

COSMETOLOGY TECHNICAL ADVISORY COMMITTEE
Quarterly meeting
Monday, September 25, 2023
5800 West Tenth Street, Room 906
Little Rock, AR 9:05 a.m.

MINUTES

Members present: in person - Tonya Boydston, presiding; Andrea Wilson; Amy Lance; Erin McGinnis; Mary Burton; Matt O'Baugh. Virtually- Wade Strawn, Lois Ware, Brandi Farmer

Called to order at 9:05 a.m.

Call to order - Boydston

Roll Call -

Introduction of new members- Matt O'Baugh from LR/NLR, Body Art; Brandi Farmer, from Russellville, Permanent Make-Up

Currently there are two committee openings. A prospective new member declined the position, and one member resigned. Kelli will be presenting two names to fill the open positions - Tattoo and At-large.

Approval of minutes

motion to approve-Lance; second-Wilson, minutes approved as written

Approval of paid violations

motion to approve- Wilson; second- Lance, paid violations approved

Vote for reimbursement for travel and stipend - Chuck Thompson

Explanation of travel and stipend to new members, motion to approve - Wilson, second- McGinnis, approved

Hearing- verbatim transcript under separate cover

Legal Update- Chuck Thompson

Slide show presentation for new members and all members by Craig Smith, on the operation of CTAC.

Topics included in the slide show: Overview of CTAC; Roles of CTAC; CTAC meeting requirements; Special meetings; CTAC membership and officers; Meetings covered by Administrative Procedures Act; Administrative

hearings; No ex parte communications;

Legal Update Continued

Program questions need to be directed to administration, Alex or Kelli, not the lawyers to avoid conflict; Currently working on rules promulgation.

Program Updates Kelli Kersey

Launched Body Art portion of CLIPS. Several hiccups, working out issues.

Ashton (law clerk with Dept of Health) introduced.

Boydston- question about law test, not started yet. Question about physical location to take tests. not on PSI website.

NIC did not renew contract with PSI, going to be changing companies from PSI. Tests now can be done remotely (even at schools). Can be taken at any computer, need a camera. It's a very secure system to take test.

Public Comment

Darren Taylor - Arkansas Permanent Cosmetic Institute. Problems with education of students and unscrupulous business practices for some schools. New bill has holes in it, for example, treatment of felons and age of licensees. Discussion of age requirements for licensees. Thompson - rules not voted on yet. If there is a complaint about a particular licensee, needs to be put in writing. Will double-check that whatever is online is correct.

O'Baugh - Licensing changed for tattoo for career education when turned over to health department. Discussion of fee structure and laws at schools. Needs legislation to change fees.

Adjourned at 10:10 a.m. Next meeting November 27, 2023

ARKANSAS STATE COSMETOLOGY TECHNICAL ADVISORY COMMITTEE

HEARING - RE: SASHA PARNELL

ARKANSAS DEPARTMENT OF HEALTH

PETITIONER

V.

SASHA PARNELL

RESPONDENT

MONDAY, SEPTEMBER 25, 2023
Commencing at 9:10 a.m.
5800 West 10th Street, Room 801
LITTLE ROCK, ARKANSAS

ADAM JACKSON, ESQ., Hearing Officer

COMMITTEE MEMBERS PRESENT:

Lois Ware
Amy Lance
Andrea Wilson
Tonya Boydston, Chair
Erin McGinnis
Mary Burton
Matt O'Baugh
Wade Strawn
Brandi Farmer

ON BEHALF OF THE MASSAGE THERAPY TECHNICAL ADVISORY
COMMITTEE:

Charles 'Chuck' Thompson, Esq.
Arkansas Department of Health
4815 W. Markham, Slot #31
Little Rock, AR 72205

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1 PROCEEDINGS - 9:10 a.m.

2 MR. JACKSON: Good morning, my name is Adam Jackson.
3 I'm an assistant attorney general. I'm the hearing officer
4 today in the matter of Sasha Parnell, which is to be heard
5 before the Cosmetology Technical Advisory Committee.

