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ARKANSAS DEPARTMENT OF HEALTH
COSMETOLOGY SECTION
COSMETOLOGY TECHNICAL ADVISORY COMMITTEE

BE IT REMEMBERED that on Monday, the 23rd day of January 2017, 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:

TONYA BOYDSTUN, Chair
BRIAN KEARY, Co-Chair
ANGELA JACKSON
TRISH ANDERSON
JESSICA PECK
LOIS WARE

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 REGINALD ROGERS, ESQ.

4 HEARING OFFICER:

5 DARA HALL, 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
CONNIE MELTON, ADH Branch Chief, Health Systems Licensing
10 and Reg
TERI PREACHERS - Administrative Specialist
11

12 Inspectors Present:

13 LAVONNE LESTER
VERA WOOD
14 YVONNE SMITH
KRISTA WELLS -Inspector Supervisor
15

16 ALSO PRESENT:

17 Andrea Champ
Janita Hughes
18 Lizzy Smith
19

20 Court Reporter:

21 Susan B. Whitson, CCR
Arkansas Supreme Court Certificate No. 158
22
23
24
25

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1 The meeting of the Arkansas Health Department
 2 Cosmetology Technical Advisory Committee was called to
 3 order by Angela Jackson. Committee members present:
 4 Angela Jackson, Trish Anderson, Lois Ware, Brian Keary,
 5 Tonya Boydston, and Jessica Peck.

6 Motion was made by Trish Anderson to approve the
 7 minutes of the last meeting, second by Jessica Peck.
 8 Past unanimously.

9 Motion was made by Jessica Peck to accept the paid
 10 violations, second by Lois Ware. Past unanimously.

11 Motion was made by Angela Jackson to nominate Tonya
 12 Boydston as chair, second by Brian Keary. Past
 13 unanimously.

14 Motion was made by Angela Jackson to nominate Brian
 15 Keary as co-chair, second by Jessica Peck. Past
 16 unanimously.

17 Motion was made by Angela Jackson to pay travel
 18 reimbursement to committee members, second by Tonya
 19 Boydston. Past unanimously.

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1 the record.

2 And do we have a table for them to sit at?

3 MS. KERSEY: Yeah. She can just go up
4 there to the table.

5 HEARING OFFICER: All right. So we'll
6 back up just a little bit.

7 Please identify yourself for the record.

8 MS. CHAMP: Champu Chic, Andrea Champ.

9 HEARING OFFICER: Are you represented by
10 counsel?

11 MS. CHAMP: No.

12 HEARING OFFICER: Are you aware you have
13 the right to have counsel present?

14 MS. CHAMP: Now I am, yes. Yeah.

15 HEARING OFFICER: Okay. If at any time
16 you do not understand the proceedings, please,
17 let me know.

18 MS. CHAMP: Uh-huh.

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

22 MS. CHAMP: Yes, sir.

23 HEARING OFFICER: Are you ready to proceed
24 on this matter?

25 MS. CHAMP: Yes.

1 HEARING OFFICER: For the benefit of
2 anyone present today who may not have appeared
3 in an administrative hearing, the committee
4 will base its decision solely on the evidence
5 presented here today. The hearing is held
6 pursuant to the Administrative Procedures Act,
7 which means that the strict rules of evidence
8 do not apply and the parties will be given
9 latitude in introducing evidence. This is to
10 promote a fair hearing and to provide the board
11 with adequate information to make a decision.

12 The administrative adjudicatory process
13 should be more expeditious and less expensive
14 for all parties than a judicial proceeding.
15 The hearing should be much less formal,
16 consistent with the fundamentals of fairness,
17 impartiality, and thoroughness. The hearing
18 officer's goal is to develop a fair, accurate,
19 intelligible, and concise record that can be
20 reviewed. To ensure efficiency of the
21 proceeding I will grant objections or caution
22 the parties only as necessary.

