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ARKANSAS DEPARTMENT OF HEALTH
COSMETOLOGY SECTION
COSMETOLOGY TECHNICAL ADVISORY COMMITTEE

BE IT REMEMBERED that on Monday, the 17th day of July, 2017, the meeting of the Arkansas Department of Health, Cosmetology Section, Cosmetology Technical Advisory Committee was held, beginning at 9:00 a.m., Freeway Medical Building, Suite 801, Little Rock, Pulaski County, Arkansas.

TECHNICAL ADVISORY COMMITTEE:

- TONYA BOYDSTUN, Chair
- BRIAN KEARY, Co-Chair
- TRISH ANDERSON
- CARLA JONES
- LOIS WARE
- ANGELA JACKSON (not present)
- JESSICA PECK (not present)

REPORTED BY:

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

1 APPEARANCES:

2 ON BEHALF OF THE COMMITTEE:

3 BROOKS WHITE, ESQ.

4 HEARING OFFICER:

5 DARA HALL, ESQ.
Office of the Attorney General
6 323 Center Street, Suite 200
Little Rock, Arkansas 72201

8 Staff Members Present:

9 Kelli Kersey - Section Chief
Connie Melton, ADH Branch Chief, Health Systems Licensing
10 and Reg
Teri Preachers - Administrative Specialist
11 Amanda Weeks

12 Inspectors Present:

13 Krista Wells
Lavonne Lester
14 Vera Wood
Yvonne Smith
15 Jaclyn Knopp
Pam Atherley

17 ALSO PRESENT:

18 Genger Hamrick
Tina Reagan
19 Misty Shipp
Megan Wood
20 Erica Immel
Chasity Lankford
21 Crystal Donaldson
Andi Wilson
22 Emily Antoun

23 Court Reporter:

24 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

The meeting was called to order by Tonya Boydston. Present are Trish Anderson, Lois Ware, Carla Jones, and Brian Keary.

Trish Anderson made a motion to approve the minutes from the previous meeting; second by Lois Ware; motion carried unanimously.

Trish Anderson made a motion to approve the paid violations; second by Lois Ware; motion carried.

We'll go to hearings.

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I N D E X

WITNESSES:

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1 HEARING OFFICER: My name is Dara Hall and
2 I'm the Hearing Officer today In The Matter of
3 Kayleigh Dean, which is to be heard before the
4 Cosmetology Technical Advisory Committee.
5 Today is 17 July 2017.

6 Please turn all cell phones off or place
7 them on silent mode so as not to disrupt the
8 proceedings.

9 Respondent, Kayleigh Dean, please identify
10 yourself for the record and have a seat --
11 where do you want her to sit? Do you want her
12 right next to the court reporter on the far
13 side?

14 COURT REPORTER: No, over there.

15 HEARING OFFICER: If the respondent would
16 sit across from the court reporter. Kayleigh
17 Dean. Is Kayleigh Dean here?

18 She doesn't appear to be present today.

19 Are you ready to proceed in the absence of
20 Ms. Dean?

21 MR. WHITE: Yes. The Respondent [sic]
22 would first move to introduce --

23 HEARING OFFICER: Well, let me swear the
24 witnesses first.

25 MR. WHITE: Okay.

1 HEARING OFFICER: I just asked you if you
2 were ready to go.

3 MR. WHITE: All right.

4 HEARING OFFICER: I'll give you a chance
5 for that in a second here.

6 For those of you who are or may be
7 witnesses today in this matter, please stand
8 and raise your right hands to be sworn in.
9 There is one -- two. Okay.

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

12 HEARING OFFICER: Would you please give
13 your names of the ones that swore in to my
14 court reporter so we can identify you for the
15 record?

16 MS. LESTER: Lavonne Lester.

17 MS. KERSEY: Kelli Kersey.

18 HEARING OFFICER: Thank you.

19 Are there any preliminary matters --

20 MR. WHITE: Yes.

21 HEARING OFFICER: -- to discuss or offer
22 at this time?

23 MR. WHITE: Respondent [sic] would move to
24 introduce what has been marked State's 1
25 through 10 as the hearing packet.

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HEARING OFFICER: Okay. So you're going to mark that for identification as Exhibit 1?

MR. WHITE: Yes.

HEARING OFFICER: And it has ten pages?

MR. WHITE: Yes.

HEARING OFFICER: All right. Is there any objection? Any objection to the admission of State's Exhibit 1, paginated 1 through 10?

Hearing no objection, it is so admitted and may be published to the committee.

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

HEARING OFFICER: Would you like to make an opening statement?

MR. WHITE: No.

HEARING OFFICER: You may call your first witness.

MR. WHITE: I would call Lavonne Smith [sic].

WHEREUPON,

LAVONNE LESTER,

having been called for examination, and having been first duly sworn by the hearing officer, was examined and testified, as follows:

DIRECT EXAMINATION

1 BY MR. WHITE:

2 Q Ms. Smith --

3 A No.

4 Q I'm sorry. Lavonne Lester.

5 A Yes.

6 MS. KERSEY: He was confused because she
7 was up there.

8 MR. WHITE: Yes.

9 BY MR. WHITE:

10 Q Ms. Lester, could you state your name for the
11 record, please.

12 A Lavonne Lester.

13 Q And could you state what your job is here at the
14 Department of Health?

15 A Inspector for the Health Department, Cosmetology.

16 Q Okay. And in that capacity, did you perform an
17 inspection of a salon that Ms. Kayleigh Dean worked at on
18 January 25, 2017?

19 A Yes, I did.

20 Q Okay. As a result of that inspection, did you make
21 a finding with regard to the license of Kayleigh Dean?

22 A Yes. I found that that license was expired.

23 Q Okay. When you did the inspection, had she had
24 anything -- did she have a license posted?

25 A Yes. It was posted but it was expired.

1 Q Okay. Did you ask her if she had a current license?

2 A Yes. I actually called the office on that to
3 verify.

4 Q And found out that --

5 A Found out it hadn't been renewed.

6 MR. WHITE: Okay. No further questions.

7 HEARING OFFICER: Committee have any
8 questions for this witness at this time?

9 There appear to be none. Do you want to
10 excuse this witness temporarily?

11 MR. WHITE: Sure.

12 HEARING OFFICER: You are excused
13 temporarily.

14 Call your next witness.

15 MR. WHITE: I'll call Ms. Kelli Kersey.

16 WHEREUPON,

17 KELLI KERSEY,

18 having been called for examination, and having been first
19 duly sworn by the hearing officer, was examined and
20 testified, as follows:

21 DIRECT EXAMINATION

22 BY MR. WHITE:

23 Q Ms. Kersey, would you state your name for the
24 record.

25 A Kelli Kersey, Arkansas Department of Health,

1 Cosmetology and Massage Therapy Section, Section Chief.

2 Q Okay. And, Ms. Kersey, in that capacity, did you
3 look up the status of Ms. Kayleigh Dean's license after
4 the inspection that was performed by Ms. -- by
5 Ms. Lester?

