

**UTAH
BARBER, COSMETOLOGIST/BARBER, ESTHETICIAN, ELECTROLOGIST AND
NAIL TECHNICIAN LICENSING BOARD MEETING**

December 2nd, 2013

**Room 474 – Fourth Floor – 8:30 a.m.
Heber M. Wells Building
Salt Lake City, UT 84111**

CONVENED : 8:05 a.m.

ADJOURNED: 4:41 p.m.

Bureau Manager:

Sally A. Stewart

Board Secretary:

Sally Canavan

Board Members Present:

Chad W. Price, Chairperson
Annette Bergstrom
Jamie Comstock
Dianne Niebuhr
Adriane Lindsay Baxter

Board Members Absent/Excused:

Sunny Smith - excused
Elaine Reintjes - excused
Pauline Anderson - excused

Guests:

A. J. Sanchet, for Brittany Floyd
Teresa Giles, for Dana Giles
Amanda Dodge
Ted Kannel, attorney for Sherry Johnston

DOPL Staff Present:

Debra Troxel, Compliance Specialist

MINUTES:

DECISIONS AND RECOMMENDATIONS

The minutes from the September 9th, 2013, meeting were reviewed by the Board. Ms. Niebuhr made a motion, seconded by Ms. Baxter, to approve the minutes with three corrections. The voting was unanimous.

Pauline Anderson:

Ms. Anderson emailed Ms. Stewart a letter of resignation from the Board. She cited personal reasons. The Board noted that was too bad and they wish her well.

Compliance Unit Report:

Ms. Troxel reviewed the probationers being seen today. Ms. Stewart noted any probationer who has not renewed is in violation. Ms. Stewart suggested those who have not renewed who are on probation will be requested they Voluntarily surrender their license. If they refuse, the Board may consider an informal action to revoke.

Citation Schedule:

The compliance unit has designed a citation schedule that will assign points for non-compliance. Missed tests would be a certain number of points, missed calls and a test would be more points. The Board discussed the fine schedule. It is hoped it will demonstrate that the Board was serious about compliance. The Board stated the probationers that were educated at the last Board meeting have not missed any calls. The Board is comfortable with the points schedule idea. The probationer may pay the fine, request a hearing, or appeal to reduce fine. When they request payments they must have it completely paid off before the next Board meeting.

J. Ryan Anderson

At the last Board meeting the Board made a motion "to amend his order to revoke his license but stay the revocation under the condition that if he is once non-compliant, he immediately does a voluntary surrender of his license. Ms. Troxel would monitor his compliance, and with one non-compliant incident the revocation would go into play." The voting was six in favor and one opposed. The opposing vote was Ms. Niebuhr. She stated she did not think that action would work for him.

This meeting Board meeting it was noted he had trouble with the renewal questions four different times. He redid the answer portion of the renewal form. He faxed a corrected copy of the renewal form and paid the renewal fee back in September. He thought everything was fine and he was renewed. He is working without a license - very serious. The Division has not pursued his unlawful conduct as he has been trying to get renewed. He has recently changed his medication. He stated things are going well for him. He has a great sponsor who has helped him a lot. He is getting ready to buy a house. He is non-compliant for not renewing his license. The Board requested to see him at the March 3rd, 2014 Board meeting.

Non-compliant

Leslie Burdick

Ms. Burdick stated this is her second interview with the Board. She has not met with Ms. Troxel for an intake interview yet. The Board noted they have an employer acknowledgement form and she brought her employer report with her. She has been

attending a support group twice per month. She has been clean and sober now since November 19th, 2011. The Board noted holidays can be a hard time to stay clean and sober. She stated her clientele is picking up. She requested to know more regarding a different the Professionals in Recovery program. Ms. Troxel stated she will email her some links for the PIR program. She lives in a small town. The Board requested to see her at the March 3rd, 2014 Board meeting. **Compliant**

Amanda Ruetlinger

Ms. Ruetlinger brought in her employer report. It was very positive; it says they love her at work. She enjoys going to work in the morning. She has a second job at the Texas Road house. Management there is sending her to some womens conferences. She has met some women at the conference that came from where she now is in her life. She feels she has a ton of support from people at the conference and from home. She was given a fine from being non-compliant at the last Board meeting. She is not letting that happen again. Highland Ridge has been a good support for her. She and her mom are great friends now. The Board noted she is making better choices now and it shows and she is happy now. The Board requested to see her at the March 3rd, 2014 Board meeting. **Compliant**

