

MISSISSIPPI STATE BOARD OF COSMETOLOGY

BOARD MEETING February 26, 2018 9:00 AM

**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
Hilda Bills, Member

Others Present:
Sharon Clark, Executive Director
Wm. Jeffrey Jernigan, Special Assistant Attorney General
Leigh Vestal, School Coordinator

The Board called the meeting to order at 9:04 AM. Board President Ennis called for a roll call. Board members Ennis, Smith, Vaughn, Coker and Bills were present.

There were members of the public present.

Board President Ennis requested a Legal Council Report. Attorney Jernigan stated that the Rules and Regulations had been corrected and updated on the Secretary of State's website. Attorney Jernigan stated that he would be working with Executive Director Clark regarding hearing information.

Board President Ennis requested the Executive Director's Report.

Executive Director Clark presented in the Board Members packet a copy of a summary of the Board's financial position for the end of January, 2018. Executive Director Clark stated the Agency has \$751,916 in Appropriations for FY2018.

Agency expenses for FY18 updated through February 21, 2018 are \$404,861.74. The Board is well within budget parameters and should remain under budget.

Executive Director Clark stated that the Board continues to remain current on licenses. If there is anyone who has not received their license by now, it would be due to additional issues involved and they need to contact our office. The Board has created a new email whereby licensees can request an update on their license. The email address is whereismylicense@msbc.state.ms.us. Business cards with the new email address are provided to the Board for distribution.

During the month of January our inspectors completed 671 inspections. The breakdown for each inspector is listed below:

Renee Benson – January (190) – Averaging 168 inspections per month for FY18
Helen Carr - January (108) – Averaging 71 inspections per month for FY18
Torey Case – January (164) – Averaging 124 inspections per month for FY18
Peggy Grice – January (56) – Averaging 66 inspections per month for FY18
Ruby Lowery – January (153) – Averaging 144 inspections per month for FY18

January 29-31, 2018, three (3) Beauty/Barber Inspectors attended Council on Licensure, Enforcement & Regulation (CLEAR) Training in Jackson, MS. All three (3) completed their training successfully.

Torey Case – National Certified Investigator Training – Specialized
Ruby Lowery – National Certified Investigator Training – Basic
Renee Benson – National Certified Investigator Training - Basic

The Board office was closed on February 19, 2018 for Presidents Day.

The Board was provided with a breakdown of the leave taken by staff during the month of January, 2018.

Board Members were provided a copy of the reconciled January bank statement, a copy of the December 2017 and January 2018 UMB bill, a copy of all travel expenses for January 2018, year to date expenses and the MS State Personnel Board Compliance Report.

Board President Ennis advised the Board would now consider Continuing Education Requests.

CEU Request from Spring District Show to be held on April 15, 2018 in Tupelo, MS was considered. A motion was made by Board Secretary Smith to approve for a total of 5 CEU hours. The motion was seconded by Board Member Vaughn. The Board voted unanimously 5-0 to pass the motion.

CEU Request from 7 Minute Brazilian Wax Training to be held on April 16, 2018 and June 4, 2018 in Columbus, MS was considered. A motion was made by Board Secretary Smith to table for further discussion. The motion was seconded by Board Member Coker. The Board voted unanimously 5-0 to pass the motion. Tabled.

CEU Request from Free Flow Fusion Color to be held on April 22, 2018 in Summit, MS was considered. A motion was made by Board Member Vaughn to approve for a total of 5 CEU hours. The motion was seconded by Board Member Bills. The Board voted unanimously 5-0 to pass the motion.

CEU Request from Monica Chewe Continuing Education to be held on April 22, 2018 in Tupelo, MS. A motion was made by Board Secretary Smith to deny. The motion was seconded by Board Member Coker. The Board voted unanimously 5-0 to pass the motion.

CEU Request from Memphis Spring Color & Cutting Expo to be held on April 29-30, 2018 in Southaven, MS. A motion was made by Board Member Bills to table the motion for additional information regard times and agenda. The motion was seconded by Board Secretary Smith. The Board voted unanimously 5-0 to table the motion. Tabled.