6 A Yes, sir.

7 Q Okay. And what did you find with regard to that
8 license?

9 A She has not renewed. It expired on 9/23/2016 and
10 she has not renewed --

11 Q Okay.

12 A -- to date.

13 Q Still has not renewed?

14 A Correct.

15 Q You checked it -- when is the last time you checked?

16 A I'm not sure when I checked.

17 Q But 12 -- as of --

18 A Yes. Yeah. 2/17 is what it shows in the record.

19 MR. WHITE: Okay. Okay. No further
20 questions.

21 HEARING OFFICER: Does the committee have
22 any questions for this witness?

23 MS. ANDERSON: No.

24 HEARING OFFICER: Appearing to be none, do
25 you want to excuse this witness temporarily as

1 well?

2 MR. WHITE: Yes.

3 HEARING OFFICER: You are so excused.

4 Call your next witness.

5 MR. WHITE: We rest.

6 HEARING OFFICER: All right. Would you

7 care to make a closing?

8 MR. WHITE: The Department would just
9 propose that the penalty of \$100 be assessed
10 for the failure to maintain license current.

11 Thank you.

12 HEARING OFFICER: At this time we will go
13 off the record for the committee's recess for
14 deliberations and a decision regarding the
15 findings of fact, conclusions of law, and/or
16 any penalties to be handed down. Once the
17 committee reaches a decision, we will go back
18 on the record.

19 The deliberations are open to the public
20 under the Freedom of Information Act, all
21 parties may remain and observe the
22 deliberations.

23 We are now off the record.

24 (WHEREUPON, the Committee retired to
25 deliberate, off the record, from 9:10 a.m. to

1 9:12 a.m., and returned with the following
2 decision:)

3 HEARING OFFICER: We will now go back on
4 the record for the committee's decision.

5 MS. ANDERSON: We have found that Kayleigh
6 Dean has a violation of 5.1(A), and the penalty
7 for that violation would be \$100, and no -- not
8 having a practitioner license and license not
9 posted.

10 MS. BOYDSTON: Do we have a second?

11 MS. JONES: I'll second that motion.

12 MS. BOYDSTON: Any opposed -- we shall
13 take our vote on the motion.

14 All those in favor?

15 COMMITTEE MEMBERS: Aye.

16 MS. BOYDSTON: Those opposed?

17 Motion carried.

18 HEARING OFFICER: Let the record reflect
19 the vote was unanimous. Please reduce the
20 committee's decision to writing and make or
21 attempt service upon all parties.

22 Are there any other questions or comments
23 regarding this hearing?

24 If there are none, this hearing is
25 concluded and the record is closed.

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(WHEREUPON, at 9:14 a.m., the
above-entitled hearing was concluded.)

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BEFORE THE COSMETOLOGY TECHNICAL ADVISORY COMMITTEE
(CTAC)

IN THE MATTER OF:

ARKANSAS DEPARTMENT OF HEALTH PETITIONER

v.

PRETTY FACE SALON RESPONDENT

ADMINISTRATIVE HEARING

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1 HEARING OFFICER: All right. My name is
2 Dara Hall and I'm the Hearing Officer today In
3 The Matter of Pretty Face Salon, which is to be
4 heard before the Cosmetology Technical Advisory
5 Committee. Today is 17 July 2017.

6 Please turn all cell phones off or place
7 them on silent mode so as not to disrupt these
8 proceedings.

9 Respondent, please, identify yourself for
10 the record and have a seat where you're
11 sitting.

12 MS. DONALDSON: Yes. Crystal Donaldson,
13 Pretty Face Salon.

14 HEARING OFFICER: Are you aware that you
15 have a right to have counsel present?

16 MS. DONALDSON: Yes.

17 HEARING OFFICER: And if at any time you
18 do not understand the proceedings, please let
19 me know. Okay?

20 MS. DONALDSON: Okay.

21 HEARING OFFICER: Did you receive a copy
22 of the Order and Notice of Hearing concerning
23 today's matter?

24 MS. DONALDSON: Yes.

25 HEARING OFFICER: Are you ready to proceed

1 on this matter?

2 MS. DONALDSON: Yes.

3 HEARING OFFICER: Committee's counsel,
4 please identify yourself for the record.

5 MR. WHITE: Brooks White.

6 HEARING OFFICER: For the benefit of
7 anyone present today who may not have appeared
8 in an administrative hearing, the committee
9 will base its decision solely on the evidence
10 presented here today.

11 The hearing is held pursuant to the
12 Arkansas Administrative Procedures Act which
13 means that the strict rules of evidence do not
14 apply and the parties will be given latitude in
15 introducing evidence. This is to promote a
16 fair hearing and to provide the board with
17 adequate information to make a decision. The
18 administrative adjudicatory process should be
19 more expeditious and less expensive for all
20 parties than a judicial proceeding. The
21 hearing should be much less formal, consistent
22 with the fundamentals of fairness,
23 impartiality, and thoroughness. The Hearing
24 Officer's goal, my goal, is to develop a fair,
25 accurate, and intelligible record that can be

1 reviewed. In that vein, please wait for a
2 questioner to finish questioning before you
3 answer, and the questioners, wait for the
4 answer to finish before asking the following
5 question. That makes a muddled record unless
6 you do that. Thank you.

7 To ensure efficiency and proceeding -- of
8 the proceeding, I will grant objections and
9 caution the parties only as necessary.

10 If there is anything that you have in your
11 possession that you want the committee to
12 consider, you must offer it into evidence
13 today. Understood?

14 MS. DONALDSON: Yes.

15 HEARING OFFICER: Good.

16 All participants in the hearing should be
17 aware that these proceedings are subject to the
18 Freedom of Information Act, and as such, all
19 parts of the hearing, including the
20 deliberations of the committee, are open to the
21 public.

22 All right. For those of you who are or
23 may be witnesses today in this matter, please,
24 stand and raise your right hands to be sworn
25 in. We can dispense with swearing in the two

1 witnesses that swore in previously, it's on the
2 record so you're good.

3 MS. SMITH: Okay. Yvonne Smith.

4 HEARING OFFICER: All right. And would
5 you like to testify in your own -- on your own
6 behalf, ma'am?

7 MS. DONALDSON: Yes.

8 HEARING OFFICER: Could you stand and
9 raise your right hand and I'll swear you in.

10 MS. DONALDSON: All right.

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

13 HEARING OFFICER: And have you given your
14 name to my court reporter, before you sit down?

15 MS. DONALDSON: Crystal Donaldson.

16 HEARING OFFICER: And you can have a seat.
17 Thank you.

18 Are there any other preliminary matters to
19 be discussed or offered at this time? Any
20 exhibits, maybe?

21 MR. WHITE: Yes. We would -- the
22 Respondent -- I'm sorry. The Department would
23 move to introduce as the hearing packet this
24 set of documents numbered 1 through 10.

