

**UTAH  
BARBER, COSMETOLOGIST/BARBER, ESTHETICIAN, ELECTROLOGIST AND  
NAIL TECHNICIAN LICENSING BOARD MEETING**

**September 9<sup>th</sup>, 2013**

**Room 474 – Fourth Floor – 8:30 a.m.  
Heber M. Wells Building  
Salt Lake City, UT 84111**

**CONVENED : 8:06 a.m.**

**ADJOURNED: 5:16 p.m.**

**Bureau Manager:**

Sally A. Stewart

**Board Secretary:**

Sally Canavan

**Board Members Present:**

Chad W. Price, Chairperson  
Annette Bergstrom  
Jamie Comstock arrived at 9:40 a.m.  
Sunny Smith  
Elaine Reintjes  
Pauline Anderson  
Dianne Niebuhr  
Adriane Baxter

**Board Members Absent/Excused:**

Carlotta Veasy, excused

**Guests:**

Brenda Scharman, Cameo College and Utah Beauty  
Schools  
Candace Daley, UBSOA  
Chad Milton, Derma Pen LLC

**DOPL Staff Present:**

Debra Troxel, Compliance Specialist  
Lloyd Hansen, DOPL Investigator  
Sharon Esplin, DOPL Investigator  
Lynne Anthony, DOPL Investigator

**MINUTES:**

**DECISIONS AND RECOMMENDATIONS**

The minutes from the June 3<sup>rd</sup>, 2013, meeting were reviewed by the Board. Ms. Reintjes made a motion, seconded by Ms. Niebuhr, to approve the minute as written. The voting was unanimous.

**Compliance Unit Report:**

Ms. Troxel reviewed the probationers being seen today.

**Catherine Ann Acree**

Ms. Niebuhr interviewed Ms. Acree. She stated through this probation she has learned to love herself; that is what it is all about. She stated she had been told at the March 2013 Board meeting she would be able to request early release at the June 2013 meeting, to send the request electronically before the Board meeting. The June meeting was held at the Karen G. Miller Conference Center and was a shortened meeting. She

was not invited to the June meeting nor was her request addressed. The Board noted her probation time was up two weeks from today's date. Ms. Niebuhr made a motion, seconded by Ms. Comstock, that Catherine Acree be released from probation. The voting was unanimous. The Board stated her renewal will still have to be a paper renewal and she will need to answer "yes" on the Qualifying Questionnaire. Although the Board recommends release she is still on probation until the Director signs the Amended Order of Release and she receives it in the mail.

**Amy Lee Birch**

Mr. Price interviewed Ms. Birch. She is working cutting hair at Great Clips. She stated she has a great support system. She is attending meetings through her Church, like the 12-step program but more geared towards people in her religion. The Board noted she has always been compliant since being on probation. Ms. Bergstrom made a motion, seconded by Ms. Comstock, to amend to release Ms. Birch from probation. The voting was unanimous. The Board reminded her to continue with probation until she gets the signed paperwork from DOPL.

**Carlyn Frances Torres**

The Board introduced themselves to Ms. Torres. The Board noted her probation was originally scheduled for six months; they extended her probation to allow her to complete the Ethics class and essay. She was scheduled for 6 months and extended the time to complete her essay and take some ethics class. She has completed the courses and brought paperwork in. Her work offered her the manager position, but had declined, citing too much stress. The Board noted she was and has been compliant. Ms. Anderson made a motion, seconded by Ms. Smith, to amend Carlyn Torres from her probation. The voting was unanimous. The Board stated she will have to do a paper renewal this time.

**J. Ryan Anderson**

Mr. Price interviewed Mr. Anderson. He stated he was having a hard time financially. He decided after the last meeting to move home to be able to save money for testing. He slipped into a depression and put himself in a bad spot. He stepped back from going to his support meetings. He has been on probation since October 2011. His probation was restarted in 2012. The Board stated he failed to check in and test and has been given

