

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

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

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

**CONVENED: 9:05 a.m.**

**ADJOURNED: 5:30 p.m.**

**Bureau Manager:**

Sally A. Stewart

**Board Secretary:**

Sally Canavan

**Board Members Present:**

Marti Frasier, Chairperson  
Lyle G. Ferguson  
Annette Bergstrom  
Dianne Niebuhr, Public Member  
Carol Peterson, Public Member  
Sunny Smith  
Julia Prince

**Board Members Absent/Excused:**

Fran Brown  
Carlotta Veasy

**Guests:**

Teri Mason, Snow College  
Kristene Gillum, Marinello School of Beauty  
Sharon Christensen, Marinello School of Beauty  
Leslie Reeder, Mother of Shauna Elizabeth Reeder  
Linda Erwin, Friend of Melanie Lea Gardner  
Loren Lowe, Friend of Melanie Lea Gardner  
Brenda Scharman, Cameo College of Beauty,  
Representative of Private School Owners Association  
Darlene Durrant, MATC Instructor  
Natalie Parkin, Skinworks School of Advanced Beauty  
Candace Daly, CJD & Associates,  
Lobbyist for Private School Owners Association

**DOPL Staff Present:**

Debbie Harry, Compliance Specialist  
Mark B Steinagel, Division Director

**ADMINISTRATIVE BUSINESS:**

**DECISIONS AND RECOMMENDATIONS**

**OATH:**

The Oath was administered to Julia Prince and she was welcomed to the Board.

**MINUTES:**

The minutes from the May 3<sup>rd</sup>, 2010, meeting were reviewed by the Board. A motion was made by Ms. Smith, seconded by Mr. Ferguson, to approve the minutes as written. The motion passed unanimously.

**PROBATION INTERVIEWS:**

**Debbie Harry, Compliance Specialist**

Ms. Harry reviewed the Compliance report on Tanya Lee Hofeling, Stephanie Diane Brown and the other probationers being seen today. She stated the Compliance Unit will directly oversee some of the probationers. The Board will be notified if they are non-compliant. If non-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:**

**Tanya Lee Hofeling**

The Compliance Unit received information Ms. Hofeling was involved in an auto accident on her way in this morning. She is excused from her appointment today. Her next meeting with the Board will be at the December 6<sup>th</sup>, 2010, meeting. **Non Compliant**

**Stephanie Diane Brown**

The Board discussed Ms. Brown's compliance record. She is requesting early release from probation. Mr. Ferguson made a motion, seconded by Ms. Bergstrom, that her MOU be amended to release her from probation. The motion passed unanimously. **Compliant**

**Jessica Albritton**

Ms. Albritton did not appear for her appointment with Board. The Compliance Unit recommended an Order to Show Cause for non-compliance. Ms. Smith made a motion, seconded by Ms. Bergstrom, to request an Order to Show Cause petition. The motion passed unanimously. **Non Compliant**

**Jenny Louise Anderson**

Ms. Anderson did not appear for her appointment with the Board. The Compliance Unit recommended an Order to Show Cause for non-compliance. Mr. Ferguson made a motion, seconded by Ms. Peterson, to request an Order to Show Cause petition. The motion passed unanimously. **Non Compliant**

**Marcy M. Pruitt**

Ms. Niebuhr interviewed Ms. Pruitt. She stated she is doing "awesome". She is no longer working at the stressful job, not being trusted at work is stressful. When she changed jobs it made it easier to change friends. When she is in a good environment she has no desire to use drugs or alcohol. She stated that to handle stress she talks to her husband, friends and sponsor, on daily basis if needed. Ms. Niebuhr made a motion, seconded by Ms. Smith, to amend Stipulation and Order upon receipt of and dependant upon the results of an employer report, to release Ms. Pruitt

**Marcy M. Pruitt** (continued)

from probation. The Board advised her she needs to continue meeting all the terms of probation, until she gets a release order from the Division stating the probation is ended. The motion passed unanimously. The Board requested a personal narrative from Ms. Pruitt be submitted to the Compliance Unit also.

