

V

**KENTUCKY STATE BOARD OF HAIRDRESSERS &  
COSMETOLOGISTS**

**June 4, 2001**

The June 4, 2001 meeting of the Kentucky State Board of Hairdressers and Cosmetologists was called to order by Chairman Bea Collins at 10:05 a.m. The meeting was held at the office of the board, 111 St. James Court, Suite A, Frankfort, Kentucky. Those members present were: Bea Collins, Sharon Marks, Beverly McCauley, Martha Preston, Rhonda Hurley Wharton and Carroll Roberts, Administrator. Also present was Cheryl LaLonde-Mooney, Assistant Attorney General.

Mr. Thomas Hellman, Hearing Officer, was present to discuss with the members of the board the Final Orders in the matter of the Kentucky State Board of Hairdressers and Cosmetologists vs. Tu Oanh T. Ta; Phung Van Nguyen; Tuyet Anh Thi Ta; Marietta Ray Ciriaco; Junette Ky; and Tuan Thanh Ngo.

Rhonda Hurley Wharton moved the board enter Closed Session to discuss pending legal matters. Beverly McCauley seconded and the motion carried by a 5-0 vote. The Board entered Closed Session at 10:15 a.m.

Martha Preston moved the board enter Open Session. Sharon Marks seconded and the motion carried by a 5-0 vote. The Board entered Open Session at 10:30 a.m.

Several corrections to the May 1, 2001 minutes from Cheryl LaLonde-Mooney appeared on additional items. Sharon Marks moved the May 1, 2001 minutes be approved as corrected and the May 14, 2001 minutes be approved as received. Martha Preston seconded and the motion carried by a 5-0 vote.

**COMMUNICATIONS**

Karen Miller - Ms. Miller submitted a letter requesting to enroll for a brushup course in preparation for the Kentucky State Board examination as an out of state applicant. Ms. Miller is currently licensed in Ohio. Beverly McCauley moved to approve the request for a maximum of 300 hours. Martha Preston seconded and the motion carried by a 5-0 vote.

Jennifer James - Ms. James submitted a letter requesting an additional extension of time in which to complete 1,800 hours. Ms. James was previously granted an extension until August 2001; however, due to family illness, she requested an extension until September 18, 2001. Beverly McCauley moved Ms. James be advised the request for an extension

## **Minutes**

**June 4, 2001**

**Page 2**

in order to complete 1,800 hours is approved and she must completed 1,800 hours by September 18, 2001 and report for the apprentice cosmetologist examination by October 2001. Martha Preston seconded and the motion carried by a 5-0 vote.

Brooke Winstead - Sandra Pride, Madisonville Beauty College - Ms. Sandra Pride, Madisonville Beauty College, submitted a letter and documentation concerning the enrollment date of Ms. Winstead. According to the application for enrollment, Ms. Winstead enrolled on June 5, 2000; however, Ms. Winstead began enrollment on May 17, 2000. This matter was discussed. Martha Preston moved to approve the correction of hours. Rhonda Hurley Wharton seconded. After further discussion, Ms. Preston withdrew her motion and Ms. Wharton withdrew her second. Rhonda Hurley Wharton moved to approve the correction of hours and Ms. Winstead be notified for examination if there is a cancellation. Beverly McCauley seconded and the motion carried by a 5-0 vote.

Martha Preston moved a letter be sent to Madisonville Beauty College advising that the school should carefully check all student enrollment permits upon receipt from the office of the board. Beverly McCauley seconded and the motion carried by a 5-0 vote.

Shonda G. Minnifield - Ms. Minnifield submitted a letter requesting her first extension of time in order to report for the regular cosmetologist examination. Ms. Minnifield obtained her apprentice cosmetologist license in April 1999. Sharon Marks moved Ms. Minnifield be advised that her request for an extension is approved until September 2001 and she must submit an application for examination and report for the regular examination no later than September 2001 as no further extensions will be granted. Martha Preston seconded and the motion carried by a 5-0 vote.

Melissa Pirmann - Ms. Pirmann submitted a letter requesting a second extension of time in order to report for the regular cosmetologist examination. Ms. Pirmann previously obtained an extension from September 2000 to April 2001. Ms. Pirmann submitted an application for the regular examination which had to be returned for correction and was received past the deadline for the April 2001 examinations. Beverly McCauley moved Ms. Pirmann be advised the request for an extension is approved until September 2001 and her failure to report and obtain her regular cosmetologist license in September could result in her apprentice cosmetologist license being voided. Martha Preston seconded and the motion carried by a 5-0 vote.

## **Minutes**

**June 4, 2001**

**Page 3**

Margaret McConathy - Ms. McConathy submitted a letter requesting a second extension of time in order to report for the regular cosmetologist examination. Ms. McConathy previously obtained an extension from September 2000 to April 2001. Ms. McConathy submitted an application for the regular examination which had to be returned for correction and was received past the deadline for the April 2001 examinations. Beverly McCauley moved Ms. McConathy be advised the request for an extension is approved until September 2001 and her failure to report and obtain her regular cosmetologist license in September could result in her apprentice cosmetologist license being voided. Sharon Marks seconded and the motion carried by a 5-0 vote.

Tracy Tobin - Ms. Tobin submitted a letter requesting the Board reconsider the denial of the restoration of her apprentice cosmetologist license. Ms. Tobin obtained her apprentice cosmetologist license in May 1990, received an extension in June 1992, September 1993 and September 1994, she restored in July 1998 and allowed the license to expire in 2000. The members of the board denied her request for restoration in May 2001 for failure to comply with previous Board decisions. Beverly McCauley moved Ms. Tobin be advised her request for reconsideration is denied as she has held her apprentice cosmetologist license since 1990 which exceeds the requirements of 201 KAR 12:045. Section 2. Martha Preston seconded and the motion carried by a 5-0 vote.

John Arthur Hoskins - Mr. Hoskins submitted a letter requesting to restore his cosmetologist license. A copy of Mr. Hoskins file was provided to the members of the board. Mr. Hoskins had previously been denied a request for a hardship waiver and did not obtain his continuing education and restore as requested. This matter was discussed. Sharon Marks moved the request to restore be denied. Martha Preston seconded. Rhonda Hurley Wharton and Beverly McCauley voted no. Sharon Marks and Martha Preston voted yes. Chairman Collins voted no to break the tie. The motion was defeated.

