

MISSISSIPPI STATE BOARD OF COSMETOLOGY

BOARD MEETING July 31, 2017 9:00 PM

Robert. E. Lee Building
239 North Lamar Street, Suite 303
Jackson, MS 39201

MINUTES

Board Members Present:

Dorothy Ennis, President
Darlene Smith, Secretary
Donald Vaughn, Member
Deborah Coker, Member

Others Present:

Sharon Clark, Executive Director
Wm. Jeffrey Jernigan, Special Assistant Attorney General
Leigh Vestal, Admin Asst I

The Board called the meeting to order at 9:05 AM. Board President Ennis called for a roll call. Board members Vaughn, Smith and Coker were present on the call.

There were members of the public present.

Board President Ennis introduced the new Executive Director, Sharon Clark.

Board President Ennis introduced the two new Board Members, Donald Vaughn and Deborah Coker.

Executive Director Clark asked if MS Interactive could be moved to the top of the agenda for them to make their presentation. The Board agreed. Board President Ennis introduced the vendors from MS Interactive. MS Interactive explained that they are the website provider for the State of Mississippi. They explained that they are currently using an older template for our website. MS Interactive gave a presentation of samples of different websites that could be used with a new updated template or a custom design for the agency. It was discussed that the

capability for online license renewal is an option for the website design. The Board has requested that the website be updated to a new template at no cost to the Agency.

Board President Ennis requested a Legal Council Report from Jeff Jernigan. Jeff stated that there had been a question on the clarification of §§ 73-7-15 regarding the licensing of instructors between (e) and (h). The decision was made that while the statute appears to be conflicted, the Board found that the specific requirement in (e) stating the applicant is to complete 1000 hours was a specific requirement. Applicants for examination for instructor licensure must have completed 1000 hours. A motion was made by Board Member Vaughn to clarify the requirements stated. Board Secretary Smith seconded the motion. The Board passed the motion unanimously.

A motion was made to approve the final amendments to the Rules by Board Member Vaughn. The motion was seconded by Board Secretary Smith. The Board passed the motion unanimously.

Board President Ennis stated we would now consider Agenda Requests.

Melvin Calton of Academy of Hair Design asked for a clarification of §§ 73-7-15 on how this would affect students currently enrolled in the program. Stating that if the student chose to withdraw from the program with the hours required by the statute change that the State Board would be required to allow them to test.

There were two motions made. The first was to allow those who are currently in school under a 2,000 hour program to be approved to test at 1,000 hours. The second motion was to allow those who were enrolled in a 750 hour program to test at 750 hours through December 2017. This allows anyone that started the program for June to test for instructor licensure through December. Board Member Vaughn made a motion to approve. Board Secretary Smith seconded the motion. The Board voted unanimously to pass the motion.

Board President Ennis requested they consider Continuing Education approvals at this time. The following requests were made:

Premiere Show Group – Premiere Birmingham – Approved
Khemetik Kreationz – Threading – Several Locations – Denied
Memphis Beauty Supply – Mid South Hair & Nail Expo – Approved
MS SOTA – Product Knowledge & Methods of Teaching – Approved

Donna Walton – Trichology Online Course – Denied
Tess Tims Institute – Tess Tims – Denied

It was requested by Board President Ennis that Executive Director Clark and Board Member Coker attend the Premier Birmingham show.

A motion was made by Board Secretary Darlene Smith to approve the continuing education decisions and the attendance request. Board Member Deborah Coker seconded the motion. The Board voted unanimously to pass the motion.

Board President Ennis asked if there were minutes to be approved. Executive Director Clark stated there are no minutes to approve at this time.

Board President Ennis asked there were any complaints to heard that this time. Executive Director Clark stated that a log had been created that would give each Formal Complaint a number for reference. The following complaints have been logged and assigned accordingly.

FC2017-001 – Assigned to Board Member Deborah Coker (Received 04/28/2017)
FC2017-002 – Assigned to Board President Dorothy Ennis (Received 04/25/2017)
FC2017-003 – Assigned to Board Secretary Darlene Smith (Received 06/2/2017)
FC2017-004 – Assigned to Board President Dorothy Ennis (Received 06/05/2017)

Board Secretary Smith stated she had completed the investigation of FC2017-003 and would present her finding in Executive Session.

