

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

Board Meeting Minutes of 10/6/2014

BOARD MEMBERS PRESENT: Debra J Hummel - Chair
Merrilyn Cleland
Bonnie D. Sermon
Linda Swope
Christy L Duplantie

BUREAU STAFF: Tana Cory, Bureau Chief
Dawn Hall, Administrative Support Manager
Lori Peel, Investigative Unit Manager
Maurie Ellsworth, Legal Counsel
Eric Nelson, Board Prosecutor
John Kersey, Chief Investigator
Kim Aksamit, Technical Records Specialist I

OTHERS PRESENT: Laurie Rowen, Ty Walker, Rick Evans,
Ryan Evans, Whitney Shaughnessy,
Ronda Clark, LaDonn Goodfellow,
Kathy Hopkins, Brian Paris, Wendy Florence,
Erin Thompson, Kris Ellis, Shari Covington,
Taneshia Stevens, Rodonna Julian, Leslee Grubb,
Mariano Cardenas Zepeda, and Tony Smith

The meeting was called to order at 8:33 AM MDT by Ms. Hummel.

APPROVAL OF MINUTES

Ms. Sermon made a motion to accept the minutes from June 2, 2014, June 30, 2014, and August 4, 2014 as written. It was seconded by Ms. Hummel. Motion carried.

LEGISLATIVE REPORT

Ms. Cory gave the legislative report. She said that the proposed Rules have been published and are on the website. The Law changes have been sent over to the Governor's Office and, if approved, will be added to the website as well.

FINANCIAL REPORT

Ms. Hall gave the financial report, which indicated that the Board has a cash balance of \$1,564,568.09 as of 10/2/2014.

FY 2015 RENEWAL CONTRACT

Ms. Hall presented the FY 2015 renewal contract to the members of the Board.

Ms. Cleland made a motion to accept the contract and authorize the Chair to sign on behalf of the Board. It was seconded by Ms. Sermon. Motion carried.

MEMORANDUM

Mr. Nelson, Board Prosecutor, presented to the Board a Memorandum regarding cases COS -214-102, COS-2015-9, COS-2014-140, COS-2015-10, COS-2014-162, COS-2014-139, and COS-2014-163, the Board made its recommendations to its prosecuting attorney.

COS-2014-161 Ms. Cleland made a motion to close the case with a warning letter. It was seconded by Ms. Duplantie. Motion carried.

CONSENT ORDERS

Mr. Nelson, Board Prosecutor, presented to the Board several Stipulation and Consent Orders on cases COS-2013-106, COS-2013-110/111, COS-2014-1/2, COS-2014-5/9, COS-2014-25/26, COS-2014-29/30, COS-2014-67, COS-2014-68, and COS-2014-76, COS-2014-84/85, COS-2014-86, COS-2014-89, COS-2014-119, COS-2014-120. Ms. Swope made a motion to accept the Stipulation and Consent Orders as signed and authorize Ms. Hummel to sign on behalf of the Board. It was seconded by Ms. Cleland. Motion carried.

FINAL ORDER

COS-2014-53 Ms. Duplantie made a motion to approve the Findings of Facts, Conclusions of Law and Final Order and authorize Ms. Hummel to sign on behalf of the Board. It was seconded by Ms. Cleland. Motion carried.

COS-2014-87 Ms. Duplantie made a motion to approve the Findings of Facts, Conclusions of Law and Final Order and authorize Ms. Hummel to sign on behalf of the Board. It was seconded by Ms. Cleland. Motion carried.

INVESTIGATIVE REPORT

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

FOR BOARD DETERMINATION

Ms. Swope made a motion to accept the recommendations of the Bureau to authorize closure in the following cases with warning letters I-COS-2014-140; I-COS-2014-188 and I-COS-2014-89; I-COS-2014-197 and I-COS-214-215; COS-2014-199; COS-2015-44; and COS-2015-48 and I-COS-2015-49. It was seconded by Ms. Duplantie. Motion carried.

Ms. Swope made a motion to accept the recommendations of the Bureau to authorize closure in cases I-COS-2014-48; I-COS-2014-120; and I-COS-2014-219. It was seconded by Ms. Duplantie. Motion carried.

DISCIPLINARY ACTION

Ms. Peel presented to the Board several Settlement Orders regarding case numbers COS-2013-113, COS-2014-7/8, COS-2014-143/144, COS-2014-151/152, COS-2014-153, COS-2014-154, COS-2015-1/2, COS-2015-3/4, COS-2015-5/6, COS-2015-7/8, COS-2015-11/12, COS-2015-15/16, COS-2014-90/91, COS-2014-92/93, COS-2014-94/95, COS-2014-96/97, COS-2014-100/101, COS-2015-5/6, COS-2015-7/8, COS-2015-11/12, COS-2015-15/16, COS-2015-22/23, COS-2015-39, and COS-2015-40/41. Ms. Sermon made a motion to accept the Settlement Orders as signed and authorize Ms. Hummel to sign on behalf of the Board. It was seconded by Ms. Duplantie. Motion carried.