Elizabeth Marie Cannon

Ms. Bergstrom interviewed Ms. Cannon. She stated she has been clean and sober for five years, today is here five year anniversary of being clean and sober. She is working in the field. She stated things are going well, she is working in the field. The Board stated her basic license's probation time will be ending in 2014. Her instructor's probationary license time is scheduled to end in 2015. The Board stated she may be able to request early release at the next meeting. The Board requested to see her at the March 3rd, 2014 Board meeting. **Compliant**

Jenalyn Vance

Her invite letter did was not returned, the assumption is it was delivered. She stated she was beginning to make payments to the testing agency. She has not brought her account up to date. She has not called daily. She has expired on probation. Ms. Bergstrom made a motion, seconded by Ms. Comstock, to offer a voluntary surrender where she not re-apply for

three years or take action to revoke where she not re-apply for five years. She will be given 15 days to respond. The voting was unanimous. **Non-compliant**

Lisa Rae Dow

Mr. Price interviewed Ms. Dow. The Board stated she has not met the terms of her MOU. She has not been compliant since May of 2012. The Board stated she is non-compliant in every area. Her license was renewed in error. She did come in for her interview. She stated she had a doctor's note and was excused from coming to one interview. She stated she is not well and has not been for sometime. She is not working at all in the field and she is not calling in every day. She stated her husband is on hospice and a grandbaby just died. The Board asked if she was too sick to work, why she is keeping her license. She said she had had it for 30 years and she had earned it. If she gets better she would like to be able to work in the field. The Board stated the time towards probation ending is not passing while she is not in compliance. Her life is in turmoil right now, but she will try to comply. She will meet with Ms. Troxel to go over what is required. The Board cares about her situation; however, as Board members they need to protect the public. The Boards does not want to impose fines. Ms. Niebuhr made a motion, seconded by Ms. Bergstrom, to amend her order to restart her probation using today's date so she will not have a citation for being non-compliant. The motion passed unanimously. The Board requested to see her at the March 3rd, 2014 Board meeting. She was told she will be getting a copy of the amended order.

Non-compliant

Heather Ross Drake

Ms. Drake did not come in for her appointment with the Board. She has indicated to Ms. Stewart she does not want to do this probation or hold her license any more. Her probation started in 2011. She stated she will surrender her license. The Board decided to send her a voluntary surrender. If she does not sign the Board will recommend an informal action to revoke her license and have her not re-apply for five years. She will be given 15 days to respond. The Board made no motion. **Non-compliant**

Amberlee Michele Evans

Mr. Price interviewed Ms. Evans. She stated she is good today. She was able to register her car in September, which enabled her to go to work. She had no money to pay to renew her license. She has money now and needs to renew. Her employer is aware of Ms. Evans probationary license. She is currently working without a license. The Board told her that is unlawful conduct. She stated she could and will renew it today. The Board told her if she did renew today no citation would be issued. She brought in her employer report with her; it was positive. The Board requested to see her at the March 3rd, 2014 Board meeting. She was back in 20 minutes with the renewal receipt in hand.

Non-compliant

Ashton Ann Marie Tuffin

Ms. Tuffin probation began April 2013. Her MOU is for two years. She has a Nail Technician. The Board noted she was compliant last time and this time. The Board noted she is renewed and on track. She brought her baby with her and said life is busy. Work at the salon is slow, but she is trying to build up a clientele. She has completed all court probations and is waiting for a form to expunge her record. The Board stated it will still be three years before she completes administrative probation. She stated she normally works more than eight hours per week. The Board stated if she stays compliant they may ask to see her every six months, instead of every three months. The board stated at this point there is no chance of getting off early. The Board requested to see her at the March 3rd, 2014 Board meeting.

