

**UTAH  
BARBER, COSMETOLOGIST/BARBER, ESTHETICIAN, ELECTROLOGIST AND  
NAIL TECHNICIAN LICENSING BOARD MEETING  
March 3<sup>rd</sup>, 2014**

**Room 474 – Fourth Floor – 8:15 a.m.  
Heber M. Wells Building  
Salt Lake City, UT 84111**

**CONVENED : 8:18 a.m.**

**ADJOURNED: 4:25 p.m.**

**Bureau Manager:**

Sally A. Stewart

**Board Secretary:**

Sally Canavan

**Board Members Present:**

Chad W. Price, Chairperson  
Annette Bergstrom  
Dianne Niebuhr  
Elaine Reintjes  
Carlotta Veasy – arrived at 8:30 a.m.  
Jamie Comstock  
Adriane Lindsay Baxter

**Board Members Absent/Excused:**

None, two vacancies

**Guests:**

Theodore E. Kanell, attorney for Sherry Johnston  
Tricia Hite, Utah Beauty Association  
Matt Shaw, Canyons School District

**DOPL Staff Present:**

Debra Troxel, Compliance Specialist  
Gordon Summers, Investigations Supervisor  
Lynn Hansen, Investigator  
Pam Bennett, Investigator

**MINUTES:**

**DECISIONS AND RECOMMENDATIONS**

The minutes from the December 2<sup>nd</sup>, 2013, meeting were reviewed by the Board. Ms. Reintjes made a motion, seconded by Ms. Niebuhr, to approve the minutes with two corrections. The voting was unanimous.

The minutes from the January 6<sup>th</sup>, 2014, electronic meeting were reviewed by the Board. Ms. Reintjes made a motion, seconded by Ms. Bergstrom to approve the minutes with as written. The voting was unanimous.

**Compliance Unit Report:**

Ms. Troxel reviewed the probationers being seen today.

**Gordon Summers**  
**Investigations Supervisor**

Mr. Summers is the Investigations Supervisor for this group of professions. He attended the Cosmetology & related professions meeting to be available for questions and citations as needed. He discussed information about fines and the different citations options. He stated some Boards have gone with a "zero tolerance" for probation violations. As to the amount of the fine, all that needs to happen is an agreement from the majority of the Board members. He also mentioned that the Hearing Officer at Citation Hearings may reduce the fine if the individual chooses to go to a hearing. He stated the investigators could attend board meetings and citations could be issued at that time. He noted to the Board that some of DOPL's investigators sit on the task force for human trafficking and the investigator can be discreet. It was noted that DOPL wants everyone playing by the same set of rules. With an interpreter one of the benefits is that people can speak for themselves rather than have someone they work for speak for them.

**J. Ryan Anderson**

Mr. Price interviewed Mr. Anderson. He stated he did not know he had a dilute test and an abnormal test. He is still working in the field. The Board informed him that dilutes and abnormal tests are both considered positives. He told the Board he is buying a house; and at work he is the floor manager, doing the ordering, making sure everybody is sanitizing and cleans up. He was informed that the testing company automatically increases the number of tests when they have dilutes, abnormal or positives. The Board stated he has violated his probation. The Board recommended a citation and fine. They reminded Mr. Anderson that his Memorandum of Understanding and Order ("MOU") was restarted under the stipulation he comply and if he was not compliant he would be revoked. The Board does not like to request a fine be issued but is bound by what is in the Law and Rule. Ms. Niebuhr made a motion, seconded by Ms. Comstock, that the fine on the citation be \$250.00. The voting was unanimous. Mr. Anderson stated he would like the fine to be decreased. The Board told him he

can make payment arrangements or talk to a Citation Hearing Officer. The Board stated compliance with an MOU is not optional. The Board told Mr. Anderson there are options, Mr. Summers will go over the options with him. Ms. Stewart read the minutes from December 2<sup>nd</sup>, 2013 and he was informed he could have been issued a citation then. He has been working without a valid license for three months. The Board chose to issue a citation and fine instead of revoking today. The Board requested to see him at the June 2<sup>nd</sup>, 2014 meeting.

**Non-compliant**

**Brooke Rachele Camden**

She called 10 minutes before the meeting. She said she had an emergency at work. The Board wants documentation from the employer before excusing her from her interview. Ms. Troxel will follow up on that matter.