**Non Compliant**

**Vera I. Baird**

Ms Baird did not appear for her appointment with the Board. The Compliance Unit recommended an Order to Show Cause for non-compliance. Mr. Ferguson made a motion, seconded by Ms. Prince, to request an Order to Show Cause petition. The motion passed unanimously. **Non Compliant**

**Kathleen Francis Barker**

Ms. Barker did not appear for her appointment with the Board. The Compliance Unit recommended an Order to Show Cause for non-compliance. Ms. Peterson made a motion, seconded by Mr. Ferguson, to request an Order to Show Cause petition. The motion passed unanimously. **Non Compliant**

**Rachel Bowman**

Ms. Bergstrom interviewed Ms. Bowman. She stated she is doing well and at work she is managing ten other girls. She stated that drug court has taught her how much better her life is without drugs. Ms. Bowman read a letter on how she is doing at work and how her life is better without the drugs. She states she would like early release. The Board recommended she submit a letter requesting early release in writing to Ms. Harry. If it is received by November it can be reviewed at the December 6<sup>th</sup>, 2010, Board meeting. The Board requested to see her at the March 7<sup>th</sup>, 2011, meeting. **Compliant**

**Shahri Kay Bryant**

Ms. Frasier interviewed Ms. Bryant. Things are going great for her at work. She stated she is getting raises and promotions. She stated she is giving up her Nail Technician license. She has made a definitive choice. The Board advised her that if she surrenders her license she will not be able to reapply for three to five years. If she reapplies for licensure it will be applying for a license all over again although her education hours will remain effective. She was instructed that to surrender her license she needed to send in all copies of the license, and she would receive a Surrender Stipulation and Order from the Division to sign. She requested the Division send the Surrender Stipulation and Order to her and she would return her license.

**Shahri Kay Bryant** (continued)

She stated she will make more money with the new employment. **Compliant**

**Mallory Cochran**

Ms. Smith interviewed Ms. Cochran. She stated things are going well and she likes the people she is working with now much better. The Board requested documentation of completion of Court sanctions is sent to Ms. Harry with her employer reports. The Board requested to see her at the March 7<sup>th</sup>, 2011, meeting. **Compliant**

**Stephanie Gammell**

Ms. Niebuhr interviewed Ms. Gammell. She stated life is really good, fabulous. She is going to school getting good grades, and is on the Dean's list. She will know in November if she will be accepted into the Nursing program. The Board advised that she needs to be aware her DOPL probation will follow her through her nursing career if she does not get it taken care of. She stated she has moved back into parents' house and with all she has to do, she is feeling overwhelmed. The Board suggested that with her plate so full, maybe it is too full and she should try to simplify her life. They informed her that if you have unresolved probation you can't apply for another license for a period of time. The Board told her the little details are important so she needs to get her paper work in. The Board also recommended she go online and meet some of the required terms and conditions of her probation. The Board requested to see her at the December 6<sup>th</sup>, 2010, meeting.

**Non Compliant**

**Michelle Eileen Hanratty**

Ms. Hanratty did not appear for her appointment. The Compliance Unit recommended an Order to Show Cause for non-compliance. Mr. Ferguson made a motion, seconded by Ms. Smith, to request an Order to Show Cause petition. The motion passed unanimously. **Non Compliant**

**Valerie Lynn Jansen**

Ms. Bergstrom interviewed Ms. Jansen. She is getting some papers together and will reapply her instructor license. She is still on criminal probation because she is still paying fines. Ms. Jansen stated she handles life stressors by trying to take life as is comes or by just breathing or talking to friends at work, sometimes going for a walk or doing something not related to work. She is living at home. It is just her now, and her mom is a lot of support and the good friends she lost are coming back. Once everything with the

**Valerie Lynn Jansen** (continued)

probation is done and closed her long term goal is to go to small business school. She hopes that in the Spring she will be doing booth rental. The Board requested to see her at the December 6<sup>th</sup>, 2010, meeting. **Compliant**

**Andrea Jimmie**

Ms. Smith interviewed Ms. Jimmie. She stated things are going well and she likes her job. The family gatherings going good and she hasn't felt the urge to use. She loves Esthetics and would like to get into the Medical Esthetics field. She wrote a letter requesting probation release. Ms. Smith made a motion, seconded by Mr. Ferguson, to amend the OSC Hearing Order and release her from probation. The motion passed unanimously. **Compliant**