23 If there is anything that you have in your
24 possession that you want the committee to
25 consider, you must offer it into evidence

1 today. All participants in the hearing should
2 be aware that these proceedings are subject to
3 the Freedom of Information Act, and as such,
4 all parts of the hearing, including the
5 deliberations of the committee, are open to the
6 public.

7 For those of you who are or may be
8 witnesses today in this matter, please, raise
9 your right hands to be sworn in.

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

12 HEARING OFFICER: All right. Thank you.

13 Are there any other preliminary matters to
14 be discussed or offered at this time? Counsel?

15 MR. ROGERS: The State has an exhibit
16 package, we would like that marked as State's
17 Exhibit 1. It's an Order and Notice of Hearing
18 is the first page, it says before the
19 Cosmetology -- Cosmetology Technical Advisory
20 Committee, CTAC, In The Matter of Arkansas
21 Department of Health versus Champu Chic, and
22 it's a seven-page document which includes, on
23 the third page, a return receipt, signed; I
24 believe, about the fourth page is a consent
25 agreement, unsigned but at the bottom of that

1 sheet is a hearing request signed; there's a
2 cover dated November 3, 2016, to Champu Chic,
3 discussing the violation and the options for a
4 hearing; the sixth page is a listing of
5 violations; and the final page, Page 7 of 7, I
6 believe, should be the inspection report for
7 the clinic -- I mean, excuse me, the facility
8 that was visited.

9 We would move for the introduction of
10 State's Exhibit No. 1.

11 HEARING OFFICER: Does the respondent have
12 a copy of this --

13 MS. CHAMP: Yes.

14 HEARING OFFICER: -- document?

15 Do you have any objections to this being
16 entered into evidence?

17 MS. CHAMP: No. Just that they spelled
18 the name wrong, and, yeah, that's what it.

19 HEARING OFFICER: Which -- which name?

20 MS. CHAMP: It's Champu Chic without the
21 k.

22 HEARING OFFICER: Okay.

23 MR. ROGERS: If -- it does have a k?

24 MS. CHAMP: Does not.

25 HEARING OFFICER: It does not have a k, I

1 believe, she is saying.

2 MR. ROGERS: Oh. It says c-h-i-c-k. I
3 see. Okay. C-h-i-c instead of C-h-i-c-k.
4 Okay.

5 We'll make that -- that's duly noted.

6 HEARING OFFICER: All right. There being
7 no other objection, it is so admitted as
8 State's Exhibit 1.

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

11 HEARING OFFICER: Are there any other
12 evidentiary matters to take care of at this
13 time for the State?

14 MR. ROGERS: None from the State.

15 HEARING OFFICER: Respondent, do you have
16 any exhibits you would like entered into
17 evidence today?

18 MS. CHAMP: No. Not any exhibits, but I
19 was just --

20 HEARING OFFICER: Any documents to offer
21 the board?

22 MS. CHAMP: No.

23 HEARING OFFICER: This isn't a time for
24 testimony or statements.

25 MS. CHAMP: That's okay. No.

1 HEARING OFFICER: Just -- just exhibits.

2 MS. CHAMP: Yeah, no.

3 HEARING OFFICER: Okay. Then, counsel for
4 the State, are you ready to proceed?

5 MR. ROGERS: We're ready to proceed.

6 HEARING OFFICER: Do either of you wish to
7 make an opening statement?

8 Now you get to make a statement if you
9 would like.

10 MR. ROGERS: State waives the opening
11 statement.

12 HEARING OFFICER: Respondent, would you
13 like to make an opening statement?

14 MS. CHAMP: Yes, please.

15 HEARING OFFICER: Go ahead.

16 MS. CHAMP: I just want to say that I --
17 this is the first salon that I opened or
18 whatever and I thought that I had had all of my
19 licensures and everything taken care of and
20 that if I did -- if I knew I had to have that
21 license, I would have had it and already paid
22 for it, you know, like, what I'm saying.

23 And also I would like to say that it's a
24 salon downstairs from us that opened before us
25 and I thought this was, like, a warning or

1 whatever, but and they gave her a warning for
2 the same thing, to get her thing, because she
3 didn't know about it either.