25 HEARING OFFICER: So exhibits --

1 MR. WHITE: So we would move to introduce
2 it as Department Exhibit A.

3 HEARING OFFICER: Exhibit A, which is
4 paginated 1 through 10. Any objections?

5 MS. DONALDSON: Yes.

6 HEARING OFFICER: Okay. What are your
7 objections?

8 MS. DONALDSON: Well, at the time that --
9 this, it was all -- this was all kind of new --

10 HEARING OFFICER: Hold on a minute. Let
11 me make this clear.

12 MS. DONALDSON: Okay.

13 HEARING OFFICER: Objections to these
14 exhibit packets. You will get a chance to tell
15 the committee your case and your side of the
16 story, that's when you testify.

17 MS. DONALDSON: Okay.

18 HEARING OFFICER: And you're under oath
19 for that.

20 MS. DONALDSON: Okay.

21 HEARING OFFICER: But any objection to the
22 admission of these documents?

23 MS. DONALDSON: Oh, no.

24 HEARING OFFICER: There being no
25 objections they are being admitted as State's

1 Exhibit A, paginated 1 through 10.

2 (WHEREUPON, Department's Exhibit A was
3 received in evidence.)

4 HEARING OFFICER: Do you have any
5 documents that you would like to introduce as
6 an exhibit, ma'am?

7 MS. DONALDSON: No.

8 HEARING OFFICER: All right, ma'am. So
9 Exhibit A is admitted and may be published to
10 the committee.

11 Are you ready to proceed, Counsel?

12 MR. WHITE: I am.

13 HEARING OFFICER: Do either of you wish to
14 make an opening statement?

15 MR. WHITE: I will, briefly.

16 This was a case, the evidence will show,
17 that Ms. Yvonne Smith went, was out on an
18 inspection and she noticed a salon being
19 operated, she saw a sign that said "Pretty Face
20 Salon." She went inside, found out that the
21 salon did not have a license. That inspection
22 occurred on 2/1/17. On 2/2/17, the next day,
23 an application for this salon was submitted.
24 So it appears that the salon was operating
25 without a license. Ms. Smith observed salon

1 activities, they were already in operation. So
2 that's the basis for the penalty.

3 HEARING OFFICER: Thank you.

4 All right. Ma'am, would you like to make
5 a short opening?

6 MS. DONALDSON: Yes.

7 I went and -- I went and applied for the
8 salon business license and was not aware of the
9 salon license, and so I was under the
10 impression I had everything I needed. And, you
11 know, when the -- the health inspect -- the
12 state board inspectors did come out, I went and
13 got it the next day because, you know, it was
14 only -- it was just, like, a hundred and
15 something. I really was not aware and that's
16 why I went immediately and got it the next day.

17 And so when I went to the section for the
18 business license, I thought that's what I
19 needed, and had the salon and everything
20 listed, so I thought that was all I needed.

21 HEARING OFFICER: All right. Thank you.

22 Counsel, call your first witness.

23 MR. WHITE: I will call Ms. Yvonne Smith.

24 WHEREUPON,

25 YVONNE SMITH,

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 MR. WHITE:

6 Q Ms. Smith, could you state your name for the record.

7 A Yes. Yvonne Smith.

8 Q And what is your job at the health department?

9 A Inspector for cosmetology and massage therapy.

10 Q In that capacity, did you perform an inspection on
11 2/1/17, where you discovered that there was a salon
12 called Pretty Face Salon that was operating without a
13 license?

14 A Yes.

15 Q Okay. Could you just briefly describe for the
16 committee what you learned when you inspected that salon?

17 A Well, I -- there was a -- a cosmetologist operating
18 and she gave me her license and I asked for the salon
19 license, and she wasn't aware if they had one or not so
20 she called the owner and she said that they didn't have
21 one.

22 Q Okay.

23 A So then that's when I marked "unlicensed salon."

24 Q So you spoke with one of the stylists there?

25 A Yes.

1 Q Okay. And you saw a sign outside that said "Pretty
2 Face Salon"?

3 A Yes.

4 Q And there were no -- well, there was -- so there was
5 no salon license posted anywhere?

6 A No.

7 Q Okay. But there were two people in there that were
8 performing services?

9 A One at the time.

10 Q Okay. And she was performing salon services?

11 A Yes.

12 Q Cosmetology services?

13 A Yes.

14 Q Okay. And you said that she -- she called the
15 owner?

16 A Yes.

17 Q Did she identify who the owner was?

18 A Yes. She did. Ms. --

19 Q Crystal Donaldson?

20 A Yes. Crystal Donaldson.

21 MR. WHITE: Okay. No further questions.

22 HEARING OFFICER: Ms. Donaldson, would you
23 like to cross this witness?

24 That means just ask her questions.

25 MS. DONALDSON: No.

1 HEARING OFFICER: All right. Does the
2 committee want to ask this witness any
3 questions at this time?

4 There appear to be no questions from the
5 committee. Do you want to excuse this
6 witness -- this witness temporarily?

7 MR. WHITE: Yes.

8 HEARING OFFICER: You are so excused
9 temporarily. You will remain under oath for
10 when you come back. Thank you.

11 MS. SMITH: Okay.

12 HEARING OFFICER: Call your next witness.

13 MR. WHITE: I'll just call Kelli Kersey.

14 WHEREUPON,

15 KELLI KERSEY,
16 having been called for examination, and having been first
17 duly sworn by the hearing officer, was examined and
18 testified, as follows:

19 DIRECT EXAMINATION

20 BY MR. WHITE:

21 Q Ms. Kersey, please, identify what your job is here
22 at the Department of Health.

23 A Section Chief for the Arkansas Department of Health,
24 Cosmetology and Massage Therapy Section.

25 Q Okay. And in that capacity, did you look up the

1 status, if any, of Pretty Face Salon in the licensed
2 database after Ms. Smith reported her findings to you?

