

Minutes of the  
Arkansas Board of Cosmetology

July 19, 2004

Pursuant to notice timely given by the Director, the Arkansas Board of Cosmetology met on Monday, July 19, 2004. The meeting was held in the South Basement Conference Room at 101 East Capitol, Little Rock.

MEETING CALLED  
TO ORDER

President Cliff Keene called the meeting to order at 8:30 a.m.

ROLL CALL

Roll was called with the following members present:

Cliff Keene,	President
Johnnie Siebel	1 <sup>st</sup> Vice President
Brenda Gray	2 <sup>nd</sup> Vice President
Jane Powell,	Treasurer
Veda Traylor	Secretary
Nick Downey	Board Member
La Joy Gordon	Board Member
Mitzie McKinney	Board Member
Sherron West	Board Member

The following individuals were also in attendance: Derwin Taylor, Director; Linda Davis, Business Controller; Cheryl Esaw, Administrative Assistant and State Inspectors: Bland; Caudle, Morgan and Smart. Also attending was Linda Lee and Students of Lee's Cosmetology School; Jacque Hayden of Lynndale's Academy of Cosmetology and Janetta Hughes of Riverside.

MINUTES

The first order of business was to approve the minutes of the May and June exam minutes and the May 17, 2004 Board meeting.

Sherron West moves to approve the minutes as mailed. Seconded by Jane Powell. Motion carried.

FINANCIAL REPORT

Sherron West moves to approve the financial report and all expenditures for May 1, 2004 to June 30, 2004. Seconded by Johnnie Siebel. Motion carried.

TREASURER'S  
REPORT

At the last meeting, the balance was \$85.00. This meeting, \$60 was collected making a balance of \$145.00.

Johnnie Siebel moves to approve the Treasurer's Report. Seconded by Mitzie McKinney. Motion carried.

GENERAL  
BUSINESS

Director Updates

Mr. Taylor explained the Air Travel Policy; the corrections to the law book and the guidelines for amending Rules and Regulations. The Rules will soon be sent to Arnie Jochums, the Attorney General's office, for approval.

Johnnie Siebel moves to approve the Air Travel Policy. Mitzie McKinney seconded. Motion carried.

A new Board member has been appointed to replace Nelda Kennedy. Her name is Patricia Turman. She had not been sworn in so would not be attending this Board meeting but, would be at the next one in September.

The NIC agenda was discussed and the fact that the office had not received the registration form for the Administrator's meeting as of yet.

The Board had requested to raise the Per Diem to \$125. The max is \$110 and only 5 Boards in Arkansas are paying max.

Budget went over to Office of Budget and but, no approval letter as of yet. The Director will go before the Legislator in October regarding budget and the final approval will be before the whole Legislator during their next Legislative session in January 2004.

GL Suites, our new licensing software, will be installed in October.

The IT plan is being developed for the office

Danete Brooks was hired for the Document Examiner I position.

Exams

Jane Powell moves to eliminate Shaping and Pin Curl from the NIC Practical examination. Seconded by Johnnie Siebel. Motion carried with Siebel, Powell, West and Gray voting for; McKinney and Traylor opposed and Downey and Gordon abstaining.

Information

Veda Traylor spoke about non-communication from office regarding happenings concerning Board re: deaths, conferences, etc.

Veda Traylor moves and let the minutes reflect that Board Member should be notified of happenings via phone call, e-mail or snail mail. Seconded by Johnnie Siebel. Motion carried. Gordon and West did not vote and Gray abstained.

Pine Bluff High School

Pine Bluff High School requested to open a school for high school students. They have had a preliminary inspection and everything has been approved so far. They are requesting approval once they meet the requirements.

Sherron West moves to approve the school once all requirements have been met. Seconded by Brenda Gray. Motion carried. Opposed Downey, McKinney and Traylor.

Thank You

Jane Powell read a thank you received from the Downey family.

Riverside

Riverside has only one student ready to take the examination and requested that she be allowed to sit for the examination along with other candidates.

Mitzie McKinney moves to accept her at the next available examination period. Seconded by Nick Downey. Motion carried.

Keene's list

Cliff Keene had requested that the Director send all Board members a copy of the Budget, both current year and next bi-ennium; all forms used in the office and all office job specs, and performance evaluation forms used in the office. Mr. Taylor sent Mr. Keene some of the requested items.