**Elizabeth Marie Cannon**

She wants off probation. She stated she is willing to let instructor license go to get her base license off probation. The Board stated it is only 10 months more till instructors license is scheduled to be off probation. If she lets the instructor's license go she would have to re-test and totally reapply for the instructor's license she has. Life is super busy for her right now. If she re-applies for the instructor license, she may have to go back on probation. She decided she does not want to give up her instructor's license. She thought the remaining probation period was longer than ten months. The Board stated her last test was dilute. She has been compliant for three years so was asked "what happened?" She says she cannot have a cup of coffee before she tests. When she is called to test she tries to go in on her way to work. Ms. Reintjes made a motion, seconded by Ms. Veasy, to amend her MOU to make her cosmetology/barber base license fully active. The voting was unanimous. The Board requested to see her on June 2<sup>nd</sup>, 2014 for a probation interview on her instructor's license.

**Non-compliant**

**Frank Brody Cossey**

Ms. Bergstrom interviewed Mr. Cossey. He is still working from home. He brought in a list of clients. He is still working for his father. He stated through this probation process he has grown up a bit. He is not doing what his friends are doing and thinks they

are wasting their lives. When his roommates want to party, he makes them do it downstairs. He does not want to be part of that. The Board noted his probation was scheduled to be over by May 1<sup>st</sup>, 2014. Ms. Bergstrom made a motion, seconded by Ms. Baxter, to amend his MOU to release him from probation. The voting was unanimous. The Board reminded him to keep doing what he is doing until he gets the signed order and license in the mail.  
**Compliant**

**Lisa Rae Dow**

Ms. Dow came in for her appointment with the Board, but had to leave for a Dr. appointment. She stated she will be back later, and hopefully the Board can work her in. Her interview took place at that later time. The Board noted that at the last meeting they were going to take her license. She stated she could not get in touch with Ms. Troxel. The Board stated she could have called Ms. Stewart or even the general number. Ms. Troxel had printed all the information for her but when her house was foreclosed on and she moved she could no longer find it. She brought her packet in and got the number for Ms. Troxel. She brought in her employer reports for work in February. Ms. Dow's mother had a heart attack so when she could not get a hold of Ms. Troxel she left her a message. The Board is going to issue a citation with a \$100.00 fine. Ms. Bennett will explain Ms. Dow's options. The Board stated that if another citation is issued it will be a second citation fine amount. The Board requested to see her at the June 2<sup>nd</sup>, 2014 Board meeting.  
**Non-compliant**

**Camille Eileen Edwards**

Ms. Edwards had a car accident on her way in to the Board meeting. She stated she is still a little shaken. This was her initial interview with the Board. She will start with Affinity as soon as she gets some money. She is getting a business license. The Board stated she needs to be under supervision and she needs to sign up with Affinity and be calling in every day. The Board stated if she was non-compliant they have citation and fine authority. She asked if anyone is looking to hire a master esthetician. She is willing to do anything and said her resume is out all over. She was reminded her MOU was restarted. The Board requested to

see her at the June 2<sup>nd</sup>, 2014 Board meeting.  
**Compliant**

**Amberlee Michele Evans**

Ms. Evans stated things are going really well. She is in the process of repairing her credit. She brought in her employer report. The Board noted it was a good report from employer. Mr. Price stated she had three missed check ins. She did not realize she had missed that check-in day. A week and a half ago was a dilute test. She has requested early release again. The Board stated with the missed calls and dilute test we can not recommend early release. The last two meetings she was non-compliant. The Board feels a citation is in order for her. She feels she tries so hard and she drinks lots of liquid so she can test resulting in dilute. She is coming up on five years sober. She did not know she was dilute. She doesn't have the money; she struggles as it is. Her car is on the "E" she doesn't know how she will get home. She will stay on probation if that is what it takes to keep her license. The Board told her they realize life is hard; they asked Ms. Evans for a recommendation for violating her probation agreement. Ms. Reintjes made a motion, seconded by Ms. Niebuhr, for the fine to be \$100.00. If probation is violated again, the Board will have no choice but to give her another citation and fine from \$251.00-\$500.00. The voting was unanimous. The Board stated several options are available; she may work out a payment schedule, or request a hearing. Generally the payments are made every 30 days for three of four months. The Board requested to see her at the June 2<sup>nd</sup> 2014 Board meeting. **Non-compliant**

**Brittany Floyd**

Ms. Floyd did not come in for her appointment with the Board. Because the Board only meets quarterly, it is considered a big violation. Ms. Niebuhr made a motion, seconded by Ms. Baxter, she be issued a citation with no fine attached. The voting was unanimous. **Non-compliant**

**Joseph Thomas Gierhart**

Mr. Gierhart came in for his appointment. He turned in his essay today. He stated work is going good. He is testing and seeing his counselor. The Board noted his therapy report is great. He sees his counselor one time per week. He has just one shop. The Board noted his probating is up in 2015. He stated business is really busy. The Board

