

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

September 12th, 2011

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

CONVENED: 9:20 a.m.

ADJOURNED: 4:55 p.m.

Bureau Manager:

Sally A. Stewart

Board Secretary:

Sally Canavan

Board Members Present:

Marti Frasier, Chairperson
Diane Niebuhr, Public Member
Annette Bergstrom
Chad W. Price

Board Members Absent/Excused:

Julia Prince
Carlotta Veasy
Carol Peterson
Fran Brown
Sunny Smith

Guests:

Brenda Scharman, Utah School Owner Association
Greg Skordis, Michael Sipes Attorney
Ann Sipes, Michael Sipes Mother
Holly Porter, ShanDA Curtis

DOPL Staff Present:

Mark B. Steinagel, Division Director
Noted there is not a quorum no motions

**ADMINISTRATIVE BUSINESS:
MINUTES:**

DECISIONS AND RECOMMENDATIONS

The minutes from the June 6th, 2011, meeting were not reviewed by the Board. No motion was made, as we did not have a quorum. The minutes will be approved at the next Board meeting December 5th, 2011.

APPOINTMENTS / INTERVIEWS:

**Debbie Harry, Compliance Unit
Specialist**

Ms. Harry reviewed the probationers being interviewed today.

APPOINTMENTS/INTERVIEWS:

Linh Nhat Pham

Ms. Frasier interviewed Ms. Pham. The Board noted they had received her letter requesting early release. She stated she is okay with the probation but wants to test less often. The new testing agency, Affinity charges sixty-five dollars per test, that amount is hard for her to come up with as it is very expensive. She

Linh Nhat Pham (continued)

stated she talks to her younger sister. She is very supportive and helps her relieve her stress. She stated she is finally getting a car; it is taking a lot of money. The Board noted they will help her get back on track. She needs her Employer Report by this week. She stated she has no thoughts of relapse. The Board reminded Ms. Pham she must renew her license by September 30th, 2011 and if she has any problems to give Ms. Harry a call. The Board requested to see her at the December 5th, 2011 meeting. **Non-compliant**

Vera I Baird

Ms. Baird did not come in for her appointment with the Board. The Board noted there was a previous Order to Show Cause and she was given ten days from the last Board meeting to come into compliance. The Board recommended doing an Order to Show Cause. **Non-compliant**

Natasha Diane Elmore

Ms. Frasier interviewed Ms. Elmore. She stated work is going good, it is just her and her boss at the shop. She stated she is working in the field, needs to have her name changed .and she is ready to renew. The Board reminded her if she has any problems, she should call Ms. Harry. The Board requested to see her at the December 5th 2011 meeting. **Compliant**

Jackie Foster (Telephone Interview)

The Board phoned Ms. Foster and left a message stating we will try her phone again later. The Board did contact her later. She stated everything is going really good. She stated she is testing at Garfield Memorial Hospital and the hospital charged her an additional fee stating they are not part of Affinity. Ms. Harry was surprised and she will check on that. Affinity stated the closest place to test was two hours away, each way. Ms. Harry mentioned the Jail is already set up with Affinity. Ms. Foster faxed some papers to Ms. Harry but she did not receive them. She stated she will fax them again. She also stated she is getting ready to open up a salon by her family. She has been living with an Aunt and Uncle while going to school. She stated she is getting ready to move back home. She stated her family is a big support for her. The Board noted when her number for testing comes up she should call Ms. Harry. She stated she will renew her license before September 30th, 2011. She stated she did not get her renewal letter. The Board requested to see her December 5th, 2011. The Board

**Jackie Foster (Telephone Interview) -
continued**

noted if the weather is inclement to call Ms. Harry for a possible phone interview. **Compliant**

Lauren Elizabeth Hardy

Ms. Bergstrom interviewed Ms. Hardy. She stated she is working in the field; she just got a new job closer to home. She is not feeling stressed and business is good. She has already renewed her cosmetology license. The Board noted she is ready to be released before the next meeting. The Board did not have a quorum to make a motion. The Board may call for a motion at the December 5th, 2011 meeting if we can not get her released before then. **Compliant**

Alexis Holz

Ms. Bergstrom interviewed Ms. Holz. She stated things are going great, she is not practicing in field but is looking for job in it. She stated she is trying to look forward to the future. Ms. Holz is extremely financially strapped. She has signed up with Affinity it is working better. She stated she is seeing a counselor. Ms. Harry stated she would call the counselor. The Board reminded her she must renew using the paper renewal. She stated she would like a morning appointment. The Board requested to see her at the December 5th, 2011 meeting. **Compliant**