Compliant

Ashleigh Johnson

Ms. Johnson emailed Ms. Stewart a letter requesting early release. It was a four-page letter. The Board noted she had begun her probation in October 2012. It is scheduled to be a five year probation. The Board noted she had been excused for the September meeting. The Board stated she was compliant for the June and September meetings. She is a new mom now and it is creating some new challenges. The Board noted although she is doing all she needs to do, early release at this time is not possible. She is the Assistant Manager at work. The new baby is what keeps her sane. She has completed AP&P and all court probation

requirements. The Board requested she continue what she is doing. The Board requested to see her at the June 2nd, 2014 Board meeting. **Compliant**

Joseph Michael Lucero

This is Mr. Lucero's initial interview with the Board. He stated he is really busy with work. His clientele is really growing. He does anyone who comes in (walk-ins). He will be taking appointments on Saturdays. He is trying to figure out how to schedule that with walk-ins. He is attending a support group and sponsoring some people with charges in their background by letting them clean his shop and earning some money. The Board stated he is "paying it forward". They told him to keep up the good work and it sounds like life and things are going well for him now. He submitted a positive employer report. The Board stated if he stays compliant he may be seen every six months and he has a great attitude. The Board requested to see her at the March 3rd, 2014 Board meeting. **Compliant**

BREAK: 10:30 a.m.
APPOINTMENTS:
Jason Robert Kerby

15 minutes

Mr. Kerby has been sent a voluntary surrender of his license, with the condition he not re-apply for three years. The Division is waiting to have the signed document returned.

Stephanie Mecham (Telephone Interview)

Ms. Mecham was excused from appearing in person at this Board meeting. The Board has made arrangements to contact her by phone. The Board phone would not connect. Ms. Stewart used her cell phone to contact Ms. Mecham at 11:05 am - received no answer. The Board called 11:40 am - still no answer. Ms. Mecham tried to call the Board back, explaining the room had no service. She has been compliant every other time. The Board requested some documentation of the baby's birthdate. The Board requested to see her at the March 3rd, 2014 Board meeting. **Compliant**

Melissa Omer

Ms. Niebuhr conducted the interview with Ms. Omer. She stated she is currently a stay-at-home wife and mother. She does hair for friends and family. She checks about once per month to find regular employment. The Board stated she has been exemplary probationer. Ms. Niebuhr made a motion, seconded by Ms. Comstock, to amend her

MOU to release her from probation as of today. The voting was unanimous. The board stated she will be released upon the dated of Mr. Steinagel's signature. Ms. Omer stated she has learned if you really are sorry and you really do want to change the choices you make there are people who will help you. **Compliant**

Marcy M. Pruitt

Mr. Price interviewed Ms. Pruitt. The Board noted she has been on probation (twice) since 2008. She was released and put back on probation for lying to the Board regarding employer reports. Since the last meeting she has been compliant. She stated she was fine. The Board noted she was doing all she was supposed to do. The Board stated she could be released from probation once she can show a compliance pattern for six – nine months. The Board is anxious to see how she is doing in March. She was upset that in her order it did not say if she had been compliant she could be released. The Board has not sanctioned or cited her for non-compliance. She has been lucky. The sanction the Board is choosing to ask of her is for her to meet the terms and conditions of her MOU. When the testing comes up as positive or abnormal or dilute, it triggers the system within the test agency to increase the number of tests. The Board's responsibility is to protect the public. The Board stated whatever it is that she has figured out to do is showing compliance. The Board requested to see her at the March 3rd, 2014 Board meeting. **Compliant**

Mackenzie Don Wakley

Ms. Comstock interviewed Ms. Wakley. This is her initial interview with the Board. She is working in the field. She stated things are going well for her; she has been clean and sober over a year. The Board restarted her MOU due to personal reasons. Her employer report was submitted and is positive; they love her working there. . The Board requested to see her at the March 3rd, 2014 Board meeting. **Compliant**

Lena Dorothy Winegar

Mr. Price interviewed Ms. Winegar. She is in compliance and doing everything she needs to do. She stated it was just easier that way, for her at least. She is working in the field. Work is very

important. When a problem arose while she was at the airport she was scheduled to test. She called Ms. Troxel and they figured it out. The Board stated keep up the good work. The Board requested to see her at the March 3rd, 2014 Board meeting. **Compliant**

LUNCH:
NEW STIPULATIONS:
Sondra Barnettt Banellis

1 Hour

Ms. Banellis has decided she does not want to comply with MOU or follow and the terms and conditions. She stated she is opting out of the license. The Division will send her a voluntary surrender. **Non-compliant**

