

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

September 10th, 2012

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

CONVENED: 9:38 a.m.

ADJOURNED: 5:00 p.m.

Bureau Manager:

Sally A. Stewart

Board Secretary:

Sally Canavan

Board Members Present:

Marti Frasier, Chairperson
Diane Niebuhr
Carlotta Veasy; arrived 8:40
Carol Peterson
Fran Brown; arrived 8:49
Annette Bergstrom
Sunny Smith
Chad W. Price

Board Members Absent/Excused:

Guests:

Blake Stacks
William Acree, Support for Catherine Acree

DOPL Staff Present:

Mark B. Steinagel, Director
Debra Troxel, Compliance Specialist
Debbie Harry, Compliance Specialist

MINUTES:

DECISIONS AND RECOMMENDATIONS

The minutes from June 4th, 2012, meeting were reviewed by the Board. Ms. Niebuhr made a motion, seconded by Mr. Price, to approve the minutes with one correction. The vote was unanimous.

NIC Conference Report

Ms. Frasier stated the NIC Conference was successful and she had received many “thank you’s” she wanted to share with the Board, for a job well done and an excellent conference. She thanked the Board for their help.

Ms. Frasier went over the itinerary from the NIC

NIC Conference Report (continued)

Conference and gave some comments. She mentioned many of the conference's attendees stated they did not know how beautiful Utah was. Ms. Brown wanted to go on record supporting term limitations. She noted NIC is trying to provide for more universal education. The Board discussed inspections for salons and schools. The Board and Mr. Steinagel discussed the possibility of a national organization offering sanitation education for the Health Department directly related to Cosmetology. Field. Mr. Steinagel stated any course like that would have to be voluntary. The Board discussed an issue on the testing for Master Esthetician. The Board stated they would work on the exam issues later this week.

The Board discussed that at the NIC conference, in the administrators' meeting, they noted some states have a newsletter or magazine or news on the internet. There could be an organization of professionals. The Board noted that would be nice to have.

Recommendations from previous meeting

The Board will split for interviews and review the notes when back together. The full Board stated those probationers who had appointments and did not come in today will be subject to the new rule on informal actions that will be implemented as of October 8th, 2012. The process will be a paper review, maybe brought to the Board for review and appropriate action on the license. The licensees will be sent a notice of action to be taken by the Board. The licensees may attend the Board meeting if they wish. The Board noted there is no purpose in trying to work with licensees who do not want to comply with their MOU's.

DISCUSSION ITEMS:

**Debbie Harry and Debra Troxel
Compliance Unit Specialists**

Ms. Harry reviewed the probationers being seen today. Ms. Troxel was introduced as the person taking over the probationers in this set of

professions.

APPOINTMENTS/INTERVIEWS:

Room 474

Heather May Sandoval

Ms. Sandoval was a “no show”. She left a message during the meeting stating she did not know about the meeting until late and she lives in Price so she could not get here once she learned of the meeting. She requested to do something to make up for it. Her number was given to Ms. Stewart and Ms. Troxel. The Board noted her invite letter was not returned to DOPL.

Elizabeth Marie Cannon

Excused for continuing education course Cameo (her employer) was sponsoring. **Compliant**

Maria Ximena Bailey

Ms. Frasier interviewed Ms. Bailey. She stated she was being good, she stated she had called Ms. Harry and gave her updated address as soon as she had one. The Board stated her employer report was late. She needs one for August. She stated she is self-employed and going to school for her Master Esthetician license. She updated her address in the discipline file to make sure address was current. The Board told her to get the employer report in as she was non-compliant because of that. The Board requested to see her at the December 3rd, 2012, meeting. **Non-compliant**

Maria Ximena Bailey (continued)

The full Board recommended having the Compliance Unit send a letter of concern listing all she needed to be in compliance.

