

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

Board Meeting Minutes of 10/7/2013

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
Maurie Ellsworth, Legal Counsel
Eric Nelson, Legal Counsel
Jean Uranga, Legal Counsel
Kim Aksamit, Technical Records Specialist I
Cherie Simpson, Management Assistant
Kellie LaBonte, Technical Records Specialist I

OTHERS PRESENT: Kelsie Black, Laurie Rowen, Tyler Price, Ty Walker,
Ryan Evans, Rick Evans, Peggy Foster,
George Brunt, Whitney Shaughnessy, Lissa Frasure,
Joy Woodward, Ronda Clark, Denise Holloway,
LaDonn Goodfellow, Jennifer Rodgers, Kathy Hopkins
Phil Scott and Larry Benton

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 June 3, 2013 and August 5, 2013 with corrections, and August 19, 2013. It was seconded by Ms. Hummel. Motion carried.

LEGISLATIVE REPORT

Ms. Cory gave the legislative report. She said that the proposed laws and rules have been published in the administrative rules bulletin and posted on the Board's website.

FINANCIAL REPORT

Ms. Hall gave the financial report, which indicated that the Board has a cash balance of \$1,643,358.83 as of 9/30/2013.

DISCIPLINE

Ms. Uranga, Board Prosecutor, presented to the Board a Stipulation and Consent Order in cases COS-2012-80, 81 & 82. A motion was made by Ms. Cleland to accept the Stipulation and Consent Order as signed and authorize Ms. Lambert to sign on behalf of the Board. It was seconded by Ms. Hummel. Motion carried.

MEMORANDUM

Mr. Nelson, Board Prosecutor, presented to the Board a Memorandum. Regarding cases COS-2014-10, COS-2013-115 & COS-2013-116, COS-2014-9, and COS2013-97, the Board made its recommendations to its prosecuting attorney.

COS-2013-103 A motion was made by Ms. Cleland to close the case with a warning letter. It was seconded by Ms. Hummel. Motion carried.

COS-2013-89 A motion was made by Ms. Hummel to close the case with a warning letter. It was seconded by Ms. Cleland. Motion carried.

COS-2013-98 A motion was made by Ms. Hummel to close the case and refer it to the Idaho Board of Medicine. It was seconded by Ms. Sermon. Motion carried.

CONSENT ORDERS

Mr. Nelson, Board Prosecutor, presented to the Board several Stipulation and Consent Orders on cases COS-2012-32/33, COS-2012-34 & 35, COS-2012-135/136, COS-2013-2, COS-2013-16 & 17, COS-2013-18 & 19, COS-2013-44, COS-2013-45/46, COS-2013-59, COS-2013-67/68, COS-2013-16 & 17, COS-2013-18 & 19, COS-2013-44, COS-2013-45/46, COS-2013-59, COS-2013-67/68, COS-2013-69, and COS-2013-77/78. A motion was made by Ms. Hummel to accept the Stipulation and Consent Orders as signed and authorize Ms. Lambert to sign on behalf of the Board. It was seconded by Ms. Cleland. Motion carried.

Ms. Swope recused herself on COS-2013-16/17.

FINAL ORDER

COS-2013-1 A motion was made by Ms. Hummel to approve the Findings of Facts, Conclusions of Law and Final Order and authorize Ms. Lambert to sign on behalf of the Board. It was seconded by Ms. Swope. Motion carried.

INVESTIGATIVE REPORT

Ms. Peel presented the investigative report which is linked above.

FOR BOARD DETERMINATION

A motion was made by Ms. Hummel to accept the recommendations of the Bureau to authorize closure in cases I-COS-2013-85, I-COS-2013-111, I-COS-2013-115, I-COS-2013-125 and I-COS-2013-126, I-COS-2013-128, I-COS-2013-141, I-COS-2013-157 and I-COS-2013-158. It was seconded by Ms. Cleland. Motion carried.

DISCIPLINARY ACTION

Ms. Peel presented to the Board several Settlement Orders regarding case numbers COS-2013-96, COS-2013-99, COS-2013-102, COS-2013-104, COS-2013-105, COS-2013-107, COS-2013-112, and COS-2013-3/4. A motion was made by Ms. Sermon to accept the Settlement Orders as signed and authorize Ms. Lambert to sign on behalf of the Board. It was seconded by Ms. Swope. Motion carried.

MEMORANDUM

COS-2013-90 & COS-2013-91 A motion was made by Ms. Cleland to close the cases with a warning letter. It was seconded by Ms. Sermon. Motion carried.

COS-2013-100 & COS-2013-101, COS-2013-108 & COS-2013-109 A motion was made by Ms. Hummel to close the cases with a warning letter. It was seconded by Ms. Sermon. Motion carried.

COS-2014-15 & COS-2014-16 The Board gave the Bureau guidance to pursue a Notice of Violation and Settlement Order under the fines as set out in the Board's rules. Ms. Hummel recused herself.

REPORTS FROM ECHO LUNDEBERG

The Board reviewed reports submitted by Echo Lundeborg.