Beverly McCauley moved Mr. Hoskins be advised his request to restore is approved and he must obtain six (6) hours of continuing education by June 30 to restore his cosmetologist license and must obtain an additional 6 hours in which to renew in July 2001. Martha Preston seconded and the motion carried by a 5-0 vote.

## **Minutes**

**June 4, 2001**

**Page 4**

Vivian Cox - Ms. Cox requested to appear before the board to discuss the Board denial of her extension on her apprentice instructor license in order to report for the instructor examination. Ms. Cox was present and addressed the members of the board concerning the problems she has encountered in completing her 1,000 hours and obtaining her instructor license. After discussing this matter with Ms. Cox, Sharon Marks moved Ms. Cox be granted an extension until September 2001 and her failure to successfully complete the instructor examination in September 2001 would result in the apprentice instructor license being voided. Beverly McCauley seconded and the motion carried by a 5-0 vote. Rhonda Hurley Wharton stated she did not oppose the motion but the only exception she has with the motion in the event she should not pass the written or practical test in September if she does come in good faith that she be allowed to come two (2) times as is traditional with a new application and new fee.

Tisha Scott - Ms. Scott submitted a letter concerning the licensing of estheticians in Kentucky. Martha Preston moved Ms. Scott be advised that any changes would require amendments to the statutes and administrative regulations and she may want to consider presenting information to the board concerning the esthetic education she received in another state with the possibility that a portion of those hours could be credited towards the cosmetology course in Kentucky. Sharon Marks seconded and the motion carried by a 5-0 vote.

## **NEW BUSINESS**

West Kentucky Technical College, Paducah - Ms. Lunelle Leonard, Cosmetology Department Director, submitted a letter regarding the attendance of cosmetology students during the summer semester beginning May 21, 2001 through August 9, 2001. Ms. Leonard indicated the students would be attending 8 hours per day, Monday through Friday, 7:00 a.m. to 3:30 p.m. with a 30 minute lunch. Martha Preston moved the schedule be approved. Beverly McCauley seconded and the motion carried by a 5-0 vote.

Ashland Technical College, Ashland - Mr. Keith Brammell, DMD, Division Chair, Health & Personal Services, submitted a letter advising that the cosmetology students would be attending a summer session beginning June 13 and ending August 9, 2001. Dr. Brammell did not indicate the hours of attendance. Sharon Marks moved the request for attendance during the summer session be approved pending receipt of the time schedule. Beverly McCauley seconded and the motion carried by a 5-0 vote.

## **Minutes**

**June 4, 2001**

**Page 5**

J & M Academy of Cosmetology, Frankfort - Ms. Jimmi James and Ms. Michelle Whitaker, Owners, submitted a letter requesting night cosmetology classes beginning July 10, 2001. Beverly McCauley moved to approve provided the comply with the administrative regulation that prohibits the school to operate past 10 p.m. local time and the school forward the hours of operation for night classes. Martha Preston seconded and the motion carried by a 5-0 vote.

The Hair Design School, Radcliff - Ms. Julie Oldham, Director, submitted a letter requesting approval of the change in hours of operation for The Hair Design School, Radcliff, to Monday through Friday, 9:00 a.m. to 9:30 p.m., closed on Saturdays. Beverly McCauley moved the request be approved. Martha Preston seconded and the motion carried by a 5-0 vote.

The Hair Design School, Park Drive, Louisville - Ms. Allisa Dolan submitted a letter advising that The Hair Design School, Park Drive, Louisville, has had a change in hours of operation to Monday through Friday, 8:30 a.m. to 5:30 p.m. Beverly McCauley moved the change in hours of operation be approved. Sharon Marks seconded and the motion carried by a 5-0 vote.

Tri-State Beauty Academy, Morehead - Lisa Crawford - Betty Stucky - Ms. Crawford submitted an application and required documentation to purchase the Tri-State Beauty Academy, 219 W. Main Street, Morehead, Kentucky, from Betty Stucky. Sharon Marks moved to approve the application for change of ownership and upon receipt of the \$1,000.00 license fee, a new school license be issued. Beverly McCauley seconded and the motion carried by a 5-0 vote.

Linda C. Culham - Sonny Nguyen, Top Nails Salon, Ashland - Ms. Culham submitted a letter of complaint concerning the sanitation methods used while obtaining a service at Top Nail Salon, 500 Winchester Avenue, Ashland, Kentucky. Mr. Sonny Nguyen, Owner, responded to the complaint. The members of the board also reviewed the most recent salon inspection reports (See Additional Items). Beverly McCauley moved Ms. Culham be advised that according to the nail salon inspection reports the salon used proper sanitation and sterilization methods and therefore, no further action will be taken. Martha Preston seconded and the motion carried by a 5-0 vote.

## **Minutes**

**June 4, 2001**

**Page 6**

Marian Baldwin - Kathleen Riddle, Main Attractions, Campbellsville - Ms. Baldwin submitted a letter of complaint concerning a body piercing service her minor son received at Main Attractions, 434 West Main Street, Campbellsville. Ms. Kathleen Riddle, Owner, responded to the complaint. Since the practice of body piercing is not regulated by the Board or any other state agency, Beverly McCauley moved Ms. Baldwin be advised that the board found no violations of the statutes and administrative regulations and she may want to contact her Senator or State Representative to discuss future legislation that would prohibit such services being offered to minor children. Martha Preston seconded and the motion carried by a 5-0 vote. It was also requested that a copy of the complaint and response be forwarded to State Representative Larry Clarke.

Robin White - The Styling Company, Ft. Thomas - Ms. White submitted a letter requesting to restore her apprentice cosmetologist license. According to the beauty salon inspection report submitted by Mary Class, dated May 3 and May 12, 2001, Ms. White was working at The Styling Company, Ft. Thomas, with an expired apprentice cosmetologist license. Ms. White's file was reviewed. It was noted that Ms. White was licensed since March 1992 through March 2000. Her request to maintain her apprentice cosmetologist license was denied in May 2000 and a request to renew was denied in September 2000. Sharon Marks moved Ms. White be advised her request to restore her apprentice cosmetologist license is denied. Martha Preston seconded and the motion carried by a 5-0 vote.

