

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

December 6th, 2010

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

CONVENED: 9:07a.m.

ADJOURNED: 5:25 p.m.

Bureau Manager:

Sally A. Stewart

Board Secretary:

Sally Canavan

Board Members Present:

Marti Frasier, Chairperson
Lyle G. Ferguson
Annette Bergstrom
Carol Peterson, Public Member
Sunny Smith
Julia Prince
Fran Brown
Carlotta Veasy
Dianne Niebuhr (9:17)

Board Members Absent/Excused:

None

Guests:

Amanda Dodge, Salon Owner
Darlene Durrant, MATC
Judy Kasne, CC Academy
Shelley Merryweather, SF MATC
Hong Vu, Top Nail and Hair Beauty School
Jeff Downward, Echelon Edge Academy- School
Owner Association
Brenda Scharman, Cameo College –School Owners
Association
Natalie Parkin, Skin Works –School Owners Assoc
Nanette Downer, The Skin Science Institute
Tiffany Durfee, Lash Out
Colleen Wittler, Lash Out
Candace Daly, CJD & Associates

DOPL Staff Present:

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

ADMINISTRATIVE BUSINESS:

DECISIONS AND RECOMMENDATIONS

MINUTES:

The minutes from the September 13th, 2010, meeting was reviewed by the Board. A motion was made by Ms. Bergstrom, seconded by Ms. Prince, to approve

the minutes as written. The motion passed unanimously.

PROBATION INTERVIEWS:

Debbie Harry, Compliance Specialist

Ms. Harry reviewed the Compliance report on the 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:

Linh Nhat Pham

Ms. Frasier interviewed Ms. Pham. She stated her manager will send in the employer report. The Board reminded Ms. Pham her reports need to be to Ms. Harry of the Compliance Unit by the 20th of the month. The Board requested to see her at the March 7th, 2011 meeting. **Non-compliant**

Tanya Lee Hofeling

She did not come in for her appointment. Ms. Bergstrom made a motion, seconded by Ms. Veasy, to have an Order to Show Cause prepared. The motion passed unanimously.

Stephanie Gammell

Ms. Veasy interviewed Ms. Gammell. The Board reminded her that the Compliance Unit does not have her 12 steps meeting report. She stated she has done some of the 12 steps classes online. She stated she could go home and bring the report in later today. The Board suggested she take more responsibility when someone is faxing it for her. She should wait for the report saying it went through or stand by while they fax it for her so she knows it is done. She stated she gets more out of a church service than from the 12 step program we are requiring her to take. She stated the 12 steps program leaves her feeling pushed down, like she cannot get any better. She stated she uses prayer, scripture reading and the Lord as her sponsor; and that leaves her feeling she can be whatever she wants to be. As support she uses her family and her school counselor. Ms. Gammell stated she is not working in the field. She stated has a learning disability and does not have any need for alcohol or drugs. She stated each day she is growing and learning. The Board requested to see her at the March 7th, 2011 meeting. **Non-compliant**

Megan Ann Linihan

Ms. Bergstrom conducted the interview with Ms. Linihan. The Board noted all paperwork has been coming in. She is requesting early release. The Board noted licensees need to be compliant to be considered for early release. The Board recommended the Compliance Unit follow her calls on the testing schedule. If she calls daily and is compliant every day for the next 3 months, the Board may consider early release in March. The Board requested to see her at the March 7th, 2011 meeting. **Compliant**

Valerie Jansen

Mr. Ferguson interviewed Ms. Jansen. She stated she is working. The Board noted she should have sent in an employer report on Saturday, November 20th, 2010. The Compliance Unit accepted the employer report she completed at the Board meeting. She is currently on maternity leave, her fines are paid and she has completed the court ordered classes. She stated she is trying to keep her clientele and she stated she plans to work Wednesday, Thursday and Friday. Mr. Ferguson made a motion, seconded by Ms. Brown, to see her in six months at the June 6th, 2011, Board meeting. The motion passed unanimously. **Compliant**