numerous chances. He is not following his MOU. He stated he has a good family support group at home but when he gets depressed he blocks everybody out. He attended a wedding and drank. The Board discussed they can revoke his license; give him a citation-with a Board recommended fine amount. He stated he is not a drug addict he is an Alcoholic. He stated this time he would be in touch with a sponsor daily. If they revoke his license it would be for a specific amount of time. He will have to do a full re apply, not schooling. The Board questioned why they should grant a licensed to someone who blew them off and disregarded the MOU. He stated he knew he had really messed up and his license is important to him. The Board stated his records shows he has been compliant one time while he has been on probation. Ms. Smith made a motion, seconded by Ms. Anderson, to amend his order to revoke his license but stay the revocation, under the condition if he is non-compliant one time he immediately does a voluntary surrender of his license. Ms. Troxel would monitor his compliance, with one non-compliant incident the revocation would go into play. The voting was six in favor of the motion, one opposed. Ms. Niebuhr cast the dissenting vote. The motion carried. Ms. Stewart stated that action would require a stipulated agreement. She will mail it to him. If he has any questions Ms. Troxel offered to go over his MOU with him. **Non-compliant**

**Brooke Rachele Camden**

Ms. Camden did not come in for her appointment with the Board. **Non-compliant**

**Elizabeth Cannon**

Ms. Smith interviewed Ms. Cannon. The Board stated she had a dilute test, which translated in to a positive test result. She stated she had to get tested five times in one month and it had cost her a ton of money. She has determined she has to test in the morning to not get a dilute result. Ms. Cannon has an instructor license also. She plans to request early release. The Board told her to be compliant before making that request. The Board requested to see her at the December 2<sup>nd</sup>, 2013 Board meeting. **Non-compliant**

**Brody Frank Cossey**

Ms. Bergstrom interviewed Mr. Brody. He is living with his good brother and step father. He is working with step dad at a cable company he is their dispatcher. Not doing any hair at this time. He is training the new

employee to take over so he can go back and do hair at least part time. The Board stated his MOU requires eight hours work per week. The point is to monitor him while working. He is cutting family and friends but not supervised. Ms. Bergstrom made a motion, seconded by Ms. Smith, to amend his MOU paragraph 5n and 5o to read eight hours of work in his field per month with no supervision; to keep a log of clients with client signatures and comments; and to forward the log monthly to Ms. Troxel. The Board requested to see him in six months at the March 3<sup>rd</sup>, 2014 Board meeting.

**Non-compliant**

### **Heather Ross Drake**

Ms. Drake stated she has never worked in the profession. She intends to use her income tax refund to do additional schooling. Her MOU stated eight hours of working in the field per week. Since she is not using her license, her probationary time could not count. The Board offered her a voluntary surrender stating it would be advisable she let her license go. The Board informed her that surrender without reapplication would be for 3-5 years. Since she is planning on going to more schooling to get her Master Esthetician license, she stated this was not what she had planned to do she would like to take a little time to think about her options. The Board requested she get back in touch with DOPL and let them know her decision.

**Non-compliant**

### **Amberlee Michele Evans**

The Board noted she was calling in consistently and then started missing her calls, stating she had missed eleven calls but was not scheduled to test on any of those missed calls. She is attending AA for support and working 32 hours per week. Ms. Stewart introduced Lynne Anthony, an investigator, and related that the Division has citation authority. It is recommended citations and fines be issued for failing to comply with the MOU. The Board discussed the fine schedule. The Board does not want to condone any non compliance. People have chosen not to comply so we have instituted fine authority in the General Law and Rule. Ms. Anderson made a motion, seconded by Ms. Bergstrom, that Amberlee be given a verbal warning instead of fine. If there are further violations citation and fines will be issued. The voting was unanimous. **Non-compliant**

**Jenalyn Vance**

The Board noted from the beginning of June Ms. Vance has missed 55 check-ins. Affinity had blocked her account because she owed them \$70.00. She has been living with her Mom but they had a disagreement and mom kicked her out. Her phone was giving her problems, not working properly. The Board stated they now have fine authority. She was engaged, has now cut off all contact with the engaged person. She stated her life fell apart. She stated this has been a tough year. She stated she just wants to start over Ms. Baxter made a motion, seconded by Ms. Anderson, that she be compliant and come at the December 2<sup>nd</sup>, 2013. If she is non-compliant at that time, DOPL will assess a fine. She stated she is doing family and neighbors. The Board noted they could start her probation over for her. She stated she has to work to support herself and child. When she is compliant the Board will consider amending her MOU. **Non-compliant**