Complaints were discussed, current forms were discussed, etc. and Mr. Keene requested that a motion be made pertaining to performance evaluations on the new Director starting in January 2005.

Veda Traylor moves to start performing performance evaluations on the Director in January 2005. Downey seconded. Motion carried. Gray did not vote. There was discussion regarding the writing of performance criteria at the next two Board meetings before the one in January.

## HEARINGS

Milner

The Board read the charges and allegations contained in the "Order and Notice of Hearing" – No. 04-170 - In the Matter of Connie Milner, Owner & Operator. The Respondent was charged with violation of Arkansas Code Annotated Sections: 17-26-105 (1) and (12); 17-26-301 (a); 17-26-319 (c) and 17-26-404 (b) and Board Regulations: 17-23-401 Section 2 (A) 5 and 6. The Respondent appeared per se and stipulated to the charges.

The Board deliberated on the hearing styled – In the Matter of Connie Milner. The Board found the Respondent guilty of violating the Code and Regulations contained in the hearing order.

Johnnie Siebel moves to enter the following order:

- 1) That the Respondent is Ordered to pay a fine in the amount of \$250 payable within 30 days of receipt of the Board's Order.
- 2) Failure to pay the fine as Ordered will result in a suspension of the Respondent's establishment license beginning 30 days from receipt of the Order and continuing for a period of 90 days from the date the Respondent relinquishes her license to the Board.

Seconded by Mitzie McKinney. Motion carried. West opposed.

Jenkins

The Board read the charges and allegations contained in the "Order and Notice of Hearing" – No. 04-221- In the Matter of Sharon Diane Jenkins, Cosmetologist. The Respondent was charged with violation of Arkansas Code Annotated Sections 17-26-105 (1) and (12) and 17-26-302 (a) and Board Regulations: 17-23-402 Section 2 (A) 6. The Respondent appeared per se.

The Board deliberated on the hearing styled – In the Matter of Sharon Diane Jenkins. The Board found the Respondent guilty of violating the Code and Regulations contained in the hearing order.

Jane Powell moves to enter the following order:

- 1) That the Respondent is Ordered to pay a fine in the amount of \$84 payable within 30 days of receipt of the Board's Order.
- 2) Failure to pay the fine as Ordered will result in a suspension of the Respondent's cosmetology license beginning 30 days from receipt of the Order and continuing for a period of 90 days from the date the Respondent relinquishes her license to the Board.

Seconded by Mitzie McKinney. Motion carried.

Vencenza

The Board read the charges and allegations contained in the "Order and Notice of Hearing" – No. 04-203 - In the Matter of Victoria Mason and Debra Patterson, Owners D/b/a Indulge, A Day Spa and Salon. The Respondent was charged with violation of Arkansas Code Annotated Sections: 17-26-401 (a); 17-26-301 (a), 17-26-105 (1) and (12) and 17-26-402 (a) and Board Regulations: 71-826 and 17-23-401 Section 2 (A) 5 and 17-23-402 Section 1 (D) 3. The respondent did not appear but, Trace Vencenza, the new owner did appear.

The Board deliberated on the hearing styled – In the Matter of Victoria Mason and Debra Patterson. The Board found the Respondents guilty of violating the Code and Regulations contained in the hearing order.

Mitzie McKinney moves to enter the following order:

- 1) That the Respondent is Ordered to pay a fine in the amount of \$106 payable within 30 days of receipt of the Board's Order.
- 2) Failure to pay the fine as Ordered will result in a suspension of the Respondent's establishment license beginning 30 days from receipt of the Order and continuing for a period of 90 days from the date the Respondent relinquishes her license to the Board.

Seconded by Johnnie Siebel. Motion carried.

Gomez

The Board read the charges and allegations contained in the "Order and Notice of Hearing" – No. 04-246 - In the Matter of Rosalinda Gomez, Owner & Operator. The Respondent was charged with violation of Arkansas Code Annotated Sections 17-26- 401 (a); 17-26-316 (b); 17-26-404 (b) and 17-26-105 (1) and (12)

and Board Regulations 71-826 and 17-23-401 Section 2 (A) 5. The Respondent appeared per se with her daughter Vanessa Gomez as interpreter.

