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ARKANSAS DEPARTMENT OF HEALTH  
COSMETOLOGY SECTION  
COSMETOLOGY TECHNICAL ADVISORY COMMITTEE

BE IT REMEMBERED that on Monday, the 26<sup>th</sup> day of January 2015, the meeting of the Arkansas Department of Health, Cosmetology Section, Cosmetology Technical Advisory Committee was held, at 9:00 a.m., at the Arkansas Department of Health, Freeway Medical Building, Suite 801, Little Rock, Pulaski County, Arkansas.

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TECHNICAL ADVISORY COMMITTEE:

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

REPORTED BY:

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

CTAC, JANUARY 26, 2015

1 APPEARANCES:

2 ON BEHALF OF THE COMMITTEE:

3 ELIZABETH PITMAN, ESQ.

4 HEARING OFFICER:

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

8 Staff Members Present:

9 KELLI KERSEY - Section Chief  
RENEE MALLORY, ADH Branch Chief, Health Systems Licensing  
10 and Reg  
TERI PREACHERS - Administrative Specialist  
11 AMANDA WEEKS, Exam Coordinator  
CHRISTINE CHILDRESS, Administrative Specialist  
12 KATHRYN KERSEY, School Liaison

13 Inspectors Present:

14 TERRIE NASH, Inspector Supervisor  
LAVONNE LESTER  
15 VERA WOOD  
SONDRA JONES  
16 CHRISTOPHER NICKLAUS  
ROSELYN SMITH  
17

18 ALSO PRESENT:

19 Evelyn Gomez, AG's Office  
20 Chiquita Carter, Respondent  
21 Brian Dang, Respondent  
22 John Tran, Respondent  
23 Scottie Burchett  
24 Ali Jones  
25 Tracey Akard

CTAC, JANUARY 26, 2015

1 Ken Roberts  
2 Shirley Jones  
3 Tonya Wheeler  
4 Wes Fax  
5 Marcia Boling  
6 Katherine Houston  
7 Michelle Carr  
8 Mike Roberts  
9 Tina Reagan  
10 Mandy Strawn  
11 Tina Bardwell  
12 Chris Strawn  
13 Brian Dang  
14 Linda Lee  
15 Thien Ho  
16 Kelon Carter  
17 Wade Strawn  
18 Sheila Thompson  
19 Jibao Tucker  
20 Court Reporter:  
21 Susan B. Whitson, CCR  
22 Arkansas Supreme Court Certificate No. 158  
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24  
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CTAC, JANUARY 26, 2015

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P R O C E E D I N G S

The meeting was called to order by  
Chairman Wendy Sullivan. Roll call; Board  
Members Present: Wendy Sullivan, Angela  
Jackson, Trish Anderson, Jessica Peck, Adrian  
Tabb, Cynthia Steele, Kimberly Ford.

Motion was made by Trish Anderson to  
approve the minutes as stated; second by  
Jessica Peck; passed unanimously.

Motion made by Jessica Peck to approve the  
paid violations; second by Kimberly Ford;  
passed unanimously.

## Arkansas Dept. of Health - Cosmetology

## Deposit Report

11/17/2014 - 1/15/2015

User ID	Receipt Status ID	AASIS Number	Check Number	Date Processed	Fee	INA Order ID	Receipt Number	System Deposit ID	CC Amount	Amount	Name	Type Payment
Christine.Children@arkansas.gov	Recorded	4042002000		1/13/2015	Violation		20150113000000118	79056	50.00	50.00	Shear Success	Credit Card
Christine.Children@arkansas.gov	Recorded	4042002000	Discover	12/9/2014	Violation		20141209000000010	80218	50.00	50.00	Thuan Quoc Vu	Credit Card
								<b>Total</b>	<b>100.00</b>	<b>0.00</b>	<b>100.00</b>	
Kathleen.carroll@arkansas.gov	Recorded	4042002000	1420	1/13/2015	Violation		20150113000000108	54682	50.00	50.00	Almost Blonde	Company Check
Kathleen.carroll@arkansas.gov	Recorded	4042002000	7593	1/13/2015	Violation		20150113000000106	55843	50.00	50.00	Spa Botanica	Company Check
Kathleen.carroll@arkansas.gov	Recorded	4042002000	22478377746	1/13/2015	Violation		20150113000000105	78792	150.00	150.00	N 2 Nail & Things	Money Order
Kathleen.carroll@arkansas.gov	Recorded	4042002000	1187	1/13/2015	Violation		20150113000000104	53936	100.00	100.00	Du Rouge	Company Check
Kathleen.carroll@arkansas.gov	Recorded	4042002000	5026	1/13/2015	Violation		20150113000000103	54344	100.00	100.00	Le Nails	Personal Check
Kathleen.carroll@arkansas.gov	Recorded	4042002000	1147	1/13/2015	Violation		20150113000000102	54933	500.00	500.00	Beauty Estetica Galleria	Personal Check
Kathleen.carroll@arkansas.gov	Recorded	4042002000	245	1/13/2015	Violation		20150113000000097	49609	250.00	250.00	Shear Design	Company Check
Kathleen.carroll@arkansas.gov	Recorded	4042002000	245	1/13/2015	Violation		20150113000000096	15523	100.00	100.00	Tammy Renee Cooper	Personal Check
Kathleen.carroll@arkansas.gov	Recorded	4042002000	202	1/13/2015	Violation		20150113000000090	75688	50.00	50.00	Pro Nail & Spa	Personal Check
Kathleen.carroll@arkansas.gov	Recorded	4042002000	4177	1/13/2015	Violation		20150113000000088	55540	50.00	50.00	NWEST NAILS	Personal Check
Kathleen.carroll@arkansas.gov	Recorded	4042002000	1720	1/8/2015	Violation		20150108000000027	71643	100.00	100.00	Pat's Beauty & Barber Parlor	Personal Check
Kathleen.carroll@arkansas.gov	Recorded	4042002000	3501	12/30/2014	Violation		20141230000000080	53056	300.00	300.00	Uppercut	Personal Check
Kathleen.carroll@arkansas.gov	Recorded	4042002000	1004	12/30/2014	Violation		20141230000000078	78719	200.00	200.00	Rapunzel's Salon	Personal Check
Kathleen.carroll@arkansas.gov	Recorded	4042002000	225	12/30/2014	Violation		20141230000000076	55085	100.00	100.00	Sarah Leanne Clower	Personal Check
Kathleen.carroll@arkansas.gov	Recorded	4042002000	1199	12/30/2014	Violation		20141230000000075	51832	50.00	50.00	Accent Salon and Spa	Company Check
Kathleen.carroll@arkansas.gov	Recorded	4042002000	1356	12/30/2014	Violation		20141230000000074	78775	50.00	50.00	Salon Euphoria	Personal Check
Kathleen.carroll@arkansas.gov	Recorded	4042002000	1195	12/30/2014	Violation		20141230000000073	78775	50.00	50.00	Salon Euphoria	Company Check
Kathleen.carroll@arkansas.gov	Recorded	4042002000	1449	12/30/2014	Violation		20141230000000072	72166	50.00	50.00	Studio 28	Company Check
Kathleen.carroll@arkansas.gov	Recorded	4042002000		12/4/2014	Violation		20141204000000058	87979	150.00	150.00	Man T. Hoynh	Cash
Kathleen.carroll@arkansas.gov	Recorded	4042002000	4563	12/1/2014	Violation		20141201000000058	35097	50.00	50.00	Patricia Franco's Holland	Company Check
Kathleen.carroll@arkansas.gov	Recorded	4042002000	777	12/1/2014	Violation		20141201000000045	77431	400.00	400.00	Shear Country (Salon & Spa)	Personal Check
Kathleen.carroll@arkansas.gov	Recorded	4042002000	1661	12/1/2014	Violation		20141201000000044	46298	100.00	100.00	Saretta J. Stewart	Personal Check
Kathleen.carroll@arkansas.gov	Recorded	4042002000	2077981	12/1/2014	Violation		20141201000000042	68693	50.00	50.00	Heather Rene Thompson	Money Order
Kathleen.carroll@arkansas.gov	Recorded	4042002000	205821976459	12/1/2014	Violation		20141201000000041	78696	15.00	15.00	Violations (not in system)	Money Order
Kathleen.carroll@arkansas.gov	Recorded	4042002000	22042977456	12/1/2014	Violation		20141201000000040	78696	10.00	10.00	Violations (not in system)	Money Order
Kathleen.carroll@arkansas.gov	Recorded	4042002000	1679	12/1/2014	Violation		20141201000000005	53259	250.00	250.00	The Beauty Gallery	Company Check
Kathleen.carroll@arkansas.gov	Recorded	4042002000	22036886504	11/24/2014	Violation		20141124000000037	79052	50.00	50.00	The Glamour Den	Money Order
								<b>Total</b>	<b>3,375.00</b>	<b>0.00</b>	<b>3,375.00</b>	
krista.wells@arkansas.gov	Recorded	4042002000	Visa	1/2/2015	Violation		20150105000000027	51957	100.00	100.00	Fetish Salon And Boutique	Credit Card
krista.wells@arkansas.gov	Recorded	4042002000	Visa	11/19/2014	Violation		20141119000000127	76025	250.00	250.00	Perfect 10 Nails	Credit

College

krista.wells@arkansas.gov	Recorded	4042002000	1623	11/19/2014	Violation	20141119000000126	76025	500.00	500.00	Perfect 10 Nails	Card
											Credit Card
Latonya.Burl@arkansas.gov	Recorded	4042002000	1623	1/9/2015	Violation	20150109000000080	54528	100.00	100.00	City Nails of Central Arkansas, LLC	Company Check
Latonya.Burl@arkansas.gov	Recorded	4042002000	1049	1/9/2015	Violation	20150109000000079	78959	250.00	250.00	Bella Nails	Company Check
Latonya.Burl@arkansas.gov	Recorded	4042002000	443	1/9/2015	Violation	20150109000000077	54933	250.00	250.00	Beauty Estetica Calilea	Company Check
Latonya.Burl@arkansas.gov	Recorded	4042002000	2208	1/9/2015	Violation	20150109000000076	26632	100.00	100.00	Kimberly Scott	Personal Check
Latonya.Burl@arkansas.gov	Recorded	4042002000	940	1/9/2015	Violation	20150109000000074	51479	150.00	150.00	The Hair Parlor And Tanning Salon	Personal Check
Latonya.Burl@arkansas.gov	Recorded	4042002000	1428	1/9/2015	Violation	20150109000000073	14111	100.00	100.00	Victoria R Forester	Personal Check
Latonya.Burl@arkansas.gov	Recorded	4042002000	1006	1/9/2015	Violation	20150109000000066	79946	400.00	400.00	Joy Nails	Personal Check
Latonya.Burl@arkansas.gov	Recorded	4042002000	9101	1/9/2015	Violation	20150109000000065	79867	200.00	200.00	Bella Day Spa	Personal Check
Latonya.Burl@arkansas.gov	Recorded	4042002000	3215	1/9/2015	Violation	20150109000000063	51535	50.00	50.00	Apple Blossom Salon	Personal Check
Latonya.Burl@arkansas.gov	Recorded	4042002000	554	1/9/2015	Violation	20150109000000060	79555	50.00	50.00	Phantastic Nails and Spa	Company Check
Latonya.Burl@arkansas.gov	Recorded	4042002000	1680	1/9/2015	Violation	20150109000000057	46619	100.00	100.00	Allure Grand Salon And Day Spa	Personal Check
Latonya.Burl@arkansas.gov	Recorded	4042002000	4283	1/9/2015	Violation	20150109000000044	78446	100.00	100.00	Lavish Hair Professionals	Personal Check
Latonya.Burl@arkansas.gov	Recorded	4042002000	1361	1/9/2015	Violation	20150109000000043	8358	50.00	50.00	Abby R Eddleman	Personal Check
Latonya.Burl@arkansas.gov	Recorded	4042002000	2977	1/9/2015	Violation	20150109000000042	50830	50.00	50.00	Salon Milan, LLC	Company Check
Latonya.Burl@arkansas.gov	Recorded	4042002000	1209	1/9/2015	Violation	20150109000000041	79343	50.00	50.00	Lovely Nails	Personal Check
Latonya.Burl@arkansas.gov	Recorded	4042002000	22373722405	1/9/2015	Violation	20150109000000040	53650	50.00	50.00	Cal's Beauty Shop	Money Order
Latonya.Burl@arkansas.gov	Recorded	4042002000	1003	1/9/2015	Violation	20150109000000004	88195	150.00	150.00	Cynthia R Frosoni	Personal Check
Latonya.Burl@arkansas.gov	Recorded	4042002000	2874	1/6/2015	Violation	20150106000000018	66427	100.00	100.00	Cobe Nails	Company Check
Latonya.Burl@arkansas.gov	Recorded	4042002000	9095	1/6/2015	Violation	20150106000000017	79867	50.00	50.00	Bella Day Spa	Personal Check
Latonya.Burl@arkansas.gov	Recorded	4042002000	1095	12/29/2014	Violation	20141229000000180	4443	100.00	100.00	Robin Renee Brock	Personal Check
Latonya.Burl@arkansas.gov	Recorded	4042002000	604	12/29/2014	Violation	20141229000000114	68609	150.00	150.00	Perfect Nails	Personal Check
Latonya.Burl@arkansas.gov	Recorded	4042002000		12/10/2014	Violation	20141210000000033	53139	100.00	100.00	Regal Nail	Cash
Latonya.Burl@arkansas.gov	Recorded	4042002000	1209	12/5/2014	Violation	20141205000000078	48693	150.00	150.00	Mimi Nails	Company Check
Latonya.Burl@arkansas.gov	Recorded	4042002000	1121	12/5/2014	Violation	20141205000000076	55401	150.00	150.00	Angel Nails	Personal Check
Latonya.Burl@arkansas.gov	Recorded	4042002000	5470	12/5/2014	Violation	20141205000000074	50580	100.00	100.00	Transitions Salon	Personal Check
Latonya.Burl@arkansas.gov	Recorded	4042002000	915	12/5/2014	Violation	20141205000000073	79081	50.00	50.00	City Nails	Company Check
Latonya.Burl@arkansas.gov	Recorded	4042002000	1121	12/5/2014	Violation	20141205000000070	52690	50.00	50.00	Fancy Nails	Company Check
Latonya.Burl@arkansas.gov	Recorded	4042002000	1604	12/5/2014	Violation	20141205000000069	66306	50.00	50.00	V.I.P. Nails	Personal Check
Latonya.Burl@arkansas.gov	Recorded	4042002000	17099397780	12/5/2014	Violation	20141205000000066	32729	75.00	75.00	Katharine Leigh Garriott	Money Order
Latonya.Burl@arkansas.gov	Recorded	4042002000	1259	12/5/2014	Violation	20141205000000045	79463	50.00	50.00	A's Nails Spa	Company Check
Latonya.Burl@arkansas.gov	Recorded	4042002000	1810	12/2/2014	Violation	20141202000000041	52977	600.00	600.00	Envy Nails	Company Check
Latonya.Burl@arkansas.gov	Recorded	4042002000	1809	12/2/2014	Violation	20141202000000040	52977	500.00	500.00	Envy Nails	Company Check
Latonya.Burl@arkansas.gov	Recorded	4042002000	1627	12/2/2014	Violation	20141202000000038	54646	13000.00	13000.00	Searcy Beauty College	Company Check

Latonya.Burl@arkansas.gov	Recorded	4042002000	622	12/2/2014	Violation	20141202000000037	47600	100.00	100.00	Hugres Beauty Salon	Company Check
Latonya.Burl@arkansas.gov	Recorded	4042002000	1807	12/2/2014	Violation	20141202000000036	49008	100.00	100.00	P B Nails	Company Check
Latonya.Burl@arkansas.gov	Recorded	4042002000	183	12/2/2014	Violation	20141202000000034	72595	125.00	125.00	Elegant Nail's Spa	Personal Check
Latonya.Burl@arkansas.gov	Recorded	4042002000		12/2/2014	Violation	20141202000000007	79236	50.00	50.00	Kuttin Up	Cash
Latonya.Burl@arkansas.gov	Recorded	4042002000	22398363347	11/19/2014	Violation	20141119000000099	30852	75.00	75.00	Dana Shelley	Money Order
Latonya.Burl@arkansas.gov	Recorded	4042002000	176	11/19/2014	Violation	20141119000000098	72595	75.00	75.00	Elegant Nail's Spa	Personal Check
Latonya.Burl@arkansas.gov	Recorded	4042002000	2704	11/19/2014	Violation	20141119000000097	53446	50.00	50.00	Cappsalon	Company Check
Latonya.Burl@arkansas.gov	Recorded	4042002000	1073	11/19/2014	Violation	20141119000000095	53004	200.00	200.00	Darlenia's Family Hair Care	Personal Check
Latonya.Burl@arkansas.gov	Recorded	4042002000	9999997	11/19/2014	Violation	20141119000000094	51002	100.00	100.00	Beautiful Image	Personal Check
Latonya.Burl@arkansas.gov	Recorded	4042002000	9999997	11/19/2014	Violation	20141119000000093	29660	100.00	100.00	Anong Wendy Chanthavongsy	Personal Check
Latonya.Burl@arkansas.gov	Recorded	4042002000	6453	11/19/2014	Violation	20141119000000092	52580	150.00	150.00	Beauty Nails	Company Check
Latonya.Burl@arkansas.gov	Recorded	4042002000	1110	11/19/2014	Violation	20141119000000091	53690	50.00	50.00	Elite Nails and Hair	Company Check
Latonya.Burl@arkansas.gov	NSF	4042002000	2579	11/19/2014	Violation	20141119000000090	26866	75.00	75.00	Amanda Jo McCarty	Personal Check
Latonya.Burl@arkansas.gov	Recorded	4042002000	903	11/19/2014	Violation	20141119000000089	51476	100.00	100.00	Payton Place	Company Check
Latonya.Burl@arkansas.gov	Recorded	4042002000	7620	11/19/2014	Violation	20141119000000084	18274	233.00	233.00	Jesslyn Susie McGuire	Personal Check
Latonya.Burl@arkansas.gov	Recorded	4042002000	1129	11/19/2014	Violation	20141119000000083	53800	300.00	300.00	Utopia Hair Design And Piercing Studio	Company Check
Latonya.Burl@arkansas.gov	Recorded	4042002000	6224	11/19/2014	Violation	20141119000000082	47862	50.00	50.00	Hair Kreation's	Personal Check
							<b>Total</b>	<b>19,408.00</b>	<b>0.00</b>	<b>19,408.00</b>	
latoyia.goins@arkansas.gov	Correction	4042002000	9999997	12/23/2014	Violation	20141223000000096	72170	-150.00	-150.00	New Dimen'sions	Company Check
latoyia.goins@arkansas.gov	Correction	4042002000	4328	12/23/2014	Violation	20141223000000093	50196	-150.00	-150.00	The Finishing Touch By Toby	Personal Check
							<b>Total</b>	<b>-300.00</b>	<b>0.00</b>	<b>-300.00</b>	
Makesha.jackson@arkansas.gov	Recorded	4042002000	1706	12/9/2014	Violation	20141209000000044	17123	25.00	25.00	Melissa Sue Goyne	Personal Check
Makesha.jackson@arkansas.gov	Recorded	4042002000	22398364337	12/3/2014	Violation	20141203000000108	30852	25.00	25.00	Dana Shelley	Money Order
Makesha.jackson@arkansas.gov	Recorded	4042002000	1092	11/25/2014	Violation	20141125000000056	52893	50.00	50.00	Salon De Belleza - Las Tijeras Felices	Personal Check
Makesha.jackson@arkansas.gov	Recorded	4042002000		11/25/2014	Violation	20141125000000021	9046	50.00	50.00	Marilyn Rose Burke	Cash
Makesha.jackson@arkansas.gov	Recorded	4042002000	1298	11/18/2014	Violation	20141118000000044	75056	50.00	50.00	Tara's Nails & Spa	Personal Check
							<b>Total</b>	<b>200.00</b>	<b>0.00</b>	<b>200.00</b>	
rcrutchfield-howard@arkansas.gov	Recorded	4042002000	205000070132	1/12/2015	Violation	20150112000000007	78696	25.00	25.00	Violations (not in system)	Money Order
rcrutchfield-howard@arkansas.gov	Recorded	4042002000	1515	1/12/2015	Violation	20150112000000006	52718	50.00	50.00	Expressions Salon By Dena	Company Check
rcrutchfield-howard@arkansas.gov	Recorded	4042002000	2084198	1/12/2015	Violation	20150112000000004	68207	50.00	50.00	Illusions for Hair	Money Order
rcrutchfield-howard@arkansas.gov	Recorded	4042002000	1708	1/12/2015	Violation	20150112000000003	74970	50.00	50.00	Escape Nail Spa & Salon	Company Check
rcrutchfield-howard@arkansas.gov	Recorded	4042002000	10054163	12/23/2014	Violation	20141223000000068	47671	100.00	100.00	J C Penney Styling Salon #351-7	Company Check
rcrutchfield-howard@arkansas.gov	Recorded	4042002000	133	12/23/2014	Violation	20141223000000066	79306	50.00	50.00	Trendy Nails	Company Check
rcrutchfield-howard@arkansas.gov	Recorded	4042002000	1044	12/23/2014	Violation	20141223000000065	78959	100.00	100.00	Bella Nails	Company Check
rcrutchfield-howard@arkansas.gov	Recorded	4042002000	1485	12/23/2014	Violation	20141223000000064	79966	500.00	500.00	Avalon Day Spa of Searcy, LLC	Company Check
rcrutchfield-	Recorded	4042002000	3873190	12/23/2014	Violation	20141223000000063	51880	50.00	50.00	Smartstyle	Company

