

IDAHO BOARD OF BARBER EXAMINERS
Bureau of Occupational Licenses
700 West State Street, P.O. Box 83720
Boise, ID 83720-0063

Board Meeting Minutes of 3/14/2016

BOARD MEMBERS PRESENT: Kevin J Moriarty - Chair
Kerry R Nave
Thomas E Grimsman

BUREAU STAFF: Tana Cory, Bureau Chief
Dawn Hall, Administrative Support Manager
Lori Peel, Investigative Unit Manager
Maurie Ellsworth, General Counsel
Mitchell Toryanski, Legal Counsel

OTHERS PRESENT: Jeri DeLange, Lobbyist, Locker Room Inc.
Stacie Bishop, Locker Room
Nikki Martin, Boise Barber College
Sam Collins, Boise Barber College
Lou Starite, Paul Mitchell The School Boise
Lance Giles, Eiguren Ellis
Kris Ellis, North West Career Colleges Federation

The meeting was called to order at 8:30 AM MDT by Kevin J Moriarty.

APPROVAL OF MINUTES

Mr. Grimsman made a motion to approve the minutes of November 9, 2015. It was seconded by Mr. Nave. Motion carried.

Mr. Nave made a motion to approve the minutes of December 21, 2015. It was seconded by Mr. Grimsman. Motion carried.

LEGISLATIVE REPORT

Ms. Cory gave the legislative report. She said that any proposed law changes for 2017 need to be in by the first of August and proposed rule changes need to be submitted by the third week of August for the 2017 session. The Board did not have any changes this year. The barber colleges have a bill that clarifies in the law that a college is a postsecondary school. The Legislature amended the bill for clarification. The bill passed the House and it's waiting to be voted on in the Senate. Ms. Ellis said it should be voted on this week.

Mr. Toryanski said the Governor has proposed legislation that would allow the Governor to be able to consider recommendations made by associations or any

individuals residing in the state when making Board appointments. He is also proposing that all Board members serve at the Governor's pleasure and that there be at least one consumer member on every Board.

FINANCIAL REPORT

Ms. Hall gave the financial report, which indicated that the Board has a cash balance of \$29,195.88 as of 02/29/2016.

DISCIPLINE

MEMORANDUM

Mr. Nelson, presented a memorandum regarding case number BAR-2016-11, the Board made its recommendations to its prosecuting attorney.

CONSENT ORDERS

Mr. Nelson presented a signed Stipulation and Consent Order on case BAR-2016-3. Mr. Grimsman made a motion to accept the Stipulation and Consent Order as signed and to authorize Mr. Moriarty to sign on behalf of the Board. It was seconded by Mr. Nave. Motion carried.

INVESTIGATIVE REPORT

Ms. Peel gave the investigative report, which is linked above.

FOR BOARD DETERMINATION

Mr. Grimsman made a motion to approve the Bureau's recommendation and authorize closure in case I-BAR-2016-6. It was seconded by Mr. Nave. Motion carried.

Mr. Grimsman made a motion to approve the Bureau's recommendation and authorize closure with a warning letter in cases I-BAR-2016-7 and I-BAR-2016-8. It was seconded by Mr. Nave. Motion carried.

Mr. Grimsman made a motion to approve the Bureau's recommendation and authorize closure with a warning letter in cases I-BAR-2016-11 and I-BAR-2016-12. It was seconded by Mr. Nave. Motion carried.

Mr. Grimsman made a motion to approve the Bureau's recommendation and authorize closure with a warning letter in cases I-BAR-2016-16 and I-BAR-2016-17. It was seconded by Mr. Nave. Motion carried.

DISCIPLINARY ACTION

Ms. Peel, presented a Stipulation and Consent Order on cases BAR-2016-5 and BAR 2015-6.

BAR-2016-5 and BAR-2016-6 Mr. Grimsman made a motion to accept the Settlement Order as signed and to authorize Mr. Moriarty to sign on behalf of the Board. It was seconded by Mr. Nave. Motion carried.

NEW BUSINESS

NEXT MEETING was scheduled for July 11, 2016 8:30 AM MDT at the Bureau of Occupational Licenses.

CORRESPONDENCE

Ms. DeLang, a Lobbyist for the Locker Room, read a letter to the Board from a licensee regarding using a straight edge razor on the face. The letter addressed that her original license which was obtained in Washington allows her to shave. Her current Idaho cosmetology license allows her to do everything a Barber Stylist in Idaho can do except shaving. She received on the job training in a Washington salon for hot towel face shaves. The licensee said that she would love to add shaving of the face to her current cosmetology license and that it would benefit the customers that live in North Idaho.

Mr. Grimsman made a motion to authorize Mr. Moriarty to be the designated person to work with Ms. Hummel, the Chair of the Idaho Cosmetology Board, on the above correspondence and other items that concern both professions. It was seconded by Mr. Nave. Motion Carried.

The Board reviewed correspondence from an individual regarding a suggestion to allow a cosmetology shop to display a barber pole to honor past barbers.

Mr. Grimsman made a motion that the Board would not approve the suggestion based upon Idaho Code § 54-523(3) and to direct the Bureau to write a letter letting them know they could display a plaque inside of the salon with the names of those barbers they wish to honor. It was seconded by Mr. Nave. Motion carried.

PUBLIC COMMENT

Mr. Starita with The Paul Mitchell The School-Boise would like the board to know that he supports the request of giving licensed cosmetologist credit toward a barber license. He has studied how other states have done this and would be willing to share with the Board the information he has. Mr. Moriarty will follow up with him.

DL ROOPE CONTRACT

Mr. Grimsman made a motion to accept the DL Roope Administrations, Inc. Testing contract for FY2017 and authorize Ms. Cory to sign on behalf of the Board. It was seconded by Mr. Nave. Motion carried.

EXECUTIVE SESSION

Mr. Nave made a motion to go into executive session per Idaho Code 74-206 (1) (d), to consider records that are exempt from disclosure under the Idaho Public Records Law. The purpose of the executive session was to discuss licensure applications. It was seconded by Mr. Grimsman. Motion carried. Individual vote was: Mr. Grimsman, aye; Mr. Nave, aye; and Mr. Moriarty, aye.

Mr. Nave made a motion to come out of executive session. It was seconded by Mr. Grimsman. Motion carried. Individual vote was: Mr. Moriarty, aye; Mr. Nave, aye; and Mr. Grimsman, aye.

APPLICATIONS

Mr. Grimsman, made a motion to accept the application for Henry Mallory and issue a barber stylist instructor license. It was seconded by Mr. Nave. Motion carried.

Mr. Grimsman made a motion to hold the application for applicant 901141819 pending proof of the required training and the passing of the examination. It was seconded by Mr. Nave. Motion carried.

ADJOURNMENT

Mr. Grimsman made a motion to adjourn the meeting at 9:51 AM MDT. It was seconded by Mr. Nave. Motion carried.

Kevin J Moriarty, Chair

Kerry R Nave

Thomas E Grimsman

Tana Cory, Bureau Chief