Board President Ennis asked if there were special candidates to consider for school enrollment at this time. Leigh Vestal stated there were no candidates at this time.

Executive Director requested that the Board adopt a new office policy that states that any employee that resigns from their position cannot take personal leave to complete their two week notice. A motion was made by Board Secretary Smith to adopt the new policy. The motion was seconded by Board Member Vaughn. The Board passed the motion unanimously.

A 10 minute break was requested from 10:55 – 11:05.

Board President Ennis asked if there were public comments or questions. There were no comments from the public. Investigator Helen Carr stated that she had some questions and concerns. Investigator Carr asked for verification on whether

salon owners need to have a passport photo. She express concerns because the policy changed but the Investigators were not notified. Executive Director Clark stated that she is working on a standard operating manual for the investigators which will include the regulations. Any new additions can be added to the manual. She also stated that the information will be posted on our agency website.

Investigator Carr also notified the Board that she had to inspect a salon at a client's home and indicated there were dogs there and she contacted the client by phone requesting them to contain the dogs before she exited her vehicle to guarantee her safety.

Investigator Carr also inquired about how the Board would like violations to be handled. Board President Ennis and Board Secretary Smith stated that if a violation can be corrected while you are there, to give them the opportunity to correct the violation. If the violation is not corrected while you are there, give them a violation. Only minor violations can be corrected.

Inspector Peggy Grice inquired about a salon application expiring after three months. Board President Ennis wants the Board to adopt a regulation stating that after 3 or 6 months they have to reapply. Executive Director Clark stated that if a new salon application has been completed and verified that a verbal approval can be given until the inspection can be made.

Per Board Attorney Jeff Jernigan, according to Board Rule 4.24(A) – Upon receipt of the application you have 90 days to have an inspection. Per Board Rule 4.24(B) – Board Attorney Jeff Jernigan stated that if the salon owner or manager does not show for the inspection appointment the application is void and they have to reapply.

Inspector Helen Carr inquired about old fines held by a previous owner/manager of a salon. Board Attorney Jernigan stated that any fines must be paid by the previous owner/manager before new ownership can be obtained. Fines are held by the license holder as well. Board Attorney Jernigan stated that any fines are held to the individual license holder. If the business goes out of the business, we don't have a way to collect. If you change ownership, all fines must be paid in full before transfer can be made. Board President Ennis stated that the previous owner or the new owner can pay the fines. Board Attorney Jernigan stated we should not transfer ownership until any and all fines are paid in full.

Board President Ennis asked for the Executive Director's report at this time.

Executive Director Clark stated that the Board had received a notice from MS Department of Human Services regarding the cancellation of a license for A. Thomas for non-payment of child support. Board Member Coker made a motion to approve the suspension of the license. Board Secretary seconded the motion. The motion was passed unanimously by the Board.

Executive Director Clark stated that the Board had received a request from MS Department of Finance and Administration for an update to our Bank Account Information. Board President Ennis approved the request by DFA.

Executive Director Clark presented a quote from Cornerstone Consulting for accounting services to complete the Legislative Budget Office Budget at a cost \$4,000. She also requested approval to use Cornerstone to train the Accountant/Auditor II in the office to become more proficient in SPAHRS and MAGIC at a cost \$85 per hour. A motion to approve was made by Board Secretary Smith. Board Member Vaughn seconded the motion. The motion was passed unanimously by the Board.

Executive Director Clark requested approval by the Board to purchase Quickbooks Accounting Software to use by the Accountant/Auditor II for bank reconciliation. A motion was made by Board Member Vaughn. The motion was seconded by Board Member Coker. The motion was passed unanimously by the Board.

Executive Director Clark stated that the current large printer/copier is up for contract renewal with RJ Young and she was seeking approval for the renewal. Board President Ennis made a motion to approve the renewal. Board Secretary Smith seconded the motion. A motion to approval the renewal was passed unanimously by the Board.