6 Today is Monday, September 25. If you'll please silence
7 your cell phones now. Is the respondent, Ms. Parnell, here?
8 If you could have a seat right here we'll have you identify
9 yourself, for the record, and then we'll have you have a seat
10 -- I'll let the -- I'll let madam court reporter tell you
11 where it will be easiest.

12 If you can please identify yourself, for the record.

13 MS. PARNELL: I'm Sasha Parnell.

14 MR. JACKSON: And Ms. Parnell, are you represented by
15 counsel?

16 MS. PARNELL: [shakes head from side to side.]

17 MR. JACKSON: Verbally, say that, so she can hear it.

18 MS. PARNELL: No, no.

19 MR. JACKSON: Okay, and did you receive a copy of the
20 order and notice of hearing to be here today?

21 MS. PARNELL: Yes.

22 MR. JACKSON: And are you ready to proceed?

23 MS. PARNELL: Yes.

24 MR. JACKSON: If you could have a seat right over

1 there, next to this gentleman, I think she should be able to
2 hear you over there.

3 Counsel, if you could identify yourself for the record?

4 MR. THOMPSON: Charles Thompson, attorney, Arkansas
5 Department of Health.

6 MR. JACKSON: For the benefit of anyone present today
7 who may not have appeared in an administrative hearing, the
8 board will base its decision solely on the evidence presented.

9 This hearing is held under the Administrative Procedures
10 Act, which means that the strict rules of evidence do not
11 apply, and the parties will be given latitude in introducing
12 the evidence.

13 This is to promote a fair hearing and to provide the board
14 with adequate information to make a decision.

15 To ensure the efficiency of the proceedings, I will grant
16 objections or caution parties only as necessary. If there is
17 anything that you have in your possession that you want the
18 board to consider, you must offer it into evidence here today.

19 All participants to the hearing should be aware that these
20 proceedings are subject to the Freedom of Information Act, and
21 as such, all parts of the hearings, including the
22 deliberations of the board, are open to the public.

23 It's important that all persons necessary to the hearing
24 are in the room during the hearing. If a party, or attorney

1 or board member needs to take a break please advise me, and
2 we'll do so.

3 Counsel, who are going to be your witnesses here today?

4 MR. THOMPSON: Kelli Kersey.

5 MR. JACKSON: And Ms. Parnell, do you have any
6 witnesses here today? Are you going to testify on your own
7 behalf, I'm assuming?

8 MS. PARNELL: Yes.

9 MR. JACKSON: Okay, if both of y'all can raise your
10 right hand, I'll get you sworn in.

11 [witnesses swore to tell the truth in these proceedings]

12 MR. JACKSON: Let the record reflect that both Ms.
13 Kersey and Ms. Parnell have been sworn in. Counsel, are there
14 any preliminary matters that need to be addressed?

15 MR. THOMPSON: Yes, I'd like to enter into evidence
16 what needs to be marked as -- which I'll request to be marked
17 as Petitioner's Exhibit 1. And that is the notice of hearing.

18 MR. JACKSON: Has this been provided to the
19 respondent?

20 MR. THOMPSON: It was provided to her, hand delivery,
21 by Ms. Kersey. But I don't think she has a copy with her
22 today.

23 MR. JACKSON: Let's give her a copy of it first, and
24 let's make sure she has no objections.

1 MR. THOMPSON: And Exhibit 1 consists of the notice of
2 hearing, statement of -- I'm sorry -- the statement of fact,
3 notice of hearing, a document from Ms. Kersey noting her hand
4 delivery of the same to Ms. Parnell, and the finding of facts
5 and conclusions of law from the original hearing on July 23,
6 2019.

7 MR. JACKSON: Okay. Ms. Parnell, do you have any
8 objections to this being admitted?

9 MS. PARNELL: No sir.

10 MR. JACKSON: Seeing as there are no objections, it
11 shall be admitted. Counsel, do you want to publish it?

12 MR. THOMPSON: Please to the board members.

13 MR. JACKSON: It can be published. Ms. Parnell, do
14 you have anything -- any documents or anything that you want
15 admitted here this morning?

