

**IOWA BOARD OF COMSETOLOGY ARTS & SCIENCES**

July 8, 2013, 10:30 a.m.

Lucas State Office Building, 5<sup>th</sup> Floor Conference Rooms 517 & 518

Des Moines, Iowa

Open Session Meeting Minutes

**Call to Order:**

The meeting was called to order by Chairperson Kimberly Page at 10:32 a.m.

**Roll Call:**

**MEMBERS PRESENT:**

Kimberly Page, Licensed Cosmetologist

Dana Atkins, Licensed Cosmetologist and Electrologist

Rick Mosley, Licensed Cosmetologist

Nichole Schultz, Public Member

Mary Clausen, Licensed Cosmetologist

Richard Sheriff, Licensed Cosmetologist

**MEMBERS ABSENT:**

Don Nguyen, Public Member

**STAFF PRESENT:**

Susan Reynolds, Board Executive

David Van Compernelle, AAG

Barb Huey, Bureau Chief

Marcia Spangler, Division Director

Deborah Thompson, Policy Analyst

Barb Christiansen, Administrative Assistant

**PUBLIC PRESENT:**

Chris Fiegen, Capri College, Cedar Rapids

Linda Ring, EQ School of Hair Design, Council Bluffs

Julie Mead, EQ School of Hair Design, Council Bluffs

Lois Leytem, Capri College, Dubuque

Deb Erickson, Aveda Institute, West Des Moines

Jack Morlan, Studio 409  
Kent Hartwig, ICSA Lobbyist  
Bonnie Renda, CBI  
Jodi Connolly, Buzz Salon, Iowa City  
Cindy Hummel, La'James, International College, Johnston

**Introduction of Guests:**

**Review Agenda:**

No changes to agenda.

**Election of Officers:**

A motion was made by Atkins to nominate and elect Kimberly Page for Chair. A second was received from Mosley. All ayes, opposed none, motion carried.

A motion was made by Sheriff to nominate and elect Dana Atkins as Vice Chair. A second was received from Mosley. All ayes, opposed none, motion carried.

Chair Kim Page assigned members to the following committees:

**Committee Appointments:**

Discipline: Sheriff, Chair; Schultz, and Page

Rules: Page, Chair; Mosley, and Atkins

Education: Atkins, Chair; Clausen, Nguyen

Susan Reynolds addressed expanding the rules committee to include a representative from the schools, nail tech or salon owner. She encouraged public members to contact her if anyone was interested in serving on the committee.

**Approval of Minutes:**

A motion was made by Atkins to approve the January 14, 2013, and the April 8, 2013, meeting minutes as presented. A second was received from Mosley. All ayes, opposed none, motion carried.

**Public Comment:**

No public comment.

**Reports:**

Chair - no report

AAG - Board member contact information: AAG Van Compernelle stated that board members would be allowed to give a preference of what contact information was released to the media. At the end of the day the members will decide what information will be released when a media request is received. AAG Van Compernelle encouraged board members to refer media calls to Marvin Firch, PIO of the bureau. It is always good to collectively, as a board, set up responses to requests of information. If a board member does respond to the media it needs to be clearly understood by the media that they are not speaking on behalf of the board.

Board Executive: Susan Reynolds announced that the next Rules Committee will meet on August 5 at 9:00 a.m. If anyone is interested in receiving notices on the rule committee, contact the board executive.

Summary of June 10, 2013, Meeting with School Representatives and IDPH staff attached as Addendum 1. Chris Fiegen clarified the individuals in attendance were not representing the Iowa Cosmetology School Association.

Chris Fiegen reported he has a contact in Illinois that would provide information to the board if requested on rules for hair braiding. Education and Rules Committee minutes will be presented at the October 2013 meeting.

Bureau Update: Barb Huey gave an update on the AMANDA software system. She estimated board members will be active users in the system by October after secure mail is discontinued. All information will be accessible under board folders. Training will be provided to board members. The go live date will be the end of October 2013.

**Closed Session:**

A motion was made by Atkins to enter into closed session at 10:59 a.m. to deliberate the decision to be rendered in a contested case according to Iowa Code Chapter 21.5 (1) f. A second was received from Clausen. Roll call taken.

