher. The board has deliberated and is  
2 now ready to entertain a motion with respect to  
3 the findings of fact having been proven by the  
4 testimony today and any dispositions or  
5 disciplinary action that you may impose.  
6 MS. STEELE: So I would like to make a  
7 motion to fine the maximum of \$1,000 for  
8 violation of not working with a current license  
9 and for not paying the 50-dollar initial  
10 violation fee.  
11 MS. FORD: I second that motion.  
12 HEARING OFFICER JOHNSON: And to adopt  
13 the -- then to -- to also include that the  
14 testimony has proven the allegations as  
15 contained in the notice of hearing?  
16 MS. STEELE: (Nodding head up and down.)  
17 MS. ANDERSON: And did you second that,  
18 too?  
19 MS. FORD: Yes.  
20 MS. ANDERSON: And we have a motion and a  
21 second and we -- do we have a question on the  
22 floor before we make that vote?  
23 MS. JACKSON: Yes.  
24 Can we give him a violation for not paying  
25 the first violation, or are we doing it as just

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1 one whole? We can't separate it?  
 2 MS. FORD: There is only one thing on that  
 3 order?  
 4 MS. PITMAN: No, there is three.  
 5 MS. ANDERSON: There are two things on the  
 6 order, there are two separate things on the  
 7 order, we talked about combining them and  
 8 then --  
 9 MS. FORD: Then we need to go back off the  
 10 record.  
 11 MS. ANDERSON: So, are you wanting to go  
 12 back off the record to discuss it or are you  
 13 going to be able to discuss on the floor at  
 14 this time?  
 15 MS. JACKSON: Go back on the record.  
 16 MS. PITMAN: Go on the record. There's  
 17 three listed violations, for the record, there  
 18 are three notices of violations, Paragraphs 3,  
 19 4, and 5.  
 20 HEARING OFFICER JOHNSON: *And that makes*  
 21 it easier for you when you're -- when you're  
 22 addressing each.  
 23 MS. ANDERSON: Uh-huh.  
 24 HEARING OFFICER JOHNSON: *And I might*  
 25 state that -- that when you address each

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1 allegation, you find that it's been proven and  
 2 you also find what type of fine you are going  
 3 to assess or disciplinary action you are going  
 4 to take, and I encourage you to look at each  
 5 one of them and apply your judgment and  
 6 discretion, there is no rule that says you have  
 7 to just blanket summarily assess \$1,000 fine  
 8 for each and every violation, because when you  
 9 do that it might just seem that you're  
 10 arbitrarily assessing \$1,000 fine for every  
 11 violation. So, and, you know, you might take  
 12 into consideration the staff recommendations or  
 13 whatever, and there is a -- there is a -- there  
 14 is a scale of severity of offenses, and just --  
 15 just putting that out there.  
 16 MS. ANDERSON: Thank you.  
 17 HEARING OFFICER JOHNSON: Okay.  
 18 MS. ANDERSON: Would you like to go back  
 19 off the record to discuss it?  
 20 MS. STEELE: Yes.  
 21 MS. ANDERSON: Okay. Let's go back off  
 22 the record, please.  
 23 HEARING OFFICER JOHNSON: Okay.  
 24 (WHEREUPON, the Committee retired to  
 25 deliberate, off the record, from 11:14 a.m. to

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1 11:15 a.m., and returned with the following  
 2 discussion:)  
 3 HEARING OFFICER JOHNSON: *We're back on*  
 4 the record.  
 5 MS. JACKSON: There were three violations,  
 6 Paragraphs 3, 4, and 5?  
 7 MS. PITMAN: Yes.  
 8 MS. JACKSON: Okay. So you can't -- two  
 9 of them are operating without a current or  
 10 valid license.  
 11 MS. PITMAN: One is operating without a  
 12 current or valid license, one is not having a  
 13 valid or current license posted.  
 14 MS. JACKSON: Right.  
 15 HEARING OFFICER JOHNSON: *And you can*  
 16 assess a fine for each one of those separately.  
 17 MS. JACKSON: Okay.  
 18 HEARING OFFICER JOHNSON: *Taking into*  
 19 account, you know, it doesn't have to be -- you  
 20 know, this is what I'm saying, you can assess a  
 21 fine for each one separately.  
 22 MS. PITMAN: Okay.  
 23 HEARING OFFICER JOHNSON: *Okay. And that*  
 24 will necessarily require you to have -- to find  
 25 that that has been proven true. Okay?