Jessica Marie Millar

Mr. Price interviewed Ms. Millar. She stated her life was messed up for awhile, it is better now. The Board noted she is not in compliance she needs to call for testing and her employer report was late. She stated she is working out side of the field. The Board reminded her to keep communicating with the Board that is very important and to get her paperwork in by the 20th, of the month. She stated sometimes she is busy getting ready for work and just forgets to call for testing. She stated she would her like to get herself an alarm that says testing. The Board stated she has got to test. The Board offered some suggestions maybe a buddy system or note on the door. The Board requested a commitment from her to call on testing. She stated she had not been able to afford to test but she has a job now she will be better able to afford the testing. The Board requested to see her at the December 3rd, 2012 meeting.

Non-compliant

The full Board recommended having the Compliance Unit send a formal non-compliance letter.

J. Ryan Anderson

Mr. Anderson was a no show for his appointment with the Board. Board member Mr. Price stated Mr. Anderson was in the hospital. **Non-compliant**
The full Board recommended a Voluntary Surrender offer be made.

Nichole C Boyd

Ms. Boyd did not come in for her appointment with the Board. The "invite" letter was not returned.
Non-compliant
The full Board recommended a Voluntary Surrender offer be made.

Patricia Lynn McKenna

Ms. Brown attempted to interview Ms. McKenna. She was very distraught. She stated she was homeless. The Board tried several different subjects to try to communicate with her. It became apparent it was not possible to conduct an interview. Her probationary period ends October

Patricia Lynn McKenna (continued)

2012. The Board was very disturbed by her behavior. The Board's authority extends only to her license or licensure.

Non-compliant

The full Board requested that some action be taken as a result of her behavior. Ms. Brown made a motion, seconded by Ms. Veasy, for DOPL to send a Voluntary Surrender offer to the address of record. If she does not respond, it was recommended that DOPL take whatever action is necessary to revoke. The vote was unanimous.

Amy Lee Birch

Ms. Veasy interviewed Ms. Birch. She stated she is seeing her counselor often and doing testing with her counselor. She stated she is working in the field part-time. The Board noted she showed them a very positive attitude. She stated no problems with employer and employer reports. The last time she came here she stated she was still struggling, it was a very stressful time for her. She stated in 2009 when this situation started she and her husband were talking about divorce. She stated things are much better now. She stated it has been really helpful to her to be working. Her husband and family are sticking by her, they are her biggest support. She stated she knows it is up to her to change her life. The Board stated her employer report is due by the 20th of the month. The Board requested to see her at the December 3rd, 2012 meeting.

Compliant

Christopher Jay Turner

Mr. Turner was excused from his appointment with the Board. He has requested a Voluntary Surrender of his license.

Shelley Sanchez

Ms. Sanchez is in court today. She is excused. The Division and Compliance Unit will meet with her individually and determine what course of action should be taken. The Board stated there are charges on her record she stated she was not aware of. She and her attorney plan to meet with a judge to sort this out. The Board determined she would have to meet with compliance and determine how to move forward. No determination on Compliance or Non-compliance was made.

APPOINTMENTS/INTERVIEWS:

Room 475

Allison Perry

Ms. Smith interviewed Ms. Perry. She met with the Board in room 475 where it was noted she is doing all the things she is supposed to be doing. She stated she will be done with Drug Court in January. She stated she makes five meetings a week in a support group and working in the field and she likes it at her new job. She stated she is having a hard time getting her USPS mail. The Board requested an e-mail address and stated if she was expecting something to check her spam for state e-mail. Ms. Stewart updated the file and reminded her to call if she thinks she have missed a mail delivery. **Compliant**

Jackie Sue Foster

Ms. Niebuhr interviewed Ms. Foster. Her appointment was in room 475. The employer thought he had faxed employer reports. The Division stated they did not receive it. Ms. Foster stated the one day she missed a check in her employer tested her twice and faxed that in to try and help out. The Board suggested her sister fax in the reports since she is the supervisor. The Board requested updated contact information and noted if she applies for an additional license it will be on a probationary status and may run on probation longer than the current license. She stated she is working lots of hours in the family

store in Price because the family's business is seasonal. She is also working in the field. The Board noted this is her third non-compliance in a row and this is very serious. The Board requested to see her at the December 3rd, 2012 meeting. If she stays compliant the Board may consider doing a phone interview with her depending on if the weather is horrendous.