3 A Yes.

4 Q Okay. Ms. Smith did report her findings to you,
5 correct?

6 A Correct.

7 Q Okay. And what did you discover, if anything?

8 A That she had applied for a license the day after her
9 inspection.

10 Q Okay.

11 A On 2/2.

12 Q So as of 2/1 there was no license for Pretty Face
13 Salon; is that right?

14 A Correct.

15 MR. WHITE: Okay. No further questions.

16 HEARING OFFICER: Any cross of this
17 witness, Ms. Donaldson?

18 MS. DONALDSON: No.

19 HEARING OFFICER: Committee have any
20 questions for this witness?

21 Appear to be none. Would you like to
22 excuse this witness temporarily?

23 MR. WHITE: Yes.

24 HEARING OFFICER: You are so excused
25 temporarily.

1 Call your next witness.

2 MR. WHITE: We rest.

3 HEARING OFFICER: All right.

4 Ms. Donaldson, you may call your first witness.

5 You can -- you can testify.

6 MS. DONALDSON: Oh.

7 HEARING OFFICER: You would be your
8 witness.

9 MS. DONALDSON: Okay. So I just call
10 Crystal Donaldson.

11 Sorry.

12 WHEREUPON,

13 CRYSTAL DONALDSON,

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 TESTIMONY

18 THE WITNESS: Okay. Hold on. I'm sorry,
19 this is new.

20 HEARING OFFICER: Just address the
21 committee.

22 THE WITNESS: Okay. I would like to --

23 HEARING OFFICER: And make sure the court
24 reporter across from you can hear you.

25 MS. DONALDSON: Okay.

1 HEARING OFFICER: You seem to have good
2 volume so you're doing good.

3 THE WITNESS: Yes. Can everybody hear me?

4 Okay. I'm sorry.

5 Okay. I'm sorry. I don't know what's
6 next.

7 HEARING OFFICER: Well, you just explain,
8 you know, what happened and --

9 THE WITNESS: Oh, just explain that?

10 HEARING OFFICER: -- and why they should,
11 you know, not penalize you or penalize you
12 less --

13 THE WITNESS: Oh, okay.

14 HEARING OFFICER: -- or whatever you want
15 to ask them for.

16 THE WITNESS: Okay. I did -- I do admit
17 that I did not have the salon license, but I
18 really was not aware of that. Like I said, I
19 went and got the salon business license and, at
20 that point, I didn't -- they didn't tell me,
21 you know, I need to go to another section or
22 anything, so I was just under the impression
23 that I had everything I needed. And my -- the
24 people at the -- the stylists that worked for
25 me, you know, every -- everybody had their

1 license so I just thought I had everything I
2 needed. I really was not aware, again.

3 Upon the person, Ms. Yvonne, coming in, I
4 just went immediately and got the license -- I
5 mean, applied the next day, because I did not
6 know. I really didn't.

7 That's all I would like to say.

8 HEARING OFFICER: Any cross of this
9 witness from the State's counsel?

10 MR. WHITE: Just, I think, one question.

11 CROSS-EXAMINATION

12 BY MR. WHITE:

13 Q Did you, Ms. -- Ms. Donaldson, when you say that you
14 got the -- the salon business license, are you talking
15 about the license from the City?

16 A Yes.

17 MR. WHITE: Okay. That's -- that's --
18 that's all I have.

19 HEARING OFFICER: Does the committee have
20 any questions for this witness at this time?

21 MS. WARE: Yes.

22 Is this your first salon?

23 THE WITNESS: Yes.

24 MS. BOYDSTON: How long were you open
25 before they came and inspected?

1 THE WITNESS: January, I believe. Late
2 December.

3 MS. ANDERSON: Are you a licensed
4 cosmetologist or --

5 THE WITNESS: Esthetician.

6 MS. ANDERSON: You're an esthetician?
7 Okay.

8 HEARING OFFICER: Any other questions from
9 the committee at this time?

10 Do you have anything to add,
11 Ms. Donaldson?

12 THE WITNESS: No, I don't.

13 HEARING OFFICER: You don't have any
14 recross. Do you?

15 MR. WHITE: No.

16 HEARING OFFICER: All right. So if you
17 have no other witnesses, then you are resting
18 your defense at this time, Ms. Donaldson?

19 MS. DONALDSON: Yes.

20 HEARING OFFICER: Thank you.

21 All right. Do either of you wish to make
22 a closing argument?

23 MR. WHITE: I'll waive closing.

24 HEARING OFFICER: State waives.

25 Ms. Donaldson, do you have any other

1 argument to make?

2 MS. DONALDSON: No. I don't.

3 HEARING OFFICER: All right. At this time
4 we will go off the record for the committee's
5 recess for deliberations and a decision
6 regarding the findings of fact, conclusions of
7 law, and/or any penalties to be handed down.
8 Once the committee reaches a decision, we will
9 go back on the record.

10 The deliberations are open to the public
11 under the Freedom of Information Act, all
12 parties may remain and observe the
13 deliberations.

14 We are now off the record.

15 (WHEREUPON, the Committee retired to
16 deliberate, off the record, from 9:28 a.m. to
17 9:30 a.m., and returned with the following
18 decision:)

19 HEARING OFFICER: All right. We'll now go
20 back on the record for the committee's
21 decision.

22 MS. BOYDSTON: Okay. Do we have a motion?

23 MS. ANDERSON: Yes. I have a motion that
24 Pretty Face Salon has a finding of Rule
25 5.1(A)(5) for unlicensed salon of \$500.

1 MS. BOYDSTON: Do I have a second?

2 MR. KEARY: I'll second that motion.

3 MS. BOYDSTON: And a vote. All in favor?

4 COMMITTEE MEMBERS: Aye.

5 MS. BOYDSTON: All opposed?

6 Motion carries.

7 HEARING OFFICER: Let the record reflect
8 the vote was unanimous, or the decision was a
9 unanimous vote. Please reduce the committee's
10 decision to writing and make or attempt service
11 upon all parties. If the respondent cares to
12 appeal the decision, appeal can be taken under
13 the administrative -- Arkansas Administrative
14 Procedures Act, found at Arkansas Code
15 Annotated 25-15-201.

16 Are there any questions or comments about
17 these proceedings?

18 MS. DONALDSON: No.

19 HEARING OFFICER: This hearing then is
20 concluded and the record is closed.

21 Make sure they have your -- a good address
22 for you for mailing this out.

23 MS. DONALDSON: Okay.

24 HEARING OFFICER: All right. Thank you.

25 MS. DONALDSON: Thank you.

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(WHEREUPON, at 9:32 a.m., the
above-entitled hearing was concluded.)

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BEFORE THE COSMETOLOGY TECHNICAL ADVISORY COMMITTEE

(CTAC)

IN THE MATTER OF:

ARKANSAS DEPARTMENT OF HEALTH

PETITIONER

v.

SHEAR DEFIANCE SALON

RESPONDENT

ADMINISTRATIVE HEARING

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I N D E X

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Opening by Mr. White

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WITNESSES

KELLI KERSEY

Direct by Mr. White

38

Examination by the committee

46

KRISTA WELLS

Direct by Mr. White

50

Exhibit packet received

36

Motion by the committee

52

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1 HEARING OFFICER: All right. My name is
2 Dara Hall and I'm the Hearing Officer today In
3 The Matter of Shear Defiance Salon, which is to
4 be heard before the Cosmetology Technical
5 Advisory Committee. Today is 17 July 2017.

6 Please turn all cell phones off or place
7 them on silent mode so as not to disrupt these
8 proceedings.

9 Is anybody here representing Shear
10 Defiance Salon?

11 Shear Defiance Salon? Anybody?

12 Appearing to be nobody here representing
13 Shear Defiance Salon, Counsel for committee --
14 for the committee, are you ready to proceed on
15 this matter?

16 MR. WHITE: Yes.

17 HEARING OFFICER: I believe -- who are
18 your witnesses that you have?

19 MR. WHITE: It's going to be Ms. Kelli
20 Kersey.

21 HEARING OFFICER: She's previously sworn.
22 Anybody else?

23 MR. WHITE: No.

24 HEARING OFFICER: Okay. Then do you have
25 any preliminary matters to be discussed or

1 offered into evidence?

