

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

December 10, 2007

In accordance with the Open Meetings Act, 1976 PA 267, as amended, the Board of Cosmetology met in Regular session on December 10, 2007, 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 10:02 a.m.

ROLL CALL

Present:	Andrea Blankinship	-Professional Member
	Cheryl Hadsall	-Professional Member
	Theodore Lakkides	-Public Member
	Gail Livingston-Scott	-Professional Member
	Edith Marshall	-Professional Member
	Lydia Price-Griffin	-Professional Member
	Douglas Weaver	-Professional Member
Absent:	Kristina Atkins	-Public Member
	John Jordan	-Public Member
Staff:	Joseph Campbell	-Licensing Administrator
	Jean Boven	-Licensing Division Director
	Sarah Rock	-Assistant Licensing Administrator
	Sharon Murphy	-Recording Secretary
	Stephen Gobbo	-Compliance/Legal/FOIA Manager
	Jim Nelson	-Compliance/Legal/FOIA Unit
	Marijane Arredondo	-Enforcement Division
	Paige Colley	-Testing & Education Services
	Amy Shell	-Policy Specialist
	Ann Paruk	-Enforcement Division
	Barrington Carr	-Enforcement Division Manager
	Jeannine Benedict	-Office of Policy & Legislative Analysis
Visitors:	Brenda Brennan	-MCSA
	David Dagenais	-Michigan College of Beauty
	Linda Dagenais	-Michigan College of Beauty
	Pam Hahn	-MCA
	Veronica Iott	-Petitioner
	Candace Rhodes	-Crockett Career Technical Center

Deborah Rivas-Lewis	-Petitioner
Angela Sharp	-Sharp's Academy
Kathryn Spiller	-MJ Murphy Beauty College
Carol Walker	-MCA
Pat Watkins	-Kettering (DPS) & Wolverine State Cos Assoc

APPROVAL OF PREVIOUS MINUTES HELD SEPTEMBER 10, 2007

MOTION: Ms. Marshall moved to approve the minutes of September 10, 2007. Ms. Price-Griffin seconded the motion, which carried unanimously.

PETITIONS

Dorcas Martin, 27-01-156046, Cosmetologist & Limited Instructor Relicensure Denial

On September 4, 2007, Ms. Martin applied for cosmetologist and cosmetology limited instructor relicensure. The department denied the applications on September 25, 2007, as Ms. Martin's licenses had lapsed since August 31, 2004, and she has not taken the state board examinations as required when a license has been lapsed for more than three years. A petition for review was received on October 18, 2007, requesting a waiver of the state board examinations based on her continued practice in the profession as she is applying for licensure in Arizona. Ms. Martin was not present at the meeting today. The board reviewed the petition. No supporting documents were submitted to demonstrate continued competency in the profession.

MOTION: Ms. Price-Griffin moved to uphold the denial issued by the department as Ms. Martin has not taken the state board examination as required when a license has been lapsed for more than three years to demonstrate continued competency in the profession, and that according to Ms. Martin's written petition, she has been practicing cosmetology during the three years in which she knew her license was lapsed but did not provide any documentation of continued competency in the profession. Mr. Weaver seconded the motion, which carried unanimously. The department concurred.

LaTasha Rashi VanBuren, Esthetician Licensure Denial, GMC

On April 23, 2007, Ms. VanBuren applied electronically for esthetician licensure prior to registering to take the theory and practical examinations. The department denied the application on August 6, 2007, for lack of good moral character. A petition for review was received on August 30, 2007. Ms. VanBuren was not present at the meeting today. The board reviewed the petition and one supporting document. Ms. VanBuren has not taken the theory and practical examinations in Michigan.

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

Deborah M. Rivas-Lewis, 27-01-138259, Cosmetologist Relicensure Denial

On October 9, 2007, Ms. Rivas-Lewis applied for cosmetologist relicensure. The department denied the application on October 17, 2007, as Ms. Rivas-Lewis's license had lapsed since August 31, 2003, 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 November 19, 2007, requesting a waiver of the state board examinations based on her continued practice in the profession. Ms. Rivas-Lewis was present at the meeting today and addressed the board. The board reviewed the petition and heard the petitioner's statements. No supporting documents were submitted to demonstrate continued competency in the profession.

