

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

**December 5<sup>th</sup>, 2011**

**Room 474 – Fourth Floor 8:30 a.m.  
Heber M. Wells Building  
Salt Lake City, UT 84111**

**CONVENED: 8:35 a.m.**

**Bureau Manager:**

**Board Secretary:**

**Board Members Present:**

**ADJOURNED: 5:52 p.m.**

Sally A. Stewart

Sally Canavan

Marti Frasier, Chairperson

Diane Niebuhr

Annette Bergstrom

Chad W. Price

Carlotta Veasy

Carol Peterson, until 4:25 p.m.

Sunny Smith

**Board Members Absent/Excused:**

**Guests:**

Fran Brown - Excused

Shannon Mechling, Self, Nat'l Cosmetology Assoc, TATC

Seth Durfee, for Shauna E. (Reeder) Durfee - Support

Jeff Jarverer, for Stuart William Nelson – Support

Shae Kendell, Marinello

Lindsay Gratehouse, Marinello

Kristene Gillum, Marinello

Erica Turner, for Christopher Jay Turner – Support

Crystal Mitchell, for Lindsay Gratehouse - Employee

Maxine Maughan, Utah Beauty School Association

Kaylynn Boone, for Barbara Benton - Support

**DOPL Staff Present:**

Laurie Noda, Assistant Attorney General

**ADMINISTRATIVE BUSINESS:**

**MINUTES:**

**DECISIONS AND RECOMMENDATIONS**

The minutes from the June 6<sup>th</sup>, 2011, meeting was reviewed by the Board. Ms. Smith made a motion, seconded by Ms. Veasy, to approve the June 6<sup>th</sup>, 2011, minutes as written. The voting was unanimous.

The minutes for the September 12<sup>th</sup>, 2011, meeting were reviewed by the Board. Ms. Niebuhr made a motion, seconded by Ms. Bergstrom, to approve the September 12<sup>th</sup>, 2011, minutes as written. The voting was unanimous.

**PUBLIC MEETING – CLOSED**

Ms. Smith made a motion, seconded by Ms. Peterson, to close the meeting to discuss pending litigation. The vote was unanimous. The Board meeting was closed to the Public at 8:39 a.m.

**PUBLIC MEETING - REOPENED**

Mr. Price made a motion, seconded by Ms. Bergstrom, to reopen the meeting. The voting was unanimous. The meeting reopened. at 8:58 a.m.

**APPOINTMENTS / INTERVIEWS:**

**Debbie Harry, Compliance Unit  
Specialist**

Ms. Harry reviewed the probationers being interviewed today.

**APPOINTMENTS/INTERVIEWS:**

**Linh Nhat Pham**

Ms. Pham did not come in for her appointment with the Board. Ms. Niebuhr noted she has not been compliant for the last few meetings. Ms. Niebuhr made a motion, seconded by Ms. Bergstrom, to recommend an Order to Show Cause. The voting was unanimous.

**Non-compliant**

**Shauna Elizabeth (Reeder) Durfee**

Ms. Peterson interviewed Ms. Durfee. She stated she feels good and is working in the field in Logan. She stated working allows her to keep up with everything. She has been married for a year, just recently changed her name with the Division. Ms. Peterson made a motion, seconded by Ms. Niebuhr, to amend Ms. Durfee's Memorandum of Understanding and Order to release her from probation. The voting was unanimous. The Board reminded her to keep doing what she is doing until she gets notification from the Division.

**Compliant**

**Stephanie Gammell**

Ms. Veasy interviewed Ms. Gammell. She stated she is doing finals right now and is excited to be starting Nursing at Westminster in January of 2012. She stated she is finding a balance in her life. She stated she has completed the 12 step program online and through that she had found some beneficial quotes. She stated the 12 step program and her religion to help her to cope with any stressors. The Board noted a different Ms. Gammell; she had a positive attitude. The Board noted she had written a note requesting early release. She stated she was scared the first time she came to meet with the Board, now she feels comfortable talking with them and she realizes the Board is here to help her. Ms. Veasy made a motion, seconded by Ms. Peterson, to make an amendment to her Memorandum of Understanding and Order to release her from probation. The voting was unanimous. **Compliant**