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1 MS. ANDERSON: Okay. We're off the  
 2 record?  
 3 HEARING OFFICER: Off the record. We're  
 4 going back off the record.  
 5 (WHEREUPON, the Committee retired to  
 6 deliberate, off the record, from 11:16 a.m. to  
 7 11:40 a.m., and returned with the following  
 8 decision:)  
 9 HEARING OFFICER JOHNSON: All right.  
 10 We're back on the record and we can continue  
 11 and do the motion and everything.  
 12 MS. ANDERSON: Okay. Cynthia, would you  
 13 like to ask your question to our section chief?  
 14 HEARING OFFICER JOHNSON: All right.  
 15 There was a question you wanted to direct --  
 16 MS. STEELE: So, the violation that we  
 17 impose, if he doesn't pay that, then what can  
 18 we do with him then?  
 19 MS. KERSEY: Well, that doesn't include  
 20 his renewal fee either, so you have to think  
 21 about -- that's 150, too. I would have to  
 22 defer that to our legal.  
 23 MS. STEELE: So we need to add the 150 for  
 24 the renewal fee on this total, too.  
 25 MS. KERSEY: Well, it's different, yeah,

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1 we'll do that.  
 2 MS. ANDERSON: That will be when he gets  
 3 licensed again.  
 4 MS. PITMAN: So will he be able to get his  
 5 license if he doesn't pay the fine, Kelli?  
 6 MS. KERSEY: Huh?  
 7 MS. PITMAN: Would he be able to get his  
 8 license if he doesn't pay that fine?  
 9 MS. KERSEY: That would be up to them. I  
 10 mean, that has to be in their --  
 11 HEARING OFFICER JOHNSON: *You can put that*  
 12 *in your motion.*  
 13 MS. SULLIVAN: That he has to pay the fine  
 14 before --  
 15 MS. ANDERSON: License can be renewed.  
 16 MS. SULLIVAN: -- license can be renewed.  
 17 HEARING OFFICER JOHNSON: *License shall*  
 18 *not be renewed until the fine is paid in full.*  
 19 MS. FORD: And this is for the  
 20 establishment license?  
 21 MS. ANDERSON: Yes.  
 22 MS. JACKSON: So the whole fine has to be  
 23 paid?  
 24 MS. STEELE: Uh-huh.  
 25 MS. JACKSON: Not just the portion of it

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1 since it's being broken up?  
 2 MS. ANDERSON: Yes.  
 3 HEARING OFFICER JOHNSON: *You can say, the*  
 4 *whole fine.*  
 5 MS. ANDERSON: Uh-huh. Fine and his -- in  
 6 its entirety.  
 7 MS. FORD: Okay. So the whole fine in its  
 8 entirety has to be paid before he can renew his  
 9 license, is that what we're saying?  
 10 MS. SULLIVAN: Yes.  
 11 MS. ANDERSON: Yes, ma'am.  
 12 MS. FORD: Before he can renew his  
 13 license?  
 14 MS. ANDERSON: Right.  
 15 MS. STEELE: And should he continue  
 16 operating without his license?  
 17 MS. FORD: It's suspended.  
 18 MS. STEELE: But it's not -- but it's --  
 19 MS. ANDERSON: The salon license is  
 20 suspended until inspection is --  
 21 HEARING OFFICER JOHNSON: *Well, that's all*  
 22 *you have the authority to do is suspend it.*  
 23 MS. ANDERSON: That's all we can do, it's  
 24 been suspended at this time. So at this time  
 25 we're talking about a suspended license.

