

# MINUTES

## UTAH Barber, Cosmetology/Barber, Electrology, Esthetics And Nail Technology MEETING

June 9, 2008

Room 474 -9:07  
Heber Wells Building  
Salt Lake City, UT 84111

**CONVENED:** 9:07

**ADJOURNED:** 11:58

**Bureau Manager:**

Diana Baker

**Board Secretary:**

Penny Vogeler

**Acting Board Secretary:**

Sally Canavan

**Board Members Present:**

Marti Frasier, Chairperson

Lynette Casper-Johnson

Dianne Niebuhr

Lyle Ferguson

Ruth Ann Holloway

Electrology position not replaced at this time

**Board Members Excused:**

Fran Brown, excused

Monica Bruin, excused

**Board Members Absent:**

Shauna Fox

**Guests:**

Leroy Ed The Barber School

Lynell Hite The Barber School

Vickee Lucero The Barber School

Lu Jean Tatton National Cosmetology Assoc. UT

Linda Chard National Cosmetology Association , UT

Jalaine Hansen Bio Kosmetique Instr of Aesthetics

Vick Layman Great Clips for Hair

Bette Bobka Great Clips Inc.

Janette Kelly Great Clips Inc.

Sharon Saylor Great Clips Inc.

Shannon Mechling SLCC.and NCA.

James Collerify Point N Click LLC.

Glen Nollorely Point N Click LLC.

**DOPL Staff Present:**

F. David Stanley, Division Director

Kent Barnes, Compliance Manager

Debbie Harry, Compliance Specialist

Dan Jones, Investigations

## **TOPICS FOR DISCUSSION**

### **ADMINISTRATIVE BUSINESS: MINUTES:**

### **MR. JONES:**

### **COMPLIANCE OVERVIEW:**

### **INTRODUCTION**

**Diana Baker**  
**Bureau Manager**

### **BOARD DISCUSSION**

### **BOARD DISCUSSION** **Continued**

## **DECISIONS AND RECOMMENDATIONS**

The minutes from the 03/03/08 meeting were reviewed. A motion was made by Ms. Casper-Johnson and seconded by Ms. Holloway to accept the minutes with the corrections. The voting was unanimous.

Ms. Frasier, acknowledged Mr. Dan Jones former Bureau Manager, attendance at the meeting. He reviewed past Board meetings and cautioned making new or more rules for the Cosmetology and associates profession and thanked the Board for their work to date.

Ms. Frasier recognized Ms. Harry, Compliance Specialist. She reviewed the disciplinary files of the probationers who had appointments with the Board.

Ms. Baker introduced herself. She came to DOPL in 2001.

Overseeing the Medical Board and Pharmacy Board Physicians Assistants and some of those professions.

She currently is a nurse and has been for 35 years. Ms. Baker stated she recently visited a cosmetology school, and since she has been an educator in the nursing profession, it was very beneficial to go to the school and see students in action.

The Board was given time to review the probationary files they will be discussing today.

Ms. Baker would like to review some Orders that are in violation and resolve these through Surrender of license or Order to Show Cause. Ms. Baker stated she relies strictly within Statutes and Rules. That way everyone is treated equally. She asked what the Boards past actions and recommendations were. The Board determined when they are too easy on probationers; it seems to lead to non compliance. By following through with their original orders, the probationers are held to a higher standard of being in compliance.

Ms. Baker cautioned the Board to remember the

division mission is to protect the public.

When a licensee allows their license to expire they do have a property right up to 2 yrs after expiration. After the two years the licensee would need to pass the current exams again.

**PROBATION INTERVIEW:  
Mary Booth**

Ms. Booth, presented herself to the board Mr. Ferguson conducted the interview. She stated Mr. Jones had always let her know regarding Board meetings because she was having difficulty getting her mail. He did not let her know about the last meeting. She has moved and will be better able to get her mail now.

She states she has complied with everything the Board has asked, she is a model probationer, has paid fees and is teaching hair cutting styles at her work.

Ms. Harry stated she will help Ms. Booth with any paper work. She has a probationary license issued in 2007. She turned in an employer report for last month. She is required to turn in only employer reports.

Ms. Harry took the new address and graduation information. The Board will see Ms. Booth again in Sept 8, 2008.

**In Compliance**

The Board stated under certain circumstances the procedure for early release is to have a written request. This may be considered if the probationer is at least 2/3 of the way into their probation.