**Dana Lynn Giles**

confirmed his drug testing stops on the anniversary of when it started. The Board requested to see him at the June 2<sup>nd</sup>, 2014 Board meeting. **Compliant**

Ms. Giles is a new mom. This is her second interview with the Board. The baby is now six months old. She had a lot of missed calls resulting from a misunderstanding of how long she was excused from maternity leave. She stated she goes back to work tomorrow 03/04/2014. She will restart calling tomorrow. The Board stated the weeks she was not working will not count towards probation. She has graduated treatment. She has a support system she sees her Probation Officer once a month. She is seeing a counselor once in awhile. The Board reminded her she now needs to call in every day. She will have extra time added to her probation for the time she was on maternity leave. The Board requested to see her at the June 2<sup>nd</sup>, 2014 Board meeting. **Compliant**

**Natalie Ann Guyre**

Ms. Guyre came in for her appointment with the Board. She stated she is doing fine. The Board noted she has a good employer report. She is not scheduled to be released until November. She is moving on March 16<sup>th</sup>, 2014 and has given Ms. Troxel her new address. Every thing is going fine. The Board suggested she skip the June meeting. She says she knows within her self she doesn't need to use any more. The Board requested to see her at the September Board meeting. **Compliant**

**BREAK:** 10:30 a.m.

15 Minutes

**APPOINTMENTS:**

**Ashleigh Johnson**

Ms. Johnson interview was to be excused till the June meeting. Camille Edwards took this spot for her interview as she had to come in at a later time. (see above)

**Stephanie Marlese Helmick**

Ms. Helmick did not come in for her appointment with the Board. Ms. Niebuhr made a motion seconded by Ms. Baxter that Ms. Helmick be given a citation with no fine attached. The voting was unanimous. **Non-compliant**

**Season Heather Hymas**

Ms. Bergstrom interviewed Ms. Hymas. This is her initial interview with the Board. She did not think there would be so many people at the Board

meeting. She was requested to do an essay on a business and professional ethics course. The Board stated she needs to be responsible for her business practices. She is currently not working in the field. She does friends and family on the side. She likes to keep her license in case she needs it in the future. Her MOU requires her to work eight hours per week. She has three children. She knows she must work the above hours to be compliant. She would like to work from home or could do some volunteer work. The Board stated doing friends and family are a different situation. The purpose of this license is to work in a professional setting. When she graduated from school, she was expecting and did not try to get a job for only three months Her husband is successful and she did not have to work. But she could find some people to work on. The Board discussed they would need a log.

Ms. Bergstrom made a motion seconded by Ms. Baxter that Ms. Hymas MOU be amended to require eight hours per month and a log of all services performed. And she is to send a copy of her essay to Ms. Troxel. The voting was unanimous. The Board stated if you have any questions contact Ms. Troxel.

**Mandi James**

Ms. James stated she is working from home. She has more clients than she can handle. She will not let them leave unless she is happy with how they look She is doing family and a bunch of activity with her daughter. Has a salon in her home has gone through all the inspections. She stated Ms. Troxel is amazing. The Board noted she is compliant and has been compliant all along. The Board requested to see her at the September 8<sup>th</sup>, 2014 Board meeting. **Compliant**

**Janeil Johnson**

Ms. Troxel stated that Ms. Johnson has had no contact with her. She came in for her appointment with the Board. She says she was frustrated with all the things in life. It was so discouraging to her she gave up. She has not worked in the industry since October 2013. She would like to work has given up She is upset to be put in the position. She feels like she has already paid her debt to society. The Board explained because of mistakes in the past, they are charged to protect

the public. Life is very hard right now to even get housing. The Board stated she could give up her license and not reapply for five years in this case. After the incident has closed is the time that administrative probation starts. The Division looks to see if there has been any further incident. If she surrenders and not re apply for five years the Board would like to help you along the way. She has not complied with the terms. The Board discussed they could issue a citation or fine or restart She determined she would like to try again to be compliant with her probation. Ms. Baxter made a motion seconded by Ms. Bergstrom to restart her probation. The voting was unanimous. Ms. Troxel would go over her MOU in detail with her. **Non-compliant**

**Sherry Larsen Johnston**

Ms. Johnston Came in for her appointment with the Board. She brought in her employer reports, had turned in her essay already. The Board stated she is doing great doing all she needs to do. The Board requested to see her at the June 2<sup>nd</sup>, 2014 Board meeting. **Compliant**

