

**Minutes**

MS State Board of Cosmetology

July 29, 2013

**Board Members Present:**

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

**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 Ennis to approve the agenda with deviations as necessary, seconded by Garrett and unanimously passed.

**Approval of Board Minutes (June 24, July 1 & 15, 2013)**

A motion was made by McElreath to approve board minutes with corrections, seconded by Ennis and unanimously passed.

**Duplicate License Request**

A motion was made by McElreath to deny Nancy Tran request for duplicate to work at Nails Elite in McComb and salon license she did not receive in mail, seconded by Garrett and unanimously passed.

A motion made by Harsin to consider the need for Executive Session, seconded by McElreath and unanimously passed.

A motion was made by Garrett to enter into Executive Session, seconded by McElreath and unanimously passed.

A motion was made by Garrett to come out of Executive Session, seconded by Harsin and unanimously passed.

It was reported out after executive session that the board confirmed its denial of Nancy Tran's request for duplicate licenses.

A motion was made by Harsin to approve Amanda H. Clark request for duplicate to work in Starkville at Park Place and Akerman at Styles by Pam, seconded by Ennis and unanimously passed.

A motion was made by Garrett to approve Doug McCoy request for duplicate for Ann Sellars Boutique and duplicate salon license for self (did not receive original in mail), seconded by McElreath and unanimously passed.

Guest Tangela Harrion of ITS, Project Manager accompanied by Tina Wilkins of ITS came to address the board with any concerns regarding RFP process for testing administrator.

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

Guest Heather Wagner of State Attorney General's Office came to address the board regarding Human Trafficking.

### **Inspectors' Report**

Request was made by Johnson for Inspectors Sara Kale, Peggy Grice and Helen Carr to attend National Certified Investigator/Inspector Training (NCIT) Basic Program in St. Louis, MO September 30 – October 2, 2013.

A motion was made by Ennis for the noted inspectors to attend, seconded by Harsin and unanimously passed.

A motion was made by Harsin to approve the final inspection of Goshen School of Cosmetology inspected by Carr & McElreath, seconded by McElreath and unanimously passed.

A motion was made by Garrett that after a second initial inspection of MS Institute of Aesthetics, Nails and Cosmetology, Meridian is performed on July 30, 2013 the Board will consider for

approval at a special call meeting on August 12, 2013, seconded by McElreath and unanimously passed.

Final update and presentation of licenses with photo requirement was presented to the Board by Licensing Agent, Nedia Leflore.

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

Johnson requested Continuing Education Approval for the following:

Natural Beauty Products  
Scalp Disorders, Identification & Treatment  
Hair Chemistry & Chemical Services  
September 9, 2013  
10:00 a.m. – 2:30 p.m.  
LeFlore Civic Center, Greenwood, MS  
Requested Hours: 4 hours for Cosmetologist  
Received: June 07, 2013 > 45 days

A motion was made by Harsin to request for increase in education hours to reconsider on schedule of classes for CE, seconded by McElreath and unanimously passed.

Gulf South Salon Services  
Italy Hair Fashions Present Cut & Color Techniques  
September 29, 2013 10:00 a.m. – 4:00 p.m. (Seminar)  
September 30, 2013 9:00 a.m. – 4:00 p.m. (Hands-On)  
Southwest Community College  
Summit, MS 39666  
Requested Hours: 11 hours for Cosmetologist  
Received: June 28, 2013 > 45 days

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

A motion was made by McElreath for Johnson to draft a letter of notification to all schools advising who current board members, inspectors or any other agents of the board are. Schools should request for proper ID upon entering establishment. Notification shall also be posted on the website. Notification will be proofread by Meeks prior to submission. Seconded by Garrett and unanimously passed.

A motion was made by McElreath to order in lunch and a 30 minute break when it arrives, seconded by Harsin and unanimously passed.

