

**UTAH
BARBER, COSMETOLOGIST/BARBER, ESTHETICIAN, ELECTROLOGIST AND
NAIL TECHNICIAN LICENSING BOARD MEETING**

March 4th, 2013

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

CONVENED : 8:36 a.m.

ADJOURNED: 5:18 p.m.

Bureau Manager:

Sally A. Stewart

Board Secretary:

Sally Canavan

Board Members Present:

Chad W. Price, Chairperson
Annette Bergstrom
Sunny Smith
Elaine Reintjes
Pauline Anderson
Carlotta Veasy, at 9:10 a.m.

Board Members Absent/Excused:

Dianne Niebuhr, excused

Guests:

Fran Brown, UBSOA
Marti Frasier, Professional Cosmetologist
Suzette Cluela, CLC
Lyle Ferguson, CLC
Lynelle Hite, The Barber School
Richard Hite, The Barber School
Therese Taylor, Renaissance Academie
Brenda Scharman, UBSOA
Jami Gienoff, Taylor Andrews Academy
Brooke Sperry, Taylor Andrews Academy
Natalie Parkin, Skinworks/UBSOA
Diane Bitaraf, Mandalyn Academy
Austin Maughan, Maximum Style Tec School
Maxine Maughan, Maximum Style Tec School
Sabine Bjork, Maximum Style Tec School

Oath of Office

Pauline Anderson was sworn in

DOPL Staff Present:

Debra Troxel, Compliance Specialist

MINUTES:

DECISIONS AND RECOMMENDATIONS

The minutes from December 3rd, 2012, meeting were reviewed by the Board. Ms.Reintjes made a motion, seconded by Ms. Smith, to approve the minutes as written. The voting was unanimous.

Information regarding the Law and Rule Exam Inclusion in the application

The Division is making changes in the applications. The changes are almost ready. When the changes are implemented will depend on how soon Utah Interactive will be able to implement the change possibly one month to one month and a half.

Compliance Unit Report:

Ms. Troxel reviewed some of the probationers being seen today.

APPOINTMENTS/INTERVIEWS:

Ms. Stewart stated the probationary licenses are now called "Restricted on Probation" licenses. There are a number of "Restricted on Probation" licenses that have been issued. In an effort not to overwhelm the Board with the number of people being seen, we are always trying to treat all probationers the same. The probationers have agreed to the terms and stipulations within the MOU by signing it. Recently the Legislature passed a bill to move formal processes to informal processes. Ms. Stewart made a request for the Board to take action when probationers are not compliant with their MOU's. She noted the Board has previously recommended voluntary surrender of licenses for several people who have taken advantage of that option.

Jackie Sue Foster

The Board stated they noticed Ms. Foster has been substantially compliant with the terms of her probation and her probationary time was ready to be completed. Ms. Smith interviewed Ms. Foster. She read a letter she had written to the Board listing what she had learned. She stated she has learned responsibility, to be independent and to stand up for her self. In the beginning she looked at her probation negatively; as she learned and grew it had turned into a positive experience. She stated she has a new life in Salt Lake City. She had been working for one week on job when she was promoted to manager. She stated she has a great support system, it comes mostly from her self. She stated she now feels like she has direction and is ready for next step. Ms. Smith made a motion, seconded by Ms. Bergstrom, that the order be amended to release Ms. Foster effective May 17th, 2013. The voting was unanimous. The Board noted she needs to keep doing what she is doing until she receives the amended order in the mail.

Jessica Marie Millar

Ms. Smith interviewed Ms. Millar. The Board stated she has been substantially compliant with all requirements. She stated she has learned how hard it can be on probation and she found it is really difficult to get a job. The most important thing is to stay clean and get rid of the less desirable people in her life. Ms. Smith made a motion, seconded by Ms. Reintjes, that the order be amended to release Ms. Millar as of April 13th, 2013. The voting was unanimous. The Board noted she needs to keep doing what she is doing until she receives the amended order in the mail.

Jason D. Roberts

The Board stated Mr. Roberts has been substantially compliant throughout his probationary period of three years. He stated he is still working in the field. He stated he still has some changes to make in his life. Through probation he has learned crime never pays. He stated jail time was a big reality check for him. He is now doing much better with his personal life. Ms. Smith made a motion, seconded by Ms. Anderson, that the order be amended to release Mr. Roberts as of March 8th, 2013. The voting was unanimous. The Board noted he needs to keep doing what he is doing until she receives the amended order in the mail.

Maria Ximena Bailey

Ms. Bailey was late for her appointment with the Board. The Board stated she has been compliant with her probation of three years. Her probation is scheduled to end March 15th, 2013. She stated the probation for her was more than what she felt she needed, it became a hassle to take money away from her family and time and money away from her business. She stated she was bitter for a while but ended up being glad to get to know the Board. Ms. Smith made a motion, seconded by Ms. Bergstrom, that her order be amended to release Ms. Bailey as of March 15th, 2013. The voting was unanimous. The Board noted she needs to keep doing what she is doing until she receives the amended order in the mail.

