

**Minutes**

MS State Board of Cosmetology

June 24, 2013

**Board Members Present:**

Dorothy Ennis, President  
Shelley Harsin, Secretary  
Leisa McElreath, Member  
Teresa Whitman, Member

**Board Member Absent:**

Waylon Garrett, Member (Family Emergency)

**Board Staff Present:**

Cynthia Johnson, Executive Director

**Legal Counsel Present:**

Margarette Meeks, MS Attorney General's Office

**Call To Order**

The meeting was called to order at 9:00 a.m. in the MS State Board of Cosmetology Office, located at 239 N. Lamar St., Suite 301 in Jackson, MS.

**Approval of Agenda**

A motion was made by McElreath to approve the agenda with deviations as necessary, seconded by Whitman and unanimously passed.

A motion was made by McElreath to change policy and hold election of officers in June meeting to take office July 1, 2013, seconded by Whitman and unanimously passed.

The election of officers for 2013 – 2014 were held with the following results:

President – Teresa Whitman  
Vice President – Myrtis E. McElreath  
Secretary – Shelley Harsin

### **Agenda Request**

Melvin Calton (Rule 309) – Data calculations and Technology for exam result needs addressed.

LaToya Williams – Goshen School of Cosmetology requested approval for initial inspection. A motion was made by Harsin, to approve request for initial inspection by Helen Carr (inspector), seconded by Whitman and unanimously passed.

A motion was made by Whitman for a five (5) minute break, seconded by McElreath and unanimously passed.

### **Inspectors' Report**

The filing of Emergency Rule 7.1 Procedure for the Opening of A New Salon on June 11, 2013 along with the Salon Application was discussed.

The Violation Checklist was presented to confirm the understanding and implementation.

### **Executive Director's Report**

Johnson requested Continuing Education Approval for the following:

MIBA  
73<sup>RD</sup> Annual Convention & Continuing Educational Hours  
July 14 - 15, 2013  
9:00 a.m. – 3:00 p.m. (daily)  
Regency Hotel and Conference Center  
Jackson, MS  
Requested Hours: 10 hours for Cosmetologist & Instructors (including 5 hrs of Methods)  
Received: May 28, 2013 > 45 days

A motion was made by McElreath to approve, seconded by Harsin and unanimously passed.

Kevin Kirk  
The Kevin Kirk Experience  
Continuing Education/Product Knowledge (Look & Learn Classroom)  
August 5, 2013  
10:00 a.m. – 2:00 p.m.  
El Encanto  
Raymond, MS 39154  
Requested Hours: 4 hours for Cosmetologist  
Received: June 14, 2013 > 45 days

A motion was made by McElreath to approve, seconded by Whitman and unanimously passed.

Premiere Shows, Inc.  
Premiere Birmingham 2013 (Seminars, Lectures, Demonstrations)  
October 20 & 21, 2013  
Birmingham Jefferson Convention Center  
Birmingham, AL 35203  
Requested Hours: 14 hours for Cosmetology, Manicurist, Esthetician & Instructor  
Received: June 17, 2013 > 45 days

A motion was made by McElreath to approve, seconded by Whitman and unanimously passed.  
All board members to attend.

American Association of Cosmetology Schools  
Career Educators Alliance Convention (beautyschools.org)  
July 19 – 22, 2013  
Planet Hollywood Resort & Casino  
Las Vegas, NV 89109  
Requested Hours: 24 hours for Cosmetologist, Manicurist, Esthetician & Instructor  
Received: June 7, 2013 from Coretta Johnson & Karoline Finch, Instructors

A motion was made by Whitman to approve, seconded by Harsin and unanimously passed.

Bronner Brother's Show  
August 17 – 20, 2013  
Atlanta, GA  
Requested Hours: 36 hours for Cosmetology, Manicurist, Esthetician & Instructor  
Received: June 18, 2013 from Barbara Allen

A motion was made by McElreath to approve case by case with certification both Bronner & CEA, seconded by Harsin and unanimously passed.