**Natalie Ann Guyre**

She stated things are going really well. At work they wanted to make her manager she turned it and the stress down. The Board noted she meets every six months. Her probation is scheduled to end in November 2014. The 2013 renewal will need to be a paper renewal. The Board requested to see her at the March Board meeting. **Compliant**

**BREAK**

15 minutes

**APPOINTMENTS:**

**Stephanie Marlese Helmick**

Ms. Helmick stated it is taking time to build her clientele. There are some online Ethics courses she may take, it would be continuing education as long as there is some way to evaluate you have taken and learned the reinforced behavior. There is usually a test or something of that nature. The Board stated the courses don't have to specifically deal with cosmetology profession. A general Ethics course would be fine. **Compliant**

**Anthony Washburn**

Mr. Washburn stated he will be moving and will give us his new address, not on the recording. The Board noted he was non-compliant at the last meeting, but noted he is compliant this time. The Board informed him they now have citation and fine authority for those who are not compliant. The Board told him to keep up

**Ashley Dawn Smith**

the good work. **Compliant**

Ms. Smith stated she is expecting and still working. All she has to do to be compliant is send in some papers. The Board told her about its citation authority. The Board requested to see her at the March Board meeting unless she is having the baby; that if that happens to please let Debra know so we can excuse her for that meeting. **Compliant**

**Allison Perry**

Ms. Troxel interviewed Ms. Perry. Still working in the field. She stated everything is looking good. She knows living sober now is so much better than before. The Board requested to see her at the March 3<sup>rd</sup>, 2014 Board meeting. **Compliant**

**Shauna Lynn Thompson**

Mr. Price interviewed Ms. Thompson. She stated she was fine. The Board noted she has two probationary licenses. The Cosmetology/Barber license will be off probation in 2014. The Master Esthetician license probation is scheduled for a total of 18 months and will be done in 2015. She has paid her fine before she received her Master Esthetician license. The Board stated her MOU requires she be working eight hours per week. She is currently looking for a job. She is doing applications and networking to get a job. She mentioned her licensed says restricted. The Board stated she needs supervision and needs to be working by the next Board meeting or she will be subject to citations and fines for being non-compliant. The Board requested to see her at the December 2<sup>nd</sup>, 2013 Board meeting. **Non-compliant**

**Amanda Reutlinger**

She stated she is doing better than the last time she met with the Board. She is not overly stressed now. She is attending Highland Ridge. Ms. Troxel has gone over her MOU with her. She now has a better understanding of what is required of her. The Board noted her employer loves her. She is living at home and has a great support there. She has reached out to family and is doing good, going in the right directions. She was issued a citation, it was a cease and desist order. The fine should be \$100.00, but because she has put into play a number of precautions, the fine was reduced the fine to \$75.00. A second fine, should it occur would be between \$200.00 and \$250.00. The Board requested she take care of that as soon as possible. Ms. Anthony met her in the hall to issue the

**Sara Jane Graham**

citation. **Non-compliant**

Ms. Graham did not come in for her appointment with the Board. Ms. Smith made a motion, seconded by Ms. Bergstrom, for a Voluntary Surrender; if no response in fifteen days, then issue and informal Agency Action. The voting was unanimous. The Board noted she was compliant at the Board meeting March 4<sup>th</sup>, 2013.

**Non-compliant**

**Mackenzi Wakley**

This is her initial interview with the Board. The Board introduced themselves. She completed a 16 week counseling course required by the court. The Board stated she needs to meet with Ms. Troxel to go over her MOU. She is working full time in the field. She stated she is no longer attending a 12-step program or AA. She has changed her friends. She explained her reason for missing her last appointment, her finance had passed away. The Board stated they need documentation showing when the funeral took place. The Board reminded her she must call every day and her employer reports will come in today that's okay with the Board. The Board noted she has been hit and miss with administrative probation that is a citation able offense. The Board stated to make sure Ms. Troxel gets a copy of all documentation. She has been on probation for nine months has not been compliant once. Ms. Bergstrom made a motion, seconded by Ms. Smith, that the timeline on her probation be started over. The voting was unanimous. The Board informed Ms. Wakley she will be subject to a citation and fine if not compliant. The Board reminded her to make sure she keeps in contact with Ms. Troxel. The Board recommended she continue classes for her own benefit, it is not a requirement from the Board. The Board requested she meet at the December 2<sup>nd</sup>, 2013 meeting. **Non-compliant**