Stephanie Mecham (Telephone interview)

Ms. Veasy interviewed Ms. Mecham by phone. She is required to take an approved Ethics class. She stated her class is really good. The class is an online class. It is a 40-hour course. The class is Ethics 101. She should complete the class by May 9th, 2013, but she stated she will have it completed by April. There are

Stephanie Mecham (Telephone interview) - continued

sections that must be completed and it is up to her how long she wants to spend on each section. The Board stated she should document the time she is spending; she should get a certificate of completion to Ms. Troxel by May 9th 2013. Ms. Troxel stated for her to stay in contact with her. Ms. Mecham stated she would let us know and give us the copy of her completion certification. The Board requested to see her at the June 3rd, 2013 meeting. The Board noted a possible phone interview for her then because she lives in St George, but may request to see her in person because of better weather. They will let her know on the invite letter. The Board requested Ms. Troxel find out where she is taking the course.

Compliant

Ms. Bergstrom interviewed Ms. Johnson by phone. She stated she is going to take the test today to get her driver's license back. She stated she is signed up for Affinity and goes to NA meetings and that it is a good support system for her. She stated she is working in the field and at the Bluebird Restaurant. She stated things are going fine. The Board noted she lives in Hyde-Park so possibly would make her next appointment a phone interview; they would let her know later. The Board requested to see her at the June 3rd, 2013 Board meeting. **Compliant**

Ashleigh Johnson (Telephone interview)

Krista Allen (Jerden)

The Compliance Unit stated there was no contact with her. She has been non-complaint for the last four meetings. At the last meeting the Board recommended a voluntary Surrender Stipulation and Order. Ms. Stewart stated she would try once more for a voluntary Surrender Stipulation and Order stating she cannot reapply for 3-5 years and follow-up with an informal action if there was not response. Ms. Veasy made a motion, seconded by Ms. Smith, to send a voluntary Surrender Stipulation and Order on Krista Allen with an informal action of revocation to follow if she does not respond. The voting was unanimous.

Non-compliant

J Ryan Anderson

Mr. Anderson did not come in for his appointment with the Board. The Compliance Unit noted he has been non-compliant. He did call for testing but even when he was requested to test, he did not. The Board recommended he be given one last chance to comply, the Compliance Unit noted he is working in the field.

J Ryan Anderson - continued

We have had no contact with him or his parole office. The Board told him if he could get us reports of his drug screening we would accept them. The Board noted he has been blatantly ignoring his order. The Board in trying to be proactive so Ms. Smith made a motion, seconded by Ms. Anderson, that Ms. Stewart sends him a voluntary Surrender Stipulation and Order giving him ten days to respond and then take additional action with regard to revocation. The voting was unanimous. **Non-compliant**

BREAK

APPOINTMENTS/INTERVIEWS:

Brooke Camden

15 minutes

This would be Ms. Camden's initial meeting with the Board. Ms. Troxel planned on seeing her today. The Board recommended the Compliance Unit watch her for the next month and if she is non-compliant then bring her in before the BoMs. Reintjes made a motion, seconded by Ms. Smith, that the non-compliance letter be sent to her informing her that she must come in person for the June 3rd, 2013 Board meeting. The voting was unanimous. **Non-compliant**

Elizabeth Marie Cannon

Ms. Smith interviewed Ms. Cannon. She stated she realized after the fact she had missed the last meeting. She stated she failed to mark the appointment on her calendar and missed it. She had been compliant since March through December of 2012 before she missed the appointment. The Board noted she had one abnormal reading. She stated she did not know why. The Board suggested she check in first thing in the morning. The Board explained the instructor license works off the base license. She is thankful to have license. The Board noted she has been consistently compliant. The board requested to see her at the September 9th, 2013 Board meeting. **Compliant**

Kelly James Clark

There are a number of circumstances with regard to Mr. Clark. Based upon information made available to Ms. Stewart, the Division is doing a follow-up of a voluntary Surrender Stipulation and Order or an Agency Action. There is new activity that has been reported but it is still not resolved. The Board noted individuals are innocent until proven guilty. When the situation is resolved the Division will take the

Kelly James Clark - continued

appropriate action. There has been no contact with Ms. Troxel or the Compliance Unit. **Non-compliant**

Lisa Rae Dow

Ms. Smith interviewed Ms. Dow. She stated she is not doing well. Her husband fell in the shower. He has been in ICU until three days ago, home now and she is taking care of him. They have had to move out of their house. The utility company has turned off all utilities and foreclosure is taking place on her house. She had not called Affinity as she has been very busy taking care of husband. She stated she has a job working in a barber shop. She stated she is attending an aftercare program. The Board suggested she call the aftercare program and tell them what is going on and make arrangements to talk a little more often, sometimes they can help. The Board is aware with the hospice program has a program she can talk to or a support group through hospice. The Board suggested she stay in contact with Ms. Troxel. She stated she may be able to use her husband's money to drug test if required. Ms. Troxel can help with the testing program. She stated she should have gone to see her counselor today. The Board requested to see her at the June 3rd, 2013 meeting.

