

**Vermont Secretary of State
Office of Professional Regulation
BOARD OF BARBERS AND COSMETOLOGISTS
APPROVED MINUTES
March 16, 2009**

1. The meeting was called to order at 9:00 a.m.

Members Present: Josephine Thomas, Chair; Ruth Comeau; Gregory Josselyn; and Dolores Martineau. Absent: Madonna Commo.

OPR Staff Present: Christopher Winters, Director of OPR; Larry Novins, Board Counsel; Carla Preston, Unit Administrator; Gregg Meyer, Prosecuting Attorney; Daniel Vincent, OPR Inspector; and Kara Shangraw, Administrative Assistant.

Others Present: Janice Crossan and Cindy Lowell.

2. The Chair called for approval of the Minutes of the January 12th meeting. Ms. Thomas made a motion, seconded by Ms. Martineau, to approve the Minutes of the January 12, 2009 meeting as presented. Motion passed unanimously.

3. **Hearings/Stipulations**

- a. The Board considered the *Stipulation and Consent Order* in the matters of Mike Nguyen & Beautiful Nails, Docket Numbers CO06-0908/CO07-0908. The Respondents were not present. Gregg Meyer, Prosecuting Attorney was present for the State. Attorney Novins presided for the Board. Based on the information submitted, Mr. Josselyn made a motion, seconded by Ms. Thomas, to accept the *Stipulation and Consent Order* as submitted. Motion passed 4-0. Ms. Crossan, was the Investigating member assigned to the case.
- b. The Board considered the *Stipulation and Consent Order* in the matters of Kimberly Edwards & Salon Specifics, Ltd., Docket Numbers CO25-0208/CO26-0208. The Respondents were not present. Gregg Meyer, Prosecuting Attorney was present for the State. Attorney Novins presided for the Board. Based on the information submitted, Mr. Josselyn made a motion, seconded by Ms. Thomas, to accept the *Stipulation and Consent Order* as submitted. Motion passed 4-0. Ms. Crossan, was the Investigating member assigned to the case.
- c. A Hearing was held regarding the Board's decision to preliminarily deny Frank Nguyen for licensure as a nail-technician on the basis of his criminal conviction. The Respondent participated via telephone. Gregg Meyer, Prosecuting Attorney was present for the state. Attorney Novins presided for the Board. After the hearing, the Board voted to go into deliberative session at 10:11 a.m. and out at 10:15 a.m. A written decision will be sent to Mr. Nguyen.

3. Hearings/Stipulations – Continued

- d. A Hearing was held in the matter of Heidi Norful's request for reinstatement of her cosmetology license. By way of history the Board Indefinitely Suspended her license on July 21, 2008 after a Default Order was entered against her.

Based on the information Ms. Norful submitted, Ms. Thomas made a motion, seconded by Mr. Josselyn, to grant Ms. Norful's request for reinstatement. Ms. Norful's license will remain Conditioned until she is released from probation and requests removal of the condition. Ms. Norful will be notified.

4. Reports/Guests

Christopher Winters, Director, attended the meeting to discuss the development of a Laser Task Force. He explained that there is pending legislation (S.82) which would give estheticians the ability to use nonablative lasers, and that the Board of Medical Practice is opposed to this proposed legislation. The Board of Medical Practice stated that certain nonablative laser use can be dangerous. Director Winters would like to establish a task force to study this issue, and then make a recommendation to the Board of Medical Practice as to whether or not such use of lasers can be performed by estheticians. The task force should be comprised of an advanced practice nurse, an esthetician, a Board member, manufacturer, and a member of the Board of Medical Practice.

Director Winters would like to get this task force organized soon in hopes of postponing the pending legislation until the issue can be further researched. Dangers regarding the use of nonablative lasers have been reported. Director Winters will return next month with more specific information, including names of persons interested in serving on the task force.

5. Complaints/Follow ups

6. Legislation & Draft Rules

7. Applications for Discussion

8. Correspondence

- a. The Board reviewed the January 29, 2009 letter from Prometric in response to the Boards October 14, 2008 request for updates to the "Candidate Information Bulletin" and exam requirements. Prometric asked the Board when it wanted to implement the new dress code requirement.

The Board determined that the dress code requirement should be effective as of the June exam administration. The Board noted that Prometric was not in favor of allowing instructors as observers of the practical examination. After further discussion, the Board was in agreement with that position. The schools will be notified of these changes.

- 8. Correspondence – Continued**
 - b. The Board reviewed the February 3, 2009 letter from Richard Coutant regarding his daughter Emily Coutant and whether she could be issued a limited license based on her disability. Due to the many dangers to the public, and the fact that the Board can not waive its requirements, the Board was unable to grant their request. Attorney Novins will notify Mr. Coutant.
 - c. The Board reviewed the March 5, 2009 letter from Jessie Whitney regarding a shop in her home and her concern about the bathroom because the sink is not located in that room. The Board does not see any immediate objection to Ms. Whitney’s request. Board Rule 12.3 (a) (3) requires a fully functional bathroom with a working toilet and sink available for customers. It does not state that the sink must be located in the bathroom. Ms. Whitney will be notified of the Board’s decision.
 - d. The Board reviewed the February 12, 2009 letter from Catherine Daigneault requesting a waiver of the late fee for her Cosmetology license. The Board stated that it does not have the authority to waive the late fees, Ms. Daigneault will be notified.
 - e. The Board reviewed the February 20, 2009 e-mail from Lynne Beaudry regarding Kortnee Moodie who applied as an apprentice and was under the age of 18, the application Ms. Moodie submitted did not ask for her date of birth and other information. The Board stated that it does not have the authority to waive its requirements concerning the age of an apprentice or proof of a high school diploma or GED. Ms. Beaudry and Ms. Moodie will be notified.
 - f. The Board reviewed the February 21, 2009 letter from Eris Proctor requesting permission to take the Vermont State Board exams due to her license being expired from Connecticut since 2003. She did not qualify on the basis of endorsement and asked the Board to approve her to sit for the exams based on her education. Based on the information submitted by Ms. Proctor, the Board approved Ms. Proctor to sit for all of the exams (Written, Practical, and Jurisprudence). Ms. Proctor will be notified as well as the exam service.
 - g. The Board reviewed and noted the miscellaneous correspondence.
- 9. National Accrediting Commission of Cosmetology Arts & Sciences Correspondence**
- 10. National-Interstate Council of State Boards of Cosmetology Inc. Correspondence**

The Board reviewed and noted the “NIC Bulletin.”
- 11. National Coalition of Esthetic & Related Associations’ Correspondence**

- 12. National Association of Barber Boards of America**
- 13. Public Comment**
- 14. Other Business Introduced by the Board**
15. The meeting adjourned at 12:15 p.m.

Respectfully submitted,

Kara Shangraw
Administrative Assistant