**Patricia Lynn McKenna**

Ms. Bergstrom interviewed Ms. McKenna. She stated things are going pretty good and she has gotten her kids back. She is working through the local union and continues to look for work in this profession. The Board discussed how her last test was through the Catholic Community Center, but was not received by the Compliance Unit. The Center is now closed. Ms. McKenna will try to get results from the Center. She stated her family situation is getting better. She stated that going to church, weekly bible study groups and talking with friends help with the stress. She will get Ms. Harry the documents showing her court probation is completed. The Board requested to see her at the December 6<sup>th</sup>, 2010, meeting. **Compliant**

**Stuart William Nelson**

Ms. Frasier interviewed Mr. Nelson. He stated he got his chip for being sober for one year. He stated he is definitely not a social drinker so he does not even hang around drinkers. As a result of not drinking his life is free of so much drama. Just basic living takes all that stress out of your life. He has clarity in his mind now he did not have before and is able to be more focused. He stated there is always something for him to do. Mr. Nelson stated work is going well. The friendship he has with his sisters is very strong and his sisters are very supportive. He stated he is dealing well with his stressors. The Board requested to see him at the December 6<sup>th</sup>, 2010, meeting. **Compliant**

**Linh Nhat Pham**

The Board discussed Ms. Pham. She called the Compliance Unit and stated she did not realize her appointment was today. Ms. Smith made a motion, seconded by Mr. Ferguson, to have the Compliance

**Linh Nhat Pham** (continued)

Unit contact her, do a compliance interview and make sure she is aware of the date of the next meeting. The motion passed unanimously. The Board requested to see him at the December 6<sup>th</sup>, 2010, meeting.

**Compliant**

**Stevie Noel Burtenshaw**

Ms. Niebuhr interviewed Ms. Burtenshaw. She stated she was informed she cannot request her own employer report. The request must come from Dopl or other organization. She is not working in the field. She is subject to an Order to Show Cause petition request but there was some kind of a mix-up in scheduling. She was not supposed to be at this meeting. She stated she does have a new address. The address was updated and given to Ms. Harry. Ms. Harry informed Ms. Burtenshaw she will get a letter from DOPL giving her further instructions and/or options relating to the Order to Show Cause petition.

**Lauren Elizabeth Hardy**

Ms. Peterson interviewed Ms. Hardy. She stated she loves her job. She has learned the value of the freedom she has. Her family is doing great and she has moved out with her boyfriend. She said she is getting her fines paid and that is helping her get rid of her stress. The Board requested to see her at the December 6<sup>th</sup>, 2010, meeting. **Compliant**

**Laurie Watterson**

Ms. Peterson interviewed Ms. Watterson. She stated she is doing fine and loves all the girls she works with. She stated she is still working at the old salon. She plans to take two months off work in about January 2011 following the birth of her baby but she will let Ms. Harry know if she's in the hospital for the next meeting. If she is compliant, the Board might be able to do a telephone interview if the weather is bad. She should call Ms. Harry to confirm. The Board requested to see her at the December 6<sup>th</sup>, 2010, meeting. **Compliant**

**Shauna Elizabeth Reeder**

Ms. Peterson interviewed Ms. Reeder. She stated she is fine and has finished everything on her criminal probation. She stated she is not feeling much stress. Her mom stated she is doing well, working and hanging out at home. She is doing the testing, calling CVI everything morning. She lives in Logan with her mom and plans to work at home as she is able due to back problems. For the next Board meeting, she should call Ms. Harry about a possible telephone interview. The Board requested to see her at the December 6<sup>th</sup>, 2010, meeting. **Compliant**