Marcie Jennings - The Styling Co., Ft. Thomas - According to the beauty salon inspection report submitted by Mary Class, dated May 3, 2001, Ms. Jennings was working at The Styling Company without a Kentucky license. It was noted that Ms. Jennings was not performing any services when Ms. Class conducted the inspection, but was on the schedule. Ms. Jennings is licensed in Ohio. (See Above). Also working at The Styling Company, Ft. Thomas, was Robin White, an expired apprentice cosmetologist. Sharon Marks moved a cease and desist order be issued to Marcie Jennings and Robin White. Beverly McCauley seconded and the motion carried by a 5-0 vote. Sharon Marks moved an Agreed Order be issued to the owners, Mike & Rita Wells, and the manager, Debbie Malena, for a \$500.00 fine and a 30 day suspension for each offense for a total of 60 days, in lieu of the suspension, they may pay a fine of \$25.00 per day not to exceed \$500.00. Beverly McCauley seconded and the motion carried by a 4-1 vote. Rhonda Hurley Wharton voted no and indicated that she agrees with the fine but the 20 day closure is excessive and would create an economic hardship for the owner.

## **Minutes**

**June 4, 2001**

**Page 7**

Flora Knight, Owner - Flora's Beauty Salon, 3811 Indian Trail, Louisville - Beverly McCauley recused. According to the beauty salon inspection report and Inspector's Investigation Report dated April 26, 2001, Ms. Cynthia Harris was providing cosmetological services in the salon without the proper licenses. Ms. Harris is licensed in Germany. Sharon Marks moved a Cease and Desist Order be issued to Cynthia Harris and an Agreed Order be issued to Flora Knight, Owner, for a \$500.00 fine and a 30 day closure and in lieu of the suspension Ms. Knight may choose to pay a fine of \$25.00 per day not to exceed \$500.00. Martha Preston seconded and the motion carried by a 3-1 vote. Rhonda Hurley Wharton voted no and stated she opposed as she agrees with the fine but the 10 day closure would create an economic hardship for the owner and she would prefer probation to closure.

Jo-Mitra Coleman, Owner - Jo Mitra Hair Salon, 5040 Poplar Level Road, Louisville - Renicka Summers - According to the beauty salon inspection report dated April 24, 2001 submitted by Sherry Braden, Renicka Summers, apprentice cosmetologist, was working in the salon without the supervision of a licensed cosmetologist. It was also noted that Ms. Braden had warned Ms. Coleman not to allow apprentices to work in the salon without the supervision of a licensed cosmetologist. Sharon Marks moved an Agreed Order be issued to Jo-Mitra Coleman, Owner, for a \$500.00 fine and 30 day suspension of the salon license and in lieu of the suspension, Ms. Coleman may pay a fine of \$25.00 per day not to exceed \$500.00. Martha Preston seconded and the motion carried by a 4-1 vote. Rhonda Hurley Wharton voted no and indicated that she agreed with a fine and probation, but the 15 day closure is excessive as it will create an economic hardship. Beverly McCauley moved an Agreed Order be issued to Renicka Summers, apprentice cosmetologist, for a \$500.00 fine and 30 day suspension of her apprentice cosmetologist license and in lieu of the suspension, Ms. Summers may pay a fine of \$25.00 per day not to exceed \$500.00. Martha Preston seconded and the motion carried by a 5-0 vote.

Hat Thi Mai, Owner - Nail, Etc., 4013 Nicholasville Road, Lexington - According to the nail salon inspection report, dated May 4, 2001, an unlicensed person, Shuet Y. Chin, was performing nail technology services without a license. Beverly McCauley moved an Agreed Order be issued to Hat Thi Mai, Owner, for a \$500.00 fine and 30 day suspension of the nail salon license and in lieu of the suspension Hat Thi Mai may pay a fine of \$25.00 per day not to exceed \$500.00. Martha Preston seconded and the motion carried by a 4-1 vote. Rhonda Hurley Wharton voted no and indicated she opposed as she agrees with a fine and probation, but the 10 day closure will create an economic hardship.

## Minutes

June 4, 2001

Page 8

Connie Prather - Hair & Nails, Inc, 3346 Post Road #5, Lexington - According to the beauty salon inspection reports, dated October 20, 2000, February 3, 2001, February 13, 2001, April 24, 2001 and May 8, 2001, Ms. Prather has failed to obtain the proper independent contractor license. Beverly McCauley moved a cease and desist order be issued to Connie Prater indicate she cannot work at the salon until such time as she obtains an independent contractor license; issue an Agreed Order for a \$500.00 fine and 30 day suspension of her cosmetologist license for failure to post a picture with her cosmetologist license and failure to obtain an independent contractor license. Martha Preston seconded and the motion carried by a 5-0 vote.

Beverly McCauley moved an Agreed Order be issued to the salon owners, Angela Renfro and Andrea Gabbard for a \$500.00 fine each and 30 day suspension of their personal licenses for allowing Ms. Prather to continue to work in the salon without the proper licenses. It was noted the Agreed Order should address that a new salon license must be purchased during the suspension period since Ms. Renfro's and Ms. Gabbard's licenses will be under suspension. Martha Preston seconded and the motion carried by a 4-1 vote. Rhonda Hurley Wharton voted no and indicated she opposes as she does not have enough information as to the total situation on the salon.

Pauline Hadden - According to the inspector's investigation reports, May 3, 2001 and June 21, 2001, submitted by Linda Gossett, Ms. Hadden is operating a salon in her home without the proper licenses. Ms. Hadden's cosmetologist license expired in 1993. Beverly McCauley moved to refer this matter to the county attorney. Sharon Marks seconded and the motion carried by a 4-1 vote. Rhonda Hurley Wharton voted no.

Magic Nails Salon, 1321 Second Street, Henderson - According to the nail salon inspection report, dated April 17, 2001 and May 12, 2001, Trung Tiet Duong was working in the salon without a nail technician license. Beverly McCauley moved a \$500.00 fine for each offense and a 30 day suspension of the nail salon license and cannot pay any fine in lieu of suspension. Martha Preston seconded and the motion carried by a 4-1 vote. Rhonda Hurley Wharton voted no and indicated she agrees with the fine, I just think they need to be reminded of the law.. that those things are not applicable in Kentucky, bribery is not applicable, that is corruption our inspectors are public officials.

