

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

November 19, 2012

9 a.m.

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

Cosmetology Technical Advisory Members:

Present:

**Kimberly Ford
Jacqueline Reynolds**

**Sandy Davis
Andrea Fuentes**

Cosmetology Technical Advisory Members:

Absent:

**Roger Barnes
Rebecca Arguello**

Jeannie Bonds

ADH – Cosmetology Staff Members:

Present:

**Kelli Kersey, Cosmetology Section Chief
Rick Hogan, ADH Attorney
Rose Horner, Cosmetology Inspector
Lavonne Lester Cosmetology Inspector
Ken Roberts, Inspector Supervisor
Kerri Glaude, Cosmetology Inspector**

**Teri Preachers, Admin. Specialist
Amanda Weeks, Admin. Specialist
Brenda Morgan, Cosmetology Inspector
Vera Wood, Cosmetology Inspector**

General Public:

Present:

**Trish Anderson
Deanne Spear
Emily Granados
Chet Strawn
Misty Wright
Tracy Akard**

**Alan Anderson
Chelsea Coleman
Scottie Burchett
Wade Strawn
Lenisha Wimbrush
Sue Ellen Fincher**

Proceedings:

Meeting called to order at 9:02 a.m.

Meeting Minutes – A motion was made and seconded to accept the September, 2012 meeting minutes. Motion approved.

Paid Violations – A motion was made and seconded to approve the listing of paid violations. Motion approved.

Program Updates

- *Past Employees* –Kelli Kersey informed the committee that Anastashia Flowers was no longer employed by the Section.
- *New Employee* – Kerri Glaude was hired as the new Cosmetology Inspector.

Public Comments –

Several people asked about the transfer of student hours from another state. We currently stopped taking transfer hours however it will be decided later if we will begin accepting them again.

Hair braiding was discussed and a committee was formed to research more on this subject.

Hearings –

Hearings began at 9:30 am and the transcript of the hearings are separate and will be made available for review at the next official meeting, or at the Office of Cosmetology in the Arkansas Department of Health.

A motion was made and seconded to adjourn until the January 28, 2013 meeting.

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ARKANSAS DEPARTMENT OF HEALTH
COSMETOLOGY SECTION
COSMETOLOGY TECHNICAL ADVISORY COMMITTEE

BE IT REMEMBERED that on Monday, the 11th day of
November 2012, the meeting of the Arkansas Department of
Health, Cosmetology Section, Cosmetology Technical Advisory
Committee was held, at 9:00 a.m., at the Arkansas Department of
Health, Freeway Medical Building, Suite 801, Little Rock,
Pulaski County, Arkansas.

TECHNICAL ADVISORY COMMITTEE:

- KIMBERLY FORD, Chair
- ROGER BARNES (not present)
- SANDY DAVIS
- REBECCA ARGUELLO (not present)
- JACQUELYN REYNOLDS
- JEANNIE BONDS (not present)
- ANDREA FUENTES

REPORTED BY:

SUSAN B. WHITSON, CCR
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1 APPEARANCES :

2 ON BEHALF OF THE COMMITTEE :

3 RICK HOGAN, ESQ.

4 HEARING OFFICER :

5 KENDRA AKIN-JONES, 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
TERI PREACHERS - Administrative Specialist
10 AMANDA WEEKS

11 Inspectors Present :

12 ROSE HORNER
LAVONNE LESTER
13 BRENDA MORGAN
VERA WOOD
14

15 Court Reporter :

16 Susan B. Whitson, CCR
Arkansas Supreme Court Certificate No. 158
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P R O C E E D I N G S

1
2 MS. FORD: The next on the agenda the paid
3 violations -- approval of paid violations.

4 MS. DAVIS: I make a motion that we approve the
5 paid violation.

6 MS. FUENTES: And I'll second it.

7 MS. FORD: The motion has been seconded. At
8 this time we will take a vote, all in favor of the
9 paid violations being approved?