howard@arkansas.gov											#300	Check
rrutchfield-howard@arkansas.gov	Recorded	4042002000	3873190	12/23/2014	Violation	20141223000000062	53993	50.00	50.00	Smartstyle #1184	Company Check	
rrutchfield-howard@arkansas.gov	Recorded	4042002000	3873190	12/23/2014	Violation	20141223000000061	53110	50.00	50.00	Smartstyle #365	Company Check	
rrutchfield-howard@arkansas.gov	Recorded	4042002000	573851	12/23/2014	Violation	20141223000000059	68396	100.00	100.00	Ulla Salon, Cosmetics & Fragrance, Inc.	Company Check	
rrutchfield-howard@arkansas.gov	Recorded	4042002000	2595	12/23/2014	Violation	20141223000000058	22884	100.00	100.00	Judy C Duvall	Personal Check	
rrutchfield-howard@arkansas.gov	Recorded	4042002000	5433	12/23/2014	Violation	20141223000000057	50727	50.00	50.00	Village Styles	Personal Check	
rrutchfield-howard@arkansas.gov	Recorded	4042002000	2298	12/23/2014	Violation	20141223000000055	65647	329.00	329.00	Trinia's Diamond Hair Care Salon	Personal Check	
rrutchfield-howard@arkansas.gov	Recorded	4042002000	2206	12/23/2014	Violation	20141223000000054	69243	100.00	100.00	Alysia's Beauty Salon	Personal Check	
rrutchfield-howard@arkansas.gov	Recorded	4042002000	1002	12/23/2014	Violation	20141223000000053	76114	50.00	50.00	The Plaza Salon	Personal Check	
rrutchfield-howard@arkansas.gov	Recorded	4042002000	2331	12/23/2014	Violation	20141223000000052	67991	50.00	50.00	True Colors Salon	Company Check	
rrutchfield-howard@arkansas.gov	Recorded	4042002000	1026	12/23/2014	Violation	20141223000000051	20958	100.00	100.00	Tammy Sue Holder	Personal Check	
rrutchfield-howard@arkansas.gov	Recorded	4042002000	3339	12/23/2014	Violation	20141223000000050	78812	250.00	250.00	Nails By Hannah	Personal Check	
rrutchfield-howard@arkansas.gov	Recorded	4042002000	194	12/23/2014	Violation	20141223000000049	75688	100.00	100.00	Pro Nail & Spa	Personal Check	
rrutchfield-howard@arkansas.gov	Recorded	4042002000	621	12/23/2014	Violation	20141223000000048	79396	800.00	800.00	Perfect Nails & Spa	Personal Check	
rrutchfield-howard@arkansas.gov	Recorded	4042002000	2271	12/23/2014	Violation	20141223000000047	51336	50.00	50.00	Happy Nails	Personal Check	
rrutchfield-howard@arkansas.gov	Recorded	4042002000	3232	12/23/2014	Violation	20141223000000046	49555	50.00	50.00	Lupita's Beauty Salon	Company Check	
rrutchfield-howard@arkansas.gov	Recorded	4042002000	54	12/22/2014	Violation	20141222000000167	79098	100.00	100.00	T. Michael's Salon	Company Check	
rrutchfield-howard@arkansas.gov	Correction	4042002000	4161	12/18/2014	Violation	20141218000000180	55540	-50.00	-50.00	NWEST NAILS	Personal Check	
rrutchfield-howard@arkansas.gov	Recorded	4042002000	1005	12/18/2014	Violation	20141218000000150	79946	100.00	100.00	Joy Nails	Personal Check	
rrutchfield-howard@arkansas.gov	Recorded	4042002000	1029	12/18/2014	Violation	20141218000000148	51614	50.00	50.00	Circle M Hair Salon	Company Check	
rrutchfield-howard@arkansas.gov	Recorded	4042002000	1568	12/18/2014	Violation	20141218000000144	79814	50.00	50.00	Hot springs nails and day spa LLC	Company Check	
rrutchfield-howard@arkansas.gov	Recorded	4042002000	3011	12/18/2014	Violation	20141218000000143	65754	350.00	350.00	Fancy Nails and Spa	Company Check	
rrutchfield-howard@arkansas.gov	Recorded	4042002000	3183	12/18/2014	Violation	20141218000000142	52754	50.00	50.00	K T Hair Nails	Company Check	
rrutchfield-howard@arkansas.gov	Recorded	4042002000	1161	12/18/2014	Violation	20141218000000140	79511	50.00	50.00	Blue Earth Salon & Skincare Studio	Company Check	
rrutchfield-howard@arkansas.gov	Recorded	4042002000	1005	12/18/2014	Violation	20141218000000138	42450	50.00	50.00	Jennifer Erin Jones	Company Check	
rrutchfield-howard@arkansas.gov	Recorded	4042002000	144	12/18/2014	Violation	20141218000000137	79373	50.00	50.00	Red Door Salon	Personal Check	
rrutchfield-howard@arkansas.gov	Recorded	4042002000	2197	12/18/2014	Violation	20141218000000136	79612	100.00	100.00	Hairstylist Salon	Personal Check	
rrutchfield-howard@arkansas.gov	Recorded	4042002000	1179	12/18/2014	Violation	20141218000000132	74753	50.00	50.00	Solace Spa & Salon	Personal Check	
rrutchfield-howard@arkansas.gov	Recorded	4042002000	7297	12/18/2014	Violation	20141218000000131	46984	100.00	100.00	Family Hair Cutters	Company Check	
rrutchfield-howard@arkansas.gov	Recorded	4042002000	4471	12/18/2014	Violation	20141218000000129	79215	50.00	50.00	Wayne's Special Touch	Company Check	
rrutchfield-howard@arkansas.gov	Recorded	4042002000	4161	12/18/2014	Violation	20141218000000126	55540	50.00	50.00	NWEST NAILS	Personal Check	
rrutchfield-howard@arkansas.gov	Recorded	4042002000	106430181399	12/18/2014	Violation	20141218000000125	56028	250.00	250.00	Nail Tech Salon	Money Order	
rrutchfield-howard@arkansas.gov	Recorded	4042002000	4440	12/18/2014	Violation	20141218000000124	68293	100.00	100.00	Briehi Salon and Spa	Company Check	
rrutchfield-howard@arkansas.gov	Recorded	4042002000	778	12/18/2014	Violation	20141218000000123	52107	50.00	50.00	Salon 501	Company Check	
rrutchfield-howard@arkansas.gov	Recorded	4042002000	552	12/18/2014	Violation	20141218000000122	53694	150.00	150.00	California Nails	Company Check	

rrutchfield-howard@arkansas.gov	Recorded	4042002000	2954	12/18/2014	Violation	20141218000000121	68583	100.00	100.00	Originals & Spa	Personal Check
rrutchfield-howard@arkansas.gov	Recorded	4042002000	3291	12/18/2014	Violation	20141218000000120	13083	50.00	50.00	Kelly A. Lyons	Personal Check
rrutchfield-howard@arkansas.gov	Recorded	4042002000	205860601122	12/18/2014	Violation	20141218000000119	76400	100.00	100.00	Happy Nails II	Money Order
rrutchfield-howard@arkansas.gov	Recorded	4042002000	1018	12/18/2014	Violation	20141218000000117	87211	500.00	500.00	Tammy Nguyen	Personal Check
rrutchfield-howard@arkansas.gov	Recorded	4042002000	16534	12/18/2014	Violation	20141218000000113	27803	100.00	100.00	Lesia Fiveash Knight	Money Order
rrutchfield-howard@arkansas.gov	Recorded	4042002000	1512	12/18/2014	Violation	20141218000000112	66678	50.00	50.00	Rose Nails	Company Check
rrutchfield-howard@arkansas.gov	Correction	4042002000	108	12/18/2014	Violation	20141218000000109	51156	-75.00	-75.00	Regal Nails	Personal Check
rrutchfield-howard@arkansas.gov	Recorded	4042002000	108	12/18/2014	Violation	20141218000000108	51156	75.00	75.00	Regal Nails	Personal Check
rrutchfield-howard@arkansas.gov	Recorded	4042002000	2727	12/18/2014	Violation	20141218000000107	75778	100.00	100.00	Village Hair and Nail Salon	Personal Check
rrutchfield-howard@arkansas.gov	Recorded	4042002000	1183	12/18/2014	Violation	20141218000000106	51326	50.00	50.00	Signature Design	Personal Check
rrutchfield-howard@arkansas.gov	Recorded	4042002000	2763	12/18/2014	Violation	20141218000000104	52981	50.00	50.00	Sport Clips	Company Check
rrutchfield-howard@arkansas.gov	Recorded	4042002000	3245	12/18/2014	Violation	20141218000000097	78913	50.00	50.00	My Salon	Personal Check
rrutchfield-howard@arkansas.gov	Recorded	4042002000	3504	12/18/2014	Violation	20141218000000096	72498	200.00	200.00	Star Nails	Company Check
rrutchfield-howard@arkansas.gov	Recorded	4042002000	1097	12/18/2014	Violation	20141218000000095	52826	250.00	250.00	Glamorous Beauty Salon	Company Check
rrutchfield-howard@arkansas.gov	Recorded	4042002000	1264	12/18/2014	Violation	20141218000000094	48390	50.00	50.00	Magic Nails	Company Check
rrutchfield-howard@arkansas.gov	Recorded	4042002000	1108	12/18/2014	Violation	20141218000000093	68182	50.00	50.00	Uptown Classix	Company Check
rrutchfield-howard@arkansas.gov	Recorded	4042002000	1624	12/18/2014	Violation	20141218000000092	71488	50.00	50.00	Von Sykes Salon, LLC	Company Check
rrutchfield-howard@arkansas.gov	Recorded	4042002000	3872142	12/18/2014	Violation	20141218000000091	54387	50.00	50.00	Regis Salon #1162	Company Check
rrutchfield-howard@arkansas.gov	Recorded	4042002000	1099	12/18/2014	Violation	20141218000000090	68609	100.00	100.00	Perfect Nails	Personal Check
rrutchfield-howard@arkansas.gov	Recorded	4042002000	1819	12/18/2014	Violation	20141218000000078	72590	100.00	100.00	Hair Forever LLC	Company Check
rrutchfield-howard@arkansas.gov	Recorded	4042002000	1378	12/18/2014	Violation	20141218000000055	54682	50.00	50.00	Almost Blonde	Company Check
rrutchfield-howard@arkansas.gov	Recorded	4042002000	3104	12/12/2014	Violation	20141212000000272	51905	50.00	50.00	Visions Salon	Company Check
rrutchfield-howard@arkansas.gov	Recorded	4042002000		12/8/2014	Violation	20141208000000115	72087	350.00	350.00	Kreations Hair Salon	Cash
rrutchfield-howard@arkansas.gov	Recorded	4042002000	1060	12/8/2014	Violation	20141208000000034	72887	100.00	100.00	Shear Glamour	Company Check
rrutchfield-howard@arkansas.gov	Recorded	4042002000	4993	12/8/2014	Violation	20141208000000033	69254	150.00	150.00	T's Nails	Company Check
rrutchfield-howard@arkansas.gov	Recorded	4042002000	2965	12/8/2014	Violation	20141208000000032	53091	100.00	100.00	The Studio Salon	Company Check
rrutchfield-howard@arkansas.gov	Recorded	4042002000	4761	12/8/2014	Violation	20141208000000028	72185	100.00	100.00	East of Eden Salon & Rejuvenation Studio	Personal Check
rrutchfield-howard@arkansas.gov	Recorded	4042002000	1551	12/8/2014	Violation	20141208000000027	70797	50.00	50.00	Ocean Nails & Spa	Company Check
rrutchfield-howard@arkansas.gov	Recorded	4042002000	2574	12/8/2014	Violation	20141208000000025	53734	50.00	50.00	Nails Spa	Personal Check
rrutchfield-howard@arkansas.gov	Recorded	4042002000	2174	12/8/2014	Violation	20141208000000024	74779	50.00	50.00	Famous Nails	Company Check
rrutchfield-howard@arkansas.gov	Recorded	4042002000	1646	12/8/2014	Violation	20141208000000022	72502	50.00	50.00	Luxe Nails & Spa	Personal Check
rrutchfield-howard@arkansas.gov	Recorded	4042002000	1208	12/8/2014	Violation	20141208000000020	69794	50.00	50.00	Kasita's Beauty Salon	Personal Check
rrutchfield-howard@arkansas.gov	Recorded	4042002000	22374982866	11/21/2014	Violation	20141121000000017	79502	410.00	410.00	A Confident Woman Salon	Money Order
rrutchfield-howard@arkansas.gov	Recorded	4042002000	2289	11/21/2014	Violation	20141121000000010	65647	330.00	330.00	Trinia's Diamond Hair Care Salon	Personal Check
							Total	8,794.00	0.00	8,794.00	

CC's Cosmetology College

City Nails



CTAC, JANUARY 26, 2015

1 ADMINISTRATIVE HEARING  
2 BEFORE THE COSMETOLOGY TECHNICAL ADVISORY COMMITTEE  
3 (CTAC)  
4 IN THE MATTER OF:  
5 ARKANSAS DEPARTMENT OF HEALTH PETITIONER  
6 v.  
7 CC'S COSMETOLOGY COLLEGE RESPONDENT

8 ---o---  
9 HEARING OFFICER: Okay. My name is Karen  
10 Wallace, I'm the Hearing Officer today, in the  
11 matter of the Arkansas Department of Health  
12 versus City Nails, is that the first one?

13 No, I'm sorry, that's not the first one.  
14 It's CC's Cosmetology College. This is to be  
15 heard today before the Cosmetology Technical  
16 Advisory Committee.

17 Please silence your cell phones now. And  
18 if you are testifying in this matter, don't do  
19 any texting back and forth.

20 Is the Respondent here?

21 MS. CARTER: I am.

22 HEARING OFFICER: Okay. Would you please  
23 come to the table and have a seat?

24 Thank you.

25 And could you identify yourself for the

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1 record?

2 MS. CARTER: Sure. My name is Chiquita  
3 Carter.

4 COURT REPORTER: Would you spell that?

5 MS. CARTER: C-h-i-q-u-i-t-a; C-a-r-t-e-r.

6 HEARING OFFICER: And do you have an  
7 attorney with you?

8 MS. CARTER: No, ma'am.

9 HEARING OFFICER: Okay. And you did know  
10 you have the right to have an attorney?

11 MS. CARTER: No, I didn't know. I've  
12 never been here before.

13 HEARING OFFICER: Did you receive the  
14 Order and Notice of Hearing?

15 MS. CARTER: No. It was over the phone.

16 HEARING OFFICER: Are you ready to  
17 proceeded this morning?

18 MS. CARTER: Yes.

19 HEARING OFFICER: All right.

20 MS. CARTER: I was just was told what time  
21 to be here. I didn't even get an address,  
22 so -- but I'm here.

23 HEARING OFFICER: So you're ready to  
24 proceed?

25 MS. CARTER: Yes, ma'am.

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1 HEARING OFFICER: Board's counsel, would  
2 you identify yourself for the record, please.

3 MS. PITMAN: Yes. Elizabeth Pitman.

4 HEARING OFFICER: For the benefit of  
5 anyone present today who may not have appeared  
6 in an administrative hearing, the Board will  
7 base its decision solely on the evidence  
8 presented here today. This hearing is held  
9 under the Administrative Procedures Act, which  
10 means that the strict rules of evidence do not  
11 apply and the parties will be given latitude in  
12 introducing the evidence. This is to promote a  
13 fair hearing and provide the board with  
14 adequate information to make a decision. Now,  
15 to ensure the efficiency of the proceeding, I  
16 will grant objections and caution the parties  
17 only as necessary, and if there is anything  
18 that you have in your possession that you want  
19 the board to consider today, any kind of  
20 document or other evidence, you need to offer  
21 that into evidence at the proper time today.

22 So all participants to the hearing should  
23 be aware that these proceedings are subject to  
24 the Freedom of Information Act, and as such,  
25 all parts of the hearing, including the

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1 deliberations of the board, are open to the  
2 public.

3 So anyone who is going to be testifying  
4 today, would you please raise your right hand  
5 to be sworn in.

6 Okay. Ma'am? Okay. Is that everybody?  
7 Okay.

8 (WHEREUPON, the witnesses were sworn by  
9 the Hearing Officer.)

10 HEARING OFFICER: Thank you. Did either  
11 of you -- first of all, are there any  
12 preliminary matters to be discussed or offered  
13 at this time?