REQUEST FOR MONTHLY PAYMENT

COS-2011-131/132, COS-2011-198/199, and COS-2013-7/8 A motion was made by Ms. Sermon to accept the requests to make monthly payments. It was seconded by Ms. Swope. Motion carried.

OLD BUSINESS

TO DO LIST

Discussion was held regarding setting a date for the law and rule subcommittee to meet. Ms. Simpson will contact the law and rule subcommittee members to schedule a meeting.

NEW BUSINESS

BOARD ELECTIONS

A motion was made by Ms. Swope to elect Board Chair, Ms. Hummel; Vice-Chair, Ms. Swope; and Secretary, Ms. Cleland. It was seconded by Ms. Hummel. Motion carried.

PUBLIC COMMENT

Mr. Brunt, on behalf of the Idaho Association of Cosmetology Schools, addressed the Board regarding automating the demonstration permit process.

Discussion was held and the Board will have the law and rule subcommittee review it.

LICENSING CERTIFICATION FROM WASHINGTON

A motion was made by Ms. Hummel to direct the Bureau to work with the Board Chair to research the certification process from Washington. It was seconded by Ms. Swope. Motion carried.

REVIEW REVISED SHOP APPLICATION

A motion was made by Ms. Hummel to accept the revised applications for the contiguous and primary establishments. It was seconded by Ms. Sermon. Motion carried.

EXECUTIVE SESSION

A motion was made by Ms. Hummel 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. It was seconded by Ms. Sermon. Motion carried. The vote was: Ms. Lambert, aye; Ms. Cleland, aye; Ms. Hummel, aye; Ms. Sermon, aye; and Ms. Swope, aye.

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

APPLICATIONS FOR LICENSE

A motion was made by Ms. Hummel to accept the application for Michelle Keogh and issue a license. It was seconded by Ms. Cleland. Motion carried.

A motion was made by Ms. Cleland to accept the application for applicant 901129430 and issue a license once we have received her hours from the school. It was seconded by Ms. Swope. Motion carried.

A motion was made by Ms. Hummel to accept the application for Michaela Spafford and issue a license. It was seconded by Ms. Cleland. Motion carried.

A motion was made by Ms. Hummel to accept the application for Leslie Meadows and issue a license. It was seconded by Ms. Cleland. Motion carried.

A motion was made by Ms. Swope to accept the application for applicant 901129451 and issue a license once we have received her hours from the school. It was seconded by Ms. Cleland. Motion carried.

A motion was made by Ms. Hummel to accept the application for applicant 901128958 and issue a license once we have received her hours from the school. It was seconded by Ms. Cleland. Motion carried.

A motion was made by Ms. Hummel to accept the application for Amanda Carpenter and issue a license. It was seconded by Ms. Cleland. Motion carried.

A motion was made by Ms. Hummel to accept the application for Tara Castillo and issue a license. It was seconded by Ms. Cleland. Motion carried.

A motion was made by Ms. Hummel to accept the application for Thao Hoang Nguyen and issue a license. It was seconded by Ms. Cleland. Motion carried.

A motion was made by Ms. Sermon to accept the application for applicant 901129458 and issue a license. It was seconded by Ms. Cleland. Motion carried.

EXECUTIVE SESSION

A motion was made by Ms. Hummel 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. It was seconded by Ms. Sermon. Motion carried. The vote

was: Ms. Lambert, aye; Ms. Cleland, aye; Ms. Hummel, aye; Ms. Sermon, aye; and Ms. Swope, aye.

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

A motion was made by Ms. Hummel to rescind the motion for applicant 901129458 and put it into pending until more detailed information regarding training has been received. It was seconded by Ms. Swope. Motion carried

A motion was made by Ms. Hummel to accept the application for Vinh T Vu and issue a license. It was seconded by Ms. Cleland. Motion carried.

A motion was made by Ms. Cleland to accept the application for Denise Holloway and issue a license. It was seconded by Ms. Sermon. Motion carried.

APPRENTICESHIPS

A motion was made by Ms. Sermon to accept the apprenticeship applications for Hieu Thi Tran at #1 Nail Salon, Vang Thi Kiem Tran at LA Nails LLC, Rhen Ordaz at Madril Hair Design, and Jordan Doan at In N Out Salon. It was seconded by Ms. Swope. Motion carried.

CURRICULUM REVIEW

A motion was made by Ms. Hummel to accept the nail technology and esthetics program for Aveda Institute of Boise. It was seconded by Ms. Cleland. Motion carried.

A motion was made by Ms. Hummel to accept the nail technology and esthetics program for Joseph Charles Institute of Cosmetology. It was seconded by Ms. Cleland. Motion carried

NEXT MEETING

The Board scheduled its next meeting for February 3, 2013 at 8:30 AM MST 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 10:35 AM MDT. Seconded by Ms. Sermon, motion carried.

Mary Lambert, Chair

Bonnie D. Sermon

Linda Swope

Debra J Hummel

Merrilyn Cleland

Tana Cory, Bureau Chief