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ARKANSAS DEPARTMENT OF HEALTH
COSMETOLOGY SECTION
COSMETOLOGY TECHNICAL ADVISORY COMMITTEE

BE IT REMEMBERED that on Monday, the 26th day of March, 2018, 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:

- LOIS WARE, Chair
- TONYA BOYDSTUN
- CARLA JONES
- DANIEL 'REX' PAXTON
- ANGELA WILSON (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

CTAC, MARCH 26, 2018

1 APPEARANCES:

2 ON BEHALF OF THE COMMITTEE:

3 VICKI PICKERING, ESQ.

4 HEARING OFFICER:

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

8 Staff Members Present:

- 9 KELLI KERSEY - Section Chief
- TERI PREACHERS - Administrative Specialist
- 10 AMANDA WEEKS
- PAM ATHERLEY
- 11 LAVONNE LESTER
- YVONNE SMITH
- 12 KRISTA WELLS -Inspector Supervisor
- JACLYN KNOPP

14 ALSO PRESENT:

- 15 Deanne Spear
- Tina Reagan
- 16 Brittany Buroloft
- Harbans Mangat

18 Court Reporter:

19 Susan B. Whitson, CCR
Arkansas Supreme Court Certificate No. 158

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The Arkansas Department of Health
Cosmetology Technical Advisory Committee
meeting was called to order by Ms. Ware.
Committee members present are Carla Jones,
Daniel 'Rex' Paxton, Tonya Boydston, and Lois
Ware.

Motion made by Ms. Boydston to approve the
past minutes; second by Mr. Paxton; passed
unanimously.

MS. WARE: Motion was made by Mr. Paxton
to approve the paid violations; second by
Ms. Jones; passed unanimously.

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BEFORE THE COSMETOLOGY TECHNICAL ADVISORY COMMITTEE

(CTAC)

IN THE MATTER OF:

ARKANSAS DEPARTMENT OF HEALTH

PETITIONER

v.

SEVA

RESPONDENT

ADMINISTRATIVE HEARING

CTAC, MARCH 26, 2018

	I N D E X	
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2	WITNESSES	
3	LAVONNE LESTER	
4	Direct by Ms. Pickering	13
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1 P R O C E E D I N G S

2 MS. WARE: Okay. Next we have our
3 hearing.

4 HEARING OFFICER: Are we ready to proceed?

5 MS. WARE: Yes.

6 HEARING OFFICER: Okay. My name is David
7 McCoy; I'm an Assistant Attorney General, and
8 I'm the Hearing Officer today In The Matter of
9 the Arkansas Department of Health versus Seva.

10 Is there a case number or anything on
11 there?

12 MS. PICKERING: I don't think there is.

13 HEARING OFFICER: Okay. Today's date is
14 March 26, 2018. This hearing is going to be
15 heard before the Cosmetology Technical Advisory
16 Committee.

17 And is the Respondent here?

18 MS. MANGAT: Yes. I am.

19 HEARING OFFICER: Okay. Will you
20 please -- where do -- where do they usually
21 sit?

22 MS. PICKERING: You can sit up there.
23 Yeah.

24 HEARING OFFICER: Okay. And please
25 identify yourself.

CTAC, MARCH 26, 2018

1 MS. MANGAT: I'm Harbans Mangat; I'm the
2 owner.

3 HEARING OFFICER: Harbans?

4 MS. MANGAT: Harbans, H-a-r-b-a-n-s; last
5 name M-a-n-g-a-t.

6 HEARING OFFICER: M-a-n-g-a-t.

7 Okay. And are you -- are you represented
8 by counsel or are you just here by yourself?

9 MS. MANGAT: No, myself.

10 HEARING OFFICER: Okay. And are you --
11 you're aware you have the right to have an
12 attorney --

13 MS. MANGAT: Yes.

14 HEARING OFFICER: -- at this?

15 And so -- so you want to proceed today?

16 MS. MANGAT: Yeah. It's my first one to
17 have done this; so --

18 HEARING OFFICER: Okay. All right. And
19 if something is happening during the
20 proceedings, please, just let me know.

21 MS. MANGAT: Okay.

22 HEARING OFFICER: We'll try to make you --
23 if something is happening that you don't
24 understand. Okay?

25 MS. MANGAT: Okay.

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1 HEARING OFFICER: Did you receive a copy
2 of the Order -- Order and Notice of Hearing
3 about today's matter?

