

**MISSISSIPPI STATE BOARD OF COSMETOLOGY
BOARD MEETING
OCTOBER 28, 2019 9:00 AM
Robert E. Lee Building
239 North Lamar Street, Suite 303
Jackson, MS 39201**

MINUTES

Board Members Present:

Darlene Smith, President
Deborah Coker, Vice-President
Hilda Bills, Secretary
Dorothy Ennis, Member
Jewel Stewart, Member

Others Present:

Sharon Clark, Executive Director
Ruby Lowery, School Coordinator
Ken Walley, Special Assistant Attorney General

The Board called the meeting to order at 9:03 AM.

Board Secretary Bills called for a roll call. Board Members Ennis, Smith, Bills, Coker and Stewart were present.

Executive Director Clark, School Coordinator Lowery and Attorney Walley were present.

There were members of the public present.

Board President Smith stated the Board would consider the approval of any minutes.

Board Member Stewart made a motion to approve the minutes from September 30, 2019, October 11, 2019 and October 17, 2019. The motion was seconded by Board Member Ennis. The Board voted unanimously 5-0 to approve.

Board President Smith stated the Board would now consider a motion to enter Closed Session to discuss pending litigation.

Board Member Ennis made a motion to enter Closed Session. Board Member Stewart seconded the motion. The Board voted unanimously 5-0 to approve.

Board Member Ennis made a motion that the Board enter Executive Session. The motion was seconded by Board Member Stewart. The Board voted unanimously 5-0 to approve.

The Board enter Executive Session at 9:03 AM.

The Board was updated on the pending litigation regarding threading by Attorney Douglas Miracle.

Board Member Ennis made a motion to exit Executive Session. The motion was seconded by Board Secretary Bills. The Board voted unanimously 5-0 to approve.

The Board exited Executive Session at 9:27 AM.

Board President Smith stated the Board would now consider Board Business (Old and New).

Northwest MS Community College – Oxford has submitted an application to add Manicuring to their existing Cosmetology Program. Board Member Ennis made a motion to table until questions regarding program hours and Instructors could be answered. Board Secretary Bills seconded the motion. The Board voted unanimously 5-0 to approve.

Executive Director Clark requested approval of the interpretation regarding Inactive Licenses. Attorney Walley advised that interpretation needed to be changed to comments. Board Vice-President Coker made a motion regarding the clarification regarding Inactive stamps for Instructors and authorized the purchase and use of an additional stamp for Inactive Instructor. Therefore, any Instructor who has not completed their CEU requirement can pay their renewal fee and receive their license stamped, Inactive Instructor. They will be able to perform all services within the scope of practice for Cosmetology, but will be unable to practice as an Instructor until the CEU requirement is met. Board Member Stewart seconded the motion. The Board voted unanimously 5-0 to approve the motion. Board Member Ennis made a motion to strike the Inactive Licenses (Master's Only) section complete. Board Secretary Bills seconded the motion. The Board approved unanimously 5-0.

Executive Director Clark requested clarification of the Manicurist Polish Application regarding five (5) fingers being polished. It was determined that all five (5) fingers are to be polished with a colored polish, no clear. Board Member Ennis made a motion to approve the clarification. Board Secretary Bills seconded the motion. The Board voted 5-0 to approve the motion.

Board President Smith stated the Board would now consider Agenda Requests.

Board President Smith stated the Board would hear Tamika Kelly. Ms. Kelly failed to appear.

Board President Smith stated the Board would now hear Vu Hoang. Review of documentation found that Ms. Hoang must complete 88 brush up hours and test for both Theory and Practical.

Board President Smith stated the Board would now hear Tuyet Nguyen. No action taken. Ms. Nguyen volunteered to pay violation.

Board President Smith stated the Board would now hear Nguyet Nguyen and Walter Johnson. Ms. Nguyen is requesting clarification of rules and regulations and fines. Discussion regarding a violation issued regarding a brush type duster. Ms. Nguyen and Mr. Johnson had questions regarding makeup application in a retail environment.

Board Member Ennis made a motion to allow for three (3) remaining minutes of discussion. The motion was seconded by Board President Smith. The Board voted unanimously 5-0 to approve the motion.