10 COMMITTEE MEMBERS: Aye.

11 MS. FORD: All opposed? Paid violations will
12 stand approved.

13 All right. And now I'll turn it over to Kelli.

14 ---o---

ADMINISTRATIVE HEARING VIOLATION #12-691

16 IN THE MATTER OF:

17 ARKANSAS DEPARTMENT OF HEALTH

18 v.

19 SUE ELLEN FINCHER

20 HEARING OFFICER JONES: My name is Kendra Akin
21 Jones and I'm the Hearing Officer today in the matter
22 of Sue Ellen Fincher, to be heard before the
23 Cosmetology Technical Advisory Committee.

24 Today is Wednesday, November 19 -- or Monday,
25 November 19, 2012.

1 Ms. Fincher, if you would, please identify
2 yourself for the record.

3 MS. FINCHER: My name is Sue Ellen Fincher.

4 HEARING OFFICER JONES: And you do not have
5 counsel with you today?

6 MS. FINCHER: No. I didn't think it was
7 necessary.

8 HEARING OFFICER JONES: It's not necessary, just
9 making sure.

10 MS. FINCHER: No, ma'am.

11 HEARING OFFICER JONES: And you received a copy
12 of the Order and Notice of Hearing for today's
13 matter?

14 MS. FINCHER: Yes, I did.

15 HEARING OFFICER JONES: Okay. Mr. Hogan, if you
16 would, identify yourself for the record.

17 MR. HOGAN: Rick Hogan, I am general counsel for
18 the Board of Health and the Arkansas Department of
19 Health.

20 HEARING OFFICER JONES: For the benefit of those
21 present today who may not have appeared before an
22 administrative hearing, the board will base its
23 decision solely on the evidence presented here today.
24 This hearing is being held under the Administrative
25 Procedures Act, which means the strict rules of

1 evidence do not apply, and we will try to keep things
2 running efficiently, so I will only grant objections
3 and caution parties as necessary. The board members
4 know of this case only as it appears and is set forth
5 in the Order and Notice of Hearing, anything you have
6 in your possession that you want them to consider
7 must be presented as evidence here today.

8 This hearing is open to the public under the
9 Freedom of Information Act, and that does include the
10 board's recess for deliberations. And if you have
11 any questions along the way, feel free to just ask
12 me.

13 MS. FINCHER: Okay.

14 HEARING OFFICER JONES: And I will try to give
15 you answers.

16 For those of you who are going to be witnesses
17 in today's matter, if you would please raise your
18 right hand, Ms. Morgan, that would be you.

19 MS. MORGAN: Oh.

20 HEARING OFFICER JONES: Ms. Fincher, you, too.

21 MS. FINCHER: Oh, okay.

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

24 HEARING OFFICER JONES: Very well. Preliminary
25 matters, Mr. Hogan?

1 MR. HOGAN: Yes, Madam Hearing Officer, I would
2 like to introduce this ten-page document, which
3 includes the Order and Notice of Hearing and the
4 inspection report and other office documents about
5 the licensure, as the Board's Exhibit No. 1 for the
6 record, please.

7 HEARING OFFICER JONES: That will be so
8 admitted.

9 (WHEREUPON, Board's Exhibit No. 1 was received
10 in evidence.)

11 MR. HOGAN: Secondly, I would like to ask that
12 the board be able to take notice of their rules and
13 regulations for cosmetology in Arkansas, and the
14 Arkansas Code Annotated or Act 358, and as amended,
15 of the Cosmetology Licensing Law.

16 HEARING OFFICER JONES: Those will be so noted.

17 And, Ms. Fincher, you don't have any -- any
18 documents here with you today that you want to
19 present to the board?

20 MS. FINCHER: No. I mean --

21 HEARING OFFICER JONES: Okay. Very well.

22 At this time, Mr. Hogan, is there anything you
23 want to state in an opening?

24 MR. HOGAN: No. I will waive that.

25 HEARING OFFICER JONES: Okay. Ms. Fincher,

1 anything in an opening to the board?