MOTION: Mr. Weaver moved to uphold the denial issued by the department as Ms. Rivas-Lewis has not taken the state board examination as required when a license has been lapsed for more than three years to demonstrate continued competency in the profession, and that according to Ms. Rivas-Lewis's written petition and statements, she has been demonstrating manicurist products in cosmetology schools during the four years in which she knew her license was lapsed but did not provide any documentation of continued competency in the profession. Ms. Blankinship seconded the motion, which carried unanimously. The department concurred.

Aeisha Fambro, 27-01-161775, Cosmetologist Relicensure Denial

On November 19, 2007, Ms. Fambro applied for cosmetologist relicensure. The department denied the application on November 27, 2007, as Ms. Fambro's license had lapsed since August 31, 2004, 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 November 27, 2007, requesting a waiver of the state board examinations based on her continued practice in the profession. Ms. Fambro was not present at the meeting today. The board reviewed the petition. No supporting documents were submitted to demonstrate continued competency in the profession.

MOTION: Mr. Weaver moved to uphold the denial issued by the department as Ms. Fambro has not taken the state board examination as required when a license has been lapsed for more than three years to demonstrate continued competency in the profession. Ms. Marshall seconded the motion, which carried unanimously. The department concurred.

Veronica Iott, 27-01-097778, Cosmetologist Relicensure Denial

On November 14, 2007, Ms. Iott applied for cosmetologist relicensure. The department denied the application on November 27, 2007, as Ms. Iott's license had lapsed since August 31, 2004, 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 November 27, 2007, requesting a waiver of the state board examinations based on her continued practice in the profession. Ms. Iott was present at the meeting today and addressed the board. The

board reviewed the petition and heard the petitioner's statements. No supporting documents were submitted to demonstrate continued competency in the profession.

MOTION: Ms. Marshall moved to uphold the denial issued by the department as Ms. Iott has not taken the state board examination as required when a license has been lapsed for more than three years to demonstrate continued competency in the profession, and also moved to waive the practical examination based upon Ms. Iott's demonstration of continued competency in the profession, allowing her to take the theory examination and upon successful completion of the cosmetology theory examination, a cosmetology license will be granted by the department. Mr. Lakkides seconded the motion, which carried unanimously. The department concurred.

STIPULATIONS

MOTION: A motion was made by Mr. Weaver, seconded by Mr. Lakkides, and carried unanimously to accept the following stipulations:

Abby's Beauty Shop, Claudia Martinez, 27-06-121824, Complaint No. 304081

The board reviewed the Stipulation in the matter of Abby's Beauty Shop, Detroit, Michigan, for failure to ensure that establishment was under the attendance and supervision of a licensed cosmetologist.

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.

Bliss Spa & Body LLC, 27-06-122761, Complaint No. 306399

The board reviewed the Stipulation in the matter of Bliss Spa & Body LLC, Clinton Twp, Michigan, for failure to ensure that establishment was under the attendance and supervision of a licensed cosmetologist; failure to display establishment license in a prominent place visible to the public; failure to keep spas clean and sanitary at all times; 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; 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. Failure to comply with the Final Order within six months from the date of mailing of the final order shall result in revocation of all licenses until compliance occurs.

Brad W. Breeding, 27-01-162346, Complaint No. 306348

The board reviewed the Stipulation in the matter of Brad W. Breeding, Royal Oak, Michigan, for providing services that require a cosmetology license without posting a current, unexpired, valid license in the establishment.

In accordance with the Stipulation, the respondent consents to pay a fine of \$250.00 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.

Cruselana Salon, Cruselana Corporation, 27-06-122880, Complaint No. 306631

The board reviewed the Stipulation in the matter of Cruselana Salon, 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.

Da-Vi Nails #2644, Ty Thi Nguyen, 27-06-122901, Complaint No. 306158

The board reviewed the Stipulation in the matter of Da-Vi Nails #2644, Saginaw, Michigan, for using an unlicensed person to perform cosmetology services.

In accordance with the Stipulation, the respondent consents to pay a fine of \$100.00 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.

Dragonfly Salon, Rolando Martinez Garcia, 27-06-122512, Complaint No. 305651

The board reviewed the Stipulation in the matter of Dragonfly Salon, 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.

Fantasia Cut, Fantasia Cut Inc., 27-06-123016, Complaint No. 306328

The board reviewed the Stipulation in the matter of Fantasia Cut, Wixom, Michigan, for using an unlicensed person to perform cosmetology services; and violating a rule 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.

