

**MINUTES**

**UTAH  
BARBER, COSMETOLOGY/BARBER, ESTHETICS, ELECTROLOGY AND NAIL  
TECHNOLOGY LICENSING BOARD  
MEETING**

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

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

**CONVENED: 9:13 a.m.**

**ADJOURNED: 3:50 p.m.**

**Bureau Manager:**

Sally A. Stewart

**Board Secretary:**

Sally Canavan

**Board Members Present:**

Marti Frasier, Chairperson  
Lyle G. Ferguson  
Carlotta Veasy  
Fran Brown arrived at 9:41 a.m.  
Annette Bergstrom  
Dianne Niebuhr, Public Member  
Carol Peterson, Public Member

**Board Members Absent/Excused:**

Holly A. Murphy  
Diane Niebuhr  
Sunny Smith

**Guests:**

Leslie Reeder, mother of Shauna Reeder  
Darlene Durrant, MATC  
Brenda Scharman, Cameo College of Beauty

**DOPL Staff Present:**

Debbie Harry, Compliance Specialist  
Kent Barnes, Compliance Manager

**ADMINISTRATIVE BUSINESS:**

**DECISIONS AND RECOMMENDATIONS**

**MINUTES:**

The minutes from the March 1<sup>st</sup>, 2010 meeting were reviewed. A motion was made by Mr. Ferguson, seconded by Ms. Veasy, to approve the minutes. The motion passed unanimously.

**PROBATION INTERVIEWS:**

**Debbie Harry, Compliance Specialist**

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

**Debbie Harry** (continued)

be scheduled to come before the Board. This will, hopefully, reduce the number of probationers being seen at the Board meeting.

**APPOINTMENTS/INTERVIEWS:**

**Mary O. Booth**

Mr. Ferguson made a motion seconded by Ms. Bergstrom to amend the stipulation to terminate probation. The motion passed unanimously.

**Jenny Louise Anderson**

Mr. Ferguson interviewed Ms. Anderson. The Board introduced themselves; this is her second meeting with the Board. Ms. Anderson's non compliance for failing to renew her license is compounded by a money shortage. The Board suggested she check with Workforce Services for some financial help. Reinstatement costs on her license still apply because of the laws and rules governing renewal of licenses. She stated life is very overwhelming right now. She is working in the sober living plan and that is helping with some of the stress. Her family is very supportive and she has a sponsor working with her. She stated she feels embarrassed by her past. Ms. Anderson stated she wants a quick fix to her problems but realizes this is a process. She must reinstate her license so she can work in the field. The Board decided the Compliance Unit will call to monitor her monthly. Her next meeting with the Board will be at the September 13<sup>th</sup>, 2010 meeting. **Non Compliant**

**Lauren Elizabeth Hardy**

Excused. **Non Compliant**

**Shahri Kay Bryant**

Ms. Frasier interviewed Ms. Bryant. She handed in paperwork to the Compliance Unit. Ms. Bryant is working with the Odyssey House program and doing drug/alcohol testing through that program. She stated she will be signed up with CVI by her next meeting. She manages life stresses with help from her mom and sister; and by seeing all the friends at Odyssey House. She appreciates the support of the Board. The Board reiterated that they are here to help her and will be in the future as well. Her next meeting with the Board will be at the September 13<sup>th</sup>, 2010 meeting. **Compliant**

**Kathleen Francis Barker**

This was to be Ms. Barker first interview with the Board. She had been compliant. A motion was made by Mr. Ferguson, seconded by Ms. Peterson, to have

**Kathleen Francis Barker (continued)**

the Compliance Unit send a letter giving her 30 days to become compliant. If she has not become compliant by the 30 day deadline the Division will move forward with an Order to Show Cause. The motion passed unanimously.