14 MS. PITMAN: No. We just ask that the  
15 Arkansas Cosmetology Act and the Rules and  
16 Regulations governing cosmetology, that they  
17 can take notice of.

18 HEARING OFFICER: Okay. Do you have any  
19 objection to that?

20 MS. CARTER: No.

21 COURT REPORTER: I'll need everybody to  
22 speak up a little, please.

23 HEARING OFFICER: Okay. Everybody please  
24 speak up when it's time to talk and speak  
25 clearly.

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1                   So are you ready to proceed? Do you wish  
2                   to make an opening statement?

3                   MS. PITMAN: No, ma'am.

4                   HEARING OFFICER: Do you want to make any  
5                   kind of opening statement before we start  
6                   taking evidence?

7                   MS. CARTER: No. I -- no.

8                   HEARING OFFICER: Okay. All right.  
9                   Ma'am, you may call your first witness.

10                  MS. PITMAN: Okay. I'm going to call  
11                  Kelli Kersey first.

12 WHEREUPON,

13                                   KELLI KERSEY,  
14                   having been called for examination, and having been first  
15                   duly sworn by the Hearing Officer, was examined and  
16                   testified, as follows:

17                                   DIRECT EXAMINATION

18 BY MS. PITMAN:

19 Q           Ms. Kersey, tell us your name and where you work.

20 A           Kelli Kersey, Arkansas Department of Health,  
21           Cosmetology Section Chief.

22 Q           And I just want to make sure that we have notice the  
23           way we are supposed to, and it's behind the hearing  
24           packet here.

25 A           We did.

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1 Q Okay. What is this?

2 A This -- they have two students that were not --

3 Q No, what are these pages?

4 A Oh, sorry. That's the Notice of Hearing.

5 Q Okay. What's the last page?

6 A It is her certified mail receipt.

7 Q Okay. And that is not showing that she received it?

8 A Correct.

9 Q Do you have any proof that she received it?

10 A We do not. We send it regular mail and certified  
11 though, however.

12 Q And is 324 Hickory, Texarkana, Arkansas, address, is  
13 that the latest one we have on file for CC's?

14 A Correct, yes.

15 Q Okay. Now tell us what's going on here?

16 A Okay. Sorry.

17 They have two students that started school back in  
18 November, but did not have a permit. Oh, one of them  
19 actually started in October and one of them started in  
20 November. We just needed to bring it before you guys so  
21 you guys could decide that they could have these hours,  
22 because the student shouldn't be punished because the  
23 school didn't send the paperwork.

24 Q And, Ms. Kersey, what are you looking at there?

25 A It looks like --

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1 Q What is that document?

2 A Oh, this document is -- we took their time cards,  
3 they submitted their time cards to us. They have been  
4 very cooperative throughout this, the school has. There  
5 has been no backlash, they want to get this settled also.  
6 It is their -- they sent us their sign-in sheets and  
7 their time cards, this is the hours the students actually  
8 got recorded by date. We have a copy, if y'all want to  
9 see them, just there was a bunch so I didn't print out  
10 everybody a copy for both students, and they are Tonease  
11 Fort and Kristan Hardy.

12 Q And did you prepare this document?

13 A I did not.

14 Q Okay. So I'm going to have Ms. Kathryn Kersey  
15 testify about that, the contents of this document.

16 If you could tell us what we're recommending today,  
17 Ms. Kersey?

18 A We are recommending that we give Tonease Fort 42  
19 hours for November, and 36 hours for December; and  
20 Kristan Hardy, 47 hours in October, 28 hours for  
21 November, and December, 20.25 hours.

22 Q And any action against the school CC's Cosmetology  
23 College?

24 A We have no recommendation for that.

25 MS. PITMAN: Okay. Thank you, Ms. Kersey.

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1 No other questions.

2 HEARING OFFICER: Okay. Are you wanting  
3 to introduce into evidence the Order and Notice  
4 of Hearing, the return receipt, and this  
5 document as well?

6 MS. PITMAN: Yes, ma'am.

7 HEARING OFFICER: Okay. Those will be  
8 accepted into evidence.

9 You don't have any -- do you have any  
10 objection to that?

11 MS. CARTER: No, I don't. I didn't  
12 receive them, but I don't have any objection to  
13 introducing this. No.

14 HEARING OFFICER: Okay. Then those will  
15 be accepted into evidence.

16 (WHEREUPON, CTAC Exhibits were received in  
17 evidence.)

18 HEARING OFFICER: All right. Now, do you  
19 have any questions of this witness?

20 MS. CARTER: No. No. What she says is  
21 completely accurate, we discovered over the  
22 phone. She called me about one student and I  
23 spoke with her about the other student.

24 HEARING OFFICER: Okay. Well, if you  
25 don't have any questions, we'll let you testify

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1 in a minute. Okay?

2 MS. CARTER: Okeydoke.

3 HEARING OFFICER: Thank you.

4 Did you get a copy of this?

5 MS. KERSEY: Yeah, that's what I was --

6 Trish, will you hand that to her?

7 HEARING OFFICER: All right. Call your  
8 next witness.

9 Or did the board have any questions of  
10 this witness?

11 Okay. You may call your next.

12 MS. PITMAN: Okay. Call Kathryn Kersey.

13 WHEREUPON,

14 KATHRYN 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, will you please state your name and  
21 where you work.

22 A Kathryn Kersey, Arkansas Department of Health,  
23 Cosmetology Section, School Liaison.

24 Q And we have admitted into evidence a spreadsheet  
25 here that you prepared; is that correct?

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1 A Yes.

2 Q Do you have a copy of it?

3 A I do not have a copy in my hand. Sorry.

4 Q I'm going to have someone bring you one.

5 A Thank you.

6 Q Ms. Kersey, if you can just walk through and explain  
7 to the board and all of us here how you prepared this  
8 document?

9 A You will see on the top that is notated the NOS,  
10 that means that that student did not sign in the sign-in  
11 sheet, so I did not have documentation that they were on  
12 the sign-in sheet, however I did have documentation of  
13 the time card that they punched. So for Ms. Tonease  
14 Fort, you will see in November where I do have the times  
15 on the dates of the 10<sup>th</sup> through the 26<sup>th</sup>, where I  
16 show that they received time on their time cards every  
17 day. On the 10<sup>th</sup>, 21<sup>st</sup>, 25<sup>th</sup>, and 26<sup>th</sup>, this  
18 student did not sign in on the sign-in sheet. And you  
19 will see on the right end margin the total that I had  
20 added up for that month, which was 42 hours, and again  
21 for December. Ms. Tonease Fort started in November, and  
22 Ms. Kristan Hardy started in October.

23 Q And did CC's Cosmetology College and Ms. Carter, do  
24 they agree with the numbers on this spreadsheet?

25 A I do apologize, I did not send this spreadsheet to

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1 them.

2 Q Okay. That's okay. I can ask Ms. Carter.

3 Are these overage hours or under hours? Do we need  
4 to credit them 42 hours?

5 A Yes, these would be credited hours. The -- I did  
6 not receive paperwork of a student permit for these two  
7 students until January 6<sup>th</sup>.

8 Q Okay.

9 A So they will need to be credited these hours.

10 Q Okay. And why can you not credit hours without a  
11 permit? Is that a rule?

12 A I --

13 Q I believe it's a rule?

14 A I do believe it is. I'm sorry. I'm foggy this  
15 morning.

16 Q That's okay.

17 A I do believe it is, it is required to have a student  
18 permit before students may receive hours.

19 Q Okay. Thank you. Is there anything else about this  
20 spreadsheet that you've prepared that you would like the  
21 board to know today?

22 A That is all.

23 MS. PITMAN: Okay. I have no other  
24 questions.

25 HEARING OFFICER: Ms. Carter, do you have

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1 any questions for her?

2 MS. CARTER: No.

3 HEARING OFFICER: Okay. Thank you.

4 Do you have any other witnesses?

5 MS. PITMAN: I just want to ask Ms. Carter  
6 a few questions.

7 HEARING OFFICER: All right. Ms. Carter,  
8 she is going to ask you a few questions now.

9 MS. CARTER: Sure.

10 WHEREUPON,

11 CHIQUITA CARTER,

12 having been called for examination, and having been first  
13 duly sworn by the Hearing Officer, was examined and  
14 testified, as follows:

15 DIRECT EXAMINATION

16 BY MS. PITMAN:

17 Q Okay. Ms. Carter, first you've seen the spreadsheet  
18 Ms. Kersey prepared?

19 A Uh-huh.

20 Q That's Ms. Kathryn Kersey.

21 Do you agree with the hours for these students?

22 A You know, I couldn't agree or disagree. We faxed  
23 her the time sheet -- the time cards and the sign-in  
24 sheets, so I can only assume that this is exactly what we  
25 sent.

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1 Q Okay.

2 A I mean, it's not a lot, so I would assume it's all  
3 correct.

4 Q Okay. And have a copy of those time sheets here  
5 today, if you would like to look at them just to make  
6 sure.

7 A No.

8 Q Okay. And you do agree that the students need to be  
9 credited hours for the months listed here?

10 A Yes. That's true.

11 Q And, Ms. Carter, you said you didn't receive a copy  
12 of the Order and Notice of Hearing. I'm sure that's  
13 true, but let me double check this address, just make  
14 sure. Do you have a copy of that? If not, I'll bring  
15 my --

16 A That's the school address, yes.

17 Q That is the school address?

18 A That's the school address.

19 Q Okay.

20 A That's not my administrative office address where I  
21 receive all my mail, but it is the correct school  
22 address. Yes.

23 Q Okay. If you will make sure that Ms. Preacher back  
24 there has the correct address as well before you leave  
25 today. That is all.

CTAC, JANUARY 26, 2015

1 A Sure.

2 HEARING OFFICER: Okay. Do you have  
3 anything else you want to say to the board?

4 DIRECT TESTIMONY

5 THE WITNESS: You know, really, I mean,  
6 this is my first board meeting, so I appreciate  
7 you being patient. In Arkansas. I've been  
8 going to the board meetings in Oklahoma for  
9 many, many years.

10 So, you know, I apologize for the -- the  
11 mistake. I paid the fees online in my office,  
12 and then someone else mailed the hard copies  
13 in, and this happened during a time where I had  
14 some family problems, my mom was in the  
15 hospital. And, anyway, the lady that was  
16 responsible for this is no longer there and,  
17 you know, it happened, and you all discovered  
18 one and I discovered the other, so I'm really  
19 grateful for the opportunity to get the hours  
20 for the students, so, you know --

21 HEARING OFFICER: Okay. Does anybody --

22 THE WITNESS: -- that's about it.

23 HEARING OFFICER: Any board member have  
24 any questions for this lady?

25 Do you have any other witnesses you want

CTAC, JANUARY 26, 2015

1 to present or --

2 THE WITNESS: No.

3 HEARING OFFICER: -- or any other  
4 documents or anything?

5 THE WITNESS: No, ma'am.

6 HEARING OFFICER: Okay. Do you have any  
7 other witnesses?

8 MS. PITMAN: No other witnesses.

9 HEARING OFFICER: Okay. Does anybody want  
10 to make a closing argument?

11 MS. PITMAN: I just want to make a little  
12 statement.

13 COURT REPORTER: I didn't hear that.

14 MS. PITMAN: I just want to make a little  
15 statement. I'm sorry. I'm a mumbler.

16 I just want to say that the students do  
17 deserve the hours that they were enrolled and  
18 not permitted, it's per Rule 7.9 that they  
19 cannot earn hours without a permit, and that's  
20 the rule we're following here today. As the  
21 typical policy, we allow a school to have a  
22 30-day plan of correction before any violations  
23 are brought against them, and we would ask that  
24 the same thing be applied towards CC's  
25 Cosmetology College, so that they can have 30

CTAC, JANUARY 26, 2015

1 days to make sure that this doesn't happen  
2 again.

3 MS. CARTER: Thank you.

4 MS. PITMAN: That's all I have.

5 HEARING OFFICER: Okay. Do you have any  
6 closing remarks you want to make?

7 MS. CARTER: No. I just appreciate the  
8 hospitality, and I'm glad to -- you know, this  
9 is really not easy to find. You know, I went  
10 to the health department. So, anyway, but  
11 thank you all for having me.

12 HEARING OFFICER: Okay. Then we will go  
13 off the record for the board to deliberate and  
14 make a decision regarding the Findings of Fact,  
15 Conclusion of Law, or any penalties put on  
16 them, and once the board reaches a decision, we  
17 will go back on the record. And you're welcome  
18 to stay in the room while the board  
19 deliberates.

20 MS. SULLIVAN: Off the record.

21 (WHEREUPON, the CTAC retired to  
22 deliberate, off the record, from 9:21 a.m. to  
23 9:24 a.m., and returned with the following  
24 decision:)

25 MS. SULLIVAN: We're back on the record.

CTAC, JANUARY 26, 2015

1 HEARING OFFICER: Okay. The board is  
2 ready to vote on the record.

3 MS. ANDERSON: At this time I would like  
4 to make a motion that Tonease Fort and Kristan  
5 Hardy receive their hours, Tonease's from  
6 November; Kristan's from October, forward  
7 through December; and that they would receive  
8 those hours for time in school at CC's  
9 Cosmetology College.

10 MS. FORD: I'll second that motion.

11 MS. SULLIVAN: We have a motion and a  
12 second. All in favor?

13 BOARD MEMBERS: Aye.

14 MS. SULLIVAN: All opposed?

15 Motion passes.

16 HEARING OFFICER: Okay. Then the record  
17 will reflect that the decision is unanimous,  
18 please reduce the board's decision to writing  
19 and serve upon all parties; and if the  
20 respondent cares to appeal the decision, you  
21 can do that under any specific provisions  
22 relating to the board, or under the APA. I  
23 doubt you will be appealing since you got what  
24 you wanted.

25 Any questions or comments? Then the

CTAC, JANUARY 26, 2015

1 record is closed and the hearing is concluded.  
2 (WHEREUPON, at 9:25 a.m., the  
3 above-entitled proceedings were concluded.)  
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# Arkansas Department of Health

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## *Cosmetology Section*

4815 W. Markham, Slot 8 • Little Rock, Arkansas 72205 • Telephone (501) 682-2168

Governor Asa Hutchinson

Nathaniel Smith, MD, MPH, Director and State Health Officer

BEFORE THE COSMETOLOGY TECHNICAL ADVISORY COMMITTEE (CTAC)

IN THE MATTER OF:

ARKANSAS DEPARTMENT OF HEALTH

PETITIONER

v.

CC'S COSMETOLOGY COLLEGE

RESPONDENT

## ORDER OF NOTICE OF HEARING

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### STATUTORY AUTHORITY

This Order and Notice of Hearing is issued under the authority vested in the Arkansas Cosmetology Technical Advisory Committee, Arkansas Department of Health and the Arkansas State Board of Health pursuant to Ark. Code Ann. §20-7-101, et seq., Ark. Code Ann. §17-26-101 et seq., and the Rules and Regulations of the Arkansas State Board of Health in Arkansas.

---

### STATEMENT OF FACT

1. CC's Cosmetology College is a licensed School of Cosmetology in Arkansas.
2. CC's Cosmetology College allowed Tonease Fort to clock hours without registering for a student permit with the Cosmetology Section.
3. CC's Cosmetology College allowed Kristan Hardy to clock hours without registering for a student permit with the Cosmetology Section.

### STATEMENT OF LAWS

The grounds for disciplinary action are as follows:

**Ark. Code Ann. § 17-26-105**

(1) Failure of a person, firm, or corporation operating a cosmetological establishment or school of cosmetology or engaged in the practice of cosmetology or any of its branches to

comply with the requirements of this chapter and the regulations of the Cosmetology Technical Advisory Committee;

**Ark. Code Ann. § 17-26-415**

(a)(1) All students of cosmetology, manicuring, electrology, aesthetics, and instructor training shall be registered with the Department of Health before accredited hours can be obtained.

...

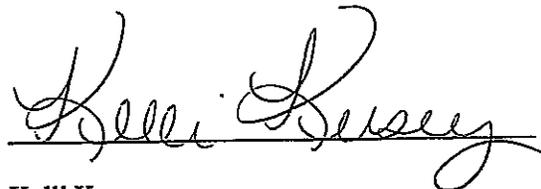
**Rule No. 7.9 Registration Requirements**

(A) All students of Cosmetology, Manicuring, Electrology, Aesthetics, and Teacher Training shall be registered with the Department before accredited hours can be obtained.

**ORDER**

Respondent is hereby notified that a hearing is scheduled before the COSMETOLOGY TECHNICAL ADVISORY COMMITTEE (CTAC) IN ORDER TO DETERMINE WHAT penalty, if any, may be assessed including permanent REVOCATION, SUSPENSION, OR PROBATION of Respondent's license. FURTHERMORE, the COSMETOLOGY TECHNICAL ADVISORY COMMITTEE (CTAC) may assess a CIVIL MONETARY PENALTY. Said hearing is scheduled for **Monday, January 26, 2015 at 9:00 a.m. in Room 801 of the Freeway Medical Building, 5800 West 10<sup>th</sup> Street, Little Rock, Arkansas.**

You can present witnesses and other evidence to the Technical Advisory Committee in your defense at that time. If the Committee finds you guilty at a hearing, Ark. Code Ann. §20-7-101 et seq., §17-26-101 et seq, and § 17-26-104 authorizes it to revoke or suspend your license, or assess a fine of up to \$1,000.00 per violation. **If you do not appear at the hearing time, the Committee will proceed in your absence.**



Kelli Kersey  
Cosmetology Section Chief

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CTAC, JANUARY 26, 2015

1 ADMINISTRATIVE HEARING  
2 BEFORE THE COSMETOLOGY TECHNICAL ADVISORY COMMITTEE  
3 (CTAC)  
4 IN THE MATTER OF:  
5 ARKANSAS DEPARTMENT OF HEALTH PETITIONER  
6 v.  
7 CITY NAILS RESPONDENT

---o---

8  
9 HEARING OFFICER: Ready for the next one?  
10 Okay. For the record, then, my name is  
11 Karen Wallace, I'm the Hearing Officer in the  
12 Matter of Arkansas Department of Health versus  
13 City Nails, to be heard today before the  
14 Cosmetology Technical Advisory Committee.

