



ALABAMA BOARD OF COSMETOLOGY AND BARBERING

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Minutes for the Board Meeting
July 25, 2016
10:00 a.m.
100 North Union Street, Suite 300
Montgomery, Alabama 36104

Mr. McDonald called the meeting to order at 10:03 a.m. and presided over the meeting. The members present were: Floyd McDonald, Bobby Luster, General Jackson, Tracy Smith, Kathy Linden, Shirlie Phan. Michelle Callahan-Alvis was absent due to illness. A quorum of the Board members was present. The office staff members present were Jodi Respass, Margaret Anne Davis and Carol Reynolds. Bob McKee, Executive Director, was present. Todd Hughes from the Attorney General's Office was present as legal counsel. The visitors present were Orson Steward with NPI Tutoring, Renee Hughes with Body Logic School of Esthetics, Charles Preston, Supin Scott and Koniqueka Thompson.

A silent invocation was given led by Mr. Jackson. Roll call was taken.

Ms. Linden made a motion to accept the minutes as presented from the May 2, 2016 meeting. Mr. Jackson seconded. All ayes, the motion carried.

Renee Hughes discussed the possibility of adding a cosmetology school to her existing esthetics school.

At 10:15, Mr. Luster made a motion to adjourn the regular meeting for the public meeting. Mr. Jackson seconded. For *Chapter 250-X-5-.06(4)*, Ms. Phan made a motion to accept the change in the Rule. Ms. Smith seconded. All ayes, the motion carried. For *Chapter 250-X-6-.01(5)*, Ms. Linden made a motion to accept the change in the Rule. Mr. Jackson seconded. All ayes, the motion carried. Mr. McKee stated that the effective date will be September 1, 2016. The public meeting adjourned and the Board returned to its regular meeting.

Ms. Hughes continued to discuss her plans to expand her school. Mr. McKee stated that there have been some irregularities with Ms. Hughes' current school, but those could be worked out. Ms. Smith and Mr. McDonald were concerned about the size of the new school and the flow from room-to-room. Mr. McKee suggested that the Inspector go when Ms. Hughes is further along so we have a better idea of the layout. Ms. Smith made a motion to put off approval of the school until the school passes an inspection. Mr. Luster seconded. Ms. Pham voted nay. All others aye, the motion carried.

The Election of Officers: for Chair: Mr. Jackson nominated Mr. McDonald. Ms. Linden seconded. All ayes, the motion carried. For Vice-Chair: Mr. Jackson nominated Ms. Smith. Ms. Linden seconded. All ayes, the motion carried. For Secretary/Treasurer, Ms.

Linden nominated Mr. Jackson. Ms. Smith seconded. All ayes, the motion carried. Ms. Phan volunteered to serve on the Investigative Committee.

LaTaya Aaron was the Board Member for District 7 when the hearings were held in March and she was sent the transcripts for these. Since Mr. Tue Tri Nguyen had requested to address the Board and Complaint #3105 involved him, an extra transcript was ordered for Ms. Phan so that she would have all of the information. Ms. Phan received all of the transcripts for the hearings held in June.

For Complaint #2897, Ms. Smith made a motion to dismiss the Complaint, but flag the owner's file and do not allow him to own another shop until the fine is paid. Ms. Linden seconded. Ms. Phan and Mr. Jackson abstained. All ayes, the motion carried.

For Complaint #3062, Ms. Linden made a motion to uphold the Administrative Law Judge's recommendation of a fine of \$500 plus court costs (if not paid within prescribed deadline, Respondents' licenses will be revoked until the fine is paid). Ms. Smith seconded. Ms. Phan and Mr. Jackson abstained. All ayes, the motion carried.

For Complaint #3098, Ms. Smith made a motion to accept the Administrative Law Judge's recommendation of a fine of \$500 plus court costs (if not paid within 30 days, both personal and shop licenses will be revoked until fine is paid). Mr. Luster seconded. Ms. Phan and Mr. Jackson abstained. All ayes, the motion carried.

For Complaint #3105, Ms. Smith made a motion to accept the Administrative Law Judge's recommendation for Respondent to pay the administrative court costs involved in clarifying his identity and provide a 2" x 2" passport photo (if not paid and photo not received within 30 days, Respondent's license be revoked). Ms. Phan seconded. Mr. Jackson abstained. All ayes, the motion carried.