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

C2013-010	Unlicensed Worker
C2013-011	Insufficient Practical Training

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

A request for administrative hearings for the follow cases:

H-079-2013	808 V	Electric Drill Certificate not posted at workstation (TN)
H-080-2013	8.9(B)(2)(A); 8.8(A); 8.3(C)	Fluid in wet disinfectant does not meet prescribe standard; Labeled receptacle not provided for soiled items; Solid waste/refuse not stored/removed properly
H-081-2013	73-7-17	Operation of unlicensed salon
H-082-2013	809.II.B.5; 809.II.A; 809.II.C	Solution in wet sterilizer is contaminated; Instruments not properly sanitized prior to next use; Clean instruments, brushes, not kept in clean receptacle
H-083-2013	809.II.C; 808.I	Clean instruments, brushes, not kept in clean receptacle; Labeled receptacle not provided for soiled items
H-084-2013	73-7-35(1)	Working in unlicensed/expired salon
H-085-2013	73-7-17	Operation of unlicensed salon
H-086-2013	73-7-35(2); 803.VII.C; 803.VII.G	Allowing a practitioner to practice without valid license; Toilet facility not clean or in good repair; Toilet facility without hot water, under pressure or soap or towels

H-087-2013	73-7-19	Expired practitioner license (60 days to 1 year)
H-088-2013	702.I; 803.IV; 809.II.A&B; 803.III; 805.II	Salon has not continued to meet minimum equipment requirements; Hair/nail clippings not removed after each client; No wet sterilizer; Solid waste/refuse not stored/removed properly; Shampoo bowls not clean or in good repair
H-089-2013	73-7-19	Expired practitioner license
H-090-2013	73-7-35(2); 702	Allowing practitioner to practice without valid license; Salon has not continued to meet minimum equipment requirements
H-091-2013	108.I	Practitioner license not posted at workstation
H-092-2013	73-7-35(2)	Allowing practitioner to practice without a valid license (REPEAT)
H-093-2013	73-7-35(2); 803.VII.C	Allowing practitioner to practice without a valid license; Toilet facility not clean or in good repair
H-094-2013	73-7-19	Expired salon license
H-095-2013	73-7-19	Expired practitioner license
H-096-2013	8.6(B); 8.3(C); 73-7-19	Soiled towels not covered; Solid waste/refuse not stored/removed properly; Expired practitioner license
H-097-2013	73-7-35(2); 8.3(C); 8.12(C); 8.12(C)(4)	Allowing practitioner to practice without valid license; Solid waste/refuse not stored/removed proper (workstation); Whirlpool foot spa not properly cleaned/disinfected; Whirlpool foot spa records not maintained

H-098-2013	73-7-19	Expired practitioner license
H-099-2013	73-7-19	Expired practitioner license
H-100-2013	73-7-19	Expired salon license
H-101-2013	73-7-35(2); 73-7-19	Allowing a practitioner to practice without valid license; Expired salon license
H-102-2013	73-7-19; 108.II	Expired practitioner license; Electric nail file certification not posted at workstation
H-103-2013	73-7-19; 108.II	Expired practitioner license; Electric nail file certification not posted at workstation
H-104-2013	73-7-19	Expired practitioner license
H-105-2013	73-7-19	Expired Practitioner license
H-106-2013	809.II.A; 811.I; 803.IV	Instruments not properly sanitized prior to next use; Instruments not stored in 70% alcohol during manicure; Hair/nail clippings not removed after each client
H-107-2013	809.I	Work surface not cleaned/sanitized after each client
H-108-2013	809.II.A	Instruments not properly sanitized prior to next use
H-109-2013	73-7-35(1)	Working in unlicensed/expired salon
H-110-2013	809.II.B.5; 803.III	Solution in wet sterilizer is contaminated; Solid waste/refuse not stored/removed properly
H-111-2013	803.IV; 803.III; 809.II.B.5	Hair/nail clipping left on floor and surface areas; Solid waste/refuse not stored/removed properly; Solution in wet sterilizer is contaminated
H-112-2013	73-7-35(1)	Working in unlicensed/expired salon
H-113-2013	73-7-19	Expired practitioner license (60 days to 1 Year)

