

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

**March 7<sup>th</sup>, 2011**

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

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

**ADJOURNED: 5:51 p.m.**

**Bureau Manager:**

Sally A. Stewart

**Board Secretary:**

Sally Canavan

**Board Members Present:**

Marti Frasier, Chairperson  
Lyle G. Ferguson  
Carol Peterson, Public Member (left at 5:10)  
Sunny Smith  
Julia Prince  
Carlotta Veasy (left at 5:40)  
Fran Brown (arrived 9:50)  
Dianne Niebuhr, Public member

**Board Members Absent/Excused:**

Annette Bergstrom, excused

**Guests:**

Tamu Smith, Personal Interest  
Greg Skordis, Attorney for Michael Sipes  
Seth Durfey  
Penny Romeo, Davis Applied Technology Col.  
Angela Tanner, Davis Applied Technology Center  
Darlene Durrant, Mountainland Applied Tech. Col.  
Shelly Merryweather, Maximum Style Tech  
Katie Barrow, Avalon School of Cosmetology  
Candace Daly, Private Cosmetology School Owners  
Association Lobbyist  
Kristine Gillun, Marinello Schools

**DOPL Staff Present:**

Kent Barnes, Compliance Unit Manager

**ADMINISTRATIVE BUSINESS:**

**DECISIONS AND RECOMMENDATIONS**

**MINUTES:**

The minutes from the December 6<sup>th</sup>, 2010, meeting was reviewed by the Board. A motion was made by Ms. Niebuhr, seconded by Ms. Peterson, to approve the minutes as written. The motion passed unanimously.

**PROBATION INTERVIEWS:**

**Kent Barnes, Compliance Unit Manager**

Mr. Barnes reviewed the Compliance report on the probationers being seen today.

**APPOINTMENTS/INTERVIEWS:**

**Linh Nhat Pham**

Ms. Frasier interviewed Ms. Pham. Ms. Pham stated she doesn't use marijuana; she doesn't know how her test could have positive results. The Board suggested she avoid certain situations and make new friends. The Board suggested she be proactive about finding new friends. Ms. Pham stated if she finds herself in a situation where the same concern arises she will just leave. She stated work is going well. The Board noted all of her required paperwork is in to the Compliance Unit. She stated she is done with all criminal sanctions. The Board requested a copy of everything she has completed. The Board requested to see her again at the June 6<sup>th</sup>, 2011 meeting.

**Compliant**

**Frankie Jo Nemanic**

Ms. Prince interviewed Ms. Nemanic. She stated her parents, co-workers and friends were all very supportive. The Board stated her testing was "out-of-range" and suggested she not drink too much water on testing days. She stated she is going to Spain this summer. The Compliance Unit requested she call Ms. Harry and give her the itinerary for the trip. The Board requested to see her at the June 6<sup>th</sup>, 2011 meeting. **Compliant**

**Rachel Bowman**

Mr. Barnes gave the report on Ms. Bowman. She is out of town and was excused from this meeting. She had met with Mr. Barnes, Ms. Stewart and Ms. Harry previously. **Non-Compliant**

**Stevie Noel Burtenshaw**

Ms. Burtenshaw did not keep her appointment with the Board, nor has she contacted the Compliance Unit. Ms. Prince made a motion, seconded by Ms. Brown, for an Order to Show Cause. The motion passed unanimously. **Non-Compliant**

**Mallory Cochran**

Ms. Smith interviewed Ms. Cochran by telephone. She stated things were fine. She stated her work report was due and had been faxed in. The Board noted the fax machine was possibly not working at the time the fax was supposed to have come in. Ms. Cochran indicated her Dad had faxed the report in for her and had given her a fax report confirming the fax was sent. She will fax the report again. The Board noted she needs to remind her employer that the reports are due directly from employer. The employer

**Mallory Cochran (Continued)**

may mail or fax them. Ms. Cochran stated work is going good, but she has bad wrists and cannot do hair all day, every day, so she is going to back to school to learn a new profession. The Board requested to meet with her at the June 6<sup>th</sup>, 2011 meeting.

