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State of Missouri

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Emily R. Carroll  
Executive Director

## Meeting Notice

### State Board of Cosmetology and Barber Examiners Division of Professional Registration

Jefferson City, Missouri

**April 6 – 7, 2014**

The Missouri State Board of Cosmetology and Barber Examiners will meet on Sunday and Monday April 6<sup>th</sup> and April 7<sup>th</sup> convening at 8:00 a.m. on Sunday the 6<sup>th</sup> and 8:00 a.m. on Monday the 7<sup>th</sup>, at the Division of Professional Registration, located at 3605 Missouri Boulevard, Jefferson City, MO 65109. For individuals with special needs, notification should be forwarded to the Missouri State Board of Cosmetology and Barber Examiners, P.O. Box 1062; 3605 Missouri Boulevard, Jefferson City, Missouri or by calling (573) 751-1052 to ensure available accommodations. The text telephone number for the hearing impaired is 800-735-2966.

Except to the extent disclosure is otherwise required by law, the Missouri State Board of Cosmetology and Barber Examiners is authorized to close meetings, records and votes, to the extent they relate to the following: Sections 610.021 (1), (3), (5), (7), (13) and (14), RSMo, and Chapter 324.001.8 and 324.001.9, RSMo.

The Board may go into closed session at any time during the meeting. If the meeting is closed the appropriate section will be announced to the public with the motion and vote recorded in open session minutes.

Please see attached tentative agenda for this meeting.

REVISED: 3/31/2014  
REVISED: 3/28/2014  
REVISED: 3/21/2014  
POSTED: 2/19/2014

**State Board of Cosmetology and Barber Examiners  
Division of Professional Registration  
3605 Missouri Blvd  
Jefferson City, MO 65109**

**April 6 – 7, 2014**

**TENTATIVE OPEN SESSION AGENDA**

**Sunday, April 6, 2014**

**8:00 a.m.**

- a.) Call to order
- b.) Roll Call

1. Approval of Open Session Agenda

**Closed Session** – The Board will move into closed session pursuant to Section 610.021 Subsections (1), (3), (5), (7), and (14), RSMo, and Sections 324.001.8 and 324.001.9, RSMo for the purpose of discussing investigative reports and/or complaints and/or audits and/or other information pertaining to a licensee or applicant, and discussing general legal actions, causes of action or litigation and any confidential or privileged communications between this agency and its attorney, for deliberation on discipline, for discussing hiring, firing, disciplining or promoting an employee of this agency, for discussing applicants for licensure, performance evaluations pertaining to individual employees, testing and examination materials, and for the purpose of approving the minutes of one or more previous meetings.

**Monday, April 7, 2014**

**8:00 a.m.** The Board will convene in Closed Session

- a) Call to order
- b) Roll call

**9:00 a.m.** The Board will move into Open Session

2. **Approval of Open Session Minutes**

- November 24-25, 2013
- December 9, 2013
- December 16, 2013
- February 28, 2014

3. **Approval of Expense Accounts and Per Diem**

4. **Financial Report**

**Executive Director Report** – Emily Carroll

- Current Licensee Count
- National Interstate Council of State Board of Cosmetology, INC (NIC) All Regions Meeting
- New Licensure System Update
- Newsletter