2 What we'll do is we'll do opening and then I'll
3 allow Mr. Hogan to call his witnesses, he'll ask some
4 questions, you'll have an opportunity to ask
5 questions as well, and as well as the committee
6 members here today.

7 MS. FINCHER: Okay. Well, I've never done this
8 so this is kind of like --

9 HEARING OFFICER JONES: You're -- most people
10 that come before us have not done this before.

11 MS. FINCHER: Yeah.

12 HEARING OFFICER JONES: So don't feel like
13 you're --

14 MS. FINCHER: Thirty years, I've never done
15 this.

16 HEARING OFFICER JONES: But -- so if you want to
17 say anything before we go into witnesses, and --

18 MS. FINCHER: No, I mean, I'll just listen.

19 HEARING OFFICER JONES: I'll let you -- okay.

20 And then when it comes time I will let you
21 have --

22 MS. FINCHER: Okay.

23 HEARING OFFICER JONES: -- ample opportunity to
24 explain to the board.

25 MS. FINCHER: Okay.

1 HEARING OFFICER JONES: Mr. Hogan, call your
2 first witness.

3 MR. HOGAN: I will call Ms. Morgan, Brenda
4 Morgan.

5 WHEREUPON,

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

10 DIRECT EXAMINATION

11 BY MR. HOGAN:

12 Q Ms. Morgan, state your name and your position with the
13 department, please.

14 A My name is Brenda Morgan, I work for the Arkansas
15 Department of Health, cosmetology inspector.

16 Q Brenda, does your inspection area include Little Rock,
17 Arkansas, and specifically did you inspect Avatar Salon located
18 at 3625 Kavanaugh on August the 1st of this year?

19 A Yes, sir, I did.

20 Q Do you have your inspection report in front of you?

21 A Yes, sir.

22 Q Tell the members of the committee, and for the record,
23 what your findings were on that date that you inspected the
24 facility?

25 A The findings concerning Ms. Fincher?

1 Q Sure.

2 A Okay. I have on the first page and the second page, her
3 name with the practitioner license number, the expiration date
4 was 4/14/12, and I have "working today" beside and "working on
5 both places," so I cited her for unlicensed -- I mean expired
6 license.

7 Q So when you went in, Ms. Fincher's license was displayed
8 at her work site, it was -- it was -- currently it was out of
9 date, is that correct?

10 A That's where I got my information, from the posting of the
11 license.

12 Q Did you talk to Ms. Fincher at that time about the license
13 being out of date?

14 A I -- I can't recall that.

15 Q Do you -- you heard some information she provided to us
16 today about having sent in her information or tried to get a
17 license?

18 A Yes.

19 Q This would have expired, you said her license actually
20 expired in April of this year? You were there in August of
21 this year?

22 A Uh-huh.

23 Q And there were no discussions between the two of you about
24 her having not received her renewed license on or before August
25 when you inspected it?

1 A No, sir.

2 Q Did you regularly call the board or determine if, when you
3 see a license has expired, if there is some paperwork that's
4 in -- in route or if there is some procedures already in place
5 by the licensee to try to get their license renewed? Did you
6 make -- make any efforts to contact the department about that?

7 A I do occasionally call the office about that. I don't
8 believe I did with this particular situation.

9 Q Okay. Have you had any conversations with Ms. Fincher
10 since the date --

11 A No, sir.

12 Q -- of your inspection?

13 A No, sir.

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

15 HEARING OFFICER JONES: Ms. Fincher, do you have
16 any questions for Ms. Morgan?

17 MS. FINCHER: No, not really.

18 HEARING OFFICER JONES: Okay. Committee
19 members, questions for Ms. Morgan?

20 Okay. Thank you very much.

21 MR. HOGAN: I would call Ms. Kersey.

22 WHEREUPON,

23 KELLI KERSEY,

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

1 follows:

2 DIRECT EXAMINATION

3 BY MR. HOGAN:

4 Q Kelli, state your name and what your position is with the
5 department?

6 A Kelli Kersey, Arkansas Department of Health, Cosmetology,
7 Section Chief.

8 Q Kelli, Ms. Fincher has related some information to us
9 today about -- she states, as I understand it, that she has
10 made efforts to get her license renewed when it expired in
11 April. And in August when she was inspected, I guess she may
12 have made inquiries again, and she did subsequently receive her
13 license. Can you tell the members of the committee, what do
14 the records reflect that you keep and have custody of at the
15 department about this particular license?