**Non-Compliant**

**Stephanie Gammell**

Ms. Veasy interviewed Ms. Gammell. She stated she is going to school and still plans to apply to nursing school. She stated she turned in the paperwork from the last report period and the current period to try and be compliant. She plans to send a letter requesting early release. The Hearing Order stated early release is not available until February 2011; since it is now after February 2011 she can submit a letter. She wants to keep her license as it proves to herself she has completed something. She stated she has worked very hard to change her life. The Board requested the Compliance Unit monitor her; when she is compliant Ms. Harry may recommend early release. The Board suggested she present, in writing, how she has changed, what is different, what she has achieved. The Board suggested she contact Ms. Harry so she can help her every step of the way. **Compliant**

**Melanie Lea Gardner**

Ms. Gardner did not come in for her appointment with the Board. Ms. Neibuhr made a motion, seconded by Mr. Ferguson, for an Order to Show Cause. The motion passed unanimously. **Non-Compliant**

**Michael Sipes**

Mr. Ferguson interviewed Mr. Sipes. His license is currently suspended. He was accompanied by his attorney, Mr. Skordis. He stated all his reports are current. He stated he has a lot of support from his family and his date. The classes he takes are an aftercare program. It is very intensive. The people in the class are all men so they can really get into there discussions. He stated he handles the stress by keeping as busy as he can. He stated his old job was in a machine shop as a programmer and he can't do that type of work any more. He has previously been in the hospital with back problems. Mr. Sipes requested the Board accept Clinical Consults drug and/or alcohol testing results. The Board's concern is Clinical Consults is only a six-panel test, and there is a question if their tests are random. The Board's preference is that he tests with our provider. The

**Michael Sipes (Continued)**

Board noted Mr. Sipes record shows he has fluctuated wildly between being compliant and non-compliant. He stated he keeps up on his skill by doing family, at no charge. The Board noted they were looking forward to a success story from him. Mr. Ferguson made a motion, seconded by Ms. Brown, for the suspension of his license to be lifted; that he receives a probationary license and act in accordance with the terms and conditions in his hearing order. The motion passed unanimously. The Board reminded him that he cannot work until he gets the license and notification from DOPL. The Board requested to see him at the June 6<sup>th</sup>, 2011 meeting. **Compliant**

**Megan Ann Linihan**

Ms. Peterson interviewed Ms. Linihan. She stated she is well and that things are going very well for her. She has changed employment and her clientele is growing. Ms. Linihan stated there is not much stress at home or she has learned how to handle it. She is requesting early release from probation. She noted at the last meeting, she could not be released because she had not been calling everyday, she is now. She stated she has learned a lot. She is now living life instead of hiding from it and she stated she is proud of her accomplishments. Ms. Linihan stated her family has been really supportive. She stated she has learned her lesson and she is grateful to have been caught. Now she has a life. Ms. Peterson made a motion, seconded by Ms. Veasy, for early release from probation. The motion passed unanimously. **Compliant**

**Patricia Lynn McKenna**

Ms. Smith interviewed Ms. McKenna. Her work may require her to go back stage at events. The Board cautioned her to be careful as it can be dangerous. She stated her kids are giving her trouble, her son is testing her. He verbally disagrees on school work. Her last test was with Catholic services and had a positive result. She stated she was sick and taking herbal medicines, they may have been responsible for the positive on her test. She calls CVI when she is supposed to test. February 1<sup>st</sup> she didn't get a job doing hair that she had applied for. The company cited they did not want to have to do a report on her. Last meeting she appeared to be in crisis mode and had a lot of depression. She seems to be doing much better; she is more focused on her church. She stated she is taking some computer courses in the "Back-to-

**Patricia Lynn McKenna (Continued)**

work” program. In December 2009 the Board modified her MOU for time to count even though she was not working in the field. The Board reminded her she is still obligated to do drug testing. The Board noted she could surrender her license, she stated no she will comply with probationary terms. The Board noted there needs to be a history of compliance before early release can be considered. She cannot change the past. She stated she will go from this point forward, show clear on her testing and be in compliance. The Board reminded her she can succeed. The Board requested to meet with her at the June 6<sup>th</sup>, 2011 meeting. **Non-Compliant**