## **9:00 a.m. Disciplinary Hearings**

5. **Sean Willis, BAR 009725 (EXAM), 360 Hair Studio, BAS 2005026316, owner (master), Jennings, Case No. 2011001605**
6. **Michele Cabral, BAR 008561 (EXAM), Des Peres Barber Shop, BAS 2010013119, owner (booth renter), Des Peres, Case No. 2012001978**
7. **Inspectors Report**  
Report provided by Inspector Supervisor reflecting number of inspections conducted for the month.
8. **President's Report – Wayne Kindle**
9. **National-Interstate Council of State Boards of Cosmetology, Immediate Past President's Report – Betty Leake**
10. **Proposed Rules Update**
  - 20 CSR 2085-5.010
  - 20 CSR 2085-7.010
  - 20 CSR 2085-8.070
  - 20 CSR 2085-12.010
  - 20 CSR 2085-12.020
  - 20 CSR 2085-13.070
11. **Senate Bill 106**
12. **Fee Reduction**
13. **State Inspection Process**
14. **Crossover School Requirement**
15. **State Law Test Update**
16. **Post-Secondary Education Update**
17. **Legislation**
18. **Inspection Report Revision** - Tabled at the July 2013, September 2013 and November 2013 meeting for discussion at the March 2014 meeting.
19. **Student Kit Regulations** - Tabled at the November 2013 meeting for discussion at the March 2014 meeting.
20. **Theory Examination Services**
21. **20 CSR 2085-8.060 Reinstatement of Expired Instructor License**
22. **Transformed Barber & Cosmetology Academy, LLC** - Request to offer Instructor continuing education hours for 2014.
23. **Litigation Counsel**

**Open Discussion** – Dialog with General Public Attending Open Session

- Missouri Association of Cosmetology Schools
- Associated Hairdressers and Cosmetologists of Missouri, Inc.
- National Hair Braiders Association

Upon completion of Open Session, the Board will move into Closed Session.

The Board may move immediately into Closed Session for completion of any unfinished business pursuant to Section 610.021 Subsections (1) (3) (5) (7) and (14), RSMo, and Sections 324.001.8 and 324.001.9, RSMo for the purpose of discussing investigative reports and/or complaints and/or audits and/or other information pertaining to a licensee or applicant, and discussing general legal actions, causes of action or litigation and any confidential or privileged communications between this agency and its attorney, for deliberation on discipline, for discussing hiring, firing, disciplining or promoting an employee of this agency, for discussing applicants for licensure, performance evaluations pertaining to individual employees, testing and examination materials, and for the purpose of approving the minutes of one or more previous meeting.

The Board will complete any unfinished business in Closed Session.

Upon completion of Closed Session, the Board will move into Open Session.

**The Board anticipates the Open Session meeting will adjourn at approximately 1:00 p.m.**

**\*\*Adjournment\*\***

**State Board of Cosmetology and Barber Examiners  
Division of Professional Registration  
3605 Missouri Blvd  
Jefferson City, MO 65109**

**April 6 – 7, 2014**

The Missouri State Board of Cosmetology and Barber Examiners were called to order in open session by President Wayne Kindle at 8:00 a.m. on Sunday, April 6, 2014 at the Division of Professional Registration, 3605 Missouri Boulevard, Jefferson City, Missouri.

**Sunday, April 6, 2014**

**Board Members Present:**

Wayne Kindle, President  
Betty Leake, Vice President  
Jacklyn Crow, Secretary  
Leata Price-Land, Member  
Joe Nicholson, Member  
Lori Bossert, Public Member

**Staff Present:**

Emily Carroll, Executive Director  
Emily Reinhard, Administrative Coordinator  
Jennifer Luebbert, Processing Technician II  
Scott Evans, Litigation Counsel  
Patricia Churchill, General Counsel

1. Approval of Open Session Agenda

A motion was made by Betty Leake and seconded by Joe Nicholson to approve the Open Session Agenda as submitted. Motion carried.

A motion was made by Jacklyn Crow and seconded by Betty Leake to move into closed session pursuant to Section 610.021 Subsections (1), (3), (5), (7), and (14), RSMo, and Sections 324.001.8 and 324.001.9, RSMo for the purpose of discussing investigative reports and/or complaints and/or audits and/or other information pertaining to a licensee or applicant, and discussing general legal actions, causes of action or litigation and any confidential or privileged communications between this agency and its attorney, for deliberation on discipline, for discussing hiring, firing, disciplining or promoting an employee of this agency, for discussing applicants for licensure, performance evaluations

pertaining to individual employees, testing and examination materials, and for the purpose of approving the minutes of one or more previous meetings.