Non-compliant

Jason D. Roberts

Ms. Veasy interviewed Mr. Roberts. The Board stated he had ten missed calls. He stated he feels like he has not been tested very much. He stated he is handling his stressors okay and is currently working in the field. He is working as an independent contractor; his supervisor is the owner. The Board noted he is doing really well with his paperwork and that he is a smooth talker. The Board requested to see him at the December 3rd, 2012 meeting. **Non-compliant**

The Full Board recommended Compliance Unit send him a non-compliance letter.

Catherine Acree

Ms. Smith interviewed Ms. Acree. The Board stated it looks like she has all her documentation in and thanked her for documents showing completion her criminal probation. She stated she is still working with a neighbor in the field and she is attending AA meetings. She stated she doesn't have a lot of stress right now. She has been compliant in everything. The Board introduced her to her new compliance specialist. The Board stated her employer report is due by the 20th of the month. She needs to send in through September and then November.

Compliant

Heather Drake

The Board noted Ms. Drake has turned in her employer reports. She stated has been going to a 12-steps program but may have submitted the reports late She stated she did testing at OHI in St George may be under last name of Ross.

The Compliance specialist was able to retrieve the 12-steps report from Affinity. The Board told her to get her name updated on our system and for her wall. She stated she is in school right now for radiology, not working in the field. She stated she still wants to do cosmetology esthetics-master esthetics type of work. The Board told her she would have a different compliance specialist. The Board determined she is compliant and if she stays compliant they may be able to do a telephone interview because of weather and distance. The Board requested to see her at the December 3rd meeting.

Compliant

Natalie Ann Guyre -Harris

(Last name of Harris is not noted on the system yet)

Ms. Smith interviewed Ms Guyre-Harris. The Board requested Ms Guyre-Harris write down her new address and contact info. She stated she has made a step up from the transition house; now she lives with her counselor which is kind of cool and it is cheaper rent. She stated she is working in the field, they appear to love her. She stated it was not hard to get a job; she already knew the owner from before and now she is doing better they are very understanding. She stated she was worried she would be looked down on. Her relationship with family is getting better. The Board noted everything is in on time and she is doing well. The Board requested to see her at the December 3rd, 2012 meeting.

Compliant

Ashley Dawn Kay

The Board noted she has been compliant. Ms. Kay stated she had just started her job. She is so busy, has a job and school she does not feel as stressed as she did. She stated she is too busy to feel stress. She stated she is living at home and her family is great support. She stated she is graduating drug court and her parents want to take her on vacation. The compliance specialist told her to go to Affinity and schedule a monitoring interruption. Ms. Troxel will send forms back to her to re-submit them. The Board told her to keep up the good work. The Board requested to see her at the December 3rd, 2012 meeting. **Compliant**

Jenalyn Vance
Interview Room 474

Ms. Frasier interviewed Ms Vance. She stated she goes by Jenna. The Board noted we do not have any 12-step meeting reports. She insisted she had sent them in electronically. Ms. Troxel stated she will check the files, Ms. Vance may have hit submit and instead of update. She stated she would send (blank) reports back to Ms. Vance and she may update the reports and resubmit them. The Board also noted she had 14 missed calls. The Board told her the more troubling issue is her not calling to test. The Board suggested she make a check-off sheet for who she has called and still needs to call. She stated she would do that. The Board requested to see her at the December 3rd, 2012 meeting. **Non-compliant**

Antares Augusta Walrath

The Board noted Ms. Walrath is missing 12-step and employer reports. She brought the employer reports with her. The Board told her they needed to be in by the 20th of the month. The Board noted this is the second time in a row she has been non-compliant. She stated she just got a computer and can submit the 12-step report on line now it will be easier. She stated on the