CEU Request from Spring Seminar 2018 to be held on May 6-7, 2018 at Pearl River Resort for approval to add 2 additional hours. A motion was made by Board Secretary Smith for the original approval of 14 hours to stand. The motion was seconded by Board President Ennis. The motion passed 4-1 to stand. Board President Ennis, Board Secretary Smith, Board Member Coker and Board Member Bills voted for the motion. Board Member Vaughn voted against the motion.

CEU Request from Pivot Point to be held on June 3-4, 2018 in Biloxi, MS. Requests only correction in dates from June 2-3, 2018 to June 3-4, 2018. A motion was made by Board Member Vaughn to approve. The motion was seconded by Board Member Coker. The Board voted unanimously 5-0 to pass the motion.

CEU Provider Request from Beata Luberta Goodman. A motion was made by Board Secretary Smith to deny. The motion was seconded by Board Member Bills. The Board voted unanimously 5-0 to pass the motion.

Board President Ennis advised they would now consider Agenda Requests.

Lakeisha Marie Shores requested approval to receive manicurist license without satisfying state hours requirement. Lakeisha Marie Shores was not present. A motion was made by Board Secretary Smith to deny. The motion was seconded by Board Member Vaughn. The Board voted unanimously 5-0 to pass the motion.

Stacy Comegys and Trey Chinn requested reconsideration for a CEU denial for the South Mississippi Beauty Classic to be held on April 8-9, 2018 in Hattiesburg, MS. A motion was made by Board Secretary Smith to deny. The motion was seconded by Board Member Bills. The Board voted unanimously 5-0 to pass the motion.

Board President Ennis stated the Board would now consider the approval of minutes from the January 22, 2018 Special Called Board Meeting, the January 29, 2018 Board Meeting and the February 12, 2018 Special Called Board Meeting. Board Secretary Smith left the room. A motion was made by Board Member Vaughn to approve the minutes for all dates. The motion was seconded by Board Member Bills. The Board voted unanimously 4-0 to pass the motion.

Board President Ennis stated the Board would now consider the formal complaint FC2018-002. A review of the complaint found that person included in the complaint is not licensed by MSBC. Therefore, we will issue letter recommending they contact the MS Barber Board.

Board President Ennis stated the Board would now consider the formal complaint FC2018-003. Board Secretary Smith made the motion that Board Members Bills and Coker investigate. The motion was seconded by Board Member Coker. The Board voted unanimously 5-0 to pass the motion.

Board President Ennis stated the Board would now consider the formal complaint FC2018-004. After a review of the complaint, the Board requested that a letter be sent notifying the licensee of gross and unprofessional dishonest conduct.

Board President Ennis stated the Board would now consider Other Board Business both old and new.

The Board received a request from Child Support Enforcement requesting the suspension of license # 02-2318. The license expired on February 2, 2013 and has not renewed. The license system has been noted that the licensee cannot renew based on the suspension.

The Board received a request from Child Support Enforcement requesting the reinstatement of license # 00-51174. A motion was made by Board Member Vaughn to reinstate. The motion was seconded by Board Secretary Smith. The Board passed the motion unanimously 5-0 to pass the motion.

Executive Director Clark requested clarification on Senior licenses. The question was what fees Senior licenses are exempt from. The clarification stated that only the Cosmetologist license of Seniors are provided at no charge. All fees above the base fee must be covered. Also any penalties (late renewal) or violations must be paid.

The Board received a request from Kuts R Us Beauty Salon regarding violation. The Board stated that the fine had been paid. The violation should have been contested before paying the fine.

Executive Director Clark requested clarification regarding the reciprocity of Tennessee because they are now offering an apprenticeship program. The Board stated we would need to contact Tennessee and explain that any documentation received regarding reciprocity would have to have the apprenticeship hours listed separately.