**LUNCH**

1 Hour

**NEW STIPULATIONS:**

**Ashton Tuffin**

This is her initial interview with the Board. She is working in the field. She is going to the AA meeting and completed 21 days of the inpatient classes. She has two years of an administrative program. She will be getting completion of court probation documentation to Ms. Troxel. Her employer is aware of her situation and very supportive. Her family is very supportive. The Board requested she meet at the December 2<sup>nd</sup>,

2013 meeting. **Compliant**

**Lena Winegar**

This is her initial interview with the Board. She should have met with Ms. Troxel before this meeting. Her MOU is for three years. She enrolled in a recovery program. She stated drug court was very beneficial to her. She has been sober one year and stated amazing things are happening. She is still attending AA meetings. She stated she understands her MOU. The Board noted she is on the right track. The Board requested she meet at the December 2<sup>nd</sup>, 2013 meeting. **Compliant**

**Sean Joel McGee**

Mr. McGee did not come in for his appointment with the Board. There is no contact information. Ms. Troxel is aware of where he works. Ms. Smith made a motion, seconded by Ms. Anderson, to send a voluntary surrender. If no response in 15 days, the Board requests an Agency Action. The voting was unanimous. **Non-compliant**

**Mandi Rebecca James**

This is her initial interview with the Board. Ms. Reintjes interviewed Ms. James. She plans to open a salon in her home. She is waiting for Health Department etc. clearances to officially open. She is doing family hair. She says she understands her MOU. The Board will accept her criminal probation testing. If she is called to test through Affinity, she should call Ms. Troxel. The Board told her to call and make sure documents she has faxed, are received by Ms. Troxel. Ms. James stated she has someone who will be willing to work with her and be her supervisor and drop by unannounced. The Board told her to communicate with Ms. Troxel. Ms. Reintjes made a motion, seconded by Ms. Baxter, for an amendment to Mandi James MOU that she be allowed to report on a log her hours of work with patron signatures, after she gets her business license. The voting was unanimous. The Board requested to see her at the December 2<sup>nd</sup>, 2013 Board meeting. **Compliant**

**BREAK:**

15 minutes

**Sherry Larsen Johnston**

Ms. Johnston did not come in for her appointment with the Board. She is a salon owner. The Division thinks she received the mail, as it was not returned. Ms. Troxel talked to Ms. Johnston employee who stated her boss was called out of town on an emergency. The Board has requested documentation of the emergency

and that she was called out of town. The Board is requesting a letter of explanation. If she does not comply with the terms of the MOU then DOPL will issue a citation and fine. **Non-compliant.**

**Joseph Lucero**

Ms. Anderson interviewed Mr. Lucero. This is his initial interview with the Board. The Board introduced themselves. He has met with Ms. Troxel. He has completed counseling. He has been working helping out in the community. The Board explained this is administrative probation it is different than criminal probation. He stated he is involved with the recovery program, 12-steps and AA and is doing much better now. He is working in the profession and enjoys cutting hair. The Board talked about staying in compliance. The Board talked about citation and fine authority. The Board noted his brother is very supportive. The Board also noted he had been proactive since he applied. The Board requested to see him at the December 2<sup>nd</sup>, 2013 Board meeting. **Compliant**

**Jacklyn Leticia Jewkes**

Has passed away.

**Leslie Burdick**

This is her initial interview with the Board. Mr. Price interviewed Ms. Burdick. She has been sober for three years. She has stayed busy and hanging out with new people. Everything is different now. Her family is her main support. She is working in the field. Still needs to get signed up with Affinity. She loves the profession and is good at it. The Board suggested she get with Ms. Troxel to make sure she understands her MOU requirements. The Board reminded her, she is the one who controls how easy or hard this probation is. The Board requested to see her at the December 2<sup>nd</sup>, 2013 Board meeting. **Compliant**