Valerie Jansen

She did not come in for her appointment with the Board. The Board recommended having the Compliance Unit monitor her. **Non-compliant**

Patricia Lynn McKenna

Ms. Niebuhr interviewed Ms. McKenna. She needs an Employer Report for June 6th – August 20. She is working outside the field doing volunteer work. She stated she has applied many places; she will go in and do a hands-on haircut but they don't hire her. She stated she may be moving to the mountains with her ex-husband and her children for the winter. She does want to keep her license but may be unable to get out of the mountains to test. She also doesn't think she will have telephone reception. The Board determined in a previous meeting to let volunteer work count towards total probation time. The Board noted she cannot get off probation until she is at the least compliant. If Ms. McKenna decides to go to live in the mountains she must let the Board know in writing and contact Ms. Harry about possibly amending her stipulation to not count the six months while in mountains and then add six months on at the end of

Patricia Lynn McKenna (continued)

probation to make up for the time off because of mountain conditions. There may be other options available, but she would need to talk with Ms. Harry. The Board noted she needs another copy of MOU and someone will go through it with her. Ms Higgs has offered to go through it with her. The Board noted three simple things is all she has to do. The Board offered a vote of confidence stating they know she can do it. The Board does care. The Board encouraged her to look to the future. **Non-compliant**

Caitlin Mixdorf

Ms. Mixdorf did not keep her appointment with the Board. The Board recommended the Compliance Unit follow up. **Non-compliant**

Amber Morris (Telephone Interview)

Ms. Bergstrom interviewed Ms. Morris. She stated she had recently moved to Cedar City. She stated she is just settling in, and looking for a job. There are a lot of booth rental opportunities. She stated she knows she needs to renew but does not have enough money. She stated she will be paid today and will renew this week. She stated she is doing car re-upholstery for money. She stated she is trying to do her mom and friends to keep up her skills and is keeping her eyes open for jobs. The money for testing is hard and also it is a hard time to get the money, get the card loaded and get to the testing center. She stated she is interested in getting off probation. She stated since she got in to trouble she feel she has moved up in maturity level and she is ready to move on. She stated she loves the work and being around people. The Board noted she could send a letter requesting early release in the March meeting. The Board reminded her to continue to follow her MOU. She thanked the Board for the phone interview. It has saved her a lot on her finances. The Board requested to see her at the December 5th meeting. It can be a phone interview. **Compliant**

Elizabeth Marie Cannon

Ms. Bergstrom interviewed Ms. Cannon. She stated she is working at Cameo, has signed up with Affinity. She stated she is a long way from the hospital so her doctor will induce her so she has time to get there. She stated things are going good. She stated right after this interview she is going downstairs to renew her license. The Board requested to see her at the December 5th, 2011 meeting. **Compliant**

Stuart William Nelson

Ms. Frasier interviewed Mr. Nelson. He stated he is currently unemployed but is keeping busy; doing well and is getting help with his rent. He has plans of moving soon to a better place, closer to his sister and First Step House. He will let Ms. Harry know when he moves. He stated he does not need to live in a neighborhood where he see cops at his neighbor's house. He is attending the 12 steps program. His sister is very supportive she lets him work a bit. He stated he is staying sober and has plans to get license renewed. He stated he is doing well. He stated he told a prospective employer the testing would be no problem he could test all day long; it would not interfere with work. The Board requested to see him at the December 5th, 2011 meeting. **Compliant**

Kinnaly Rose Nomichith

Ms. Nomichith did not come in for her appointment with the Board. The Board recommended the Compliance Unit follow up. **Non-compliant**

Melissa Noreen Omer

Ms. Bergstrom interviewed Ms. Omer. She stated she is doing well. She stated she understands her MOU and attends therapy once a week. Her stressors are being handled through the therapy and anti-depressants. She stated she is still working and loving it and her renewal is in the mail. She stated she took the Instructors exam, passed it and is getting ready to turn in the Instructors application. The Board requested to see her at the December 5th, 2011 meeting. **Compliant**

Marcy Pruitt

Ms. Niebuhr conducted the interview with Ms. Pruitt. She stated she is sick today and has been for over two months. The Board appreciated her making the effort when she didn't feel well. The doctors are running tests to see what is making her sick. The Board noted her attitude is excellent. The Board stated they may be able to do a phone interview if she is still sick at the next Board meeting. Ms. Pruitt stated she is really happy whenever she is working. She stated she does not stress at work, she loves everyone she works with. She stated she doesn't get caught up in the drama. She just goes to work and goes home. She is trying to keep communication open with Ms. Harry. She stated her stressors other than health issues are money issues. She is doing testing even though it is a financial strain. She stated she has her renewal with her, to get it done.