Antares Augusta Walrath (continued)

weekend she does not get up to get her husband off to work and she forgets to call Affinity; she stated she will set an alarm clock to remind her to call on the weekends. She stated she did not check-in today because she left her house at 4:15 a.m. this morning. She stated she did not think she would get home in time to check in. The Board offered to let her use a phone at the Division. She stated she has been meeting with a sponsor. She stated she did not have her 12-step paper with her. The Board stated she could submit that online or through Affinity. She stated she is working in the field; her employment is a little difficult. She stated her sponsor helps her with her stress. The Board stated "stay compliant so we can do a phone interview if the weather is bad". The Board stated if you have any questions please call Ms. Troxel. She stated she calls Affinity and it hangs up on her. The Board stated call or e-mail Affinity and let them know what is happening, to see if they have any suggestions. The Board requested to see her at the December 3rd, 2012 meeting. **Non-compliant**

Brody Frank Cossey

Ms. Veasy interviewed Mr. Cossey. He stated he is working in the field. He was sharing the workload with a girl who is not working there anymore, so more work for him. He stated he has started his 12-step program at a church. The Board noted all his paper work is in. He stated most his stress has been financial, having a job is making things easier and he is so busy at work. The Board requested to meet with him at the December 3rd, 2012 meeting. **Compliant**

COMBINED IN ROOM 474

Krista Allen Jergen

(Last name of Jergen is not noted on the system yet.)

Mr. Price interviewed Ms. Allen-Jergen. She stated she was not calling to test she just had to get used to it. Her Counselor suggested she put an alarm in her phone. That worked until her

phone broke and she did not think about it while her phone was broken. She tried calling in when her husband leaves for work at 5:00a.m. A recording stated it would not take her calls until 6:00 a.m. although her instructions said 5:00 a.m. She stated she doesn't have a job and the employer report and calling for testing just slipped her mind. The Board told her they need to see she is being consistent and compliant. She stated she is doing better. Ms Troxel stated she will check with the testing agency. Ms. Allen-Jergen says she can remember if she does it first thing in the morning. The Board reminded her to make sure she communicates with the Board, gets compliant and stays that way so she won't lose her license. She stated she is not working in the field because of her baby, she stated she is okay with a sitter now that the baby is older. She stated she has no problem working in a salon eight hours per week to comply with her MOU. The Board explained in the event she is not working in the field, and not supervised, the time does not count towards completion of probation period.

Krista Allen – Jergen (continued)

The Board also reminded her if she has questions be sure and ask Ms. Troxel. If she does not want to work for awhile she could surrender her license; however, if she chooses that option to let Ms. Troxel know. The Board requested to see her at the December 3rd, 2012 meeting. **Non-compliant**

The Full Board recommended Compliance Unit send him a non-compliance letter.

Samantha Anne Jenkins

Ms. Jenkins did not come in for her appointment. **Non-compliant. The Full Board recommended she be sent a Voluntary Surrender offer.**

Stephanie Mecham

Ms. Niebuhr interviewed Ms. Mecham. She stated she was so sorry for being late; the Trax took longer than she thought it would. The Board thanked her from coming all the way from St. George. The Board noted she is compliant. She is required to take a Board approved Ethics course. It can be an online course if it meets the criteria, being monitored with some type of concluding exams. The compliance unit can help her find an approved course. The Board noted this is a stipulation and order rather than MOU. The Board is looking for an Ethics or Thinking Errors course. She has taken one course. Ms. Troxel will help her find another pre-approved course. The Board noted there were courses available on line at Great Courses that deal in the same type of topics. She has until May 2013 to complete that course. She stated she is under a doctor's care for her situation. The Board requested to see her at the December 3rd, 2012 meeting. The Board stated they will allow a telephone interview if she is compliant because St George is a long way to travel. She stated no tears today because the Board is so great.

Compliant

Jason Robert Kerby

Mr. Price interviewed Mr. Kieby. He stated he had three jobs, only two jobs now, he is very busy. He stated of course he does not want to work two jobs the rest of his life. He stated he likes to be at the salon getting that occasional walk in. He stated he is either at the restaurant or the salon. He stated the calling in everyday is much harder it seems from the outside. The Board noted he is making good choices. He stated he wants eventually to get his instructor's license. The Board requested to see him at the December 3rd 2012 meeting. **Compliant**

