

**STATE OF MICHIGAN
DEPARTMENT OF LABOR & ECONOMIC GROWTH
BUREAU OF COMMERCIAL SERVICES – LICENSING DIVISION
2501 Woodlake Circle, Okemos, Michigan 48864-5955**

BOARD OF COSMETOLOGY

BOARD MEETING MINUTES

May 1, 2006

In accordance with the Open Meetings Act, 1976 PA 267, as amended, the Board of Cosmetology met in Regular session on May 1, 2006, at the Department of Labor & Economic Growth, Bureau of Commercial Services, 2501 Woodlake Circle, Conference Room 1, Okemos, Michigan. The business meeting was called to order by Chairperson, Cheryl Hadsall at 10:10 a.m.

ROLL CALL

Present:	Andrea Blankinship	-Professional Member
	Cheryl Hadsall	-Professional Member
	Gail Livingston-Scott	-Professional Member
	Edith Marshall	-Professional Member
	Lydia Price-Griffin	-Professional Member
	Douglas Weaver	-Professional Member
Absent:	John Jordan	-Public Member
Staff:	Joseph Campbell	-Licensing Administrator
	Jean Boven	-Licensing Division Director
	Sarah Rock	-Assistant Licensing Administrator
	Sharon Murphy	-Recording Secretary
	Jim Nelson	-Compliance/Legal/FOIA Unit
	Marijane Arredondo	-Enforcement Division
	Paige Colley	-Testing Services
	Tom Byrne	-Testing Services Manager
	Tom Colborn	-Enforcement Division
	Thea Hines	-Enforcement Division
	Brandon Wilson	-Enforcement Division
Visitors:	Francis Bolis	-Petitioner
	Rene Booker	-Booker Institute of Cosmetology
	Susan Kolar	-David Pressley/Transitions
	Lynn Lavoie	-The Gallery College
	Chaunte Miller	-Petitioner
	Joan Patenaude	-Oakland Schools Tech Center NE
	Karen Sawyer	-Petitioner
	Angela Sharp	-Sharps Academy of Hairstyling
	Patricia Sharp	-Sharps Academy of Hairstyling
	Kaye Simuel-Everage	-Detroit Public Schools
	Theresa Ward	-Chic University
	Ursula Walker	-David Pressley

AMENDMENTS TO AGENDA

Item 4.b. Chaunte Miller, Petitioner, Additional Information Submitted
Item 4.e. Francis Bolis, Petitioner, Addition to Agenda

APPROVAL OF PREVIOUS MINUTES HELD FEBRUARY 13, 2006

MOTION: Ms. Livingston-Scott moved to approve the minutes of February 13, 2006.
Ms. Blankinship seconded the motion, which carried unanimously.

PETITIONS

Shontell Beasley, Cosmetologist Licensure Denial, GMC, Table from 2/13/06

On May 25, 2005, Ms. Beasley applied for cosmetologist licensure. The department denied the application on September 8, 2005, for lack of good moral character. A petition for review was received on October 3, 2005. The board tabled this petition from the February 13, 2006, board meeting, instructing Ms. Beasley to obtain additional information from her current employer outlining her work experience, duties, length of time on the job, and propensity to serve the public in a fair, honest, and open manner for presentation to the board today. Ms. Beasley was not present at the meeting today. The board reviewed the petition and additional documentation from employer.

MOTION: Ms. Price-Griffin moved to uphold the denial issued by the department based upon insufficient evidence to demonstrate Ms. Beasley's rehabilitation and the propensity to serve the public in a fair, honest, and open manner. Ms. Blankinship seconded the motion, which carried unanimously. The department concurred.

Chaunte Miller, Cosmetologist Licensure Denial, GMC, Tabled from 9/12/05

On December 28, 2004, Ms. Miller applied for cosmetologist licensure. The department denied the application on June 17, 2005, for lack of good moral character. A petition for review was received on July 18, 2005. The board tabled this petition from the September 12, 2005, board meeting, instructing Ms. Miller to obtain additional information from employers, probation officers, and the community attesting to her ability to serve the public in a fair, honest, and open manner for presentation to the board today. Ms. Miller was present at the meeting today and addressed the board. The board reviewed the petition, additional documentation, and heard the petitioner's statements.