15 Is the Respondent City Nails, is someone  
16 present to represent the Respondent?

17 MR. DANG: I am.

18 HEARING OFFICER: Okay. Please come up to  
19 the table.

20 All right. And your name, sir?

21 MR. DANG: Brian Dang.

22 COURT REPORTER: Would you spell it,  
23 please?

24 MR. DANG: B-r-i-a-n; D-a-n-g.

25 COURT REPORTER: Thank you.

CTAC, JANUARY 26, 2015

1 HEARING OFFICER: All right. And are you  
2 represented by an attorney today, sir?

3 MR. DANG: No, I'm just by myself.

4 HEARING OFFICER: Okay. You are aware  
5 that you have the right to have an attorney;  
6 right?

7 MR. DANG: Yes, ma'am.

8 HEARING OFFICER: Okay. Did you receive a  
9 copy of the Order and Notice of Hearing?

10 MR. DANG: Yes, I did.

11 HEARING OFFICER: Okay. And are you ready  
12 to proceed?

13 MR. DANG: Yes, I am.

14 HEARING OFFICER: Thank you.

15 Board's counsel, identify yourself for the  
16 record, please.

17 MS. PITMAN: Elizabeth Pitman.

18 HEARING OFFICER: Okay. I'll go through  
19 this again. If you've not been in an  
20 administrative hearing, the way this board --  
21 the board will base its decision solely on the  
22 evidence presented here today. The hearing is  
23 held under the Administrative Procedures Act,  
24 which means strict rules of evidence do not  
25 apply, you will be given some latitude in

CTAC, JANUARY 26, 2015

1           introducing evidence to promote a fair hearing  
2           and to provide the board with adequate  
3           information to make a decision. To ensure  
4           efficiency, I will grant objections and caution  
5           the parties only as necessary. If you have  
6           anything in your possession, any documents or  
7           other evidence that you want the board to  
8           consider today, you will need to introduce  
9           those into evidence when it's time for you to  
10          testify. Okay? And this meeting is open to  
11          the Freedom of Information -- under the Freedom  
12          of Information Act, and so all parts of the  
13          hearing and the deliberations are public.

14                 So everyone who is going to testify in  
15          this matter, please, raise your right hand.

16                 Sir, are you going to testify?

17                 MR. DANG: I think I am.

18                 HEARING OFFICER: Okay.

19                 MR. DANG: This is my first time, so I  
20          have no experience how to do.

21                 HEARING OFFICER: Okay. Anyone who is  
22          going to testify.

23                 (WHEREUPON, the witnesses were sworn by  
24          the Hearing Officer.

25                 HEARING OFFICER: Thank you.

CTAC, JANUARY 26, 2015

1 Any other preliminary matter that's to be  
2 discussed or offered at this time?

3 MS. PITMAN: Yes, ma'am. There is a  
4 12-page packet behind the City Nails tab, that  
5 includes the Order and Notice of Hearing and  
6 some other documents that we would ask to be  
7 admitted.

8 HEARING OFFICER: Okay. Do you have any  
9 objection to that?

10 MR. DANG: No, I don't.

11 HEARING OFFICER: Okay. Then those will  
12 be entered into evidence.

13 (WHEREUPON, CTAC Exhibits were received in  
14 evidence.)

15 MS. PITMAN: And again that the rules and  
16 regulations governing cosmetology and the  
17 Cosmetology Act, that they be taken also.

18 HEARING OFFICER: And I assume you have no  
19 problem with that?

20 MR. DANG: No.

21 HEARING OFFICER: Okay. Then we will take  
22 those -- I'm sorry, take judicial notice of  
23 those, those are in evidence.

24 If you are ready to proceed. Do you wish  
25 to make an opening statement?

CTAC, JANUARY 26, 2015

1 MS. PITMAN: No, ma'am.

2 HEARING OFFICER: You may call your first  
3 witness.

4 MS. PITMAN: Call Chris Nicklaus.

5 Sorry. I couldn't remember his last name.

6 WHEREUPON,

7 CHRIS NICKLAUS,

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

11 DIRECT EXAMINATION

12 BY MS. PITMAN:

13 Q Mr. Nicklaus, where do you work and what do you do?

14 A I work for the Arkansas Department of Health, for  
15 cosmetology, and I'm a cosmetology inspector.

16 Q And do you an inspection of City Nails?

17 A Yes.

18 Q What day?

19 A 11/18/14.

20 Q And was that a routine inspection or because of a  
21 complaint?

22 A It was a routine inspection.

23 Q Okay. Mr. Nicklaus, when you went out on the 18<sup>th</sup>  
24 of November, what did you find?

25 A I found a couple of drawers with used files and nail

CTAC, JANUARY 26, 2015

1 blocks in them, and used nail files and blocks in a  
2 drawer with clean implements; dremel bits that were used  
3 in the same drawer; and a wax pot with a wax stick laying  
4 on top of it.

5 Q Okay. Looking at Page 5 of the records, is this  
6 your inspection report?

7 A Yes.

8 Q Okay. What did you mark on this inspection report?

9 A All supplies and instruments that cannot be  
10 disinfected are disposed of immediately after use, and  
11 separation of disinfected contaminated implements.

12 Q Okay. And then you took pictures while you were on  
13 that inspection?

14 A Yes.

15 Q And those pictures are on Page 6, 7, and 8?

16 A Yes.

17 Q Will you please tell us what we're looking at in  
18 these pictures?

19 A Page 6 we're looking at a used nail block in a  
20 drawer with sealed toe separators and separators that  
21 aren't sealed, I'm not sure if those have been used or  
22 not. And on Page 7 we're looking at a used nail block  
23 and a file in a drawer with clean implements with dirty  
24 dremel bits and personal items. And on Page 8 we're  
25 looking a wax stick on a wax pot.

CTAC, JANUARY 26, 2015

1 Q Okay. On Pages 6 and 7, what violations are we  
2 talking about there?

3 A Those would be all supplies and instruments that  
4 cannot disinfected are disposed of immediately, and  
5 separation of clean and dirty.

6 Q Okay. And on Page 8, what are we looking at?

7 A All supplies and instruments that can't be  
8 disinfected were disposed of immediately and separation  
9 of dirty and clean.

10 Q Is there separation of dirty and clean on Page 8 of  
11 the wax pot?

12 A Well, you have wax on the stick that can drip back  
13 into the pot. Yes.

14 Q Okay. Thank you.

15 Who signed for this inspection report on the 18<sup>th</sup>?

16 A I honestly can't recall.

17 Q You can't recall?

18 A (Shaking head from side to side.)

19 Q But somebody did?

20 A Yes.

21 Q Okay. Did -- did anybody there that day offer any  
22 explanation for the violations?

23 A Not that I remember, no.

24 Q Okay. And did you have any follow-up inspection for  
25 City Nails after the 18<sup>th</sup>?

CTAC, JANUARY 26, 2015

1 A No.

2 Q Is there anything else about your inspection that  
3 you would like the board to know today?

4 A No.

5 MS. PITMAN: No other questions.

6 HEARING OFFICER: Okay. Sir, do you have  
7 any questions for this witness?

8 MR. DANG: Actually, all I can say is I do  
9 take fault of what happened, but he came on a  
10 busy day so we didn't have time to clean up,  
11 you know, at a certain time. So what he saw  
12 was left on the table or the drawer, but he  
13 didn't see what that we use it again or not, so  
14 it, I guess, it's just shame for me, so --

15 HEARING OFFICER: Okay. Do you have any  
16 questions for him?

17 MR. DANG: No, I don't.

18 HEARING OFFICER: Okay. Does the board  
19 have any questions for him?

20 MS. FORD: I do.

21 HEARING OFFICER: Yes, sir. I mean, yes,  
22 ma'am, I'm sorry.

23 MS. FORD: I'm looking at your inspection  
24 sheet --

25 THE WITNESS: Uh-huh.

CTAC, JANUARY 26, 2015

1 MS. FORD: -- and the date on the license,  
2 if you will go down where you hand wrote the  
3 license in, you inspected this City Nails on  
4 11/18/14?

5 THE WITNESS: Yes.

6 MS. FORD: And I'm going to assume, since  
7 there is two license there, that one of them  
8 was an aesthetics license; is that --

9 THE WITNESS: Correct.

10 MS. FORD: Okay. And they were expired?  
11 Is that a 4 or a 7?

12 THE WITNESS: It's a 4. And I, obviously,  
13 forgot to mark that at the end of the  
14 inspection.

15 MS. FORD: Okay. I was just wondering.  
16 There was an aesthetics person there with the  
17 wax.

18 HEARING OFFICER: Other questions from  
19 board?

20 Okay. You may call your next witness.

21 MS. PITMAN: Call Kelli Kersey.

22 THE WITNESS: Kelli Kersey, Arkansas  
23 Department of Health, Cosmetology Section,  
24 Section Chief.

25 WHEREUPON,

CTAC, JANUARY 26, 2015

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

5 DIRECT EXAMINATION

6 BY MS. PITMAN:

7 Q And, Ms. Kersey, did we send an Order and Notice of  
8 Hearing to City Nails?

9 A We did.

10 Q And what date did we send it?

11 A January 6<sup>th</sup>.

12 Q And was it signed for?

13 A It was, January 7<sup>th</sup>.

14 Q And that Order and Notice of Hearing listed on it  
15 the violations that we discussed today?

16 A Yes.

17 Q And it told City Nails where to appear?

18 A It did.

19 Q And, Ms. Kersey, have you reviewed the inspection  
20 and the violations that we've discussed today?

21 A Yes, ma'am. I have.

22 Q And do you agree with those?

23 A I do.

24 Q And what is your recommended penalty?

25 A It's \$100. They are here because it's their third,

CTAC, JANUARY 26, 2015

1 their third offense for 21(a).

2 Q Okay. For 21(a)?

3 A Uh-huh.

4 Q I believe that's on Page 10 where that shows?

5 A Correct.

6 Q Will you go through that for us, please?

7 A They have two violations, all supplies and  
8 instruments is \$50, and all electrical -- separation of  
9 disinfected and contaminated instruments. That was done  
10 on 11/18/14.

11 Q Okay.

12 A Page 11, that inspection was done on 9/25/13, it was  
13 also the same violations, 21(a), all supplies and  
14 implements that cannot be disinfected. And on Page 12,  
15 it was done on 3/19/13, and it was also -- there was a  
16 couple more violations in there, but 21(a) was also  
17 involved in that. And it is policy, when they have three  
18 violations in a row of the same violation, they have to  
19 come before CTAC.

20 Q Did City Nails offer to pay the violation?

21 A We did not give them that option. We don't give  
22 them the option on the third time. We just send them the  
23 Notice of Hearing.

24 Q On the previous two violations, did they pay  
25 their --

CTAC, JANUARY 26, 2015

1 A They have always paid their violations, yes, ma'am.

2 Q And so the recommended penalty is \$100?

3 A Yes, ma'am.

4 Q Fifty dollars for each violation?

5 A Yes, ma'am.

6 Q Anything else you would like the board to consider?

7 A No. That's it.

8 HEARING OFFICER: Sir, do you have any  
9 questions for her?

10 MR. DANG: No, I don't.

11 HEARING OFFICER: Okay. Board have any  
12 questions for her?

13 Okay. You may call your next witness.

14 MS. PITMAN: I have no other witnesses.

15 HEARING OFFICER: Okay. Sir, do you want  
16 to call any witnesses or present any testimony  
17 yourself?

18 MR. DANG: No. I don't.

19 HEARING OFFICER: Okay. You've already  
20 said what you want to say?

21 MR. DANG: Yes, ma'am.

22 HEARING OFFICER: Does the board have any  
23 questions for this witness?

24 MS. FORD: I do.

25 WHEREUPON,

CTAC, JANUARY 26, 2015

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

## EXAMINATION

5  
6 MS. FORD: Your -- your last name is Dang?

7 THE WITNESS: Yes, ma'am.

8 MS. FORD: D-a-n-g?

9 THE WITNESS: Correct.

10 MS. FORD: Mr. Dang, the history here  
11 shows that these violations are being repeated.

12 THE WITNESS: Right.

13 MS. FORD: And earlier you made a  
14 statement that you were busy and just did not  
15 get the opportunity to clean up?

16 THE WITNESS: Correct.

17 MS. FORD: Do you -- do you understand the  
18 rule that states that once you use it, you must  
19 throw it away immediately, right then?

20 THE WITNESS: I do understand it. Yes.

21 HEARING OFFICER: Other questions for the  
22 board for this witness?

23 Do you have any questions for him?

24 MS. PITMAN: No.

25 HEARING OFFICER: Okay. And you have no

CTAC, JANUARY 26, 2015

1 other witnesses you wish to call?

2 MR. DANG: No, I don't.

3 HEARING OFFICER: Okay. Do you have any  
4 other witnesses you wish to call?

5 MS. PITMAN: No, I don't.

6 HEARING OFFICER: Okay. We will go off  
7 the record -- well, first, do you have a  
8 closing argument you want to make?

9 MS. PITMAN: Just a very brief one.

10 HEARING OFFICER: Okay.

11 MS. PITMAN: I would just like to  
12 reiterate that City Nails has always paid their  
13 violations in the past. They are here because  
14 we have the same repeat 21(a) violation that  
15 they have always paid in the past. We are  
16 recommending \$100 today and we would just like  
17 the board to consider their record.

18 HEARING OFFICER: Okay. And, sir, do you  
19 have any closing comments you would like to  
20 make to the board?

21 MR. DANG: (Shaking head from side to  
22 side.)

23 HEARING OFFICER: Okay. Then we will go  
24 off the record at this time for the board to  
25 deliberate, and once the board reaches a

CTAC, JANUARY 26, 2015

1 decision, we will go back on the record. You  
2 are free to stay in the room to listen to the  
3 board deliberate.

4 MS. SULLIVAN: Okay. We're off the record  
5 to deliberate.

6 (WHEREUPON, the CTAC retired to  
7 deliberate, off the record, from 9:36 a.m. to  
8 9:42 a.m., and returned with the following  
9 decision:)

10 MS. SULLIVAN: Back on the record.

11 HEARING OFFICER: Okay. We are back on  
12 the record for the board's vote.

13 MS. SULLIVAN: Do we have a motion in this  
14 case?

15 MS. FORD: Yes. I would like to make a  
16 motion that City Nails be fined \$100 for each  
17 offense that's listed on the inspection sheet,  
18 with a total of \$200, and that a 30-day  
19 reinspection be mandated.

20 MS. SULLIVAN: Do we have a second?

21 MR. TABB: I second.

22 MS. SULLIVAN: Adrian seconded. All in  
23 favor?

24 BOARD MEMBERS: Aye.

25 MS. SULLIVAN: All opposed?

CTAC, JANUARY 26, 2015

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That's a unanimous decision.

HEARING OFFICER: Okay. The board has rendered its decision, please reduce it to writing and make or attempt service on all parties. If the Respondent cares to appeal the decision, appeal can be taken under any specific provisions relating to this board or under the Administrative Procedures Act.

Are there any other questions or comments?

Then this hearing is concluded and the record is closed.

(WHEREUPON, at 9:43 a.m., the above-entitled proceedings were concluded.)

---o---



# Arkansas Department of Health

## Cosmetology Section

4815 W. Markham, Slot 8 • Little Rock, Arkansas 72205 • Telephone (501) 682-2168

Governor Mike Beebe

Nathaniel Smith, MD, MPH, Director and State Health Officer

BEFORE THE COSMETOLOGY TECHNICAL ADVISORY COMMITTEE (CTAC)

IN THE MATTER OF:

ARKANSAS DEPARTMENT OF HEALTH

PETITIONER

v.

CITY NAILS

RESPONDENT

### ORDER OF NOTICE OF HEARING

#### STATUTORY AUTHORITY

This Order and Notice of Hearing is issued under the authority vested in the Arkansas Cosmetology Technical Advisory Committee, Arkansas Department of Health and the Arkansas State Board of Health pursuant to Ark. Code Ann. §20-7-101, et seq., Ark. Code Ann. §17-26-101 et seq., and the Rules and Regulations of the Arkansas State Board of Health in Arkansas.

#### STATEMENT OF FACT

1. An inspection of City Nails by the Arkansas Department of Health Cosmetology Section was performed on 11/18/2014.
2. The Inspection on 11/18/2014 found that City Nails did not dispose of all disposable supplies immediately after use.
3. The Inspection on 11/18/2014 found that City Nails did not separate disinfected/contaminated implements.

#### STATEMENT OF LAWS

The grounds for disciplinary action are as follows:

**Ark. Code Ann. § 17-26-105**

- (1) Failure of a person, firm, or corporation operating a cosmetological establishment or

school of cosmetology or engaged in the practice of cosmetology or any of its branches to comply with the requirements of this chapter and the regulations of the Cosmetology Technical Advisory Committee;

**Rule No. 5.1(C) Physical Facilities of Salons**

**(21) Instruments and Supplies**

(a) All supplies or instruments which come in direct contact with a client and cannot be disinfected (for example, cotton pads, emery boards used on natural or artificial nails, and neck strips) shall be disposed of in a waste receptacle immediately after use.

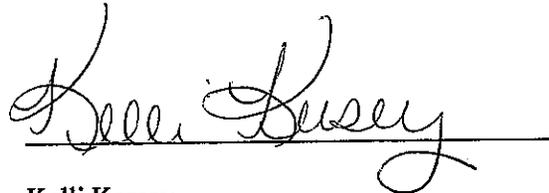
**(22) Disinfecting Electrical and Non-Electrical Instruments and Equipment-** Before use Upon a client, all electrical and non-electrical instruments including but, not limited to, scissors, razors, tweezers, cuticle nippers, manicure/pedicure scissors, clippers, combs, brushes, and rollers shall be sanitized with soap (or detergent) and water and disinfected with an EPA approved disinfectant. The disinfectant solutions shall remain covered at all times and shall be changed at least once each week or whenever visibly cloudy or dirty.

All non-disinfected instruments (those that have been used on a client or soiled in any manner) shall be placed in a properly labeled receptacle and shall be stored in a clean covered place.

**ORDER**

Respondent is hereby notified that a hearing is scheduled before the COSMETOLOGY TECHNICAL ADVISORY COMMITTEE (CTAC) IN ORDER TO DETERMINE WHAT penalty, if any, may be assessed including permanent REVOCATION, SUSPENSION, OR PROBATION of Respondent's license. FURTHERMORE, the COSMETOLOGY TECHNICAL ADVISORY COMMITTEE (CTAC) may assess a CIVIL MONETARY PENALTY. Said hearing is scheduled for Monday, January 26, 2015 at 9:00 a.m. in Room 801 of the Freeway Medical Building, 5800 West 10<sup>th</sup> Street, Little Rock, Arkansas.

You can present witnesses and other evidence to the Technical Advisory Committee in your defense at that time. If the Committee finds you guilty at a hearing, Ark. Code Ann. §20-7-101 et seq., §17-26-101 et seq, and § 17-26-104 authorizes it to revoke or suspend your license, assess a fine of up to \$1,000.00 per violation or any combination of these penalties. **If you do not appear at the hearing time, the Committee will proceed in your absence.**

A handwritten signature in cursive script, reading "Kelli Kersey", written over a horizontal line.