2 MR. WHITE: I would move that the packet
3 of documents numbered 1 through 26 be
4 introduced as Department Exhibit A.

5 HEARING OFFICER: All right. Any
6 objection to Department's Exhibit A being
7 introduced into evidence?

8 Hearing none, it is so admitted into
9 evidence, Exhibit A, and may be published to
10 the committee at this time.

11 (WHEREUPON, Department's Exhibit No. A was
12 received in evidence.)

13 HEARING OFFICER: Counsel, do you wish to
14 make an opening statement?

15 MR. WHITE: Yes.

16 HEARING OFFICER: Go ahead.

17 MR. WHITE: I would just briefly state
18 that Shear Defiance Salon engaged in shear
19 defiance of the rules. And that's -- as the
20 evidence will show the elements of the
21 instances of defiance that we will prove.

22 Thank you.

23 HEARING OFFICER: All right. Call your
24 first witness.

25 MR. WHITE: I will call Ms. Kelli Kersey.

1 WHEREUPON,

2 KELLI KERSEY,

3 having been called for examination, and having been first
4 duly sworn by the hearing officer, was examined and
5 testified, as follows:

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

9 DIRECT EXAMINATION

10 BY MR. WHITE:

11 Q Okay. And, Ms. Kersey, in your capacity as Section
12 Chief -- or, actually, did -- did you and one other
13 person perform an inspection of a salon known as Shear
14 Defiance Salon on February 2, 2017?

15 A Yes, sir. We did.

16 Q Who else performed it with you?

17 A Krista Wells, our Inspector Supervisor, went with
18 me.

19 Q Okay. And were some findings made with regard to
20 Shear Defiance Salon's compliance with the rules and
21 regulations?

22 A Yes, sir.

23 Q Okay. Could you describe for the committee what
24 those findings were?

25 A I can.

1 We actually went out on a complaint. We got a
2 complaint of this salon that the owner --

3 Q Let me just interrupt you.

4 A I'm sorry.

5 Q Was -- who made the complaint?

6 A One of the employees that works at Shear Defiance
7 actually submitted a complaint.

8 Q And it was --

9 MR. WHITE: What, was that --

10 HEARING OFFICER: No, I think the audience
11 was interested in that.

12 MR. WHITE: Oh.

13 HEARING OFFICER: Employee reporting their
14 employer.

15 MR. WHITE: Okay.

16 BY MR. WHITE:

17 Q Was it an anonymous complaint?

18 MS. MELTON: It happens all the time.

19 BY MR. WHITE:

20 Q Was it an anonymous complaint?

21 A It was.

22 Q And it's -- the actual complaint, is it in the
23 record there?

24 A It is. Yes, sir.

25 Q Okay. It's a handwritten note?

1 A Yes, sir.

2 Q Okay. And --

3 A She made it very clear that she was an employee, to
4 us, though.

5 Q Okay. After you received complaint you went out and
6 performed an inspection?

7 A Yes, sir.

8 Q What did you find as a result of the inspection?

9 A We found -- and you can look on Page 13 of the
10 records -- that Ms. Kelly, the cosmetologist, had altered
11 her license. They actually expired on 11/24/2015, and
12 she had made it into a 6.

13 Q Okay. I want to call your attention to Page 13 of
14 the packet.

15 A Uh-huh.

16 Q Is that a photocopy --

17 A That is a --

18 Q -- of her license?

19 A That is a photocopy. We actually confiscated the
20 license. I do have it if you -- if you want to see it.

21 Q Well, that's the photocopy of what you confiscated,
22 right, on Page 13?

23 A Correct. Yes, sir.

24 Q Okay. And when you see expiration there, when did
25 it actually expire?

1 A It actually expires 11/24/2015.

2 Q Okay. And --

3 A And she made it with a pen into a 16.

4 Q Okay. And so she did not have -- there was no

5 current practitioner license for Ms. Kelly?

6 A Yes.

7 Q Okay.

8 A Angela Kelly.

9 Q Okay.

10 A We also found that the salon was not licensed

11 either, there was no license for the salon, and there

12 were multiple health and safety violations.

13 Q Okay. Could you describe those for the committee?

14 A There was not any kind of Barbicide or disinfectant

15 on -- in the salon. There -- all the towels were out on

16 a shelf, they were not covered. There were multiple

17 brushes that had lots of hair in it. All of the -- let's

18 see.

19 Q And you have some pictures there?

20 A I do have pictures, uh-huh.

21 Q And those are pictures of your findings, correct?

22 A Yes, sir. These are pictures that we -- we found in

23 the salon. You can see that the -- that the -- on

24 Page 18, there are -- there's a used buffer, a used

25 fingernail file, an orange wood stick that has fingernail

1 polish on it, clearly been used before. On Page 19 that
2 shows where the towels were just sitting out on a shelf.

3 Q And they -- all of these things are violations of
4 the sanitary --

5 A Correct.

6 Q -- department rules, correct?

7 A Correct.

8 Page 20 is a pedicure bowl filter, clearly has rust
9 on it.

10 On 21, that's how the brushes and combs were being
11 stored.

12 MS. WARE: Are these supposed to be the
13 clean?

14 THE WITNESS: Well, that's questionable.
15 Yeah, you don't know if it's --

16 MS. WARE: Okay.

17 THE WITNESS: I don't know. You can't
18 tell, really.

19 MS. WARE: Okay.

20 THE WITNESS: On Page 22 there is Dremels
21 that are clearly dirty and have been used; 23
22 was in her drawer just like this, had hair all
23 over it; 24, there is the brushes with all the
24 hair in it. All -- you can clearly see that
25 every brush has hair in it. Twenty-five is

1 another picture, this is, like, above the
2 sinks, this is where the towels were and they
3 just stuck the -- I'm assuming that those
4 utensils are supposed to be clean but I'm not
5 sure.

6 BY MR. WHITE:

7 Q Okay.

8 A And then 26 is where there is a Barbicide jar but
9 there is nothing in it except for a dirty comb, so -- and
10 there was absolutely -- I mean there was no Barbicide in
11 the salon at all, no kind of disinfectant.

12 Q Okay. What kind of penalty are we requesting for
13 this, these series of violations?

14 It says on Page 6, \$600?

15 A Correct.

16 Q Is that the total for all the violations?

17 A Yes. We -- she was -- there was a hearing for this
18 salon last time, last meeting, and these were multiple --
19 you know, they were repeat, and so she hadn't even had
20 time to pay for those, so we don't generally send them
21 again if they haven't have time? Does that make sense?
22 Like the health and safety --

23 Q Okay.

24 A -- she already had those violations.

25 MS. ANDERSON: Okay.

1 THE WITNESS: Okay. She had not had time
2 to pay those. So you don't give them to her
3 again if she hasn't had time.

4 MS. ANDERSON: So, approximately, \$400?
5 I'm sorry. Can I ask that question?

6 THE WITNESS: It's \$600 for this one.

7 MS. ANDERSON: Right. But the others were
8 about \$400 --

9 THE WITNESS: Correct.

10 MS. ANDERSON: -- if I added up your check
11 marks?

12 THE WITNESS: I don't remember what they
13 were, but --

14 BY MR. WHITE:

15 Q So there is actually a basis to go by -- well, there
16 is always a basis to go by --

17 A Yes. She can -- correct.

18 Q But there were multiple violations that would
19 support --

20 A Correct.

21 Q -- a finding in and of themselves?

22 A Correct.

23 MR. WHITE: Okay. No further questions --
24 and, wait, I do have one more.

25 BY MR. WHITE:

1 Q Was there a specific finding with regard to the
2 fraud, the fraudulent alteration of the license, or just
3 simply that she did not have a current license? Is that
4 the only finding?