Non-compliant (no blatant disregard - under extreme circumstances)

Sara Jane Graham

Ms. Reintjes interviewed Ms. Graham. Compliance Unit stated there was a problem with the Post Office thing she no longer lived at her address. The problem has been fixed. She stated she is done with her criminal probation. The Board requested copies of the court papers saying it is completed for Ms. Graham's file. Ms. Troxel met with Ms. Graham to go over her packet for the first time today. The Board stated if she had any questions she should call Ms. Troxel. This was an initial interview. The Board requested to see her at the June 3rd, 2013 Board meeting. **Compliant**

Stephanie Marlese Helmick

Ms. Smith interviewed Ms. Helmick. She brought an employer report with her. She stated client sales are going really well, word and of mouth is working well for her. She stated working in the field is very important to her. Everything has been going really well; she just needs a course on business management from a reputable school. She stated

her sister is an instructor, so she and the school are putting together an Ethics course which is a big help. The Board requested to see the course when it is put together so it can possibly be approved. The Board suggested she send it electronically to Ms. Troxel. The Board requested to see her at the June 3rd, 2013 Board meeting. **Compliant**

Ashley Dawn Smith

Excused until June 3rd, 2013

Baylie Messerly

Ms. Troxel stated she has had no contact and Ms. Messerly has not complied with any of her probationary requirements. Ms. Smith made a motion, seconded by Ms. Veasy, to do a voluntary Surrender Stipulation and Order or an Agency Action. The voting was unanimous. **Non-compliant**

Megan Chrystal Miller

The Board noted it had difficulty reaching her. Compliance stated she has a new job working in the profession and that it is not possible to reach her by phone. The Board requested she be invited to come to the next Board in person as the Board had only seen her once. The Board requested Compliance follow up with her. They requested to see her at the June 3rd, 2013 Board meeting. **Non-compliant**

Amber lee Evans

Ms. Reintjes interviewed Ms. Evans. She stated she is working in the field; she was able to switch right into her new Job. The Board noted her employer reports stated the business loved her. The Board stated she missed two calls in January 2013. She stated she goes to 12-steps meetings and will be four years sober on April 11th, 2013. She stated she is helping others stay sober and that helps her a lot. She is part-time on her new job. She stated she has lots of family support. The Board noted she had been consistently compliant. The Board requested to see her at the September 9th, 2013 meeting as long as she stays compliant. **Compliant**

LUNCH

45 minutes

Allison Perry

Excused until June 3rd, 2013

Marcy M. Pruitt

Ms. Veasy interviewed Ms. Pruitt. The Board stated two of her test came back positive and one dilute.

Marcy M. Pruitt - continued

She stated she is frustrated with the test coming back dilute. She isn't trying to make it dilute. Ms. Troxel explained how the testing works. Ms. Pruitt stated the money for the test is a hardship. The Board stated requesting a monitoring interruption the same day you are called to test is a reason for concern. The Board recommended she test first thing in the morning; don't get your feet detoxed or anything out of the ordinary before a test. The Board stated the employer report was very good; they love her at work. She stated she wants to be compliant. She is scheduled to be off probation in December 2013. The Board suggested she give as much notice as possible when requesting a monitoring interruption. She was told that the Board and Division try not to influence the frequency of the testing; it is done randomly. She stated it has been a rough year talking of family. She stated she is seeing a therapist. The Board stated that is something the Board would like to know; it is a positive direction. It was requested to see her at the June 3rd, 2013 Board meeting. **Non-compliant**

Jenalyn Vance

Ms. Veasy interviewed Ms. Vance. She stated she told the testing she was going out of town. The Board told her she can schedule a monitoring interruption. She stated she is working in the field. The location has a lot of repeat business. She stated she is doing the 12-step program with mostly nurses in her group and the 12-step group is very active. She stated she is seeing a counselor but her counselor moved so she does over-the-phone counseling. She stated she goes to an N/A program and AA program and her family support is very good. She stated she is earning more now than ever before. She stated she has worked hard to be compliant and she will focus more on calling in. The Board requested to see her at the June 3rd, 2013 Board meeting. **Compliant**