## **Minutes**

**June 4, 2001**

**Page 9**

Jeri Brannen, Owner - House of Beauty, 1148 Bluegrass Shopping Center, Maysville -

Teri Adkins - According to the beauty salon inspection report, dated May 5, 2001, submitted by Mary Class, Teri Adkins was applying makeup without a license in the salon. Beverly McCauley moved a cease and desist order be issued to Teri Adkins. Martha Preston seconded and the motion carried by a 5-0 vote.

Sharon Marks moved an Agreed Order be issued to Teresa Hester, Manager, for a \$500.00 fine and 30 day suspension of her cosmetologist license for managing a salon that was not in compliance. Martha Preston seconded and the motion carried by a 4-1 vote. Rhonda Hurley Wharton voted no and stated she agreed with the fine but disagreed with the 30 day suspension, 10 days would be sufficient.

Beverly McCauley moved an Agreed Order be issued to Jeri Brannen, Owner, for a \$500.00 fine against the salon license. Sharon Marks seconded and the motion carried by a 5-0 vote.

Kelly Metcalf - At the request of office staff, Sherry Braden, Inspector, conducted an investigation to determine if Ms. Metcalf was providing services at The Light Touch prior to submitting to examination. A copy of the appointment schedule was provided to the office of the board. The members of the board reviewed the appointment schedule. Martha Preston moved that based on the schedule, there appears to be no violations of the statutes and administrative regulations and therefore, the matter be dismissed. Beverly McCauley seconded and the motion carried by a 5-0 vote.

Dillard's, 2901 Dixie Highway, Crestview Hills - According to the inspector's investigation report, dated May 19, 2001, submitted by Mary Class, individuals were applying makeup at the cosmetic counter. This matter was discussed and the members of the board were advised that several conversations had taken place with the district office and demonstration permits were being issued. Ms. Roberts also advised the members of the board of the information related by Mr. McLynch, District Office, to the stores regarding this matter. Beverly McCauley moved to dismiss without prejudice and send a letter to Mr. McLynch regarding this investigation report. Sharon Marks seconded and the motion carried by a 5-0 vote.

Tuan A. Trinh - The members of the board were advised that Mr. Trinh was caught cheating during the written examination. Martha Preston moved an Agreed Order be issued indicating that Mr. Trinh cannot report for examination for six (6) months. Sharon Marks seconded and the motion carried by a 5-0 vote.

## **Minutes**

**June 4, 2001**

**Page 10**

Regis Corporation - A continuing education program was conducted on April 1, 2001; however, the sign in sheet was not received until May 4, 2001 which is not within thirty (30) days as required by administrative regulation. Beverly McCauley moved to issue an Agreed Order to place the Regis Corporation on probation for one (1) year. Martha Preston seconded and the motion carried by a 5-0 vote.

### **Continuing Education**

#### Previously Approved Programs:

Sandra Pride - Madisonville Beauty College - Anger Management & Stress Minimization  
- additional program dates

Steve Holt - H & H Show - additional program dates

Heil Beauty Systems - The Personal Profile System - class cancellation

Regina Webb - additional program date

Angelia Therrien - Clipper Cuts & Fades - class cancellation

Bowling Green Technical College - Basic Computer Fundamentals - class cancellation

Regis Corporation - class cancellations

Salon Education Services - additional program dates

B. Keith Adams - A Hairy Ordeal - additional program dates

Maysville Community College - CPR & First Aid - additional program date

Jeanie Stephens - Foiling/Weaving/Hi-Low Lites - additional program date

Donna Scott - Color - additional program date

Head Ed - The Creation of Cut & Color - additional program date

Kathy Fox Jones - What's New - additional program date

Dot Wilson - Professionalism - additional program date

Dr. Mark Chariker - Intro to Cosmetic Surgery - additional program date

Great Clips, Lexington - additional program dates

Janie Caudill - additional program date

#### New Programs:

Southern Beauty Supply - Glasgow & Cave City - Basics in 2001 Technology -  
previously approved - updated application - Sharon Marks moved to approve. Beverly  
McCauley seconded and the motion carried by a 5-0 vote.

## **Minutes**

**June 4, 2001**

**Page 11**

Sandi's Mane Place - Louisville - CPR - previously approved - updated application - Beverly McCauley moved to approve and monitor. Sharon Marks seconded and the motion carried by a 5-0 vote.

Beverly McCauley moved to approve the following applications and updates. Sharon Marks seconded and the motion carried by a 5-0 vote.

Caldwell County Hospital - Princeton - HIV Education, First Aid & Safety - previously approved - updated application

Pat Wilson's Beauty College - Madisonville - Continuing Education for Salon Professionals - previously approved - change of course outline and instructor

Terry B. Fraley - Inez - First Aid & CPR Recertification - previously approved - updated application

Montgomery County Health Dept - Mt. Sterling - Cosmetology Update: CPR, AED, & First Aid Training - previously approved - updated application

Shirley Henderson - Benton - BLS Basic Life Support - previously approved - updated application

Donna Wolf - Louisville - Personal Focus Seminar/Personality Selling Seminar - previously approved - updated application

Ron Harvey (Ashland School of Bty Culture) - Ashland - Clipper Cutting - previously approved - updated application

Helix Hair Company - Seiverville, TN - previously approved - updated applications  
Designing for the Individual (Phase I-IV)  
One Day Advanced Cutting & Designing Workshop (Southern Beauty Supply, Bowling Green)

Joann Peterson, Will Locke, Deata Gregory - Somerset - The 3C's of Cosmetology: Cut, Color, Cosmetics - previously approved - updated application listing themselves as sponsors

## **Minutes**

**June 4, 2001**

**Page 12**

State Beauty Supply - Lexington - Texture, Shimmer, Success: Cuts, Highlighting, Foiling - previously approved - updated application

Upper Cuts - Richmond - CPR - previously approved - updated application - Martha Preston moved to denied the application for failure to comply with the requirements of 201 KAR 12:200. Beverly McCauley seconded and the motion carried by a 5-0 vote.

Kentucky Congress of Cosmetologists - Louisville - Continuing Education with Dr. Reginald Mitchell - Beverly McCauley moved to approve. Sharon Marks seconded and the motion carried by a 5-0 vote.

