

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

Board Meeting Minutes of 6/4/2012

BOARD MEMBERS PRESENT: Mary Lambert - Chair
Bonnie D. Sermon
Linda Swope
Debra J Hummel
Merrilyn Cleland

BUREAU STAFF: Tana Cory, Bureau Chief
Dawn Hall, Administrative Support Manager
Lori Peel, Investigative Unit Manager
Eric Nelson, Board Prosecutor
Maurie Ellsworth, Legal Counsel

OTHERS PRESENT: Tyler Thomson, George Brunt, Laurie Rowen,
Peggy Foster, Tyler Price, Amber Eggleston,
Tracy Skeary-Pack, Rick Evans, Lou Starita,
Kathy Hopkins, and Jennifer Rodgers

The meeting was called to order at 8:30 AM MDT by Mary Lambert.

APPROVAL OF MINUTES

A motion was made by Ms. Swope to accept the minutes from February 06, 2012. Seconded by Ms. Hummel, motion carried.

A motion was made by Ms. Hummel to accept the minutes from March 13, 2012. Seconded by Ms. Swope, motion carried.

A motion was made by Ms. Sermon to accept the minutes from March 20, 2012. Seconded by Ms. Cleland, motion carried.

LEGISLATIVE REPORT

Ms. Hall presented the legislative update to the members of the Board. Ms. Hall informed the Board that the new fee schedule went into effect on March 21, 2012 and any proposed law changes would need to be submitted by the first week of August and rule changes the third week of August.

FINANCIAL REPORT

Ms. Hall gave the financial report. This report is available on the website. As of 05/31/2011, the Board has \$460,549.85, in expenditures with a cash balance of \$1,639,391.99.

MEMORANDUM

Eric Nelson, Board Prosecutor, presented to the Board a Memorandum and several Consent Orders:

COS-2012-54 The Board accepted the recommendations of the Board Prosecutor to move forward regarding appropriate sanctions for discipline.

COS-2011-42 The Board accepted the recommendations of the Board Prosecutor to move forward regarding appropriate sanctions for discipline.

COS-2012-76 The Board accepted the recommendations of the Board Prosecutor to move forward regarding appropriate sanctions for discipline.

COS-2012-106 The Board accepted the recommendations of the Board Prosecutor to move forward regarding appropriate sanctions for discipline.

COS-2012-75 The Board accepted the recommendations of the Board Prosecutor to move forward regarding appropriate sanctions for discipline.

COS-2011-151 The Board accepted the recommendations of the Board Prosecutor to move forward regarding appropriate sanctions for discipline.

COS-2012-36; COS-2012-37 The Board accepted the recommendations of the Board Prosecutor to move forward regarding appropriate sanctions for discipline.

COS-2012-118 The Board accepted the recommendations of the Board Prosecutor to move forward regarding appropriate sanctions for discipline.

COS-2011-187 The Board accepted the recommendations of the Board Prosecutor to move forward regarding appropriate sanctions for discipline.

CONSENT ORDERS

COS-20010-31 & COS-2010-32, COS-2010-43 & COS-2010-113, COS-2010-47, COS-2010-48, COS-2010-49, COS-2010-51, COS-2010-52, COS-2010-53, COS-2010-55, COS-2010-121 & COS-2010-122, COS-2011-68 & COS-2011-69, COS-2011-194 & COS-2011-195

A motion was made by Ms. Swope to accept the Stipulation and Consent Orders as signed and authorize Ms. Lambert to sign on behalf of the Board. Seconded by Ms. Hummel, motion carried.

INVESTIGATIVE REPORT

Ms. Peel presented the investigative report.

FOR BOARD DETERMINATION

I-COS-2011-97, I-COS-2011-164, I-COS-2011-180 and I-COS-2011-181, I-COS-2011-185, I-COS-2011-194, I-COS-2011-219, I-COS-2011-228 and I-COS-2012-110, I-COS-2011-230 and I-COS-2011-269, I-COS-2011-266, COS-2011-267 and I-COS-2011-268, I-COS-2012-1, I-COS-2012-8, I-COS-2012-10, I-COS-2012-72 and I-COS-2012-73, I-COS-2012-98, I-COS-2012-108 and I-COS-2012-109, I-COS-2012-111, I-COS-2012-127, I-COS-2012-130, I-COS-2012-131 and I-COS-2012-132, I-COS-2012-151

Ms. Cleland recused herself on I -COS-2011-228 and I -COS-2012-110.