Camille Eileen Edwards

Ms. Edwards applied for a license. The Division has had no further contact with her. Her invite letter was returned with no better address. The Board noted Ms. Edwards should have been in contact with Ms. Troxel before now. Ms. Bergstrom made a motion, seconded by Ms. Baxter, to find Ms. Edwards non-compliant and to amend to re-start Camille Edwards' MOU as of today's date. The voting was unanimous. The Board requested to see her at the March 3rd, 2014 Board meeting. **Non-compliant**

Brittany Floyd

Ms. Baxter interviewed Ms. Floyd. She is doing the DORA program. She has talked with Ms. Troxel about her MOU. The Board told her they could use the tests from an alternative source as long as the Division gets the results and as long as she stays compliant. The Board stated if she has any questions she should call Ms. Troxel. The Board stated we need to protect the public and help you also. The Board went over the citation causes and amounts. Ms. Troxel will go over her MOU in detail with her. The Board requested to see her at the March 3rd, 2014 Board meeting. **Compliant**

Joseph Thomas Gierhart

Ms. Bergstrom interviewed Mr. Gierhart. This is his initial interview with the Board. He stated he is focusing on making his life better. The Board stated they want to help him be compliant. His support group is his counselor. He has lots of family support. Currently he is working with his father in his father's shop. He doesn't even think about

drinking. His focus is on life and taking care of family. He stated he will do whatever it takes to keep his license. The Board stated if he is compliant for a year we may be able to see him less often. The Board told him about their citation authority and how it works. The Board reminded him his employer reports are due the 1st of the month. He stated the shop just opened last week. The Board requested to see her at the March 3rd, 2014 Board meeting. **Compliant**

Dana Lynn Giles

This is Ms. Giles initial interview with the Board. She is working in the field. She has learned how to better work with people. She wants to stay employed where she is at. She said she had no questions on her MOU. The Board told her if she had any questions to call Ms. Troxel. The Board stated they are here to help her. There will be citations if she is not compliant and they are hefty. The Board asked that she please stay compliant with her MOU. She presented the required essay. The people she works with, and her family, are a big support. The Board requested to see her at the March 3rd, 2014 Board meeting. **Compliant**

Mandy Hancock

This is Ms. Hancock's initial interview with the Board. She is signed up with Affinity already. She has not attended any meetings yet. She has a good support system. Her fiancé is good support. She is looking for employment in the field. The Board explained citation authority and explained how it works. The Board requested she please stay compliant. She is asking for patience with her finding a job because of her fiancé's schedule. The Board stated they may be able to work out something with her on employment. The Board stated that communication is the key. The Board requested to see her at the March 3rd, 2014 Board meeting. **Compliant**

Season Heather Hymas

This was a discussion of an initial application for licensure. A conditional license was issued and then later an MOU was issued with three years probation duration. The Board noted the MOU was requiring some classes. Ms. Baxter made a motion, seconded by Ms. Niebuhr, to amend her order to restart it from today's date with no drug testing. Ms.

Hymas still needs to meet with Ms. Troxel to become compliant. The voting was unanimous. The Board requested to see her at the March 3rd, 2014 Board meeting. **Non-compliant**

Janeil Johnson

Ms. Johnson did not want to accept an MOU. Later she changed her mind decided she wanted to go to work. Ms. Troxel has had no contact with her. Ms. Troxel will try and help her get compliant before the next Board meeting. Ms. Troxel stated she has been unable to locate her at this point. The Board requested to see her at the March 3rd, 2014 Board meeting. **Non-compliant**

BREAK: 2:45 p.m.
Sherry Johnston

15 minutes

Annette Bergstrom has recused herself from this interview. Ms Johnson is on restricted probation for four years under a Stipulation and Order. There is an Ethics and Boundaries essay required, due within 60 days of the Order. The Board noted she needs to meet with Ms. Troxel and has not yet done so. She has an attorney, Theodore Kannell; he was running a little late. The Board noted she needs to meet with Ms. Troxel and go over the requirements of her Order. The Board explained to her about the citation authority and how it works with regards to non-compliance. The role of Board members is to help her with her Stipulation and Order. The Board meetings are held quarterly. The Division will send notice of the date and time. Ms. Troxel offered to send the approved classes to be taken for the essay as an attachment to an e-mail. The Board noted it had been due within the sixty days of signing the Stipulation and order. Since Ms. Johnson has not been able to meet with Ms Troxel, the Board will give her 30 days from today's date which was noted by her attorney. The Board requested to see her at the March 3rd, 2014 Board meeting. **Non-compliant**