16 A It doesn't reflect that we had a phone call inquiring
17 about her license in the notes, which is on the -- one of the
18 pages that you turned in.

19 Q Okay. Let's -- let's make sure that we get the right page
20 in that.

21 MS. FINCHER: Well, how would you know to resend
22 it --

23 HEARING OFFICER JONES: Wait, wait, wait --

24 THE WITNESS: Under section or violations --

25 HEARING OFFICER JONES: You can't ask questions

1 now.

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

3 MR. HOGAN: We're going to cover all that, cover
4 all of that and you'll have an opportunity.

5 MS. FINCHER: Okay.

6 MR. HOGAN: I'm not trying to screw you over or
7 anything. You'll get --

8 MS. FINCHER: Okay. I know.

9 HEARING OFFICER JONES: I'll give you -- I'll
10 give you ample opportunity to ask questions.

11 MS. FINCHER: Okay.

12 BY MR. HOGAN:

13 Q Okay. So what page is that of this document?

14 A I don't know where you started --

15 Q Yeah. It started from the Order and Notice of Hearing.

16 MS. FORD: The inspection or violation
17 acknowledgment page, it's the one right behind it.

18 HEARING OFFICER JONES: Wait, wait, wait. Okay.
19 Trying to keep a clear record here.

20 BY MR. HOGAN:

21 Q I've got Page 9 by my count, Pages 9 and 10, okay.

22 A That's it.

23 Q Page 9 of the document, it has subject, one violation,
24 License No. 120974, ID No. 33565. Tell us what this -- who
25 generates this document and how does it -- how is it created by

1 the department?

2 A Well, we can all create that when we either get a phone
3 call or this is the -- created by Ken when he goes -- when he's
4 putting the inspection sheets in, and it just tells what the
5 violation is, then no records found, if there was other notes
6 in there, there would -- they would be listed below that. If
7 we -- if we get a license back in the mail, if we have the
8 wrong address or if someone calls inquiring, we -- the notes --
9 it's put in the notes by whoever spoke to the person. And like
10 if we would have had the wrong address, if it would have been
11 mailed out and came back to us, that would also be in the
12 notes.

13 Q And so, based on this document, at least, you can conclude
14 that there was nothing noted specifically, you're not
15 testifying, are you, that it's not -- that Ms. Fincher may not
16 have called and that --

17 A I'm just saying --

18 Q -- it not get noted, that based on this document that it's
19 not noted?

20 A Correct.

21 Q And is it your practice that if a licensee does call in,
22 that everyone is aware, everyone in the staff is aware that
23 they are required to note that on the licensee's -- in the
24 licensee's record, is that correct?

25 A Yes, sir. That's our policy.

1 Q Okay. So tell us about -- the license apparently expired
2 in April of this year. Correct?

3 A Correct.

4 Q Now, what do your records reflect on Page 10 as to what
5 happened regarding your renewal of the license and -- and when
6 it was reissued?

7 A She renewed on 4/20/2012. It expired on 4/14 but you have
8 30 days, so the new license was issued on 4/20/2012.

9 Q Okay. So, then she did renew certainly within the -- the
10 time frame necessary?

11 A Correct.

12 Q And so she was validly licensed at the time of this
13 inspection?

14 A Right.

15 Q It's just that she was not -- that license that she
16 renewed was not posted?

17 A Right.

18 And on the inspection sheet, it is marked that
19 practitioner didn't have current license, but when we get these
20 in, we check them, and she didn't get that violation because
21 her license was current, the only violation she got was that
22 all posted license were not current.

