

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

Board Meeting Minutes of 10/3/2016

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BOARD MEMBERS PRESENT: Debra J Hummel - Chair
Merrilyn Cleland
Geneal Thompson
Linda Swope

BUREAU STAFF: Dawn Hall, Administrative Support Manager
Lori Peel, Investigative Unit Manager
Maurie Ellsworth, General Counsel
Mitchell Toryanski, Legal Counsel
Eric Nelson, Board Prosecutor
Roger Hales, Naylor and Hales
Kim Aksamit, Technical Records Specialist I

OTHERS PRESENT: Ty Walker, Lou Starita, Diana Jensen, Wendy Florence,
Amanda Chapa, Merissa Marolf, Ronda Clark,
Kathy Hopkins, LaDonn Goodfellow, Rick Evans,
Margarita Castellanos, Ryan Evans, Carla Dunthorn,
Vicki Ellis, Karen Judd, Kris Ellis, and Rick Fuger

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

APPROVAL OF MINUTES

Ms. Swope made a motion to approve the minutes of June 6, 2016, July 25, 2016 and August 29, 2016. It was seconded by Ms. Cleland. Motion carried.

LEGISLATIVE REPORT

Ms. Hall gave the legislative report. She said that the Board's request for additional inspectors was approved in the 2016 Legislature and the inspectors have been hired and are located in the Northern and South Central part of the state.

FINANCIAL REPORT

Ms. Hall gave the financial report, which indicated that the Board had a cash balance of \$1,262,178.72 as of 08/31/2016.

DISCIPLINE

MEMORANDUM

Mr. Nelson presented a memorandum regarding case numbers COS-2017-24, COS-2017-23, COS-2017-30, COS-2017-34, COS-2017-35, COS-2017-31, COS-2017-36, COS-2017-37, COS-2017-21, COS-2016-158, COS-2017-22 and COS-2017-44. The Board made its recommendations to its prosecuting attorney.

CONSENT ORDERS

Mr. Nelson, presented several Stipulation and Consent Orders on cases COS-2016-83, COS-2016-99, COS-2016-121/122, COS-2016-127, COS-2016-134/135, COS-2016-140, COS-2016-141 and COS-2016-151. 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.

FINAL ORDER

COS-2016-145 Ms. Cleland made a motion to approve the Findings of Facts, Conclusions of Law and Final Order and to authorize Ms. Hummel to sign on behalf of the Board. It was seconded by Ms. Thompson. Motion carried.

INVESTIGATIVE REPORT

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

FOR BOARD DETERMINATION

Ms. Thompson made a motion to approve the Bureau's recommendation and to authorize closure in the following cases with warning letters: I-COS-2016-90; I-COS-2016-186; I-COS-2016-209, and I-COS-2016-210; I-COS-2016-214; I-COS-2016-220; I-COS-2016-228; I-COS-2016-244; I-COS-2016-253, and I-COS-2016-254. It was seconded by Ms. Swope. Motion carried.

Ms. Thompson made a motion to approve the Bureau's recommendation and to authorize closure in cases I-COS-2016-91; I-COS-2016-124; I-COS-2016-125; I-COS-2016-150; I-COS-2016-162, and I-COS-2016-163; I-COS-2016-187; I-COS-2016-200; I-COS-2016-201; I-COS-2016-219; I-COS-2016-187; I-COS-2016-247; I-COS-2017-1. It was seconded by Ms. Swope. Motion carried.

DISCIPLINARY ACTION

Ms. Peel, presented several Stipulation and Consent Orders in cases COS-2016-77; COS-2016-104; COS-2016-113/114; COS-2016-115; COS-2016-148/149; COS-2016-153; COS-2017-1/2; COS-2017-5; COS-2017-8/9; COS-2017-10/11; COS-2017-12/13; COS-2017-14/15; and COS-2017-40/41. Ms. Thompson 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.

COS-2017-3/4 Ms. Thompson made a motion to reject the Settlement Order and issue a warning letter. It was seconded by Ms. Swope. Motion carried.

Ms. Cleland recused herself from discussion and voting on COS-2017-38/39.

COS-2017-38/39 Ms. Swope made a motion to accept the Settlement Order as signed and to authorize Ms. Hummel to sign on behalf of the Board. It was seconded by Ms. Thompson. Motion carried.

MEMORANDUM

Ms. Peel presented a memorandum regarding case numbers COS-2016-152; COS-2017-6 and COS-2017-7.

COS-2016-152 Ms. Cleland made a motion to close with a warning letter. It was seconded by Ms. Thompson. Motion carried.

COS-2017-6 and COS-2017-7 Ms. Cleland made a motion to close with a warning letter. It was seconded by Ms. Thompson. Motion carried.

OLD BUSINESS

TO DO LIST- The Board reviewed the to do list and no action was taken.

BARBER AND COSMETOLOGY SERVICE ACT

Mr. Hales gave an update on the Barber and Cosmetology Service Act which is a proposal to combine the Cosmetology and Barber boards. He said that the idea was submitted to the Governor's Office and has been approved. The draft is at the Governor's office for review.

Mr. Evans with Evans School of Hairstyling stated that the school owners do not want half of the board makeup to be barbers and they would like a nail tech to hold a position.