Salon Education Services - Statewide - Internet for Salon Professionals - Latest Trends - Beverly McCauley moved to approve. Sharon Marks seconded and the motion carried by a 5-0 vote.

Jade Salon - Crescent Springs - Capitalizing on Color - Martha Preston moved the application be denied for failure to provide a correct time schedule. Sharon Marks seconded and the motion carried by a 5-0 vote.

Southeast Community College - Cumberland - Disabilities Awareness: Perceptions, Stereotypes & Challenges - On-Line Retirement Planning - Beverly McCauley moved to approve. Martha Preston seconded and the motion carried by a 5-0 vote.

Sharon Marks moved to approve the following applications. Beverly McCauley seconded and the motion carried by a 5-0 vote.

Department for Technical Education - Lexington - Power Point for Windows  
Jamie Henry - Owensboro - Trend Release & Salon Short Cuts

Great Clips - Lexington - Management Training Module One & Two - Martha Preston moved the application be denied as there are portions of the course outline that appear to be specific to Great Clips as well as other areas of the course outline that would not be considered a generic program. Sharon Marks seconded and the motion carried by a 5-0 vote.

Greg Ellis - Morganfield - AHA CPR - HIV Disease Training - Sharon Marks moved to approve. Martha Preston seconded and the motion carried by a 5-0 vote.

## **Minutes**

**June 4, 2001**

**Page 13**

Donta School of Beauty Culture - Louisville - Long Hair Styling Techniques & Quick Color Techniques (3 different dates & course outlines) - Beverly McCauley recused. Sharon Marks moved to approve. Martha Preston seconded and the motion carried by a 4-0 vote.

Lorraine Bennett & Lynda Tran - Acrylic Nails & Gel Nail Techniques - Airbrushing & French Tip Manicure Freehand - Professional Ethics, Sanitation, Pedicuring & Acrylic Application - Beverly McCauley recused. Sharon Marks moved to approve. Martha Preston seconded and the motion carried by a 4-0 vote.

Barnum Beauty Systems - Covington - Personal Success in Beauty - 7 Key Fundamentals to Salon Success - Spa Experience Hands-On - Lexington - The members of the board discussed the legibility of the applications. Martha Preston moved to deny the applications as they are not legible. After further discussion, Martha Preston withdrew her motion. The members of the board discussed the applications and Martha Preston moved the applications be denied as they are not legible. Sharon Marks seconded and the motion carried by a 5-0 vote.

Bowling Green Technical College - Bowling Green - Working with the Bedridden Patient - Updated schedule of previously approved programs - Beverly McCauley moved to approve. Martha Preston seconded and the motion carried by a 5-0 vote.

Garrett Crabtree, MD & David A. Weber, MD - Louisville - An Overview of the "Medi-Spa" Concept & Minimally Invasive Cosmetic Procedures (See attached letter) - Beverly McCauley moved to approve and monitor. Martha Preston seconded and the motion carried by a 5-0 vote.

Sharon Marks moved to approve the following applications. Martha Preston seconded and the motion carried by a 5-0 vote.

Fiesta Salons, Inc - Oxford, OH & Evansville, IN - Shattered Edge - Whatz Up!

Bryce Gill - Richmond - Adult, Infant & Child CPR/First Aid

Great Clips - Cincinnati, OH - Advanced Customer Service & Technical Training (Day 1-3)

## **Minutes**

**June 4, 2001**

**Page 14**

JoAnn Peterson - Somerset (To Replace class previously approved for State Beauty Supply, Somerset) - Texture, Shimmer Success: Cuts, Highlighting, Foiling - Sharon Marks moved to approve the application based on the condition that State Beauty Supply, Somerset, will not participate in the continuing education class or any other process relating to the program. Beverly McCauley seconded and the motion carried by a 5-0 vote.

Alethea Eatman - Nail Techniques University - Cleveland, OH - Electric Drill Safety - The Foot Care Specialist - Nail Techniques Salon Conference - TEAM Nail Tech - Martha Preston moved the applications be denied as the time schedules do not indicate specific times of what will be taught when, no breaks are included on the time schedule and the promotional piece provided does not correspond with the applications. Beverly McCauley seconded and the motion carried by a 5-0 vote.

### **OLD BUSINESS**

There was no Old Business to be brought before the Board.

### **UNFINISHED BUSINESS**

Sandra Clemons, Owner - East Kentucky Beauty College - Ms. Clemons submitted a response to the letter of complaint that were reviewed by the board on May 1, 2001 (See May 1, 2001 minutes) regarding services being provided to a student with head license. Beverly McCauley moved to issue an Agreed Order to place the school on probation for one (1) year for violation of 201 KAR 12:101. Section 12. Sharon Marks seconded and the motion carried by a 5-0 vote.

CD Perkins Rehab Center - The school provided a response to the anonymous complaint reviewed by the board on May 1, 2001 - See Additional Items.

Valerie Casey - Holiday Manor Nails - (See May 1, 2001 Minutes) Ms. Casey submitted an additional letter and pictures concerning the damage she received from a nail service at Holiday Manor Nails. Since the matter is pending, Beverly McCauley moved to send a letter thanking Ms. Casey for the additional pictures and since the matter is still pending, we will contact her when the case has been resolved. Sharon Marks seconded and the motion carried by a 5-0 vote.

## **Minutes**

**June 4, 2001**

**Page 15**

Anna Hughes - Malena Hughes - Ms. Hughes, mother of Malena Hughes, submitted a letter advising that she would give her permission for a board member to read the test to her daughter orally. The matter was discussed as to how Ms. Hughes would obtain this information as this was not the Board's decision (See May 2001 Minutes). Sharon Marks moved Ms. Hughes be advised that in accordance with the Board's decision in May 2001, the Board determined Malena Hughes would be granted additional time on the written examination and that no oral examination would be given. Beverly McCauley seconded and the motion carried by a 5-0 vote.

Martha Preston moved a letter be sent to Diane Fleming, Board Counsel, Attorney General's Office, requesting an explanation as to how Ms. Hughes would have obtained such information. Beverly McCauley seconded and the motion carried by a 5-0 vote.

Thu Oanh T. Tu - Phung Van Nguyen - Tuyet Anh Thi Ta - Marietta Ray Ciracco - Junette Ky

& Tuan Thanh Ngo

Bea Collins, Chairman, advised for the record that Mr. Hellman took the statement regarding the dissenting opinions to be placed in the Final Orders and once the Orders were prepared, the Board would conduct a special board meeting to approve the orders.

