

**MINUTES**

**UTAH**

**Barber, Cosmetologist/Barber, Esthetician, Electrologist and  
Nail Technician Licensing Act Board  
MEETING**

**June 1<sup>st</sup>, 2009**

**Room 474 – 1:00 pm  
Heber M. Wells Building  
Salt Lake City, Utah**

**CONVENED:** 9:10 a.m.

**ADJOURNED:** 2:31 p.m.

**Bureau Manager:**

Sally Stewart

**Board Secretary:**

Penny Vogeler, excused

**Acting Board Secretary:**

Sally Canavan

**DOPL Staff Present:**

Kent Barnes, Compliance Unit Manager  
Debbie Harry, Compliance Specialist

**Board Members Present:**

Marti Frasier, Chairperson  
Ruth Ann Holloway, arrived after the meeting began  
Monica Bruin  
Lenette Johnson-Casper  
Fran Brown  
Dianne Niebuhr

**Board Members Absent:**

Lyle Ferguson, excused  
Holly Murphy, excused  
Shauna Fox

**Guests:**

Natalie Parkin, Skinworks  
Kristene Gillum, Marinello - Provo  
Norma Child, Marinello - Provo  
Sharon Saylor, Great Clips  
Nanette Downer, Skin Science  
Lisa Achenbach, Snow College  
Kurt Robinson, Capelli Institute of Hair  
Shannon Mechling, SLCC - NCAU  
Bette Bobka, Great Clips  
Debra DeCamp, Sherman Kendall Academy  
Mary Johnson, Sherman Kendall Academy  
Marian Bower, Renaissance Academy  
Therese Taylor, Renaissance Academy  
Candace Daly, CJDE Associates  
James Holloway, PointNClick.com LLC

## **TOPICS FOR DISCUSSION**

### **Compliance/Non Compliance Standards**

Out of Order of the Agenda

## **MINUTES**

### **PROBATIONERS STATUS:**

**Debbie Harry, Compliance Specialist**

**Stephanie Brown, Interview**

**Stephanie Gammell, Interview**

### **DISCUSSION:**

**Open meeting Act**

Out of Order of the Agenda

## **DECISIONS AND RECOMMENDATIONS**

When a licensee is in violation of the law or rule, or has criminal convictions, revocation of the license may be pursued. A revocation order may be stayed by a signed MOU and/or a Stipulation and issuance of a probationary license, allowing the licensee to continue employment. The Board discussed what the standard or tolerance level should be for probationers that have a track record of non compliance. It was also discussed that probation should be supportive rather than being a punitive action. Persistent non-compliance will warrant a recommendation to DOPL to pursue further disciplinary action.

The March 2, 2009 minutes were reviewed. Ms. Johnson-Casper made a motion seconded by Ms. Brown to accept the minutes as written. The vote was unanimous.

The April 27, 2009 minutes on Rules were reviewed. Ms. Holloway made a motion seconded by Ms. Bruin to accept the minutes as written. The vote was unanimous.

Ms. Harry gave the compliance reports on the today's scheduled probationers and recommended probationers with consistent compliance be considered for interviews every other Board meeting. Ms. Harry requested the interviewer note the next scheduled interview, signing and dating that in the file.

Ms. Holloway interviewed Ms. Brown. She stated everything is going great. She plans to start back to work the 2<sup>nd</sup> week of September. The Board agreed to see her every other meeting. Her next meeting will be December 7<sup>th</sup>, 2009. **Compliant.**

Ms. Harry received notice that Stephanie called and would not be coming in today.

The Department decided that compliance with the Open Meeting Act requires the Board minutes to be posted within 30 days following the meeting. They will be edited, and then a watermark stating "Awaiting Formal Approval" will be added before they are

posted to the webpage. After they have been formally approved, an electronic signature and date will be added. Corrections should be given to DOPL or may be brought to the meeting. This will allow public access to the minutes in a timely manner.