**Non Compliant**

**Rachel Bowman**

Ms. Veasy interviewed Ms. Bowman. She stated she had just been promoted to Manager of the Sports Clips where she is employed. She stated she has completed two years with drug court and its programs. Ms. Bowman stated if she keeps up at work she doesn't have time for anything else. She also stated she has done some motivational speaking, likes to go hiking, do art work and sleep. They all help reduce life's stresses. At the next Board meeting she plans to request early release. The Board told her to write a letter with her request and justifications. She may fax the letter to Ms. Harry, who will distribute it as needed. Her next meeting with the Board will be at the September 13<sup>th</sup>, 2010 meeting. **Compliant**

**Michelle Eileen Hanratty**

Mr. Ferguson made a motion, seconded by Ms. Brown, to have the Compliance Unit send a letter giving her 30 days to become compliant. If she has not become compliant by the 30 day deadline the Division will move forward with an Order to Show Cause. The motion passed unanimously.

**Non Compliant**

**Valerie Lynn Jansen**

Ms. Jansen did not appear for her appointment with the Board. The Board discussed having the Compliance Unit send a letter giving her 30 days to become compliant. Ms. Jansen has turned in an application to DOPL for an instructor license. The Board discussed the application with the Division as a Nail Technician instructor and advised that it be denied if she is noncompliant. An alternative would be an additional Memorandum of Understanding and Order with the same conditions and terms as her existing one she becomes compliant. A motion was made by Mr. Ferguson, seconded by Ms. Veasy, for her instructor license to be denied if she is non complaint; and that if she becomes compliant the instructor license be issued with an MOU subject to the same conditions and terms as the one issued for

**Valerie Lynn Jansen** (continued)

her base license. The motion passed unanimously. The Board also found her non compliant and is asking the Compliance Unit to send a letter giving her 30 days to become compliant. If she has not become compliant by the 30 day deadline the Division will move forward with an Order to Show Cause. The motion passed unanimously. **Non Compliant**

**Megan Ann Linihan**

Mr. Ferguson interviewed Ms. Linihan. She stated she is working in the field and things are going great. The Board discussed her compliance with her. Her next meeting with the Board will be at the December 6<sup>th</sup>, 2010 meeting. **Compliant**

**Patricia Lynn McKenna**

Ms. Bergstrom interviewed Ms. McKenna. She stated she had told a joke at work which a patron took 'wrong' and complained to management. Ms. McKenna had no idea what she had done to offend anyone until manager called her in and told her she was fired. Mr. Ferguson stated he knows Mr. Cox and will speak with him. Ms. McKenna would like to teach cosmetology. The Board reminded her she needs an instructor license to teach. She also needs to call CVI. Her next meeting with the Board will be at the September 13<sup>th</sup>, 2010 meeting. **Compliant**

**Stuart William Nelson** (telephone interview)

Ms. Frasier called and interviewed Mr. Nelson by telephone. The Board noted he has a positive attitude. Mr. Nelson stated he was going to be participating in a clean and sober convention. He stated they work all year doing fundraising for this event. He stated his family is a good support network for him. His next meeting with the Board will be at the September 13<sup>th</sup>, 2010 meeting. **Compliant**

**Shauna Elizabeth Reeder**

Ms. Peterson interviewed Ms. Reeder. She stated she wants to travel to Washington DC to work for about two months. She would be working outside her field doing pest control. She stated her current employer will hold her present job for her. This temporary job in pest control will allow her to pay down her student loans. She stated her mom is a good support person. Ms. Reeder lives in Logan so the Board discussed possibly doing a telephone interview with Ms. Reeder during the winter months. She stated she will let Ms. Harry know for sure when she decides if she will be

**Shawna Elizabeth Reeder** (continued)

going to Washington DC. Her next meeting with the Board will be at the September 13<sup>th</sup>, 2010 meeting.

**Compliant**

**Suzanne Nicole Spagnolo**

Ms. Harry will interview Ms. Spagnolo at 2:00 p.m. She was not able to arrange her schedule to meet with the Board at her assigned interview time. **Compliant**

**Lauri Watterson**

Ms. Brown interviewed Ms. Watterson. This is the second meeting with the Board. She stated everything is going well for her. She is calming down and is doing everything she needs to do. She stated that where she lives there is no place to test on the weekends. The Board advised Ms. Watterson to call and leave Debbie a message if she is called to test. She noted that a person gets out of a program what is put into it. She also stated her family and in-laws are very supportive and she is working with a doctor on her anxiety. She stated the doctor told her they may need to do a tonsillectomy but that if that happens she was told to call Ms. Harry. Her next meeting with the Board will be at the September 13<sup>th</sup>, 2010 meeting.