Patricia Lynn McKenna

Ms. Smith interviewed Ms. McKenna. The previously requested drug screens are not being received from the Catholic Services testing agency. The Board reminded her she must test the day she called. She stated she is not working in the profession. The Board discussed how following through with the terms and conditions in the MOU she signed would show the Board she was serious and wanted her license. She stated she was serious she had to borrow money for gas to get here but she got here. Ms. McKenna was reminded it is her responsibility to get her drug test results to Ms. Harry. She stated she is forgetful. The Board suggested if it is important to her she will remember; suggesting ways to remind herself to call. The Board noted there was a big change in her attitude and behavior since the last meeting. It appeared to the Board that Ms. McKenna was in 'crisis stage' and needed to find someone to help her with her memory situation. They suggested she talk to her pastor as he might be someone to help her. The Board told her that they knew she could do this and her life would get better. They stated she is way too young for it not to

Patricia Lynn McKenna (continued)

get better. The Board asked her what she could do to help herself. They suggested she get the test results in a sealed envelope; possibly stand there while they fax them for her to Ms. Harry. The Board requested to see her, and her support person, at the March 7th, 2011 meeting. **Non-compliant**

NEW STIPULATION:

Kimberly Noel Winger (worked in)

Ms. Winger called in ill and cannot come to her appointment. The Compliance Unit determined she must have a Doctor's note.

Stuart William Nelson

Mr. Nelson was excused from his appointment with the Board. He has the flu.

Lauren Elizabeth Hardy

Ms. Peterson interviewed Ms. Hardy. She stated everything is fine and going well. She commented that she forgot her card and her last drug test cost \$100.00. The Board reminded her to call for testing every day. Ms. Hardy stated if she waits to call she may forget, she sets an alarm. The Board requested to see her again at the March 7th, 2011 meeting.

Compliant

Lauri Watterson Logan (telephone interview)

Ms. Peterson interviewed Ms. Watterson by telephone. Weather was bad at her house. The Board noted she was in a safe place and to stay home. She stated she is working 3-4 days per week and has a great support system at home. She stated she still likes who she is working with and where she is working. The Board requested to see her at the March 7th, 2011 meeting.

Compliant

Suzanne Nicole Spagnolo

Ms. Smith interviewed Ms. Spagnolo. She stated it was hard to find the balance with all she needs to do, including going to the chiropractor every week. She stated she forgot to call for drug testing while she was in California but she has a good track record. She stated the Board has been a very good experience for her. She stated the Board is part of her therapy. Mr. Ferguson made a motion, seconded by Ms. Smith, that the Board sees Ms. Spagnolo every other meeting, semi-annually. The motion passed unanimously. The Board requested to see her at the June 6th, 2011 meeting. **Compliant**

Jason D. Roberts

Ms. Bergstrom interviewed Mr. Roberts. At his last meeting he stated he needed to make more money and

Jason D. Roberts (continued)

he is now doing that. The Board noted he has a very positive attitude. He stated he has not relapsed, he has no desire to do drugs and would like to get off drug testing. He stated he is getting a lot of support from family. Mr. Roberts stated he has some healing relationships going on right now. He is trying to be good about supporting others. The Board suggested he could send in a written request for early termination from probation. The Board noted administrative history cannot be expunged. He is currently establishing a track record of compliance with the Board. The Board requested to see him again at the March 7th, 2011. **Compliant**

Melanie Lea Gardner

Ms. Gardner notified Ms. Harry she was ill could not attend her appointment with the Board. The Board determined she needs to provide Ms. Harry in the Compliance Unit with a doctor's note by tomorrow, December 7th, 2010, or action would be taken. Ms. Niebuhr made a motion, seconded by Ms. Brown, that should the Doctor's note not be received the Division should act on an Order to Show Cause. The motion passed unanimously.

Candice Renae Young

Mr. Ferguson made a motion, seconded by Ms. Bergstrom, for the Division to act on an Order to Show Cause. The motion passed unanimously. After further discussion by the Board on the motion, the vote was overturned. Mr. Ferguson made a motion, seconded by Ms. Smith, for Ms. Harry and Mr. Barnes to meet with Ms. Young so that they may go over MOU again and help her get back in compliance. The motion passed unanimously. The Board requested that they see her mother/supervisor along with Ms. Young at the March 7th, 2011 meeting. The Board noted if Ms. Young doesn't come to the meeting in March they will pursue an Order to show cause. **Non-compliant**

Jessica Hilton

She did not appear. She has sent in her license requesting Voluntary Surrender. She stated in her letter that it was for health reasons.

Maria Ximena Bailey

She did not appear. Ms. Bailey called and left a message there was a school emergency.

HEARINGS:

Scheduled from 1:00 p.m. through 3:00 p.m.