16 MS. PARNELL: Unfortunately, no.

17 MR. JACKSON: How these proceedings will work,
18 generally speaking, is counsel for the department will call
19 its first witness. He'll ask questions of them, and you'll
20 have an opportunity to cross examine them.

21 Then the board will ask any questions of that witness.
22 Once he rests, you'll have an opportunity to put on your case.
23 He'll be able to cross examine you, and the board will also be
24 ask you questions.

1 Counsel, you may proceed when you're ready.

2 MR. THOMPSON: I'd like to make an opening statement.

3 MR. JACKSON: Okay, go ahead.

4 OPENING STATEMENT

5 MR. THOMPSON: CTAC members -- especially new members
6 -- this is a -- this is the first administrative hearing for
7 the new members.

8 This is going to be very straightforward. We brought this
9 to y'all to decide. The evidence will show that Ms. Parnell
10 at one time was practicing cosmetology without a license.

11 She was found in violation by the CTAC at the time -- 2019.
12 She was -- as part of her notice of hearing -- sorry. The
13 order from that time was you need to go ahead and get you a
14 license, and also pay a fine.

15 The fine was rather large. It was the statutory limit of
16 \$1,000. The order also will show that it -- Ms. Kersey is
17 going to talk about, will state that the thousand dollars was
18 not paid, and that Ms. Parnell was to appear before y'all
19 before she was licensed.

20 So she does have an application pending before us. So we
21 decided to bring it before y'all for a decision.

22 And with that --

23 MR. JACKSON: Ms. Parnell, would you like to make an
24 opening statement?

1 OPENING STATEMENT

2 MS. PARNELL: So I had received a letter just stating
3 that -- it was a warning letter, I guess, per se. And then I
4 stopped doing eyelashes at Jen's [phonetic spelling]. And
5 then I never heard anything else about it.

6 I thought that situation was just kind of done and over
7 with. And then I proceeded to go to school and get a license,
8 and I just want to practice cosmetology now that I have my
9 cosmetology license.

10 MR. JACKSON: Counsel, you may proceed with your
11 first witness.

12 MR. THOMPSON: The department calls Kelli Kersey.

13 MS. KERSEY: Kelli Kersey, Arkansas Department of
14 Health, Section Chief, Cosmetology, Massage Therapy and Body
15 Art.

16 [Kelli Kersey previously swore to tell the truth in these
17 proceedings.]

18 EXAMINATION OF KELLI KERSEY

19 BY MR. THOMPSON:

20 Q. And what do you do -- and Ms. Kersey, what do you do in
21 that role with ADH?

22 A. We oversee licensing and health and safety for all three
23 purposes.

24 Q. And are you familiar with the case before us today?

1 A. I am.

2 Q. And can you tell us how we got here today?

3 A. In 2019, we received -- February 13, 2019 we received a
4 complaint that Ms. Parnell was performing eyelash extensions.
5 And we investigated and found that it was on the Facebook page
6 that she was doing lash services.

7 We sent her a cease and desist letter on February 14 --
8 well, on February 16. February 21 we received another
9 complaint. The original complaint that stated that Ms.
10 Parnell repeated to conduct business and to advertise for lash
11 services.

12 On March 1, 2019, we received another complaint from the
13 official complainant that Ms. Parnell had continued that
14 business and to advertise for her services.

15 March 13, we received another complaint. March 15 we sent
16 out a notice of hearing, certified and not certified. The
17 certified letter was returned to ADH as unclaimed, but not the
18 uncertified.

19 Q. So the non-certified letter was not returned to us?

20 A. Correct. On July 22, 2019, the Cosmetology and
21 Technical Advisory Committee held a hearing and it was decided
22 that Ms. Parnell had to pay a thousand dollars and appear in
23 front of the committee -- back in front of the committee to
24 determine approval of licensure.

1 The original fine -- as of today the original fine has not
2 been paid. On 7-13-2023, ADH received Ms. Parnell's
3 certificate of training upon completion of cosmetology school.

4 So a decision was made to present this to the CTAC as an
5 administrative finding of fact, whether to require payment,
6 reduce or waive the original penalty, or deny or accept Ms.
7 Parnell's application for licensure with or without
8 conditions.