Kelli Kersey  
Cosmetology Section Chief



ARKANSAS DEPARTMENT OF HEALTH - COSMETOLOGY INSPECTION REPORT

SALON NAME: City Nails SALON ID# 125998 2-14-15

PHONE# 501-354-4451 EMAIL:

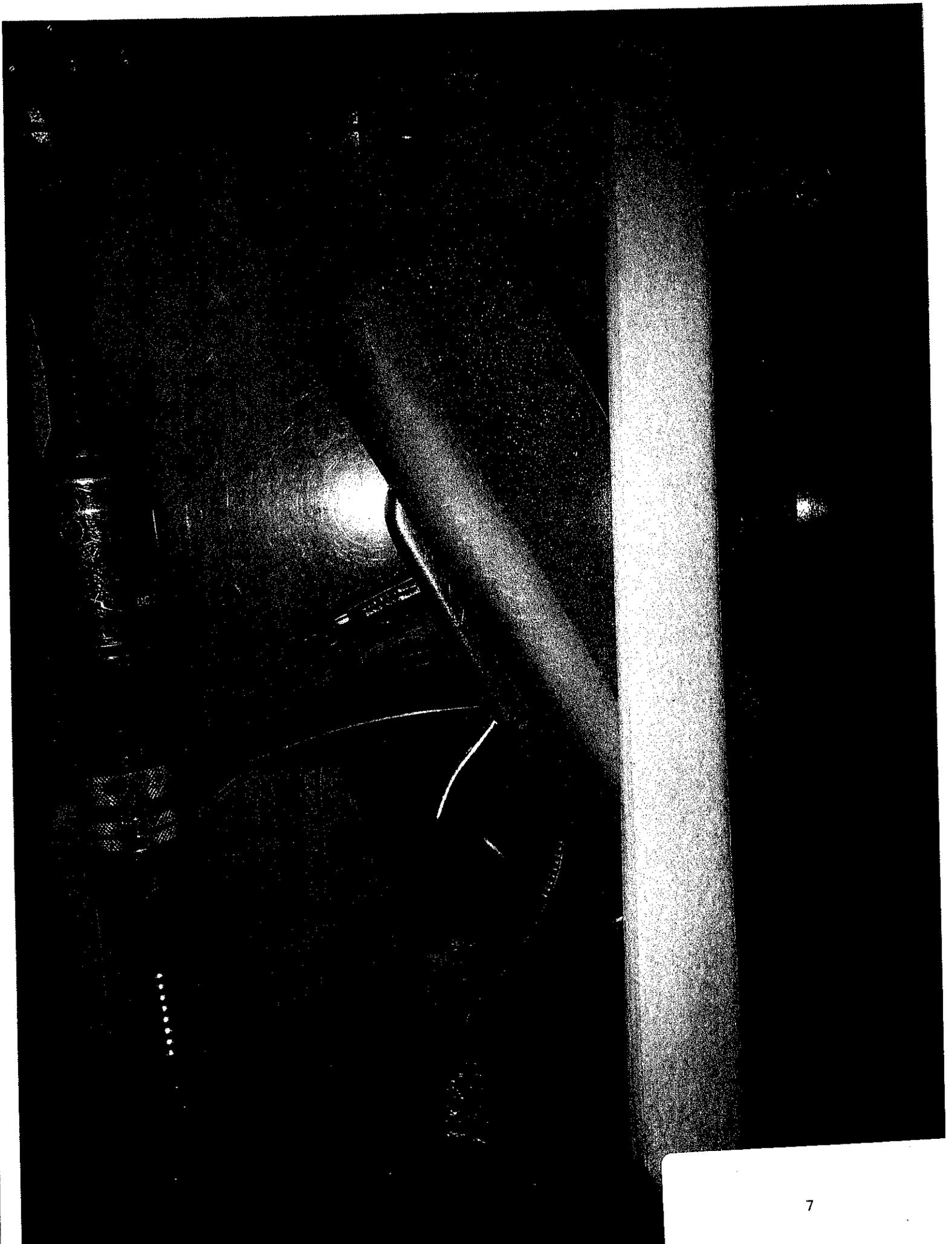
SALON ADDRESS: 100 Walmart Ave. Ste T Monett COUNTY Conway

SIGNATURE [Signature] SIGNATURE OF INSPECTOR [Signature] DATE 11-18-14

STATES	STATES	STATES
<b>Rule 5.1 (A) Enforcement</b>	(18) a - Towel discarded after each use	
(3) Inspection of facility allowed	Used towels laundered by commercial means or non-comm. means, sanitized	
(4) Photo ID presented, if requested	b - Laundry facilities on premises:	
(5) Salon license current	Used only for operation of salon	
(5) Unlicensed salon	Separate from working area	
(7) Practitioner license current	(19) All bottles & containers labeled as to contents	
(6) Allowing person to work w/o current AR license	(20) Neck strips or towels used to protect client skin	
(7) Unlicensed person	(21) a - All supplies/instruments that cannot be	
(6) Allowing person to work w/o an AR license	disinfected are disposed of immediately after use	✓
<b>Rule 5.1 (B) Consumer Information</b>	b - Supplies/instruments are not carried on garments	
(1) Health & Safety Rules posted in reception area	(22) Non-electrical:	
(2) Salon license posted in reception area	Before use on client - non-electrical instruments are disinfected	
(2) Practitioner license(s) posted at station(s)/reception	Solution covered at all times	
(3) All posted licenses are current	Changed when cloudy or dirty	
<b>Rule 5.1 (C) - Physical Facilities of Salons</b>	All used instruments placed in labeled containers	
(1) Supply hot and cold running water	Disinfected instruments stored in clean covered place	✓
Properly maintain sewage	Separation of disinfected/contaminated implements	
(2) Plumbing properly maintained	(22) Electrical Instruments:	
(3) Toilet facilities available:	Clippers/vibrators prior to each use have foreign matter removed	
Clean/odorless and in good repair	disinfected with EPA-approved disinfectant	
Receptacle for waste	Disinfected electrical instruments stored	
Not used for storage	Separation of disinfected/contaminated implements after each use	
(4) Handwashing facilities:	(23) Electrolysis instruments are used: needles are sterilized before & after each use	
Hot & cold water	Needles are sterilized before & after each use	
Hand-cleaning soap at each lavatory	Disposable needles disposed after each use	
Sanitary towels/hand drying device	(24) a - Liquids, creams, etc. stored and labeled in clean, closed containers	
Receptacles for waste nearby	b - Portions removed so as not to contaminate	
(5) Drinking water available	c - Pencil cosmetics are sharpened before each use	
Cups, glasses, etc. disposable	Sharpeners properly disinfected after each use	
(6) Garbage/refuse disposed of regularly	<b>Rule 6.2 - Authorization</b>	
(7) Free of rodents/insects	New salon letter of authorization conspicuously posted	
Open windows/doors, etc. screened	<b>Rule 6.3 - Changes/Notification Requirements</b>	
(8) Floors, mats, clean/repared	(A) Salon name changed/office notified correctly	
Walls, woodwork, dec. material Clean/repared	(B) Shop owner changed/office notified correctly	
Equipment, furnishings fixtures clean/repared	(C) Salon relocated - new application on file	
Ceilings clean/repared	(D) Salon closed - office notified	
(9) Working area floor covering non-absorbent	<b>Rule No. 6.4 - General Licensure Requirements</b>	
Working area floor covering in good repair	(A) 1 - Sale of products restricted to cosmetology area	
(10) Floor mats non-absorbent/easily cleanable	(B) 1 - Any other type of business that creates an unsanitary condition is separate	
Carpet only in non-working areas/good repair	(C) Additional minimum Equipment:	
(11) Work area contains sufficient lighting	1 - Sufficient number of towels and work instruments/tools	
(12) Sufficient ventilation	2 - Equipment meets industry standards	
Salon free of excessive fumes/odors	3 - Only operable or functioning equipment on premises	
(13) Minimum Equipment - have & maintain:	4 - Food preparation in non-working areas/Only for practitioner - employees	
a) Sufficient number covered waste receptacles	<b>NOTES AND PRACTITIONERS:</b>	
b) Sufficient liquid sanitizer w/EPA approved disinfectant	<u>Quyen Cong Hoang 34258 6-5-16</u>	
c) Sufficient closed receptacles for soiled towels	<u>Brian Quyen Hoang 28672 7-15-16</u>	
d) Sufficient airtight containers for sanitized instr.	<u>Ngoc Phuong Nguyen 67800 10-10-14</u>	
e) Sufficient closed cabinets to hold clean towels	<u>Ngoc Phuong Nguyen 90524 10-10-29</u>	
(14) Animal in salon	* All nail files must be disposed of	
(15) Persons massaging inflamed, infected or erupted skin are using proper protection	Immediately in a bag	
(16) a - Clothing of practitioner clean	* No double clipping with water	
b - Practitioner washed hands before services	They must be disposed of after each use.	
(17) a - Headrest covered for each client		
b - Shampoo bowl cleaned before/after each use		
kept in good condition s		
c - Treatment t		



6





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Teri Preachers (teri.cravotta@arkansas.gov) | [Logout](#)

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**City Nails**

License Number: 125998 ID: 56493

Inactive License 

Street 1  Street 2  City  State   Zip  Country   County

Address Type   Starting Date  Ending Date   Copy to physical address record.

Address Type	Street 1	Street 2	City	State	Zip	Starting Date	Ending Date	Tasks
* Mailing	100 Walmart Dr Ste 7		Morrilton	AR	72110			 
* Physical	100 Walmart Dr Ste 7		Morrilton	AR	72110			 

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**City Nails**

License Number: 125998 ID: 56493

Inactive License 

Subject: violation 11.18.14 Date: 12-17-2014 (mm-dd-yyyy)

Note: 3rd time - referred for hearing.

- (21) a - All supplies/instruments that cannot be disinfected are disposed of immediately after use 50.00
- (22) Non-electrical:  
Separation of disinfected/contaminated implements 50.00

Date Entered	Subject	Entered By	Updated Date	Tasks
12/17/2014	violation 11.18.14	teri.cravotta@arkansas.gov	12/17/2014	/
04/30/2014	violation 13-718 paid in full	Christine.Childres@arkansas.gov	04/30/2014	/
04/09/2014	10 day letter mailed- suspended due to non payment of violation	Christine.Childres@arkansas.gov	04/24/2014	/
11/08/2013	violation paid for 3-19-2013	Christine.Childres@arkansas.gov	11/08/2013	/
11/08/2013	2 violations 9-25-2013	Christine.Childres@arkansas.gov	11/08/2013	/
03/29/2013	3 violations 3-19-13	Kenneth.Roberts@Arkansas.Gov	03/29/2013	/
02/08/2013	change of owner	Christine.Childres@arkansas.gov	02/08/2013	/

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**City Nails**

License Number: 125998 ID: 56493

Subject:

Date:  (mm-dd-yyyy)

Note: Rule 5.1 (C) - Physical Facilities of Salons  
 7-b - Open windows/doors, etc. screened \$50.00  
 (21) a - All supplies/instruments that cannot be  
 disinfected are disposed of immediately after use  
 total: \$100

Date Entered	Subject	Entered By	Updated Date	Tasks
04/30/2014	violaiton 13-718 paid in full	Christine.Childres@arkansas.gov	04/30/2014	✓
04/09/2014	10 day letter mailed- suspended due to non payment of violation	Christine.Childres@arkansas.gov	04/24/2014	✓
11/08/2013	violation paid for 3-19-2013	Christine.Childres@arkansas.gov	11/08/2013	✓
11/08/2013	2 violations 9-25-2013	Christine.Childres@arkansas.gov	11/08/2013	✓
03/29/2013	3 violations 3-19-13	Kenneth.Roberts@Arkansas.Gov	03/29/2013	✓
02/08/2013	change of owner	Christine.Childres@arkansas.gov	02/08/2013	✓

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**City Nails**  
 License Number: 125998 ID: 56493

Subject: 3 violations 3-19-13 Date: 03-29-2013 (mm-dd-yyyy)

Note:

- Rule 5.1 (A) Enforcement
- (5)Salon license current \$250.00
- Rule 5.1 (B) Consumer Information
- (3)All posted licenses are current \$50.00
- Rule 5.1 (C) - Physical Facilities of Salons
- (21) a - All supplies/instruments that cannot be disinfected are disposed of immediately after use \$50.00
- Total-\$350

Date Entered	Subject	Entered By	Updated Date	Tasks
04/30/2014	violaiton 13-718 paid in full	Christine.Childres@arkansas.gov	04/30/2014	✓
04/09/2014	10 day letter mailed- suspended due to non payment of violation	Christine.Childres@arkansas.gov	04/24/2014	✓
11/08/2013	violation paid for 3-19-2013	Christine.Childres@arkansas.gov	11/08/2013	✓
11/08/2013	2 violations 9-25-2013	Christine.Childres@arkansas.gov	11/08/2013	✓
03/29/2013	3 violations 3-19-13	Kenneth.Roberts@Arkansas.Gov	03/29/2013	✓
02/08/2013	change of owner	Christine.Childres@arkansas.gov	02/08/2013	✓

CTAC, JANUARY 26, 2015

1 ADMINISTRATIVE HEARING  
2 BEFORE THE COSMETOLOGY TECHNICAL ADVISORY COMMITTEE  
3 (CTAC)  
4 IN THE MATTER OF:  
5 ARKANSAS DEPARTMENT OF HEALTH PETITIONER  
6 v.  
7 SOLAR NAILS RESPONDENT

---o---

8  
9 HEARING OFFICER: Do you want to go on to  
10 the third one?

11 MS. PITMAN: Yes.

12 HEARING OFFICER: Okay. Okay. I'm Karen  
13 Wallace, I'm the Hearing Officer today in the  
14 matter of Arkansas Department of Health versus  
15 Solar Nails.

16 Today is the 26<sup>th</sup> of January 2015.

17 Is the Respondent here? Sir?

18 MR. TRAN: Good morning, ma'am.

19 HEARING OFFICER: You're with Solar Nails?

20 MR. TRAN: Yeah.

21 HEARING OFFICER: And would you please  
22 state your name for the record.

23 MR. TRAN: My name is John Tran.

24 HEARING OFFICER: Okay.

25 COURT REPORTER: Could you spell that,

CTAC, JANUARY 26, 2015

1 please?

2 MR. TRAN: I'm the owner for Solar Nails.

3 HEARING OFFICER: Okay. Mr. Tran, do you  
4 have an attorney present with you today?

5 MR. TRAN: No, ma'am.

6 HEARING OFFICER: Okay. You do understand  
7 you could have one if you wanted one; correct?

8 MR. TRAN: Yes. Yes, ma'am.

9 HEARING OFFICER: Did you receive a copy  
10 of the Order and Notice of Hearing?

11 MR. TRAN: Yes, I do.

12 HEARING OFFICER: Are you ready to  
13 proceed?

14 MR. TRAN: Yes.

15 HEARING OFFICER: Okay. Board's counsel,  
16 please, identify yourself for the record.

17 MS. PITMAN: Elizabeth Pitman.

18 HEARING OFFICER: Okay. And as I've  
19 stated in earlier proceedings, the board will  
20 base its decision solely on the evidence today.  
21 The hearing is held under the Administrative  
22 Procedures Act, so strict rules of evidence do  
23 not apply, so the parties will be given  
24 latitude. I will grant objections or caution  
25 only as necessary. If there is anything that

CTAC, JANUARY 26, 2015

1           you have, sir, that you want the board to  
2           consider as evidence, then you're going to need  
3           to present that, if it's a document or  
4           testimony, you're going to need to present that  
5           today when the time comes. Okay?

6           MR. TRAN: Yes.

7           HEARING OFFICER: And everyone should  
8           understand that these proceedings are subject  
9           to the Freedom of Information Act, they are  
10          open to the public, including the board's  
11          deliberations.

12          So anyone who is going to be testifying,  
13          would you please raise your right hand.

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

16          HEARING OFFICER: All right. Any  
17          preliminary matters to be discussed or offered  
18          at this time?

19          MS. PITMAN: There is a 6-page packet  
20          behind the Solar Nails tab, that's the Order  
21          and Notice of Hearing and some other  
22          documentation, we would ask that they be  
23          admitted into evidence.

24          HEARING OFFICER: Okay. That is admitted  
25          into evidence.

CTAC, JANUARY 26, 2015

1                   You have no objection to that; is that  
2 correct, sir?

3                   MR. TRAN: Yes.

4                   HEARING OFFICER: Okay. No objection then  
5 from Solar Nails, and that will be admitted  
6 into evidence.

7                   (WHEREUPON, CTAC Exhibits were received in  
8 evidence.)

9                   HEARING OFFICER: And did you want the  
10 board's rules and regs and statutes also  
11 admitted?

12                   MS. PITMAN: Yes.

13                   HEARING OFFICER: Okay. Those are  
14 admitted.

15                   Do you wish to make an opening statement?

16                   MS. PITMAN: No, ma'am.

17                   HEARING OFFICER: Do you wish to make an  
18 opening statement or should we just go ahead  
19 and take testimony?

20                   MR. TRAN: Go ahead.

21                   HEARING OFFICER: Okay. Call your first  
22 witness.

23                   MS. PITMAN: Call Lavonne Lester.

24 WHEREUPON,

25   LAVONNE LESTER,

CTAC, JANUARY 26, 2015

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

4 DIRECT EXAMINATION

5 BY MS. PITMAN:

6 Q Ms. Lester, please state your name and where you  
7 work.

8 A Lavonne Lester, Arkansas Department of Health,  
9 Cosmetology Inspector.

10 Q And did you do an inspection of Solar Nails?

11 A I did.

12 Q What day?

13 A 8/22/14.

14 Q And was this a routine inspection or was it a --

15 A Yes, ma'am, it was.

16 Q It was a routine inspection?

17 A Yes.

18 Q When you went out on 8/22, what did you find?

19 A That there was a person working there that was not  
20 licensed, did not have an Arkansas license.

21 Q Okay. And who was that?

22 A Tan Le.

23 Q And I'm looking at Page 4 of the packet?

24 A Yes.

25 Q Is that your inspection report?

CTAC, JANUARY 26, 2015

- 1 A Yes, it is.
- 2 Q And at the bottom you've marked Tan Le?
- 3 A Yes.
- 4 Q What does it say there off to the side?
- 5 A That he did show me an Oregon license, driver's  
6 license, but he was working at the time and had no  
7 Arkansas license.
- 8 Q I know this was a while ago. Do you remember what  
9 he was doing at the salon?
- 10 A He was doing nails.
- 11 Q Okay. And he didn't have an Arkansas cosmetology  
12 license or manicure license?
- 13 A (Shaking head from side to side.) Manicure license.
- 14 Q Okay. Was there anything else in the salon that you  
15 noticed that day?
- 16 A No, that was it.
- 17 Q And everybody else that day was licensed? Everybody  
18 else --
- 19 A Yes. Yes, ma'am.
- 20 Q Okay. Did someone sign for this?
- 21 A No.
- 22 Q But you did leave a copy with them?
- 23 A I did.
- 24 Q Okay. Did they offer any reason why Mr. Le was not  
25 licensed?

CTAC, JANUARY 26, 2015

1 A (Shaking head from side to side.)

2 Q Did -- no?

3 And did you do anything with Solar Nails after 8/22?

4 A No. I haven't.

5 MS. PITMAN: No other questions.

6 HEARING OFFICER: Okay. Mr. Tran, do you  
7 have any questions for this lady?

8 MR. TRAN: No. But -- but I -- I need to  
9 say about why I -- how the people doesn't have  
10 no license, Arkansas license, because --

11 HEARING OFFICER: Okay. Well, let us  
12 finish asking her questions.

13 MR. TRAN: Oh.

14 HEARING OFFICER: And then in a few  
15 minutes we'll let you explain. Okay?

16 MR. TRAN: Okay. Thank you.

17 HEARING OFFICER: Thank you.

18 Does the board have any questions of this  
19 lady?

20 Okay. Your next witness?

21 MS. PITMAN: Kelli Kersey.

22 THE WITNESS: Kelli Kersey, Arkansas  
23 Department of Health, Cosmetology Section,  
24 Section Chief.

25 WHEREUPON,

CTAC, JANUARY 26, 2015

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

## 5 DIRECT EXAMINATION

6 BY MS. PITMAN:

7 Q And, Ms. Kersey, did we second an Order and Notice  
8 of Hearing to Solar Nails?

9 A We did.

10 Q And it states the violations we discussed today?

11 A Correct.

12 Q And it also tells them the location and time of this  
13 hearing?

14 A Correct.

15 Q And who signed for it?

16 A Looks likes John Tran did on January 8<sup>th</sup>.17 Q Okay. And did you review Ms. Lester's inspection  
18 report?