A motion was made by Ms. Sermon to accept the recommendations of the Bureau to authorize closure with warning letters to be sent in the following cases: I-COS-2011-185, I-COS-2011-228, I-COS-2011-110, I-COS-2011-230, I-COS-2011-269, I-COS-2011-266, I-COS-2011-267, I-COS-2011-268, I-COS-2012-111, I-COS-2012-127, I-COS-2012-131, and I-COS-2012-132. Seconded by Ms. Swope, motion carried.

REQUEST FOR REINSTATEMENT

COS-2012-15 A motion was made by Ms. Hummel to reinstate the license for Sherri Dressel. Seconded by Ms. Swope, motion carried.

MONTHLY REPORTS FROM ECHO LUNDEBERG

The Board reviewed the monthly reports submitted by Echo Lundeborg. No action was taken.

DISCIPLINARY ACTION

Ms. Peel presented to the Board several Settlement Orders:

COS-2011-192 & COS-2011-193, COS-2012-50 & COS-2012-51, COS-2012-74, COS-2012-91, COS-2012-94 & COS-2012-95, COS-2012-96 & COS-2012-97, COS-2012-104 & COS-2012-105, COS-2012-107, COS-2012-108 & COS-2012-109, COS-2012-110 & COS-2012-111, COS-2012-113, COS-2012-119 & COS-2012-120

A motion was made by Ms. Swope to accept the Settlement Orders as signed and authorize Ms. Lambert to sign on behalf of the Board. Seconded by Ms. Cleland, motion carried.

MEMORANDUM

COS-2012-71 & COS-2012-72, COS-2012-98 & COS-2012-99, COS-2012-100 & COS-2012-101, COS-2012-116 & COS-2012-117

The Board gave the Bureau guidance to pursue Settlement Orders under the fines as set out in the Board's rules.

OLD BUSINESS

Mr. Ellsworth discussed with the Board information regarding service dogs and what the U.S. Department of Justice requires as part of the Americans with Disabilities Act (ADA). Mr. Ellsworth discussed clarifying the rule to reflect the regulations of the ADA.

A motion was made by Ms. Cleland that regarding the Board of Cosmetology Inspection and Sanitary Rule dealing with safety, Rule 800.11 (IDAPA 24.04.01.800.11), the Board interprets the phrase "animals trained to provide service to the physically impaired" to refer to those animals and persons meeting the definitions set forth in U.S. Department of Justice, Americans with Disabilities Act Regulations at 28 C.F.R Section 36.104 (effective March 15, 2011). Seconded by Ms. Hummel, motion carried.

The Board gave the Bureau guidance to submit a rule change with this language.

NEW BUSINESS

NIC ANNUAL CONFERENCE

A motion was made by Ms. Swope to attend the National Interstate Council of State Boards of Cosmetology 2012 Annual Conference (NIC) in Salt Lake City, Utah and to cover all expenses including, hotel, meals, shuttle, per diem, honorarium, and one day of travel. Seconded by Ms. Hummel, motion carried.

A motion was made by Ms. Hummel to pay the membership dues to NIC. Seconded by Ms. Swope, motion carried.

CORRESPONDENCE

The Board reviewed the changes to the catalog for Paul Mitchell the School Boise. No action was taken.

The Board reviewed a letter from Rick Evans regarding what constitutes the 30 hours of outside credit per rule 500.

It was determined, that generally, these hours are obtained when students attend a hair show or trade show or do a job shadow.

The demonstration permit is a separate category and authorizes the student to perform actual hands-on work.

A motion was made by Ms. Cleland to direct the Bureau to draft a response letter that encompasses the discussion. Seconded by Ms. Swope, motion carried.

EXECUTIVE SESSION

A motion was made by Ms. Sermon to go into executive session per Idaho Code 67-2345 (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. Seconded by Ms. Hummel, motion carried. Individual vote was: Ms. Lambert, aye; Ms. Cleland, aye; Ms. Hummel, aye; Ms. Sermon, aye; and Ms. Swope, aye.

A motion was made by Ms. Sermon to come out of executive session. Seconded by Ms. Swope, motion carried. Individual vote was: Ms. Swope, aye; Ms. Hummel, Ms. Cleland, aye; Ms. Sermon, aye; and Ms. Lambert, aye.