Vera I Baird
Rebecca Sessions
Marcy Pruitt

Board Meeting Reconvened

The Board reconvened at 3:18 p.m. It was noted at that time Fran Brown was excused.

NEW STIPULATIONS:

Frankie Jo Nemanic

Ms. Prince interviewed Ms. Nemanic. She stated she calls the testing agency every morning at 5:30am. She stated she no longer drinks any alcohol and her family is her support system. The Board noted her employer reports were good. Ms. Nemanic stated she had no particular stressors. The Board requested to see her at the March 7th, 2011. **Compliant**

Kimberly Noel Winger

She did not appear. She left word she was/is ill. The Board determined she needed a doctor's note to be received by the Compliance Unit by tomorrow, December 7th, 2010

Kinnaly Rose Nomichith

Ms. Niebuhr interviewed Ms. Nomichith. The Board explained the administrative probation process and noted a compliance specialist would go over her MOU with her. She stated she is taking classes; one of which is 'learning to live life sober'. She said she is learning better coping skills. The Board reminded Ms. Nomichith the probation requirements are easy to meet; just come meet with us, and that the Board is here to help her. She stated her family is a great support system. She is not working in the field and no longer in contact with old friends. She stated she has learned it is just easier to obey the rules. The Board requested to see her at the March 7th, 2011.
Compliant

DISCUSSION ITEMS

Tiffany Durfey; Lashout

Ms. Durfey addressed the Board as the representative for the Lashout company. She was requesting consideration of licensure for her profession and that a fair amount of training hours be required. Currently, eyelash extensions are in the scope of practice for several licensed professions that requires more education and cost. Ms. Durfey suggested the Division could "grandfather" licensing of those who are already doing the service. She stated she is aware that consideration of grandfathering licensure for her profession as well as actually having her profession become a regulated profession would require a change

Tiffany Durfey; Lashout (continued)

in the law. She is also aware it would have to go through the legislature to do so, but that she wanted to meet with the Board as a beginning point of discussions of regulation.

Pre Approval for Exams

Ms Brenda Scharman of Cameo College addressed the Board stating that the schools must provide or publish information on their pass/fail rates. If the schools have students who take the exams and fail because they have not had all their training it makes the schools look like the training is not effective. The schools pass/fail rates affect everything from national accreditation to student enrollment. The Board discussed having PSI administer the pre-authorization for the exams and how requesting PSI to do so may increase the price of the exams. Mr. Ferguson made a motion, seconded by Ms. Smith, recommending that a rule prohibiting students from testing until they have 90% of their schooling completed be drafted. The motion passed unanimously.

Testing on Laws and Rules

The Board discussed the reasons for considering requiring a law and rule exam. The Board agreed the laws and rules are to be taught as part of the school curriculum. It was stated that adding a law and rule exam requirement would require a change in the Rule. Testing on the laws and rules that govern their profession will help prospective licensees know where to look for and how to access information. The Board discussed using a law and rule exam as an educational tool rather than a testing tool, possibly making it open book or possibly adding it to the application. Mr. Ferguson made a motion, seconded by Ms. Veasy, to change the Rule to require a law and rule exam to be added to the application for licensure. The motion passed unanimously.

Concerns about an Extended Straightening Procedure

Ms. Frasier distributed several handouts on this process. The Board discussed the main concern was that the process used to straighten hair used product which contains formaldehyde. Formaldehyde was used as a sanitizer years ago until its health hazards became known resulting in the banning of the product. Ms. Frasier as Chairperson of the Board requested each Board member take the handouts home and review them. She indicated now may be the time to draft a letter voicing the Board's concern.

Adoption of a Code of Conduct

The Board discussed the reason there may be so many probationers might be because the licensees don't know the laws and rules that govern their profession. The Board also discussed how what is acceptable dress and conduct in one salon may not be acceptable in another. Ms. Frasier distributed handouts on the ABMP Code of Ethics - 2007. The Board suggested getting more verbiage for consideration of a code of conduct and discussing it again at the March 7th, 2011 meeting. It was also suggested the information could be sent by email to Ms. Frasier. The Codes for consideration must be a specific date, title etc. in order to be considered for inclusion the Rule. The reference could go in the unprofessional conduct section of the Rule. A Code of Ethics could also be used to help elevate people's thinking.

NEXT SCHEDULED MEETING:

Monday, March 7th, 2011

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.

March 7th, 2011
Date Approved

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

March 7th, 2011
Date Approved

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