**Lauren Elizabeth Hardy**

Ms. Bergstrom interviewed Ms. Hardy. She stated she is doing well. The Board noted this is her last interview

with them. She stated her probation is the last thing to get done and she will be done with everything. The Compliance Unit checked testing this morning and noted she needs to test. Ms. Smith made a motion, seconded by Ms. Bergstrom, to excuse her from the test scheduled for this morning. The Board discussed Ms. Hardy's probation. Ms Bergstrom made a motion, seconded by Ms. Veasy, to amend her Memorandum of Understanding and Order to release her from probation and be excused from the testing due today. The voting was unanimous. **Compliant**

**Valerie Jansen**

Ms. Jansen did not come in for her appointment with the Board. The Board noted she is in violation of her Memorandum of Understanding and Order. Ms. Veasy made a motion, seconded by Ms. Bergstrom, for an Order to Show Cause. The voting was unanimous. **Non-compliant**

**Patricia Lynn McKenna**

Ms. Smith interviewed Ms. McKenna. She stated she is living in her own place and working making car paint. She stated she is doing counseling. She noted her children are with their dad up the mountains. She has been approved for testing with the Mission, but she must call Affinity to check for testing. The Board noted an improvement in her attitude and that she is doing better. She noted she is facing a medical procedure. She stated she is trying to get a car before the current one dies. The Board noted she is doing well and to keep up the good work. The Board noted if she goes out of town she still needs to call Affinity and if she is supposed to test, she needs to contact Ms. Harry. The Board noted her positive attitude was great to see. The Board requested to see her at the March 5<sup>th</sup>, 2012 meeting. **Compliant**

**Caitlin Mixdorf**

Ms Mixdorf called stated she was having car problems. The Board relayed a message to her to come as soon as she could, the Board would work her in. She responded she would be here as soon as possible. She did not come to meet with the Board. Ms. Bergstrom made a motion, seconded by Ms Smith, to do an Order to Show Cause. The voting was unanimous. **Non-compliant**

**Stuart William Nelson**

Ms. Veasy interviewed Mr. Nelson. He stated he has his new apartment. Ms. Harry has his new address and phone number. He stated he is working with his sister

kind of temporary and part-time and he is attending the 12 steps program. He stated his sister keeps him on track she can and does call him on his stuff. He stated he has learned forgiving is really important and to stop playing the victim. He stated his family is a good support for him. H stated he is looking for permanent work and is having a hard time getting work. Ms. Veasy made a motion, seconded by Ms. Peterson, to amend his Memorandum of Understanding and Order to release him from probation. The voting was unanimous. The Board hopes this may make it easier for him to get a job. **Compliant**

**Kinnaly Rose Nomichith**

Ms. Nomichith did not come in for her appointment with the Board. The Board noted she has not been compliant with her Memorandum of Understanding and Order. Ms. Niebuhr made a motion, seconded by Ms. Bergstrom, to do an Order to Show Cause. The voting was unanimous. **Non-compliant**

**Jessica Millar**

Ms. Bergstrom interviewed Ms. Millar. She stated she is not working where she was. She stated she was looking for a new job and has an interview at a new salon. She stated her stresses were just looking for a job. She stated she is really excited for new job opportunity. She stated everything is starting to come back together for her. She stated she is testing with Affinity. The Board reminded her to keep in contact with Ms. Harry. The Board requested to see her at the March 5<sup>th</sup>, 2012 meeting. **Compliant**

**Alexis Holz** (Telephone interview)

Ms. Peterson interviewed Ms. Holz by telephone. She stated she was confused which employer report to fax in. She will get the employer report for October faxed in. She stated she can get all of her counseling done. The Board noted she still has to sign up with Affinity. The Board noted she wanted to do testing through probation and that would be okay as long as the testing they do is random and she would need to be signed up with Affinity. If she is scheduled to test and has no money, she was told 'don't just miss the test, call Ms. Harry'. The Board suggested she start saving now for the test. She stated she is trying to de-stress, she is trying to fight for custody of her children. She stated she is not working in the field. She stated she wants to be compliant and will do all she can. She stated she is looking into maybe getting a Bachelors or a Masters

degree in Para-Legal or Legal Secretary. The Board requested to interview with her again at the next Board meeting. If she is non-compliant the interview must be in person, if she is compliant they can do a telephone interview for the March 5<sup>th</sup>, 2012 meeting. **Compliant**