**Kinnaly Rose Nomichith**

Ms. Niebuhr interviewed Ms. Nomichith. She stated she is doing good, attending drug court, two meetings per week. She stated she is learning about thinking errors and keeping herself positive. She stated she has no friends as the old friends are drinking and partying. She stated she is re-attending a 12-step program. Ms. Nomichith stated she will send forms to Ms. Harry showing the completion of the 12-step program. She stated she used her sister to vent to when she gets stressed. She stated she has no thoughts of going back to her old ways. The Board noted she needs a periodic CVI test for a base result. She stated she will go to CVI in May when she is done with drug court. The Board requested to meet with her at the June 6<sup>th</sup>, 2011 meeting. **Compliant**

**Candice Renae Young**

Ms. Young did not come in for her appointment with the Board. Mr. Ferguson made a motion, seconded by Ms. Smith, for an Order to Show Cause. The motion passed unanimously. **Non-Compliant**

**Shauna Elizabeth Reeder**

Ms. Peterson interviewed Ms. Reeder. Stated things are going “ok” but she had just lost her job. She is working at a new salon. It is going great, the girls are professional and her clientele is building. She stated she has learned “don’t do drugs”. The Board noted she is on the right road. Ms. Peterson made a motion, seconded by Ms. Veasy, for the Compliance Unit to monitor her. The motion passed unanimously. **Compliant**

**Jason D. Roberts**

Ms. Frasier interviewed Mr. Roberts. He stated everything is going wonderfully. He stated he is still

**Jason D. Roberts** (continued)

doing some counseling. Ms. Prince made a motion, seconded by Ms. Brown, for the Compliance Unit to monitor his probation. The motion passed unanimously. Mr. Roberts stated the Board is running a wonderful program. He stated his license is important to him and he is grateful to be going on compliance. Mr. Roberts stated he loves to train hairdressers and see people succeed. **Compliant**

**Dallin Simper**

Ms. Brown interviewed Mr. Simper. He stated he is doing pretty good, his criminal probation is completed, he has forms showing his completion. He is done with all programs. He had employer reports with him. He had several prescriptions recently issued to him. He stated his insurance just kicked in he has had a bunch of dental work done. He stated he is currently employed in the field. Ms. Brown made a motion, seconded by Mr. Ferguson, to release him from probation as of his original release date in April 2011. The motion passed unanimously. The Board reminded him to continue as though he were on probation even after the April date, until he gets a notice from the Division. **Non-Compliant**

**LUNCH 12:18 p.m.**

**HEARINGS:**

**Khommone Turpin**  
**Tanya Lee Hofeling**

Time blocked from 1:00 p.m. to 3:00 p.m.

**PROBATION INTERVIEWS:**

**Kent Barnes, Compliance Unit Manager**

Mr. Barnes reviewed the Compliance report on the remaining probationers being seen today.

**Kimberly Noel Winger**

Ms. Winger did not come in for her appointment with the Board. Ms. Brown made a motion, seconded by Mr. Ferguson, for an Order to Show Cause. The motion passed unanimously. **Non-Compliant**

**Laurie Watterson – Telephone Interview**

Ms. Veasy did the telephone interview with Ms. Watterson. She stated she is doing very well. She had the baby in January. She stated she called in and understood she did not need to call for a month after baby was born. Depending on when you start counting, she had missed 13 calls in February but did misunderstand what was needed. She stated she doesn't know how alcohol showed up as positive; she is not drinking because she is breast feeding. She stated her first day back to work is Saturday and she

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**Laurie Watterson** – Telephone Interview  
(continued)

had faxed in an employer report. The Board has not received it. The Board requested to meet with her in person at the June 6<sup>th</sup> 2011 meeting. **Non-Compliant**

