

# MINUTES

## UTAH Barber, Cosmetology/Barber, Esthetics, Electrology and Nail Technology Licensing Board MEETING

March 1st, 2010

Room 474 – Fourth Floor – 9:00 am  
Heber M. Wells Building  
Salt Lake City, UT 84111

**CONVENED: 9:03 a.m.**

**ADJOURNED: 5:25 p.m.**

**Bureau Manager:**

Sally A. Stewart

**Board Secretary:**

Sally Canavan

**Board Members Present:**

Marti Frasier, Chairperson  
Holly A. Murphy  
Lyle G. Ferguson  
Sunny Smith  
Carlotta Veasy  
Annette Bergstrom  
Dianne Niebuhr, Public Member  
Carol Peterson, Public Member

**Board Members Absent/Excused:**

Fran Brown

**Guests:**

Darlene Durrant, MATC  
Shelley Merryweather, MATC

**DOPL Staff Present:**

Debbie Harry, Compliance Specialist  
Kent Barnes, Compliance Manager  
Mark B. Steinagel, Division Director

### **ADMINISTRATIVE BUSINESS:**

### **DECISIONS AND RECOMMENDATIONS**

**OATH OF OFFICE - NEW MEMBER:**

Ms. Stewart administered the Oath to Carol Peterson, who was congratulated on joining the Licensing Board.

**MINUTES:**

The minutes from the September 14<sup>th</sup>, 2009, meeting were reviewed. A motion was made by Ms. Niebuhr, seconded by Mr. Ferguson, to approve the minutes. The motion passed unanimously.

**HEARINGS:**

The Board meeting was temporarily closed to participate in scheduled hearings in Room 403.

**PROBATION INTERVIEWS:**

Debbie Harry, Compliance Specialist

The Board meeting reconvened at 12:09 p.m.

Ms. Harry reviewed the probationers being seen today. She stated the Compliance Unit has made some changes and will directly oversee some of the probationers. The Board will be notified if they are not compliant. If not compliant, the probationers will be scheduled to come before the Board. This will, hopefully, reduce the number of probationers being seen at the Board meeting.

**APPOINTMENTS/INTERVIEWS:**

Dallin Simper

Ms. Niebuhr interviewed Mr. Simper by telephone. Ms. Harry reminded him about a previous conversation with her, reminding him that if Compass Vision called him to test he should call her. The Board discussed how he needs to show the Board he is being responsible by calling the testing agency daily. He stated he is stressed but things are going well for him. The Board discussed having Mr. Simper meet with them every 6 months since he has been compliant with his MOU. Ms. Niebuhr made a motion, seconded by Ms. Murphy, to have him be monitored by the Compliance Unit. The motion passed unanimously. The Board requested he meet with them in 6 months on September 13<sup>th</sup>, 2010. **Compliant.**

Stuart William Nelson

Ms. Frasier interviewed Mr. Nelson. He is following a recovery program which is working well for him. He stated things are going well for him. The Board requested to see him on June 7th, 2010. **Compliant.**

Andrea Jimmie

Ms. Smith interviewed Ms. Jimmie. She wants to get back into Esthetics. Ms. Smith made a motion, seconded by Ms. Veasy, to refer her to the Compliance Unit to be monitored. The motion passed unanimously. The Board requested she meet with them in 6 months on September 13<sup>th</sup>, 2010. **Compliant.**

Jessica Albritton

Ms. Albritton did not come in for her appointment. Her past record shows five months of non-compliance. She called Ms. Harry stating she did not think she was supposed to be here today but the letter of notice was not returned to DOPL. Ms. Veasy made a motion, seconded by Ms. Bergstrom, to proceed with an Order to Show Cause. The motion passed unanimously. **Non-Compliant.**

Ms. Niebuhr interviewed Ms. Bowman. She thinks she is testing too often. Ms. Harry will check on the frequency of CVI test. She stated she has learned tools to help her let go the past. She is better able to deal with stressors. She also stated her criminal record has been expunged. The Board explained an administrative probation is different from criminal or court probation. The administrative probation (which is what we are) is held to a higher standard. She feels she is doing fine. She stated she is doing better because it is for herself. The Board requested to see her on June 7th, 2010. **Compliant.**

Ms. Murphy interviewed Ms. Jansen. She would like to further her nail training and become an instructor. The Board requested to see her on June 7th, 2010. **Compliant.**

Mr. Ferguson interviewed Ms. Booth. She stated everything was going great, although probation seems very long. She is anxious to “get her license back”. She wants to have her license the first day it is available. The Board discussed letting the probation run its time limit. Mr. Ferguson made a motion, seconded by Ms. Murphy, to let the Compliance Unit monitor her until May 3<sup>rd</sup>, 2010, when her probation with DOPL expires. The motion passed unanimously. **Compliant.**

Ms. Bergstrom interviewed Ms. McKenna. Her sister passed away, but the family is pulling together and being a good support system for her and each other. She stated she is doing well. The Board requested to see her on June 7th, 2010. **Compliant.**

Ms. Smith interviewed Ms. Spagnolo. She stated she has been doing great. She has a new job, stating it's fantastic. She is a teaching assistant for a study skills class. She has back problems and wants a salon in her home so she can work when her back doesn't hurt. The Board requested to see her on June 7th, 2010. **Non Compliant.**