23 Q Now --

24 A The license that she had hanging up was not current.

25 Q Ms. Fincher I think said she had been doing this for 30

1 years or so, and do our records reflect -- what -- was it the
2 license that was posted was the one that did expire in April of
3 this year. Correct?

4 A Yes, sir.

5 Q So it's not like she had one posted from ten years ago or
6 something like that?

7 A Correct.

8 Q So this was -- do your records reflect any history or
9 problems of Ms. Fincher not having renewed her license or not
10 having been complied with the laws as far as operating
11 appropriately under the laws? Is that reflected anywhere?

12 A No, sir.

13 Q Have you talked to Ms. Fincher? Has she made any efforts
14 to contact you about this or --

15 A I have not spoken to her, no.

16 Q Okay. So we're talking about a \$50 fine for not having
17 had the current license posted at the job site. And as a
18 practical matter, why is that important for the public, if I
19 come in and get some work done, say I get a perm like I'm
20 thinking about, and I -- you know, I look at the license, I'm
21 not happy with my perm, and it's not current, I mean, what --
22 what kind of problems does that raise for the consumer?

23 A Well, there -- first they are going to think that she
24 doesn't have a current license, that's why they are supposed to
25 be posted -- current posted license are supposed to be at their

1 station. It's the law.

2 Q Okay.

3 A And -- and you just have to follow it if it's the law.

4 Q Okay. Do you have anything further you want to make the
5 committee aware of?

6 A I don't believe so.

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

8 HEARING OFFICER JONES: Ms. Fincher, do you have
9 any questions for Ms. Kersey?

10 CROSS EXAMINATION

11 BY MS. FINCHER:

12 Q Yes. I mean, wouldn't you have record if I had have
13 called to have it -- to tell you that I haven't received it?
14 Because somebody remailed it.

15 A I would -- I mean, we should have that record, yeah.

16 Q Okay.

17 A That could have been done after we put the violation in
18 there. You -- I mean, like you called after you received your
19 notice.

20 Q No, I did not. I got this a month or two later and
21 that's --

22 A After the violation?

23 Q -- that's when I called to find out what I could do about
24 it, because I --

25 A That's what I'm saying.

1 Q Okay.

2 A We probably had already put this in there and printed it
3 before you called.

4 Q Okay. Well, I called the same day she came in because
5 they told me, and -- see, we keep our last -- our old ones
6 there until the new ones come in.

7 A Uh-huh.

8 Q And so I -- I just thought y'all were running behind. It
9 didn't occur to me that maybe it didn't get mailed, I just know
10 I never received it.

11 A Do we have your current address?

12 Q Yes. I checked to make sure.

13 HEARING OFFICER JONES: Okay.

14 THE WITNESS: I'm sorry. I can't ask her
15 questions, can I?

16 HEARING OFFICER JONES: No.

17 THE WITNESS: Sorry, I did though. Strike that
18 question.

19 MS. FINCHER: Okay.

20 THE WITNESS: Sorry.

21 HEARING OFFICER JONES: Do you have any other
22 questions for Ms. Kersey?

23 MS. FINCHER: No.

24 HEARING OFFICER JONES: Okay. Committee
25 members, questions for Ms. Kersey?

1 Okay. Very well then. Thank you.

2 Mr. Hogan?

3 MR. HOGAN: I would just call Ms. Fincher to
4 testify briefly.

5 WHEREUPON,

6 SUE ELLEN FINCHER,

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

10 DIRECT EXAMINATION

11 BY MR. HOGAN:

12 Q Ms. Fincher, state your name for the record and --

13 A My name is Sue Ellen Fincher. I work at Salon Avatar.

14 Q How long have you worked there?

15 A For almost 29 years.

16 Q Twenty-nine years?

17 A (Nodding head up and down.)

18 Q And that's here in Little Rock on Kavanaugh?

19 A Uh-huh. On Kavanaugh.

20 Q And has the address changed or has your address changed?

21 A No -- well, mine changed only about three or four years
22 ago, that's why I called to make sure --

23 Q Your home address changed?

24 A My home address changed three years ago, but they had the
25 right address.

1 Q So you -- so you should have received your --

2 A I should have received it, I just didn't know why it
3 hadn't been mailed. I just assumed they were running behind.

4 Q It appears that one was actually issued in April, after
5 you reapplied, I guess, and on April the 20th you -- a license
6 was issued?