Roll call vote:

Jacklyn Crow	aye	Lori Glasscock	aye
Wayne Kindle	aye	Betty Leake	aye
Joe Nicholson	aye	Leata Price-Land	aye

Motion carried.

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### **Monday, April 7, 2014**

#### **Board Members Present:**

Wayne Kindle, President  
Betty Leake, Vice President  
Jacklyn Crow, Secretary  
Leata Price-Land, Member  
Joe Nicholson, Member  
Lori Glasscock, Public Member

#### **Staff Present:**

Emily Carroll, Executive Director  
Emily Reinhard, Administrative Coordinator  
Jennifer Luebbert, Processing Technician II  
Sarah Ledgerwood, General Counsel  
Scott Evans, Litigation Counsel

**8:02 a.m.** Reconvened in Closed Session.

**9:00 a.m.** Board moved into Open Session.

## **2. Approval of Open Session Minutes**

A motion was made by Betty Leake and seconded by Joe Nicholson to approve the Open Session Minutes of the November 24-25, 2013 meeting. Motion carried with all members present and participating.

A motion was made by Betty Leake and seconded by Jacklyn Crow to approve the Open Session Minutes of the December 9, 2013 meeting. Motion carried with all members present and participating.

A motion was made by Betty Leake and seconded by Lori Bossert to approve the Open Session Minutes of the December 16, 2013 meeting. Motion carried with all members present and participating.

A motion was made by Betty Leake and seconded by Joe Nicholson to approve the Open Session Minutes of the February 28, 2014 meeting. Motion carried with all members present and participating.

3. **Approval of Expense Accounts and Per Diem**

A motion was made by Betty Leake and seconded by Lori Bossert to approve the expense accounts and per diems as submitted. Motion carried with all members present and participating.

4. **Financial Report**

The Beginning Fund Balance for FY2014 was \$5,061,615.99. As of February 28, 2014 our total revenue received was \$3,016,190.36. Of the Expense and Equipment Appropriation there has been \$205,606.13 expended. Total transfers as of February 28, 2014 are \$1,115,695.85. Leaving the current Fund Balance as of February 28, 2014 of \$6,756,504.37.

A motion was made by Betty Leake and second by Joe Nicholson to approve the financial report. Motion carried with all members present and participating.

**Executive Director Report** – Emily Carroll

- Current Licensee Count
- National Interstate Council of State Board of Cosmetology, INC (NIC) Annual Meeting – August 23-25, 2014 in Charleston, South Carolina
- New Licensure System Update – on schedule to be fully operating June 2015
- Newsletter – still currently collecting ideas and article ideas to include.
- Proposed including the entire legislative process in the newsletter as an information piece for the licensees.

A motion was made by Jacklyn Crow and seconded by Joe Nicholson to request approval for Betty Leake, Wayne Kindle and Emily Carroll to attend the NIC Annual Meeting August 23-25, 2014 in Charleston, South Carolina. Motion carried with all members present and participating.

**9:00 a.m. Disciplinary Hearings**

5. **Sean Willis, BAR 009725 (EXAM), 360 Hair Studio, BAS 2005026316, owner (master), Jennings, Case No. 2011001605**

The Board held a Disciplinary Hearing in open session at 9:05 a.m. for Sean Willis. Sean Willis was not present and without counsel for the Disciplinary Hearing. Scott Evans represented the Board of Cosmetology and Barber

Examiners and Sarah Ledgerwood served as the Board's legal advisor. Board members present were Wayne Kindle, Betty Leake, Jacklyn Crow, Joe Nicholson, Leata Price-Land and Lori Bossert. At the conclusion of the Disciplinary Hearing the Board held its deliberation in Closed Session.