19 A I did.

20 Q And approve the violations?

21 A Yes, ma'am.

22 Q Looking at that inspection report, it looks like  
23 three things are checked?

24 A Yes, uh-huh.

25 Q Allowing a person to work without a current Arkansas

CTAC, JANUARY 26, 2015

1 license?

2 A Uh-huh.

3 Q Unlicensed person and allowing a person to work  
4 without a license. What is your recommended penalty and  
5 what are you saying they violated here?

6 A The salon actually violated No. 7, unlicensed -- no,  
7 I'm sorry. Allowing a person to work without -- right  
8 under No. 7, I'm sorry, allowing a person to work without  
9 an Arkansas license.

10 Q No. 6, looks like?

11 A Yeah, six.

12 Q Rule 5.1(A)?

13 A Yes.

14 Q What is the recommended penalty?

15 A \$250.

16 Q Is that a repeat violation?

17 A It is. They had an inspection on 11/6/2013, there  
18 was an unlicensed person; on 3/25/2014, there was also an  
19 unlicensed person. And this time, and I do want to say,  
20 this that was done in August, the unlicensed person, this  
21 file got filed with them because they paid, we just  
22 realized it, so that's why they are at this hearing and  
23 they weren't at the previous hearings.

24 Q When you were going through the violations, what  
25 page were you on?

CTAC, JANUARY 26, 2015

1 A Number 6. I'm sorry.

2 Q That's okay. Looking at Page 6, will you tell us  
3 where you were looking at that page?

4 A If you start at the top, it's newest at the top and  
5 then you go down.

6 Q Okay. And have all the previous violations been  
7 paid?

8 A They have, uh-huh.

9 Q Okay. Is there anything else you would like the  
10 board to consider today?

11 A No, ma'am.

12 MS. PITMAN: No other questions.

13 HEARING OFFICER: Okay. Sir, do you have  
14 any questions for this witness?

15 MR. TRAN: No.

16 HEARING OFFICER: Okay. Does the board  
17 have any questions for this witness?

18 You may call your next witness.

19 MS. PITMAN: I have no other witnesses.

20 HEARING OFFICER: Okay. Sir, would you  
21 like to testify now?

22 MR. TRAN: Uh-huh. Yes. Yes.

23 HEARING OFFICER: Would you like to  
24 explain to the board your position?

25 MR. TRAN: Yes.

CTAC, JANUARY 26, 2015

1 HEARING OFFICER: Okay.

2 WHEREUPON,

3 JOHN TRAN,

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

7 DIRECT TESTIMONY

8 THE WITNESS: I -- I just come from New  
9 Orleans, and in May 17<sup>th</sup>, and I bought that  
10 nail salon. And the first time when I come in  
11 Paragould, I didn't know that is very hard to  
12 hire the people, like the tech working in nail  
13 salon. So after when I bought it, I doesn't  
14 have no -- no technician, and some of  
15 technician called from out of state and they  
16 have a license and asked them if you working  
17 here and you have to be able to change to  
18 Arkansas license, they said yes. In that time  
19 I -- my wife, she have a delivery, baby, in  
20 August 22<sup>nd</sup>, she deliver baby, so I say can  
21 you go to shop and temporarily work for me, he  
22 said yes. So after that, and the inspection  
23 come in and catch him, so whatever is -- I will  
24 be agreed upon.

25 HEARING OFFICER: Does anybody have any

CTAC, JANUARY 26, 2015

1 questions for this gentleman?

2 MS. FORD: I do.

3 MS. ANDERSON: I do also.

4 MS. FORD: You purchased -- you purchased  
5 this salon in May of 2014?

6 THE WITNESS: Yes, ma'am.

7 MS. FORD: Okay. Are you aware of the  
8 Arkansas license as far as when you purchase  
9 and the things that you're supposed to do and  
10 to be in accordance with the rules and  
11 regulations?

12 THE WITNESS: When I bought it, I doesn't  
13 have no Arkansas license but I have a Louisiana  
14 license. I, after that, I'm going to change it  
15 to Arkansas, at the -- the license issue out  
16 for me is July 16, 2014.

17 MS. ANDERSON: Can I ask my question?

18 HEARING OFFICER: Okay. Next question for  
19 this gentleman?

20 MS. ANDERSON: Sir, I do have a question.  
21 You do understand when you bought this in May  
22 you had so many days before you bought your  
23 license, it can't go on the old person's  
24 license? Do you understand that?

25 THE WITNESS: No.

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1 MS. ANDERSON: The law states --

2 THE WITNESS: No.

3 MS. ANDERSON: The law states -- excuse  
4 me.

5 THE WITNESS: No, because I thought when I  
6 have a Louisiana license, so I could buy it and  
7 that's the law. That's right.

8 MS. ANDERSON: You could buy the salon, by  
9 law, but you have to have a new license in your  
10 name as owner.

11 THE WITNESS: Yeah.

12 MS. ANDERSON: So your license under  
13 someone else's name --

14 THE WITNESS: Yes.

15 MS. ANDERSON: -- is not valid. So your  
16 salon license needs to be updated also. That's  
17 not something they caught you here, but when  
18 you stated that, we both picked that up.

19 THE WITNESS: Yeah.

20 MS. ANDERSON: You would need to apply for  
21 a license in your name.

22 THE WITNESS: Yeah. Yes, ma'am.

23 HEARING OFFICER: Any other questions for  
24 this gentleman?

25 Okay. Sir, do you have any other

CTAC, JANUARY 26, 2015

1 witnesses that you want to call?

2 MR. TRAN: No.

3 HEARING OFFICER: Okay. Did you have any  
4 documents or anything that you wanted the board  
5 to see?

6 MR. TRAN: No.

7 HEARING OFFICER: And do you have any  
8 other witnesses?

9 MS. PITMAN: No, ma'am.

10 HEARING OFFICER: Okay. Do you want to  
11 make a closing argument?

12 MS. PITMAN: No, ma'am.

13 HEARING OFFICER: Do you want to say  
14 anything in closing to the board before they  
15 deliberate?

16 MR. TRAN: No. Thank you.

17 HEARING OFFICER: Okay. Thank you.

18 Then we'll go off the record for the  
19 board's deliberations.

20 (WHEREUPON, the CTAC retired to  
21 deliberate, off the record, from 9:54 a.m. to  
22 9:58 a.m., and returned with the following  
23 decision:)

24 HEARING OFFICER: Okay. We're back on the  
25 record for the vote.

CTAC, JANUARY 26, 2015

1 MS. SULLIVAN: Do we have a recommendation  
2 and motion in this case?

3 MS. ANDERSON: I would like to make a  
4 motion for Solar Nails for the violation for  
5 the unlicensed person be a penalty of \$250 in  
6 fine.

7 MS. SULLIVAN: Do we have a second?

8 MS. FORD: I'll second it.

9 MS. SULLIVAN: All in favor?

10 BOARD MEMBERS: Aye.

11 MS. SULLIVAN: All opposed?

12 All right. Then it is unanimous.

13 HEARING OFFICER: Great. Please reduce  
14 the board's decision to writing and make or  
15 attempt service on all parties. If you want to  
16 appeal their decision to fine you \$250, then  
17 you can take that appeal under any specific  
18 legal provisions related to this board or under  
19 the Administrative Procedures Act.

20 And if there are -- are there any other  
21 questions or comments from anyone?

22 Okay. Then we'll go off the record.

23 This hearing is closed and the record is  
24 closed. We're off the record.

25 MR. TRAN: Thank you.

CTAC, JANUARY 26, 2015

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(WHEREUPON, at 9:59 a.m., the  
above-entitled proceedings were concluded.)

---o---



# Arkansas Department of Health

*Cosmetology Section*  
4815 W. Markham, Slot 8 • Little Rock, Arkansas 72205 • Telephone (501) 682-2168  
Governor Mike Beebe  
Nathaniel Smith, MD, MPH, Director and State Health Officer

BEFORE THE COSMETOLOGY TECHNICAL ADVISORY COMMITTEE (CTAC)

IN THE MATTER OF:

ARKANSAS DEPARTMENT OF HEALTH

PETITIONER

v.

SOLAR NAILS

RESPONDENT

## ORDER OF NOTICE OF HEARING

### STATUTORY AUTHORITY

This Order and Notice of Hearing is issued under the authority vested in the Arkansas Cosmetology Technical Advisory Committee, Arkansas Department of Health and the Arkansas State Board of Health pursuant to Ark. Code Ann. §20-7-101, et seq., Ark. Code Ann. §17-26-101 et seq., and the Rules and Regulations of the Arkansas State Board of Health in Arkansas.

### STATEMENT OF FACT

1. An inspection of Solar Nails by the Arkansas Department of Health Cosmetology Section was performed on 8/22/2014.
2. The Inspection on 8/22/2014 found that Solar Nails allowed an unlicensed person to work without an Arkansas license.

### STATEMENT OF LAWS

The grounds for disciplinary action are as follows:

**Ark. Code Ann. § 17-26-105**

(1) Failure of a person, firm, or corporation operating a cosmetological establishment or school of cosmetology or engaged in the practice of cosmetology or any of its branches to comply with the requirements of this chapter and the regulations of the Cosmetology Technical

Advisory Committee;

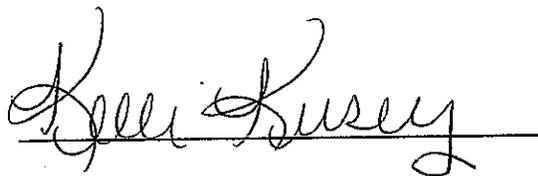
**Rule No. 5.1(A) Enforcement**

(6) Allowing a person to engage in or attempt to engage in the occupation of a cosmetologist, manicurist, electrologist, aesthetician or barber in or about a salon or allowing a person to engage in or about a school, without a current valid Arkansas license shall be grounds for disciplinary action.

**ORDER**

Respondent is hereby notified that a hearing is scheduled before the COSMETOLOGY TECHNICAL ADVISORY COMMITTEE (CTAC) IN ORDER TO DETERMINE WHAT penalty, if any, may be assessed including permanent REVOCATION, SUSPENSION, OR PROBATION of Respondent's license. FURTHERMORE, the COSMETOLOGY TECHNICAL ADVISORY COMMITTEE (CTAC) may assess a CIVIL MONETARY PENALTY. Said hearing is scheduled for **Monday, January 26, 2015 at 9:00 a.m. in Room 801 of the Freeway Medical Building, 5800 West 10<sup>th</sup> Street, Little Rock, Arkansas.**

You can present witnesses and other evidence to the Technical Advisory Committee in your defense at that time. If the Committee finds you guilty at a hearing, Ark. Code Ann. §20-7-101 et seq., §17-26-101 et seq, and § 17-26-104 authorizes it to revoke or suspend your license, assess a fine of up to \$1,000.00 per violation or any combination of these penalties. **If you do not appear at the hearing time, the Committee will proceed in your absence.**



Kelli Kersey  
Cosmetology Section Chief

SENDER: COMPLETE THIS SECTION	COMPLETE THIS SECTION ON DELIVERY
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English

- Complete items 1, 2, and 3. Also complete item 4 if Restricted Delivery is desired.
- Print your name and address on the reverse so that we can return the card to you.
- Attach this card to the back of the mailpiece, or on the front if space permits.

A. Signature  Agent  
 Addressee

**X** *[Signature]*

B. Received by (Printed Name) C. Date of Delivery

*JOHN TRAN* *1-8-15*

D. Is delivery address different from item 1?  Yes  
If YES, enter delivery address below:  No

*John TRAN*

USPS

Tracking Nu

Solar Nails  
2801 W. Kingshighway, Ste 2  
Paragould, AR 72450

Product

2. Article Number  
(Transfer from service label)

7008 1830 0004 7237 8356

Postal Product:

PS Form 3811, July 2013

Domestic Return Receipt

DATE & TIME	STATUS OF ITEM	LOCATION	Email Updates
January 8, 2015, 11:36 am	Delivered	PARAGOULD, AR 72450	Return Receipt After Mailing
Your item was delivered at 11:36 am on January 8, 2015 in PARAGOULD, AR 72450.			
January 8, 2015, 1:14 am	Departed USPS Facility	MEMPHIS, TN 38101	
January 7, 2015, 2:37 pm	Arrived at USPS Facility	MEMPHIS, TN 38101	
January 6, 2015, 7:50 pm	Arrived at USPS Facility	LITTLE ROCK, AR 72231	

### Track Another Package

Tracking (or receipt) number

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Postage \$		Postmark Here
Certified Fee	<b>JAN 6 2014</b>	
Return Receipt Fee (Endorsement Required)		
Restricted Delivery Fee (Endorsement Required)		
<b>Total Pr</b>		

**Solar Nails**  
2801 W. Kingshighway, Ste 2  
Paragould, AR 72450

PS Form 3800, August 2008 See Reverse for Instructions

7008 1830 0004 7237 8356

Search or Enter a Tracking Number

ARKANSAS DEPARTMENT OF HEALTH - COSMETOLOGY INSPECTION REPORT

SALON NAME: Solar Nails SALON ID# 108242

PHONE# 450-0151 EMAIL:

SALON ADDRESS: 2801 W Kinghys Paragould COUNTY Greene

SIGNATURE: \_\_\_\_\_ SIGNATURE OF INSPECTOR: R. Stehman DATE: 8-22-14 STATION:

STATION	STATION	STATION
<b>Rule 5.1 (A) Enforcement</b>		
(3) Inspection of facility allowed		(18) a - Towel discarded after each use
(4) Photo ID presented, if requested		Used towels laundered by commercial means or non-comm. means, sanitized
(5) Salon license current		b - Laundry facilities on premises:
(5) Unlicensed salon		Used only for operation of salon
(7) Practitioner license current		Separate from working area
(6) Allowing person to work w/o current AR license	✓	(19) All bottles & containers labeled as to contents
(7) Unlicensed person	✓	(20) Neck strips or towels used to protect client skin
(6) Allowing person to work w/o an AR license	✓	(21) a - All supplies/instruments that cannot be disinfected are disposed of immediately after use
<b>Rule 5.1 (B) Consumer Information</b>		b - Supplies/instruments are not carried on garments
(1) Health & Safety Rules posted in reception area		(22) Non-electrical:
(2) Salon license posted in reception area		Before use on client - non-electrical instruments are disinfected
(2) Practitioner license(s) posted at station(s)/reception		Solution covered at all times
(3) All posted licenses are current		Changed when cloudy or dirty
<b>Rule 5.1 (C) - Physical Facilities of Salons</b>		All used instruments placed in labeled containers
(1) Supply hot and cold running water		Disinfected instruments stored in clean covered place
Properly maintain sewage		Separation of disinfected/contaminated implements
(2) Plumbing properly maintained		(22) Electrical Instruments:
(3) Toilet facilities available:		Clippers/vibrators prior to each use have foreign matter removed
Clean/odorless and in good repair		disinfected with EPA-approved disinfectant
Receptacle for waste		Disinfected electrical instruments stored
Not used for storage		Separation of disinfected/contaminated implements after each use
(4) Handwashing facilities:		(23) Electrolysis instruments are used: needles are sterilized before & after each use
Hot & cold water		Needles are sterilized before & after each use
Hand-cleaning soap at each lavatory		Disposable needles disposed after each use
Sanitary towels/hand drying device		(24) a - Liquids, creams, etc. stored and labeled in clean, closed containers
Receptacles for waste nearby		b - Portions removed so as not to contaminate
(5) Drinking water available		c - Pencil cosmetics are sharpened before each use
Cups, glasses, etc. disposable		Sharpeners properly disinfected after each use
(6) Garbage/refuse disposed of regularly		<b>Rule 6.2 - Authorization</b>
(7) Free of rodents/insects		New salon letter of authorization conspicuously posted
Open windows/doors, etc. screened		<b>Rule 6.3 - Changes/Notification Requirements</b>
(8) Floors, mats, clean/repared		(A) Salon name changed/office notified correctly
Walls, woodwork, dec. material Clean/repared		(B) Shop owner changed/office notified correctly
Equipment, furnishings fixtures clean/repared		(C) Salon relocated - new application on file
Ceilings clean/repared		(D) Salon closed - office notified
(9) Working area floor covering non-absorbent		<b>Rule No. 6.4 - General Licensure Requirements</b>
Working area floor covering in good repair		(A) 1 - Sale of products restricted to cosmetology area
(10) Floor mats non-absorbent/easily cleanable		(B) 1 - Any other type of business that creates an unsanitary condition is separate
Carpet only in non-working areas/good repair		(C) Additional minimum Equipment:
(11) Work area contains sufficient lighting		1 - Sufficient number of towels and work instruments/tools
(12) Sufficient ventilation		2 - Equipment meets industry standards
Salon free of excessive fumes/odors		3 - Only operable or functioning equipment on premises
(13) Minimum Equipment - have & maintain:		4 - Food preparation in non-working areas/Only for practitioner - employees
a) Sufficient number covered waste receptacles		<b>NOTES AND PRACTITIONERS:</b>
b) Sufficient liquid sanitizer w/EPA approved disinfectant		John M. Tran 133254 6-20-16
c) Sufficient closed receptacles for soiled towels		Sherry Taylor 60533 10-20-15
d) Sufficient airtight containers for sanitized instr.		Tan Le. showed me his Oregon license
e) Sufficient closed cabinets to hold clean towels		was working w/o license
(14) Animal in salon		
(15) Persons massaging inflamed, infected or erupted skin are using proper protection		
(16) a - Clothing of practitioner clean		
b - Practitioner washed hands before services		
(17) a - Headrest covered for each client		
b - Shampoo bowl cleaned before/after each use		
kept in good repair		
condition sanitary		
c - Treatment tables sanitized before/after each use		

Menu : [Salon Search](#) : [Salon](#) : [Address](#)

Kenneth Roberts (Kenneth.roberts@arkansas.gov) | [Logout](#)

Menu

**Solar Nails**

License Number: 108242 ID: 75664

Inactive License 

Street 1  Street 2  City  State  Zip  Country  County

Address Type  Starting Date  Ending Date   Copy to physical address record.