The Board deliberated on the hearing styled – In the Matter of Rosalinda Gomez. The Board found the Respondent not guilty of violating the Code and Regulations contained in the hearing order.

Mitzie McKinney moves to enter the following order:

- 1) That the Respondent is Ordered to pay a fine in the amount of \$41 payable within 30 days of receipt of the Board's Order.
- 2) Failure to pay the fine as Ordered will result in a suspension of the Respondent's establishment license beginning 30 days from receipt of the Order and continuing for a period of 90 days from the date the Respondent relinquishes her license to the Board.

Seconded by Nick Downey. Motion carried.

Peten

The Board read the charges and allegations contained in the "Order and Notice of Hearing" – No. 04-174 - In the Matter of Yolanda Peten, Cosmetologist. The Respondent was charged with violation of Arkansas Code Annotated Sections 17-26-105 (1) and (12); 17-26-301 (a) and 17-26-319 (c) and Board Regulations: 17-23-401 Section 2 (A) 6. The Respondent appeared per se.

The Board deliberated on the hearing styled – In the Matter of Yolanda Peten. The Board found the Respondent guilty of violating the Code and Regulations contained in the hearing order.

Johnnie Siebel moves to enter the following order:

- 1) That the Respondent is Ordered to pay a fine in the amount of \$300 payable within 30 days of receipt of the Board's Order.
- 2) Failure to pay the fine as Ordered will result in a suspension of the Respondent's cosmetology license beginning 30 days from receipt of the Order and continuing for a period of 90 days from the date the Respondent relinquishes her license to the Board.

Seconded by Jane Powell. Motion carried.

Currence

The Board read the charges and allegations contained in the "Order and Notice of Hearing" – No. 04-135 - In the Matter of Dawn Currence, Owner & Operator. The Respondent was charged with violation of Arkansas Code Annotated Sections 17-26-301 (a); 17-26-401 (b); 17-26-105 (1), (9) and (12); 17-26-404 (b) and 17-26-319 (c) and Board Regulations: 17-23-401 Section 2 (A) 5 and 6; Section 2 (C) 9; 10; 15; 23 and 24a. The Respondent did not appear.

The Board deliberated on the hearing styled – In the Matter of Dawn Currence. The Board found the Respondent guilty of violating the Code and Regulations contained in the hearing order.

Jane Powell moves to enter the following order:

- 1) That the Respondent's cosmetology establishment and cosmetologist licenses are suspended commencing upon receipt of the Board's Order and continuing until such time the Respondent pays a fine in the amount of \$185 plus \$25 administrative cost, total of \$210.
- 2) It is further ordered that during this period of suspension, the Respondent shall cease and desist from practicing cosmetology and operating her establishment.

Seconded by Mitzie McKinney. Motion carried.

Shaw

The Board read the charges and allegations contained in the "Order and Notice of Hearing" – No. 04-146 - In the Matter of Debra Shaw, Owner & Operator. The Respondent was charged with violation of Arkansas Code Annotated Sections 17-26-105 (1) and (12); 17-26-301 (a); 17-26-401 (a); 17-26-319 (c) and 17-26-404 (b) and Board Regulations: 17-23-401 Section 2 (A) 5 and 6. The Respondent did not appear.

The Board deliberated on the hearing styled – In the Matter of Debra Shaw. The Board found the Respondent guilty of violating the Code and Regulations contained in the hearing order.

Jane Powell moves to enter the following order:

- 1) That the Respondent's cosmetology establishment and cosmetologist licenses are suspended commencing upon receipt of the Board's Order and continuing until such time the Respondent pays a fine in the amount of \$91 plus \$25 administrative cost, total of \$116.
- 2) It is further ordered that during this period of suspension, the Respondent shall cease and desist from practicing cosmetology and operating her establishment.

Seconded by Mitzie McKinney. Motion carried.

Cato

The Board read the charges and allegations contained in the "Order and Notice of Hearing" – No. 04-155 - In the Matter of Cynthia Cato, Owner & Operator. The Respondent was charged with violation of Arkansas Code Annotated Sections 17-26-401 (b) and 17-26-105 (1) and (12) and Board Regulations: 17-23-401 Section 2 (A) 6. The Respondent was represented by Pat Williams, Manager.