Fernandis Beauty College, Beatrice Fernandis, 27-07-000357, Complaint No. 306398

The board reviewed the Stipulation in the matter of Fernandis Beauty College, Clinton Twp, Michigan, for failure to maintain one licensed instructor competent to impart instruction in each curriculum subject for every twenty students present; failure to require all students to wear name badges by which they could be identified; and failure to keep shampoo bowls clean and sanitary at all times.

In accordance with the Stipulation, the respondent consents to pay a fine of \$9,000.00 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.

Catherine A. Gordon, 27-03-068733, Complaint No. 306377

The board reviewed the Stipulation in the matter of Catherine A. Gordon, Saint Clair Shores, Michigan, for engaging in the practice of cosmetology without possessing a license; rendering cosmetology services on a patron without possessing a license; providing services that require a cosmetology 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. Failure to comply with the Final Order within six months from the date of mailing of the final order shall result in revocation of all licenses until compliance occurs.

Hair N Things, Bette J. Thomasma, 27-06-092263, Complaint No. 304605

The board reviewed the Stipulation in the matter of Hair N Things, Sturgis, Michigan, for failure to display license of 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 \$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.

Hair Zone, Linda S. Bloom, 27-06-105321, Complaint No. 304466

The board reviewed the Stipulation in the matter of Hair Zone, Three Rivers, Michigan, for failure to display license of individuals working in the establishment in a prominent place visible to the public; and failure to ensure that waste containers large enough to contain one day's accumulation of waste materials were covered.

In accordance with the Stipulation, the respondent consents to pay a fine of \$1,500.00 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.

Haircut House, Marcus Anthony's Haircut House LLC, 27-06-123062, C#306467

The board reviewed the Stipulation in the matter of Haircut House, Westland, Michigan, for violating a rule of conduct in practicing an occupation.

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.

HB Salon, HB Somerset LLC, 27-06-122569, Complaint No. 306349

The board reviewed the Stipulation in the matter of HB Salon, Troy, Michigan, for failure to display the licenses of the establishment and of 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 \$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.

K90 Nails LTD, 27-06-122590, Complaint No. 305770

The board reviewed the Stipulation in the matter of K90 Nails LTD, West Bloomfield, Michigan, for failure to display the licenses of 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.

LA Nails, Julie Tina Tran, 27-06-122224, Complaint No. 303350

The board reviewed the Stipulation in the matter of LA Nails, Bay City, Michigan, for using an unlicensed person to perform cosmetology services; possessing a blade for the practice of manicuring or pedicuring; and violating a rule of conduct in practicing an occupation.

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.

LA Nails, Tracelynn Van, 27-06-118361, Complaint No. 304732

The board reviewed the Stipulation in the matter of LA Nails, Portage, Michigan, for failure to display the license of individuals working in the establishment in a prominent place visible to the public; 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 \$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.

Patricia C. Lindow, 27-01-088346, Complaint No. 305579

The board reviewed the Stipulation in the matter of Patricia C. Lindow, Mt. Clemens, Michigan, for failure to display in a prominent place visible to the public the apprentice registration permit in the establishment.

In accordance with the Stipulation, the respondent consents to pay a fine of \$150.00 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.

Ly's Nails Salon, Ly Chieu Tran, 27-06-122935, Complaint No. 306792

The board reviewed the Stipulation in the matter of Ly's Nails Salon, Detroit, Michigan, for failure to ensure that clean towels and linens were stored in a closed cabinet or drawer.

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.

Sekeytha I. McGuire, 27-01-176466, Complaint No. 306564

The board reviewed the Stipulation in the matter of Sekeytha I. McGuire, Detroit, Michigan, for performing services as a cosmetology instructor without possessing a cosmetology instructor license.

In accordance with the Stipulation, the respondent consents to pay a fine of \$100.00 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.

Millennium Nails, Henry Nguyen, 27-06-120947, Complaint No. 305549

The board reviewed the Stipulation in the matter of Millennium Nails, Portage, Michigan, for failure to ensure that the working surfaces of tables were covered with fresh, clean paper, linen or cloth before use.

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.

Henry Nguyen, 27-03-082585, Complaint No. 306972

The board reviewed the Stipulation in the matter of Henry Nguyen, Portage, Michigan, for failure to display a bulletin board in the apprentice area of establishment.