**Amber Morris** (Telephone interview)

Ms. Smith interviewed Ms. Morris by telephone. She stated she had an interview, when she let them know about her probation, they said they had found someone else. She has another interview scheduled she will let Ms. Harry know. She has a job at a ski resort serving drinks and food to people. She stated she had missed two calls for testing and had talked to Ms. Stewart about it. She stated she does not have a phone or a computer for access to Affinity. The Board requested to interview her at the next Board meeting. If she is not compliant the interview will need to be in person, if she is compliant they can do a phone interview for the March 5<sup>th</sup>, 2012 meeting. **Compliant**

**ShanDa Curtis** (Telephone interview)

Ms. Niebuhr interviewed Ms. Curtis. She stated she is working in the field. The Board noted her employer report was late. The Board reviewed with her the time the reports are due. She stated she had no questions on her Memorandum of Understanding and Order. The Board noted her first test is coming up right away. She stated work has been a little slow, she was trying to save money and she talks to her sponsor often. She stated her family is right there to help her out. The Board requested to see her at the next Board meeting. If she is not compliant it will have to be an in person interview, if she is compliant it can be a phone interview for the March 5<sup>th</sup>, 2012, meeting. **Compliant**

**Khommone (aka Sasha) Turpin**  
(Telephone interview)

Ms. Veasy interviewed Ms. Turpin. She stated she is doing good. The Real Estate Board will not allow her to repay in their fine in monthly payments. She stated she is putting money away for her Real Estate fine. She stated she is substitute teaching right now. The Board noted a teaching certificate is not required to substitute teach in Elementary school. She stated she and her husband had decided not to go back into the field right now. They are getting ready to start their family. The Board noted the time on probation cannot count toward the total probation time if she is not working in the field. The Board suggested she put her license probation on hold. She stated she would like the

time until the next Board meeting to decide and discuss it then with the Board. The Board requested to interview with her at the next Board meeting on March 5th, 2012. **Compliant**

### **Nicole Boyd**

Ms. Boyd was offered a telephone appointment with Board, but she came in to meet in person with the Board. Ms. Niebuhr interviewed her. Ms. Boyd stated she was confused by her letter and so she just came in to be safe. She stated she had not stayed in touch with Ms. Harry because she had been really busy and feeling overwhelmed. She stated she received a letter from Workforce Services program and they have been keeping her really busy stating training was required to work on the floor. She stated she has been testing with her criminal probation. The Board noted they needed confirmation of testing with probation. She stated she has not been calling, because she has no money. The Board reminded her when testing is required to call Ms. Harry. The Board reminded her how to get the employer form on line. The Board noted they were trying to help her and she was effectively tying their hands. The Board is bound by the Memorandum of Understanding and Order also. The Board noted people find the time to do those things that are important to them. They would give her one extension until this Friday, 5:00 p.m. (12/09/2011) to get all information to Ms. Harry. Ms Niebuhr made a motion, seconded by Mr. Price that Ms. Boyd has until Friday, December 9<sup>th</sup>, 2011, at 5:00 p.m. to get all necessary paper work in, to avoid the Order to Show Cause; and if it is not in then the action will be to do an Order to Show Cause. The voting was unanimous. The Board requested to see her at the March 5<sup>th</sup>, 2012 meeting. **Non-compliant**

### **Jamie Rose Mills**

Ms. Mills was offered a telephone interview with the Board, but she came in to meet in person with the Board. Ms. Niebuhr interviewed Ms. Mills, noting this is Ms. Mills second time coming before the Board. Ms. Niebuhr noted it was nice to come in person. The Board noted there is a new feature on Affinity's website where licensee can see the number of calls missed. She was advised the 12 step program was online on Affinity's website. She stated she is working in the field. The Board noted they were receiving employer reports. The Board received an employer report for March 2011; it stating she is doing great. The Board

noted she lives local in the area and will be requested to appear in person at the next Board meeting. She noted she is ten months sober and has repaired family relationships. She stated she is still broke but happy again. She noted life is now more manageable. Before there was fear of how things were going to go. She noted now she sober, it is a whole different mind set her happiness is back her relationship with God is back. She noted she is regaining her self esteem, self respect back and she is being a better mom. The Board requested to see her at the March 5<sup>th</sup>, 2012 meeting.