9 Q. So it's correct to say that ADH does not have a
10 recommendation today and this is for CTAC to decide whether to
11 enforce the fine, modify it, or totally not require the fine?

12 A. Correct.

13 MR. THOMPSON: Okay, that's all I have.

14 MR. JACKSON: Okay. Ms.Parnell, do you have any
15 questions of this witness.

16 MS. PARNELL: No.

17 MR. JACKSON: Does the board have any questions for
18 this witness? Okay, no questions by the board.

19 Okay, counsel, may this witness stand down?

20 MR. THOMPSON: Yes, Judge. Thank you.

21 MR. JACKSON: Do you have any other witnesses?

22 MR. THOMPSON: I have no other witnesses, Judge.

23 MR. JACKSON: Do you rest your case?

24 MR. THOMPSON: I do, Judge.

1 MR. JACKSON: Okay. Ms. Parnell, here's your
2 opportunity to present your case.

3 TESTIMONY OF SASHA PARNELL

4 MS. PARNELL: So I originally had got I guess a
5 certification to do eyelash extensions. They were fairly new,
6 so I didn't realize that -- and I don't want it to be like I'm
7 playing dumb. But I really didn't realize that you had to
8 have a cosmetology to perform the eyelash extensions. And so
9 I didn't know.

10 And so I did eyelash extensions, got certified from the
11 girl that did my lashes. And just continued to advertise and
12 do all that stuff. I didn't realize that it was something
13 that was going to be an offense or something that I wasn't
14 allowed to do.

15 I received a letter in the mail stating that I wasn't
16 allowed to do lashes. I immediately stopped doing them. The
17 business -- I think it was called Love Lash, or something
18 along those lines -- had made a post about me on Facebook.

19 And a whole bunch of people proceeded to comment on it, and
20 that's why there were numerous reports that were getting sent
21 in on multiple days after the fact, because of the amount of
22 traffic that this post had gotten, even though I was no longer
23 performing eyelash extensions after the warning letter.

24 I tried to find some of those, but it probably had like 50

1 shares and like two to three hundred comments. So people kept
2 calling in acting like I was still doing lashes, and I had
3 completely stopped.

4 I received the first letter, and then I moved. I'm
5 guessing that's why I never received the second letter saying
6 anything about how I was still doing them or a fine to pay, or
7 any of that.

8 Shortly after all of that stuff had happened, I just
9 continued on, didn't do anything cosmetology-related for
10 awhile. It's something I enjoy doing, so I went ahead and
11 applied and went to school, and got my license. And then I
12 tried to start working.

13 I graduated from cosmetology school in July and tried to
14 pursue to work and get my license. It wasn't approved because
15 this -- there was still this thing I didn't know about.

16 And so that's pretty much why I'm here today, just to
17 hopefully release my license so I can start working, because I
18 tried to make it right. But that's just really --
19 [inaudible]--

20 MR. JACKSON: Counsel, any cross-examination?

21 EXAMINATION OF MS. PARNELL

22 BY MR. THOMPSON:

23 Q. Ms. Parnell, you went to school and you got your
24 license.

1 A. Yes.

2 Q. So -- and so at this point it really is -- comes down to
3 -- comes down to that fine, the payment of that fine, correct?

4 A. Yes. I didn't even know about the fine. And I came up
5 to -- I guess it was to her office to pay the fine, and then
6 that's when I was given this letter stating that I needed to
7 come in front of you guys.

8 Q. So this -- so you're aware now that if you read the
9 order, regardless you had to come here and talk to them, even
10 if you had to pay the fine. That's why we're here today.

11 A. Yes.

12 Q. We're not -- you're here to tell your story, and for
13 them to decide. You understand that's why we're here today.

14 A. Yes sir.

15 MR. THOMPSON: Okay, thank you. That's all I have.

16 MR. JACKSON: Do the members of the board have
17 questions for Ms. Parnell?

18 MS. BOYDSTUN: Did you pay the fine?

19 MS. PARNELL: No. I tried to pay the fine. I was
20 given this letter saying you guys are supposed to decide.

21 MS. BOYDSTUN: And when did you move?

22 MS. PARNELL: So I -- it was several years ago, but
23 it was in that time period. So maybe mid-September or October.
24 I'm actually not too sure.