**LUNCH**

1 Hour

**APPOINTMENTS:**

**Joseph Michael Lucero**

Mr. Lucero came in for his appointment with the Board. The Board noted he had been excused from testing and calling because his father passed away. He stated because he is working he was able to pay for the funeral and could afford to have a life party. He stated this has been a good thing for him. He is getting his drivers license today. He has to have a breathalyzer installed on his car for a while. After his father passed he thought about using talked to Troxel and decided on this course of actions. Now he is working and feels pretty strong about not using. He stated his father was suffering. The Board noted he reached out to the appropriate support. He is half the way through his probation. He just worked through it. The Board requested to see her at the September 8<sup>th</sup>, 2014 Board meeting. **Compliant**

**Mackenzie Don Wakley**

Ms. Veasy interviewed Ms. Wakley. The Board stated she had missed six calls. She says she is trying to be complainant but she just forgets. She has an alarm but it doesn't seem to help. She

turns it off and then doesn't think about it again. The Board stated she needs to take responsibility for her test. The Board told her about their citation authority. She said her family is her support system. Her employer report was very positive they love her. She is doing better than she has been but not 100%. The Board stated every element of her MOU is important. The Board noted they had restarted her probation in September 2013. Ms. Veasy made a motion, seconded by Ms. Bergstrom, the citation amount to be \$100.00. The voting was unanimous. The Board stated next time one call is missed it will be \$251.00 fine amount. The Board requested to see her at the June 2<sup>nd</sup>, 2014 Board meeting.

**Non-compliant**

**Sean Joel McGee**

This is Mr. McGee's initial interview. He had moved and did not get the invite letter. The investigator went to his shop and he was given a fine. His car was booted when he came out of work. The Board noted additional charges. Ms. Stewart stated she would need to rewrite his order. It would have to be a stipulation and order and contain additional terms. The Board noted he brought in his employer report. Ms. Bergstrom made a motion, seconded by Ms. Veasy, for the Division to redo a Stipulation and Order. He prefers a new stipulation and order. He needs to sign and return the new stipulation by thirty days. The voting was unanimous. If he has any questions he will talk to Ms. Troxel or Ms. Stewart or an attorney. The Board requested to see him at the June 2<sup>nd</sup>, 2014 Board meeting.

**Non-compliant**

**Stephanie Mecham**

Ms. Mecham is a new grandma. The Board noted she is keeping up on all the terms of probations. She has completed the ethics course that was approved by the Board. She stated it was an online program. She has been compliant all along. The Board requested to see her at the September 8<sup>th</sup>, 2014 Board meeting. **Compliant**

**Allison Perry**

Ms. Perry came in for her appointment with the Board. Ms. Comstock conducted her interview. She is working in the field. Her employer report says they love her there. The Board requested to

see her at he September 8<sup>th</sup>, 2014 Board meeting  
**Compliant**

**Marcy Pruitt**

Mr. Price conducted the interview with Ms. Pruitt. She noted for the Board she has some health problems. The Compliance Specialists stated she is going above and beyond. She has been extra communicative with Ms. Troxel. She is being proactive with her probation. She said she is really really trying. She said she would follow up on her employer report. The Board stated they were beginning to see a pattern of compliance. The Board requested to see her at the June 2<sup>nd</sup>, 2014 Board meeting. **Compliant**

**Amanda Ruetlinger**

Ms. Ruetlinger stated she just got married. Her name has not been changed on our records yet. Her car was broken into the thieves took her identification. She will fax new identification to Ms. Troxel and she will make the change to DOPLs records. The Board noted her test results are negative. Her employer report says they love her at work. She is making good choices. She appreciated the support and acknowledgement of the Board. Her probation is scheduled to end in August 2014. **Compliant**

**BREAK:** 1:55

15 Minutes

**NEW STIPULATIONS:**

**Ashlee Nicole Jones**

Ms. Troxel delivered a report on Ms. Jones. She had met with compliance unit, Ms. Troxel and Mr. Ishihara. She has a change in her thoughts. She did not complete her interview at the last Board meeting. She is excused from this Board meeting because of out of state surgery. The Board will not be able to meet with her until June. Ms. Troxel talked about her order stating she had received a note from the Doctor. **Compliant**

**Sasha Anna Pondel**

Ms. Pondel is now living in California. She took her schooling in Utah and applied for UT license The reason she applied for a license was that she wanted the Master Esthetician classification. She had no intention of working in Utah. She applied for a license under false pretenses. The Division will send her a voluntary surrender giving her ten days to respond. When information is requested

by California disciplinary file will be sent. The Board will be requested to take action on an informal action to revoke. **Non-compliant**

**Kimberly Yates**

Ms. Yates was excused from this meeting for Knee surgery. She is currently to do no weight bearing at all on that knee. She recently signed the order. She may need to restart her probation because of surgical interference.