**6. Michele Cabral, BAR 008561 (EXAM), Des Peres Barber Shop, BAS 2010013119, owner (booth renter), Des Peres, Case No. 2012001978**

The Board held a Disciplinary Hearing in open session at 9:17 a.m. for Michele Cabral. Michele Cabral was not present and without counsel for the Disciplinary Hearing. Scott Evans represented the Board of Cosmetology and Barber Examiners and Sarah Ledgerwood served as the Board's legal advisor. Board members present were Wayne Kindle, Betty Leake, Jacklyn Crow, Joe Nicholson, Leata Price-Land and Lori Bossert. At the conclusion of the Disciplinary Hearing the Board held its deliberation in Closed Session.

**7. Inspectors Report**

This is an informational item. Of the 15,751 Establishment inspections due to be inspected a minimum of 1 time annually by October 30<sup>th</sup> there are 9,051 remaining.

**8. President's Report – Wayne Kindle**

- Requests the Board to send something to Tina Crow Halcomb's family in sympathy for their loss.
- Betty Leake will be in charge of coordinating a keepsake for Tina's family.
- Stay focused as a Board through the current changes.

**9. National-Interstate Council of State Boards of Cosmetology, Immediate Past President's Report – Betty Leake**

- Regional meeting held in Las Vegas in March 2014.
- Heavy discussion regarding deregulation.
- A presentation was made stressing the importance of not opening up the law for any reason and not to decrease fees. Possess a greater risk for other legislative changes and deregulation.
- NIC will be developing an administrative access to their website for informational purposes.

**10. Proposed Rules Update**

- 20 CSR 2085-5.010 – under Division review
- 20 CSR 2085-7.010 – under Division review
- 20 CSR 2085-8.070 – changes submitted and set to be effective July 30, 2014
- 20 CSR 2085-12.010 – final and effective February 28, 2014
- 20 CSR 2085-12.020 – final and effective February 28, 2014
- 20 CSR 2085-13.070 – final and effective February 28, 2014

11. **Senate Bill 106**

- Allows for applicants to submit training obtained through the armed services while on active duty.
- Concerns regarding the expiration of hours five (5) years from the student enrollment date if student is placed on active duty during that time period.
- All training submitted will still need to meet the minimum requirements of the Board and the correct distribution and approved by the Board.

A motion was made by Joe Nicholson and seconded by Jacklyn Crow to have the general counsel work with the Executive Director reviewing Senate Bill 106 to determine the necessary changes to be in compliance. Further, Executive Director is to submit the proposed changes drafted for legal review and ask counsel to research SB 106.

Motion carried with all members present and participating.

12. **Fee Reduction**

- Board to look at the fees associated with a change of location for school.

A motion was made by Jacklyn Crow and seconded by Betty Leake to table this item until the June 2014 meeting for further information.

Motion carried with all members present and participating.

13. **State Inspection Process**

- Committee to research ideas and solutions to better inspect the current establishments.
- Ad Hoc Committee members – Wayne Kindle, Betty Leake, Emily Carroll, Penny Merritt and another state inspector.

14. **Crossover School Requirement**

- Nothing in the law prohibits any school from offering training to an individual wanting to obtain the training necessary for a crossover license.

15. **State Law Test Update**

A motion was made by Betty Leake and seconded by Joe Nicholson to table this item for the June 2014 meeting in order to obtain the remaining sample questions from the Board.

Motion carried with all members present and participating.

A motion was made by Jacklyn Crow and seconded by Joe Nicholson to have the Executive Director bring back all RFP's for testing services for the Board to review.

Motion carried with all members present and participating.

**16. Post-Secondary Education Update**

- The Board office has submitted all proposals for compliance to the Department of Higher Education.
- Dr. Sophia McArdle had confusion over the specific licenses that the Board would be issuing. Emily Carroll and Ron Holt have requested a meeting with Dr. Sophia McArdle to better clarify the Board's proposal.
- Sarah Ledgerwood will now assist Emily Carroll and Ron Holt.

**17. Legislation**

- Andy Briscoe met for an informal discussion with the Board regarding current legislation.
- HB1824 - no rules can be promulgated that do not significantly impact the public welfare and safety.
- HB 1891 has been proposed and does pose deregulation.