MOTION: Mr. Weaver moved to accept Ms. Miller's petition and grant a cosmetologist license based upon her proof of rehabilitation and the likelihood that she will serve the public in a fair, honest, and open manner. Mr. Price-Griffin seconded the motion, which carried unanimously. The department concurred.

Karen Sawyer, 27-01-122012, Cosmetologist Relicensure Denial, Exam Waiver

On December 27, 2005, Ms. Sawyer applied for cosmetologist relicensure. The department denied the application on February 16, 2006, as Ms. Sawyer's license had lapsed since August 31, 1998, and she has not taken the state board examination as required when a license has been lapsed for more than three years. A petition for review was received on March 14, 2006, requesting a waiver of the state board examination requirement based upon her continued competency in the profession and her cosmetologist licensure in Illinois, which lapsed on September 30, 1997. Ms. Sawyer was present at the meeting today and addressed the board. The board reviewed the petition and heard the petitioner's statements.

MOTION: Ms. Marshall moved to allow Ms. Sawyer to take the theory portion of the examination to demonstrate continued competency in the profession, accepting her work experience in lieu of the practical examination. Ms. Price-Griffin seconded the motion, which carried unanimously. The department concurred.

Jessica St. Louis, Out-of-State Cosmetologist License Denial

On August 12, 2005, Ms. St. Louis applied for out-of-state cosmetologist licensure. The department denied the application on March 2, 2006, based on Ms. St. Louis' failure to meet the minimum examination requirements for licensure in Michigan as the practical examinations administered by Wisconsin and Minnesota are not substantially equivalent to Michigan's practical examinations. A petition for review was received on March 24, 2006. Ms. St. Louis was not present at the meeting today. The board reviewed the petition and supporting documentation.

MOTION: Ms. Marshall moved to grant out-of-state cosmetologist licensure based upon Ms. St. Louis' current licensure and work experience in Minnesota and Wisconsin. Ms. Price-Griffin seconded the motion, which carried unanimously. The department concurred.

Francis Bolis, 27-01-105942, Cosmetologist Relicensure Denial, Exam Waiver

On April 19, 2006, Mr. Bolis applied for cosmetologist relicensure. The department denied the application on April 21, 2006, as Mr. Bolis' license had lapsed since August 31, 1993, and he has not taken the state board examination as required when a license has been lapsed for more than three years. A petition for review was received on April 19, 2006, requesting a waiver of the state board examination requirement based upon his continued competency in the profession, as he is a salon owner and states that he has continued to work as a cosmetologist without a current cosmetologist license due to a misunderstanding during a conversation with the licensing unit years ago. Mr. Bolis was present at the meeting today and addressed the board. The board reviewed the petition and heard the petitioner's statements.

MOTION: Mr. Weaver moved to grant relicensure of Mr. Bolis' cosmetology license, waiving the examination requirement based upon his continued competency in the profession. Motion failed.

MOTION: Ms. Marshall moved to allow Mr. Bolis to take the theory portion of the examination to demonstrate continued competency in the profession, accepting his work experience in lieu of the practical examination. Ms. Price-Griffin seconded the motion, which carried by a majority vote, with one opposed. The department concurred.

STIPULATIONS

MOTION: A motion was made by Ms. Livingston-Scott to approve the following stipulations. Ms. Marshall seconded the motion, which carried unanimously.

The Beauty Studios, Inc., 27-06-121285, Complaint No. 299943

The board reviewed the Stipulation in the matter of The Beauty Studios, Inc., Southfield, Michigan, for using an unlicensed person to perform cosmetology services; and failure to ensure that establishment was under the attendance and supervision of a licensed cosmetologist with at least one year licensed work experience.

In accordance with the Stipulation, the respondent consents to pay a fine of \$500.00 to the department, which shall be due sixty (60) days from the date of mailing of the Final Order. Failure to comply with the Final Order shall result in the denial of future license applications and the suspension of all licenses until compliance occurs.