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1 We're back on the record. Do I have a  
 2 motion on the floor, please?  
 3 MS. SULLIVAN: Yes. I make a motion to  
 4 fine him the --  
 5 HEARING OFFICER JOHNSON: That the  
 6 allegations have been proven.  
 7 MS. SULLIVAN: -- that the allegations  
 8 have been proven, and now I go into the --  
 9 HEARING OFFICER JOHNSON: *Now, uh-huh.*  
 10 MS. SULLIVAN: -- okay -- that we will  
 11 fine him for not having a license posted,  
 12 \$1,000, for not renewing would be \$50, and for  
 13 the violation of the wax stick will be \$50 per  
 14 30 days of not paying, which will be 450, and  
 15 it must be paid in entirety before he can renew  
 16 his license.  
 17 MS. ANDERSON: And just one correction to  
 18 it. That \$50 was for the license being posted.  
 19 MS. SULLIVAN: Was it? The --  
 20 MS. ANDERSON: You said that --  
 21 MS. SULLIVAN: The no license was a  
 22 thousand, the renewal was 50 and the wax sticks  
 23 was \$50 per 30 days for the non payment for the  
 24 total of 450.  
 25 MS. ANDERSON: But the thousand dollars

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1 was your -- just what you were saying, was your  
 2 actual license itself, the \$50 was for the non  
 3 posting.  
 4 MS. SULLIVAN: Okay. Then \$50 for non  
 5 posting.  
 6 MS. ANDERSON: Would you like to restate  
 7 that, please? Okay.  
 8 MS. SULLIVAN: Do I have to say all the  
 9 other first?  
 10 HEARING OFFICER JOHNSON: *Go ahead.*  
 11 MS. SULLIVAN: Okay. The motion is for  
 12 the no license of \$1,000, the non posting of  
 13 50, and then \$50 per 30 days of the violation  
 14 of the wax stick, totaling the 450 there, to be  
 15 a total of 1,500, to be paid in its entirety  
 16 before he can get his license renewed.  
 17 HEARING OFFICER JOHNSON: Okay.  
 18 MS. ANDERSON: We have a motion on the  
 19 floor. Do I have a second?  
 20 MS. PECK: Second.  
 21 MS. ANDERSON: Second. All those in  
 22 favor?  
 23 MS. PECK: Aye.  
 24 MS. JACKSON: Aye.  
 25 MS. SULLIVAN: Aye.

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1 MS. STEELE: Aye.  
 2 MS. ANDERSON: All those opposed?  
 3 MS. FORD: Aye.  
 4 MS. ANDERSON: Okay. Motion passes.  
 5 HEARING OFFICER JOHNSON: Motion passes by  
 6 a vote of four -- four to one. All right.  
 7 MS. ANDERSON: Four to one.  
 8 HEARING OFFICER JOHNSON: All right. And  
 9 this action of the board will be put in written  
 10 format and an order will be sent to the  
 11 respondent. All right. With this -- with the  
 12 board's action explained in it today. All  
 13 right.  
 14 All right. Well, thank you very much for  
 15 those who participated. Of course, the  
 16 respondents weren't here, but for the  
 17 inspectors and everybody that provided  
 18 testimony.  
 19 (WHEREUPON, at 11:44 a.m., the  
 20 above-entitled proceedings were concluded.)  
 21 ---o---

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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, September  
 10 16, 2013, were taken by me in Stenotype and was reduced  
 11 to computer-generated typewritten form by me or under my  
 12 direction and supervision; that the witnesses were duly  
 13 sworn by the Hearing Officer; and that the same is a true  
 14 and correct reflection of the proceedings that occurred,  
 15 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

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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 \_\_\_\_\_ .  
 7  
 8  
 9  
 10  
 11 \_\_\_\_\_  
 12 SUSAN B. WHITSON, CCR, #158  
 13 NOTARY COMMISSION #12388076  
 14 NOTARY PUBLIC IN AND FOR  
 15 PULASKI COUNTY, ARKANSAS  
 16  
 17 My Commission Expires: June 4, 2022.  
 18  
 19  
 20 ---o---



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