Additional Approval of Hours Requested by Instructors

- Carolyn Dunahoo
- Carolyn Bowen
- Faye Dawkins
- Sandra Windham
- Barbara Allen

A motion was made by Whitman to approve all hours requested, seconded by McElreath and unanimously carried.

Johnson made a request of the following Registered Complaints to investigate.

C2013-010	Unlicensed Worker
C2013-011	Insufficient Practical Training

Motion was made by Whitman to investigate, seconded by McElreath and unanimously passed.

A request for administrative hearings for the follow cases:

H-042-2013	73-7-19	Expired Cosmetology License
H-043-2013	73-7-35(2)	Allowing unlicensed practitioner to practice (REPEAT)
H-044-2013		
H-045-2013	73-7-19	Expired salon license (repeat)
H-046-2013	108.11	Electric nail file certification not posted
H-047-2013		
H-048-2013	73-7-19; 73-7-19; 73-7-35(1)	Expired practitioner license; Expired salon license; Working in an unlicensed salon
H-049-2013	73-7-35(1)	Working in an unlicensed salon
H-050-2013	73-7-19	Expired salon license
H-051-2013	73-7-35(1)	Working in an unlicensed salon
H-052-2013	73-7-35(1)	Working in an unlicensed salon
H-053-2013	73-7-35(1)	Working in an unlicensed salon
H-054-2013	73-7-35(1)	Working in an unlicensed salon

H-055-2013	73-7-17; 73-7-35(1)	Operation of unlicensed salon; Working in an unlicensed salon
H-056-2013	73-7-35(2); 701.1.A6	Allowing practitioner to practice without a valid license; Establishment providing services outside scope of license
H-057-2013	803.IV; 809.II.B5; 801.II	Hair on floor; wet sterilizer contaminated; work station not clean
H-058-2013	73-7-19; 73-7-11; 73-7-17	Expired practitioner license; Practitioner license not posted; Operation of unlicensed salon
H-059-2013	7.11(A)(1)(f); 8.6(B)	Salon practicing outside the scope of license; Soiled towels not covered
H-060-2013	73-7-35(2)	Allowing practitioner to practice without valid license
H-061-2013	108.II	Drill certification not posted
H-062-2013	73-7-11; 801.I; 106	Salon license not posted; Owner has not maintained sanitary conditions in salon; Rules and Regs not posted
H-063-2013	806.I; 106; 803.VII.H	Clean towels not stored in closed cabinet; Rules and Regs not posted; Solid waste/refuse not stored/removed properly (restroom)
H-064-2013	8.3(C); 8.3(A)	Solid waste not covered; Station not clean after each client
H-065-2013	73-7-11	Salon license not/improperly posted
H-066-2013	603.III	Individual with duplicate license posted would not provide ID
H-067-2013	111.1(C)	Individual claiming to be license would not provide ID
H-068-2013	73-7-19; 73-7-19	Expired Practitioner license; Expired Practitioner license (repeat)
H-069-2013	73-7-19; 73-7-35(2); 73-35(2)	Expired salon license (repeat);

		Allowing a practitioner to practice w/o a valid license (repeat)
H-070-2013	73-7-35(2); 812.III.D	Allowing a practitioner to practice w/o valid license; Whirlpool foot spa records not maintained
H-071-2013	73-7-35(2)	Allowing a practitioner to practice w/o a valid license (repeat)
H-072-2013	73-7-19; 806.I; 809.II.B5	Expired Practitioner License; Soiled towels not deposited in closed receptacle; Solution in wet sterilizer is contaminated
H-073-2013	803.VII.C	Toilet facility not clean or in good repair
H-074-2013	803.IV; 803.VI.C; 805.II; 815.VI; 801.I	Hair/nail clipping left on floor and surface areas; drinking water not provided/convenient or no paper cups; shampoo bowl not clean or in good repair; health & safety standard for wax/waxing not followed; Owner/manager has not maintained sanitary condition in salon
H-075-2013	73-7-35(2)	Allowing a practitioner to practice w/o a valid license
H-076-2013	809.II.B.5; 808.I	Solution in wet sterilizer is contaminated; Used implements not stored in labeled container
H-077-2013	808.II	Used implements not removed from workstation and placed in labeled container
H-078-2013	73-7-35(2)	Allowing a practitioner to practice w/o valid license

Motion was made by Whitman for administrative hearings request, seconded by McElreath and unanimously passed.