4 MS. MANGAT: Yes, I did.

5 HEARING OFFICER: Okay. And do you have
6 any objections to having notice of this
7 hearing?

8 MS. MANGAT: No.

9 HEARING OFFICER: Okay. You're ready to
10 proceed today?

11 MS. MANGAT: Yes.

12 HEARING OFFICER: Okay. Good. Sorry.
13 Board's counsel, please identify yourself.

14 MS. PICKERING: My name is Vicki
15 Pickering.

16 HEARING OFFICER: Okay. And now, just
17 for -- I've got to do a little spiel here --

18 MS. MANGAT: Okay.

19 HEARING OFFICER: -- just to explain
20 what's going to happen -- okay -- for the
21 record.

22 This is a -- this is a hearing before
23 the -- the Cosmetology Board for the -- under
24 the Administrative Procedures Act, so the
25 strict Rules of Evidence, Rules of Civil

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1 Procedure, do not apply. Okay? So the parties
2 will give great latitude to -- to present their
3 evidence, present your -- present your case.
4 And so this is -- this is to promote a fair
5 hearing before the Board.

6 Basically, what will happen is my role in
7 the hearing is to be the referee. I just kind
8 of generally guide the hearing and move it
9 along.

10 The Board will be the judge, they will
11 make the decision.

12 MS. MANGAT: Okay.

13 HEARING OFFICER: What will happen is the
14 Board will go first and present their evidence.
15 They can call witnesses and you can
16 cross-examine their witnesses.

17 MS. MANGAT: Uh-huh.

18 HEARING OFFICER: After they have
19 presented their case, then you will have an
20 opportunity to present your side of the story
21 and you can present evidence and call witnesses
22 also.

23 MS. MANGAT: Okay.

24 HEARING OFFICER: After everyone has
25 presented their case, then we will -- we

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1 will -- we'll go off the record and allow the
2 Board to deliberate and then -- and then it
3 will come back, we'll go back on the record
4 with their decision.

5 MS. MANGAT: Okay.

6 HEARING OFFICER: Now, since -- the
7 Board's deliberation will be off the record but
8 it's still subject to the Freedom of
9 Information Act and is open to the public.

10 Does anybody have any question on the
11 proceedings? How we will proceed?

12 Okay. Do you have any witnesses today?

13 MS. MANGAT: No. I don't.

14 HEARING OFFICER: But are you going to
15 testify yourself?

16 MS. MANGAT: Yes.

17 HEARING OFFICER: Okay. Do you have any
18 witnesses?

19 MS. PICKERING: Yes, I do, Ms. Lester, who
20 is the inspector.

21 HEARING OFFICER: Okay. Everyone who is
22 going to be a witness, will you please raise
23 your right hand to be sworn in.

24 Raise your right hand to be sworn in.

25 (WHEREUPON, the witnesses were sworn by

CTAC, MARCH 26, 2018

1 the Hearing Officer.)

2 HEARING OFFICER: Thank you.

3 And are there any preliminary matters to
4 be discussed?

5 MS. PICKERING: No.

6 HEARING OFFICER: Okay. Do you have
7 evidence you want to put in there into the
8 record?

9 MS. PICKERING: Yes, I do.

10 We have a packet of information, including
11 the Notice of Hearing, the Inspection Report,
12 and various other documents that we would like
13 to introduce as Exhibit 1 on behalf of the
14 Committee.

15 HEARING OFFICER: Okay. All right. And
16 it's 17 pages?

17 MS. PICKERING: That's correct.

18 HEARING OFFICER: Okay. And do you -- do
19 you have a copy of this?

20 MS. MANGAT: I do not. I just have a copy
21 of the letter.

22 MS. WEEKS: Does she need a copy? The big
23 one?

24 MS. MANGAT: Oh, the big one you handed to
25 me?

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1 MS. WEEKS: Yes, it's a packet.

2 MS. MANGAT: Okay. I'm sorry. She handed
3 it to me.

4 HEARING OFFICER: Okay. Great. It will
5 be admitted.

6 (WHEREUPON, Committee's Exhibit No. 1 was
7 received in evidence.)

8 HEARING OFFICER: And, Ms. Pickering, you
9 may proceed.

10 MS. PICKERING: Okay. I'll call
11 Ms. Lester.

12 WHEREUPON,

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

17 DIRECT EXAMINATION

18 BY MS. PICKERING:

19 Q Would you state your name and occupation for the
20 record.

21 A Lavonne Lester, Inspector for Cosmetology.

22 Q Okay. Did you have an occasion to inspect the Seva
23 establishment?

24 A I did. Yes.

25 Q Okay. Would you tell the Committee about that?

CTAC, MARCH 26, 2018

1 A Actually, if you go to -- I've got to find the
2 pictures. Okay. Page 8 -- no, not Page 8.

3 Okay. Here we go. Page 14, they were advertising
4 their business and their services, and so I was -- this
5 was in Walmart, and I had seen this and was already there
6 doing another salon in there and so I went to this one.