**Compliant**

**Michael Sipes**

Mr. Sipes did not appear for his interview appointment with the Board. The Board discussed his being non compliant. Ms. Veasy made a motion, seconded by Mr. Ferguson, for an Order to Show Cause at this time. The motion passed unanimously.

**Non Compliant**

**Linh Nhat Pham**

Ms. Frasier interviewed Ms. Pham. She came in late stating she had gotten lost because of the construction on the road. She was excited about getting her drivers license. She stated money is a stressor for her right now in part because of her attorney. She keeps having bench warrants issued to her for fines she has already paid. She stated she reads to help with the stress. Ms. Pham stated her family is her support. The Board suggested she keep doing what she doing as they can see her license is important to her. Her next meeting with the Board will be at the September 13<sup>th</sup>, 2010 meeting. **Compliant**

**Jessica Albritton**

Ms. Albritton did not come in for her appointment with the Board. The Board discussed her situation.

**Jessica Albritton** (continued)

She is currently non compliant. Ms. Brown made a motion, seconded by Ms. Bergstrom, for an Order to Show Cause at this time. The motion passed unanimously. After the vote was taken, Ms. Albritton came to her interview although she was late. Ms. Harry stated she is compliant.

Ms. Frasier interviewed Ms. Albritton. She stated her criminal probation is current and her GED is almost completed. She still needs the court ordered swab test for DNA. She stated she will send all her drug/alcohol test information to Ms. Harry. She stated that her family is good support for her. The Board noted she has a hard time getting a ride so they rescinded the motion to seek the Order to Show Cause and suggested she start planning for a ride early, informing her of the date of the next Board meeting. Her next meeting with the Board will be at the September 13<sup>th</sup>, 2010 meeting. **Compliant**

**Vera I. Baird**

Ms. Baird did not come in for her appointment with the Board. The Board discussed how this would be her third meeting with the Board and the second time she was non compliant even after receiving a letter from the Compliance Unit. The Division received no response to that letter. Mr. Ferguson made a motion, seconded by Ms. Veasy, for the Division to seek an Order to Show Cause. The motion passed unanimously. After the vote was taken, Ms. Baird came to her interview although she was late. The Board rescinded the motion to seek the Order to Show Cause.

Mr. Ferguson interviewed Ms. Baird. She stated money and finances have been a major problem for her. Her attorney keeps throwing bench warrants at her for bills that are paid. She stated she has to go through 90 days sobriety and then she is done with the court probation. The Board stated they will accept court drug/alcohol tests. She states she is trying to become employed so she can get signed up with CVI by June 1<sup>st</sup>, 2010. Her next meeting with the Board will be at the September 13<sup>th</sup>, 2010 meeting. **Non Compliant.**

**Marcy M. Pruitt**

Ms. Brown interviewed Ms. Pruitt. The Board noted she was being monitored by the Compliance Unit. Ms. Pruitt has had positive test results and out of range test results. She disagrees with the results. Ms. Harry suggested that CVI can rerun the sample at a cost of \$50.00. Ms. Pruitt stated the test will have to stay on her record because she can't afford the tests, let alone retesting the same sample. She feels she has been compliant in every way possible. The Board suggested she test in the morning. She stated money is her main stressor. The Board suggested it can be helpful to talk to a sponsor every day and she needs to get the drug/alcohol testing cleaned up. Ms. Harry will call her on June 8<sup>th</sup>, 2010, for continued monitoring. Her next meeting with the Board will be at the September 13<sup>th</sup>, 2010 meeting.