Breithaupt Career Tech Ctr, 27-07-000375, Complaint No. 300956

The board reviewed the Stipulation in the matter of Breithaupt Career Tech Center, Detroit City Schools, Detroit, Michigan, for failure to require that all instructors wear name badges by which they could be identified; failure to keep shampoo bowls clean and sanitary at all times; failure to ensure that creams and other semisolid substances were covered when not in use; and violating rules of conduct in practicing an occupation.

In accordance with the Stipulation, the respondent consents to pay a fine of \$1,000.00 to the department, which shall be due sixty (60) days from the date of mailing of the Final Order. Failure to comply with the Final Order shall result in the denial of future license applications and the suspension of all licenses until compliance occurs.

Derrell Jerome Carr, 27-01-119047, Complaint No. 300962

The board reviewed the Stipulation in the matter of Derrell Jerome Carr, Southfield, Michigan, for engaging in the practice of cosmetology without possessing a license; rendering cosmetology services on a patron without possessing a license; providing services requiring a license without posting a current, unexpired, valid license in the establishment; violating a rule of conduct in practicing an occupation; and violating a provision or rule for which a penalty is not otherwise prescribed.

In accordance with the Stipulation, the respondent consents to pay a fine of \$500.00 to the department, which shall be due sixty (60) days from the date of mailing of the Final Order. Failure to comply with the Final Order shall result in the denial of future license applications and the suspension of all licenses until compliance occurs.

D and B Nail Salon, Michael Ha, 27-06-121179, Complaint No. 300264

The board reviewed the Stipulation in the matter of D and B Nail Salon, Macomb, Michigan, for using an unlicensed person to perform cosmetology services.

In accordance with the Stipulation, the respondent consents to pay a fine of \$500.00 to the department, which shall be due sixty (60) days from the date of mailing of the Final Order. Failure to comply with the Final Order shall result in the denial of future license applications and the suspension of all licenses until compliance occurs.

Escape Hair N Nails, 27-06-118045, Complaint No. 298915

The board reviewed the Stipulation in the matter of Escape Hair N Nails, Stacy Brooks, Detroit, Michigan, for using an unlicensed person to perform cosmetology services.

In accordance with the Stipulation, the respondent consents to pay a fine of \$500.00 to the department, which shall be due sixty (60) days from the date of mailing of the Final Order. Failure to comply with the Final Order shall result in the denial of future license applications and the suspension of all licenses until compliance occurs.

F. Carlton Salon, 27-06-120940, Complaint No. 299511

The board reviewed the Stipulation in the matter of F. Carlton Salon, Janet Saulsberry, Detroit, Michigan, for using an unlicensed person to perform cosmetology services; failure to ensure that establishment was under the attendance and supervision of a licensed cosmetologist with at least one year licensed work experience, and failure to display licenses of the establishment and of an individual working in the establishment in a prominent place visible to the public.

In accordance with the Stipulation, the respondent consents to pay a fine of \$1,000.00 to the department, which shall be due sixty (60) days from the date of mailing of the Final Order. Failure to comply with the Final Order shall result in the denial of future license applications and the suspension of all licenses until compliance occurs.

The Hair Event, Debra Dupont, 27-06-111134, Complaint No. 299227

The board reviewed the Stipulation in the matter of The Hair Event, Debra Dupont, Roseville, Michigan, for failure to keep the establishment clean, safe and sanitary at all times.

In accordance with the Stipulation, the respondent consents to pay a fine of \$3,000.00 to the department, which shall be due sixty (60) days from the date of

mailing of the Final Order. Failure to comply with the Final Order shall result in the denial of future license applications and the suspension of all licenses until compliance occurs.

Julissa Beauty Supply Unisex Hair Salon, 27-06-121029, Complaint No. 300908

The board reviewed the Stipulation in the matter of Julissa Beauty Supply Unisex Hair Salon, Faustino De Leon, Detroit, Michigan, for operating an establishment without possessing a cosmetology establishment license; and violating a provision or rule for which a penalty is not otherwise prescribed.