In accordance with the Stipulation, the respondent consents to pay a fine of \$300.00 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.

Shellinz Salon & Spa, Shellinz LLC, 27-06-122848, Complaint No. 306791

The board reviewed the Stipulation in the matter of Shellinz Salon & Spa, Richmond, Michigan, for failure to display licenses of 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 \$1,500.00 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.

St. Clair County Academy of Style, St. Clair School District, 27-07-000463, C#306330

The board reviewed the Stipulation in the matter of St. Clair County Academy of Style, Marysville, Michigan, for violating a rule 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.

Jeri S. Stoddard, 27-01-154096, Complaint No. 306327

The board reviewed the Stipulation in the matter of Jeri S. Stoddard, Ortonville, Michigan, for engaging in the practice of cosmetology without possessing a license.

In accordance with the Stipulation, the respondent consents to pay a fine of \$250.00 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.

Studio I Salon & Day Spa, 27-06-119664, Complaint No. 304549

The board reviewed the Stipulation in the matter of Studio I Salon & Day Spa, Westland, Michigan, for failure to display licenses of the establishment and of an individual working in the establishment in a prominent place visible to the public; and failure to ensure that clean towels were stored in a covered container until laundered.

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.

Stylin Station, Patricia Lindow, 27-06-120484, Complaint No. 306117

The board reviewed the Stipulation in the matter of Stylin Station, Clinton Twp, Michigan, for failure to ensure that apprentice was in attendance for seven hours or less per day or up to forty hours per week during October 2006.

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.

Top Nails, Trinh Dinh, 27-06-123146, Complaint No. 307022

The board reviewed the Stipulation in the matter of Top Nails, South Haven, Michigan, for failure to display license of an individual working in the establishment in a prominent place visible to the public; using an unlicensed person to perform cosmetology services; failure to ensure that after sanitization, the equipment, tools, implements and supplies were put in a dry sanitizer, closed cabinet, drawer or covered container; 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. Failure to comply with the final order within six months from the date of mailing of the final order shall result in revocation of all licenses.

US Nails, Yen T B Tram, 27-06-119360, Complaint No. 305425

The board reviewed the Stipulation in the matter of US Nails, Lansing, Michigan, for using unlicensed persons to perform cosmetology services; allowing an individual to provide services that require a license without posting a current, unexpired, valid license in the establishment; and violating a rule of conduct in practicing an occupation.

In accordance with the Stipulation, the respondent consents to pay a fine of \$1,250.00 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. Failure to comply with the final order within six months from the date of mailing of the final order shall result in revocation of all licenses.

Kimberly Lin Efrate, 27-05-002161, Complaint No. 305598

The board reviewed the Stipulation in the matter of Kimberly Lin Efrate, South Lyon, Michigan, for her conduct in committing "Keeping a House of Ill Fame" demonstrating her inability to serve the public as an esthetician in a fair, open and honest manner and her lack of good moral character.

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, and immediate revocation of her esthetician license. Failure to comply with the Final Order shall result in the denial of future license applications and continued revocation of all licenses until compliance occurs.

Korenda II, 27-06-118740, Complaint No. 301261

The board reviewed the Stipulation in the matter of Korenda II, Allen Park, Michigan, for operating an establishment without possessing an establishment license; 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 keep shampoo bowls clean and sanitary at all times; failure to keep brushes clean and sanitary at all times; failure to ensure that dryer hoods were clean and sanitary; failure to ensure that clean towels and linens were stored in closed cabinets or drawers; failure to ensure that creams and other semisolid substances were covered when not in use; 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 \$2,500.00 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 Hype Hair, Hype Hair Salon LLC, 27-06-122260, Complaint No. 304163

The board reviewed the Stipulation in the matter of Salon Hype Hair, Detroit, Michigan, for failure to ensure that establishment was under the attendance and supervision of a licensed cosmetologist; and using an unlicensed person to perform cosmetology services.

In accordance with the Stipulation, the respondent consents to pay a fine of \$1,500.00 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.

Tracey Lynn McCree, 27-01-115757, Complaint No. 307559

The board reviewed the Stipulation in the matter of Tracey Lynn McCree, Oak Park, Michigan, for practicing cosmetology outside of a licensed cosmetology establishment.