5 A We -- it is in the Order of Notice of Hearing.

6 Q Okay.

7 A It is not on our fee schedule, so that is not added
8 into that.

9 Q Okay.

10 A So -- in our recommendation. Does that make sense?
11 I mean y'all can give a fine for that.

12 Q But are we -- we are --

13 A We didn't -- I mean it's on the Notice of Hearing.

14 Q Right. And --

15 A It's listed.

16 Q Okay. All right.

17 A It's on Page 3. It's in the statute 17-26-105,
18 Grounds For Disciplinary Action.

19 Q Are -- but we're not making a separate request for
20 the license expiration -- not having a current license,
21 are we making a separate finding -- are we asking for a
22 separate penalty for that or is that part of the 600?

23 A Separate. It's not on -- it's not part of the 600.

24 Q Okay.

25 MS. ANDERSON: May I ask a question?

1 Not yet.

2 HEARING OFFICER: Are you ready to pass
3 this witness?

4 MR. WHITE: Yes.

5 HEARING OFFICER: You may now -- the
6 committee may ask questions of this witness.

7 MS. ANDERSON: Okay. Clarification
8 question.

9 THE WITNESS: Okay.

10 MS. ANDERSON: Okay. So in the past, I
11 don't remember a fraudulent license, that had
12 been fraudulent before that had a -- that came
13 before us, so is there an example of a fine for
14 a fraudulent license like this? Because I know
15 we've had them in the past, we changed over and
16 did different kinds of license and we didn't
17 have any fines on those, that I know of, other
18 than they just didn't have a license. But this
19 one is obviously been changed and altered, so
20 do we have anything that's --

21 THE WITNESS: I have not --

22 MS. ANDERSON: -- a previous fine?

23 THE WITNESS: I have not that had since
24 I've been here --

25 MS. ANDERSON: Because we had --

1 THE WITNESS: -- seven years.

2 MS. ANDERSON: -- years ago we had a card
3 that was like a driver's license, because
4 everybody was doing things like this, and then
5 we had people who were copying these and making
6 copies of these and making them into license
7 without being licensed. So we had that. But I
8 don't know -- but they just got a fine for not
9 being licensed but they were fraudulent too.
10 So but I don't remember -- so it's up to us to
11 fine them, the determination we choose, is that
12 what you're saying?

13 MR. WHITE: (Nodding head up and down.)

14 THE WITNESS: Correct.

15 MS. ANDERSON: Okay.

16 MS. BOYDSTON: Are they licensed now?

17 THE WITNESS: Well, they can't be until
18 they pay their fines.

19 MS. ANDERSON: And they haven't paid their
20 fines yet?

21 THE WITNESS: (Shaking head from side to
22 side.)

23 MS. ANDERSON: The \$400 or whatever it is
24 that is for these other sanitation issues?

25 THE WITNESS: From their last hearing.

1 This is not -- it's not in here.

2 MS. ANDERSON: Okay.

3 MS. MELTON: So she's asking did they pay
4 their prior hearing?

5 THE WITNESS: No.

6 MR. KEARY: Are they still in operation?
7 Are they still open?

8 THE WITNESS: She -- not this salon. I
9 will say not this salon.

10 MS. ANDERSON: So she does have a
11 different -- another salon and moved to another
12 location?

13 THE WITNESS: Uh-huh. Correct.

14 MS. ANDERSON: Good job.

15 THE WITNESS: And we inspected her last
16 week -- week before last? Was it last week?

17 Sorry, I shouldn't ask that question, but
18 anyway --

19 MS. ANDERSON: For the new salon?

20 THE WITNESS: Yes.

21 MS. ANDERSON: Can I ask, did she have the
22 same violations?

23 May I ask, did she have the same
24 violations?

25 THE WITNESS: I -- honestly, I can't

1 answer that question, I don't know. I haven't
2 seen the inspection sheet.

3 MS. ANDERSON: Okay.

4 THE WITNESS: But I do know that we did
5 inspect her.

6 MR. WHITE: Who did the inspection?

7 THE WITNESS: Krista.

8 MS. WELLS: It was unlicensed.

9 THE WITNESS: Sh.

10 HEARING OFFICER: Do you have anything
11 else?

12 MR. WHITE: Yes.

13 HEARING OFFICER: Okay. We'll get into
14 that. Any other questions from the committee?

15 MS. ANDERSON: No, that was it.

16 HEARING OFFICER: Okay. Would the State
17 like to call another witness?

18 MR. WHITE: Yes. We'll call Krista Wells.

19 HEARING OFFICER: Ms. Wells, were you
20 previously sworn?

21 MS. WELLS: No.

22 HEARING OFFICER: If not, stand up and
23 raise your right hand to be sworn.

24 WHEREUPON,

25 KRISTA WELLS,

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 HEARING OFFICER: Please give our court
5 reporter your name.

6 THE WITNESS: Krista Wells, Inspector
7 Supervisor, Department of Health, Cosmetology
8 and Massage Therapy Section.

9 HEARING OFFICER: All right. You may
10 question the witness.

11 DIRECT EXAMINATION

12 BY MR. WHITE:

13 Q Ms. Wells, as an Inspection Supervisor, did you
14 perform an inspection of Shear Defiance Salon at some
15 point in time after the inspection Ms. Kersey was just
16 testifying about?

17 A Yes. We tried to go out on the complaint and didn't
18 get her, multiple times she was closed at the new
19 location.

20 Q Uh-huh.

21 A And so the inspector did get her after hours at a
22 different time that I was not there.

23 Q Okay. Were -- did you make any more -- did you make
24 any more findings with regard to either her or Shear
25 Defiance as a result of your inspection?