In accordance with the Stipulation, the respondent consents to pay a fine of \$500.00 to the department, which shall be due sixty (60) days from the date of mailing of the Final Order. Failure to comply with the Final Order shall result in the denial of future license applications and the suspension of all licenses until compliance occurs.

The Nail Castle, Ja'Neen Randolph, 27-06-120970, Complaint No. 300172

The board reviewed the Stipulation in the matter of The Nail Castle, Flint, Michigan, for using unlicensed persons to perform cosmetology services.

In accordance with the Stipulation, the respondent consents to pay a fine of \$500.00 to the department, which shall be due sixty (60) days from the date of mailing of the Final Order. Failure to comply with the Final Order shall result in the denial of future license applications and the suspension of all licenses until compliance occurs.

Nails Etc., 27-06-117063, Complaint No. 299697

The board reviewed the Stipulation in the matter of Nails Etc., Joe Van Vuong, Birmingham, Michigan, for failure to display licenses of all individuals working in the establishment in a prominent place visible to the public; using an unlicensed person to perform cosmetology services; failure to ensure that clean towels and linens were stored in closed cabinets or drawers; and failure to ensure that soiled towels were stored in a covered container until laundered.

In accordance with the Stipulation, the respondent consents to pay a fine of \$2,500.00 to the department, which shall be due sixty (60) days from the date of mailing of the Final Order. Failure to comply with the Final Order shall result in the denial of future license applications and the suspension of all licenses until compliance occurs.

Nails For You, 27-06-120813, Complaint No. 301568

The board reviewed the Stipulation in the matter of Nails For You, Vinh Ho, Traverse City, Michigan, for using an unlicensed person to perform cosmetology services.

In accordance with the Stipulation, the respondent consents to pay a fine of \$500.00 to the department, which shall be due sixty (60) days from the date of mailing of the Final Order. Failure to comply with the Final Order shall result in the denial of future license applications and the suspension of all licenses until compliance occurs.

Palazzolo, 27-06-104534, Complaint No. 298482

The board reviewed the Stipulation in the matter of Palazzolo, ZZ, Inc., Royal Oak, Michigan, for failure to display licenses of all individuals working in the establishment in a prominent place visible to the public; using unlicensed persons to perform cosmetology services; failure to ensure that clean towels and linens were stored in closed cabinets or drawers; and failure to ensure that soiled towels were stored in a covered container until laundered.

In accordance with the Stipulation, the respondent consents to pay a fine of \$3,000.00 to the department, which shall be due sixty (60) days from the date of mailing of the Final Order. Failure to comply with the Final Order shall result in the denial of future license applications and the suspension of all licenses until compliance occurs.

Relax Day Spa & Salon, 27-06-121124, Complaint No. 299895

The board reviewed the Stipulation in the matter of Relax Day Spa & Salon, Thomas Jon & Cassie Tebo, Menominee, Michigan, for using an unlicensed person to perform cosmetology services.

In accordance with the Stipulation, the respondent consents to pay a fine of \$500.00 to the department, which shall be due sixty (60) days from the date of mailing of the Final Order. Failure to comply with the Final Order shall result in the denial of future license applications and the suspension of all licenses until compliance occurs.

Salon Travisio, Wainio/Kish Inc., 27-06-110856, Complaint No. 300669

The board reviewed the Stipulation in the matter of Salon Travisio, Dearborn, Michigan, for failure to display licenses of the establishment and of all individuals working in the establishment in a prominent place visible to the public.

In accordance with the Stipulation, the respondent consents to pay a fine of \$750.00 to the department, which shall be due sixty (60) days from the date of mailing of the Final Order. Failure to comply with the Final Order shall result in the denial of future license applications and the suspension of all licenses until compliance occurs.

Silk Nails, Julie Nguyen, 27-06-121138, Complaint No. 301448

The board reviewed the Stipulation in the matter of Silk Nails, Julie Nguyen, Battle Creek, Michigan, for failure to ensure that, after sanitization, the equipment, tools, implements and supplies were put in a dry sanitizer, closed cabinet, drawer or covered container, and using an unlicensed person to perform cosmetology services.