**Jason D. Roberts**

Ms. Bergstrom interviewed Mr. Roberts. He stated he misunderstood about the alcohol testing. He thought we approved him to accept the AP&P results. The Board determined they would accept the AP&P testing but he had to sign up with and call CVI also. Ms. Harry will get CVI testing information to Mr. Roberts. He stated he was working at the same place and he is doing good. He has not had any alcohol problems. The Board advised Mr. Roberts he need to submit copies of any programs he has completed. He had questions about an amendment for the testing requirement. The Board advised he must be compliant for at least two consecutive meetings before he could request consideration of early release from probation. He is dealing with the stress by implementing the self-help classes he has taken. He stated his top interest is trying to generate more income right now. Ms. Harry stated she would give him till next week to get set up with CVI. The Board requested to see him at the December 6<sup>th</sup>, 2010, meeting. **Non Compliant**

**Rebecca Sessions**

Ms. Sessions did not appear for her appointment. The Compliance Unit recommended an Order to Show Cause for non-compliance. Mr. Ferguson made a motion, seconded by Ms. Prince to request an Order to Show Cause petition. The motion passed unanimously. **Non Compliant**

**Dallin Simper**

Ms. Peterson interviewed Mr. Simper. He stated work is slow. He is testing through AP&P and signed up with CVI. He stated his stress at home is okay. He has a new baby girl and stated her smile is worth it all. The Board determined he has been compliant continuously and reminded him to keep calling and testing. The Board determined he could write a letter requesting early termination. The compliance unit has been monitoring Mr. Simper. The Board requested Ms. Harry call him in one week for test results. The Board requested to see him at the March 7<sup>th</sup>, 2011 meeting. **Compliant**

**Suzanne Nicole Spagnolo**

Ms. Smith interviewed Ms. Spagnolo. She is currently looking for work. Everything else is going great. Due to her permanent back problems she is working at home, mostly doing family's hair. She stated she would like to get an instructors license. The Board discussed requirements for an instructor license. The application and requirements are available on the

**Suzanne Nicole Spagnolo** (continued)

**INFORMATIONAL ONLY:  
NIC Conference Report – Marti Frasier**

DOPL webpage. The Board requested to see her at the December 6<sup>th</sup>, 2010, meeting. **Compliant**

Ms. Frasier attended the NIC Conference. It was held the end of August in Seattle, Washington. It was the NIC 55<sup>th</sup> annual conference. Ms. Frasier noted they had break-out sessions where they gave information and helpful suggestions on pulling together and working together, infection control, hazardous waste management, test identification, technology chips and other topics. The conference reception was sponsored by Pivot Point, DLRopte, Milady and Barbicide. The NIC organization divides the United States into four regions, Utah being part of Region Four. At the conference Ms. Frasier was elected Director of Region Four. She noted an individual must be a sitting State Board member to run for election. The Board congratulated Ms. Frasier. She stated she was pleased to have the opportunity to be the Region Four Director. She also noted the 2012 NIC Annual Conference will be hosted in Salt Lake City, Utah. On one night of the conference the hosting State Board sets forth an activity in which the conference attendees participate. Ms. Frasier suggested the possibility of a dinner ride on the Heber Creeper, so the people at the NIC conference can see some of the scenery here in Utah. Other suggestions would be appreciated as this is Utah's hosting opportunity. There conference is generally held with the support staff from NIC of 225 people in attendance. The end of August or the first part of September prior to the conference the host state usually contacts businesses for contributions to a "goodie bag", and reserves hotels. She stated this is our chance to show that Salt Lake City can host a good party.

**NEW STIPULATIONS**

**Melanie Lea Gardner**

Ms. Neibuhr interviewed Ms Gardner. She stated she was feeling a little nervous being at the Board the first time. She stated doing hair is her passion. The Board advised her they are here for her support and help. Ms Harry will meet with Ms. Gardner to go over her hearing order requirements. The Board advised Ms. Gardner there are some steps she can take towards getting her license back to an active status. She stated she has some paperwork for Ms. Harry to copy. The Board requested to see her at the December 6<sup>th</sup>, 2010, meeting. **Compliant**

**Candice Renae Young**

Ms. Young did not appear for her appointment. Ms. Harry stated she has just talked to her. The Compliance Unit will follow up. The Board requested to see her at the December 6<sup>th</sup>, 2010, meeting.