4 That's all I have to say.

5 HEARING OFFICER: All right. State, are
6 you ready to call your first witness?

7 MR. ROGERS: Yes. Call Kelli Kersey,
8 please.

9 WHEREUPON,

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

14 DIRECT EXAMINATION

15 BY MR. ROGERS:

16 Q State your name and where you're employed.

17 A Kelli Kersey, Arkansas Department of Health,
18 Cosmetology and Massage Therapy Section Chief.

19 Q And you have before you State's Exhibit No. 1. And
20 why are we here today?

21 A Because Ms. Champ requested a hearing.

22 Q Okay. And what is this hearing -- what violations
23 are covered?

24 A Unlicensed salon.

25 Q And is that a violation of the rules and regulations

1 pertaining to cosmetology?

2 A Yes, sir. It is.

3 Q All right. And did you have inspectors to go out to
4 the facility?

5 A Yes, sir. I did.

6 Q And who were they or who are they?

7 A Lavonne Lester and Yvonne Smith.

8 Q And are they present here today?

9 A Yes, sir.

10 MR. ROGERS: Okay. At this time, pass the
11 witness.

12 HEARING OFFICER: Do you have any cross
13 for this witness, Ms. is it Chic?

14 MS. CHAMP: Champu Chic.

15 HEARING OFFICER: Yeah. Oh, is that all
16 one word or is that --

17 MS. CHAMP: No. It's two.

18 HEARING OFFICER: Okay. Do you have a --
19 which one -- is your last name Chic?

20 MS. CHAMP: No. My last name is Champ.

21 HEARING OFFICER: Champ? Okay. I'm
22 sorry.

23 MS. CHAMP: No problem.

24 HEARING OFFICER: Ms. Champ, do you have
25 any questions for this witness?

1 MS. CHAMP: No. Nothing. Not at this
2 time.

3 HEARING OFFICER: Does the committee have
4 any questions for this witness?

5 MS. BOYDSTUN: I do.

6 HEARING OFFICER: Go ahead.

7 THE WITNESS: Me.

8 MS. BOYDSTUN: Ms. Champ, you --

9 HEARING OFFICER: No. Just the witness.

10 MS. BOYDSTUN: I'm just trying to
11 understand, there has never been a license for
12 the salon, it's a brand new license -- brand
13 new salon?

14 THE WITNESS: Correct.

15 MS. ANDERSON: I have a question.

16 THE WITNESS: Uh-huh.

17 MS. ANDERSON: On Page 6, we have several
18 things listed besides this one, so these are
19 other salons, correct?

20 THE WITNESS: This number that this is
21 under in CLIPS is unlicensed people. We have a
22 number for unlicensed.

23 MS. ANDERSON: So these are unlicensed
24 also --

25 THE WITNESS: Yeah. The notes are --

1 yeah.

2 MS. ANDERSON: That's the ones --

3 THE WITNESS: It's just the one at the top
4 that is her.

5 MS. ANDERSON: Okay. Thank you.

6 THE WITNESS: Okay.

7 HEARING OFFICER: Can the court reporter
8 see the names of the committee members?

9 COURT REPORTER: Yes, sir.

10 HEARING OFFICER: Okay. I just wanted to
11 make sure we got those recorded.

12 Any other questions from the committee at
13 this time?

14 Would you like to excuse this witness?

15 MR. ROGERS: No. I would have to call her
16 back at the end, so I would like to move for
17 the next witness.

18 HEARING OFFICER: Subject to recall?

19 MR. ROGERS: Yes.

20 HEARING OFFICER: Okay. She is excused
21 temporarily, subject to recall.

22 MR. ROGERS: All right.

23 HEARING OFFICER: Go to your next witness.

24 MR. ROGERS: Ms. Lester, please.

25 WHEREUPON,

1 LAVONNE LESTER,
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 MR. ROGERS:

7 Q State your name and where you're employed.

8 A Lavonne Lester, Arkansas Board of Cosmetology.

9 Q What are your job duties?

10 A Inspector.

11 Q And what do you inspect?

12 A Beauty shops, schools.

13 Q And tell us about your inspection of Champu Chic on
14 Kavanaugh in Little Rock, Arkansas?

15 A Okay. Actually I was in the process of training
16 Ms. Smith, who has only -- had only been there a couple
17 of weeks at the time.