Ms. Veasy interviewed Ms. Hardy. She stated she wishes she could remember some things from her past. She had been on medication that made her forget

sometimes. She is now working with a homeopathic doctor who has prescribed a different medication that is helping with clear thinking and anxiety. She is drug testing through Argus and will be going through CVI. She no longer drives. Her family provides a good support system, helping her get to her group meetings and appointments. The Board requested to see her on June 7<sup>th</sup>, 2010. **Non-Compliant.**

Vera I. Baird

Ms. Baird did not come in for her appointment. The Division has had no response from Ms. Baird. Ms. Veasy made a motion, seconded by Ms. Murphy, that Ms. Harry send her a non-compliance letter asking that she explain her absence and behavior at the June 7<sup>th</sup>, 2010 meeting. If she is not compliant at that time, they will move for an Order to Show Cause. The motion passed unanimously. **Non-Compliant.**

Shauna Elizabeth Reeder

Ms. Peterson interviewed Ms. Reeder. She is hoping her clientele will move with her. Ms. Harry will help with the transition drug testing. She is testing through Bear River currently. Her mom and sister are a great support system. She finds rock-climbing helps with fighting the stress and addiction. She also has different friends now. The Board requested to see her on June 7<sup>th</sup>, 2010. **Compliant.**

## **NEW STIPULATIONS**

Linh Nhat Pham

Ms. Bergstrom interviewed Ms. Pham. She has never used drugs but acknowledged her criminal involvement. She stated she has completed the required counseling. Ms. Pham was not getting along with her family but now her family is her main support system. The Board requested to see her on June 7<sup>th</sup>, 2010. **Compliant.**

Kathleen Francis Barker

Ms. Murphy interviewed Ms. Barker. She is signed up with AP&P where she is required to do testing. The Board discussed allowing her to continue doing testing through AP&P. Their tests are done monthly and randomly. She was informed she will need to contact the Health Department regarding a home business. Ms. Harry will be able to help with the drug testing transition from AP&P to CVI. The Board requested to see her on June 7<sup>th</sup>, 2010. **Compliant.**

Michelle Eileen Hanratty

Mr. Ferguson interview Ms. Hanratty. She stated she has moved home with her Mom. She will be helping with the restaurant her family owns in Panguitch. She stated things are going well. The Board will consider a phone interview for her next interview because she lives miles away. The Board requested to see her on June 7<sup>th</sup>, 2010. **Compliant.**

Lauri Watterson

Ms. Murphy interviewed Ms. Watterson. She stated she has a really good support group with family and friends. She currently has received her license and is employed. The Board requested to see her on June 7<sup>th</sup>, 2010. **Compliant.**

Shahri Kay Bryant

Ms. Niebuhr interviewed Ms. Bryant. She is working full time at a T-shirt shop. She has a good family support system. She is currently counseling with Odyssey House where they require drug testing 2-3 nights per week. The Board recommended DOPL allow testing from Odyssey House and that Ms. Harry check with Ms. Bryant shortly before the June meeting to see how things are going and possibly switching to CVI testing then. Ms. Niebuhr made a motion, seconded by Ms. Smith, to amend Ms. Bryant's MOU to temporarily discontinue enforcement of section 5j concerning minimum working hours until she is employed in her profession. The motion passed unanimously. The Board requested to see her on June 7<sup>th</sup>, 2010. **Compliant.**

#### **DISCUSSION ITEMS:**

Natural Hair Braiding aka African Braiding

Jestina Clayton was invited to speak to the Board about African Hair Braiding. She is a substitute teacher at Weber State. Ms. Clayton stated African Hair Braiding is also known as Natural Style or Extension Style. It uses no chemicals, only a comb, needle and thread, and a hair piece; and is totally reversible. The Board discussed the process of African Hair Braiding including the laws that govern Cosmetology. The Board's understanding of the law is that to manipulate or style the hair requires a Cosmetology/Barber license. To allow this service by unlicensed or exempt individuals would require a change to the law. The board suggested Ms. Clayton contact her local or state legislator. The Board requested a copy of her presentation for our director or any further discussion. They also suggested she may

want to talk to the Private Schools, Public Schools, or even the Text book publishers about changes in curriculum or instruction.

Update on Legislation

HB 379 is a current bill concerning changes dealing mostly with eyelash extensions and cross-over of educational hours. The changes proposed modify the definitions of Basic Esthetician and Cosmetology/Barbering within the Act. It also makes changes to allow someone who graduates from a Master Esthetics program outside the State of Utah to apply using work experience along with education. This bill would make it “allowable” for a school to accept earned hours for the other Cosmetology professions, leaving it to the Utah schools’ discretion on acceptance. Mr. Ferguson stated for the record that the High School students can get stuck under these circumstances, since acceptance is at the discretion of the school.

Rule Changes

The Rule will have to be changed with any changes made legislatively to the Practice Act. The Board was asked to review the Rule since all changes needing to be considered should be done at one time.

**NEXT SCHEDULED MEETING:**

Monday, June 7<sup>th</sup>, 2010.

**ADJOURN: 5:25 p.m.**

No motion required

*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.*

May 3<sup>rd</sup>, 2010

Date Approved

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

May 3<sup>rd</sup>, 2010

Date Approved

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