1 A I did not but the inspector did on her -- while she
2 was out by herself.

3 Q Okay. Do you know what those findings were?

4 A She did get another unlicensed salon.

5 Q Okay. And --

6 MR. WHITE: Okay. No further questions.

7 HEARING OFFICER: Committee have any
8 questions for this witness?

9 All right. There appear to be none. Do
10 you plan to recall this witness in any other
11 cases?

12 MR. WHITE: I don't think so, no.

13 HEARING OFFICER: Then would you like to
14 excuse her permanently, then?

15 MR. WHITE: Well, she's going to stay
16 anyway.

17 HEARING OFFICER: Well, I mean -- well,
18 you're excused temporarily then, in case we
19 need you again.

20 MS. WELLS: All right. Right here.

21 HEARING OFFICER: You're sworn in.
22 Call your next witness.

23 MR. WHITE: We rest.

24 HEARING OFFICER: All right. Would you
25 like to make a closing argument?

1 MR. WHITE: No. I'll waive closing.

2 HEARING OFFICER: All right. At this time
3 we will go off the record for the committee's
4 recess for deliberations and a decision
5 regarding the findings of fact, conclusions of
6 law, or any penalties to be handed down. Once
7 the committee reaches a decision, we will go
8 back on the record.

9 The deliberations are open to the public
10 under the Freedom of Information Act, all
11 parties may remain and observe the
12 deliberations.

13 We are now off the record.

14 (WHEREUPON, the Committee retired to
15 deliberate, off the record, from 9:48 a.m. to
16 10:16 a.m., and returned with the following
17 decision:)

18 HEARING OFFICER: We will now go back on
19 the record for the committee's decision.

20 MS. BOYDSTON: Okay. Did we have a motion
21 on the finding?

22 MS. ANDERSON: We have a motion. We have
23 a finding that Shear Defiance is in
24 noncompliance of the law in that the location
25 of 9150 Northwest 10th Street, B, in

1 Bentonville, owned by Angela Kelly, was an
2 unlicensed salon, Rule 5.1(A)(5); and also that
3 there is a fine for 5.1(6), allowing a person
4 without a license to work, which is current.
5 We also have our motion to suspend her license
6 at this time for the salon until all fees and
7 previous fees are paid. That would be my
8 motion.

9 MS. BOYDSTON: That was option three.

10 MS. ANDERSON: All fees and previous fees.

11 MR. WHITE: My understanding was she
12 doesn't have a current salon license, it's --
13 and so there is nothing there to suspend. I
14 don't think there is a motion to suspend
15 pending payment of penalties for the salon. I
16 don't think there is -- I think your only
17 option for that salon is to -- I mean we had --
18 is to impose fines.

19 MS. BOYDSTON: We're just going to impose
20 fines today. But that was our option three.

21 MS. ANDERSON: So instead of suspend, take
22 that word out and put fines, please. Do I need
23 to repeat that?

24 MR. WHITE: I think so.

25 HEARING OFFICER: You did such a good job.

1 MS. ANDERSON: In finding that Salon
2 Defiance, owned by Angela Kelly --

3 HEARING OFFICER: Is that Shear Defiance?

4 MS. ANDERSON: Shear Defiance. Yes. Yes,
5 it is Shear -- thank you -- Shear Defiance,
6 owned by Angela Kelly at 915 Northwest 10th,
7 Suite B, Bentonville, Arkansas, has a fine of
8 \$600 -- did you say a thousand?

9 MS. WARE: 1,000.

10 MS. ANDERSON: -- \$1,000, pardon me, for
11 violation of Rule 5.1(A)(5) and (6); (5) being
12 unlicensed salon and (6) being allowing a
13 person to work without a license. That total
14 fine would be \$1,000.

15 MR. KEARY: I second that motion.

16 MS. BOYDSTON: And shall we take a vote?
17 All in favor?

18 COMMITTEE MEMBERS: Aye.

19 MS. BOYDSTON: All opposed?

20 Motion carries.

21 HEARING OFFICER: Let the record reflect
22 the decision was unanimous; please, reduce the
23 committee's decision to writing and make or
24 attempt service upon all parties.

25 Are there any other questions or comments

1 on this case?

2 MS. ANDERSON: I would like --

3 MR. WHITE: Yes.

4 MS. ANDERSON: I would like to --

5 MS. KERSEY: Hang on.

6 HEARING OFFICER: Do you want to do them
7 on the record? Because I'm going to conclude
8 the record unless you have comments or
9 questions for the record?

10 If not, then we will conclude this hearing
11 and the record is closed.

12 (WHEREUPON, at 10:20 a.m., the
13 above-entitled hearing was concluded.)

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1 HEARING OFFICER: All right. My name is
2 Dara Hall, and I'm the Hearing Officer today In
3 The Matter of Allisha Hall, which is to be
4 heard before the Cosmetology Technical Advisory
5 Committee. Today is 17 July 2017.

6 Respondent, Allisha Hall, please identify
7 yourself for the record and have a seat across
8 from my court reporter.

9 Allisha Hall?

10 She has been called for, she does not
11 appear to be present.

12 Committee's counsel, would you like to
13 proceed?

14 MR. WHITE: Yes.

15 HEARING OFFICER: All right. Do you have
16 any additional witnesses that weren't sworn
17 prior to this?

18 MR. WHITE: I don't believe so.

19 HEARING OFFICER: We have a new person
20 down here. Are you --

21 MR. WHITE: I don't think I'm going to
22 need her, but -- no offense, but I don't.

23 HEARING OFFICER: Okay. All right. Then
24 everybody has already been sworn. I'll remind
25 every -- all of your potential witnesses they

1 have been sworn previously.

2 Do you have any other preliminary matters
3 to be discussed or offered at this time?

4 MR. WHITE: Yes. We would -- the
5 Department would move to introduce as
6 Department Exhibit A the packet of documents
7 numbered 1 through 12.

8 HEARING OFFICER: All right. So paginated
9 1 through 12, just one Exhibit A?

10 MR. WHITE: That's correct.

11 HEARING OFFICER: Make sure I got it clear
12 for the record.

13 Any objection to the admission of Exhibit
14 A, which is paginated 1 through 12? Any
15 objections to the admission of Exhibit A?

16 Hearing none, it is so admitted and may be
17 published to the committee at this time as
18 Exhibit A.

19 (WHEREUPON, Department's Exhibit A was
20 received in evidence.)

21 HEARING OFFICER: Any other preliminary
22 matters?

23 MR. WHITE: No.

24 HEARING OFFICER: Do you wish to make an
25 opening statement?

1 MR. WHITE: I'll waive it.

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

4 MR. WHITE: I'll call Ms. Lavonne Lester.

5 WHEREUPON,

6 LAVONNE LESTER,

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 MR. WHITE:

12 Q Ms. Lester, did you -- you're an inspector at the
13 Department of Health, correct?

14 A Yes.

15 Q Okay. And in that capacity, did you perform an
16 inspection of a salon where Ms. Allisha Hall was working
17 on March 23, 2017?

18 A Yes.

19 Q Okay. And as a result of that inspection, did you
20 make any findings with regard to the license of Allisha
21 Hall?

22 A Yes. We found that both her license, her salon and
23 her cosmetologist license were expired at that time.

24 Q Okay. But for reasons we don't need to go into
25 today, we're only here today to talk about the -- the

1 individual license.