1 MR. O'BAUGH: Are you still prepared to pay the fine
2 and have your license?

3 MS. PARNELL: If that's what you guys decide, then
4 yes.

5 MS. LANCE: Do you have somewhere to work at?

6 MS. PARNELL: Yes, I already have a job. They're
7 just waiting for my license to be released so I can start
8 working. It's going to be Elite Hair Salon in Russellville.

9 MS. MCGINNIS: I'm not sure how relevant this is, but
10 you said you took a course to be certified.

11 MS. PARNELL: Yes.

12 MS. MCGINNIS: Was that from the state?

13 MS. PARNELL: Yes ma'am.

14 MS. MCGINNIS: Did you pay for that?

15 MS. PARNELL: The girl that did my eyelash extensions
16 she was certifying other lash artists around northwest
17 Arkansas, and I don't know if that was legit or not, but I
18 didn't know anything about how the whole process worked.

19 And so I paid her \$275 to get certified to perform lashes.
20 And she just kind of taught me hands-on everything, and
21 provided me with a kit.

22 MS. MCGINNIS: I was just curious.

23 MR. JACKSON: Do the members of the board who are
24 watching via Zoom have any questions.

1 MS. WARE: No.

2 MR. JACKSON: Is there any recross?

3 MR. THOMPSON: No recross, Judge.

4 MR. JACKSON: Do you have anything else you'd like to
5 add?

6 MS. PARNELL: No.

7 MR. JACKSON: Do you have any other witnesses you'd
8 like to call?

9 MS. PARNELL: No.

10 MR. JACKSON: Do you rest your case at this time?

11 MS. PARNELL: Yes sir.

12 MR. THOMPSON: Judge, I know we rested, but I think we
13 do have pertinent information from Mr. Hooper that we just
14 discussed. He is the branch chief over cosmetology and
15 massage therapy and he is Kelli Kersey's boss. And I'd like
16 for him to testify briefly.

17 MR. JACKSON: Okay.

18 MR. THOMPSON: Based on her testimony. I think -- I
19 believe the respondent would probably not object when she
20 hears the testimony.

21 MR. JACKSON: Okay. At this time I'll allow for
22 rebuttal. Let me get this witness sworn in. If you could
23 identify yourself for the record, first.

24 DR. HOOPER: Dr. Alex Hooper, branch manager,

1 Personal Care Services, overseeing cosmetology, massage
2 therapy and body art.

3 [Whereupon Alex Hooper swore to tell the truth in these
4 proceedings]

5 EXAMINATION OF ALEX HOOPER

6 BY MR. THOMPSON:

7 Q. Mr. Hooper, you've identified yourself for the record.
8 And so it's correct to say you're the branch chief and you're
9 Kelli Kersey's supervisor?

10 A. That's correct.

11 Q. And then in your experience as branch chief, we've -- we
12 do have people that have been acting -- ADH has people that
13 have been performing body art, cosmetology unlicensed,
14 correct?

15 A. Correct.

16 Q. Often people refuse to do what's required of them by the
17 law, correct?

18 A. At times, yes.

19 Q. At times that happens.

20 A. Yes.

21 Q. So and it's correct to say that so far, Ms. Parnell has
22 done everything, except for the thousand dollar fine, correct?

23 A. That's correct.

24 Q. Does the department have any recommendation on the

1 amount of that fine?

2 A. Yes. After reviewing the statements of fact and hearing
3 Ms. Parnell's testimony, the department will recommend that
4 CTAC either reduce the fine from \$1,000 to \$100 to cover
5 administrative costs, or waiver the fee entirely.

