Iowa Board of Cosmetology Arts & Sciences
July 19, 2011, 9:00 AM
Conference Room 517 & 518
5th Floor, Lucas State Office Building

Meeting Minutes

**Call to Order:**
Meeting was called to order at 9:02 a.m.

**Members Present:**
Richard Sheriff
Jerry Talbott
Kimberly Setzer
Mary Clausen
Nicole Schultz
Richard Mosley

**Members Absent:**
Dana Atkins

**Staff Present:**
Barb Huey, Bureau Chief
Barb Christiansen, Administrative Assistant
Rosemary Bonanno, Clerk Specialist
Susan Reynolds, Board Executive
Scott Galenbeck, AAG

**Public Comment:**
Constance K. Tahyor, owner of Constance African Hair addressed the board about the hair braiding services she offers. The Board sent a cease and desist letter to Ms. Tahyor to suspend hair braiding until she obtained a cosmetology and salon license. Ms. Tahyor requested guidance from the Board to continue her business and remain compliant with state laws. AAG Galenbeck explained the application process and encouraged Ms. Tahyor to assemble documentation of her attendance at a cosmetology school in Liberia to provide to the board when applying for licensure.

Christine McClain filed a petition to waive the 3, ooo square foot minimum requirements for schools of cosmetology. HM Nail Academy leases 800 square feet under its current rental agreement. Ms. McClain does not want to relocate her school and requested the board to lower the minimum square footage to 800.

Robert Herdrick addressed the Board about retaining his salon license.

Chris Fiegen, Director of Capri College presented concerns discussed during a round table forum with area salon representatives about the frequency of inspections. The letter to the Board suggested creating a volunteer inspection team. AAG Galenbeck cautioned that the state must be in control of the inspections because responsibilities cannot be delegated to individuals who are not state employees or board members. (Reference addendum to minutes.)

A primary concern of school representatives was licensees do not provide photo identification to educational providers before enrolling in continuing education classes. Sheriff concurs with the issue of photo I.D.s and would agree with the adoption of an administrative rule mandating photo identification as a requirement to register for continuing education courses. (Reference addendum to minutes.)

**Election of Officers**
Nomination made for Kim Setzer to serve as Chair for 2011-2012. MSC: Sherriff/Talbott
Nomination made for Dana Atkins to serve as Vice Chair for 2011-2012. MSC: Setzer/Sheriff. Passed: 6-0-0-1. Absent: Atkins

**Committee Assignments**
Discipline: **Setzer, Chair**; Sheriff and Talbott
Rules: **Atkins, Chair**; Claussen, and Seltzer
Education: **Mosley, Chair**; Schultz and Atkins

**Review Agenda**
Motion made to accept the April 6-7, 2011, minutes with correction and the April 28th Conference Call minutes as presented. MSC: Sherriff/Talbott. Passed: 6-0-0-1. Absent: Atkins

**Reports:**
Barb Huey welcomed new members. Barb reported on the new AMANDA software system. A secure web folder will be available for board members with a password protection, will make is possible to receive confidential information through e-mail.

**New Business:**
AAG Scott Galenbeck answered questions regarding the role of the discipline committee and their authority. The committee was established to serve as a screening function to review the complaints and bring a small number of cases to the board. AAG Galenbeck emphasized the entire board needs to be involved in the charging decision. The disciplinary committee should never make the charging decision but can recommend action to take against a licensee. The initial complaint can be sent to the discipline committee for review; the DIA investigative report needs to be distributed to all board members.

Review of Applications and Change in Ownership Policy – The Board will develop rules on issuing a license to an individual who holds another license under probation. AAG Galenbeck stated that anytime you have a questionable license, the application should be brought to the board for review. The rules committee needs to review the probationary history and consider adopting an administrative rule prohibiting a change in ownership while the salon is on probation.

Dates and the frequency of annual board meetings could increase to every other month because of the amount of discipline cases to review. Teleconference would be an option. Board members requested the meetings to be held on Mondays.

Increasing civil penalties - Susan Reynolds reported that $1,000 is the maximum civil penalty the board can assess against a licensee. Board asked if they would support an increase in civil penalties. This change would require a legislative change for all boards.

**Application For Waiver:**
HM Nail Academy is seeking a one-year waiver of the 3,000 square foot requirements for cosmetology schools. Christine McClain requested the board to set the minimum requirement at 800 square feet. The board is not empowered to grant a permanent waiver. A motion was made to allow a one-year waiver of the square foot requirements for HM Nail Academy. MSC: Talbott/Mosley. Passed: 6-0-0-1. Absent: Atkins.

**Old Business:**
None.

**Future Board Meetings**
October 5, 2011, subject to change.

The board moved to go into closed session at 10:50 a.m. to discuss disciplinary issues according to Iowa Code § 21.5(1) (a), (d) & (f). MSC: Mosley/Sheriff, roll call of board. Passed: 6-0-0-1. Absent: Atkins.

Board reconvened into open session at 2:00 p.m. and took the following actions:

Motion made to draft Statement of Charges against the following cases. MSC: Setzer/Talbott. Passed: 6-0-0-1. Absent: Atkins.

10-052, 10-089, 10-090, 10-091, 10-095, 10-098, 10-111, 10-112, 10-005, 11-015, 11-018, 11-019, 11-024, 11-020, 11-025.

Motion was made to close the following cases. MSC: Setzer/Mosley. Passed: 6-0-0-1. Absent: Atkins.

10-004, 10-094, 11-006, 10-021

Motion made to send Letters of Warning to the following cases. MSC: Setzer/Sheriff. Passed: 6-0-0-1. Absent: Atkins.

10-096, Applicant #3, 09-080

Motion was made to accept the following settlements. MSC: Setzer/Mosley. Passed: 6-0-0-1. Absent: Atkins.

10-044, 10-087, 10-086

Motion made to approve consent order for case 10-044 and applicant #1, #2 and #4. MSC: Setzer/Talbott. Passed: 6-0-0-1. Absent: Atkins

Motion made to deny reinstatement of applicant #5. MSC: Setzer/Sheriff. Passed 6-0-0-1. Absent: Atkins.

Motion made to deny application of applicant #6. MSC: Setzer/Mosley. Passed: 6-0-0-1. Absent: Atkins.

Motion made to adjourn meeting at 2:10 p.m. MSC: Setzer/Talbott. Passed: 6-0-0-1. Absent: Atkins.