Mr. Ellsworth stated that the Board represents the public and it does not represent the profession.

POST CARD

Mr. Toryanski presented draft language for a post card that could be sent to licensees explaining the proposal and allowing them a chance to comment.

Ms. Cleland made a motion to send a post card to all current licensees with information regarding the Barber and Cosmetology Service Act. It was seconded by Ms. Thompson. Motion carried.

GENERAL GROWTH PROPERTIES

Ms. Cleland reported that she met with a representative from General Growth Properties regarding Kiosks in malls. The representative is going to research what laws and rules are in place in other states and then will follow up with Ms. Cleland.

NEW BUSINESS

NEXT MEETING

The Board scheduled the next Board meeting for February 13, 2017 at 8:30 AM MST at the Bureau of Occupational Licenses 700 West State Street Boise, Idaho 83702.

NATIONAL ACCREDITING COMMISSION OF CAREER ARTS AND SCIENCES WITHDRAWAL OF SCHOOL ACCREDITATION

Mr. Ellsworth addressed the Board regarding a school that did not timely renew its license, but when it became aware of it, they promptly renewed it about a month after its expiration. The Board entered a stipulation and consent order with the school in which it fined the school for operating on an expired license. When NACCAS became aware of the discipline, it notified the school that it would lose its accreditation due to a lapse in licensure with the state. Loss of accreditation could make its students ineligible to obtain federal grants or loans to attend the school. When the school became aware of this, it began requesting that the Board provide a letter stating the school was legal to operate during the time the license was expired. The school's attorney also contacted the Bureau saying that the school would like a letter saying it was legal to operate during the time the license was expired. The Board was unable to provide a letter saying the school was legal to operate on an expired license. However, even though the school signed a stipulation and consent order acknowledging that they were not licensed during that time, the Board did provide a letter stating the school is now in good standing and that all hours obtained by the students would be accepted. The Board also noted that this is not a state issue it is between the school, NACCAS and the U.S. Department of Education. Since the Bureau worked with Ms. Hummel to draft a letter for the school stating that the license is

currently active, the school received an A on its last inspection and the students hours will all be accepted, the letter is being brought to the Board for review.

Ms. Cleland made a motion to ratify the letter. It was seconded by Ms. Thompson. Motion carried.

CORRESPONDENCE

Ms. Cleland updated the Board on correspondence from the National Interstate Council of State Boards of Cosmetology 2016 Annual Conference (NIC) in Florida.

The Board reviewed correspondence from the DL Roope Administration regarding Idaho students using the testing facility in Washington for the Idaho examination. The Board called Deborah Roope to discuss the letter with her.

The Board discussed the use of Spokane and it expressed that it wanted to keep the testing site in Pocatello. Ms. Roope said that site will stay open. Mr. Evans stated his concerns with the testing sites and said that a testing site needs to stay in Pocatello.

Ms. Cleland made a motion to approve the use of the Spokane, Washington testing site. It was seconded by Ms. Thompson. Motion carried.

BOARD ELECTIONS

Ms. Thompson made a motion to retain Debbie Hummel as Chair, Linda Swope as Vice-Chair and Ms. Cleland as Secretary. It was seconded by Ms. Cleland. 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. Swope. The vote was: Ms. Hummel, aye; Ms. Cleland, aye; Ms. Thompson, aye; and Ms. Swope, aye. Motion carried.

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

APPLICATIONS FOR LICENSE

Ms. Cleland made a motion to accept the applications for Jennifer Simpson and Felicia Valero and issue licenses. It was seconded by Ms. Swope. Motion carried.

Ms. Cleland made a motion to have Peggy Barnett take the full examination and issue a license once the examination has been successfully passed. It was seconded by Ms. Thompson. Motion carried.

Ms. Cleland made a motion to accept the application for Ryan Mohr and issue a license. It was seconded by Ms. Swope. Motion carried.

Ms. Cleland made a motion to accept the application for applicant 901147815 pending additional information. Once information is submitted, it can be reviewed by the Board Chair. It was seconded by Ms. Swope. Motion carried.

Ms. Cleland made a motion to table the applications for applicants 901147573, 901115442, and 901145704 pending receipt of verified qualifications evaluated by AEQUO or others that are acceptable by the Board. Once information is submitted, it can be reviewed by the Board at its next meeting. It was seconded by Ms. Thompson. Motion carried.

Ms. Swope made a motion to table the application for applicants 901092809 and 901092809 until documentation of a current bond is received. It was seconded by Ms. Thompson. Motion carried.

Ms. Swope made a motion to have Duy Nguyen take the full examination and issue a license once the examination has been successfully passed. It was seconded by Ms. Cleland. Motion carried.

APPRENTICESHIPS

Ms. Cleland made a motion to accept the apprenticeship applications for Jonathan Anh Le, Tho Cam Phung, Kanda Padill and Jeanie Mai Thi Tran. It was seconded by Ms. Thompson. Motion carried.

ADJOURNMENT

Ms. Thompson made a motion to adjourn the meeting at 11:18 am MDT. It was seconded by Ms. Cleland. Motion carried.

Debra J Hummel, Chair

Merrilyn Cleland

General Thompson

Linda Swope

Tana Cory, Bureau Chief