18 Q Is that Ms. Smith who is next to you?

19 A Yes.

20 Q All right. Go ahead.

21 A And we went to 3000 Kavanaugh, and there was several
22 salons in that building. And when we first went to
23 Champu Chick or Chic -- excuse me.

24 MS. CHAMP: It's okay.

25 THE WITNESS: I saw it both ways -- it

1 had -- it was closed. So we went about going
2 to some other salons, and when we came back by
3 there she was actually open so we entered.
4 And, of course, I asked her where her license
5 were and she handed me her cosmetologist
6 license, her business license from the City,
7 but she did not have a salon license through
8 our board.

9 BY MR. ROGERS:

10 Q And by state law she's required to also have a salon
11 license; is that correct --

12 A Yes.

13 Q -- as well as an individual cosmetologist's license?

14 A Yes.

15 Q Is that correct?

16 A Yes. Exactly, yes.

17 Q And did she understand that she needed an individual
18 license or did you have any -- recall any --

19 A Well, I thought she understood it before we left.

20 Q All right. And to your knowledge, has she obtained
21 such a salon license?

22 A Not to my knowledge.

23 Q Has she been operating since your inspection back in
24 October 27th last year?

25 A I would guess that she has, yeah.

1 Q To the best of your knowledge?

2 A I don't know that, but yes.

3 Q Okay. And she admitted she did not have such a
4 salon license?

5 A Uh-huh.

6 Q Is that correct?

7 A Yes.

8 Q Anything else you would like to inform the committee
9 of?

10 A No.

11 MR. ROGERS: Pass the witness.

12 HEARING OFFICER: Cross, Ms. Champ?

13 MS. CHAMP: Cross?

14 See, explain that. I don't
15 know understand that.

16 THE WITNESS: Cross-examine.

17 HEARING OFFICER: Ask her questions. Do
18 you have any questions you want to ask that
19 witness?

20 MS. CHAMP: No. I don't have any
21 questions. No.

22 HEARING OFFICER: Does the committee have
23 any questions for this witness at this time?

24 MR. KEARY: I do, I've got one. So she
25 wasn't fully sure. Have you gotten your

1 license as of the time of --

2 MS. CHAMP: No. When I went up to the --

3 HEARING OFFICER: No, it's not her.

4 It's -- it's the witness who just testified's
5 turn.

6 MR. KEARY: Okay. You've already said you
7 weren't sure yet, correct?

8 THE WITNESS: (Shaking head from side to
9 side.)

10 HEARING OFFICER: We'll get there.

11 Any other questions at this time?

12 All right.

13 MR. ROGERS: Call Ms. Smith, please.

14 WHEREUPON,

15 YVONNE SMITH,

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. ROGERS:

21 Q State your name and where you're employed, please.

22 A Yvonne Smith, the Arkansas Department of Health,
23 Cosmetology and Massage Therapy Section.

24 Q And did you accompany Ms. Lester to visit the Champu
25 Chic, I believe is one way of pronouncing it, on

1 October 27, 2016?

2 A Yes, I did.

3 Q And that was around your, what, second or third week

4 working for the Department of Health; is that correct?

5 A Second week.

6 Q Second week?

7 A (Nodding head up and down.)

8 Q And do you recall Ms. Champ having a salon license?

9 A No. I don't.

10 Q And did she state she did not have such a license?

11 Do you recall that?

12 A Yes. She stated she didn't.

13 Q And on Page 7 of State's Exhibit No. 1 is an

14 inspection report. Is that your inspection report along

15 with Ms. Lester?

