



ALABAMA BOARD OF COSMETOLOGY

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Charles Preston
President

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

Mr. Preston called the meeting to order at 10:00 a.m. and presided over the meeting. All members present: Charles Preston, Evonne Bennett, Floyd McDonald, Kathy Linden, Wendy Merriweather, Tracy Smith and Eric Williams. The office staff members present were Jodi Respass, Jason Watson and Carol Reynolds. Bob McKee, Executive Director, was present. Monet Gaines, Board Attorney, was absent from meeting. The visitors present were Beverly Higdon, Cody Higdon, Lyndzle Lemley, Thomas LaMont, Trena Stover, Gayle Sizemore and Amy Weaver..

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

Ms. Bennett made a motion to accept the minutes as presented for the June 15, 2009 meeting. Ms. Merriweather seconded. All ayes, the motion carried.

Thomas LaMont addressed the Board Members concerning student hours in school. During an inspection at his school, there had been some confusion about how many hours a student can earn per day. Ms. Linden stated that in *Section 34-7A-22 (2)*, it states that students may not exceed eight hours a day. Mr. McKee apologized to Mr. Lamont for any confusion resulting from inspectors not being aware of all the rules and assured him that they would all be reinstructed on this issue. Mr. Lamont told the board he would make all necessary adjustments to comply with the rules.

Trena Stover addressed the Board Members concerning disinfectable nail files. Ms. Merriweather stated that she had purchased some advertized as disinfectable and had cleaned and Barbisided one four times and it held up. She noted that not all files are the same and recommended following the manufacturer's directions. Mr. McKee stated that he needed to have an understanding that when the inspectors encounter files that state they are disinfectable or sanitizable, that this is acceptable and that they are to take this at face value.

Beverly Higdon addressed the Board Members concerning her grandson, Cody Higdon. Cody had taken the written exam and made a 68. He took it again and made a 69. He was allowed to take the exam a third time and made a 79. Mr. McKee stated that a mistake had been made but that a mistake doesn't remove the legal requirements. The Board Members asked that Ms. Gaines review the situation and report to them.

Ms. Higdon related that she had sent a letter to Mr. McKee and requested an audience with the board, and that she had also called Mr. Preston about appearing before the board. Mr. McKee stated he had talked numerous times with Ms. Higdon and did receive a letter. In

reference to her coming to a board meeting, Mr. McKee said he felt she had decided not to appear before the board after his conversation with her, because he advised her the board did not have the authority to grant her request, and that the trip would be futile.

Ms. Higdon called Mr. Preston, and after he talked with Mr. McKee about the problem, he also advised her that she should not appear before the board, because her request could not be granted. Both Mr. McKee and Mr. Preston explained that they were not trying to deny Ms. Higdon her legal right to appear before the board, but that she would not be successful in her appeal.

Ms. Smith made a motion for a break at 11:05. Mr. McDonald seconded. All ayes.

Mr. Preston called the meeting back into order at 11:13.

A question was raised at the last Board meeting concerning whether the provider of a continuing education seminar is allowed to count the continuing education seminar towards the continuing education requirement. Ms. Bennett made a motion to allow 16 hours or 8 hours to renew a license for a 2 year period for providers and instructors of continuing education classes. Mr. Williams seconded. All ayes, the motion carried.

T C CommVent had submitted continuing education courses. Ms. Linden stated that she had looked over the application and that it is missing four resumes, the certificate is missing information (Board ID number, name of organization) and has a misspelling (Financial management) and that the outline is missing for Deryck Ferrier's part of the seminar. Ms. Linden made a motion to not approve this course at this meeting. Ms. Merriweather seconded. All ayes, the motion carried.

Mr. McKee asked for the NIC school overview, if instructors are allowed to use this as part of their continuing education. After discussion, Mr. McDonald made a motion that because the NIC overview is topical, that instructors are not allowed to use this towards their continuing education requirements. Ms. Linden seconded. All ayes, the motion carried.

Mr. McKee stated that a provider of continuing education seminars had changed locations without notifying the Board. This person has several more seminars already approved for the rest of this year. After discussion, Ms. Smith made a motion to still accept the seminars already scheduled through September but not ones after that and the provider will have to wait a year from September to have another seminar approved. Ms. Bennett seconded. Ms. Linden and Ms. Merriweather voted no. Ms. Bennett, Ms. Smith, Mr. Williams and Mr. McDonald voted yes, the motion carried.

Mr. McKee asked about eyebrow threading. He stated that he understands that some people are running the thread through their mouths before beginning this service. There was a discussion about proper sanitization and eyebrow threading being a cosmetology service.

Ms. Bennett made a motion to accept the Treasurer's report. Mr. McDonald seconded. All ayes, the motion carried.

Mr. McKee stated that despite the economy, our revenues are holding up. He stated that Ms. Respass is the best employee ever. There was a discussion about the NIC National Meeting in South Carolina in September.