In accordance with the Stipulation, the respondent consents to pay a fine of \$2,000.00 to the department, which shall be due sixty (60) days from the date of mailing of the Final Order. Failure to comply with the Final Order shall result in the denial of future license applications and the suspension of all licenses until compliance occurs.

Tip Top Nails, 27-06-120717, Complaint No. 299512

The board reviewed the Stipulation in the matter of Tip Top Nails, Hieu Trung Hua, Flint, Michigan, for using an unlicensed person to perform cosmetology services; violating a rule of conduct in practicing an occupation; and violating a provision or rule for which a penalty is not otherwise prescribed.

In accordance with the Stipulation, the respondent consents to pay a fine of \$500.00 to the department, which shall be due sixty (60) days from the date of mailing of the Final Order. Failure to comply with the Final Order shall result in the denial of future license applications and the suspension of all licenses until compliance occurs.

Tricho Salon & Spa, 27-06-120784, C#299540

The board reviewed the Stipulation in the matter of Tricho Salon & Spa, Tricho of Dearborn, Dearborn, Michigan, for failure to display license of an individual working in the establishment in a prominent place visible to the public; failure to ensure that the establishment had covered waste containers large enough to contain one day's accumulation of waste materials; failure to keep shampoo bowls clean and sanitary at all times; failure to ensure that creams and other semisolid substances were covered when not in use; failure to ensure that clean towels and linens were stored in closed cabinets or drawers; violating a rule of conduct in practicing an occupation; and violating a provision or rule for which a penalty is not otherwise prescribed.

In accordance with the Stipulation, the respondent consents to pay a fine of \$2,000.00 to the department, which shall be due sixty (60) days from the date of mailing of the Final Order. Failure to comply with the Final Order shall result in the denial of future license applications and the suspension of all licenses until compliance occurs.

Frank Williams, 27-01-126891, Complaint No. 300955

The board reviewed the Stipulation in the matter of Frank Williams, Detroit, Michigan, for engaging in the practice of cosmetology without possessing a license; rendering cosmetology services on a patron without possessing a license; providing services requiring a license without posting a current, unexpired, valid license in the establishment; violating a rule of conduct in practicing an occupation; and violating a provision or rule for which a penalty is not otherwise prescribed.

In accordance with the Stipulation, the respondent consents to pay a fine of \$500.00 to the department, which shall be due sixty (60) days from the date of mailing of the Final Order. Failure to comply with the Final Order shall result in the denial of future license applications and the suspension of all licenses until compliance occurs.

HEARING REPORTS

MOTION: Ms. Livingston-Scott moved to receive the following Hearing Reports. Ms. Blankinship seconded the motion, which carried unanimously.

The following actions were taken on the Hearing Reports presented to the Board:

Best Nails, 27-06-120075, C#95474, Docket No. 2005-887

The board reviewed the Hearing Report in the matter of Best Nails, Khoa Cong Ho, Paw Paw, Michigan, for failure to ensure that the establishment had a source of drinking water in an area other than that used to mix chemicals; failure to ensure that the establishment had covered waste containers that were large enough to contain one day's accumulation of waste materials; failure to ensure that clean towels and linens were stored in closed cabinets or drawers; failure to ensure that soiled towels were stored in a covered container until laundered; failure to ensure that, after sanitization, the equipment, tools, implements and supplies were put in a dry sanitizer, closed cabinet, drawer, or covered container; and violating a rule of conduct in practicing an occupation.

MOTION: A motion was made by Ms. Price-Griffin and seconded by Ms. Marshall to assess a fine in the amount of \$5,000.00 to be paid to the department, which shall be due sixty (60) days from the date of mailing of the Final Order based upon the findings of fact and in accordance with the board's recommended minimum sanctions for the nature and number of violations committed. Failure to comply with the Final Order shall result in the denial of future license applications and suspension of all licenses or registrations. The motion carried unanimously.

Tina Nails, 27-06-116694, C#299907, Docket No. 2005-909

The board reviewed the Hearing Report in the matter of Tina Nails, Nguyet Thi Le, Taylor, Michigan, for failure to display licenses of all individuals working in the establishment in a prominent place visible to the public; using an unlicensed person to perform cosmetology services; and failure to ensure that soiled towels and linens were stored in a covered container until laundered.