Address Type	Street 1	Street 2	City	State	Zip	Starting Date	Ending Date	Tasks
* Mailing	2801 W. Kingshighway, Ste. 2		Paragould	AR	72450			 
* Physical	2801 W. Kingshighway, Ste. 2		Paragould	AR	72450			 

Menu : [Salon Search](#) : [Salon](#) : [Notes](#)

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**Solar Nails**

License Number: 108242 ID: 75664

Inactive License 

Subject:  Date:  (mm-dd-yyyy)

Note: Rule 5.1 (A) Enforcement  
(6) Allowing person to work w/o an AR license \$250.00

Total-250.00

Date Entered	Subject	Entered By	Updated Date	Tasks
07/14/2014	refund due	Christine.Childres@arkansas.gov	07/14/2014	
05/27/2014	violation 14-285 paid in full	Christine.Childres@arkansas.gov	05/27/2014	
04/24/2014	ALERT***THE PAST 2 VIOLATIONS WERE FOR ALLOWING UNLICENSED PERSON TO WORK	Christine.Childres@arkansas.gov	07/14/2014	
04/14/2014	violation 3/25/2014	kelli.kersey@arkansas.gov	04/14/2014	
04/14/2014	Violation unlicensed person Hai T Dihn 3/25/2014	kelli.kersey@arkansas.gov	04/14/2014	
03/24/2014	violation 14-092 paid in full	Christine.Childres@arkansas.gov	03/24/2014	
03/11/2014	send back	Christine.Childres@arkansas.gov	03/11/2014	
01/27/2014	6 violations 11-6-13	Christine.Childres@arkansas.gov	01/27/2014	
01/27/2014	1 violation 11-6-2013 for unlicensed person Dinh Hai Tien	Christine.Childres@arkansas.gov	01/27/2014	
01/27/2014	1 violation 11-6-2013 for unlicensed person Theuy Thanh Thi Luong	Christine.Childres@arkansas.gov	01/27/2014	

CTAC, JANUARY 26, 2015

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ADMINISTRATIVE HEARING  
BEFORE THE COSMETOLOGY TECHNICAL ADVISORY COMMITTEE  
(CTAC)  
IN THE MATTER OF:  
ARKANSAS DEPARTMENT OF HEALTH PETITIONER  
v.  
ANGELS NAILS RESPONDENT

---o---

HEARING OFFICER: Okay. Our last hearing -- okay, our last hearing, then, my name is Karen Wallace. I'm your Hearing Officer in the Matter of Arkansas Department of Health versus Angels Nails. Today is the 26<sup>th</sup> of January 2015.

Is someone here for Angels Nails?

Is there a Respondent present for Angels Nails?

Okay. Board's counsel, do you want to present evidence of service and move forward?

MS. PITMAN: Yes, ma'am.

HEARING OFFICER: Let me go ahead and swear the witnesses. Anyone who is going to testify in this matter, raise your right hand.

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

CTAC, JANUARY 26, 2015

1 MS. PITMAN: Call Ms. Kersey.

2 THE WITNESS: Kelli Kersey, Arkansas  
3 Department of Health, Cosmetology Section  
4 Chief.

5 WHEREUPON,

6 KELLI KERSEY,  
7 having been called for examination, and having been first  
8 duly sworn by the Hearing Officer, was examined and  
9 testified, as follows:

10 DIRECT EXAMINATION

11 BY MS. PITMAN:

12 Q And, Ms. Kersey, did we send an Order and Notice of  
13 Hearing to Angels Nails?

14 A We did.

15 Q And I'm looking at Pages 1 through 4 of the hearing  
16 packet here?

17 A Yes.

18 Q Will you please tell us, did that Order and Notice  
19 of Hearing list out the violations?

20 A Yes, ma'am. It did.

21 Q Okay. And did it also state that today's hearing  
22 will be held at 9:00 a.m. in Room 801 in the Freeway  
23 Medical Building?

24 A Yes.

25 Q Was it sent to Angels Nails?

CTAC, JANUARY 26, 2015

1 A Yes, ma'am.

2 Q What address?

3 A 110 South Coker Street, in Greenwood, Arkansas.

4 Q Okay. In looking at Page 4, did someone in Angels  
5 Nail sign for it?

6 A They did.

7 Q And who is that person?

8 A Ashleigh, something, S-a-e-l-o.

9 Q Okay.

10 A I don't know how to say that.

11 Q Have you talked to anyone with Angels Nails?

12 A We have spoken to them several times, yes.

13 Q Are they aware of today's hearing?

14 A Yes.

15 Q So would you like to proceed today?

16 A Yes.

17 MS. PITMAN: No other questions.

18 HEARING OFFICER: That will all be  
19 admitted into evidence, along with your entire  
20 packet, and I assume you also want to include  
21 the regulations and statutes?

22 MS. PITMAN: Yes, ma'am.

23 HEARING OFFICER: Okay. All of that is  
24 admitted to the record.

25 (WHEREUPON, CTAC Exhibits were received in

CTAC, JANUARY 26, 2015

1 evidence.)

2 HEARING OFFICER: And you can proceed.

3 MS. PITMAN: Call Chris Nicklaus.

4 WHEREUPON,

5 CHRIS NICKLAUS,

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

9 DIRECT EXAMINATION

10 BY MS. PITMAN:

11 Q Mr. Nicklaus, please, state your name and where you  
12 work.

13 A Chris Nicklaus, Arkansas Department of Health,  
14 Cosmetology Section, Cosmetology Inspector.

15 Q Okay. And did you do an inspection of Angels Nails?

16 A Yes.

17 Q What day?

18 A 9/25/14.

19 Q Was it routine our part of a -- or a response to a  
20 complaint?

21 A It was routine.

22 Q And what did you find on that day?

23 A Several things. They were unlicensed salon, and  
24 they had a couple of violations in regards to all  
25 supplies and instruments that can't be disinfected be

CTAC, JANUARY 26, 2015

1 disposed of immediately after use, and separation of  
2 disinfected and contaminated implements.

3 Q Okay. You said they were an unlicensed salon?

4 A Yes.

5 Q What day -- or what year did their license expire?

6 A 2012.

7 Q And, Mr. Nicklaus, it looks like you wrote a note on  
8 Page 7, the second page of your inspection report?

9 A Yes.

10 Q Okay. What does that say?

11 A I informed the young lady that was there that since  
12 the license had been expired since 2012, that they would  
13 need to apply for a new establishment license.

14 Q Okay. And I think I see the letters "ASAP" on  
15 there?

16 A ASAP. Yes.

17 Q Okay. Did someone sign for this?

18 A Yes.

19 Q I can't read the signature, but do you remember who  
20 signed for it?

21 A I want to say it was Ashleigh, but I can't confirm  
22 that because I -- I can't confirm that.

23 Q Okay. And, Mr. Nicklaus, you have one picture, it  
24 looks like, on Page 8. Would you please tell us what  
25 we're looking at there?

CTAC, JANUARY 26, 2015

- 1 A A used nail file -- two used nail files and a nail  
2 block in a drawer.
- 3 Q Are there clean instruments in that drawer as well?
- 4 A Yes, there is.
- 5 Q Okay. And what -- and what violation is that  
6 showing?
- 7 A The separation of disinfected and contaminated  
8 implements and all supplies that cannot be disinfected  
9 are disposed of immediately after use.
- 10 Q Okay. Mr. Nicklaus, did anyone at the salon that  
11 day offer any reason for those violations?
- 12 A No.
- 13 Q And did they offer any reason for the expired  
14 license?
- 15 A Yes.
- 16 Q What was that?
- 17 A The owner lives out of the country and she just  
18 never renewed the license.
- 19 Q Okay. Do you know the name of the owner?
- 20 A I'm sorry?
- 21 Q Do you know the name of the owner?
- 22 A No. I have no idea.
- 23 Q Not a problem, I'll ask Ms. Kersey.
- 24 Is there anything else about your inspection on 9/25  
25 you would like the board to consider?

CTAC, JANUARY 26, 2015

1 A I don't think so.

2 Q And have you been back out to Angels Nails since  
3 that day?

4 A Yes. On a complaint.

5 Q On a complaint? But we're not here on that  
6 complaint today; is that right?

7 A No.

8 MS. PITMAN: All right. No other  
9 questions.

10 HEARING OFFICER: Does the board have any  
11 questions for this witness?

12 MS. STEELE: I do.

13 In your personal opinion, do you feel like  
14 that they will ever re -- reestablish their  
15 license, their salon license?

16 THE WITNESS: I don't know. I don't know.

17 MS. STEELE: Yeah. Okay.

18 MS. SULLIVAN: I have a question just for  
19 clarification. You had two places that you  
20 had, I guess, checked and then initialed. Was  
21 that like a mischeck, you would say?

22 THE WITNESS: Yes. The salon license,  
23 yes; and then the open window door, she closed  
24 it when I was there, so I gave it to her.

25 MS. SULLIVAN: Okay. Thank you. I was

CTAC, JANUARY 26, 2015

1 just getting clarification.

2 HEARING OFFICER: Any more questions from  
3 this witness?

4 Okay. You can call your next witness.

5 MS. PITMAN: Call Kelli Kersey.

6 THE WITNESS: Kelli Kersey, Arkansas  
7 Department of Health, Cosmetology Section  
8 Chief.

9 WHEREUPON,

10 KELLI KERSEY,

11 having been recalled for examination, and having been  
12 first duly sworn by the Hearing Officer, was examined and  
13 testified, as follows:

14 DIRECT EXAMINATION

15 BY MS. PITMAN:

16 Q Ms. Kersey, did you review the inspection report and  
17 the violations that Mr. Nicklaus has discussed today?

18 A I did.

19 Q And did you approve those?

20 A Yes, ma'am.

21 Q What is your recommendation?

22 A \$600.

23 Q Okay. License there is on Page 5, will you explain  
24 that to us?

25 A For an unlicensed salon, it's \$500, and 21(a) is

CTAC, JANUARY 26, 2015

1 \$50, and separated and contaminated is \$50.

2 Q Is this one in the previous violation salon --

3 A Yes.

4 Q I believe on Page 9 you list out the previous  
5 violations. Would you tell us what those are?

6 A Yes, ma'am. On 5/19/13 there -- they got the same  
7 thing, for unlicensed salon. And -- I mean 5/9, sorry,  
8 '13; and on 4/1/2014, same thing, they paid their  
9 violations. And then this time, this inspection.

10 Q Okay.

11 A Whatever the date is on that.

12 Q And you said you had spoke to the lady that signed  
13 for this, Ms. Ashleigh, we can't read her last name, but  
14 Ms. Ashleigh?

15 A Yes.

16 Q What did she say when you spoke to her?

17 A She -- we had them scheduled for a hearing in  
18 November, she asked to postpone because the owners are  
19 apparently out of the country and were supposed to return  
20 so they could come to the January hearing. We just spoke  
21 to her again last week where she said that the owners  
22 were never coming back and wanted to just pay the  
23 violation and get her license. But since it was three  
24 times in a row and we had already postponed the hearing  
25 once, we just proceeded with the hearing.

CTAC, JANUARY 26, 2015

1 Q And you say get her license. Does Ms. Ashleigh want  
2 to purchase the salon?

3 A She wants to purchase the salon, yes.

4 Q And did she say she would be here today?

5 A She did not. No.

6 Q Okay. But she was aware of today's hearing?

7 A She is aware of the hearing, but since she is not  
8 the owner, even though she wants to buy it, she didn't  
9 feel like it would be pertinent for her to be here.

10 Q Okay. Is there anything else you would like us to  
11 know today about Angels Nails?

12 A No. I think that's it.

13 MS. PITMAN: No other questions.

14 HEARING OFFICER: Okay. Does the board  
15 have any questions for this witness?

16 MS. JACKSON: Did she say who's paying the  
17 rent and who's paying the bills? Is she acting  
18 as the owner in their --

19 THE WITNESS: I did not ask her those  
20 questions. Sorry. Yeah. I don't -- I don't  
21 know.

22 MS. SULLIVAN: Is she licensed?

23 THE WITNESS: She is not licensed.

24 MS. SULLIVAN: She is not, she just wants  
25 to own it.

CTAC, JANUARY 26, 2015

1 THE WITNESS: (Nodding head up and down.)  
2 MS. ANDERSON: Do we know the owner's  
3 name?  
4 THE WITNESS: I don't have it here. I can  
5 get it. Do you want to know the owner's name?  
6 MS. STEELE: They are never coming back;  
7 so --  
8 HEARING OFFICER: Any other questions?  
9 You may call your next witness.  
10 MS. PITMAN: No other witnesses.  
11 HEARING OFFICER: Do you have a closing  
12 statement?  
13 MS. PITMAN: No, ma'am.  
14 HEARING OFFICER: Then we are going off  
15 the record for the board's deliberations.  
16 (WHEREUPON, the CTAC retired to  
17 deliberate, off the record, from 10:08 a.m. to  
18 10:15 a.m., and returned with the following  
19 questions:)  
20 HEARING OFFICER: We're back on the record  
21 for counsel to clarify.  
22 MS. PITMAN: Thank you very much.  
23 Yeah. I just wanted to clarify that  
24 reading the penalty statute that you guys are  
25 authorized under, and unfortunately I don't

CTAC, JANUARY 26, 2015

1 have a copy of it here but I was reading it in  
2 preparation for this, you can do fines in lieu  
3 of revocation or suspension, you cannot do both  
4 at the same time. So you can do a fine, you  
5 can do a closure, revoking of their license,  
6 and you can do a fine and if they don't pay  
7 then closing, and that's it.

8 HEARING OFFICER: Okay. Then we'll go  
9 back off the record for further deliberations.

10 (WHEREUPON, the CTAC retired to  
11 deliberate, off the record, from 10:16 a.m. to  
12 10:21 a.m., and returned with the following  
13 decision:)

14 HEARING OFFICER: We're back on the record  
15 for the board's vote.

16 MS. SULLIVAN: Do we have a motion?

17 MS. FORD: Yes. I would like to make a  
18 motion that Angels Nails be fined the \$600 that  
19 was recommended by the section, and also a  
20 notice of the law, if the fines are not paid  
21 and that the salon is not brought into  
22 compliance within 60 days, that their  
23 license -- their salon will be closed, license  
24 will be revoked --

25 MS. SULLIVAN: Do we have a --

CTAC, JANUARY 26, 2015

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

2 MS. PECK: I'll second.

3 MS. SULLIVAN: We have a motion and a  
4 second. All in favor?

5 BOARD MEMBERS: Aye.

6 MS. SULLIVAN: All opposed?

7 All right.

8 HEARING OFFICER: Okay. Then that's a  
9 unanimous vote, and we will reduce the board's  
10 decision to writing and attempt to serve on the  
11 parties. If the respondent wants to do an  
12 appeal, that can be taken under any provisions  
13 relating to the board under the APA.

14 Any other questions about this?

15 Then the hearing will be concluded and the  
16 record is closed. Thank you.

17 (WHEREUPON, at 10:22 a.m., the  
18 above-entitled proceedings were concluded.)

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# Arkansas Department of Health

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*Cosmetology Section*  
4815 W. Markham, Slot 8 • Little Rock, Arkansas 72205 • Telephone (501) 682-2168  
**Governor Mike Beebe**  
Nathaniel Smith, MD, MPH, Director and State Health Officer

BEFORE THE COSMETOLOGY TECHNICAL ADVISORY COMMITTEE (CTAC)

IN THE MATTER OF:

ARKANSAS DEPARTMENT OF HEALTH

PETITIONER

v.

ANGELS NAILS

RESPONDENT

## ORDER OF NOTICE OF HEARING

---

### STATUTORY AUTHORITY

This Order and Notice of Hearing is issued under the authority vested in the Arkansas Cosmetology Technical Advisory Committee, Arkansas Department of Health and the Arkansas State Board of Health pursuant to Ark. Code Ann. §20-7-101, et seq., Ark. Code Ann. §17-26-101 et seq., and the Rules and Regulations of the Arkansas State Board of Health in Arkansas.

---

### STATEMENT OF FACT

1. An inspection of Angels Nails by the Arkansas Department of Health Cosmetology Section was performed on 9/25/2014.
2. The Inspection on 9/25/2014 found that Angels Nails did not have a salon license.
3. The Inspection on 9/25/2014 found that Angels Nails did not dispose of all disposable supplies immediately after use.
4. The Inspection on 9/25/2014 found that Angels Nails did not separate disinfected/contaminated implements.

### STATEMENT OF LAWS

The grounds for disciplinary action are as follows:

**Ark. Code Ann. § 17-26-105**

(1) Failure of a person, firm, or corporation operating a cosmetological establishment or school of cosmetology or engaged in the practice of cosmetology or any of its branches to comply with the requirements of this chapter and the regulations of the Cosmetology Technical Advisory Committee;

**Rule No. 5.1(A) Enforcement**

(5) Conducting or operating a school or salon without a current, valid license shall be grounds for disciplinary action.

**Rule No. 5.1(C) Physical Facilities of Salons**

**(21) Instruments and Supplies**

(a) All supplies or instruments which come in direct contact with a client and cannot be disinfected (for example, cotton pads, emery boards used on natural or artificial nails, and neck strips) shall be disposed of in a waste receptacle immediately after use.

**(22) Disinfecting Electrical and Non-Electrical Instruments and Equipment-** Before use Upon a client, all electrical and non-electrical instruments including but, not limited to, scissors, razors, tweezers, cuticle nippers, manicure/pedicure scissors, clippers, combs, brushes, and rollers shall be sanitized with soap (or detergent) and water and disinfected with an EPA approved disinfectant. The disinfectant solutions shall remain covered at all times and shall be changed at least once each week or whenever visibly cloudy or dirty.

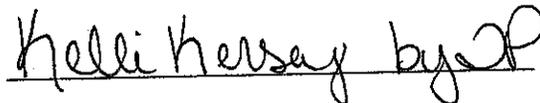
All non-disinfected instruments (those that have been used on a client or soiled in any manner) shall be placed in a properly labeled receptacle and shall be stored in a clean covered place.

**ORDER**

Respondent is hereby notified that a hearing is scheduled before the COSMETOLOGY TECHNICAL ADVISORY COMMITTEE (CTAC) IN ORDER TO DETERMINE WHAT penalty, if

any, may be assessed including permanent REVOCATION, SUSPENSION, OR PROBATION of Respondent's license. FURTHERMORE, the COSMETOLOGY TECHNICAL ADVISORY COMMITTEE (CTAC) may assess a CIVIL MONETARY PENALTY. Said hearing is scheduled for **Monday, January 26, 2015 at 9:00 a.m. in Room 801 of the Freeway Medical Building, 5800 West 10<sup>th</sup> Street, Little Rock, Arkansas.**

You can present witnesses and other evidence to the Technical Advisory Committee in your defense at that time. If the Committee finds you guilty at a hearing, Ark. Code Ann. §20-7-101 et seq., §17-26-101 et seq, and § 17-26-104 authorizes it to revoke or suspend your license, assess a fine of up to \$1,000.00 per violation or any combination of these penalties. **If you do not appear at the hearing time, the Committee will proceed in your absence.**

A handwritten signature in black ink that reads "Kelli Kersey by [initials]". The signature is written over a horizontal line.