The Board deliberated on the hearing styled – In the Matter of Cynthia Cato. The Board found the Respondent guilty of violating the Code and Regulations contained in the hearing order.

Jane Powell moves to enter the following order:

- 1) That the Respondent's cosmetology establishment and cosmetologist licenses are suspended commencing upon receipt of the Board's Order

and continuing until such time the Respondent pays a fine in the amount of \$115 plus \$25 administrative cost, total of \$140.

- 2) It is further ordered that during this period of suspension, the Respondent shall cease and desist from practicing cosmetology and operating her establishment.

Seconded by Mitzie McKinney. Motion carried.

Smith

The Board read the charges and allegations contained in the "Order and Notice of Hearing" – No. 04-157 - In the Matter of Charles Smith, Owner. The Respondent was charged with violation of Arkansas Code Annotated Sections 17-26-105 (1), and (12) and 17-26-401 (b) and Board Regulations: 17-23-401 Section 2 (A) 6. The Respondent did not appear.

The Board deliberated on the hearing styled – In the Matter of Charles Smith. The Board found the Respondent guilty of violating the Code and Regulations contained in the hearing order.

Jane Powell moves to enter the following order:

- 1) That the Respondent's cosmetology establishment and cosmetologist licenses are suspended commencing upon receipt of the Board's Order and continuing until such time the Respondent pays a fine in the amount of \$66 plus \$25 administrative cost, total of \$91.
- 2) It is further ordered that during this period of suspension, the Respondent shall cease and desist from operating his establishment.

Seconded by Mitzie McKinney. Motion carried.

Holt

The Board read the charges and allegations contained in the "Order and Notice of Hearing" – No. 04-158 - In the Matter of Jason Ross Holt, Cosmetologist. The Respondent was charged with violation of Arkansas Code Annotated Sections 17-26-105 (1), and (12) and 17-26-301 (a) and Board Regulations: 17-23-401 Section 2 (A) 6. The Respondent did not appear.

The Board deliberated on the hearing styled – In the Matter of Jason Ross Holt, Cosmetologist. The Board found the Respondent guilty of violating the Code and Regulations contained in the hearing order.

Jane Powell moves to enter the following order:

- 1) That the Respondent's cosmetologist license is suspended commencing upon receipt of the Board's Order and continuing until such time the Respondent pays a fine in the amount of \$66 plus \$25 administrative cost, total of \$91.
- 2) It is further ordered that during this period of suspension, the Respondent shall cease and desist from practicing cosmetology.

Seconded by Mitzie McKinney. Motion carried.

Doan

The Board read the charges and allegations contained in the "Order and Notice of Hearing" – No. 04-165 - In the Matter of Lan Doan, Owner. The Respondent was charged with violation of Arkansas Code Annotated Sections 17-26-105 (1), (9) and (12); 17-26-401 (a) and (b); 17-26-316 (b) and 17-26-404 (b) and Board Regulations: 71-826; 17-23-401 Section 2 (A) 5 and 6. The Respondent did not appear.

The Board deliberated on the hearing styled – In the Matter of Lan Doan. The Board found the Respondent guilty of violating the Code and Regulations contained in the hearing order.

Jane Powell moves to enter the following order:

- 1) That the Respondent's cosmetology establishment license is suspended commencing upon receipt of the Board's Order and continuing until such time the Respondent pays a fine in the amount of \$102 plus \$25 administrative cost, total of \$127.
- 2) It is further ordered that during this period of suspension, the Respondent shall cease and desist from and operating his establishment.

Seconded by Mitzie McKinney. Motion carried.

Chau

The Board read the charges and allegations contained in the "Order and Notice of Hearing" – No. 04-166 - In the Matter of Phuong Hoang Chau, Manicurist. The Respondent was charged with violation of Arkansas Code Annotated Sections 17-26-105 (1) and (12) and 17-26-301 (a) and Board Regulations: 17-23-401 Section 2 (A) 6. The Respondent did not appear.

The Board deliberated on the hearing styled – In the Matter of Phuong Hoang Chau. The Board found the Respondent guilty of violating the Code and Regulations contained in the hearing order.