7 A Yeah. That's when I went and paid my license to have it
8 current, but they mail it to you.

9 Q And you never received that one?

10 A I never received it.

11 Q Now, just to make sure the record is clear, when you did
12 not receive that from April, when you went and paid it until
13 August, when Ms. Morgan came in --

14 A I really didn't think a thing about it.

15 Q And --

16 A Because it's not always run on time anyway, so, I mean --

17 Q So when Ms. Morgan came in in August, did -- did you
18 meet --

19 A That's when I --

20 Q Did you --

21 A -- called back up there immediately because once she had
22 been in, I realized, you know what, they haven't mailed me my
23 current license.

24 Q So you didn't --

25 A I didn't --

1 Q -- you didn't talk to her at that time when you --

2 A No, I wasn't there when she was there.

3 Q I see.

4 A Or I don't remember ever seeing her.

5 Q Okay. So then you called the office and the office tell
6 you --

7 A Yeah, I called the office immediately that afternoon,
8 because one of our fellow coworkers let me know that they had
9 come in and inspected. I wanted to make sure that you all knew
10 that my license was current.

11 Q And do you remember who you talked to that day?

12 A No, I didn't ask. I mean, and she -- she just said that,
13 well, you've never received it? And I said, no, and she said
14 she would resend it.

15 Q Okay.

16 A So I did get it very quickly after that.

17 Q So did you -- did you save the letter or anything that
18 indicated that -- that you got it and on what day you received
19 it in August then? Do you have anything like that?

20 A No, they just resent it. There wasn't any letter sent, it
21 was just my license.

22 Q And so it just -- just came by itself in an envelope or
23 how did you --

24 A Yeah. It just came in the mail and I took it up to work
25 and displayed it immediately.

1 Q Okay. And you have that posted currently, I mean, you've
2 that had --

3 A Oh, absolutely.

4 Q Okay. And since August of --

5 A Yes. Yes.

6 Q Okay. All right.

7 A So my thing is I feel like I'm unjustly fined, even though
8 it wasn't displayed, I didn't know -- I didn't have it to
9 display it.

10 Q And you understand as a licensee, just as --

11 A Right. But I also understand that, you know, sometimes
12 things get -- happen, and people run behind and, you know, when
13 this first changed over and our fines went from \$25 to a
14 hundred dollars, there was no notice, no letter in the mail,
15 nothing. So, you know, it didn't surprise me.

16 Q But as a licensee, you understand that you're obligated --

17 A Yes, I do understand it.

18 Q -- to keep your current license posted?

19 A Yes, sir.

20 Q And from April until August you did not have a current
21 license posted?

22 A Right.

23 Q You acknowledge that, right?

24 A Right.

25 Q And --

1 A But they don't give it to you when you go pay, they mail
2 it to you.

3 Q Right.

4 And your testimony is you never got it?

5 A Right, yes.

6 Q Okay. Anything further you want to make --

7 A No, sir.

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

9 HEARING OFFICER JONES: Okay. Ms. Fincher --
10 Mr. Hogan, are you -- are you through?

11 MR. HOGAN: I'm done.

12 HEARING OFFICER JONES: Done. Okay.

13 Ms. Fincher, is there anything else you want to
14 state to the committee?

15 MS. FINCHER: No, ma'am.

16 HEARING OFFICER JONES: Okay. Committee
17 members, any questions for Ms. Fincher?

18 MS. FORD: I have one.

19 HEARING OFFICER JONES: Go right ahead.

20 MS. FORD: Did you happen to keep your envelope
21 when it was mailed out with the postmark date on it,
22 do you have that?