**Maria Ximena Bailey**

Ms. Frasier interviewed Ms. Bailey. She stated she has finished her criminal probation, will fax in documentation. She had moved and called to update her address and gave her e mail today. The school emergency last meeting was her daughter, who had broken her wrist at school. Once she went to semi-annual meetings with the Board, she stated she was confused when to send in the reports. The Board noted she had agreed not to drink but that it is not required to test. She stated she has shared MOU with her employer. The Board noted the employer will submit the report directly, with the next one due May 20<sup>th</sup>, then again August 20<sup>th</sup>, 2011. She stated everything is going well and she has no thoughts of domestic violence. The Board requested to meet with her at the June 6<sup>th</sup>, 2011 meeting. **Non-Compliant**

**Marcy M. Pruitt**

Mr. Ferguson interviewed Ms. Pruitt. Ms. Pruitt has an amended Stipulation and Order from her prior disciplinary actions. She stated she understands her new Order, its terms and stipulations and that any violation could result in suspension of her license. The Board wanted to give her a second chance. She stated her employer needed more forms and was informed they were sent already on Thursday. Ms. Pruitt has been working there six months. She stated the employer usually gives her a copy showing the documents were faxed. The Board reminded her the Division or Board can move against her, if she is not in compliance. The Board requested to meet with her at the June 6<sup>th</sup>, 2011 meeting. **Compliant**

**NEW STIPULATIONS:**

**Natasha Diane Elmore**

Ms. Veasy interviewed Ms. Elmore. The Board noted Ms. Elmore is taking this seriously. She stated she understand her MOU. The Board noted they meet on quarterly basis. She stated she is not working in the field and she will let us know when criminal probation is complete. She stated she had just been involved with a DCFS case so things were really tense and stressful. The Board told Ms. Elmore they were here to support her. Ms. Stewart gave her a business card and offered to help her get where she is going. She stated she wants to work in her field. The Board noted

the employer may call Ms. Stewart for further clarification regarding her MOU. The Board requested to meet with her at the June 6<sup>th</sup>, 2011 meeting. **Compliant**

**Amber Morris**

Ms. Prince interviewed Ms. Morris. The Board noted Ms. Morris had talked with Ms. Harry already and did her intake interview on the phone. She stated she has a full time job in an office and has a second interview for a salon tomorrow night. The Board noted if her employer has concerns the employer may call Ms. Stewart. The Board also noted the employer may fax the employer report. The Board discussed the difference between criminal probation and Board probation. She is signed up with CVI and calling. The Board gave her “kudos” for being proactive. The Board requested to meet with her at the June 6<sup>th</sup>, 2011 meeting. **Compliant**

**Melissa Omer**

Ms. Niebuhr interviewed Ms. Omer. Ms. Prince recused her self from this interview. Ms. Omer stated she is overwhelmed, she is trying to get criminal probation done. She stated she does have some ideas now. She has talked to Compliance already and has her first employer report with her. The Board reminded her the employer should be sending in the employment report. She stated she sees a counselor to help with the stress. She thinks that seems to be going well. She stated initially she saw no hope for her self, but Brenda of Cameo School had been very helpful. She has helped her to see light at the end of tunnel. The Board noted this is not the end of the road; it is a point at which she can make adjustments and corrections. The Board noted they want to see her succeed. The Board requested to meet with her at the June 6<sup>th</sup>, 2011 meeting. **Compliant**

**Nicole C. Boyd**

Ms. Peterson interviewed Ms. Boyd. She stated she is 369 days clean. She stated she is working with DCFS where she is classified as a victim. She is doing testing and counseling through DCFS and AP&P. The Board noted with any test she takes the results need to be submitted to the Compliance Unit. The Board requested she submit documentation of classes she has completed. She stated her mother and family are a big support; her mother has temporary guardianship of her children. She stated her Father had rented an