Mr. Ferguson wants to go on record, stating he feels Ms. Booth has paid a heavy price since 2003.

Ms. Frasier is extremely familiar with Ms. Booths probation and would have to be recused, if her case went to a hearing. Ms. Frasier's recommendation is to leave her probation time as is. The Board will see Ms. Booth again September 8<sup>th</sup> 2007.

**PROBATION INTERVIEW:  
Jenny Murray**

Ms. Murray was a no show for her appt. She called Susan Higgs during the Board meeting requesting to be excused stating she was ill.

**PROBATION INTERVIEW:  
Amanda Call**

Ms. Call presented herself to the Board. Ms. Johnson-Casper conducted the interview. Ms. Call is going to move back to Price. She will be off State Parole in August and is getting married in nineteen days.

The Board requested Ms. Call send us a letter when she has completed her probation. She started a new job March 14, 2008. She stated her new employer is aware of her probationary status. The employer must acknowledge she has a copy the Stipulation by submitting a letter to the Board.

She gave Ms. Harry her new address in Wellington UT. Ms. Call stated her life is going great. Her finance' is re-enlisting in the service. The Board stated she needs to concentrate on being in compliance by submitting the employer note and employer report for June on employer letterhead.

**PROBATION INTERVIEW:  
Marci Pruitt**

Ms. Pruitt presented herself to the Board. She was interviewed by Ms. Holloway. Ms. Pruitt stated she was here due to an addiction problem. She has been in rehabilitation from August of last year and will be completing the ACS program. Thursday. She stated she has applied to be off probation with the courts and will request to be off probation with the Board. She needs March 2008 supervisor report form, Therapist report and After Care report.

On April 2009 Ms. Pruitt had a positive reading on drug screen for prescription Loritab. The prescription was prescribed due to a recent surgery. A prescription for the Loritab is on file. The Board is concerned with the prescription of Loritab because it was her drug of choice before rehabilitation.

Ms. Pruitt stated she is always on her guard against addictive behavior with Loritab. She has random drug test and she states she has accumulated over 4000 hours of rehabilitation.

The Board set forth specific guidelines for public safety. The Board noted Ms. Pruitt has an instructor license, the charges occurred while working as a cosmetologist, which tells the Board she was using her profession for access for identify theft.

The Board noted Ms. Holloway attended a program in Washington DC. The FBI made a presentation regarding identify theft, its ramifications stating the problem is extremely rampant.

The Board denied Ms. Pruitts request for termination. After further discussion the Board determined to use the Compass Vision Program. The program allows the Division access to increase or decrease the number of drug screens as necessary. We have no control over AP&P program. Ms. Pruitt is concerned regarding the price of Compass Vision testing program.

The Board noted Ms. Pruitts lack of understanding of substance addiction is a red flag. Although, she states she is fine, the Board feels she is vulnerable for a relapse. The Board will see her in September, 2008.

**PROBATION INTERVIEW:  
Andrea Jimmie**

Ms. Jimmie did not appear for her interview. The Board discussed Ms. Jimmie she is not in compliance. Ms. Casper made a motion for her file to go to the Attorney General for revocation of license. Mr. Ferguson seconded the motion. An Order to Show Cause will be submitted by Ms. Baker.

**PROBATION INTERVIEW:  
Stephanie Gammell**

Ms. Gammell did not show for the Board meeting. Ms. Harry stated she had called and left her a reminder message to come to the Board. Her phone gave a recorded messaged with instructions to leave a message and stated her name, so the message was received.

The Board recommendation is for an Order to Show Cause. Motioned by Ms. Holloway and seconded by Mr. Ferguson. The voting was unanimous.

**BOARD DISCUSSION**

The Board discussed the option of requiring Thirty days to retake the exam or re education after failing. Mr. Barnes suggested requiring candidates to wait thirty days to retest. This would help the student have a higher probability to pass. (1) in theory, it will signal the Division and the Board are serious about the test. (2) Students really do need to study this material and it will give the candidates time to reflect and do some training. The Board expressed concern some of the candidates are training themselves to test not training to know the subject.

This test is entry level and it tests core knowledge only. If the students are failing repeatedly it asks the question if there is something wrong with the candidates core knowledge.

Mr. Barnes commented that perhaps we are doing the public a disservice by letting them continue testing and retesting until they can pass.