In accordance with the Stipulation, the respondent consents to pay a fine of \$100.00 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. Price-Griffin 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:

Crystal Y. Finch, 27-01-146184, Complaint No. 304260, Docket No. 2007-537

The board reviewed the Hearing Report in the matter of Crystal Y. Finch, 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 that require posting a current, unexpired, valid cosmetology license in the establishment; and violating a rule of conduct in practicing an occupation.

MOTION: A motion was made by Ms. Blankinship and seconded by Mr. Weaver to assess a fine in the amount of \$1,000.00 to be paid 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 within 60 days shall result in the denial of future license applications and suspension of all licenses or registrations.

ITEMS FOR CONSIDERATION FROM BOARD MEMBERS/STAFF

2008 Board Meeting Schedule - The Board of Cosmetology is scheduled to meet next year on February 11, 2008, May 5, 2008, September 8, 2008, and December 8, 2008.

Testing Services – Ms. Colley updated the board with statistical pass rate information for the examination categories and invited interested board members who wish to attend the examination review session with PSI in Grand Rapids on February 6 and 7, 2008 to submit their email address to her or the board secretary for referral to PSI. She also stated 767 photo identity licenses have been issued by PSI to current licensees since August 2007 when PSI began sending letters to licensees 15 days prior to licensee's birth month giving them the opportunity to obtain a picture license card at one of their five examination test sites by scheduling an appointment with PSI during their birth month and pre-paying the required \$35 fee. Ms. Colley stated it is believed that eventually it will be mandatory for licensees to obtain the photo licenses if legislative requirements for photo ID licensure are enacted, and she stated obtaining the photo license is voluntary at this time for current licensees.

Ms. Hadsall and Ms. Marshall stated they both received a large volume of calls from licensees confused about the letter from PSI regarding photo identity licenses. Ms. Hadsall said it was not presented appropriately and many licensees are angry about the distance they must travel to a PSI exam site to get a photo ID license, then pay an additional \$35 for the photo ID after just renewing their license for \$48. Ms. Colley stated PSI can possibly coordinate photo license card sessions at conferences or shows where large groups of licensees are gathered. Ms. Livingston-Scott stated several licensed instructors contacted her regarding having to pay for two photo licenses, cosmetologist and cosmetology instructor at \$35 each. It was explained that they are separate license types requiring separate licenses. Mr. Weaver stated he supported a mandatory photo license card, but the process seemed simple when presented in concept to the board last May 2007. He stated he was concerned about the proposed \$15 of each photo license fee to be earmarked for enforcement to pursue unlicensed activity. He questioned the legal authority for the state to retrieve those monies and was concerned the state will not be able to access those funds without current legislation. Mr. Lakkides suggested the photo license program for current licensees be stopped until a workable plan is established. Ms. Hadsall suggested holding off until legislation mandates a photo license card, then issue at the time of renewal. Ms. Marshall said she is not against the concept of picture licenses, but she is against how it is being presented and implemented. Ms. Colley stated it was the plan to transition licensees into the photo ID process during their birth month in their renewal year to reduce the number of licensees needing photo licenses once the legislation is in place, since it will be impossible to accommodate over 100,000 licensees for photos if the process becomes mandatory. Mr. Lakkides suggested PSI develop a project management plan that outlines how the process will be accomplished. Mr. Lakkides stated the plan should be developed first, and implemented accordingly once legislation is in place that mandates the photo license. Mr. Weaver stated it doesn't make sense to do anything until it is legislated and the implementation plan is in place. Mr. Weaver asked if legislation is in place for new licensees to receive the photo licenses. Ms. Shell stated that the current language states the department can prescribe the form of a license. Ms. Marshall asked if Mr. Lakkides' proposal to require PSI to develop a project management plan to implement the photo license program is doable and how soon can it be done. Ms. Colley stated she will pass the board's comments and suggestions on to her superiors for their consideration. Ms. Colley also stated that some people want the photo license and she asked the board if they supported the voluntary purchase of a photo license to those who want one. It was the consensus of the board that they favored the photo license concept but the photo identity license program for current licensees should cease until a plan of implementation is approved and in place.

MOTION: Ms. Marshall moved that no more letters be sent by PSI to licensees regarding photo licenses until the next cosmetology meeting in February 2008, to allow time for a plan to be developed or until legislation mandates photo licenses. Ms. Livingston-Scott seconded the motion, which carried unanimously.

