

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

Minutes of 10/5/2015

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, General Counsel
Joan E. Callahan, Board Prosecutor
Mitchell Toryanski, Legal Counsel
Kim Aksamit, Technical Records Specialist I

OTHERS PRESENT: Rick Fuger, Kris Massey, Jamie Rogers, Anna Estrada,
Wendy Florence, Davan Whitaker, Whitney Trosper,
Vicki Ellis, Carla Dunthorn, Ronda Clark,
LaDonn Goodfellow, Kris Ellis, Rick Evans,
Ryan Evans, Laurie Rowen, Barb DeHaan,
and Kathy Hopkins

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 June 1, 2015 and August 17, 2015 as written. It was seconded by Ms. Cleland. Motion carried.

LEGISLATIVE REPORT

Ms. Cory gave the legislative report. The Proposed law changes to Idaho Code 67-2614 to comply with changes made in 2015 have been submitted and approved by the Governor. The Board's request for additional inspectors was submitted with the Bureau's budget request.

FINANCIAL REPORT

Ms. Hall gave the financial report, which indicated that the Board has a cash balance of \$1,380,396.90 as of 09/30/2015.

FY 2016 RENEWAL CONTRACT

Ms. Hall presented the FY 2016 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. Duplantie. Motion carried.

DISCIPLINE

MEMORANDUM

Ms. Callahan presented a memorandum regarding case numbers COS-2015-150, COS-2015-121, COS-2016-2, COS-2016-1, and COS-2015-151 and the Board made recommendations to its prosecuting attorney.

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 cases. 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

Ms. Callahan presented several signed Stipulation and Consent Orders on cases COS-2015-43/44, COS-2015-63, COS-2015-86, COS-2015-89, COS-2015-94, COS-2015-110, COS-2015-120, COS-2015-122, COS-2015-123, COS-2015-134, and COS-2015-135/136. 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. Sermon. Motion carried.

INVESTIGATIVE REPORT

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

FOR BOARD DETERMINATION

Ms. Duplantie made a motion to approve the Bureau's recommendation and to authorize closure in the following cases with warning letters: I-COS-2015-54; I-COS-2015-55; and I-COS-2015-56; I-COS-2015-76; I-COS-2015-103 and I-

COS-2015-104; I-COS-2015-141; I-COS-2015-150; I-COS-2015-159 and I-COS-2015-160; I-COS-2015-167; I-COS-2015-195; I-COS-2016-28 and I-COS-2016-29. It was seconded by Ms. Sermon. Motion carried.

Ms. Duplantie made a motion to approve the Bureau's recommendation and to authorize closure in cases I-COS-2015-77; I-COS-2015-95; I-COS-2015-154; I-COS-2015-179; I-COS-2015-180 and I-COS-2015-181; I-COS-2016-9; I-COS-2016-34 and I-COS-2016-35. It was seconded by Ms. Sermon. Motion carried.

Ms. Cleland recused herself from discussion and voting on I-COS-2015-146 and I-COS-2015-152.

Ms. Swope made a motion to approve the Bureau's recommendation and to authorize closure in the following cases with warning letters: I-COS-2015-146 and I-COS-2015-152.

DISCIPLINARY ACTION

Ms. Peel presented several signed Stipulation and Consent Orders in cases COS-2015-81/82; COS-2015-87/88; COS-2015-105; COS-2015-106; COS-2015-107; COS-2015-108/109, COS-2015-113/114; COS-2015-115; COS-2015-139/140; COS-2015-141/142; COS-2015-143/144; COS-2015-145/146; COS-2015-147/148; COS-2016-3; COS-2016-17 and COS-2016-12/13. 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. Cleland. Motion carried.