7 Q Okay.

8 A So that's how I got to where -- to find out that she
9 was not licensed; her -- the girl that was in there was
10 not licensed, the salon was not licensed. When I asked
11 for ID, she didn't present any ID whatsoever. And I
12 guess that was about it.

13 The last picture I took was just to prove that they
14 were doing cosmetological services that day.

15 Q Okay.

16 A And I took pictures of the license to prove that,
17 you know, they had gotten license through the City and
18 all.

19 Q Okay. Did you call to confirm that there was no
20 license for the establishment? Is that correct?

21 A Yes. I did.

22 Q Okay. And is that what they were noticed of hearing
23 for?

24 A Uh-huh. Yes.

25 Q For failure to have an establishment license for

CTAC, MARCH 26, 2018

1 cosmetology?

2 A (Nodding head up and down.)

3 MS. PICKERING: All right. I don't have
4 any further questions.

5 HEARING OFFICER: Do you have any
6 questions for the witness?

7 MS. MANGAT: No. No.

8 HEARING OFFICER: Okay. Thank you.

9 MS. PICKERING: Nothing further.

10 HEARING OFFICER: All right. So now is
11 your time to present your side of the story.

12 MS. MANGAT: Okay.

13 HEARING OFFICER: Would you like to
14 testify yourself?

15 MS. MANGAT: I do.

16 HEARING OFFICER: Okay. Please proceed.

17 WHEREUPON,

18 HARBANS MANGAT,

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

22 DIRECT TESTIMONY

23 THE WITNESS: This is my first salon. I

24 was not aware that I had to have a -- a

25 cosmetology license for the salon itself, but I

CTAC, MARCH 26, 2018

1 do employ cosmetologists and estheticians who
2 do hold valid licenses.

3 The one that was there that day, she's a
4 threader. And I did ask the Board -- you know,
5 when I called up there, does a threader need to
6 be licensed, and they -- I was told the
7 threader does not need to be, does not have to
8 have a cosmetology license, but the ones that
9 do perform other services do have licenses.

10 And when she -- the inspector came in, she
11 did call me and I couldn't hear her and I said,
12 "I'll call you back," and I -- by the time I
13 had called back to my store -- I wasn't there
14 the day she came in, and she was already gone.
15 So when I got up to the salon I saw the
16 violation and I called you guys right away
17 because it said I didn't have a license. And
18 so when I called up to the cosmetology board
19 they said, "Well, no, you have to have a
20 license in order to operate a salon," and I
21 said, "Well, what's the license? What kind of
22 license?" Because I have all other licenses to
23 open a business, like from the City, from the
24 town of West Memphis, and any kind of permits I
25 need, I got all of those. I didn't -- I was

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1 unaware that I had to have a certain
2 cosmetology license for the salon itself.

3 So I called up here and they said this is
4 what you need to do, you need go to online and
5 fill out that form, and so I did that that same
6 day and I mailed it out, I believe, like, the
7 next day, the check with the form and
8 everything for my license.

9 She told me that you turn in the license
10 and then during that time then somebody will
11 come out and come and do the inspection prior
12 to you getting your license. So I did that
13 right away when I found out that I had to have
14 this license to operate.

15 But as far as my esthetician or my
16 employees, they do hold -- I didn't bring
17 licenses, I'm sorry, I do apologize for that,
18 but I do have cosmetologists and licensed
19 estheticians that perform the services that do
20 require, you know, the license for those.

21 So the first time, I was not -- like I
22 said, I've never had a salon. I do have other
23 businesses that I -- I know that I'm supposed
24 to have certain licenses or permits and stuff.
25 I do follow the, you know, rules and

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1 regulations of the State of Arkansas. This is
2 the first incident that this has happened to
3 me, and I feel that I took care of the problem
4 right when it happened. So it wasn't like I
5 waited. You know, she came and I called you
6 guys and I said, "Hey, what do I need to do,"
7 and so I took care of the matter right away.

8 So I'm hoping that you guys will take that
9 into consideration as a one time, you know,
10 slap on the hand and forgive me. I do follow
11 the rules and regs of the State of Arkansas and
12 even of cosmetology as well and any health, you
13 know, regarding any of those, I do follow those
14 procedures. So hopefully you guys will show me
15 some sympathy for this one time matter.