H-114-2013	73-7-19	Expired practitioner license
H-115-2013	73-7-19	Expired practitioner license (REPEAT)
H-116-2013	803.VII.H	Solid waste/refuse not stored/removed properly (restroom)
H-117-2013	809.I; 809.II.A	Work surfaces not cleaned/sanitized after each client; Instruments not properly sanitized prior to next use
H-118-2013	808.IV	Hair/nail clippings left on floor and or surface areas
H-119-2013	73-7-35(2)	Allowing a practitioner to practice without valid license
H-120-2013	73-7-35(1); 73-7-19	Working in unlicensed/expired salon; Expired salon license
H-121-2013	73-7-35(1)	Working in unlicensed/expired salon
H-122-2013	73-7-35(1)	Working in unlicensed/expired salon
H-123-2013	8.9(B)(1)	Instruments not properly sanitized prior to next use
H-124-2013	8.3(C)	Solid waste/refuse not stored/removed properly
H-125-2013	8.3(C); 8.6(D)	Solid waste/refuse not stored/removed properly; Dust-free cabinet not provided for clean towel storage/Clean towels/linens not stored in dust free cabinet

Motion was made by McElreath for administrative hearing request, seconded by Garrett and unanimously passed.

Motion was made by McElreath to move October 28, 2013 administrative hearing to November 4, 2013 at 2:00 p.m. due to Attorney Meeks' work conflict, seconded by Harsin; Ennis opposed, motion passed.

### Legal Counsel's Report

A motion was made by Garrett to adopt revised Rule 1.8 as an emergency/temporary rule effective July 30, 2013 as to reflect language in Statute, seconded by McElreath and unanimously passed.

A motion was made by Garrett to take a 30 minute recess for lunch, seconded by McElreath and unanimously passed. (1:45 p.m.)

A motion was made at 2:35 p.m. by Harsin to reconvene board meeting, seconded by Ennis and unanimously passed.

### Executive Session

A motion was made by McElreath to consider the need for executive session, seconded by Harsin and unanimously passed.

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

- Special candidate application for examination review
- Personnel matters
- Perspective Litigation

A motion was made by Ennis to enter into executive session, seconded by Garrett and unanimously passed.

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

The following was reported out from executive session:

- A. Luckett was denied to sit for exam because of discrepancy of name given.
- R. Eddie was approved to sit for exam.
- D. Abston was approved to sit for exam.
- G. Bridges was denied to sit for exam because of discrepancy of name given.
- N. LeFlore was approved for desk audit recommendation by MSPB.
- S. Luckett was approved for desk audit recommendation by MSPB.
- H. Carr was approved for salary realignment.



A motion was made by Garrett to take a five minute recess, seconded by Ennis and was unanimously carried.

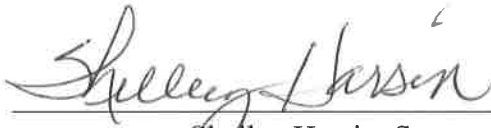
Meeks submitted Final Order of case H-019-2013.

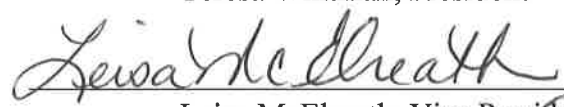
**Adjournment**

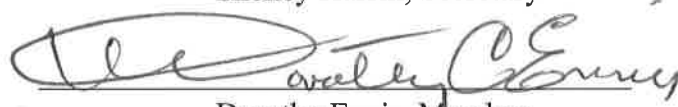
Motion was made by Garrett to adjourn, seconded by Ennis and unanimously carried. There being no further business the meeting was adjourned at 5:46 p.m.

Approved this the 30<sup>th</sup> day of September, 2013.

  
\_\_\_\_\_  
Teresa Whitman, President

  
\_\_\_\_\_  
Shelley Harsin, Secretary

  
\_\_\_\_\_  
Leisa McElreath, Vice President

  
\_\_\_\_\_  
Dorothy Ennis, Member

  
\_\_\_\_\_  
Waylon Garrett, Member