16 A It is.

17 Q Okay. And your signatures or names are on the

18 report; is that correct?

19 A Yes.

20 Q And it's check marked under Rule 5.1(A)(5),

21 unlicensed salon; is that correct?

22 A Yes.

23 Q Anything else you would like to inform the committee

24 of?

25 A No.

1 MR. ROGERS: Pass the witness.

2 HEARING OFFICER: Ms. Champ, do you have
3 any questions for this witness at this time?

4 MS. CHAMP: No.

5 HEARING OFFICER: Committee, do you have
6 any questions of this witness at this time?

7 If there are no questions, would you like
8 to excuse this witness, at least temporarily?

9 MR. ROGERS: Yes. Perhaps even
10 permanently.

11 HEARING OFFICER: You -- you are excused
12 permanently, Ms. Smith.

13 Do you have another witness to call at
14 this time?

15 MR. ROGERS: I would like to recall Kelli
16 Kersey, please.

17 WHEREUPON,

18 KELLI KERSEY,

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

22 DIRECT EXAMINATION

23 BY MR. ROGERS:

24 Q Ms. Kersey, has Champu Chic obtained their salon
25 license as of this date?

1 A She has not.

2 Q All right. And you've checked the records and
3 you're familiar with the business records of the
4 cosmetology section and she has not applied?

5 A Yes, sir.

6 Q And what's necessary to get such a salon license?
7 What would have to be done?

8 A She would either have to mail in the application or
9 go online and fill out a new establishment application.

10 Q So it can be done by mailing in or online?

11 A (Nodding head up and down.)

12 Q And is there a fee for such an application or
13 license?

14 A \$150.

15 Q And has that been paid, according to your records?

16 A It has not.

17 Q And there was mention of, I believe it's about the
18 sixth page of State's Exhibit No. 1, and that record
19 shows what again?

20 A The top part of it is -- is her violation. This
21 number that's in our CLIPS system, it's for unlicensed,
22 salons or practitioners that are not in the CLIPS system.

23 Q Okay.

24 A So we have to put them under just a generic number.

25 Q And I notice the date to the right is November 2,

1 2016?

2 A Uh-huh.

3 Q But that's when that was checked?

4 A That's when it was entered, yeah.

5 Q Entered?

6 A Entered, yeah.

7 Q And there is a \$500 amount there. What is --

8 A Correct. That's our proposed penalty, \$500.

9 Q Okay. And thank you for turning to that.

10 So what is the staff's recommendation for proposed

11 penalty?

12 A \$500, which does not include the new establishment

13 fee.

14 Q Okay. Is there anything else you would like to

15 inform the committee of?

16 A From this point forward she will not be able to get

17 a salon license until the violation is paid, if this is

18 upheld.

19 MR. ROGERS: Okay. Pass the witness.

20 HEARING OFFICER: Ms. Champ, do you have

21 any questions for this witness at this time?

22 MS. CHAMP: Yes.

23 CROSS-EXAMINATION

24 BY MS. CHAMP:

25 Q I was under the impression, when I went to the

1 office on Markham, that -- when I tried to pay my --
2 after they left that day, I had tried to pay my 150, and
3 then when they told me that -- I got the letter about the
4 500, that's why I hadn't applied for the salon license,
5 because they told me I had to come to the -- if I wanted
6 a hearing, just to sign that, or I would have already
7 paid that, you know what I'm saying, I was trying to --
8 that's what I was doing. Like, when I went to the
9 office, they said that I should -- basically, the way I
10 took it, that I should wait until my hearing to get all
11 that licensure and stuff because I was -- that's the
12 whole point of coming here, I was trying to avoid the
13 fine because I didn't know I had to have this personal
14 license. Like, I thought I had just had to have the
15 other two license.

16 A Okay. I'm sorry. So --

17 HEARING OFFICER: Is that a question?

18 THE WITNESS: Yeah.

19 HEARING OFFICER: Because you need to ask
20 questions at this time but not --

21 MS. CHAMP: Yeah, that's a question.

22 HEARING OFFICER: You'll get your chance
23 to testify, but what's the question?

24 BY MS. CHAMP:

25 Q The question was the reason -- well, I didn't know

1 that I was supposed to have my -- okay. No, not that
2 question. The next one.