16 HEARING OFFICER: Ms. Pickering, do you
17 have any questions?

18 CROSS-EXAMINATION

19 BY MS. PICKERING:

20 Q Who was the employee who was working there that day?

21 A Her name is Anjelli.

22 Q And she -- she was not licensed?

23 A No. She is not licensed, she only does threading.

24 I have other licenses that -- licensees that do perform,
25 like, wax and facials and things like that. So she only

CTAC, MARCH 26, 2018

1 does threading.

2 MS. PICKERING: Okay. I have no further
3 questions.

4 HEARING OFFICER: Okay. Ms. Mangat?

5 MS. MANGAT: Ms. Mangat.

6 HEARING OFFICER: Mangat.

7 MS. MANGAT: That's okay.

8 HEARING OFFICER: Do you have any other
9 witnesses or any other evidence you want to
10 present?

11 MS. MANGAT: I do not.

12 HEARING OFFICER: Okay. Ms. Pickering, do
13 you have any rebuttal that you want to --

14 MS. PICKERING: Yeah.

15 WHEREUPON,

16 LAVONNE LESTER,

17 having been recalled for examination, and having been
18 previously duly sworn by the Hearing Officer, was
19 examined and testified, as follows:

20 REDIRECT EXAMINATION

21 BY MS. PICKERING:

22 Q Ms. Lester, did you witness this employee doing any
23 cosmetology, any acts of cosmetology or anything?

24 A No. Only that they had the equipment there to do
25 the services is all.

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1 MS. PICKERING: Okay. Okay. Nothing
2 further.

3 HEARING OFFICER: Okay. Is there anything
4 else that either side wants to present for the
5 record on this matter before we --

6 MS. PICKERING: Huh-uh.

7 HEARING OFFICER: Okay. Then now we'll
8 turn in -- turn the matter over to -- well, let
9 me ask this, does the Board have any questions?

10 I'm sorry.

11 MS. BOYDSTON: I have one.

12 Are you yourself licensed in any phase of
13 cosmetology?

14 MS. MANGAT: No. I did start going to
15 school for it so I'm at, like, 400 hours to get
16 an esthetician license myself; so I'm in the
17 process of getting one for myself.

18 MS. BOYDSTON: Okay. In those 400 hours,
19 did they ever tell you that you're going to
20 have to have a salon license?

21 MS. MANGAT: They did not. They did not
22 give me that.

23 MS. BOYDSTON: Did you get a copy of the
24 rules and regulations when you opened your
25 salon?

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1 MS. MANGAT: I didn't.

2 MS. BOYDSTON: Okay.

3 MS. WARE: So how many employees do you
4 have?

5 MS. MANGAT: I have three. I have two --
6 one cosmetologist, one esthetician, and one
7 threader.

8 MR. PAXTON: Those cosmetologists never
9 mentioned or asked to see your establishment

10 RESPONDENT:

11 MS. MANGAT: They didn't.

12 MR. PAXTON: Okay.

13 MS. MANGAT: And so I wasn't aware of
14 having a salon license until I -- she -- the
15 inspector came in. And when I called up here,
16 I said, "She said I need some kind of license.
17 What type of license is this?" And the person
18 on the phone informed me and told me what I
19 needed to do.

20 MS. WARE: Do we have that time, like, how
21 quick it was?

22 MS. PICKERING: She is correct on that
23 issue. Ms. Kersey, I think, can testify to
24 that.

25 MS. KERSEY: Sorry.

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1 She mailed in a -- we received the check
2 on 8/28.

3 MS. PICKERING: And when was the
4 inspection?

5 MR. PAXTON: Seventeen --

6 MS. MANGAT: The inspection was 8/23.

7 MS. WARE: Thank you.

8 HEARING OFFICER: Does anyone else have
9 any questions for Ms. Mangat?

10 Are you ready to go -- ready to
11 deliberate?

12 MS. WARE: Yes.

13 HEARING OFFICER: Okay. Now we'll turn
14 the matter over to the Board for their
15 deliberations. We'll go off the record.

16 MS. MANGAT: Okay.

17 (WHEREUPON, the Committee retired to
18 deliberate, off the record, from 9:17 a.m. to
19 9:19 a.m., and returned with the following
20 questions:)

21 HEARING OFFICER: All right. Let's go
22 back on the record, and the Board has some
23 questions for Ms. Mangat.

24 MR. PAXTON: So on Page 13 we're talking
25 about the practitioner where it's notated?

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1 MS. MANGAT: Yeah. I believe she was
2 asking for, like, ID. Like, when she said
3 license I believe she was assuming an ID
4 license, not a so -- that's what she said,
5 clarify the license.