**Non Compliant**

**NEW STIPULATIONS**

**Rebecca E Sessions** (telephone interview)

Ms. Peterson interviewed Ms. Sessions. She is not working in the field and has not since 1999. She stated she is just trying to keep her license. She has just started a new job. She stated she has a support system through AA. The Board told her she must comply with the MOU she signed if she wishes to retain her license. The Board stated they would accept her APS test results. The Board suggested she be in touch with the compliance tomorrow (May 4<sup>th</sup>, 2010). Ms. Harry requested Ms. Sessions call her tomorrow. There will be no motion to amend her order until at least September, 2010. It currently states she must be working in the profession for her probation time to count. Her next meeting with the Board will be at the September 13<sup>th</sup>, 2010 meeting. **Non Compliant**

**Jason D. Roberts**

Ms. Bergstrom interviewed Mr. Roberts. He has completed his Anger Management classes and is doing whatever is required to take care of the problem. He does not take medication or drugs. He stated he and his wife are currently separated. He worked a full day on Saturday. He will be employed but working on commission and the employer knows his situation. He would like to keep it cost effective so the Division will accept his AP & P test results but he must sign up with CVI and call Ms. Harry if CVI requires him to test. His next meeting with the Board will be at the September 13<sup>th</sup>, 2010 meeting. **Compliant.**

**Maria Ximena Bailey**

Ms. Peterson interviewed Ms. Bailey. She stated she is engaged and has children, her fiancé and parents who support her. Her employer is okay with her situation. She plans on continuing to work in the field and everything is completed with the court but she still has a probation officer. She likes to draw and write poetry, do stuff with her family, go bowling. etc. Ms. Bailey stated she is excited to get back on track. She stated the trespassing charge resulted from a bitter divorce. She was trying to get her hair cutting equipment at her old house where her 'ex' lived. Her next meeting with the Board will be at the September 13<sup>th</sup>, 2010 meeting. **Compliant**

**DISCUSSION ITEMS:** (taken out of order)

**Non Compliant Probationers**

The Board discussed that the Cosmetology/Barber and related professions' probationers have a higher incidence of non compliance than the other sixty or so professions being monitored by the Compliance Unit. The Board needs to be compassionate, being supportive when the terms have been agreed upon; but it also needs to be strict enough to enforce compliance with those terms. The terms and conditions agreed to in the MOUs need to be adhered to. The responsibility to follow the terms and conditions needs to be the probationers. The Compliance Unit offered to monitor this profession's probationers because they can monitor them more frequently, meeting with them every month whereas the Board only meets quarterly.

**Documented Work Experience Hours for  
Licensure**

The Board discussed an application for licensure as an Instructor where the Cosmetologist/Barber had worked opening a business working. She provided documentation of working sixteen hours per day, every day, and seven days a week. The Division, with the agreement of the Board members, will be accepting those work experience hours having noted that many hours can cause a burnout.

**Proposed Rule Changes**

The Board discussed the proposed Rule changes. A major addition to the Rule will be Section R156-11a-302(b) titled "Qualification for Licensure-Acceptance of Credit Hours". The Board also discussed the other proposed changes, including the addition of alternative Electrology exams and other changes or additions.

The Division has had the opportunity to observe the

**Proposed Rule Changes** (continued)

Electrology practical examination. The proposed Rule change may affect portability; however the Division found that the NIC exam is faulty. Brenda Scharman spoke to the Board about this, making them aware of her concerns with the testing as the only Electrology School owner in Utah. If we do change tests, we need to make the change to the rule because the rule specifies the acceptable exams. Mr. Ferguson made a motion, seconded by Ms. Veasy, to accept all of the purposed changes to the Rule. The motion passed unanimously.

**New Applications**

On May 11<sup>th</sup>, 2010 the new law goes into effect. At the same time several new and improved applications will be made available on the website. The new applications may be 'completed' online, printed and mailed or brought to the Division's office; or they may be printed and then completed. All the Cosmetology/Barber professions' applications will be changed to the new format in the near future.

**HEARING: 2:00 P.M.**

**Melanie Gardner** (via telephone)

The meeting adjourned after completion of the discussions to Hearing Room 403 at 2:50 p.m.

**NEXT SCHEDULED MEETING:**

Monday, September 13<sup>th</sup>, 2010

**ADJOURN: 3:50 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.*

September 13<sup>th</sup>, 2010

Date Approved

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

September 13<sup>th</sup>, 2010

Date Approved

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