### **Jenny Murray, Interview**

Ms. Murray did not keep her appointment. The Board discussed her current status. A motion was made by Ms. Holloway, seconded by Ms. Brown, to request an **Order to Show Cause**. The vote was unanimous.

### **Marci Pruitt, Interview**

Ms. Holloway interviewed Ms. Pruitt. She requested again that she not have to continue to test. The Board discussed her request and determined she needs to continue testing. Ms. Pruitt is working towards being a mentor to others. She stated being required to test is holding her back from that goal. The Board agreed to see her every other meeting. Her next meeting will be December 7<sup>th</sup>, 2009. **Compliant.**

### **Interview Scheduling**

Out of Order of the Agenda

The Board discussed shortening interviews to 10 minutes per probationer and to implement this interview length with the next Board meeting.

### **PSI Exams Changes**

Out of Order of the Agenda

The DOPL webpage has updated Candidate Information Bulletin information for the exam changes effective by June 15<sup>th</sup>, 2009. PSI is working with their raters to have them trained by June 15<sup>th</sup>, 2009. Nail product brought to the exams must be labeled as low or no odor. There is one nail skill on the cosmetology portion of the practical exam. Students may use the single finger model for the exam.

### **Changes to the Rule**

Out of Order of the Agenda

The new Licensing Act went into effect on May 12<sup>th</sup>, 2009. The Rule goes through multiple steps before it can be published. If publication is completed this month the earliest effective date would be on July 22<sup>nd</sup>, 2009, but that will be determined when adopted. Once published, it will be posted as a proposed rule on the licensing page.

### **SMT Information**

Psychometric Testing

PSI is examining the examiners. If there are any issues that come up, PSI will take care of them.

### **Stuart Nelson, Interview**

Mr. Nelson did not keep his appointment with the Board. The Board discussed an Order to Show Cause but decided to recommend Ms. Harry do the non-

compliance letter. Another occurrence of non-compliance will warrant an Order to Show Cause.

**Non Compliant**

**Stevie Burtenshaw, Interview**

Ms. Niebuhr interviewed Ms. Burtenshaw. She stated things are going well. She asked about driving so far to test. Ms. Harry stated she must use Compass Vision for testing and it is permissible for an hour trip each way. She was told to provide copies of drug testing results from Family Counseling services to Ms. Harry. She is planning to move to Tennessee, and will keep in contact with Ms. Harry. The Board requested to see her next on September 14<sup>th</sup>, 2009.

**Non Compliant**

**Ashley Midby, Interview**

Ms. Midby did not keep her appointment with the Board. Ms. Holloway made a motion for an **Order to Show Cause**, seconded by Ms. Bruin. The vote was unanimous. **Non Compliant**

**Morgan Dean-Morley, Interview**

Ms. Dean-Morley did not keep her appointment with the Board. Ms. Johnson-Casper made a motion, seconded by Ms. Brown, for an **Order to Show Cause**. The vote was unanimous.

**Probation Letters**

The Board noted an error on the letter mailed to the Probationers. It was decided under the circumstances allowances might be made. Ms. Harry stated if any Probationers show up on Thursday she will interview them.

**Stephanie Gammell, Interview**

Ms. Gammell did not keep her appointment with the Board. She has a new Order because of the hearing. She left word she is taking her Chemistry final at school. Ms. Brown made a motion seconded by Ms. Holloway, that Ms. Harry should send her a letter of non-compliance. The vote was unanimous. **Non Compliant**

**Michael Sipes Interview**

Ms. Johnson- Casper interviewed Mr. Sipes. The Board reminded him he needs to continue drug and alcohol testing. It was suggested he refine his interview skills and he was informed where to get a business license. He is self-employed doing hair cuts at the client's choice of location. The Board agreed to see him every other meeting. His next meeting will be September 14<sup>th</sup>, 2009. **Non Compliant**

**30 Day Waiting Period on a Failed Exam**

Out of Order of the Agenda

PSI is enforcing the 30 day waiting period as requested and voted upon by the Board. The statistics show the new exam schedule is working. It is easily enforced, well publicized and effective. The exam tests a minimum skill level and the CIB states exactly what will be on the exam. Ms. Johnson-Casper made a motion seconded by Ms. Holloway to reinforce the 30 day waiting period. The vote was unanimous.