MEMORANDUM

Ms. Peel presented to the Board several Memorandums. Regarding cases COS-2014-122 and COS-2014-123; COS-2014-141 and COS-2014-142; COS-2014-157 and COS-2014-158; COS-2015-13 and COS-2015-14; COS-2015-19; and COS-2015-20. Ms. Sermon made a motion to close the cases with warning letters. It was seconded by Ms. Cleland. Motion carried.

REQUEST FOR PAYMENT ARRANGEMENTS

COS-2012-114/115 Ms. Cleland made a motion to approve a payment plan. It was seconded by Ms. Sermon. Motion carried.

COS-2013-22/23 Ms. Cleland made a motion to approve a payment plan. It was seconded by Ms. Sermon. Motion carried.

REPORTS FROM ECHO LUNDEBERG

The Board reviewed reports submitted by Echo Lundeborg.

OLD BUSINESS

TO DO LIST

The Board reviewed the to do list.

BOARD NEWSLETTER

The Board discussed conducting a survey regarding receiving the Board's newsletter.

Ms. Cleland made a motion to direct the Bureau to post the newsletter to the Board's website after review by the Board Chair. It was seconded by Ms. Swope. Motion carried.

CORRESPONDENCE

Mr. Paris, who sent a letter to the Board regarding providing the examination in other languages, was present and addressed the Board on this issue. The Board stated the exam is only given in English based on Idaho Code Section 73-121. The Board took no action.

SCHOOL OWNERS ASSOCIATION

Mr. Evans discussed on-line education hours and asked the Board how it would advise the school. The Board will look into this and refer it to the subcommittee working on laws and rules.

Mr. Evans discussed Idaho Code 54-803 (2) and said this is not a school issue, but would like clarification on current employees. Mr. Ellsworth said that the law is referring to the practice of cosmetology and individuals licensed under the chapter. The Bureau stated there has never been a complaint.

Mr. Evans said that the issues affecting the industry regarding students being paid while in school are more of a concern in California than Idaho and it would be best to just let it play out. The Board took no action.

NEW BUSINESS

CORRESPONDENCE

A letter was received from Unique Irish asking for clarification on who can do theatrical makeup. The Board will look into this and add it to the subcommittee of Ms. Cleland and Ms. Sermon.

The Board clarified to the Bureau that theatrical makeup falls under cosmetology.

E-MAIL FROM NEW YORK STATE

An e-mail from New York was received asking if the Board would accept verifications by e-mail.

Ms. Swope made a motion that the Board accept e-mail verifications from New York State. The Board directed the Bureau to accept e-mail verifications from any state as long as it comes directly from the state. It was seconded by Ms. Sermon. Motion carried.

POSTCARD

Ms. Cory addressed the Board regarding sending a postcard regarding the Law and Rule changes on shops.

Ms. Cleland made a motion to authorize the Bureau to draft a postcard regarding the Law and Rule changes on shops and have the Board Chair review. The Board also requested that the survey on the newsletter be added to the postcard instead of being sent as a separate mailing. It was seconded by Ms. Sermon. Motion carried.

INSPECTIONS/INSPECTORS

Discussion was held on adding additional inspections/inspectors to the Cosmetology Board. The Board added this to the agenda for the February meeting.

UPDATE ON THE NATIONAL INTERSTATE COUNCIL CONFERENCE

Ms. Cleland gave a report on the Annual Conference of the National-Interstate Council of State Boards of Cosmetology and reported that the next Conference will be held in Missoula, Montana.

Ms. Cleland also addressed the hours that are required for licensure in other states. This is an issue the School Owners Association has been discussing. Ms. Duplantie asked the School Owners Association Representatives if all schools have a vote in the School Owners Association about lowering the hours. The School Owners Representatives stated only the paying members are able to vote on the direction of the Association.

Ms. Hummel said that the School Owners Association did state it would take a survey of all members whether paid or not to see what their opinion is on lowering of the hours, but the paying members will be the only ones counted. Ms. Swope asked if the Board will be seeing the survey from all the schools or just the paying members. Ms. Ellis stated she did not feel comfortable supplying that information because she doesn't know if the Association asked the members if they would be comfortable in sharing their information with the Board. Ms. Cory told the Board that they could always conduct their own survey.

