

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

Board Meeting Minutes of 6/1/2015

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

BOARD MEMBERS ABSENT: Christy L Duplantie

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

OTHERS PRESENT: Lou Starita, Katie Parkinson, Peggy Foster,
Laurie Rowen, Barb DeHaan, Margarita Castellanos,
Ronda Clark, Tony Smith, Michael Lara, Kris Ellis,
Rick Evans, Parisa Gorji, Kathy Hopkins, Ty Walker,
and LaDonn Goodfellow

The meeting was called to order at 8:30 AM MDT by Debra J Hummel.

APPROVAL OF MINUTES

Ms. Sermon made a motion to approve the minutes of February 9, 2015, February 17, 2015, and March 2, 2015 as written. It was seconded by Ms. Cleland. Motion carried.

LEGISLATIVE REPORT

Ms. Cory gave the legislative report. The minutes recap what happened throughout the session. The Board designated two Board members to testify but they did not need to because the sponsor requested that bill be pulled and not heard. There was also a follow up item that we had as far as the Board requesting that the Chair send a letter to legislators with some information from Leslie Roste and offering to have her to come and present. The Board decided to wait given the other issues being dealt with by the legislature. The Board directed the Bureau to work with the Board Chair on gathering information from Ms. Roste

to present to the legislators. Also, the bill to clarify demonstration permits was pulled because of some concerns raised by Representative Crane. The subcommittee will continue to work on that. The proposed Rules have been published and they are on the website. Any proposed law changes for 2016 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 2016 session.

FINANCIAL REPORT

Ms. Hall gave the financial report, which indicated that the Board has a cash balance of \$1,459,848.28 as of 04/31/2015.

INSPECTIONS/INSPECTORS

Discussion was held on adding additional inspections/inspectors to the Cosmetology Board. Ms. Cleland made a motion to request two inspectors in the FY 2017 budget request and to direct the Bureau to work with the Board Chair, Legislators and other boards if needed. It was seconded by Ms. Sermon. Motion carried.

DISCIPLINE

MEMORANDUM

Mr. Nelson, presented a memorandum regarding case numbers COS-2015-94, COS-2015-63, COS-2015-110, COS-2015-86, COS-2015-89, COS-2015-120, COS-2015-122, and COS-2015-123 the Board made its recommendations to its prosecuting attorney.

COS- COS -2015-101 Ms. Sermon made a motion to close the case with a warning letter. It was seconded by Ms. Swope. Motion carried.

COS-2015-124/125 Ms. Sermon made a motion to close the case. It was seconded by Ms. Cleland. Motion carried.

COS-2015-80 Ms. Cleland made a motion to close the case. It was seconded by Ms. Swope. Motion carried.

CONSENT ORDERS

Mr. Nelson, presented several Stipulation and Consent Orders on cases COS-2015-27/28, COS-2015-52/53, COS-2015-54, COS-2015-55, COS-2015-64/65, COS-2015-66, COS-2015-67, COS-2015-68, and COS-2015-111/112. Ms. Swope made a motion to accept the Stipulation and Consent Orders as signed and to 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. Cleland made a motion to approve the Bureau's recommendation and to authorize closure in the following cases with a warning letter COS-2015-36; I-COS-2015-40; I-COS-2015-52 and I-COS-2015-53; I-COS-2015-108 and I-COS-2015-109; I-COS-2015-124; I-COS-2015-127, I-COS-2015-132; I-COS-2015-133 and I-COS-2015-134; I-COS-2015-153 and I-COS-2015-155; I-COS-2015-157. It was seconded by Ms. Sermon. Motion carried.

Ms. Cleland made a motion to approve the Bureau's recommendation and to authorize closure in cases I-COS-2014-216; I-COS-2015-59; I-COS-2015-122; I-COS-2015-135; I-COS-2015-151; I-COS-2015-168; and I-COS-2015-169 . It was seconded by Ms. Sermon. Motion carried.

DISCIPLINARY ACTION

Ms. Peel, presented several Stipulation and Consent Orders on cases COS-2015-29, COS-2015-83, COS-2015-90/91, COS-2015-95/96, COS-2015-99/100, COS-2015-118/119, COS-2015-116/117, COS-2015-102, and COS-2015-103/104. Ms. Sermon made a motion to accept the Settlement Orders as signed and to authorize Ms. Hummel to sign on behalf of the Board. It was seconded by Ms. Swope. Motion carried.

MEMORANDUM

Ms. Peel, presented a memorandum regarding case numbers COS-2015-81 and COS-2015-82; COS-2015-87 and COS-2015-88; COS-2015-105, COS-2015-106 and COS-2015-107; COS-2015-108 and COS-2015-109; COS-2015-115. The Board made its recommendations.