2 A Cosmetologist license? Yes. Okay.

3 Q Yes. And did -- so you found she did not have a --
4 the license she had posted was expired?

5 A Yes.

6 Q Okay. And --

7 MR. WHITE: That's all the questions I
8 have. Thank you.

9 HEARING OFFICER: Does the committee have
10 any questions for this witness?

11 Appears to be none. Would you like to
12 excuse this witness permanently?

13 MR. WHITE: Temporarily.

14 HEARING OFFICER: Oh, temporarily.

15 You are so excused temporarily.

16 Call your next witness.

17 MR. WHITE: I will call Kelli Kersey.

18 WHEREUPON,

19 KELLI KERSEY,

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

23 DIRECT EXAMINATION

24 BY MR. WHITE:

25 Q Ms. Kersey, you are the Section Chief for

1 Cosmetology?

2 A Yes, sir.

3 Q Okay. And in that capacity, after Ms. Lester
4 concluded her investigation, did she report her findings
5 to you?

6 A Yes, sir.

7 Q Okay. And after she reported her findings, did you
8 look up the status of Ms. Allisha Hall's license in the
9 database?

10 A Yes, sir. I did.

11 Q Okay. What were your findings?

12 A That her license was expired, and it had expired on
13 8/5/2016. Sorry.

14 Q Okay. And so at least six months went by where she
15 was operating without a license; is that correct?

16 A Correct.

17 Q Okay. And has it been renewed today?

18 A It has been renewed. She did renew it.

19 Q On what date?

20 A On 4/11.

21 Q '17?

22 A Yes. '17.

23 Q Okay.

24 A I'm sorry.

25 MR. WHITE: I have no further questions.

1 HEARING OFFICER: Does the committee have
2 any questions for this witness at this time?

3 MS. ANDERSON: Yes.

4 Okay. So on our form, on Page 12, it is
5 written in our complaint as well in statement
6 of fact that she was performing as well as the
7 salon, correct? That she did not have an
8 establishment license or an individual license.
9 Is there a reason we are to overlook 5.1(5) as
10 an unlicensed salon?

11 THE WITNESS: Yeah. She -- yeah.

12 Do you want me to tell her or do you want
13 to tell her?

14 MR. WHITE: (Nodding head up and down.)

15 THE WITNESS: She actually had renewed her
16 license, it was licensed, and it was a send
17 back, but she did it before the 30-day grace
18 period and all that, so she has renewed that.

19 MS. ANDERSON: Okay. Thank you.

20 THE WITNESS: So we didn't bring her for
21 that.

22 MS. ANDERSON: Thank you.

23 THE WITNESS: Yeah.

24 HEARING OFFICER: Anybody have any
25 additional questions for this witness?

1 MR. KEARY: So, basically, we're just
2 looking at unlicensed person?

3 MS. ANDERSON: Uh-huh.

4 MR. KEARY: But that's also been renewed
5 as well?

6 THE WITNESS: Correct.

7 MR. KEARY: Okay.

8 MS. BOYDSTON: But the fines haven't been
9 paid.

10 MS. JONES: But she worked seven months
11 before she renewed.

12 MS. ANDERSON: Right.

13 THE WITNESS: That's correct. That's the
14 issue.

15 MS. BOYDSTON: So -- so she renewed but
16 she has not paid her fine?

17 THE WITNESS: Correct.

18 MS. BOYDSTON: Correct?

19 THE WITNESS: Correct.

20 HEARING OFFICER: Any redirect from the
21 committee's counsel at this time?

22 MR. WHITE: No.

23 HEARING OFFICER: Anybody have any
24 additional questions?

25 All right. There being none, does the

1 State rest?

2 MR. WHITE: Yes.

3 HEARING OFFICER: Do you wish to make a
4 closing argument?

5 MR. WHITE: No. I'll waive closing.

6 HEARING OFFICER: At this time we will go
7 off the record for the committee's recess for
8 deliberations and a decision regarding the
9 findings of fact, conclusions of law, and/or
10 any penalties to be handed down. Once the
11 committee reaches a decision, we will go back
12 on the record.

13 The deliberations are open to the public
14 under the Freedom of Information Act and all
15 parties may remain and observe the
16 deliberations.

17 We are off the record.

18 (WHEREUPON, the Committee retired to
19 deliberate, off the record, from 10:31 a.m. to
20 10:33 a.m., and returned with the following
21 decision:)

22 HEARING OFFICER: We will now go back on
23 the record for the committee's decision.

24 MS. BOYDSTON: Do we have a motion on the
25 findings?

1 MS. ANDERSON: Yes. We have a statement
2 of fact and a finding of that fact that
3 Arkansas Code 17-26-105 on -- she was
4 performing -- No. 7, she was performing that
5 cosmetology without a license, and that finding
6 for that -- the penalty for that would be \$100.
7 It's Rule No. 5.1(a)(7).

8 MS. BOYDSTON: Do I have a second?

9 MR. KEARY: I'll second that.

10 MS. BOYDSTON: All in favor?

11 COMMITTEE MEMBERS: Aye.

12 MS. BOYDSTON: All opposed?

13 Motion carries.

14 HEARING OFFICER: Let the record reflect
15 the decision was unanimous. Please reduce the
16 committee's decision to writing and make or
17 attempt service upon all parties.

18 Are there any other questions or comments
19 regarding this hearing?

20 There being none, this hearing is
21 concluded and the record is closed.

22 (WHEREUPON, at 10:34 a.m., the
23 above-entitled hearing was concluded.)

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1 Kelli Kersey presented program updates and
2 results of the ad hoc committee; new rules and
3 bills were discussed. Motion to accept and
4 move forward on these rules and regulations was
5 made by Mr. Keary; second by Ms. Jones; motion
6 carried unanimously.

7 Meeting was adjourned at 11:35 a.m.

8 (WHEREUPON, at 11:35 a.m., the
9 above-entitled proceedings were concluded.)

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3 CERTIFICATE

4 STATE OF ARKANSAS)

5 COUNTY OF PULASKI)

6 I, SUSAN B. WHITSON, Certified Court Reporter
7 and notary public in and for Pulaski County, State of
8 Arkansas, do hereby certify that the meeting and hearings
9 held before the Arkansas Department of Health,
10 Cosmetology Technical Advisory Committee, July 17, 2017,
11 were taken by me in Stenotype and reduced to
12 computer-generated typewritten form by me or under my
13 direction and supervision; that the witnesses were duly
14 sworn by the Hearing Officer; and that the same is a true
15 and correct reflection of the proceedings that occurred,
16 to the best of my knowledge and ability.

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

1 affect impartiality, that requires me to relinquish
2 control of an original transcript or copies of the
3 transcript before it is certified and delivered to the
4 custodial attorney, or that requires me to provide any
5 service not made available to all parties to the action.

6 SIGNED AND SWORN this _____ day of
7 _____.

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SUSAN B. WHITSON, CCR, #158

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NOTARY COMMISSION #12388076

16

NOTARY PUBLIC IN AND FOR

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PULASKI COUNTY, ARKANSAS

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19 My Commission Expires: June 4, 2022.

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