Marcy M. Pruitt

Ms. Niebuhr interviewed Ms Pruitt. She stated she is doing great. The Board stated she is non-compliant. The Board noted we did not receive any employer reports, she missed four check-ins and tested positive. She stated she reminded her employer four times about the employer report. The employer has been getting them in fine. The Board recommended she get confirmation of employer reports once they have been sent. The Board has not received documentation of the 12-step program; she stated she submitted it online. Ms. Troxel found her 12-step reports were on line. She stated it is not too much help, she goes out of habit, and she stated she has friends there and sometimes it is good to talk. She stated in June she was stressed and around bad influences and she chose to drink a couple glasses of wine. The bad influence is no longer in her life. She stated she is running long distances, it helps with the stress, and is rewarding. She stated she talked to her sponsor about her relapse she was consoling. The file showed four missed check-ins. She stated she does not know she missed the check-ins, either she thought she did or forgot, she stated she does not know. She plans for the future to try to call in before she leave the house, if she is requested to test she will try to go for testing before coffee or anything. The Board stated she needs to get those employer reports in. She requested the possibility of early release. The Board stated absolutely not because of her relapse being so recent. The Board requested to see her at the December 3^{rs}, 2012 meeting. **Non-compliant**

The Full Board recommended Compliance Unit send him a non-compliance letter.

Frankie Jo Nemanic

Ms. Stewart and Ms Harry met with Ms. Nemanic. Her probation time was up so, at the recommendation of the Division, Ms. Brown

made a motion to amend to release her as of today (09/10/2012). Ms. Bergstrom seconded. The vote was unanimous.

Laurie Watterson

Ms. Frasier interviewed Ms. Watterson. She stated right now she is not working in the field and does not plan to for a couple of months, till the baby is older. She stated her life is not the same as it was before she started this probationary process. She stated she appreciates the chance to keep her license. She enjoys doing hair for family and friends. She says she has learned her lesson and never wants to be in that situation again. She stated her Friday nights are a lot different. A motion by Ms. Niebuhr, seconded by Ms. Veasy, was made to release her as of today (09/10/2012). The vote was unanimous.

Laurie Watterson (continued)

NEW STIPULATIONS:

Alexandria Marie Cannefax

Ms. Brown interviewed Ms. Cannefax. She stated she is working in the field and calling in for testing. She stated she is working on her Master Esthetician training. She is working on completing her 12-step program. She no longer has time for a sponsor. She stated she is busy with school and working. She had some forms and asked how to turn them in. Ms. Troxel took them and put them in file. The Board requested to see her at the December 3rd. 2012 meeting.
Compliant

Lisa Rae Dow

Ms. Bergstrom interviewed Ms. Dow. This is her initial interview. She stated she volunteers at the Food Bank will continue to, she enjoys it. She attends an Aftercare program, Action Recover, and even when she has completed it she will continue to attend the program. She stated she is not working in the field. She stated she has some health issues her hand, is not working right, she is not working in the field. Ms. Troxel

will work with the place that is currently testing her. She stated she is trying to handle her pain with water therapy and Quartazone. The Board stated keep in touch with Ms. Troxel. She will be excused from working in the field while disabled. The Board told her to get the 12-step reports faxed in. She stated she feels she will have to manage the pain but not by pills. She stated she is trying to get her self financially stable. The Board noted she could work as receptionist or schedule the salon appointments, some salons with computers will train. The Board stated that can count as working in the field. The Board requested to see her at the December 3rd, 2012 meeting. **Compliant**

Sarah Jane Graham

Ms. Graham did not come in for her appointment. **Non-compliant**

Baylie Messerly

Ms. Smith interviewed Ms. Messerly. She stated the hardest thing she ever done was working through the court system. She stated she goes every week to drug courts extended care program. She just doesn't talk to people who she used to know. She has different friends now. She stated being bored and having nothing to do contributed to her having a relapse. She stated she is used to having to two jobs. She stated she is currently looking for a job in the field. She stated she has her own spa. She stated she has signed the MOU, the Board stated the compliance unit will go over the MOU she signed and how it works. She plans to go back to work and get her instructors license. She has developed a list of friends to go do something with rather than do drugs. The Board requested to see her at December 3rd 2012 meeting. **Compliant**

Baylie Messerly (continued)