**Sara Jane Graham**

The division would like the recommendation of the Board as to renew or not. She applied for renewal when her license expired. She needed to provide additional information, which has now been done. Her history shows a total non compliance. The Division did not have any contact with her until she applied for renewal. She was in an intensive rehabilitation program in Arizona. Ms. Stewart does not want to set Ms. Graham up to fail and she stated the citations and fines are hefty and the history is not good. We look at how long it has been since the charges. She has a Cosmetology license in Arizona. There have not been any additional criminal charges. She is currently on court probation. She now has eight months sober. In the event the Division made an offer it would be an intensive MOU. The Division would put together a condition that if you were non compliant you be immediately revoked. She stated she feels she can comply with a more restrictive MOU She is currently in aftercare. She stated her sobriety is number one. She loves doing this kind of work and wants to do her passion. She feels she can stay the course. Her family is her support and she goes a 12 Step program. Her counseling helps her to talk out things that are bothering her. Her family has been involved with the counseling. Ms. Reintjes made a motion seconded by Ms. Niebuhr to do a reinstatement subject to terms and conditions that will be provided and see her here every three months. The voting was unanimous. Ms. Niebuhr stated she needed to make certain to dot every "i" and cross every "t"; to make sure to call Ms. Troxel with any questions. The Division stated it would be for a period of four years. The Board requested to see her at the June 2<sup>nd</sup>, 2014 Board meeting.

## **DISCUSSION ITEMS:**

### **Funds for Educational Purposes**

Mr. Price received a phone call from Candace Daly the Lobbyist for the school owner association requesting the Board provide the Education and Enforcement funds to fund a conference for them. Mr. Price stated that as the Board they need to decide how to use the funds, and realize there are several different professions that have funding options. The School Owner Association has been renamed the Utah Beauty Association. Right now the Division is moving forward with the plan to fund the interpreters program. It will help with possible human trafficking and abuse; for the investigators and for court proceedings. The fund grows with each citation issued. If a symposium is taped it can be used in rural areas and give greater access to that area. The Board discussed much more information is needed before disbursement of funds can be considered. The Board discussed some of the questions would be: How soon can we implement this into policy? Who will it benefit? Who is the target? Is it okay to pay for one specific group? What are subjects are being addressed? The money the state provides must be for specific amounts for specific items etc. When someone applies for funding they should itemize, how many people etc. The Board discussed funds may be issued for a finite amount, the room or the building. The Board determined they need to form a committee to determine what they want on the request form. The Board Chair requested the rest of the Board tweak the form to make an application for funds. Ms. Comstock stated she would help tweak the form, email it to Ms. Stewart to run it through the approval process at DOPL.

### **Legislative Actions**

Currently there is a bill before the Legislature that has to do with the changes in the international mechanical codes. One of which is specific ventilation requirements for Nail Technicians or Cosmetologist/Barber who are doing acrylic nails. The International Mechanical Code found that the dust from acrylic nails is harmful. They are requiring ventilation provision within the International Mechanical Code. Each nail station must have specific force ventilation. For places that are under construction or being remodeled

there must be compliance by July 1<sup>st</sup>, 2014. For places not being constructed or remodeled there has to be compliance by July 1<sup>st</sup>, 2020. That is the bill that is at the Legislature it affects those working with acrylic nail only. The law may be passed. For specific information individuals need to read the mechanical codes. It will also be unlawful for anyone to possess or use a 10% or great solution of MMA. We can test the evidence of MMA if we need to. The International Mechanical Codes are being accepted. While they had the act opened they changed the law regarding MMA.

**Potential Rule Changes**

The Board discussed when changing the act you change the rule. The Board discussed waiting until the Legislature is closed before making the rule changes. Because the law says acrylic nail, acrylic nail needs to be defined. Micro-needling will need to be addressed or defined in the definitions. There are some things that the act says can be defined in rule. The Board discussed the distance learning issue. There are some of the rules that need to be changed.

**NEXT SCHEDULED MEETING:**

Monday, June 2<sup>nd</sup>, 2014

**ADJOURN: 4:25 p.m.**

No motion required

*Note: These minutes are not intended to be a verbatim transcript but are intended to record the significant features of the business conducted in this meeting. Discussed items are not necessarily shown in the chronological order they occurred.*

06/02/2014  
Date Approved

Mad Price  
Chairperson  
Barbering, Cosmetology/Barbering, Esthetics,  
Electrology and Nail Technology Licensing Board

06/02/2014  
Date Approved

[Signature]  
Bureau Manager  
Division of Occupational & Professional Licensing