**18. Inspection Report Revision** - Tabled at the July 2013, September 2013 and November 2013 meeting for discussion at the March 2014 meeting.

A motion was made by Joe Nicholson and second by Betty Leake to add this item to the Inspection Process ad hoc committee.

Motion carried with all members present and participating.

**19. Student Kit Regulations** - Tabled at the November 2013 meeting for discussion at the March 2014 meeting.

- Concern with the language of the cosmetology student kits lack of detail regarding the specific items in comparison to the detail of the Barber and Esthetic student kit language. The Board shouldn't dictate when a school has to provide a student with their student kit.
- The requirement does not need to be an item on the current inspection report. The Board should look into any concerns that are raised on a case by case basis as they are brought forward.
- Ensuring that all student kits for every student enrolled are kept on the premises is a burden on the schools.
- Jason Barnett – currently his school does provide a new student kit to the student upon graduation to ensure the student is able to proceed with their Board examinations. The school provides all necessary student kit items to the students during training.
- Need to be certain that all students have the necessary supplies as they need them during training.

- A sample of a student kit could be present on the premises as an example of what a student will be provided. Add this to the Inspection Report Revision item. Also discuss the current language of each classification student kit details.

A motion was made by Betty Leake and seconded by Jacklyn Crow to add the student kit language and possible revisions to the ad hoc committee for state inspection process revisions.

Motion carried with all members present and participating.

## 20. **Theory Examination Services**

- Notified that scheduling is very difficult for students at certain locations.
- Examination sites have been closed without the Board being properly notified.
- IQT is now providing weekly updates to Emily Carroll.
- Site has not correctly scheduled students with ADA accommodations recently.
- The School Overview will be held in Columbia, MO on Monday. Date to be provided as soon as its available.
- Unsatisfied with the communication between PCS and IQT and their lack of knowledge when issues arise.

A motion was made by Joe Nicholson and seconded by Jacklyn Crow to have the Executive Director obtain the practical results for each school by exam date at each testing location for the last calendar year.

Motion carried with all members present and participating.

## 21. **20 CSR 2085-8.060 Reinstatement of Expired Instructor License**

- An instructor currently has to reinstate a license that has been expired for more than two years by taking the examinations in addition to submitting the required continuing education.
- Instructors are being held from licensure due to the availability of continuing education seminars.

A motion was made by Betty Leake and seconded by Joe Nicholson to remove the requirement of obtaining continuing education for an instructor that has reinstated the instructor license by practical and theory examination. Further, have the Executive Director bring back the proposed change to the June 2014 meeting.

Roll call vote:

Jacklyn Crow	aye	Lori Bossert	aye
Wayne Kindle	aye	Betty Leake	aye
Joe Nicholson	aye	Leata Price-Land	aye

Motion carried.

**22. Transformed Barber & Cosmetology Academy, LLC - Request to offer Instructor continuing education hours for 2014.**

A motion was made by Lori Bossert and seconded by Leata Price-Land to approve the request to offer Instructor continuing education as submitted. Further, request that the specific name of the Instructor that will be presenting is sent to the Board office once selected and scheduled.

Roll call vote:

Jacklyn Crow	aye	Lori Bossert	aye
Wayne Kindle	abstain	Betty Leake	aye
Joe Nicholson	no	Leata Price-Land	aye

Motion carried.

**23. Litigation Counsel**

- Interviews will be held in Open Session.
- Move forward with the current Litigation Counsel with a new contract. Opposed to seeking additional counsel. Wants to give Scott Evans the opportunity to take over as the Board's litigation counsel.
- The current contract with Tina Crow Halcomb LLC does not expire until July 2015.
- Interest in seeking additional counsel to protect the interest of the Board. Concerned with the current cases that were referred in 2011 that have not been completed.
- Sarah Ledgerwood – the Board will have to enter into a new contract for any length of time.
- The contract that is entered should be longer than a six (6) month period of time to ensure adequate time in order to review and make an informed decision.
- The Board should stay with Scott Evans for a period of time in order to evaluate the work. Not opposed to collecting additional resumes in the future. Open to having the possibility of additional counsel in future.