### **BOARD INFORMATION**

Beverly McCauley moved to accept the following items. Sharon Marks seconded and the motion carried by a 5-0 vote.

April 2001 Financial Statement  
April 2001 Recap of Receipts  
April 2001 Cash Receipt Vouchers  
Employees Time and Attendance Records

National Interstate Council - Region II - Change of date and location and tentative agenda for Region II Meeting - Martha Preston moved a letter be sent to Tony Kendall advising that no one was planning on attending the Region II Meeting. Sharon Marks seconded and the motion carried by a 5-0 vote.

## **Minutes**

**June 4, 2001**

**Page 16**

CLEAR 2001 - A copy of the registration and tentative agenda for Annual CLEAR Conference was provided to the members of the board. Beverly McCauley moved to request approval for the Administrator to attend. Martha Preston seconded and the motion carried by a 5-0 vote.

California Board of Cosmetology - NIC - Information concerning whirlpool footspas and information concerning 20/20 Investigation of nail salons was received and provided to the members of the board. No action was necessary, board information.

True Phan - A letter was received from Ms. Phan in response to Board's May 1, 2001 decision regarding the location of classes and the inspector's reports from May 13 and May 20 classes was provided to the members of the board. No action was necessary at this time as Ms. Phan appeared to be in compliance.

Paula Murphy - Ms. Murphy submitted a letter to the Board concerning the examination process. No action was necessary, board information.

Maxine Marx - Ms. Marx submitted a letter concerning the Notice of Hearing held on April 23, 2001 regarding her instructor license. No action was necessary.

Queen Brown - Queens Golden Touch - The members of the board were notified that the payment of the fine in the matter of Queen Brown was received. No action was necessary.

Merle Norman Cosmetics - Paintsville - The members of the board were provided with the Investigation Report and subsequent demonstration permits obtained by Ms. Jane Ann Daniels. Ms. Daniels submitted a letter that appears on Additional Items. No action was necessary as Ms. Daniels complied with the statutes and administrative regulations.

### Apprentice Instructor Licenses Issued

Scott Robinson - transfer of training from The Hair Design School, 1049 Bardstown Road to 4160 Bardstown Road

Dulah Blanton - Motif Beauty Academy, Winchester

Melissa Swanner - The Hair Design School, Park Dr., Louisville

Sherry Hensley - The Hair Design School, Florence

Connie Goree - Lexington Beauty College, Lexington

**ADDITIONAL ITEMS**

Tishana R. Bradshaw - Ms. Bradshaw submitted a letter requesting an extension of time in order to complete her apprenticeship. Ms. Bradshaw obtained her apprentice cosmetologist license in November 2000 and due to the birth of her son she will be unable to begin working on her apprenticeship until January 2002 and is requesting an extension of 4 months beyond the 18 months. Sharon Marks moved to approve the request until September 2002. Martha Preston seconded and the motion carried by a 5-0 vote.

Sharon Hale - Ms. Hale submitted a letter requesting an extension of time in order to complete her apprenticeship and report for the regular cosmetologist examination. Ms. Hale obtained her apprentice license in December 1999 and due to medical reasons has been unable to complete her apprenticeship. Sharon Marks moved to approve an extension of 6 months and Ms. Hale be given until January 2002 in which to obtain her regular cosmetologist license. Martha Preston seconded and the motion carried by a 5-0 vote.

Katonna K. Walker - A copy of the letter Ms. Walker sent to Mr. Bill Beam, Director of Boards and Commission, Office of the Governor, was provided to the members of the board. Copies of the letter were sent to the office of the board and all board members. Ms. Walker had previously been scheduled on six (6) occasions and has not successfully completed the examination and therefore, a new examination application and fee were required. Ms. Walker filed a complaint as the application was not received by the deadline in order to report for the June examinations. Beverly McCauley moved to send a letter to Ms. Walker regarding this matter with a copy to Mr. Bill Beam, Office of the Governor. Martha Preston seconded and the motion carried by a 5-0 vote.

Angela Salyers - Ms. Salyers submitted a letter concerning educational classes she would be attending at a nail convention and requested the Board consider granting credit for hours she obtained at nail conventions. Sharon Marks moved Ms. Salyers be advised that the Board would certainly consider applications for continuing education programs conducted at nail conventions and she be advised of the procedures to be followed for applying for approval. Martha Preston seconded and the motion carried by a 5-0 vote.

## **Minutes**

**June 4, 2001**

**Page 18**

Laura Sturgill - Martha Preston recused. A copy of a newspaper article was received regarding Ms. Sturgill providing haircuts to students at the Fairview Family Resource Center which was sponsored and funded by Green Thumb. Rhonda Hurley Wharton moved a cease and desist order be issued to the Fairview Family Resource Center advising the facility of the statutes and administrative regulations. Sharon Marks seconded and the motion carried by a 4-0 vote.

Rhonda Hurley Wharton moved to send a letter to Green Thumb regarding the statutes and administrative regulations. Beverly McCauley seconded and the motion carried by a 4-0 vote.

Sharon Marks moved a Cease and Desist Order and an Agreed Order be issued to Laura Sturgill for a \$500.00 fine for providing cosmetological services on unlicensed premises. Beverly McCauley seconded and the motion carried by a 3-1 vote. Rhonda Hurley Wharton voted no and indicated that she agreed with the cease and desist order, but disagrees with the fine.

Nails Pro, Mt. Sterling - According to the nail salon inspection report, dated May 19, 2001, submitted by Margaret Banks, an unlicensed person was providing nail services in the salon. Beverly McCauley moved a cease and desist order be issued to P Bun Pha Chea for working without the proper licenses. Martha Preston seconded and the motion carried by a 5-0 vote.

Beverly McCauley moved an Agreed Order be issued to P Malen Chea, Manager, for a \$500.00 fine and 30 day suspension of her nail technician license for managing a salon that was not in compliance. Martha Preston seconded and the motion carried by a 5-0 vote.