**Nicole C. Boyd (Continued)**

apartment so she could stay with him. She stated she is working in the field and doing well. The other employees are very stable. She will need to take a leave of absence for about 6 weeks and her mom will help with daycare arrangement for her newborn following the birth. She stated she is living with her mom right now and handling the stress "ok". She stated she has learned her lesson, she is not going back to drugs. She stated DCFS required a psychological evaluation and diagnosed her with Bi-polar-2 and ADHD. She stated she thinks she was self-medicating with substance abuse. She is getting her life back together. She stated at one point she had a full clientele and is trying to get it back. The Board noted if she has any questions she can work with the Compliance Unit and to be sure and take the medications the Doctor says she needs. The Board requested to meet with her at the June 6<sup>th</sup>, 2011 meeting. **Compliant**

**DISCUSSION ITEMS:**

**Public School Funding/Legislative Auditor General's Office Questions**

The Legislative Auditor General's Office is looking into the public school/private school funding concern matter. They are compiling information for the best use of public funds for individuals who are pursuing careers in cosmetology and its related fields.

**Law and Rule Review and Revision:**

The Board discussed that there are many bills this session at the Legislature, any number of which could affect the Cosmetology and associated professions. Most of those bills have been tabled, killed or modified. There are however, still three days remaining before the Legislature closes. The Board also discussed the bill on amendments to the Cosmetology Act in the eyelash extension area. It was not recommended out of committee at the Legislature. The Board noted anyone can watch the status of any bill in the Legislature at [www.le.utah.gov](http://www.le.utah.gov), going to key words. The website use of keywords will find most things for you. There are no changes to the law as of the date of this meeting but some things do need to be updated in the Rule. To change a Rule is a three to six month process.

**Master Esthetic Practical Exam**

The Board discussed NIC offering a Master Esthetician Practical exam. The State of Virginia is using the master esthetics written and practical examinations. If the Board, as individuals, would like

to take a look at the Candidate Information Bulletin for the master level examination, the website is [www.nicesting.org](http://www.nicesting.org). The Board noted the State of Utah had been the forerunner in the nation, and that Virginia is now considered the frontrunner in the industry. Ms. Stewart is working on some possible verbiage for the Rule change which she will send via e-mail to the Board.

### **Testing on Laws and Rules**

The Board discussed adding a Law and Rule examination either to be included in the written exams or in the application. The Board discussed whether just including it in the application might be easier. When students use a test provider the student is on the test provider's time frame, and their cost. The Board discussed the purpose of a Law/Rule exam is to make applicants familiar with the laws and rules of their profession, how to find and how to use the information. The Board would recommend DOPL change or rotate the questions periodically. The Division's website has put the professions under profession headings. We want them to be able to find not just the references but the answers. The Law and Rule exam would have to be written using the legal level language included in the Law and Rule but would be understandable.

### **Adoption of a Code of Conduct**

The adoption of a Code of Ethics is not possible until the professions find a common code of conduct. It must be referenced as a published code of conduct. A code from an association would possibly include the specific association's terms and conditions.

### **Foreign /Education Evaluation**

The Division currently has two specific Foreign Education Evaluators. Every evaluator we accept has to be written into the Rule. It would require a rule change to add a provider, disallow or discontinue a provider. There are a lot of companies who would like to be Utah's evaluators.

### **Legislative Update**

The Board discussed there has been several things in terms of legislative action up at the Capitol. A couple of different bills were put forth by the medical community. SB186 was to alter levels of supervision from direct to indirect for unlicensed medical assistants to do laser procedures but was referred back to committee. SB54 would have required that any

prospective client/patient who was considering using a laser would be seen before treatment by a physician. SB81 was referred back to committee and thereby killed. The eyelash extension bill was defeated in committee by one vote. The sponsor of the bill vowed to try again next session. The Division noted that whenever there is a bill at the legislature DOPL remains neutral if at all possible in part because we enforce the laws on behalf of the public safety.

**NEXT SCHEDULED MEETING:**

Monday; June 6<sup>th</sup>, 2011

**ADJOURN: 5:51p.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.*

June 6<sup>th</sup>, 2011  
Date Approved

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

June 6<sup>th</sup>, 2011  
Date Approved

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