Jane Powell moves to enter the following order:

- 1) That the Respondent's cosmetology establishment and cosmetologist licenses are suspended commencing upon receipt of the Board's Order and continuing until such time the Respondent pays a fine in the amount of \$77 plus \$25 administrative cost, total of \$102.
- 2) It is further ordered that during this period of suspension, the Respondent shall cease and desist from operating her establishment.

Seconded by Mitzie McKinney. Motion carried.

Stapp

The Board read the charges and allegations contained in the "Order and Notice of Hearing" – No. 04-217- In the Matter of Toni Teresa Stapp, Cosmetologist. The Respondent was charged with violation of Arkansas Code Annotated Sections 17-26-301 (a) and 17-26-105 (1) and (12) and Board Regulations: 17-23-401 Section 2 (A) 6. The Respondent did not appear.

The Board deliberated on the hearing styled – In the Matter of Toni Teresa Stapp. The Board found the Respondent guilty of violating the Code and Regulations contained in the hearing order.

Jane Powell moves to enter the following order:

- 1) That the Respondent's cosmetology establishment and cosmetologist licenses are suspended commencing upon receipt of the Board's Order and continuing until such time the Respondent pays a fine in the amount of \$168 plus \$25 administrative cost, total of \$193.
- 2) It is further ordered that during this period of suspension, the Respondent shall cease and desist from practicing cosmetology..

Seconded by Mitzie McKinney. Motion carried.

Coleman

The Board read the charges and allegations contained in the "Order and Notice of Hearing" – No. 04-220- In the Matter of Algertia Ansharold Coleman, Cosmetologist. The Respondent was charged with violation of Arkansas Code Annotated Sections 17-26-105 (1) and (12) and 17-26-301 (a) and Board Regulations: 17-23-402 Section 2 (A) 6. The Respondent did not appear.

The Board deliberated on the hearing styled – In the Matter of Algertia Ansharold Coleman. The Board found the Respondent guilty of violating the Code and Regulations contained in the hearing order.

Jane Powell moves to enter the following order:

- 1) That the Respondent's cosmetology establishment and cosmetologist licenses are suspended commencing upon receipt of the Board's Order and continuing until such time the Respondent pays a fine in the amount of \$85 plus \$25 administrative cost, total of \$110.
- 2) It is further ordered that during this period of suspension, the Respondent shall cease and desist from practicing cosmetology.

Seconded by Mitzie McKinney. Motion carried.

#### AFFIDAVITS

The Board deliberated on the following hearings and accepted each Respondent's plea of no contest to the charges contained in their respective "Order and Notice of Hearing". Finding the allegations being true in each case before the Board, Nick Downey moves to impose the penalty warranted by each citation, to accept the affidavits filed by the Respondents and to find that acceptance of the

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penalties submitted by each Respondent will achieve the desired disciplinary results.  
Seconded by Johnnie Siebel. Motion carried.

04-167	In the Matter of Ella Hunt	\$ 78
04-168	In the Matter of Amy Dowd	\$ 78
04-197	In the Matter of Aspen Gardens Ltd	\$ 77
04-210	In the Matter of Stephanie Silva	\$125
04-214	In the Matter of Tracie Walker	\$ 92
04-226	In the Matter of Tonya Domineck	\$177
04-227	In the Matter of Betty Conner	\$ 84
04-229	In the Matter of Lenda Lopez	\$250
04-236	In the Matter of Kathy Woods	\$ 93
04-237	In the Matter of Bridget Shatwell	\$131
04-249	In the Matter of Chris Strawn	\$ 34
04-250	In the Matter of G. W. Stringer	\$133
04-251	In the Matter of Outlook Pointe	\$128
04-252	In the Matter of Lachelle Clark	\$146
04-253	In the Matter of Holly Harvey	\$146
04-254	In the Matter of Loraine Rose	\$119
04-255	In the Matter of Matt Coburn	\$143
04-256	In the Matter of Truong Lien	\$550
04-257	In the Matter of Dong Xuan Tran	\$250
04-260	In the Matter of Hatsue McDonald	\$120
04-262	In the Matter of Kimberly Gardner	\$150
04-265	In the Matter of Cindy Nguyen	\$250
04-266	In the Matter of Dan Pham	\$250
04-268	In the Matter of Joseph Nguyen	\$150
04-269	In the Matter of Melinda Carney	\$115
04-272	In the Matter of Linda Crain	\$121
04-273	In the Matter of Juliette Ballinger	\$136
04-274	In the Matter of Katherine Huynh	\$375
04-278	In the Matter of Larry Jones	\$ 75
04-279	In the Matter of Valerie Folsom	\$ 75
04-280	In the Matter of Jamie Tillman	\$148
04-282	In the Matter of Angela Hill	\$144
04-283	In the Matter of Danielle Hoover	\$144
04-284	In the Matter of Elements Salon LLC	\$125
04-285	In the Matter of Thanh Dinh	\$175
04-292	In the Matter of Paula Sims	\$131
04-293	In the Matter of Paula Curtis	\$170
04-294	In the Matter of Dr. Jim English	\$159
04-295	In the Matter of Tiffany Woodard	\$134
04-296	In the Matter of Anjela Farnam	\$125
04-298	In the Matter of Delana Lipford	\$122
04-299	In the Matter of Tara Snider	\$122
04-300	In the Matter of Michael Crane	\$139
04-301	In the Matter of Sandra Givens	\$141
04-305	In the Matter of Parkway Village	\$121
04-306	In the Matter of Peggy Dean	\$140
04-307	In the Matter of Janet Harrison	\$140
04-309	In the Matter of Mindi Draper	\$150
04-310	In the Matter of Wendi Stock	\$155