For Complaint #3106, Ms. Linden made a motion to accept the Administrative Law Judge's recommendation of a fine of \$500 plus administrative court costs and Respondent's current license with the wrong picture should be revoked immediately and Respondent should be allowed to reapply for a proper license with a correct 2 x 2 passport photo within 30 days of the Final Order. Ms. Phan and Mr. Jackson abstained. All ayes, the motion carried.

For Complaint #3108, Ms. Smith made a motion to accept the Administrative Law Judge's recommendation of a fine of \$750 plus administrative court costs. Mr. Luster seconded. Ms. Phan and Mr. Jackson abstained. All ayes, the motion carried.

For Complaint #3112, Ms. Linden made a motion to accept the Administrative Law Judge's recommendation of a fine of \$875 plus administrative court costs and require Respondent to renew shop and personal licenses within 30 days of the Board's Final Order (failure to renew licenses should result in the shop being closed by the Board until the licenses are properly renewed). Mr. Luster seconded. Ms. Phan and Mr. Jackson abstained. All ayes, the motion carried.

For Complaint #3119, Ms. Smith made a motion to accept the Administrative Law Judge's recommendation of a fine of \$1,625.00 plus court costs. Mr. Luster seconded. Ms. Phan and Mr. Jackson abstained. All ayes, the motion carried.

For Complaint #3121, Mr. Luster made a motion for Respondent to renew licenses within 30 days and pay fine and administrative court costs. If does pay within 30 days, no suspension of license. If not, must close for one (1) week. Ms. Linden seconded. Ms. Phan and Mr. Jackson abstained. All ayes, the motion carried.

For Complaint #3133, Mr. Luster made a motion to accept the Administrative Law Judge's recommendation of a fine of \$750 plus administrative court costs and a three-day suspension of shop's license, the dates selected by the Board. Ms. Smith seconded. Ms. Phan and Mr. Jackson abstained. All ayes, the motion carried.

For Complaint #3010, Ms. Smith made a motion to accept the Administrative Law Judge's recommendation of a fine of \$1,500 plus administrative court costs. If not paid within 60 days of the Final Order, both shop and personal licenses be revoked until Respondent fully complies with Final Order. Mr. Luster seconded. Ms. Phan and Mr. Jackson abstained. All ayes, the motion carried.

For Complaint #3078, Mr. Luster made a motion that if the licenses are up-to-date, no fine but pay administrative court costs. Ms. Linden seconded. Mr. Jackson abstained. All ayes, the motion carried.

For Complaint #3087, Mr. Luster made a motion to accept the Administrative Law Judge's recommendation of a fine of \$1,655 plus administrative court costs. If Respondent fails to pay fine within 60 days, shop license will be revoked and Respondent's personal license not renewed until compliance with the Final Order. Ms. Smith seconded. Mr. Jackson abstained. All ayes, the motion carried.

For Complaint #3142, Ms. Smith made a motion to accept the Administrative Law Judge's recommendation of a fine of \$1,000 plus administrative court costs. If Respondent fails to comply with Final Order within 60 days of Final Order, shop and personal licenses should be revoked until Final Order is fulfilled. Ms. Linden seconded. Mr. Jackson abstained. All ayes, the motion carried.

For Complaint #3143, the amount was miscalculated in the Summons and Complaint and should have been \$1,000 instead of \$1,250. Ms. Linden made a motion to amend the fine amount to \$1,000 plus administrative court costs. Ms. Phan seconded. Mr. Jackson abstained. All ayes, the motion carried.

For Complaint #3147, Ms. Linden made a motion to accepted the Administrative Law Judge's recommendation of a fine of \$1,000 plus administrative court costs plus a 3-day suspension of shop license and shop to be closed for said three days. If Final Order is not fulfilled within 60 days, recommends to revoke shop and personal licenses until it is fulfilled. Ms. Smith seconded. Mr. Jackson abstained. All ayes, the motion carried.

For Complaint #3169, Ms. Phan made a motion to accept the Administrative Law Judge's recommendation to revoke Respondent's Manicurist license, Respondent be issued a new Manicurist License with an accurate photo; Respondent pay administrative court costs involved in clarifying his identity. Ms. Linden seconded. Mr. Jackson abstained. All ayes, the motion carried.

Tue Tri Nguyen had requested to address the Board concerning his reciprocity application, but did not appear for the meeting.