Marcy Pruitt (continued)

She stated things are going good. The Board requested to see her at the December 5th, 2011 meeting. **Compliant**

Michael Sipes

Ms. Niebuhr interviewed Mr. Sipes. Mr. Skordis vouched for him stating he had passed every test at Clinical Consultants that he taken so far. Mr. Sipes stated he has been doing good making all his appointments and classes. He stated he is working in landscaping, he can't get job doing hair because of his probationary license. The Board noted his current probationary status is the result of previous hearing order. He stated he is attending Clinical Consultants. He stated that between Clinical Consultants and Affinity he had tested of 50 times. He stated he does want to keep license but must do what he can for work. The Board noted his license needs to be renewed. The Board has amended his order twice already. The Board noted if he does not renew his license he will be out of compliance. The Board may do an Order to Show Cause or he could sign a Voluntary Surrender Stipulation and Order, in which case he would have to wait five years from the date of the Voluntary Surrender to reapply. Mr. Sipes stated he needs to talk to Mr. Skordis before making a decision. The Board noted Mr. Skordis may want to talk to Laurie Noda. The Board noted they are here to try and help him. **Non-compliant**

Jessica Millar

Ms. Bergstrom interviewed Ms. Millar. She stated she is just working and working and working. She stated she is working in the field and has been able pay off all her credit cards. She sated she is planning on getting a part-time job. Ms. Millar stated she liked Affinity testing better than Compass Vision. Affinity works out a better for her, she likes their website. The Board noted all her reports are in. She stated she came in and has renewed. The Board requested to see her December 5th, 2011. **Compliant**

Khommone (aka Sasha) Turpin

Ms. Frasier interviewed Ms. Turpin. The Real Estate Board will not allow her to repay in their fine in monthly payments. She stated she has opened a Bank Account with her own enforced savings plan. Her plan is when she gets enough money saved she will pay off the Real Estate fine in full. She stated she will be working the same hours as her son's preschool.

Khommone (aka Sasha) Turpin
(continued)

Every thing seems to be going good. She is not working in field. The Board noted each time comes for a Board meeting; she should bring the bank statement with her showing deposits etc. The Board requested to see her again at the December 5th, 2011 meeting. **Compliant**

Maria Ximena Bailey (Telephone Interview)

Ms. Bailey did not answer her phone. Sally Stewart left a message. The Board called again later. Ms. Bailey stated the doctor had told her to stay home for four days. The Board noted she sounded like she needed to be home. She stated someone at her work had quit, giving her more days. She stated she had informed her employer regarding her charges. The employers were fine with it. The Board noted all paperwork was in. She stated her stress levels are normal. The Board requested to see her at the December 5th, 2011 meeting, possibly doing a phone interview. **Compliant**

Nicole Boyd

Ms. Niebuhr interviewed Ms. Bailey. She updated her address and phone number. The Board recommended amending 5i of her stipulation, to say "if actively seeking work the time spent should count towards total probation time". The Board discussed the workforce services classes she is doing and all the jobs applied for on line. Ms. Harry gave her the Affinity test packet. It had been returned, but the address has been updated. Ms. Boyd was excused from the last meeting for birth of her baby. She stated she is testing through DCFS. The Board state if she gets the Board the test results from DCFS they would be acceptable. She stated her stressors are childcare. She stated her family is huge support. She is getting some of the fines paid. The Board noted criminal probation is different from Administrative probation. The Board noted it can tell she really wants to move forward so if she has any problems she should call Ms. Harry. The Board noted she would need to tell the Master Esthetics school she is on probation. The requested to see her at the December 5th, 2011 meeting. **Non-compliant**

Bianca Albertoni

Ms. Albertoni did not come in for appointment with the Board. The Board recommended the Compliance Unit follow up on her. **Non-compliant**

NEW STIPULATIONS:

Jamie Rose Mills

This is Ms. Mills's first interview with the Board. Ms. Niebuhr interviewed Ms. Mills. She stated she is seven months sober and sobriety is her choice. She stated she made a deal with God she is paying her dues. She noted she is in a different place in her life from where she was. She stated she is willing to jump through whatever hoops she has too. She stated she is thankful her family remembers who she was and is now a huge support. The Board reminded her probation and Administrative probation are different. She stated she understands her MOU and has an amazing employer now. The Board suggested she do all her reports as early as possible it reflects well on her. She stated she feels she has a new lease on life and was not going to waste it. For her a relapse is not an option, even though she will always be an addict. She stated she tries to stay away from it; she just doesn't go around it. The Board requested to see her at the December 5th, 2011 meeting. **Compliant**