Legislative Update – Amy Shell, Policy Specialist, stated she has drafted language to amend the occupational code to allow the department to prescribe a photo identification license. She stated this is a legislative priority for 2008. She acknowledged the confusion with photo ID license implementation, stating currently the photo license is optional for existing licensees. Ms. Hadsall asked if legislation could be in place by renewal time next year to avoid the confusion. Ms. Shell

stated she could not make any guarantees but she will do everything she can to implement a smooth transition to avoid repeating confusion.

Ms. Price-Griffin asked whether any revenue from the photo license program is going to the state. Ms. Shell stated her understanding was \$15 of the \$35 fee will go to the state for the enforcement fund once legislation is in place. Ms. Hadsall asked where the money was from the 767 photos already issued. Ms. Colley stated it is her understanding the \$15 per photo license is being held in an account until details are worked out regarding how funds will be dispersed to the department and earmarked for enforcement. Board members supported revenue funneled to an enforcement fund. Ms. Blankinship asked if the paper licenses will continue to be issued along with the photo licenses. Ms. Shell stated her understanding was the photo license would eventually take the place of the paper licenses. Ms. Marshall stated it may cause problems in schools where a head count is required based upon number of enrollment.

Ms. Shell introduced Jeannine Benedict of the Office of Policy & Legislative Affairs for the Department of Labor and Economic Growth in attendance today to assist Ms. Shell in answering questions regarding legislative issues. Ms. Shell discussed HB 5366 which would allow for certain individuals convicted of non-violent felony or misdemeanor offenses to be eligible for licensure, and SB 0953 (HB 5007 passed) which would allow senior cosmetology students to provide shampoo services in a licensed establishment. Ms. Shell stated the bureau has serious concerns about both bills and has communicated them to appropriate sources along with the concerns and correspondence received by the department from interested parties.

Ms. Marshall stated her opposition to HB 5007 and SB 0953 as she feels it hurts the industry. She voiced her disapproval of the department's support of the bill in concept and believed the bill passed the House because of that support. Ms. Marshall stated the board and bureau represent the industry and they must speak with one joint voice and support what is good for the industry, not what is popular or politically expedient.

Ms. Shell stated the Department of Labor and Economic Growth supported the bill in concept, as the department supports creating jobs and employing people, which this bill is proposed to do. Ms. Shell stated she and Ms. Benedict attended the House Committee meeting regarding HB 5007 on September 11, 2007 along with many other interested parties from the industry and articulated the board's and industry representatives' concerns regarding this bill as well as submitting written concerns in the legislative analysis of the bill. Ms. Shell stated it was discussed during and after the meeting that industry representatives could continue to work with legislative representatives on this bill. Ms. Marshall stated she spoke over the phone with a legislative representative who wanted to adjust the language to make the bill more palatable, to which Ms. Marshall responded the language could not be improved as the bill is not good for the industry. Ms. Marshall said she feels this bill does not create a career but is a stop gap measure to pull students from schools into shops, where some students may not return to school once they see they can earn a wage without further training. Ms. Marshall stated a student with 350 hours of theory training is no more prepared than someone off the street to provide shampooing services to the public, and her concern is that students working in shops will not be supervised properly and may cause harm to a client by using incorrect products to shampoo chemicals from the hair or by providing other services to assist the salon. Ms. Marshall also addressed malpractice insurance which she

believes only covers licensed operators, not unlicensed students. Ms. Benedict stated this is not the department's bill—it was brought to them from someone in the industry as a way for students training in the industry to earn money to pay for their education and provide an opportunity to work in the industry under the supervision of licensed cosmetologists while getting paid. Ms. Benedict stated the Office of Policy & Legislative Affairs (OPLA) proposed some revisions to the original bill to include school certification and licensed supervision while working in a salon. Ms. Benedict stated this bill is directed toward students who don't qualify for financial aid assistance from the government. It was discussed that student interns could possibly obtain a signed permit with an expiration date from the school to authorize them to provide shampooing services in a licensed shop under the direct supervision of a licensed cosmetologist. The proposed shampooing internships were compared with apprenticeship programs, and it was clarified that apprentices are receiving training in a shop, whereas shampoo interns are working for wages.