Page - aye

Atkins - aye

Mosley - aye

Schultz - aye

Sheriff - aye

Motion carried.

The board returned to open session at 12:37 p.m.

A motion was made by Page to instruct the ALJ to draft the findings and the conclusions of the deliberations discussed in closed session. A second was received from Atkins. All ayes, opposed none, motion

**Case #12-028 Informal Meeting:**

**Closed Session:**

A motion was made by Page to enter into closed session at 12:52 p.m., to discuss confidential material related to applications and complaints according to Iowa Code Chapter 21.5(1) a and d. A second was received from Atkins. Roll call taken.

Page - aye

Atkins - aye

Mosley - aye

Schultz - aye

Clausen - aye

Sheriff - aye

Motion carried.

Board returned to open session at 1:15 p.m.

A motion was made by Page to file statement of charges against case #12-028 as discussed in closed session. A second was received from Mosley. All ayes, opposed none, motion carried.

**Hearing:**

A motion was made by Page to enter into closed session at 1:49 p.m. to deliberate the decision to be rendered in a contested case according to Iowa Code Chapter 21.5(1) f. A second was received from Mosley. Roll call taken.

Page - aye

Atkins - aye

Mosley - aye

Schultz - aye

Clausen - aye

Sheriff - aye

Motion carried.

The board returned to open session at 1:48 p.m.

A motion was made by Page to instruct the ALJ to draft the findings and conclusion for case #10-070 as discussed in closed session. A second was received from Atkins. All ayes, opposed none, motion carried.

The board took a short break. Dana Atkins left the board meeting at 2:00 p.m.

Hearing:

Keisha Jackson/The Beauty Shop, Iowa City. Hearing began at 2:05 p.m. Respondent was not in attendance. Proof of service was provided. The board proceeded with the hearing in the respondent's absence in open session.

Administrative Law Judge LaMarche opened the record at 2:05 p.m. Susan Reynolds was sworn in and testified regarding proof of service to the respondent. Kimberly Groves was sworn in and testified regarding the investigation that was completed by DIA and the counts brought against the defendant. Investigative reports from visits were admitted into evidence. The record was closed at 2:18 p.m.

A motion was made by Page to enter into closed session at 2:20 p.m., to deliberate the decision to be rendered in a contested case according to Iowa Code Chapter 21.5(1) f. A second was received from Mosley. Roll call taken

Page - aye

Mosley - aye

Schultz - aye

Clausen - aye

Sheriff - aye

Motion carried.

The board returned to open session at 2:28 p.m.

A motion was made by Page to instruct the ALJ to draft the findings and conclusion for case #09-070 as discussed in closed session. A second was received from Sheriff. All ayes, opposed none, motion carried.

Hearing Pretty Nails: Respondent has settled. Stipulation and Consent Order pending board approval

The regular board meeting resumed at 2:30 p.m.

**New Business:**

Additional board meetings for 2013 were scheduled on the following days: September 9<sup>th</sup>, October 14<sup>th</sup>, and November 25.

The board office received notification that the cost to test for the presence of MMA through University of Iowa Hygienic Laboratory has increased by 5%. Board may need to consider increasing fees to cover the cost of doing business.

**Old Business:**

Discussion of changes to Iowa Code 157.11 for the Department's Omnibus Bill. Two minor changes are needed in code to bring the board into compliance with the State Auditor's Office.

Current language in code mandates a biennially inspection of salons with the word "shall." It is recommended to change "shall" to "may" to be in compliance with the State Auditor's Office. Members expressed concerned about not performing salon inspections. With the number of complaints several board members felt salons are not following the administrative rules. It was discussed that even with the language being changed to "may", the board could still do inspections if warranted. Barb Huey reported other boards are considering a fee increase for licensure that might cover some of the inspection costs. Barb Huey suggested that the board wait until the 2014 numbers are in before considering a fee increase.

A motion was made by Page to approve the changes of "shall" to "may" perform a sanitary inspection of each salon biennially. A second was received from Schultz. 2 Ayes, 3 Nays, motion failed.