Antatres Walwrath

The Compliance Unit noted there has been no contact for more than a few months. Ms. Troxel has sent non compliance letters, with no response. There are no 12-step meeting reports or employer reports. With no contact, we don't know if she is working in the field. Ms. Veasy made a motion,

Antatres Walwrath - continued

seconded by Ms. Smith, to do a voluntary Surrender Stipulation and Order giving her ten days to respond and then take additional action with regard to revocation. The voting was unanimous. **Non-compliant**

Anthony Washburn

Ms. Bergstrom interviewed Mr. Washburn. He stated he has found someone to supervise him. He stated he is working in the field out of his home. The Board noted his supervisor is sending in reports. He stated he is doing the Professional in Recovery program. The Board stated his non-compliance from the last meeting will stand. He can show compliance from that point forward. The Board requested to see him at the June 3rd, 2013 Board meeting. **Compliant**

**NEW STIPULATIONS:
Amanda Reutlinger**

Mr. Price interviewed Ms. Reutlinger. This is her initial interview. The Board noted her Affinity tests are all negative and she has not missed any calls. She stated she is attending Highland Ridge, a women's support group. She stated she is working in the field part-time and has a second job. She stated she is pretty stress-free and doing esthetics at a chiropractic office. She is looking forward to going to school for an RN. The Board noted she is doing great and communication is good. The Board request to see her at the June 3rd, 2013 Board meeting. **Compliant**

Debra L. Patterson

Ms. Troxel stated she had talked with Ms. Patterson, once about a month ago and confirmed the date of the meeting. The Board noted she had been contacted by mail and did not get it back, we assume it was received. She is not signed up with Affinity. Ms. Troxel has had no other contact with Ms. Patterson. The Board stated she signed Memorandum of Understanding and Order and that there has been nothing since then. Ms. Reintjes made a motion, seconded by Ms. Veasy, that she be sent a voluntary Surrender Stipulation and Order giving her ten days to respond and then take additional action with regard to revocation. The voting was unanimous. **Non-compliant**

MacKenzi Don Wakley

Excused, for the March 4th, 2013. Her boyfriend passed away with the funeral today. The Board will excuse her this time, but they are requesting to

see her at the June 3rd, 2013 Board meeting.

DISCUSSION ITEMS:

Education and Enforcement Fund

Mr. Price has documentation of coming to Salt Lake City to talk to the Private School Owners symposium. Ms. Reintjes made a motion, seconded by Ms. Bergstrom, that Mr. Price be reimbursed from the Education and Enforcement Fund. The voting was unanimous. This will be forwarded accordingly.

Mt. Steinagel and Mr. Ray Walker joined the Board for this discussion. The Board was told the Education and Enforcement Fund is funded mostly by citations. The Board discussed the many possible uses for this fund. The Board decided to form a committee consisting of Marti Frasier, Fran Brown, Carlotta Veasy and Chad Price to help move forward on this project. Ms. Frasier will contact Leslie at Kings Research/Barbicide and check on information for having her do a presentation, a webinar, or a conference and if it can be taped or copied.

Ms. Stewart stated The next scheduled Board meeting is June 3rd, 2013. The Board could meet at 8:00 am to 11:00 a.m. and then it is done. The conference and the Board meeting will have to have a finite time. The Board also discussed who to invite and how to get notices out to people.

Ms. Frasier stated it would take quite a bit of money to get a room and get it set up. She suggested the committee members/task force get together with the information each has gathered and then moved forward from there.

Online Education or Distance Learning – Lynell Hite, The Barber School

Lynell Hite from The Barber School presented the possibility of online school. She stated there were many people asking for an online Barbering program. The Board discussed that it is very much of a “hands-on” profession. The practical portion of the program would have to have direct supervision by an instructor. Ms. Hite stated the theory portion of the training could be accomplished online. The Board stated “we are not able to write law from rule. The law has to come from the Legislature.”

Rule cannot change Law. DOPL is aware there is a big push for distance learning or remote access right now and it may be the way of the future. Ms. Stewart requested Ms. Hite send her, electronically, how and what she would teach at an online school. There are not going to be any changes in the Rule until HB 238 passes or not, because they would have to be written again. The Board stated they feel that online schooling does not meet the current law.

Board Survey

The Board discussed Mr. Steinagel's request for information that is available from the website and from the Internet regarding disciplinary documents on the website. The Board discussed the different options. Ms. Anderson made a motion, seconded by Ms. Veasy, to continue in the manner it is being done now; that it continue to be available on DOPL's website but not a general internet search. The voting was unanimous.

NEXT SCHEDULED MEETING:

Monday, June 3rd, 2013

ADJOURN: 5:18 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.

As of April 15, 2013

Date Approved

(ss) Chad Price

Chairperson

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

As of April 15, 2013

Date Approved

(ss) Sally A. Stewart

Bureau Manager

Division of Occupational & Professional Licensing