



ALABAMA BOARD OF COSMETOLOGY

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Minutes for the Board Meeting April 20, 2009 100 North Union Street, Suite 300 Montgomery, AL 36104

Ms. Bennett called the meeting to order at 10:03 a.m. and presided over the meeting. The members present were Evonne Bennett, Floyd McDonald, Nancy Fair, Kathy Linden, Charles Preston and Wendy Merriweather. Sophia Taylor was absent. Monet Gaines from the Attorney General's Office was present as the Board's attorney. The office staff members present were Jodi Respass, Jason Watson and Carol Reynolds. Bob McKee, Executive Director, was present. There were no visitors present.

Ms. Fair gave the invocation. Roll call was taken.

Mr. Preston made a motion to accept the minutes as presented for the March 16, 2009 meeting. Ms. Fair seconded. All ayes, the motion carried.

A proposal by the National Coalition of Estheticians, Manufacturers/Distributors & Associations (NCEA) was received in the Board office on April 7, 2009 and forwarded to the Board Members. After several minutes of discussion, no action was taken.

The North Alabama Cosmetology Unit had submitted a proposal for continuing education (#00300). Ms. Linden stated that all of the necessary information was still missing. Ms. Linden made a motion to table the proposal. Ms. Fair Seconded. All ayes, the motion carried.

The Alabama State Cosmetology Association had previously submitted a proposal for continuing education (#00287, #00288, #00289, #00290) and additional information had been received. Ms. Fair made a motion to approve. Ms. Linden seconded. All ayes, the motion carried.

Mr. McKee stated that the first three Board meetings for 2009 were posted on our website but not the Secretary of State's website and he asked that the Board members ratify the meetings. Mr. Preston made a motion to ratify the Board meetings for January, February and March, 2009. Ms. Merriweather seconded. All ayes, the motion carried.

Mr. McKee stated that the Rules changes that had been proposed and adopted at a previous meeting have now been through the system and asked that the Board ratify the Rules. Mr. Preston made a motion to ratify the Rules that had been previously adopted by the Board. Mr. McDonald seconded. All ayes, the motion carried.

Mr. McKee stated that although he had the proposed barber bill over to the Legislative Reference Services four-and-a-half weeks ago, the person who has to put it in the necessary format has been unable to get it done. He stated that if we can't get this addressed this year,

we can start off strong next year. He stated that he feels really good about the reception for this bill.

The Board Members had each received a letter from Monica Boglin concerning the change from 16 hours to 8 hours for continuing education. Ms. Fair said that from what she had heard, most of the people felt the Board had done them a favor. Ms. Bennett said that we have to listen to those who have to be away from their jobs. Ms. Merriweather stated that she will respond to Ms. Boglin's letter that it was read and considered.

Mr. McKee stated that in the same vein, the Board Members might want to consider an administrative rule about counting the inservice training that is required for instructors in public education.

Ms. Merriweather stated that she had met with Mr. McKee a few months ago and had asked for racial diversity when hiring. She stated that she receives a lot of phone calls and letters wanting her to act. She stated that she thought she had an agreement that Mr. McKee would look for an African-American for the next inspector position. She stated that having a white inspector makes some African-Americans feel that they are being picked on. Now the outcome is that there are now eight white Inspectors. She stated that some in her area don't like it at all, that they want the inspector to look like them.

Mr. McKee stated that he appreciated Ms. Merriweather's concern, that the two of them had met two or three times but he didn't remember all that they discussed. He stated that we have to hire from a State register according to State Personnel law and procedures. The person has to take an exam, get on a register and get high enough to be hired. Ms. Respass stated that Mr. McKee had previously offered a position to an African-American in Birmingham but she ended up not wanting to travel. He stated that we can't just hire anybody, that the person has to have the right qualifications. He stated that we really need an Asian as an Inspector. He said that he does the best to get the best people not matter who they are.

Ms. Merriweather stated that she feels Mr. McKee is doing a fabulous job but that people are beating her up over this. Ms. Fair stated that she tells them to call the office. Ms. Merriweather stated that she's wearing Jodi out with that. Ms. Respass suggested telling them that hiring is done according to State Personnel rules.

Mr. McKee stated that the previous two that were hired in Montgomery were African-Americans and they both resigned. He stated that one of the current Inspectors may be about to retire and he will do his best to bend over backwards to see that this is addressed.

Mr. Preston made a motion for a break at 11:00. Ms. Fair seconded. All ayes.

At 11:13, Ms. Bennett called the meeting back to order.

Mr. Preston asked if anyone is planning to go to Branson for the NIC Regional Conference. Ms. Fair stated that she is planning to go. Mr. McKee stated that the Governor's Office was placing restrictions on travel and asked the Board Members to be mindful of this. He asked the Board Members to either go to the Regional or National Conference but not both. Mr. Preston stated that he's enjoyed the ones he's been to and encouraged all to go.

Mr. McDonald abstained from voting on all Investigative Committee recommendations.

The Board members considered the recommendations of the Investigative Committee:

Complaint #1108: Ms. Linden made a motion to accept the Investigative Committee recommendation. Ms. Merriweather seconded. All ayes, the motion carried.

Complaints #1112, #1113, #1124, #1131: Ms. Merriweather made a motion to accept the Investigative Committee recommendations. Ms. Linden seconded. All ayes, the motion carried.

Complaint #1038: Ms. Merriweather made a motion to accept the Investigative Committee recommendation. Ms. Fair seconded. All ayes, the motion carried.

Complaint #1119: Ms. Linden made a motion to accept the Investigative Committee recommendation. Ms. Merriweather seconded. All ayes, the motion carried.

Complaints #1120: Ms. Merriweather made a motion to accept the Investigative Committee recommendation. Mr. Preston seconded. All ayes, the motion carried.

Complaint #1132: Mr. Preston made a motion to accept the Investigative Committee recommendation. The motion was withdrawn.

Ms. Gaines stated that an expired salon license and a salon that has never registered are considered the same thing.

Complaint #1132: Ms. Linden made a motion to amend the amount to \$375. Ms. Fair seconded. All ayes, the motion carried.

Ms. Linden made a motion for the amount for Complaint #1119 to be \$500, for the amount for Complaint #1120 to be \$625 and the amount for Complaint #1132 to be \$625. Mr. Preston seconded. All ayes, the motion carried.

Complaints #1114, #1129, #1115, #1116, #1117, #1128: Ms. Merriweather made a motion to accept the Investigative Committee recommendations. Ms. Fair seconded. All ayes, the motion carried.

Complaint #1125: Ms. Preston made a motion to accept the Investigative Committee recommendation. Ms. Linden seconded. All ayes, the motion carried.

Ms. Merriweather asked about the Manager on Duty? Mr. McKee stated that at times we may be rather lax about this but this time, there was only the apprentice present and it just can't be ignored.

Complaint #1126: Mr. Preston made a motion to accept the Investigative Committee recommendation. Ms. Linden seconded. All ayes, the motion carried.

Complaints #1127: Ms. Merriweather made a motion to accept the Investigative Committee recommendation. Mr. Preston seconded. All ayes, the motion carried.