A motion was made by Ms.Holloway and seconded by Mr. Ferguson voting was unanimous.

The Board discussed an implementation date. They determined three months is usually long enough for the schools to implement a change. The implementation date is September 1 2008. Ms. Holloway made the motion Ms. Casper seconded the motion. Voting unanimous.

The Board discussed a one year validity of the exams. If an exam is older than one year the student must re test. Mr. Barnes stated the test can be taken in any order and PSI does the tracking. Ms. Niebuhr motioned to adopt one (1) year limitation on the exam Ms. Holloway 2nd the motion. The voting unanimous. Effective date on Sept 1 2008.

## **BOARD DISCUSSION Continued**

### Discussion #2

The Board discussed adding barbering skills to the cosmetology/barber practical exam. PSI has cautioned against adding too many points to the exam.

The Board received three alternatives regarding the cosmetology/barber practical exam. The only thing we are testing now is shaving; we are not testing the clipper cut. Alternative one put the clipper cut into a practical exam as part of the Barber license. Alternative two, they can have one Practical exam but separate the score for the Barbering component and Cosmetology component but it will have to pass both component s to have a passing score on the exam. Kirby from NIC testing suggested having two exams but that has the disadvantage of driving the costs up.

Ms. Thomas, from PSI stated the exams show the barbering skills are very weak. PSI is supportive as to what we want They are rapid in altering an exam. Ms. Holloway motioned to accept alternative (1)

**BOARD DISCUSSION  
Continued**

seconded 2<sup>nd</sup> by Mr. Ferguson The voting was unanimous.

The Board discussed at one point men were not allowed to get their hair cut except by a Barber but they wanted this changed. That is why we have the Cosmetology/Barber license option. Also discussed a lot of the schools don't believe that perms are required now and are only teaching the perm wrap not how to process or when processing is done.

All changes will be implemented by September 1, 2008.

Ms. Baker explained An Order to Show Cause is heard by the Board serving as the jury. All information has been given to investigation. The Respondent may represent themselves or use an attorney. The Administrative Law Judge and the the Division would make a recommendation i.e. an Order to Show Cause

**PROBATION INTERVIEW:  
Jerilynn Loukinas**

Ms. Loukinas was reported as not compliant. She did not appear for her appointment with the Board. She has not met with the Boards since 1999. Ms. Loukinas has always renewed her license, but states she has not been working in the field. She was informed by phone is she failed to come to this meeting we would have to take action against her license.

**PROBATION INTERVIEW:  
Julie Stumphy**

The number we had for Ms. Stumphy was incorrect. A probation report from two years ago shows she was doing well. Since that time we have had no contact with her. The invitation letter was not returned to DOPL, therefore we have to assume she received it. A motion was made and seconded to issue an Order to Show Cause to Ms. Stumpy. Motion carried.

**BOARD DISCUSSION  
Straight Edge vs Safety Razor**

The current NIC says shave must be done with a straight razor in the practical exam. The Division requested direction from the Board concerning adding the straight edge razor on the exam as identified by NIC. The Board's recommendation was to put the straight edge razor on the exam.

**BOARD DISCUSSION**

**The length of time to complete instruction for the various classification of licensure.**

Ms. Baker had some concerns about the length of time for different professions to complete their hours for licensure. In the Rule some categories of licenses have time restraints that need to be completed as well as the number hours. The Master Esthetician has no time frame. The Rule does not say less than 15 weeks. It was suggested by Ms. Baker to look at making all categories of licenses more consistent by putting a time for completion of each license. An apprentice can only work 40 hours per week.

Ms. Baker stated she would try and draft changes for the next Board.

Ms. Frasier thanked all participants for their NIC Conference participation and handed out certificates.

**ADJOURNED:**

*Note: These minutes are not intended to be a verbatim transcript but are intended to record the significant features of the business conducted in this meeting. Discussed items are not necessarily shown in the chronological order they occurred.*

11:58 adjourned. Motion to adjourn by Ms. Frasier.

09-08-2008  
Date Approved

(ss) Marti Frasier  
Chairperson  
Barbering, Cosmetology/Barber, Esthetics,  
Electrology, Nail Technology Licensing Board

09-08-2008  
Date Approved

(ss) Sally A. Stewart  
Bureau Manager  
Division of Occupational & Professional Licensing