Total Look School of Cosmetology and Massage Therapy - The floor plan did not include a shampoo area, library, and laundry. One third of the school is dedicated to massage therapy. The board decided more information is needed before the application can be approved. Board executive will send a letter requesting additional information.

**Applications:**

Emily Topliff, cosmetology renewal. Licensee is under a deferred judgment for three counts of Aiding and Abetting Burglary in the Third Degree. Licensee is currently on probation until October 2, 2014. Board agreed to renew the license by a consent order with probation to run concurrently with criminal probation.

A motion was made by Page to grant the renewal with probation to run concurrently with criminal probation. A second was received from Mosley. 4 ayes, 1 Nay, motion carried.

Melissa Champlin, esthetic license. Applicant has a theft conviction and is on supervised work release through January 2015. Members agreed to approve the application by consent order,

A motion was made by Page to approve the application for esthetics. A second was received from Mosley. 5 ayes, 1 nay, motion carried.

Phuong Van Nguyen, reinstatement of nail tech license. Board revoked the applicant's license on February 20, 2012. No terms or conditions were set on the revocation and the licensee was allowed to apply for reinstatement after one year. Nguyen was advised to appear before the board today but did not appear. Board agreed to deny his reinstatement.

A motion was made by Page to deny reinstatement request for a nail tech license. A second was received from Schultz. All ayes, opposed none, motion carried.

Keisha Jackson, cosmetology instructor's application. Licensee has a \$1,000 unpaid civil penalty.

A motion was made by Page to deny this application for an Instructor's license. A second was received from Mosley. All ayes, opposed none, motion carried.

La' James International College - La' James submitted an application for a school license at the Lindale Mall located in Cedar Rapids. La'James requested a two-tier inspection. The first inspection would be the theory classroom and the second inspection would encompass the clinic area. The classrooms are scheduled to be

completed in December and the clinic area after the first of the year. The rules do not allow for a two-tier inspection process. The school must meet the criteria of being fully operational before a license issued. The board members agreed to table this issue.

A motion was made by Page to table the application. A second was received from Schultz. All ayes, opposed none, motion carried.

**Closed Session:**

A motion was made by Page to enter into closed session at 3:15 p.m. to discuss confidential material related to applications and complaints according to Iowa Code Chapter 21.5(1) a & d. A second was received from Schultz. Roll call taken.

Page - aye

Schultz - aye

Sheriff - aye

Mosley - aye

Clausen - aye

Motion carried.

Board returned to open session at 4:04 p.m.

**Follow up from closed session:**

A motion was made by Page to accept the Stipulation and Consent Orders for the following cases:

CO 11-083

CO 11-146

CO 11-179

CO 11-106

CO 11-148

CO 11-016

CO 11-141

CO 11-169

CO 11-143

CO 11-177

A second was received from Mosley. All ayes, opposed none, motion carried.

A motion was made by Page to close the following cases as discussed in closed session:

Angela Jo Evans

CO 11-184

CO 12-011

CO 12-033

CO 12-054

CO 11-193

CO 12-015

CO 12-035

CO 12-058

CO 12-006

CO 12-029

CO 12-037

CO 12-059

CO 12-061	CO 12-075	CO 13-012	CO 13-025
CO 12-066	CO 12-076	CO 13-014	
CO 12-069	CO 13-001	CO 13-016	
CO 12-071	CO 13-004	CO 13-017	
CO 12-072	CO 13-006	CO 13-018	
CO 12-074	CO 13-010	CO 13-019	

A second was received from Schultz. All ayes, opposed none, motion carried.

A motion was made by Page to continue Case #10-079. A second was received from Schultz. All ayes, opposed none, motion carried.

**Board Member Personal Information Released to Media:**

After discussion board members decided that the contact information that would be released to the media would include only the member's name, business address or business phone number unless advised otherwise. A new roster will be forwarded to board members.

**Adjournment:**

A motion was made by Page to adjourn the meeting at 4: 13 p.m. A second was received from Mosley. All ayes, opposed none, motion carried.