MEMORANDUM

Ms. Peel, presented a memorandum regarding case numbers COS-2015-126; COS-2015-127, COS-2015-128, COS-2015-129, and COS-2015-130; COS-2015-131, COS-2015-132, and COS-2015-133; COS-2015-137, and COS-2015-138; COS-2015-152 and COS-2015-153; COS-2015-154 and COS-2015-155; COS-2016-6; COS-2016-7 and COS-2016-8 . The Board made its recommendations or appropriate discipline.

COS-2015-152 and COS-2015-153 Ms. Sermon made a motion to close the cases with a warning letter. It was seconded by Ms. Swope. Motion carried.

COS-2016-6 Ms. Sermon made a motion to close the case with a warning letter. It was seconded by Ms. Swope. Motion carried.

REGULATORY BOARD BRIEFING

Mr. Toryanski discussed with the Board members their role and responsibility when serving on the Board.

OLD BUSINESS

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

REPORT FROM SUBCOMMITTEE REGARDING DEMONSTRATION PERMITS

The subcommittee had no report at this time.

TESTING

At a previous meeting, the Board reviewed an e-mail from DL Roope Administrations Inc. regarding examination dates for 2016. Before approving the proposed dates, the Board asked Bureau staff to request additional Information on how many people take the test in each location.

The Board reviewed the information received from DL Roope Administrations Inc. Ms. Cleland made a motion to accept the proposed dates and times. It was seconded by Ms. Swope. Motion carried.

NEW BUSINESS

NEXT MEETING

Ms. Swope made a motion to schedule the next Board meeting for February 1, 2016 at 8:30 AM MDT at the Bureau of Occupational Licenses 700 West State Street Boise, Idaho 83702. It was seconded by Ms. Duplantie. Motion carried.

BOARD ELECTIONS

Ms. Swope made a motion to elect Debra Hummel as Chair. It was seconded by Ms. Cleland. Motion carried.

Ms. Cleland made a motion to elect Linda Swope as Vice-Chair. It was seconded by Ms. Sermon. Motion carried.

Ms. Swope made a motion to elect Merrilyn Cleland as Secretary. It was seconded by Ms. Sermon. Motion carried.

CORRESPONDENCE

The Board reviewed correspondence from an individual requesting clarification on who can perform micro-needling.

Ms. Cleland made a motion for the Bureau to draft a letter informing the requester that the Cosmetology Act does not provide for needling of the skin, or for a “master esthetician” license, and recommending they contact a private

attorney and send it to the Board Chair and Ms. Sermon for review. It was seconded by Ms. Duplantie. Motion carried.

EXECUTIVE SESSION

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

APPLICATIONS FOR LICENSE

Ms. Sermon made a motion to accept the applications for Leslie Schuler, Megan Thomason, Katharyn Morrin, Tiffany Dominguez, Jason Hammond, Audree Sudac, and Lauren Newberry and issue licenses. It was seconded by Ms. Swope. Motion carried.

Ms. Sermon made a motion to accept the applications for Jayme Power and Chandra Weber and issue licenses. It was seconded by Ms. Swope. Motion carried.

Ms. Sermon made a motion to have Kelly Doolin, Judith Byers, and Rebecca Mitchell take the full examination and issue licenses once the examination has been successfully passed. It was seconded by Ms. Cleland. Motion carried.

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

Ms. Sermon made a motion to accept the applications for Yunsuk Parrott, Oanh Pho, Mau Nguyen and Phung Phung and issue licenses. It was seconded by Ms. Swope. Motion carried.

Ms. Cleland made a motion to hold the application for applicant 901141406 pending additional information. It was seconded by Ms. Swope. Motion carried.

Ms. Swope made a motion to approve the additional space for Aveda Institute Twin Falls. It was seconded by Ms. Duplantie. Motion carried.

APPRENTICESHIPS

Ms. Swope made a motion to accept the apprenticeship applications for Kieu Tran, Meah Tran, Mimi Huynh, Michelle West, and Doris Irish. It was seconded by Ms. Duplantie. Motion carried.

ADJOURNMENT

Ms. Cleland made a motion to adjourn the meeting at 11:16 AM 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