Ms. Linden asked about the seminar at University Academy that Mr. Preston mentioned before. Mr. Preston stated that they did it for themselves and didn't try to get the public in on it. Ms. Respass stated that she will research this.

Ms. Linden stated that the change of date in the August Board meeting has not been changed on our website even though it has been changed on the Secretary of State's website.

Mr. McDonald abstained from voting on the three Judge's recommendations.

Complaint #0925: Ms. Linden made a motion to accept the Judge's recommendation. Ms. Merriweather seconded. All ayes, the motion carried.

Complaint #0962: Ms. Smith made a motion to accept the Judge's recommendation. Mr. Williams seconded. All ayes, the motion carried.

Complaint #1007: Ms. Merriweather made a motion to accept the Judge's recommendation. Mr. Williams seconded. All ayes, the motion carried.

Ms. Bennett abstained from voting on all of the following Investigative Committee recommendations.

The Board members considered the recommendations of the Investigative Committee:

Complaint # 1198: Ms. Merriweather made a motion to accept and Ms. Linden seconded. All eyes, the motion carried.

Complaint #1204: Mr. McDonald made a motion to accept and Ms. Merriweather seconded. All ayes, the motion carried.

Complaint #1187, #1188, #1189: Ms. Merriweather made a motion to accept and Ms. Linden seconded. All ayes, the motion carried.

Complaint #1192: Ms. Linden made to motion to accept and Mr. McDonald seconded. All ayes, the motion carried.

Complaint #1194: Ms. Merriweather made a motion to accept and Ms. Linden seconded. All ayes, the motion carried.

Complaint #1196 & #1197: Ms. Merriweather made a motion to accept and Ms. Smith seconded. All ayes, the motion carried.

Complaint #1200: Ms. Linden made a motion to accept and Ms. Merriweather seconded. All ayes , motion carried.

Complaint #1199, #1201, #1202: Ms. Merriweather made a motion to accept and Mr. Williams seconded. All ayes, motion carried.

Complaint #0757: Ms. Linden made a motion to accept and Mr. McDonald seconded. All ayes, the motion carried.

Complaint #1190 & #1191: Ms. Merriweather made a motion to accept and Mr. McDonald seconded. All ayes, the motion carried.

Complaint #1193: Ms. Linden made a motion to accept and Mr. McDonald seconded. All ayes, the motion carried.

Complaint #1195: Ms. Merriweather made a motion to accept and Mr. McDonald seconded. All ayes, the motion carried.

Complaint #1205: Mr. McKee requested that this complaint be deferred until the next meeting

Complaint #1206: Mr. Williams made a motion to accept and Mr. McDonald seconded. All ayes, the motion carried.

Complaint #1207: Mr. McDonald made a motion to accept and Ms. Linden seconded. All ayes, the motion carried.

Complaint #1186: Ms. Merriweather made a motion to accept and Mr. McDonald seconded. All ayes, the motion carried.

Complaint #1203: Mr. McDonald made a motion to accept and Ms. Linden seconded. All ayes, the motion carried.

Complaint #1208: Ms. Linden made a motion to accept and Ms. Smith seconded. All ayes, the motion carried.

Complaint #1209: Mr. McDonald made a motion to accept and Mr. Williams seconded. All ayes, the motion carried.

Complaint #1210: Ms. Linden made a motion to accept and Ms. Merriweather seconded. All ayes, the motion carried.

Complaint #1211: Mr. McDonald made a motion to accept and Mr. Williams seconded. All ayes, the motion carried.

Complaint #1212: Ms. Merriweather made a motion to accept and Ms. Smith seconded. All ayes, the motion carried.

Complaint #1014: Ms. Linden made a motion to deny Respondent B the ability to have an apprentice for a 2-year period beginning today. Mr. McDonald seconded. Ms. Merriweather voted no. All others voted aye and the motion carried.

Complaint #1086: Ms. Merriweather made a motion to dismiss and Ms. Linden seconded. All ayes, the motion carried.

Complaint #1088: Mr. McDonald made a motion to dismiss and Mr. Williams seconded. All ayes, the motion carried.

Complaint #1147: Ms. Merriweather made a motion to dismiss and Mr. McDonald seconded. All ayes, the motion carried.

Complaint #1161: Mr. McDonald made a motion to continue with the complaint and fine. Ms. Merriweather seconded. All ayes, the motion carried.

Complaint #1168: Ms. Linden made a motion to dismiss and Mr. McDonald seconded. All ayes, the motion carried.

Complaint #1172: Ms. Merriweather made a motion to dismiss. Ms. Linden seconded. All ayes, the motion carried.

Ms. Merriweather asked about managers in a salon. Mr. McKee stated that the Rules have not changed.

Mr. Preston made a motion to adjourn at 12:35 a.m. All ayes.

Wendy Merriweather date
Secretary

Charles Preston date
President

Carol A. Reynolds date
Recording Secretary