Executive Director Clark stated that MS Department of Finance and Administration had changed our travel authorization requiring our agency to use a Trip Optimizer System. Of the five Inspectors on staff, three will use their personal vehicle, with the understanding that for any day that their mileage exceeds 99 miles they will only receive .17 per mile. The remaining two inspectors accepted the option to receive a rental car provided by Enterprise that they will keep monthly and only be reimbursed for meals and gas receipts.

Executive Director Clark also gave an update on the status of the backlog of licenses that are pending. She stated that the office staff had done an outstanding

job in getting roughly close to 7,000 licenses printed and mailed in a three week time frame. She stated they had six days left to enter from the backlog and they would be currently caught up. She also stated that the two approved computers had been installed.

She stated the PEER had called with inquires on our record schedules for retention/destroy. She stated that she advised that the office had met with Archives and History and received our record schedules. We are using those schedules to destroy or retain records. She also stated that they will be advertising the vacant positions with the MS State Personnel Board in the upcoming weeks.

Board President asked for school report this time. School Coordinator Vestal stated that we have 163 students registered to test until the end of the year and 140 have been tested. Board Member Vaughn asked School Coordinator Vestal for the process to test. School Coordinator Vestal explained that once we receive confirmation from the school of completion, the student is given an approval letter to test. Once the test is complete, they return their passing scores and their fee. They are then licensed.

Board President Ennis requested that the Board with presented with a complete school list.

Board President Ennis presented the Board with a list of the states that she had researched reciprocity. She stated that we have reciprocity with the state as long as they reciprocate with Mississippi. She also stated that some states require the NIC test. It was noted that Mississippi does not accept apprenticeship hours. Board President Ennis stated that we need to verify all the information is correct before reciprocity can be obtained.

Board President Ennis requested the Board move the September meeting to September 18, 2017 at 9:00AM. A motion was made by Board Secretary Smith. The motion was seconded by Board Member Vaughn. The motion passed unanimously by the Board.

At this time, Melvin Calton stated that the MS Cosmetology Council will be meeting prior to the September Board Meeting. It was discussed whether a Board Member could serve as an officer on the MS Cosmetology Council. A motion was a made by Board Secretary Smith that a Board Member can serve as an officer of

the MS Cosmetology Council. The motion was seconded by Board Member Vaughn. The motion was passed unanimously by the Board.

Board Attorney Jernigan stated that he would be attending the Federal Association of Regulatory Board Conference and is requesting financial assistance by the Board. He stated the cost is roughly \$2,500. A motion was made by Board Secretary Smith to cover all expenses of the conference. Board Member Vaughn seconded the motion. The Board voted unanimously to cover all expenses of the conference by Board Attorney Jernigan.

Board President Ennis requested the Board go into Executive Session. Board Secretary Smith made the motion to go into Executive Session. Board Member Coker seconded the motion. The Board voted unanimously to go into Executive Session.

The Board went into Executive Session to discuss personnel issues, formal complaints and attorney/client communication.

Formal Complaint FC2017-003 findings were presented by Board Secretary Smith stating that she did indeed find unlicensed manicurists. The Board has requested an administrative hearing for the salon.

Executive Director Clark stated that the employee in the Admin Asst II (PIN 14) position would be terminated effective July 31, 2017 and she is requesting approval to move the employee currently in the Admin Asst I (PIN 16) to the vacant Admin Asst II (PIN 14) position effective August 1, 2017. Executive Director Clark also requested approval to upgrade the current vacant Admin I (PIN 17) position to a Special Projects Officer, IV. A motion was made by Board Secretary Smith to approve to terminate and promote. Board Member Coker seconded the motion. The Board voted unanimously to approve the motion.

Board Secretary Smith made a motion to end Executive Session. Board Member Vaughn seconded the motion. The Board voted unanimously to approve ending Executive Session.

The Board exited Executive Session.

Board Attorney Jernigan announced the actions taken during Executive Session included discussing legal matters, personnel matters and complaints.

Board Member Coker moved to adjourn the meeting. Board Member Vaughn seconded the motion. The Board voted unanimously to adjourn the meeting at 2:12 PM.

Approved:

Dorothy Ennis
Board President