3 HEARING OFFICER: Okay. You get to
4 testify eventually.

5 MS. CHAMP: Yeah. Okay.

6 HEARING OFFICER: But if you have a
7 question, then this is the time for it. If you
8 don't, then --

9 MS. CHAMP: I think it's a question.

10 HEARING OFFICER: I'll give you some time.
11 Do you need some time to think about it?

12 MS. CHAMP: I don't know if it's a -- I'll
13 wait until later. I don't know if that's a
14 question; but --

15 HEARING OFFICER: Okay. Does the
16 committee have any questions for this witness?

17 MS. WARE: I have a question. Can they
18 not pay the 150 before that, like, before the
19 fine?

20 THE WITNESS: If she would have came in
21 that day, like she's stating --

22 MS. WARE: Like the same day?

23 THE WITNESS: Yeah -- the office would not
24 have known about the violation because we don't
25 get them until the next week when the

1 inspectors send them in.

2 MS. WARE: Uh-huh.

3 THE WITNESS: So we wouldn't have stopped
4 her because we wouldn't have known.

5 MS. WARE: Okay.

6 THE WITNESS: Does that make sense?

7 MS. WARE: Uh-huh.

8 THE WITNESS: Because, like, we wouldn't
9 have -- it doesn't go automatically into the
10 system, we have to wait on the inspection
11 sheet. So if she's saying she came in that
12 day, it would have been paid, because there
13 is -- we wouldn't have known there was a
14 violation.

15 MS. WARE: Oh, okay.

16 THE WITNESS: It's not immediate because
17 we have to wait on the inspection sheet. They
18 don't call us and say, hey, I just -- you know.
19 We have to wait on the inspection sheet. So if
20 she would have come in that day, she would have
21 gotten a letter of --

22 MS. WARE: The establishment --

23 THE WITNESS: Yeah, she would have gotten
24 a letter of authorization.

25 MS. WARE: Okay.

1 HEARING OFFICER: Any other questions at
2 this time from the committee of this witness?
3 Anyone else?

4 MR. ROGERS: No. State rests.

5 HEARING OFFICER: State rests.

6 All right. Then it's your turn,
7 Ms. Champ, to either call witnesses at this
8 time or you can call yourself as a witness as
9 well.

10 MS. CHAMP: No witnesses.

11 HEARING OFFICER: So what would you like
12 to do?

13 MS. CHAMP: I guess call myself as a
14 witness; but --

15 HEARING OFFICER: All right.

16 WHEREUPON,

17 ANDREA CHAMP,
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 TESTIMONY

22 THE WITNESS: Okay. So -- okay. So when
23 I got this letter thing, this whatever you call
24 this, inspection report, I called the -- the
25 health department, I guess, the one that's on

1 Markham, whatever. Okay. So I talked to a
2 lady at the front that told me that --
3 basically, that I should wait for this hearing.
4 So, I mean, I was trying to -- I don't know, I
5 did go up there and then I did sign a thing,
6 she sent me back home with some papers and then
7 I was left -- I gave a -- I was given a number
8 to call, like, I forgot her name, but that had
9 to call me back or whatever, and by that time I
10 had got a violation in the mail for it. So I'm
11 just -- it was real confusing, I mean. That's
12 all I've got to say --

13 HEARING OFFICER: Okay.

14 THE WITNESS: -- I just believe.

15 HEARING OFFICER: Any question -- oh, any
16 cross?

17 CROSS-EXAMINATION

18 BY MR. ROGERS:

19 Q So you don't have a salon license?

20 A No, because -- oh, go ahead.

21 Q And you didn't obtain one --

22 A No.

23 Q -- and opened up the salon; is that correct?

24 A Yes. I did. I did not know.

25 MR. ROGERS: I don't have any other

1 questions.