**APPOINTMENTS:**

**Jason Robert Kerby**

Mr. Kerby came in for his appointment. He stated his is doing well. The second job is at a restaurant. He is working in the field and gets his best tips at the salon. His employer report is very positive. He has missed some test because of finances. He is now testing. He is trying to keep some money to the side just for the test. He stated he thinks everything is good now. He is trying to keep some money to the side just for the test. He stated he knows the routine for going out of town. With his schedule it is hard to do the test immediately. The stress level in his life is up there in the cosmetology

field; he noted he gains and loses clients. He is hoping the amount of tests will decrease now. The Board stated he needs to be squeaky clean at the next Board meeting. The Board stated they could possibly discuss an amendment at the March meeting. The Board requested to see him at the December 2<sup>nd</sup> 2013 Board meeting. **Non-compliant**

**Marcy Pruitt**

Ms. Pruitt came in for her appointment with the Board. Mr. Price conducted the interview. The Board noted she was doing really well. She talks to her counselor everyday and does yoga to help heal her mind. She is working in the field. The Board is getting employer reports. The Board noted her test came in positive, but the three after that one all show negative. The Board requested to see her at the December 2<sup>nd</sup>, 2013 Board meeting. She was informed to make sure she is compliant or a citation and fine will be issued.

**Non-compliant**

**DISCUSSION ITEMS:  
Micro-needling/Vampire  
Facials/Dermapen Questions**

Mr. Chad Milton with Derma Pen was on hand if there were any questions regarding the Derma Pen product. The Board discussed the questions of who can do micro-needling and use a derma pen. The micro-needling and the derma both pierce the stratus conium. The person using micro-needling to draw blood should be a medical doctor or nurse. The Board noted in the statute it is unprofessional conduct to remove any layer of skin deeper than the status cornium. The Board determined defining it in the statute would be the best idea. There is a concern to be careful to not regulate it so narrow that the Master Estheticians are prohibited for performing this service, but tight enough to regulate the tools for the service. The Board determined It is advisable to change it now in rule. Ms. Stewart stated she would be happy to be the focal point for a discussion with Ms. Scharman and Ms. Daley. They suggested at the same time you could see if any other procedures need clarification.

The Board also discussed "Vampire facials". They determined it is a definite "no-no". If a licensee is attempting to put blood back into someone it requires medical supervision at the very least. Master Estheticians cannot do injectables. That falls under the medical practitioners.

**Rule Changes or other information  
(Administrative Penalties)**

A previous rule change allows for the insertion of the Law and Rule exam into the application. The exam is 20 True/False questions. It must be passed a 75%. The link to the Law and Rule locations is at the top of the exam form. The revised applications are available from the website. Each profession will have changing exam questions. This will happen randomly.

Please remind all your friends and associates that all licenses must be renewed by the end of the month.

**Investigation/Complaints (more  
information needed – unlicensed  
practice in salons)**

The Board discussed that the Investigations Unit is not getting enough information. There is a form for an outline of the information that should be gathered. If they do not have enough information they cannot do an investigation. The main area of concern is "what was the problem?" The penalties that are within the Unlawful Conduct section as stated in the statutes should be addressed within the rule. The Board discussed there can be a 1<sup>st</sup> offense and a 2<sup>nd</sup> offense, by the 3<sup>rd</sup> offense it is a criminal action.

**Review of June 3<sup>rd</sup>, 2013  
Symposium**

Mr. Price noted he has seen the recording of part of the symposium. The Board discussed the Department of Commerce's Public Information Officer will be making copies and that it will be available online. It will be on the Cosmetology/Barber page and the Environmental Health Scientist page. The Board requested the figures for the cost for the Board, either by e-mail or at the December 2<sup>nd</sup>, 2013 Board meeting.

The Board discussed Mr. James Bennett's concerns. He was on the panel at the symposium. He has been talking about MMA with Ms. Stewart. He has informed DOPL that it is not listed on the FDA list as a dangerous substance. As a result of that it should not be unlawful conduct and that part of the statute is not enforceable.

**Online Education (continued)**

The Board discussed that this topic is not moving forward yet. This is an ongoing situation. A committee will be gathering information on what could be available. The committee is just doing fact gathering now. The terms of the education must be well documented. It is only research that is being done right now.

**NEXT SCHEDULED MEETING:**

Monday, December 2nd, 2013

**ADJOURN: 5:16 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.*

12-2-13

Date Approved



Chairperson

Barbering, Cosmetology/Barbering, Esthetics,  
Electrology and Nail Technology Licensing Board

12/02/2013

Date Approved



Bureau Manager

Division of Occupational & Professional Licensing