Robert Martin, Attorney - Expressions Salon, Louisville - (See March 2001 Minutes) Mr. Martin submitted a counter offer to the Board's original Agreed Order regarding this matter for a \$500.00 fine and no suspension of license. Sharon Marks moved the counter offer be denied and the original Agreed Order be issued. Beverly McCauley seconded and the motion carried by a 4-1 vote. Rhonda Hurley Wharton voted no.

Cherie Hicks - Cherie's Beauty Salon, Louisville - Ms. Hicks submitted a letter in response to the Agreed Order issued to her regarding her failure to post a sign in accordance with a previous Agreed Order. Sharon Marks moved a letter be sent to Ms. Hicks explaining the Agreed Order and the Agreed Order be reissued to her for the \$500.00 fine. Martha Preston seconded and the motion carried by a 4-1 vote. Rhonda Hurley Wharton voted no.

## **Minutes**

**June 4, 2001**

**Page 19**

Thomas Q. Ngo - Nail & Hair Studio, Bowling Green - Mr. Ngo submitted a letter on behalf of his wife, Heather Ngo, regarding an Agreed Order issued to her regarding her failure to post sign in accordance with a previous Agreed Order. Martha Preston moved a letter be sent to Mr. Ngo explaining the Agreed Order and the Agreed Order be reissued to her for the \$500.00 fine. Sharon Marks seconded and the motion carried by a 4-1 vote. Rhonda Hurley Wharton voted no.

Chris Ashlock - (See April 2001 Minutes) Mr. Ashlock submitted the signed Agreed Order to place his continuing education program on probation for 1 year. Sharon Marks moved to approve. Martha Preston seconded and the motion carried by a 5-0 vote.

Joseph M. Branham - Headlines Salon, Lexington - (See February & April 2001 Minutes) Mr. Branham returned the signed Agreed Orders indicating a 5 day suspension. Beverly McCauley moved to approve the Agreed Orders. Martha Preston seconded and the motion carried by a 5-0 vote.

Ashland Technical College, Ashland - (See March 2001 Minutes) Ashland Technical College returned the signed Agreed Order and fine regarding the student enrollment of Angela Stapleton. Sharon Marks moved to approve the Agreed Order. Beverly McCauley seconded and the motion carried by a 5-0 vote.

Ngoc Do, Manager - Lee Nails, Louisville - (See March 2001 Minutes) Mr. Do, Manager, Lee Nails, submitted a letter in response to the Agreed Order requesting the Board reconsider any suspension of the license. Sharon Marks moved the counter offer be denied and the original Agreed Order be reissued. Beverly McCauley seconded and the motion carried by a 4-1 vote. Rhonda Hurley Wharton voted no.

Hoai Do, Owner - Lee Nails, Louisville - (See March 2001 Minutes) Mr. Do, Owner, Lee Nails, submitted a letter in response to the Agreed Order requesting the Board reconsider any suspension of the salon license. Martha Preston moved the counter offer be denied and the original Agreed Order be reissued. Sharon Marks seconded and the motion carried by a 4-1 vote. Rhonda Hurley Wharton voted no.

Mary Lou Tarrants, Scandals Hair & Nails, Louisville - (See February 2000, December 2000 and April 2001 Minutes) Ms. Tarrants submitted the signed Agreed Order and fine. Martha Preston moved to approve the Agreed Order. Beverly McCauley seconded and the motion carried by a 5-0 vote.

## **Minutes**

**June 4, 2001**

**Page 20**

David Kaplan, Attorney - Barnum Beauty Systems - (See November 2000, February 2001, and March 2001 Minutes) Mr. Kaplan, Attorney, submitted a letter and proposed revisions to the Agreed Order issued in May 2001. Sharon Marks moved to deny the modifications to the original language of the Agreed Order. Martha Preston seconded and the motion carried by a 5-0 vote.

### Matters from True Phan Hearing

Que Dan Thi Nguyen - Mr. Kevin Crooks, Attorney, submitted a letter requesting Ms. Nguyen be allowed to change the dates on the original Agreed Order. Martha Preston moved Mr. Crooks be advised that there can be no changes to the original dates of suspensions listed on the Agreed Orders. Sharon Marks seconded and the motion carried by a 5-0 vote.

The following individuals submitted signed Agreed Orders and/or fines.

Si Vo Pham - signed Agreed Order

Tam Vu Do - signed Agreed Order

Anh N. T. Le - signed Agreed Order & fines

Than Thi Duong - signed Agreed Order & fine (made payable to Attorney General)

Tam Hung Nguyen - signed Agreed Order & fine (made payable to Attorney General)

Kim Thi Loan Nguyen - signed Agreed Order & fine (made payable to Attorney General)

Vinh Thanh Nguyen - fines (made payable to Attorney General)

Thuy Anh Thi Nguyen - fines

### Matters from Graham Chiropractic

Shirley Napier - Beverly McCauley recused. The members of the board were advised that Ms. Napier used the Record of Attendance from Graham Chiropractic to place her license in active status on 2/28/01. Ms. Napier subsequently forwarded proof of continuing education from Donta School of Beauty on 5/21/01 as a makeup class. Rhonda Hurley Wharton moved the makeup class be accepted and the license continue to be in good standing providing Ms. Napier obtains 6 additional continuing education hours and renews her license in July. Martha Preston seconded and the motion carried by a 4-0 vote.

Nicole C. Strobe - The members of the board were advised that Ms. Strobe had used Record of Attendance from Graham Chiropractic to restore her license on 10/11/01. Martha Preston moved Ms. Strobe be notified by letter that she must obtain an additional 4 hours to makeup from the restoration of her license and obtain an additional 6 hours in order to renew in July. Beverly McCauley seconded and the motion carried by a 5-0 vote.

**Minutes**  
**June 4, 2001**  
**Page 21**

Tina Outlaw - The members of the board were advised that Ms. Outlaw had used the Record of Attendance from Graham Chiropractic to restore her license on 9/27/00. Sharon Marks moved Ms. Outlaw be notified by letter that she must obtain an additional 4 hours to makeup from the restoration of her license and obtain an additional 6 hours in order to renew in July. Martha Preston seconded and the motion carried by a 5-0 vote.

Top Nails, Ashland - See New Business

Jane Ann Daniels - See Board Information

Ecotage Salon, Lexington - The members of the board were provided with the inspection report from the salon dated May 30, 2001. No action was necessary, board information.