6 MR. THOMPSON: Thank you, Mr. Hooper.

7 MR. JACKSON: Do you have any cross examination of
8 the witness, given that that was I think entirely in your
9 favor?

10 MS. PARNELL: Thank you. No. I appreciate it.

11 MR. JACKSON: Do members of the board have any
12 questions for the witness?

13 Counsel, anything else for the witness?

14 MR. THOMPSON: Not for this witness.

15 MR. JACKSON: Can he stand down?

16 MR. THOMPSON: Yes.

17 MR. JACKSON: Does either party have anything else to
18 add? Closing?

19 MR. THOMPSON: No, not anything before closing?

20 MR. JACKSON: Okay. Counsel, you may proceed with
21 closing when ready.

22 CLOSING STATEMENT

23 MR. THOMPSON: So members of the board, you just heard
24 from Mr. Hooper. We have folks that absolutely just disregard

1 what the law and rules are when it comes to the statutes. And
2 sometimes we have to rely on sometimes criminal charges to
3 enforce that.

4 This individual, she did what she was supposed to do,
5 except for the fine. And we think that her owning up or
6 stopping doing the lashes, going to school, that's worth
7 something. And that shows a willingness to comply with the
8 law.

9 And so that's why since she's been here and we've heard
10 from her, that the department has a recommendation. But you
11 all don't have to take that recommendation. You all have the
12 power to impose the full fine, or do whatever you want short
13 of -- you know, the fine or lower.

14 So that's all I wanted to say.

15 MR. JACKSON: Ms. Parnell, do you have a closing
16 statement?

17 MS. PARNELL: I'm just trying to make everything
18 right, and start working so I can make some money. So --

19 MR. JACKSON: At this time we'll go off the record
20 for the committee to recess for deliberation and a decision
21 regarding finding of fact and conclusions of law.

22 Once the board reaches a decision, we'll go back on the
23 record. So we're off the record at this time for y'all to
24 deliberate.

1 [Whereupon parties went off the record]

2 [Back on the record.]

3 MR. JACKSON: We're going to go back on the record in
4 this matter.

5 MS. BOYDSTUN: All right, so we're going to make a
6 motion that we're going to go with the finding of facts, and
7 change the amount of the original fee. It was a thousand
8 dollars, down to \$100 for administrative costs.

9 MS. LANCE: I second.

10 MS. BOYDSTUN: All in favor.

11 BODY: Aye.

12 MS. BOYDSTUN: Opposed?

13 BODY: [no response]

14 MS. BOYDSTUN: Motion carries.

15 MR. JACKSON: All right. Do you have anything else?

16 MR. THOMPSON: No.

17 MR. JACKSON: So just to confirm, you made a finding
18 of fact of true; however you're reducing the fine from \$1000
19 to \$100, and approving her license -- that was the motion?

20 MS. BOYDSTUN: Yes.

21 MR. JACKSON: And that was approved by everybody?

22 MS. BOYDSTUN: Correct.

23 MR. JACKSON: Okay. Counsel, let the record reflect
24 that the board's decision was unanimous and if you could

1 reduce it to writing and serve it upon all parties. I've got
2 to say this because this is a part of it.

3 But if -- you probably won't avail yourself of an appeal.
4 But if you do care to appeal the decision, an appeal can be
5 taken under any specific provisions relating to the board or
6 the Administrative Procedures Act found in Arkansas Code
7 annotated 25-15-201, et seq.

8 And counsel, if you can include that as part of the notice
9 as well.

10 MR. THOMPSON: I will.

11 MR. JACKSON: If there are no other questions or
12 comments, the hearing is concluded and the record is closed.
13 [Whereupon the proceeding concluded at 9:30 a.m.]

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CERTIFICATE

STATE OF ARKANSAS]

COUNTY OF PULASKI] ss

I, Stephanie G. Branton, an Arkansas Certified Court Reporter and Notary Public in and for the aforesaid county and state, do certify that a verbatim record of these proceedings were taken, by Stenomask, and reduced to typewriting by me; that this transcript is a true and correct record of the proceedings, to the best of my knowledge and belief. I further certify that I am neither counsel for, related to, nor employed by any of the parties to this action; I am not a relative or employee of any attorney or counsel employed by the parties, nor financially or otherwise interested in the outcome of this action; that I have no contract with the parties, attorneys, or any person with an interest in this action that would affect impartiality. WITNESS MY HAND AND SEAL as court reporter on this 1st day of November, 2023.

STEPHANIE G. BRANTON, CCR