2 HEARING OFFICER: Does the committee have
3 any questions for this witness?

4 MS. WARE: I think I'm trying to get
5 clarity. So after you had got the inspection,
6 when you was in violation, did you go that day
7 or later on?

8 THE WITNESS: No. Actually, I called up
9 there to the place, where ever, and I went the
10 following day up there and then talked to the
11 lady or whatever. But she just -- somebody
12 wasn't in or out doing inspection or whatever,
13 so by -- by the time I got the call back I had
14 already got the letter in the mail about a
15 violation or whatever, and then I was -- I
16 was -- she was telling me that I should wait
17 until I, basically, like -- well, what I
18 thought she was telling me, that I should wait
19 until my hearing or whatever. Because if I
20 knew I needed the 150, I could have paid that a
21 long time ago to get it, to get my license,
22 whatever.

23 MS. WARE: So did you receive this package
24 about how to open up a salon, like, what all
25 she --

1 THE WITNESS: I didn't receive a package
2 about opening up a salon. I was going off of
3 the -- I had worked at another salon for
4 another person about ten years, I was going off
5 of, oh, she has a business license, her
6 cosmetology license, that's about what I did.
7 You know, nobody told me -- I wasn't informed
8 about this extra license. So, like, but if I
9 knew that, I would have had it done because I
10 had the funding to do that then, you know.

11 MS. JACKSON: While you were in
12 cosmetology school, did you learn about the
13 rules and regulations and cosmetology laws?

14 THE WITNESS: 11 and a half years ago,
15 probably. Do I remember that? No.

16 I -- one lady did tell me you're supposed
17 to know all your health laws. I'm like, okay,
18 look, but I don't know all the health laws.

19 HEARING OFFICER: Any other questions from
20 the committee at this time?

21 All right. Then are there any other
22 witnesses that you would like to call or any
23 evidence you would like to admit at this time?

24 MS. CHAMP: No.

25 HEARING OFFICER: And do you rest?

1 MS. CHAMP: I rest.

2 HEARING OFFICER: All right. Do either of
3 you wish to make a closing argument?

4 MR. ROGERS: Well, I believe she's
5 admitted she didn't have a salon license.

6 MS. CHAMP: Uh-huh.

7 MR. ROGERS: And whether she could have
8 gotten it that day or gotten it later, whether
9 she should have learned it 11 years ago or 11
10 and a half years ago, the fact is she doesn't
11 have a salon license and, therefore, according
12 to the penalty, that's the appropriate penalty
13 for someone that does not have a salon license.
14 That's all we have to say.

15 HEARING OFFICER: Ms. Champ, do you have
16 any closing argument to make?

17 MS. CHAMP: No.

18 HEARING OFFICER: Is that -- can you speak
19 up for the court reporter?

20 MS. CHAMP: No. Not at this time.

21 HEARING OFFICER: All right. At this time
22 we will go off the record for the committee's
23 recess for deliberations and a decision
24 regarding the findings of fact, conclusions of
25 law, or any penalties to be handed down. Once

1 the board reaches the decision we will go back
2 on the record.

3 The deliberations are open to the public
4 under the Freedom of Information Act, all
5 parties may remain and observe the
6 deliberations.

7 Does this committee have any questions
8 about that before we go off the record?

9 MS. BOYDSTUN: No.

10 HEARING OFFICER: Do we have a proposed
11 finding and conclusions of law and penalties
12 for the board at this time to consider?

13 I realize, Mr. Rogers, you're subbing in;
14 so --

15 MR. ROGERS: Well, the proposed penalty is
16 the \$500 penalty --

17 HEARING OFFICER: Okay.

18 MR. ROGERS: -- that Ms. Kersey testified
19 to.

20 HEARING OFFICER: All right. If there --
21 being no other matters to take up, we will now
22 go off the record for the committee's
23 deliberations.