ShanDa Whittney Curtis

Ms. Niebuhr interviewed Ms. Curtis. She stated she was sixteen months sober. She stated she is living in Cedar and working in the field. The Board noted her license was a renewal/reinstatement. She stated she understands her MOU. The Board noted the positive attitude and suggested she try and maintain it. The Board discussed possibly letting her do a phone interview next time and if there is a problem communicate with Ms. Harry. She is requesting an early afternoon appointment. The Board requested to see her at the December 5th, 2011 meeting. **Compliant**

Josie Lynn Fonua

Ms. Fonua was required to appear in addition to a public reprimand. She stated she was hired and worked for about 4 ½ years for a company. She misunderstood the Rule and thought as long as there was a physician or health care practitioner onsite it was okay to do laser hair removal skin treatment. The Board noted at the time she was doing the service it was not legal at all. A change in the statute in 2009 now allows laser hair removal by a Basic or Master Esthetician as defined in Rule. The Board recommended she go to DOPL website, print the Law and Rule and read it. Know it. It was the company's main service. She stated, and the Board reiterated, the

Josie Lynn Fonua (continued)

professional should know what they can and cannot do. She will not be back before Board.

Dallin Simper

Mr. Simper did not come in for his appointment with the Board. The Board noted Mr. Simper may be giving up his license at this point. He has not completed the Evaluation Appointment, or signed up for testing. The Board recommended he look into a Voluntary Surrender Stipulation and Order. If he does not do that the Board will take action and move for an Order to Show Cause. **Non-compliant**

DISCUSSION ITEMS:

Secilia Anna Dominguez (MOU or Denial)

Ms. Dominguez had requested a meeting with the Board. She did not come to this meeting. The Board discussed the license possibilities within the laws and rules. The Board recommended the license be denied.

Grant Morrison Letter (Barbara Jane Benton MOU or Denial)

Neither Ms. Benton nor her attorney Mr. Morrison came for the meeting with the Board. The request was in response to the letter the Division did for a conditional denial.

Alicia Kessler (Denial)

Ms. Kessler has a license as a Nail Technician. She requested a Cosmetology/Barber license on the basis of experience. The Board noted she did not have enough hours for Cosmetology/Barber license. The Board also noted the request has been denied before. She does not meet the requirements to qualify. The Board recommended denial of her request.

Film Production Exemption

Mr. Steinagel addressed the Board at 4:05 p.m. He stated the State is looking into bringing people into the State for work and promoting commerce. He noted the Statutes are very specifically laid out. The Board discussed the different possibilities to meet the Statute to include using an approved license from another state to work here temporarily or a specific number of days they could have an exemption for, etc.

Dress code for Testing

The testing vendor in Georgia has a very cut and dry dress standard. The Board discussed dress standards for testing and the possibly escalating cost of the test to the students. The Board would like to discuss this with a Board quorum and the Testing agency, having the testing agency enforcing the dress code. The Board noted OSHA Standards and how they would be up the Labor Commission to enforce. The Board is placing a strong

Dress code for Testing (continued)

recommendation of using the OSHA Standards and the possibility of including a strong recommendation in the Candidate Information Bulletin. The discussion is tabled for the next Board meeting and the Division would request someone from PSI come to Board meeting to discuss a dress code for the exam. Ms. Stewart will request additional information from PSI.

NIC Conference Report

Ms. Frasier attended the NIC State Board Cosmetology Conference. She stated it was great. She got an NIC gift bag. The gift bag included pens, notebook, beach towels etc. She noted Utah has been challenged to make a cookbook. She noted Fran Brown will head the cookbook committee. The Board asked that individuals please let her know if you would like to participate with the cookbook

Suggestions for hosting NIC Conference

The NIC Conference noted some members wanted to hear and see the Tabernacle Choir, other did not. Ms. Frasier suggested those who wanted to see and hear the Choir could come in a day earlier than the Conference was scheduled and attend the Tabernacle Choir rehearsal and also get a little bit of the history on the Tabernacle Choir before the NIC conference actually begins. Ms. Frasier also noted Pivot Point has offered to pay for the charter busses to Park City. She also noted Miladys and Pivot Point both have online classes they are offering. She also noted the Regional Conference will be back on the East Coast.

NEXT SCHEDULED MEETING:

Monday; December 5th, 2011

ADJOURN: 4:55 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.

12-05-2011
Date Approved

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

12-05-2011
Date Approved

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