MOTION: A motion was made by Ms. Marshall and seconded by Mr. Weaver to assess a fine in the amount of \$2,500.00 to be paid to the department, which shall be due sixty (60) days from the date of mailing of the Final Order based upon the findings of fact and in accordance with the board's recommended minimum sanctions for the nature and number of violations committed. Failure to comply with the Final Order shall result in the denial of future license applications and suspension of all licenses or registrations. The motion carried unanimously.

ITEMS FOR CONSIDERATION FROM BOARD MEMBERS/STAFF

Rules Committee Update – Mr. Campbell stated that the committee has not met since November 14, 2005, as the department was seeking industry opinion regarding the committee's proposal to add 25 hours of training to the natural hair culturists curriculum to include shampooing services. The associations that responded were not supportive of the

proposal, stating that 25 additional hours were not enough to cover the services related to shampoo training for the health and safety of clients and licensees. Ms. Marshall asked the school owners present at the meeting today for their opinion regarding training natural hair culturists to provide shampooing services. In summary of the many comments, school owners expressed their opinion that there are several services involved in shampooing which could not be covered in 25 hours of training. One school suggested up to 500 hours of training would be required to cover all areas related to shampooing. The consensus of school owners was to leave the services of shampooing to a licensed cosmetologist. Ms. Marshall suggested the issue be considered further at a later date.

Testing Services – Paige Colley of Testing Services addressed the board regarding changes taking place as a result of the job survey analysis conducted by the examination contractor, Psychological Services, Inc. (PSI). On April 11 and 12, 2006, subject matter experts met with PSI, raters, and department staff, to review the results and make necessary changes to the theory and practical examinations. On April 25 and 26, 2006 PSI conducted rater training in Southfield. All current raters were in attendance; also one new rater for the Grand Rapids site. Live models will no longer be used during practical exams due to the amount of problems associated with their use. Using mannequin heads and hands will bring uniformity and consistency for all candidates and reduce the number of problems and barriers that occurred with live models. The majority of meeting attendees commented that they were in favor of the use of mannequins and eliminating the use of live models. The Instructor examinations will go from 70 items to 80 items as of August 1, 2006. Ms. Colley also stated that the department and PSI are working on implementing a same-day onsite licensure service for candidates who are eligible to have a license issued upon their successful completion of both exams. In order to accomplish onsite licensure, it is necessary for candidates to pass the Practical examination prior to being eligible to take the Theory exam. Testing Services will attempt to have all modifications published in the candidate information bulletins on the website at psiexams.com beginning in July 2006, with final implementation of changes anticipated by August 1, 2006, the one-year anniversary date with PSI. Many attending the meeting commented on how pleasant PSI is to work with and the excellent job they are doing in administering the exams.

PUBLIC COMMENT

Angela Sharp, President of the Michigan Cosmetology Schools Association, stated that she has an issue with the law that requires schools to issue a Michigan Law & Rules book to each student. Since the department no longer provides the books due to budgetary constraints, schools are instructed to download the law & rules from the website and provide the information to their students. Ms. Sharp asked if the law which requires schools to provide this information to each student could be changed to require schools to provide a number of books to the class for reference to be left in the classroom? Ms. Boven stated that the law requires schools to provide Articles 1-6, Article 12, and the Administrative Rules to each student, but it is recommended that the entire book including the license fee act, opens meeting act, and general administrative rules also be provided. Ms. Sharp stated her concern with students filing law suits against the school for not providing this information. Ms. Colley stated that PSI prints the law books for the builders profession, and that it may be possible to have PSI provide cosmetology and barber law and rule books to the schools for a fee. This possibility will be explored further.

NEXT MEETING DATE

The next regularly scheduled meeting of the Board of Cosmetology will be held on September 11, 2006, at 10:00 a.m.

ADJOURNMENT

There being no further business to be brought before the board at this time, the meeting was adjourned at 11:45 a.m.

Cheryl Hadsall /s/
Board Chairperson

9/11/2006
Date

Sharon Murphy /s/
Recording Secretary

9/11/2006
Date