Megan Chrystal Miller

Ms. Niebuhr interviewed Ms. Miller. This is her

initial interview with Board. She stated she is current on her court fines and all court sanctions have been met. The Compliance Unit stated they will go through her MOU with her. The Board stated if you have any questions call Ms. Troxel. She stated she is currently working outside the field in a restaurant. The Board stated they want to help her get through probation. The Board noted they sometimes offer telephone interviews if she is compliant and because of the distance. Her family is her big support. The Board requested to see her or possibly phone her at the December 3rd, 2012. **Compliant**

Anthony Washburn

Mr. Price interviewed Mr. Washburn. This is his initial interview. He said he initially was confused on the renewal. He completed the renewal answering "no" on the Qualifying Questions section. When he realized he should have answered "yes" he called the Division and stated he had answered "no" and should have answered "yes". He stated he just "blurred" when he completed the renewal form. He stated he is working in the field currently and has for 25 years; saying his license is important to him. His criminal Probation Officer sent in a form stating he is current with financial obligations and is doing everything the court asked. He stated he had read the Stipulation and Order and understood it. The Compliance Unit stated they will meet with him and go over any questions he may have. The Board stated after he has completed part of his probation, and if he stays compliant, the Board may be able to recommend he meet every other Board meeting. If he has any questions call Ms. Troxel. The Board requested to see him at the December 3rd 2012 meeting. **Compliant**

DISCUSSION ITEMS:

Recommendations and actions from split The Board member who interviewed may make

sessions

the recommendation. For the probationer, there will be notification sent to let them know we are doing a paper review and plan to follow the Board's recommendation. The probationers are allowed to attend if they wish. The Division has offered a voluntary surrender but if there has been no response the Division plans to move forward with informal agency action to revoke for the following individuals: **J Ryan Anderson, Barbara Benton, Nicole Boyd, Camille Demille, Vanessa Jenkins, Shelby Parsons, Veronica Thrall, Bianca Albertoni and Christopher Turner.** The probationers may also have requested voluntary surrender. This will free up the Board's time from people who are ignoring MOU's and the Board's recommendations. The Board will then have the time to attend to other Board business.

The Board also noted that at the next meeting in December we will, hopefully, have new Board members. The Board has two members who have reached the end of their terms, one who is being replaced and an Electrology representative to be appointed.

The Board discussed how there is a very strong movement nationally to deregulate this profession. There may be a need for this profession to get involved with some of the issues that affect this profession.

MOU/Denial Discussion: Lori Jacquelyn Orr

Ms Orr came in to the meeting. Ms. Stewart stated she had applied for renewal. She was offered a MOU rather than issued a renewed license. Ms. Orr rejected the MOU and is requesting the Board to reconsider the terms in her MOU. Ms. Stewart stated originally the probation was for two years and was offered with an adjustment back to 18 months. She stated she was hoping to appeal to the Board for a license free of encumbrances. She discussed with the Board how hard life had been

MOU/Denial Discussion: Lori Jacquelyn Orr (continued)

for her. She stated she did not want to sign the MOU; she wants to work out of her home, because her son is young. The MOU requires supervision there is no supervision at her home. The Board told her she also needed to have a business license if working out of her home. The Board cautioned if the Division denies renewal and she waits another renewal cycle she will have to meet current licensure requirements in that she would need to retest and reapply. The Board read the letter of recommendation from her DCFS case worker. The Board stated DOPL requirements are going to have to be met either now or later. The choice is hers. She stated she would take some time and decide what she is going to do. The Board suggested she focus on the positives. Ms. Stewart stated she would re-draft the MOU and mail it to her that would give her 30 days to make a decision. If there is no response, renewal will be denied.

NEXT SCHEDULED MEETING:

Monday, December 3rd, 2012

ADJOURN: 5:00 p.m.

No motion required

December 3, 2012 (ss) Marti Frasier
Chairperson
Date Approved Barbering, Cosmetology/Barbering, Esthetics,
Electrology and Nail Technology Licensing Board

December 3, 2012 (ss) Sally A. Stewart
Date Approved Bureau Manager
Division of Occupational & Professional Licensing