**Non-compliant**

## **NEW STIPULATIONS:**

### **Cami Anderson**

Mr. Price interviewed Ms. Anderson. The Board welcomed her to the meeting. She stated she does drug test and is in Drug Court. She stated she is working in the field and just started is looking for a second income. She stated she is doing the 12 steps program and talks too her sponsor often. She noted she is nervous a lot and learning how to calm down by doing breathing exercises. She stated her boyfriend is a great support. She stated she has no friends right now. She had to change her minds set. She stated she does the 12 steps program twice per week. The Board noted they would accept her drug screens from court and she needs to sign up with Affinity. The Board noted she needs to understand her Memorandum of Understanding and Order and if she has any questions she should contact Ms. Harry, she is a big support. The Board cautioned her to be sure to communicate; that is very important. The Board requested to see her at the March 5<sup>th</sup>, 2012 meeting. **Compliant**

### **J. Ryan Anderson**

Mr. Price interviewed Mr. Anderson. This is his initial interview. The Board let him know they are here to help him. The Board also noted he needs to meet with Ms. Higgs to go over his memorandum of Understanding and Order. The Board noted he has a counselor appointment tomorrow. He stated he is working in the field and is taking the train and trax to get to and from work. He stated he is doing well with his sobriety he has been sober since July. He stated he feels he is in control of drinking. He stated he has been attending 12 steps program. He says he is in a good group. He has noticed there are a lot of fees. He stated he has lots of family support. He noted he has to stay busy, that helps with the stress. He has had to change

friends and stay away from his work Christmas party as it was at Club 90. The Board requested to see him at the March 5<sup>th</sup>, 2012 meeting. **Compliant**

**Amberly Michele Evans**

Ms. Evans did not come in for her appointment with the Board. The Board requested the Compliance Unit send her a Non-compliance letter. It is would have been her first interview with the Board. **Non-compliant**

**Amy Lee Birch**

Ms. Peterson interviewed Ms. Birch. This is her initial interview with the Board. She stated she is seeing a personal counselor. She stated she currently does random test with counselor at Clinical Consultants. The Board noted they will accept Clinical Consultants test results. She also must sign up with Affinity. She stated her one on one counseling is by far the best help she has had. She noted her family is a great support. The Board reminded her she needs to be working in the field and check in daily with Affinity. The Board reminded her communication is essential. The Board requested to see her at the March 5<sup>th</sup>, 2012 meeting. **Compliant**

**Crystal Taylor**

Ms. Taylor did not come in for her appointment with the Board. The Board requested the Compliance Unit send her a Non-compliance letter .It would have been her initial interview. **Non-compliant**

**Christopher Jay Turner**

Mr. Price interviewed Mr. Turner. This was his initial interview with the Board. He stated he has a job working in the field. The Board noted he has made some tremendous strides. He stated he focuses on his career and family and he loves this profession he has always been out going and artistic. He noted this is a very accepting line of work to be in. He stated he is doing awesome. His only stress in money, both he and his wife are through school now and making money. The Board recommended he stay in compliance he is off to a good start. He stated he has been checking in with Affinity. He has a good attitude. The Board requested to see him at the March 5<sup>th</sup>, 2012 meeting. **Compliant**

**DISCUSSION ITEMS:  
Master Esthetician Practical Exam**

The Board noted the original implementation date of the Master Esthetician Practical exam was scheduled for January 1<sup>st</sup>, 2012. PSI had put together a conference call for all the schools and interested parties to be trained. This exam belongs to the National Interstate Council

(NIC) and they needed to have time to give their approval or rejection of the training materials. The Conference Call from PSI for training is scheduled to be on December 19<sup>th</sup>, 2011. Anyone needing a pass code for the call may contact Sally Stewart, the Bureau Manager. The new implementation date for the Master Esthetician Practical exam will be February 15<sup>th</sup>, 2012. Applications for licensure that are received prior to February 15<sup>th</sup>, 2012, will have taken a passed the Basic Practical exam. Applications for licensure received on or after February 15<sup>th</sup>, 2012, will be required to have taken and passed the Master Practical exam. Simple kits will be requested by the testing agency. All other requirements are as they stand. The Candidate Information Bulletin (CIB) has the Master Esthetician Practical exam information on it. As previously decided the exam will be performed on mannequins. The Board noted that NIC does training for their raters once per year. Any rater who does not pass the training is not used.

### **Proprietary Right of Licensure**

The Board discussed an item that came up during a citation hearing. Within the cosmetology (and associated professions) act there is not a provision or a section that says if you are not licensed you cannot call yourself an Esthetician. There are other professions that have a Proprietary Right of Licensure section, meaning in those professions if you are not licensed as a Massage Therapist (for example), you cannot call yourself a Massage Therapist. The Board discussed that it would be a statutory change to put a Proprietary Right of Licensure in the law. The Board discussed that right now a Plastic Surgeon (for example) can hire an unlicensed individual, have her doing Esthetic procedures and call her an Esthetician.