Board Member Ennis made a motion to break for lunch at 12:25 and return at 12:55. The motion was seconded by Board Member Stewart. The Board voted unanimously 5-0 to approve the motion.

Board Vice-President Coker made a motion to return from lunch at 12:55. Board Member Ennis seconded the motion. The Board voted unanimously 5-0 to approve the motion.

Board President Smith stated the Board would now report on Formal Complaints.

Board President Smith stated she and Inspector Micah Williams had completed FC2020-001 and FC2020-004 and given them a violation for unlicensed workers. She made a recommendation for hearing.

Executive Director Clark assigned FC2020-009 to Board President Smith.

Board President Smith stated the Board would hear the Legal Council Update.

Board Attorney Walley stated that the hearings were in process and letters would be going out soon. Board Attorney Walley advised that he felt that a Complaint Committee should be formed. Board Attorney Walley advised there had been no change to the Threading lawsuit.

Board President Smith stated the Board would now hear the Executive Director Report.

Executive Director Clark gave the School Report Update.

Executive Director Clark gave the Reciprocity Update.

Executive Director Clark stated that the Board received \$759,324 in Appropriations for FY2020. The expenses for September, 2019 are \$55,597.01. The total number of inspections completed in September, 2019 were 451. The Board was provided with the September expenses, reconciled September 2019 bank statement, MS State Personnel Board Compliance Report and the UMB Card Statements.

Executive Director Clark requested approval to purchase a Desktop Computer and a replacement Ipad for Territory I. Board Member Stewart made a motion to approve the purchases. Board Secretary Bills seconded the motion. The Board voted unanimously 5-0 to approve.

Executive Director Clark presented the Confidentiality Agreement for Project Number 45214 between ITS and each person. She asked they sign the requested confidentiality agreement.

Board President Smith stated the Board would now consider Public Comments.

Melvin Calton requested clarification that old finals that need to be resent can be sent on the previous forms. Executive Director Clark verified that the Agency would accept the old forms for graduates who completed before the implementation of the new forms.

Mr. Calton questioned whether rule changes had to go thru the Governor's office. Executive Director Clark explained that rule changes are done thru the Occupational Licensing Board.

Mr. Calton questioned when Industry Day and Board Hearings would be.

Board Hearings will be scheduled for December 2, 2019 at 9:00 AM.
Industry Day will be scheduled for December 9, 2019 at 10:00 AM.

Mr. Calton expressed concerns over reciprocity applicants not being able to speak English. Executive Director Clark explained that the issue was brought to her attention and she is aware of the testing issues.

The December, 2019 Board Meeting will be rescheduled to December 16, 2019 at 9:00 AM.

Board President Smith stated the Board would now consider the need for Executive Session on the Testing Position Interview Process and Personnel Matters.

Board Vice-President Coker made a motion for the need to enter Closed Session. Board Member Stewart seconded the motion. The Board voted unanimously 5-0 to approve.

Board Vice-President Coker made a motion to enter Executive Session to discuss personnel issues. Board Member Stewart seconded the motion. The Board voted unanimously 5-0 to approve.

Board President Smith stated the Board will conduct evaluator interviews on Sunday, November 24, 2019.

Board Member Ennis made a motion to terminate Ziquetti Hemphill without cause. Ms. Hemphill is a probationary employee. The motion was seconded by Board Vice-President Coker. The Board voted 5-0 to approve the motion.

Board President Smith made a motion to exit Executive Session. Board Secretary Bills seconded the motion. The Board voted unanimously 5-0 to approve.

Attorney Walley discussed the actions made during Executive Session.

Board Vice-President Coker made a motion to adjourn. Board Secretary Bills seconded the motion. The Board voted unanimously 5-0 to adjourn.

The Board adjourned at 3:42 PM.

Darlene Smith

Darlene Smith
Board President

12-14-19

Date

Deborah Coker

Deborah Coker
Board Vice-President

12-16-19

Date

Hilda Bills

Hilda Bills
Board Secretary

12-16-19

Date

Dorothy Ennis

Dorothy Ennis
Board Member

12-16-19

Date

Jewel Stewart

Jewel Stewart
Board Member

12-16-19

Date