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04-314	In the Matter of Amanda Sullivan	\$100
04-315	In the Matter of Sharon Liles	\$ 75
04-316	In the Matter of Danny Blackwood	\$121
04-318	In the Matter of Nguyen Nguyen	\$250
04-324	In the Matter of Pamela Young	\$125
04-325	In the Matter of Jeffery Williams	\$101
04-330	In the Matter of Amanda Cale	\$258
04-332	In the Matter of Ron Childers	\$106
04-335	In the Matter of Candie Thomas	\$122

EXECUTIVE SESSION:

Mitzie McKinney moves to go into Executive Session. Seconded by Sherron West.

GENERAL SESSION CONTINUED:

HEARINGS

Karabalai

The Board read the charges and allegations contained in the "Order and Notice of Hearing" – No. 04-281 - In the Matter of Ruth Karbalai, Owner & Operator. The Respondent was charged with violation of Arkansas Code Annotated Sections 17-26-105 (1) and (12) and 17-26-401 (a) and (b) and 17-26-402 (a) and Board Regulations: 17-23-401 Section 2 (A) 5 and 6. The Respondent appeared per se.

The Board deliberated on the hearing styled – In the Matter of Ruth Karbalai. The Board found the Respondent guilty of violating the Code and Regulations contained in the hearing order.

Johnnie Siebel moves to enter the following order:

- 1) That the Respondent is Ordered to pay a fine in the amount of \$250 payable within 30 days of receipt of the Board's Order.
- 2) Failure to pay the fine as Ordered will result in a suspension of the Respondent's cosmetology establishment and cosmetology licenses beginning 30 days from receipt of the Order and continuing for a period of 90 days from the date the Respondent relinquishes her license to the Board.

Seconded by La Joy Gordon. Motion carried. West opposed and McKinney abstained.

Drew

The Board read the charges and allegations contained in the "Order and Notice of Hearing" – No. 04-343 - In the Matter of Janice Drew, Owner & Operator. The Respondent was charged with violation of Arkansas Code Annotated Sections 17-26-105 (1) and (12); 17-26-401 (a); 17-26-316 (b) and 17-26-404 (b) and Board Regulations: 71-826 and 17-23-401 Section 2 (A) 5. The Respondent did not appear.

The Board deliberated on the hearing styled – In the Matter of Janice Drew. The Board found the Respondent guilty of violating the Code and Regulations contained in the hearing order.

Jane Powell moves to enter the following order:

- 1) That the Respondent is Ordered to pay a fine in the amount of \$500 payable within 30 days of receipt of the Board's Order.
- 2) Further, the Respondent is ordered to cease and desist from practicing cosmetology and operating a cosmetology establishment until such time as the Respondent is properly licensed by the Board.
- 3) Seconded by Johnnie Siebel. Motion carried.

ADJOURN

The meeting was adjourned at 2:30 p.m.

Respectfully submitted

Linda Whitlow, Acting Director  
August 17, 2004