DL ROOPE EXAM CRITICAL CONTENT/CANDIDATE INFORMATION BULLETIN

The Board received information from DL Roope Administrations regarding additional critical content added to the examination and information on non-critical optional services available to all states to add to the examination. DL Roope requested that the Board approve that DL Roope no longer send out Candidate Information Bulletins to individuals because it's on the website.

Ms. Cleland made a motion to accept the request from DL Roope Administrations to no longer send out Candidate Information Bulletins to applicants and requested that DL Roope add to the candidate's examination letter that the CIB's can be found on DL Roope's website. It was seconded by Ms. Swope. Motion carried.

LETTER FROM ACADEMY DE FIRENZE

Ms. Florence with Academy De Firenze addressed the Board. She had submitted a letter regarding her thoughts on lowering hours. She says she does not pay the School Owners Association dues; therefore, she will not be able to vote regarding lowering the hours. Ms. Florence stated she is not in favor of lowering the hours.

Ms. Clark with the Cosmetology School of Arts and Sciences said she is a paying member of the Association and is not for lowering the hours.

Ms. Covington a salon owner and licensed instructor addressed the Board and said that lowering the hours would do a disservice to the industry.

EXECUTIVE SESSION

Ms. Swope made a motion 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. Hummel, aye; Ms. Cleland, aye; Ms. Duplantie, aye; Ms. Sermon, aye; and Ms. Swope, aye.

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

DEMONSTRATION PERMITS

Ms. Cleland made a motion to accept demonstration permit applications, but to make it clear that students only get credit for actual hands on time and not travel

time. The Board will send a letter to all schools stating that time is only counted for hands on not travel time. The motion included drafting a letter for the Chair to review and approve to all schools regarding demonstration permits and only hands on time counting for student hours. The Board wanted schools to understand that permits are not to be used to promote the school. It was seconded by Ms. Duplantie. Motion carried.

Ms. Cleland made a motion to accept the student demonstration permit for the Paul Mitchel School-Boise and to give the individuals credit for hands on time, not travel time. It was seconded by Ms. Duplantie. Motion carried.

Ms. Cleland made a motion to accept the demonstration permit for Razzle Dazzle College of Hair Design and the individuals are only getting credit for hands on time not travel time. It was seconded by Ms. Duplantie. Motion carried.

Ms. Cleland made a motion to deny the student demonstration permit for Evans Hairstyling College to attend the Zombie Chase Race. It was seconded by Ms. Duplantie. Motion carried.

APPLICATIONS FOR LICENSE

Ms. Cleland made a motion to accept the applications for Tina Langdon, Amber Menges, Sarah Murphy, Kiersten Powell, Christine Barton, and Mariano Cardenas Zepeda and issue licenses. It was seconded by Ms. Duplantie. Motion carried.

Ms. Sermon made a motion to accept the application for Herbert Condon and issue a license. It was seconded by Ms. Swope. Motion carried.

Ms. Sermon made a motion to have Alicia Stuart, Deborah Hoverson, Mary Jo Davis, Josi Larh, Julie Silva Barras, Jill Reyes and Taneshia Stevens take the full examination and issue them a license once the examination has been successfully passed. It was seconded by Ms. Swope. Motion carried.

Ms. Swope made a motion to accept the application for Vang Thi Kiem Tran and Thuy Le Doan and issue licenses. It was seconded by Ms. Cleland. Motion carried.

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

Ms. Duplantie made a motion to accept the application for applicant 901135301 pending additional information regarding proof of 10th grade education or equivalent. It was seconded by Ms. Swope. Motion carried.

APPRENTICESHIPS

Ms. Sermon made a motion to accept the apprenticeship applications for Cash Adolph at JMZ Spa-LON, Anj Assche at Allay Spa and Lucas Jones at LA Nails LLC. It was seconded by Ms. Swope. Motion carried.

CURRICULUM REVIEW

Ms. Swope made a motion to accept the esthetics program for Vogue Beauty School. It was seconded by Ms. Sermon. Motion carried.

BOARD ELECTIONS

Ms. Sermon made a motion to retain Debbie Hummel as Chair, Linda Swope as Vice-Chair and Ms. Cleland as Secretary. It was seconded by Ms. Duplantie. Motion carried.

NEXT MEETING

Ms. Swope made a motion to schedule its next meeting for February 9, 2014 at 8:30 AM MST at the Bureau of Occupational Licenses 700 West State Street Boise, Idaho 83702. It was seconded by Ms. Duplantie. Motion carried.

ADJOURNMENT

Ms. Sermon made a motion to adjourn the meeting at 3:12 PM MDT. It was seconded by Ms. Swope. Motion carried.

Debra J Hummel, Chair

Merrilyn Cleland

Bonnie D. Sermon

Linda Swope

Christy L Duplantie

Tana Cory, Bureau Chief