23 THE WITNESS: No, ma'am, I did not. I was just
24 excited to get it and just -- no, I didn't. I didn't
25 think that that would be necessary.

1 HEARING OFFICER JONES: Further questions from
2 the committee?

3 Go right ahead.

4 MS. REYNOLDS: Are you -- do you have your
5 license now?

6 THE WITNESS: At the salon.

7 MS. REYNOLDS: Yeah.

8 THE WITNESS: Yes, ma'am.

9 MS. REYNOLDS: Okay.

10 THE WITNESS: Yeah, it's been there since right
11 after that, after she came.

12 MS. REYNOLDS: Okay.

13 HEARING OFFICER JONES: Further questions from
14 the committee?

15 Okay. Thank you, Ms. Fincher.

16 Mr. Hogan, anything in closing?

17 MR. HOGAN: I have nothing.

18 MS. FORD: Can I --

19 HEARING OFFICER JONES: Oh --

20 MS. FORD: Can I cross-examine Kelli?

21 HEARING OFFICER JONES: No, you cannot. You are
22 not the attorney for the board.

23 MR. HOGAN: You really need a better lawyer, I'm
24 going to get you one. I'm really going to get you a
25 new lawyer.

1 HEARING OFFICER JONES: Mr. Hogan, you have
2 nothing in closing?

3 MR. HOGAN: No, I have nothing.

4 HEARING OFFICER JONES: Ms. Fincher, is there
5 anything else you would like to state to the
6 committee before -- before they make their decision?

7 MS. FINCHER: Not that I can think of.

8 HEARING OFFICER JONES: Very well, I just wanted
9 to make sure.

10 At this time we'll go off the record while the
11 board is recessed for deliberations. Once the board
12 reaches a decision we will go back on the record.

13 (WHEREUPON, the Committee retired to deliberate,
14 off the record, from 9:56 a.m. to 9:58 a.m., and
15 returned with the following decision:)

16 HEARING OFFICER JONES: At this time we'll go
17 back on the record. Does the board have a motion?

18 MS. FUENTES: I think so.

19 We motion that we waive the fine, that there was
20 a violation, but it wasn't -- we're just going to
21 waive it for her at this time.

22 MS. REYNOLDS: I'll second it.

23 HEARING OFFICER JONES: Motion and a second, all
24 those in favor?

25 MS. FUENTES: Aye.

1 MS. REYNOLDS: Aye.

2 HEARING OFFICER JONES: All those opposed?

3 MS. DAVIS: Aye.

4 HEARING OFFICER JONES: Please reduce the
5 decision to writing and make service upon all the
6 parties.

7 If there are no other questions or comments the
8 record is closed.

9 Thank you very much.

10 Thank you, Ms. Fincher.

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

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1 CERTIFICATE

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3 STATE OF ARKANSAS)4 COUNTY OF PULASKI)
5

6 I, SUSAN B. WHITSON, Certified Court Reporter and
7 notary public in and for Pulaski County, State of Arkansas, do
8 hereby certify that the hearing held before the Arkansas
9 Cosmetology Technical Advisory Committee, November 19, 2012,
10 was taken by me in Stenotype and was reduced to
11 computer-generated typewritten form by me or under my direction
12 and supervision; that the witnesses were duly sworn by the
13 Hearing Officer; and that the same is a true and correct
14 reflection of the proceedings that occurred, to the best of my
15 knowledge and ability.

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

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

4 SIGNED AND SWORN this _____ day of
5 _____.

6
7 _____
8 SUSAN B. WHITSON, CCR, #158
9 NOTARY COMMISSION #12388076
10 NOTARY PUBLIC IN AND FOR
11 PULASKI COUNTY, ARKANSAS

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13 My Commission Expires: June 4, 2022.

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