A motion was made by Ms. Cleland to go into executive session per Idaho Code 67-2345 (1) (f), to communicate with legal counsel regarding COS-2009-31 AND COS-2009-32. Seconded by Ms. Hummel, motion carried. Individual vote was: Ms. Lambert, aye; Ms. Cleland, aye; Ms. Hummel, aye; Ms. Sermon, aye; and Ms. Swope, aye.

A motion was made by Ms. Swope to come out of executive session. Seconded by Ms. Cleland, motion carried. Individual vote was: Ms. Swope, aye; Ms. Hummel, Ms. Cleland, aye; Ms. Sermon, aye; and Ms. Lambert, aye.

HEARING ON OBJECTION TO STATE'S COSTS AND FEES

A motion was made by Ms. Swope to go into executive session per Idaho Code 67-2345 (1) (f), to communicate with legal counsel regarding COS-2009-31 and COS-2009-32. Seconded by Ms. Hummel, motion carried. Individual vote was: Ms. Lambert, aye; Ms. Cleland, aye; Ms. Hummel, aye; Ms. Sermon, aye; and Ms. Swope, aye.

A motion was made by Ms. Swope to come out of executive session. Seconded by Ms. Swope, motion carried. Individual vote was: Ms. Swope, aye; Ms. Hummel, Ms. Cleland; Ms. Sermon, aye; and Ms. Lambert, aye.

The Board discussed issues raised in the arguments and legal briefs.

A motion was made by Ms. Swope to deny Respondent's objection to the state's costs and fees as submitted by the Board Prosecutor and the Bureau. Seconded by Ms. Hummel, motion carried.

APPLICATIONS

A motion was made by Ms. Sermon to go into executive session per Idaho Code 67-2345 (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. Seconded by Ms. Hummel, motion carried. Individual vote was: Ms. Lambert, aye; Ms. Cleland, aye; Ms. Hummel, aye; Ms. Sermon, aye; and Ms. Swope, aye.

A motion was made by Ms. Sermon to come out of executive session. Seconded by Ms. Swope, motion carried. Individual vote was: Ms. Swope, aye; Ms. Hummel, Ms. Cleland; Ms. Sermon, aye; and Ms. Lambert, aye.

APPLICATIONS FOR LICENSE

A motion was made by Ms. Hummel to have Jennifer Nagel, Tasia Thomas and Nichole R Camacho take the full examination and issue a license once the examination has been successfully passed. Seconded by Ms. Swope, motion carried.

A motion was made by Ms. Hummel to accept the application for Nicola Perez, Katelyn Benedict, Ariel Carpenter, Keri White, MaryJane Berber and issue them a license. Seconded by Ms. Sermon, motion carried.

A motion was made by Ms. Hummel to deny the application for Jordan Moore. Seconded by Ms. Cleland, motion carried.

A motion was made by Ms. Hummel to put the application for applicant 90112063 into pending and request clarification on the curriculum and have it reviewed by the Board Chair. Seconded by Ms. Swope, motion carried.

A motion was made by Ms. Sermon to accept the application for Razzle Dazzle College of Hair Design Inc. Seconded by Ms. Cleland, motion carried.

A motion was made by Ms. Sermon to accept the nail technology curriculum for Milan Institute- Nampa. Seconded by Ms. Cleland, motion carried.

A motion was made by Ms. Sermon to accept the nail technology curriculum for North Idaho College. Seconded by Ms. Cleland, motion carried.

APPRENTICESHIPS

A motion was made by Ms. Cleland to accept the apprenticeship applications for Glenda Smart at Rosy Nails. Seconded by Ms. Swope, motion carried.

A motion was made by Ms. Cleland to accept the apprenticeship applications for Samantha Diaz at Rosy Nails. Seconded by Ms. Swope, motion carried.

A motion was made by Ms. Cleland to accept the apprenticeship applications for Julet Anna Htoo at Allay Spa. Seconded by Ms. Swope, motion carried.

NEXT MEETING

The Board scheduled its next meeting for October 1, 2012 at 8:30 AM MDT at the Bureau of Occupational Licenses 700 West State Street Boise, Idaho 83702.

ADJOURN

A motion was made by Ms. Hummel to adjourn the meeting at 1:30 PM MDT. Seconded by Ms. Cleland, motion carried.

Mary Lambert, Chair

Bonnie D. Sermon

Linda Swope

Debra J Hummel

Merrilyn Cleland

Tana Cory, Bureau Chief