Ashlee Nicole Jones

Ms. Comstock interviewed Ms. Jones. She stated she completed the CATS program, Drug court and has been clean and sober since December 22nd, 2009. She is working in a dental office and is working out of her home doing hair for friends and family eight hours per week. The Board noted it is in the MOU to allow working at home with

documentation and comments. She is having a hard time finding employment. She has not met with Ms. Troxel. Ms. Stewart did an overview of her MOU with her, prior to signing it. Ms. Jones' doctor will be drug testing her at random times; that drug test that will be acceptable. She must still register with Affinity and call every day for a test. When a test comes up she should call Ms. Troxel who can assist her. She stated she does not have time to be calling every morning. She is very busy. She stated she feels like there was not a full disclosure of what was in the MOU before she signed it. Neena Bowen, a compliance specialist, was with Ms. Jones in Ms. Stewart's office while the overview was being given. She feels like she has been cheated. She accused Ms. Stewart of lying to her. She requested to talk to Ms. Stewart's supervisor. She stated Ms. Stewart did not disclose all information. The daily call to Affinity takes approximately three minutes. She stated again she wants the name of Ms. Stewart's boss but would not stop long enough to be told the name. She stood up from the table and said she was done with this. As Ms. Stewart tried to give her the name of her supervisor again, she continued to walk out. No determination of compliance status was made as the interview was not concluded.

Sean Joel McGee

The Compliance Unit has not been able to contact Mr. McGee. The company he is working for has a website and he is listed as working there. He did not come in for his appointment with the Board. The timeframe he applied for licensure in bumped him into the next renewal cycle. Ms. Baxter made a motion, seconded by Ms. Bergstrom, to issue a fine in the amount of \$250.00, based on non-compliance. The Board stated a fine of \$250.00 will hopefully prompt a response. **Non-compliant**

Sara Jane Graham

Ms. Graham has requested the Board consider renewing her license. She would like us to restart her order, asking to discuss it with the Board for their consideration and recommendation. She failed to comply with the original MOU. She had moved to Arizona (AZ). She has completed the AZ incarceration and an in-depth in-patient rehabilitation drug course in AZ. She is back in Utah and would

like to get her license renewed so she can work. The Board wants to know why she did not come in for her appointment. She has support of her family. Ms. Bergstrom made a motion, seconded by Ms. Baxter, to recommend the Division amend the MOU of Sara Graham from 2012 to add more time, to offer to reinstate her MOU based on the information provided with the new application. The voting was unanimous. The Board requested to see her at the March 3rd, 2014 Board meeting.

DISCUSSION ITEMS:

Kelly James Clark – Ms. Stewart

Ms. Stewart presented the Informal Agency Action in this matter. Mr. Clark failed to comply with any and all of the terms and conditions in his MOU. He was offered a voluntary surrender but did not respond. The Division has been sending his mail to multiple addresses, getting no response from any of them. He shows no intention or history of compliance. The Board was informed there have been additional charges against him. The Division is requesting the Board recommend revoking his license. Ms. Bergstrom made a motion, seconded by Ms. Comstock, to follow the Division's recommendation request. The voting was unanimous.

Other States' Exam Requirements

The Division has received applications for licensure from individuals who have been licensed in another state. The Division must request a verification of out of state licenses. On the verifications from some of the other states, they indicate they are not testing at all or not giving practical examinations. Utah's exam requirements are for nationally recognized exams (NIC) or State administered exams with a passing score of 75%. Some states only require 70% for passing. The Legislature may consider changes in the Cosmetology related professions licensing Act which could require some rule changes. Just for the Board's information, there are transcripts offered for sale and counterfeit licenses actually being offered. The Board may have several concerns to be clarified if rule changes are made.

NEXT SCHEDULED MEETING:

Monday, March 3rd, 2014

ADJOURN: 4:41 p.m.

No motion required

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.

Date Approved

Chairperson,
Barbering, Cosmetology/Barbering, Esthetics,
Electrology and Nail Technology Licensing Board

Date Approved

Bureau Manager,
Division of Occupational & Professional Licensing

AWAITING FORMAL APPROVAL