Executive Director Clark requested clarification regarding the adding of an esthetics room after the initial salon inspection is completed. The Board clarified that if an existing salon added esthetics after the salon was opened, then only a \$35 fee for reinspection will be required and not the \$85 for a new application.

Board President Ennis stated the Board would now consider Public Comments. There were comments made regarding hosting Continuing Education with more up to date information regarding the future of the business.

Board President Ennis stated the Board would now receive the School Report. During Fiscal Year 2018, 363 student licenses have been mailed and 100 work permits have been issued.

Board President Ennis stated the Board would now consider one Special Candidate for review and approval to take state boards. The Board stated the Executive Director needed to email all schools to make sure that they are aware that Special Candidates need approval from the Board prior to admission.

Board President Ennis stated the Board would now receive the Reciprocity Report. There were 28 reciprocity applications approved.

Board President Ennis stated they would now reconsider the CEU Request for 7 Minute Brazilian Wax Training on April 16, 2018 and June 4, 2018 in Columbus, MS. A motion was made by Board Secretary Smith to deny. The motion was seconded by Board Member Coker. The Board voted unanimous 5-0 to pass the motion.

The next scheduled Board Meeting will be March 26, 2018.

Board President Ennis stated the Board will now consider the suspension of JC's Beauty Supply. A motion was made by Board Secretary Smith for a two year suspension starting on April 17, 2017 and ending April 17, 2019. The motion was seconded by Board President Ennis. The Board voted unanimously 5-0 to pass the motion.

Board President Ennis stated the Board would now consider a motion to close the meeting to determine a need for Executive Session.

A motion was made by Board Member Bills to close the session to determine the need for Executive Session. The motion was seconded by Board Member Vaughn. The Board voted unanimously 5-0 to pass the motion.

President Ennis discussed the following reasons to go into Executive Session: Attorney/Client Communication, Executive Director Review, Update on Employee Discipline with the Employee Appeals Board and Employee Conference.

Board Secretary Smith made the motion to exit closed session. The motion was seconded by Board Member Coker. The Board voted unanimously 5-0 to pass the motion.

Board Secretary Smith made the motion to enter Executive Session for the above stated reasons. The motion was seconded by Board Member Coker. The Board voted unanimously 5-0 to pass the motion.

The Board entered Executive Session at 12:31 PM.

The Board was updated on the Employee Appeals Board status while eating lunch.

At 1:00 PM, the Board began an employee conference with Helen Carr and called several employees in as witnesses to the allegations.

Board Member Bills left the meeting at 1:40 PM.

A motion was made by Board Member Vaughn to uphold the Group One and Group Two Offenses of Helen Carr, Investigator I, PIN 1. The motion was seconded by Board Member Coker. The Board voted unanimously 4-0 to pass the motion.

A motion was made by Board Member Vaughn to accept the recommendation and terminate Helen Carr's, Investigator I, PIN 1 employment. The motion was seconded by Board Member Coker. The Board voted unanimously 4-0 to pass the motion. Ms. Carr was invited back into Executive Session and informed of the Board's decision.

Executive Director Clark stated the allegations she found on the investigation of Complaint # FC2017-010. A motion was made by Board President Ennis that both the person involved in the complaint and the salon owner where the services were provided are both called in for hearing. The motion was seconded by Board Secretary Smith. The Board voted unanimously 4-0 to pass the motion.

Board Member Coker made a motion to review the performance of the Executive Director, and if justified, consider a raise for the Executive Director. The motion was seconded by Board Secretary Smith. The Board discussed the performance of the Executive Director and Board Secretary Smith made an amendment to the motion to give a salary increase of \$5,000 to Executive Director Sharon Clark effective March 1, 2018. The increase will raise Executive Director Clark's salary from \$52,500 to \$57,500. The motion was seconded by Board Member Vaughn. The Board voted unanimously 4-0 to pass the motion.

A motion was made by Board Secretary Smith to exit Executive Session. The motion was seconded by Board Member Vaughn. The Board voted unanimously 4-0 to pass the motion.