Ms. Shell stated the goals of the industry may sometimes seem to be in conflict with the goals of the department, and stated the bureau has no personal interest or agenda with this bill. Ms. Shell stated the public has more influence with legislative issues than the department does, and outside lobbying efforts are more effective and have more influence than department opinion, as is evident with this bill which was introduced and supported at the industry level. Ms. Boven stated the Bureau of Commercial Services is the administrative branch which does not create the laws, but administers the laws enacted by the legislature. Ms. Boven stated industry influence or injury to the public usually cause laws to be made. Ms. Marshall reiterated her belief that the department's supporting of the bill in concept gave it leverage against industry opposition. Ms. Boven stated the decision to support the bill in concept was made at a much higher level. Ms. Marshall said she supported a job shadowing program through externships or co-op programs for students to obtain supervised experience in the field through a coordinated program between the schools and cosmetology establishments. Ms. Benedict stated the concept of the bill provides job opportunities for students and future job placement opportunities once they obtain licensure.

PUBLIC COMMENT

Pam Hahn, secretary and legislative chair for the Michigan Cosmetology Association, commented on HB 5007 and SB 0953, stating she wants the board and department to understand that unlicensed people are hired all the time to work in salons unmonitored and untrained, and if they hired students who have 350 hours to come into the salon it would be to relieve their work load, not to help or mentor the students. Ms. Hahn stated the amount of money students would make will be minimal, and they need to be trained appropriately or attend a program to train shampooers prior to being placed in a salon.

Pat Watkins of Wolverine State Cosmetology Association and Kettering High School of Cosmetology (Detroit Public Schools) stated her concerns with liability and malpractice issues, supervision of students working in the salons, and students allowed to work in salons may stop attending school.

Carol Walker, Michigan Cosmetology Schools Association President, and on behalf of the National Cosmetology Association of Michigan, stated both associations oppose the shampooing bills and

have communicated their opposition to their legislators.

Renee Booker of Booker Institute of Cosmetology and past president of Michigan Cosmetology Association, commented the bill is masked to create jobs in Michigan, however in economically depressed areas, licensed cosmetologists would gladly accept the position of shampooer just to be working. She also stated the administrative portion of this bill is daunting to her, as she has enough administrative tasks with a cosmetology school. Ms. Booker said she is considering amending her student contract to include non-participation with this activity as she does not want liability for student shampooers working in salons. She will be contacting her legislators to voice her concerns as well.

Candace Rhodes of Crockett Technical High School stated she opposed student shampooers unless they complete at least 1000 hours of training and participate in a co-op program. She also stated the photo license program doesn't sound optional and that many think it's a way for the testing company to gain revenue, especially with the cosmetology/instructor dual licenses that require two photo licenses at \$35 each. She is opposed to the photo license program.

Douglas Weaver, board member, stated his knowledge of the shampooing bill, as his son has worked with lobbyists toward the introduction and passing of the bill. He stated the intent of the bill is to provide a mentoring opportunity for students to gain a monetary position where they are expected to have close guidance and supervision as they participate in what could be called an internship in their chosen profession. He stated proponents of the bill are looking for opportunities for students to earn an income after they have received the requisite number of training hours, instead of being a waitress or sales clerk. He stated there were valid concerns brought forth today, except for the underlying sinister concept suggested.

Douglas Weaver complimented the enforcement division staff and inspectors, stating he appreciates the job they are doing with the type of violations they are citing and the penalties that are being assessed, and that they are a real asset to our industry.

David Dagenais of Michigan College of Beauty said students are lured out of school to work illegally in shops all the time, and if they come back to school, there is such a gap between what the school taught and what they practiced in a salon, they sometimes have to start all over. Mr. Dagenais stated a student is legally allowed 180 days leave without termination, and under this bill, a student could earn their 350 hours, take a leave and go work in a shop for six months legally, still enrolled in the school, then possibly return to school after the six month period whereby the school would have to start them all over again building their skills. He stated this bill does not serve the student, but it will serve the salons.

Edith Marshall, board member agreed with Mr. Dagenais and stated there is the salon way and school way. She questioned what will happen when a student goes to take the cosmetology exams—will they use the salon way or the school way? She stated the proposed legislation will only set students up to fail.

NEXT MEETING DATE

The next regularly scheduled meeting of the Board of Cosmetology will be held on February 11, 2008, 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 12:30 p.m.

Cheryl Hadsall /s/
Board Chairperson

2/11/2008
Date

Sharon Murphy /s/
Recording Secretary

2/11/2008
Date