Kelli Kersey  
Cosmetology Section Chief

SENDER: COMPLETE THIS SECTION		COMPLETE THIS SECTION ON DELIVERY	
<ul style="list-style-type: none"> <li>Complete items 1, 2, and 3. Also complete item 4 if Restricted Delivery is desired.</li> <li>Print your name and address on the reverse so that we can return the card to you.</li> <li>Attach this card to the back of the mailpiece, or on the front if space permits.</li> </ul>		A. Signature <input checked="" type="checkbox"/> <i>[Signature]</i> <input type="checkbox"/> Agent <input type="checkbox"/> Addressee	
1. Article Addressed to:		B. Received by (Printed Name) <i>Ashleigh Sabel</i>	C. Date of Delivery <i>11/6/14</i>
<p style="text-align: center;">Angels Nails 110 S Coker St Greenwood, AR 72936</p>		D. Is delivery address different from item 1? If YES, enter delivery address below: <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No	
2. Article Number (Transfer from service label)		3. Service Type	
7008 1830 0004 7237 5591		<input checked="" type="checkbox"/> Certified Mail® <input type="checkbox"/> Priority Mail Express™ <input type="checkbox"/> Registered <input checked="" type="checkbox"/> Return Receipt for Merchandise <input type="checkbox"/> Insured Mail <input checked="" type="checkbox"/> Collect on Delivery	
PS Form 3811, July 2013		4. Restricted Delivery? (Extra Fee) <input type="checkbox"/> Yes	
		Domestic Return Receipt	

**U.S. Postal Service™**  
**CERTIFIED MAIL™ RECEIPT**  
*(Domestic Mail Only; No Insurance Coverage Provided)*

For delivery information visit our website at [www.usps.com](http://www.usps.com)

OFFICIAL USE

Postage \$ <i>11/01/14</i>	Postmark Here
Certified Fee	
Return Receipt Fee (Endorsement Required)	
Restricted Delivery Fee (Endorse)	
Total \$	
Sent To	Angels Nails
Street, or PO E	110 S Coker St
City, State, ZIP+4	Greenwood, AR 72936

PS Form 3800, August 2006 See Reverse for Instructions

7008 1830 0004 7237 5591

Angels Nails

5.1 (A) Enforcement

(5)Unlicensed salon	500.00
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5.1 (C) Physical Facilities of Salons

(21) a - All supplies/instruments that cannot be	
disinfected are disposed of immediately after use	50.00
(22) Non-electrical Solution covered at all times	
Separation of disinfected/contaminated implements	50.00

\$600.00

ARKANSAS DEPARTMENT OF HEALTH - COSMETOLOGY INSPECTION REPORT

101630 2012  
~~8225~~ ~~6225~~

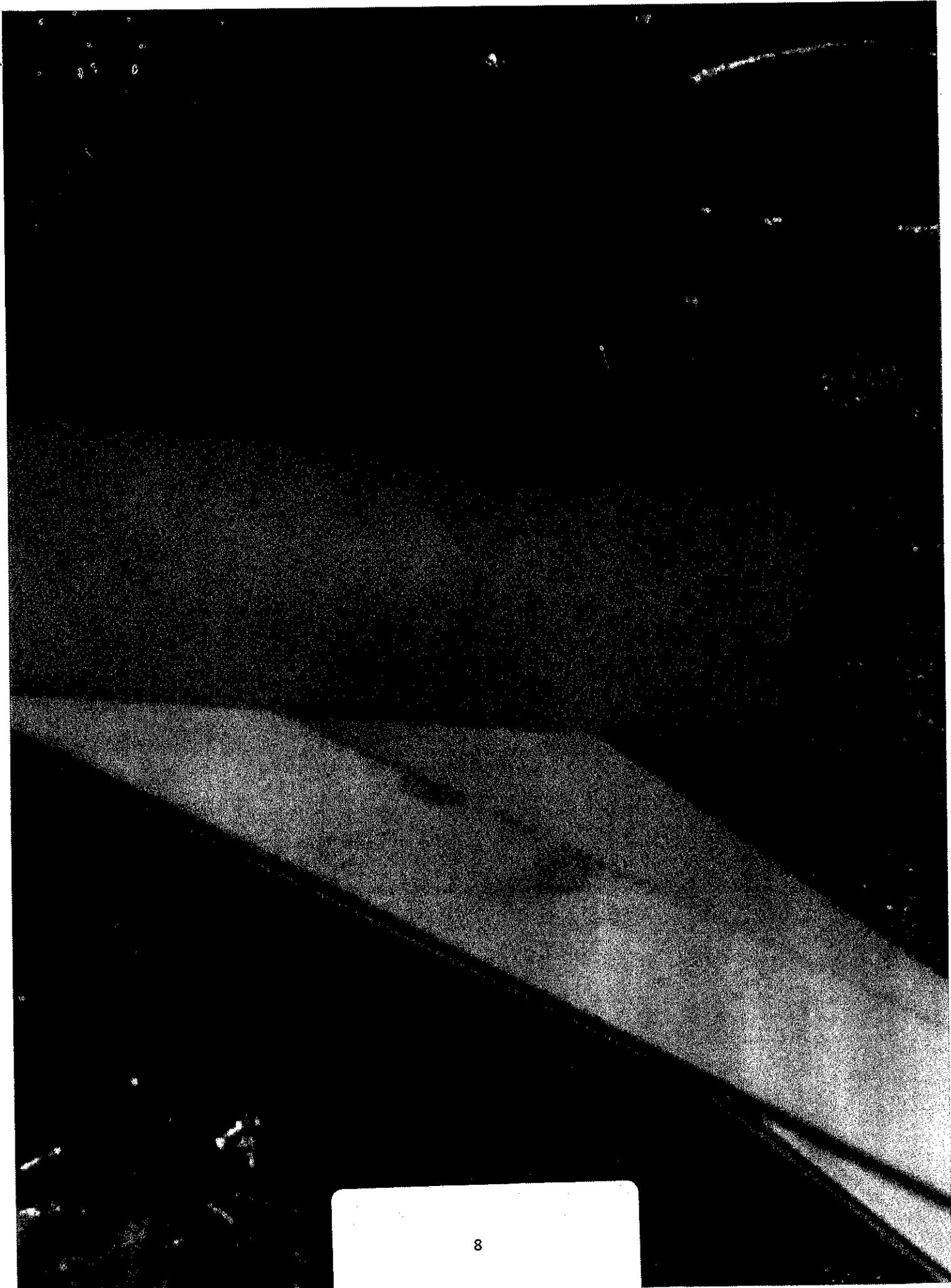
SALON NAME: Angels Nails SALON ID#: \_\_\_\_\_  
 PHONE# 479-353-4231 EMAIL: N/A  
 SALON ADDRESS: 1105. Cobles St. Mountain Road COUNTY Salveston

SIGNATURE	SIGNATURE OF INSPECTOR	DATE	STATUS
<i>[Signature]</i>	<i>Chris Nielsen</i>	9-25-14	
<b>Rule 5.1 (A) Enforcement</b>			
(3) Inspection of facility allowed	(18) a - Towel discarded after each use		
(4) Photo ID presented, if requested	Used towels laundered by commercial means or non-comm. means, sanitized		
(5) Salon license current	b - Laundry facilities on premises:		
(5) Unlicensed salon	Used only for operation of salon		
(7) Practitioner license current	Separate from working area		
(6) Allowing person to work w/o current AR license	(19) All bottles & containers labeled as to contents		
(7) Unlicensed person	(20) Neck strips or towels used to protect client skin		
(6) Allowing person to work w/o an AR license	(21) a - All supplies/instruments that cannot be		
<b>Rule 5.1 (B) Consumer Information</b>	disinfected are disposed of immediately after use		
(1) Health & Safety Rules posted in reception area	b - Supplies/instruments are not carried on garments		
(2) Salon license posted in reception area	(22) Non-electrical:		
(2) Practitioner license(s) posted at station(s)/reception	Before use on client - non-electrical instruments are disinfected		
(3) All posted licenses are current	Solution covered at all times		
<b>Rule 5.1 (C) - Physical Facilities of Salons</b>	Changed when cloudy or dirty		
(1) Supply hot and cold running water	All used instruments placed in labeled containers		
Properly maintain sewage	Disinfected instruments stored in clean covered place		
(2) Plumbing properly maintained	Separation of disinfected/contaminated implements		
(3) Toilet facilities available:	(22) Electrical Instruments:		
Clean/odorless and in good repair	Clippers/vibrators prior to each use have foreign matter removed		
Receptacle for waste	disinfected with EPA-approved disinfectant		
Not used for storage	Disinfected electrical instruments stored		
(4) Handwashing facilities:	Separation of disinfected/contaminated implements after each use		
Hot & cold water	(23) Electrolysis instruments are used: needles are sterilized before & after each use		
Hand-cleaning soap at each lavatory	Needles are sterilized before & after each use		
Sanitary towels/hand drying device	Disposable needles disposed after each use		
Receptacles for waste nearby	(24) a - Liquids, creams, etc. stored and labeled in clean, closed containers		
(5) Drinking water available	b - Portions removed so as not to contaminate		
Cups, glasses, etc. disposable	c - Pencil cosmetics are sharpened before each use		
(6) Garbage/refuse disposed of regularly	Sharpeners properly disinfected after each use		
(7) Free of rodents/insects	<b>Rule 6.2 - Authorization</b>		
Open windows/doors, etc. screened	New salon letter of authorization conspicuously posted		
(8) Floors, mats, clean/repared	<b>Rule 6.3 - Changes/Notification Requirements</b>		
Walls, woodwork, dec. material Clean/repared	(A) Salon name changed/office notified correctly		
Equipment, furnishings fixtures clean/repared	(B) Shop owner changed/office notified correctly		
Ceilings clean/repared	(C) Salon relocated - new application on file		
(9) Working area floor covering non-absorbent	(D) Salon closed - office notified		
Working area floor covering in good repair	<b>Rule No. 6.4 - General Licensure Requirements</b>		
(10) Floor mats non-absorbent/easily cleanable	(A) 1 - Sale of products restricted to cosmetology area		
Carpet only in non-working areas/good repair	(B) 1 - Any other type of business that creates an unsanitary condition is separate		
(11) Work area contains sufficient lighting	(C) Additional minimum Equipment:		
(12) Sufficient ventilation	1 - Sufficient number of towels and work instruments/tools		
Salon free of excessive fumes/odors	2 - Equipment meets industry standards		
(13) Minimum Equipment - have & maintain:	3 - Only operable or functioning equipment on premises		
a) Sufficient number covered waste receptacles	4 - Food preparation in non-working areas/Only for practitioner - employees		
b) Sufficient liquid sanitizer w/EPA approved disinfectant	<b>NOTES AND PRACTITIONERS:</b>		
c) Sufficient closed receptacles for soiled towels	<i>Khach Sympson 8008 62-16</i>		
d) Sufficient airtight containers for sanitized instr.	<i>A Buffers, files cannot be disinfected; they</i>		
e) Sufficient closed cabinets to hold clean towels	<i>cannot be reused on multiple people. They</i>		
(14) Animal in salon	<i>cannot go back in a drawer or station</i>		
(15) Persons massaging inflamed, infected or erupted skin are using proper protection	<i>with clean, disinfected items.</i>		
(16) a - Clothing of practitioner clean			
b - Practitioner washed hands before services			
(17) a - Headrest covered for each client			
b - Shampoo bowl cleaned before/after each use			
kept in good repair			
condition sanitary			
c - Treatment tables sanitized before/after each use			

Angela Reed  
Id.# 101630  
Greenwood

Salon license expired 2018  
Since the license has been expired  
for over a year. You must reapply  
for a new establishment license CSAP!

X Kim Suggs



Menu : [Salon Search](#) : [Salon](#) : [Notes](#)

Teri Preachers (teri.cravotta@arkansas.gov) | [Logout](#)

Menu

**Angels Nails**

License Number: 101630 ID: 55066

Inactive License 

Subject:

Date: 11-06-2014 (mm-dd-yyyy)

Note:

Date Entered	Subject	Entered By	Updated Date	Tasks
09/30/2014	Multiple Violations- 3rd offense schedule hearing	kelli.kersey@arkansas.gov	09/30/2014	✓
05/29/2014	violation 14-293 paid in full	Christine.Childres@arkansas.gov	05/29/2014	✓
04/14/2014	10 violations 4/1/2014 Pd \$700.00 - 5/29/14	kelli.kersey@arkansas.gov	04/14/2014	✓
06/12/2013	pd #13-382	Andrew.houser@arkansas.gov	06/12/2013	✓
05/21/2013	2 Violations 5-9-13 Pd \$300.00 - 6/12/13	Andrew.houser@arkansas.gov	05/21/2013	✓

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Menu

**Angels Nails**

License Number: 101630 ID: 55066

Inactive License 

**License:**

Type of License

Select

License Status

Select

Issue Date

Expiration Date

**Payment:**

Override

Payment Type

Select

Fee Type

Select

Amount

Check Number

Date on Check

Date Received

Late Fee Type

Select

Late Fee Amount

Bank Name

Name (if not Payor)

**Current Licenses**

Lic #	Type	Status	Issue	Expiration	Tasks
101630	Salon	Expired	12/27/2011	12/31/2012	
104745	Salon	Expired	01/02/2007	12/31/2008	
106516	Salon	Expired	02/10/2009	12/31/2009	
112834	Salon	Expired	03/31/2010	12/31/2010	

**License History**

Lic #	Type	Status	Issue	Expiration	Tasks
101630	Salon	Expired	12/17/2010	12/31/2011	

[Add New License](#)

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 Menu

**Angels Nails**

License Number: 101630 ID: 55066

Inactive License 

Subject:

Date:  (mm-dd-yyyy)

Note: Rule 5.1 (A) Enforcement  
 (5)Salon license current \$250.00  
 Rule 5.1 (B) Consumer Information  
 (3)All posted licenses are current \$50.00  
 Total \$300.00

Date Entered	Subject	Entered By	Updated Date	Tasks
11/06/2014	Hearing	teri.cravotta@arkansas.gov	11/06/2014	
09/30/2014	Multiple Violations- 3rd offense schedule hearing	kelli.kersey@arkansas.gov	09/30/2014	
05/29/2014	violation 14-293 paid in full	Christine.Childres@arkansas.gov	05/29/2014	
04/14/2014	10 violations 4/1/2014	kelli.kersey@arkansas.gov	04/14/2014	
06/12/2013	pd #13-382	Andrew.houser@arkansas.gov	06/12/2013	
05/21/2013	2 Violations-5-9-13	Andrew.houser@arkansas.gov	05/21/2013	

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 Menu

**Angels Nails**  
 License Number: 101630 ID: 55066

Inactive License 

Subject: 10 violations 4/1/2014 Date: 04-14-2014 (mm-dd-yyyy)

Note: 

Rule 5.1 (A) Enforcement  
 (5) Salon license current 250.00  
 Rule 5.1 (B) Consumer Information  
 (2) Salon license posted in reception area 50.00  
 (3) All posted licenses are current 50.00  
 Rule 5.1 (C) - Physical Facilities of Salons  
 (8) Floors, mats, clean/repared 50.00  
 Walls, woodwork, dec. material Clean/repared 50.00  
 (20) Neck strips or towels used to protect client skin 50.00  
 (21) a - All supplies/instruments that cannot be  
 disinfected are disposed of immediately after use 50.00

Date Entered	Subject	Entered By	Updated Date	Tasks
11/06/2014	Hearing	teri.cravotta@arkansas.gov	11/06/2014	
09/30/2014	Multiple Violations- 3rd offense schedule hearing	kelli.kersey@arkansas.gov	09/30/2014	
05/29/2014	violation 14-293 paid in full	Christine.Childres@arkansas.gov	05/29/2014	
04/14/2014	10 violations 4/1/2014	kelli.kersey@arkansas.gov	04/14/2014	
06/12/2013	pd #13-382	Andrew.houser@arkansas.gov	06/12/2013	
05/21/2013	2 Violations-5-9-13	Andrew.houser@arkansas.gov	05/21/2013	

Rule 5.1 (A) Enforcement  
 (5) Salon license current 250.00  
 Rule 5.1 (B) Consumer Information  
 (2) Salon license posted in reception area 50.00  
 (3) All posted licenses are current 50.00  
 Rule 5.1 (C) - Physical Facilities of Salons  
 (8) Floors, mats, clean/repared 50.00  
 Walls, woodwork, dec. material Clean/repared 50.00  
 (20) Neck strips or towels used to protect client skin 50.00  
 (21) a - All supplies/instruments that cannot be  
 disinfected are disposed of immediately after use 50.00  
 (22) Non-electrical:  
 All used instruments placed in labeled containers 50.00  
 Disinfected instruments stored in clean covered place 50.00  
 Separation of disinfected/contaminated implements 50.00

Total = 700.00

CTAC, JANUARY 26, 2015

1 Updates by Kelli Kersey: Introduced the  
2 new inspector supervisor of the section, Terry  
3 Nash.

4 Hoping to launch electronic inspections in  
5 July.

6 A follow-up on Searcy from their hearing,  
7 everything was great, all of their records are  
8 in order; printed out their attendance list,  
9 randomly picked ten, and they were all in  
10 order, nothing on the inspection sheet that was  
11 wrong, and so they are really doing a good job.

12 Elizabeth Pitman reported on the Board of  
13 Health meeting: Last Thursday, an appeal of  
14 the Breanna Richardson case heard back in  
15 September regarding a neck strip violation, the  
16 board upheld it.

17 Rules update: Started the post secondary  
18 rule change process, and it went to public  
19 hearing, December 1<sup>st</sup>, received no comments  
20 on that rule. Has to go before the public  
21 health committee and the rules committee.

22 Public comments: Trish Anderson brought  
23 forward the idea of early testing for students;  
24 various hours necessary before early testing  
25 were discussed among board members and audience

CTAC, JANUARY 26, 2015

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members, some were in favor, some were opposed;  
Ms. Pitman answered any legal and/or procedural  
questions.

Ad hoc meeting was set for February 9,  
2015, 9:00 a.m., at the Freeway Medical  
Building.

Meeting was adjourned.

(WHEREUPON, at 11:29 a.m., the  
above-entitled proceedings were concluded.)

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CTAC, JANUARY 26, 2015

CERTIFICATE

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STATE OF ARKANSAS )  
COUNTY OF PULASKI )

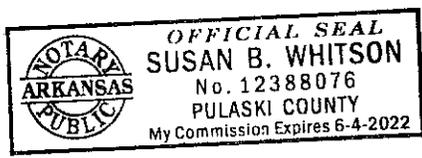
I, SUSAN B. WHITSON, Certified Court Reporter and notary public in and for Pulaski County, State of Arkansas, do hereby certify that the meeting and hearings held before the Cosmetology Technical Advisory Committee (CTAC), January 26, 2015, were taken by me in Stenotype and reduced to computer-generated typewritten form by me or under my direction and supervision; that the witnesses were duly sworn by the Hearing Officer; and that the same is a true and correct reflection of the proceedings that occurred, to the best of my knowledge and ability.

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

CTAC, JANUARY 26, 2015

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 4th day of  
6 February 2015.



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Susan B. Whitson

SUSAN B. WHITSON, CCR, #158  
NOTARY COMMISSION #12388076  
NOTARY PUBLIC IN AND FOR  
PULASKI COUNTY, ARKANSAS

My Commission Expires: June 4, 2022.

---o---