### **Limited licensure**

Crystal Mitchell and Lyndsey Lee addressed the Board. They have a business (Signature Brides) where they go to the location of the event and do hair styling and makeup for weddings. Crystal Mitchell is a Utah licensed cosmetologist/barber. She has applied for an instructor license. She would like to be able to apprentice someone giving training for only parts of the cosmetology program, the parts she uses in her business and getting something like a partial license. The Board discussed that the Legislature would have to make that kind of a change. The Board discussed if they did something like

that the profession may see a myriad of specialized licenses be requested. The Board informed them any change like that would have to be legislative. Ms. Mitchell and Ms. Lee could check with the schools and talk with them about how many hours of school they would suggest and where it could fit into their curriculums. Another suggested possibility for support or information could be the School Owners Association. The School Owners Association has a powerful lobbying group. Ms. Mitchell and Ms. Lee stated they would like to see a separate license for just hairstyling. The Board discussed how DOPL must remain neutral to administer the laws and rules that have been made.

### **Chiropractic Physician Request**

The Chiropractic Physicians would like the Cosmetology (and associated professions) Board to open their Practice Act Rule and allow Chiropractic Physicians to be supervisors to Master Estheticians who may do all the modalities that are within their scope of practice, to include chemical acid peels, microdermabrasion, operating lasers and etc. The Board discussed their concern with regard to public safety stating the laser is a class 4 medical device. That means it can burn, and burn badly, to the point of disfigurement. If the Rule allows Chiropractic Physicians to supervise Master Estheticians then a doctor could hire a receptionist to supervise or to run that laser. The Board members are aware of this situation already having happened. The Board also voiced a concern of training getting diluted. The Board discussed how Chiropractic Physicians can only offer first aid to a laser burn patient. They can treat with holistic and natural remedies but they do not have prescriptive rights for antibiotics or antiseptics. The Board determined Chiropractic Physicians may be unable to treat possible burn conditions. The Board has some additional questions and stated the Chiropractic Physicians should accompany their request. The Board, having discussed the supervision and related issues, have decided to table this discussion until the Chiropractic Physicians Board representative requests to come to their Board meeting.

### **Memorandum of Understanding and Order Offer/ Denial for Barbara Benton**

Ms. Benton and her attorney appeared to the Board to discuss the Memorandum of Understanding and Order that had been offered to Ms. Benton. The attorney stated he felt that some of the terms and conditions were a bit excessive, especially considering how long ago the

offense occurred. Ms. Benton stated repeatedly she has paid her debt to society. The Board explained criminal probation and administrative probation are different. The Board noted when the Division offers a Memorandum of Understanding and Order it must use the conviction date. The Board discussed her Memorandum of Understanding and Order offer with her. Ms. Benton noted the terms and conditions didn't sound so excessive verbally as it had seemed to her in written form. Ms. Niebuhr made a motion, seconded by Ms. Peterson to change the offered duration on her Memorandum of Understanding and Order from 2 years to 18 months. The voting was unanimous.

### **NIC Conference in August**

The Board discussed the plans for the conference. The Board noted the things that would need to be done to host the NIC conference. Ms. Frasier noted the Boy Scouts in her area are willing to come to Little America to present the colors for the Opening Breakfast. The Board discussed a speaker was still needed to greet the conference guest and they are still working on the bus trip to Park City. Ms. Frasier stated people that hear about the conference are eagerly looking forward to the event. The Board noted there is still a lot of work to be done to complete the conference plans. She requested the Board member could think of topics that might be of interest to the NIC Board for conferences. Ms. Frasier would like to have everyone's participation to make this everyone's conference. The Board discussed the due date for recipes for the cook book will be due by July 1st to make sure there is time for the printing. The Board will discuss more on this topic at the next Board meeting.

### **NEXT SCHEDULED MEETING:**

Monday; December 5th, 2011

### **ADJOURN: 5:52 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 5<sup>th</sup>, 2012

(ss) Marti Frasier, Chairperson

Date Approved

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

March 5<sup>th</sup>, 2012

(ss) Sally A. Stewart, Bureau Manager

Date Approved

Division of Occupational & Professional Licensing