REQUEST FOR PAYMENT ARRANGEMENTS

COS-2013-87/88M CS-250-034 Ms. Swope made a motion to approve a payment plan. It was seconded by Ms. Cleland. Motion carried.

REPORTS FROM ECHO LUNDEBERG

The Board reviewed reports submitted by James Lamorie.

The Board reviewed reports submitted by Echo Lundeborg.

Mr. Ellsworth introduced Mitchell Toryanski as the Bureau's legal counsel. Mr. Toryanski will draft statutes and rules for boards and provide training to boards when appropriate. Mr. Toryanski provided information to the board about a recent U.S. Supreme Court case decision regarding the North Carolina State Board of Dental Examiners, which has the potential to affect regulatory boards throughout the United States.

RENEWAL/REINSTATEMENT

Mr. Toryanski explained to the Board that with the passage of HB-117 it may wish to consider changes to the rules that will establish a reinstatement fee in accordance with Idaho Code 67-2614. The current laws set a reinstatement fee of \$25.00. Ms. Cleland made a motion to approve the draft law change that will change the reinstatement fee to \$35.00 in accordance with Idaho Code 67-2614. It was seconded by Ms. Sermon. Motion carried.

OLD BUSINESS

To Do List – The Board reviewed the to do list and no action was taken.

FOAM NAIL FILES

Ms. Peel discussed the use of foam nail files and whether they can be disinfected and asked the Board for direction regarding inspections.

The Board directed Ms. Peel to have the inspectors/investigators educate the licensees during the inspection that foam files should be single use only. This will be added to the subcommittee of Ms. Hummel and Ms. Swope.

REPORT FROM SUBCOMMITTEE REGARDING DEMONSTRATION PERMITS

The subcommittee reported that demonstration permits should be removed from the schools. Discussion was held and this will be added to the subcommittee for further research and Ms. Foster will work with the subcommittee on behalf of the schools.

NEXT MEETING

Ms. Swope made a motion to schedule its next meeting for October 5, 2015 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.

NEW BUSINESS

UPDATE ON CHANGES TO CONTIGUOUS LICENSES

Ms. Cory reported to the Board that the process for the conversion of the contiguous shop licenses is complete and all contiguous shop licenses holders should have received their new licenses.

TESTING

During the February 2, 2015 Board meeting Ms. Ellis raised the issue of the School Owners Association's wanting to see the exam test on all areas.

Discussion was held regarding adding esthetics and nails to the examination. The Board designated the Chair to work with DL Roope to update this coming year's contract to add those things as long as the additional cost does not go over twenty dollars.

CORRESPONDENCE

The Board reviewed correspondence from individuals concerned about legislation on lowering school hours. No action taken.

NIC ANNUAL CONFERENCE

Ms. Swope made a motion for the Board to attend the National Interstate Council of State Boards of Cosmetology 2015 Annual Conference (NIC) in Montana, and to cover all expenses including hotel, meals, shuttle, per diem, honorarium, travel and to allow an investigator and Bureau staff to attend. It was seconded by Ms. Cleland. Motion carried.

Ms. Cleland made a motion to pay the membership dues to NIC. It was seconded by Ms. Swope. Motion carried.

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. 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; and Ms. Sermon, aye.

APPLICATIONS FOR LICENSE

Ms. Cleland made a motion to accept the applications for Elisha, Oleary, Michael Lara, Nicole Scott, Erin Thompson, Jennifer Lawrence, Racheal Barton, Denise Donaldson and issue licenses. It was seconded by Ms. Swope. Motion carried.

Ms. Swope made a motion to accept the applications for Ruby Scott and Shyanne Guth and issue licenses. It was seconded by Ms. Sermon. Motion carried.

Ms. Sermon made a motion to have Rachelle Mellies, Heather Zitterkopf, and Parisa Gorji take the full examination and issue licenses once the examination has been successfully passed. It was seconded by Ms. Swope. Motion carried.

Ms. Swope made a motion to accept the applications for Hue Ha and Duc Tran and issue a license. It was seconded by Ms. Cleland. Motion carried.

Ms. Cleland made a motion to accept the application for applicant 901138543 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 Uyen Le, Ha Duong, Nitaya Lewis, Alicia Olivas, and My Bui. It was seconded by Ms. Cleland. Motion carried.

CURRICULUM REVIEW

Ms. Swope made a motion to accept the application for Paul Mitchell The School Nampa. It was seconded by Ms. Sermon. Motion carried.

ADJOURNMENT

Ms. Sermon made a motion to adjourn the meeting at 2:22 PM MDT. It was seconded by Ms. Cleland. Motion carried.

Debra J Hummel, Chair

Merrilyn Cleland

Bonnie D. Sermon

Linda Swope

Christy L Duplantie

Tana Cory, Bureau Chief