6 MR. PAXTON: Okay.

7 MS. PICKERING: I think we can let
8 Ms. Lester clarify too what she asked and what
9 the employee said.

10 MS. LESTER: I asked for her operator
11 license also and she did not -- she said she
12 didn't have one; so --

13 MS. PICKERING: Okay. And that refers to
14 her driver's license that wasn't on her?

15 MS. LESTER: But she didn't have a
16 driver's license either; so --

17 MS. MANGAT: It's somewhat of a language
18 barrier for her too.

19 MS. LESTER: It was, certainly.

20 MS. MANGAT: Yes.

21 MS. PICKERING: Just to clarify too, the
22 only violation that was issued was for the
23 establishment license. A violation was not
24 issued for any of the other checks.

25 MS. LESTER: Yes. Yes.

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1 MS. PICKERING: So I think we are limited
2 to that today.

3 HEARING OFFICER: Is that -- is that
4 sufficient for y'all to go back off the record?
5 I don't want you to have your deliberations on
6 the record.

7 All right. Let's go off the record.

8 (WHEREUPON, the Committee retired to
9 deliberate, off the record, from 9:20 a.m. to
10 9:24 a.m., and returned with the following
11 decision:)

12 HEARING OFFICER: Let's go back on the
13 record.

14 The Board has deliberated. Madam
15 Chairman.

16 MS. JONES: I would like to make a motion
17 that the -- in the findings of no license
18 violation of the law 17-504 stand with a fine
19 of \$500.

20 MR. PAXTON: Second the motion.

21 MS. WARE: All in favor?

22 COMMITTEE MEMBERS: Aye.

23 HEARING OFFICER: Let the record reflect
24 that the vote was unanimous.

25 Ms. Mangat -- I want to reverse that.

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1 MS. MANGAT: Me too.

2 HEARING OFFICER: Sorry. Do you
3 understand what the Board is -- has decided?

4 MS. MANGAT: Yes. I have.

5 HEARING OFFICER: Okay. You have the --
6 you have the right under the Administrative
7 Procedures Act to appeal their decision to
8 circuit court for judicial review, and probably
9 would be something, if you wanted to do that,
10 you would want to talk to a lawyer about that.

11 But other than that, is there anything
12 else for the record?

13 MS. KERSEY: It would go before the Board
14 of Health first.

15 HEARING OFFICER: It would go -- I'm
16 sorry. Yeah. It would appeal and go before
17 the full Board of Health; right?

18 MS. PICKERING: Uh-huh. Right.

19 HEARING OFFICER: So you -- you have the
20 right to appeal this, and there are some -- if
21 you want to do that there are probably some
22 technical legal reasons, and I could only
23 advise you to talk to an attorney about that,
24 and there is probably a deadline also, time
25 limit.

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1 Other than that, is there anything else
2 for the record?
3 MS. PICKERING: No.
4 HEARING OFFICER: Then this matter is
5 closed.
6 Thank you.
7 MS. MANGAT: Thank you.
8 (WHEREUPON, at 9:26 a.m., the
9 above-entitled proceedings were concluded.)
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1 Ms. Kersey went over program updates. The
2 new rules will be pulled and some changes made
3 and the proper procedures followed to bring
4 them back for approval.

5 The information on the Domestic Violence
6 CE was sent to the schools of cosmetology.

7 The next meeting is scheduled for May 21,
8 2018.

9 After public comments were made the
10 meeting was adjourned.

11 (WHEREUPON, at 9:47 a.m., the
12 above-entitled proceedings were concluded.)

13 ---o---

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CTAC, MARCH 26, 2018

CERTIFICATE

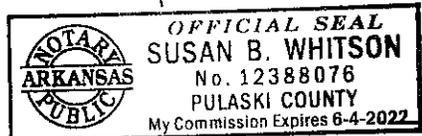
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STATE OF ARKANSAS)
COUNTY OF PULASKI)

I, SUSAN B. WHITSON, Certified Court Reporter and notary public in and for Pulaski County, State of Arkansas, do hereby certify that the meeting and hearing before the Arkansas Department of Health, Cosmetology Section, Cosmetology Technical Advisory Committee, held March 26, 2018, 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 affect impartiality, that requires me to relinquish control of an original transcript or copies of the transcript before it is certified and delivered to the custodial attorney, or that requires me to provide any service not made available to all parties to the action.

SIGNED AND SWORN this 10th day of April 2018.



Susan B. Whitson

SUSAN B. WHITSON, CCR, #158
NOTARY COMMISSION #12388076
NOTARY PUBLIC IN AND FOR
PULASKI COUNTY, ARKANSAS
My Commission Expires: June 4, 2022.

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