**Jessica Hilton**

Ms. Frasier interviewed Ms. Hilton. The Division granted her a probationary license following an administrative hearing on renewal denial. She has a severe medical condition and stated she is mostly focusing on her recovery. Her condition is currently under control. She stated she has been sober since March 2008. The Division has received her medical forms as required in the Hearing Order. She stated she is meeting with AA on a daily basis while living with her family. She stated no major stresses are going on. The Board advised her CVI testing has a lot of sites or a mobile unit. The Board requested to see her at the December 6<sup>th</sup>, 2010, meeting. **Compliant**

**Maria Ximena Bailey ( existing Probationer)**

Ms. Bergstrom interviewed Ms. Bailey. She stated she was working in the field and everything was going well. She stated she was offered the Assistant Manager job today and she just won a new pair of scissors. Ms. Bailey stated her classes were completed and she will be off criminal probation in January 2011. The Board requested to see her at the December 6<sup>th</sup>, 2010, meeting. She stated she needed the last appointment of the day. **Compliant**

**Maria Zimena Bailey (continued)**

**DISCUSSION ITEMS:**

**Pre Approval for Testing**

This item will be a stated Agenda item at the December 6<sup>th</sup>, 2010, meeting. Further information will be made available during that discussion.

**Rule Changes and Approval**

W. Ray Walker, the Division's Regulatory Compliance Officer, joined the meeting at 4:15 p.m. for the Proposed Rule change Discussion.

The proposed language for the rule was e-mailed to the Board and other interested parties prior to this meeting. There is an addition to the definition of Health Care Practitioner to include a Podiatrist and a Physician Assistant, acting within their scope of practice. The Board discussed the need to duplicate language from the DOPL "umbrella" Act and determined the proposed language be included for clarification.

A section is being added on Foreign School Education equivalency to clarify who is an approved evaluator. This information was provided in the application only

**Rule Changes and Approval** (continued)

prior to this change.

A section is being added in accordance with the Act to clarify how credit hours may be accepted towards graduation by schools. This section will provide the maximum hours acceptable based upon the existing licensed level of a student and the school's evaluation of competency.

Language under unprofessional conduct is proposed adding failing as a supervisor to maintain the appropriate level of supervision and failing to have the appropriate level of supervision required. Additional language is also proposed for Unlawful Conduct regarding possession of MMA by a Nail Technician.

Additional protection of students and schools is proposed, including adding to the standards for written contracts and schools evaluation of competency. There are also various technical corrections being made to the Rule at this time.

Mr. Ferguson made a motion, seconded by Ms. Prince, that the proposed Rule change be accepted as discussed. The motion passed unanimously.

**Mark B. Steinagel, Division Director**

Mr. Steinagel as Division Director discussed the duties and responsibilities the Board as they relate to the Division. He referenced the Division's licensing Act Section 58-1-202. He stated the Board members do not need the Division's approval to put something on the agenda. Mr. Steinagel stated the Division looks to the various Boards as the experts. The Division will make the final decision, taking in to consideration the Boards' recommendations.

**Kimberly Lynn Sevy: Work Experience to Master Esthetician licensure**

Ms. Sevy is licensed as an Esthetician in Utah and was previously licensed in another state. She wants to be a Master Esthetician. She misunderstood that 4,000 hours of work experience as an Esthetician was a pathway to licensure as a Master Esthetician. It was explained that an applicant cannot use work experience to go from Basic Esthetician licensure to Master Esthetician licensure. She asked to have her situation discussed with the Board. The Board discussed how other States will have different number of required hours for their Esthetician and Master Esthetician programs; and that currently there is only one other

state licensing on dual levels. Mr. Ray Walker the Compliance Officer has joined the meeting at 4:15 for the Rules Discussion.

**Monica Bruin, in Memoriam**

The Board remembered Monica Bruin. She was a remarkable person and is missed by all who knew her.

**NEXT SCHEDULED MEETING:**

Monday, December 6<sup>th</sup>, 2010

**ADJOURN: 5:30 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.*

December 6<sup>th</sup>, 2010

(ss) Marti Frasier, Chairperson

Date Approved

Barbering, Cosmetology/Barbering, Esthetics,  
Electrology and Nail Technology Licensing Board

December 6<sup>th</sup>, 2010

(ss) Sally A. Stewart, Bureau Manager

Date Approved

Division of Occupational & Professional Licensing