Motion was made by McElreath to set administrative hearing dates, seconded by Harsin and unanimously passed.

The following dates were set for ongoing administrative hearings:

- September 9, 2013 10:00 a.m.
- September 23, 2013 10:00 a.m.
- October 28, 2013 10:00 a.m.
- November 18, 2013 10:00 a.m.
- November 25, 2013 10:00 a.m.
- January 13, 2014

Motion was made at 2:15 p.m. by Whitman to recessed for lunch for one hour.

Motion was made by Harsin to enter back into session, seconded by McElreath and unanimously passed.

### **Legal Counsel's Report**

Meeks reported that the following items needed revision in the Board Rules and Regulations:

- Fine schedule to reflect 1<sup>st</sup> Violation, 2<sup>nd</sup> and Subsequent Violation vs. 1<sup>st</sup> Hearing and 2<sup>nd</sup> Hearing to mirror language in current Statute 73-7-27
- Sanitation Rules language change to comply with Federal Law as requested by ACLU regarding Infectious Disease
- Clarification of Licensure of Applicants with felony convictions
- Salon Change of Ownership – To protect the public of repeat violators who would change ownership to escape repeat offenses.
- Photo on Establishment license – Board must set out rule on whose photo should appear on license where there are multiple owners, corporation or LLC

Meeks indicated that she had invited Heather Wagner, Director of Domestic Violence Division in the State Attorney General's Office to come and present to the Board and relevant staff on Human Trafficking Law.

### Executive Session

Motion was made by Harsin to consider the need for executive session, seconded by Whitman and unanimously passed.

The need to enter into Executive Session for the following was established:

- candidate application for examination review

Motion was made by McElreath to enter into executive session, seconded by Whitman and unanimously passed.

Motion was made by McElreath to come out of executive session, seconded, by Whitman and unanimously passed.

The following was reported out from executive session:

- L. Moore was approved to sit for examination

The Board addressed the following items for revision of the Board's Rules and Regulations:

- Rule 1.8 Schedule of Fines to reflect 1<sup>st</sup> Violation & 2<sup>nd</sup> Violation
- Rule 4.4 Salon Change of Ownership – Salon owner fails to notify Board of Sale of Salon; new owner must be identified
- Rule 1.5(D) Agenda Request Form must be submitted within two (2) weeks of regularly scheduled Board meeting
- Separate application must be created for out of state applicants by reciprocity and by examination

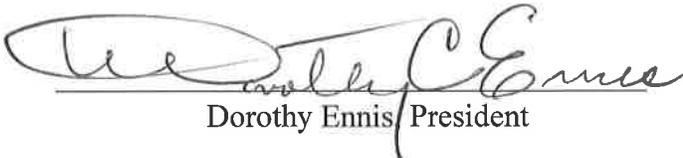
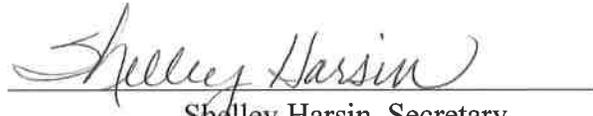
Motion was made by Whitman to adopt revision to the aforementioned Rules and Regulations, seconded by McElreath and was unanimously carried.

Motion was made by Whitman for Meeks to seek approval from Secretary of State's office for compilation of Board Rules and Regulations could be submitted as a package and if not then submit those pertaining to Photo ID, Sanitation and One-time Teaching Permit, seconded by McElreath and unanimously carried.

**Adjournment**

Motion was made by Whitman to adjourn, seconded by McElreath and unanimously carried. There being no further business the meeting was adjourned at 7:30 p.m.

Approved this the 29<sup>th</sup> day of July, 2013.

 _____ Dorothy Ennis, President	 _____ Shelley Harsin, Secretary
 _____ Leisa McElreath, Member	 _____ Teresa Whitman, Member
 _____ Waylon Garrett, Member	