**Megan Linihan, Interview**

Ms. Neibuhr interviewed Ms. Linihan. She stated things are going well. She has an amazing support group. She uses Yoga and Hiking for stress reducers. She has been drug testing for 6 months. The Board agreed to see her every other meeting if she remains in compliance at the next interview. Her next meeting will be September 14<sup>th</sup> 2009. **Compliant**

**NEW STIPULATION**

**Dallin Simper, Initial Interview**

Ms. Bruin interviewed Mr. Simper. He stated he has a job in Logan and his sentencing on June 15<sup>th</sup>, 2009. He has completed counseling and is currently going to AA meetings. He has already let his employer know he has an MOU. Mr. Simper's primary stressor is money. Some of his supplies have been taken. The Compliance Unit will go over his MOU with him today. The Board requested his next meeting for September 14<sup>th</sup>, 2009. **Compliant**

**NEW STIPULATION**

**Tanya Hofeling, Initial Interview**

Ms. Neibuhr interviewed Ms. Hofeling. She is on probation and has been seeing a therapist who prescribed medication. The programs she is in and the medication are helping. Her therapist is a good support system and she stated her family support is coming back. She sees herself in five years working at a salon, with a clientele. She plans to be married by then. She was reminded to call for drug screens. The Board suggested setting an alarm on her cell phone to remind her to call. The Board requested her next meeting for September 14<sup>th</sup>, 2009. **Compliant**

**Jessica Albritton, Interview**

Ms. Albritton did not keep her appointment with the Board. She has been compliant until now. If she comes on Thursday because of the error on the letter Ms. Harry will meet with her. The Board requested her next meeting for September 14<sup>th</sup>, 2009.

**Non Compliant**

**APPLICATION REVIEW:**

**Li Ping Gao**

Ms. Gao came to the Board to appeal her licensing application. She provided DOPL with the ECE evaluation verification of US equivalency of diploma from a school in China, where she took a three year course at 5700 hours. She stated she has 25,000 work hours in China. DOPL is processing Ms. Gao's application as an incomplete application with a 30 day conditional denial. By Board request the Division will make an exception and hold her application for 90 days, while waiting for documentation of passing the exams required by law. The law requires she pass both exams given through PSI. They also recommended she take a course to help her pass the exams. The exams are in English and are timed. DOPL will hold her application pending examination for 90 days.

**DISCUSSION:**

**Teeth Whitening Discussion**

The Board discussed the Dentists' position that all actions involving teeth are in the Dental scope of practice. Teeth are not in the scope of practice for Cosmetologist/Barbering and their associated licenses. The Dental Board has stated they see it as practicing dentistry without a license. There are several states with court rulings that do not allow teeth whitening by any one other than the Dentist. The Board was warned there is a liability matter also. There is a health and safety concern.

**School Discussion**

With renewal approaching, the schools will be asked for information indicating accreditation, business licensure, health department certification, new curriculum, and corporation registration.

**ADJOURN: 2:31 p.m.**

*Note: These minutes are not intended to be a verbatim transcript but are intended to record the significant features of the business conducted in this meeting. Discussed items are not necessarily shown in the chronological order they occurred.*

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Date Approved

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Marti Frazier, Chairperson  
Barber, Cosmetology/Barber, Esthetics, Electrology,  
and Nail Technology Licensing Act Board

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Date Approved

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Sally A. Stewart, Bureau Manager  
Division of Occupational & Professional Licensing