24 (WHEREUPON, the Committee retired to
25 deliberate, off the record, and returned with

1 the following decision:)

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

4 We're back on the record?

5 COURT REPORTER: Yes, sir.

6 HEARING OFFICER: Making sure I get my
7 signal from the court reporter.

8 Okay. Go ahead. Do we have any motions
9 at this time from the committee?

10 MS. JACKSON: Yes. I will make a motion
11 that the violation notice -- or the violation
12 15-788 against Champu Chic, the violation is
13 No. 5.1(A)(5), have been found to be true.

14 HEARING OFFICER: All right. Do I have a
15 second on that motion?

16 MS. ANDERSON: Second.

17 MS. PECK: I'll second.

18 HEARING OFFICER: All right. Do I have a
19 vote on the motion that she was found -- of the
20 facts are that she was guilty of not having the
21 proper license? Vote. All in favor of that
22 motion, "Aye"?

23 COMMITTEE MEMBERS: Aye.

24 HEARING OFFICER: All those against that,
25 "Nay"?

1 Any?

2 Let the record reflect it was unanimous on
3 that finding of fact.

4 Given the finding of fact, is there a
5 motion on penalty?

6 MS. JACKSON: Yes.

7 HEARING OFFICER: Go ahead.

8 MS. JACKSON: I make a motion that the
9 penalty of \$500 for the fine for her violation
10 stand.

11 MS. PECK: I'll second.

12 HEARING OFFICER: Any discussion on this
13 penalty of \$500 for the violation?

14 There being no discussion at this time,
15 let's have a vote on the \$500 penalty. All in
16 favor of the \$500 penalty say, "Aye."

17 COMMITTEE MEMBERS: Aye.

18 HEARING OFFICER: All those against, say,
19 "Nay."

20 Let the record reflect also that it was a
21 unanimous decision for the \$500 penalty.

22 Please reduce the board's decision to writing
23 and make or attempt service upon all parties.

24 If the respondent cares to appeal the decision,
25 appeal can be taken under any specific

1 provision relating to this committee or under
2 the Arkansas procedures -- Administrative
3 Procedures Act, found at Arkansas Code
4 Annotated 25-15-201.

5 If there are no other questions or
6 comments, this hearing is concluded and the
7 record is closed.

8 MR. ROGERS: Let me just for the --

9 HEARING OFFICER: Oh, I'm sorry.

10 MR. ROGERS: -- clarification of this
11 particular committee, recommendations go to the
12 full Board of Health; the full Board of Health
13 actually meets this Thursday, but the agenda
14 has been set, so it will not be on this board's
15 agenda for the board meeting this Thursday,
16 January 26th, so it would perhaps be on the
17 April Board of Health meeting, which should be
18 the fourth Thursday in April, but notice would
19 be given to Ms. Champ that that's her
20 opportunity to appeal to the full Board of
21 Health of the recommendation of the Cosmetology
22 Advisory Committee, and then depending on that
23 decision, there could be an appeal to Circuit
24 Court.

25 HEARING OFFICER: Okay. Any other

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comments at this time?

Any questions from the committee?

All right. Then this hearing is concluded
and the record is closed.

(WHEREUPON, at 10:38 a.m., the
above-entitled proceedings were concluded.)

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1 Kelli Kersey gave program updates: Shared
2 a request by a local representative regarding
3 mandated education to recognize and refer
4 people to domestic violence resources.
5 Inspection piece is still being tested. There
6 are two inspector positions open at this time.
7 Introduced and welcomed Lois Ware, new board
8 member. Introduced Yvonne Smith, new
9 inspector.

10 An ad hoc committee will meet February
11 27th to continue to work on possible changes to
12 make 15A and B on Page 13 of the rules more
13 clear.

14 The meeting adjourned at 10:09 a.m.

15 (WHEREUPON, at 10:09 a.m., the
16 above-entitled proceedings were concluded.)

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CERTIFICATE

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 hearing held before the Arkansas Department of Health Cosmetology Technical Advisory Committee, January 23, 2017, was taken by me in Stenotype and was 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

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

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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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