Wryan W. Rogers - The members of the board were advised that Mr. Rogers had purchased his independent contractor license on May 24, 2001. No action was necessary, board information.

Disciplinary Actions - A sample of the mailer to be included with renewal licenses was provided to the members of the board. It was determined that this matter would be considered at the Special Board Meeting scheduled for later this month.

Apprentice Instructor Licenses Issued

Ann T. Hollaran - J & M Academy of Cosmetology, Frankfort

Linda Foley - PJ's College of Cosmetology, Glasgow

Applications for Enrollment, Felony Convictions

Stephanie Ford - Lindsey Madison Institute of Cosmetology

**Continuing Education:**

Jacqueline L. Bailey - Ms. Bailey submitted a letter of response to the Board's denial of application to offer continuing education programs based on complaint received from Sara Lee and requested the board reconsider their decision. Martha Preston moved the application be denied. Sharon Marks seconded and the motion carried by a 4-1 vote. Rhonda Hurley Wharton voted no.

CD Perkins Rehab Center - (See May 1, 2001 minutes) A response to the anonymous complaint was received from William Duke, Director, CD Perkins Rehab Center with regard to a student, James Porter, enrolled in the cosmetology department. According to Mr. Duke's response, Mr. Porter received credit for approximately 309 hours over a 12 month period of time for out of school activities as a result of efforts by his instructor, Diana Jane Owens, and case manager, Kristin Beach, MCR, CRC, to facilitate Mr. Porter's rehabilitation program. The members of the board discussed this matter and the response from the school. Based on the response from the school, Beverly McCauley moved a letter be sent to the Department for Vocational Rehabilitation with regard to Kristin Beach encouraging licensees to violate the statutes and administrative regulations of the board. Sharon Marks seconded and the motion carried by a 5-0 vote.

Sharon Marks moved to send an Agreed Order to close the cosmetology program for one (1) school year for violation of 201 KAR 12:110, Section 8, 201 KAR 12:150, Section 6, and 317A.140(d) and (f). Beverly McCauley seconded and the motion carried by a 5-0 vote.

Sharon Marks moved an Agreed Order be issued to Diana Jane Owens for a \$500.00 fine and revocation of her instructor license for one (1) year for the same violations as listed for CD Perkins. Beverly McCauley seconded and the motion carried by a 5-0 vote.

Janie Caudill - An anonymous letter of complaint regarding James Porter, a student at CD Perkins Rehab, referred to Ms. Caudill's continuing education class. Martha Preston moved to request a response from Ms. Caudill regarding that portion of the complaint regarding James Porter assisting with the class. Beverly McCauley seconded and the motion carried by a 5-0 vote.

American Red Cross, Benton - A copy of the sign-in sheet was provided to the members of the board with a statement indicating "Classes provided are to fulfill licensing requirements. Therefore, please ensure that the class(es) consist of a full six hours of continuing education material." No action was necessary, board information.

## **Minutes**

**June 4, 2001**

**Page 23**

American Red Cross, Shelbyville - A letter was received from Laura Gillis, Executive Director, Shelby County American Red Cross, concerning the requirements of sign-in sheets. After reviewing Ms. Gillis' letter, Martha Preston moved Ms. Gillis be advised that since the Shelby County American Cross cannot provide the required sign-in sheet, completed by the attendees, their name will be removed as a sponsor of continuing education programs from the program list. Sharon Marks seconded and the motion carried by a 5-0 vote.

Tony Kendall - French Lick Hair & Trade Show - The members of the board were provided with copies of the application for approval for the French Lick Hair Show scheduled for July 1 & 2, 2001 which does not meet the requirements of 201 KAR 12:200. The application was placed on the agenda at the request of Mr. Kendall. Beverly McCauley moved the application be denied for failure to comply with the requirements of 201 KAR 12:200. Martha Preston seconded and the motion carried by a 5-0 vote.

Mario (Ahmed) Qasem - Mario's Design Concepts - The members of the board were advised that Mr. Qasem had several continuing education program dates approved; however, no sign in sheets for continuing education program dates or notification of class cancellations had been received. Sharon Marks moved that since Mr. Qasem has not complied with the requirements of 201 KAR 12:200, the approval has been withdrawn and he not be allowed to sponsor the continuing education program previously approved. Martha Preston seconded and the motion carried by a 4-0 vote.

### Previously Approved Programs:

Marcy Thobaben - Bluegrass Health & Safety - CPR & First Aid - additional program dates

ALERT Regional Prevention Center - Prime for Life - additional program date at Bellefonte Academy of Beauty

JoAnn Peterson - Texture, Shimmer, Success - change of location in Paducah - 3 C's of Cosmetology - change of location in Elizabethtown

Caldwell Co. Area Tech Center - CPR & First Aid - additional program dates

Chris Ashlock - Advanced Color Cut & Perms - additional program dates

Kentucky River Community Care - Prime for Life in the Workplace - additional program date

Heil Beauty Systems - Everything You Want to Know About Nails - additional program dates

**Minutes**  
**June 4, 2001**  
**Page 24**

State Beauty Supply, Somerset - (See May 2001 Minutes) Cheryl LaLonde-Mooney prepared an Order of Dismissal in the matter as required by counsel for State Beauty Supply to dismiss the 13B Hearing. Martha Preston moved to approve the Order of Dismissal. Sharon Marks seconded and the motion carried by a 5-0 vote.

Beverly McCauley moved to enter Closed Session to discuss personnel matters. Martha Preston seconded and the motion carried by a 5-0 vote. The Board entered Closed Session at 6:55 p.m.

Beverly McCauley moved to enter Open Session. Sharon Marks seconded and the motion carried by a 5-0 vote. The Board entered Open Session at 7:10 p.m.

Federated Department Stores - Ecotage Salon, Shelbyville Road, Louisville - (See January 2001 and February 2001 minutes) A fax was received this morning, addressed to Richard Carroll, Office of the Attorney General, regarding a settlement offer in this matter. Beverly McCauley moved to place this matter on the agenda for a Special Board Meeting to be determined at a later date. Sharon Marks seconded and the motion carried by a 5-0 vote.

**ADJOURNMENT**

Beverly McCauley moved the June 4, 2001 board meeting adjourn. Sharon Marks seconded and the motion carried by a 5-0 vote.

The meeting adjourned at 7:15 p.m.