A motion was made by Jacklyn Crow and seconded by Betty Leake to sign a contract that will mirror the current contract with Tina Crow Halcomb LLC with Scott Evans though January 2015 and be subject to renewal. The Board shall evaluate the performance of Scott Evans at the January 2015 meeting. Further, the Board shall set up an ad hoc committee at the June 2014 meeting to begin collecting resumes.

Roll call vote:

Jacklyn Crow	aye	Lori Bossert	aye
Wayne Kindle	aye	Betty Leake	aye
Joe Nicholson	aye	Leata Price-Land	no

Motion carried.

## **Open Discussion** – Dialog with General Public Attending Open Session

Public members present: James Means, Jason Barnett, Scott Sharp

- James Means appeared before the Board to ask the Board's position on his purposed legislation.
- Andy Briscoe responded on the Board's behalf and said that the Board does not have the authority to take a position on pending legislation.
- Leata Price-Land spoke for herself as a licensee and shared her personal experience working within a licensed cosmetology establishment that offered hair braiding services. She stressed the importance and usefulness of the training she received in cosmetology school regarding the safety of the public.
- Mr. Means was asked if the pending legislation would only exempt hair braiders. Mr. Means responded that it would.
- Mr. Means was asked if he saw his particular business and services the same as other hair braiding establishments and braiding services. Mr. Means responded that he did not, but did not see any other way to separate the two.
- Mr. Means was asked why he believed he had a hard time employing licensed operators. Mr. Means responded that the weather plays a factor and that he didn't believe the licensees he has employed shared the same work ethic.
- Scott Sharp – arrived later and asked how the meeting with James Means went and where his potential next steps are going. The Board briefly discussed the dialogue. The MACS association is currently revising a substitute amendment to add to the pending legislation.

## **Discussion of 2014 Meeting Dates**

- **March 2 – 3 , 2014 (Jefferson City)** – cancelled due to scheduling conflicts
- **June 1 – 2, 2014 (St. Louis)**
- **July 27 – 28, 2014 (Kansas City)** – cancelled due to scheduling conflicts
- **August 10 – 11, 2014 (tentative) (Lake Ozark)** – cancelled due to scheduling conflicts
- **September 28 – 29, 2014 (Springfield)** – cancelled due to scheduling conflicts
- **October 2014** – Date to be determined
- **November 30 – December 1, 2014 (Jefferson City)** – cancelled due to scheduling conflicts

- **December 2014 Conference Call** – To be determined based on necessity

Upon completion of Open Session, the Board will move into Closed Session.

A motion was made by Jacklyn Crow and seconded by Joe Nicholson to move into closed session pursuant to Section 610.021 Subsections (1) (3) (5) (7) and (14), RSMo, and Sections 324.001.8 and 324.001.9, RSMo for the purpose of discussing investigative reports and/or complaints and/or audits and/or other information pertaining to a licensee or applicant, and discussing general legal actions, causes of action or litigation and any confidential or privileged communications between this agency and its attorney, for deliberation on discipline, for discussing hiring, firing, disciplining or promoting an employee of this agency, for discussing applicants for licensure, performance evaluations pertaining to individual employees, testing and examination materials, and for the purpose of approving the minutes of one or more previous meeting.

Roll call vote:

Jacklyn Crow	aye	Lori Glasscock	aye
Wayne Kindle	aye	Betty Leake	aye
Joe Nicholson	aye	Leata Price-Land	aye

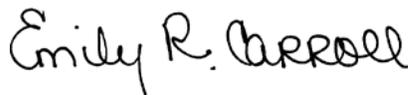
Motion carried.

**1:01 p.m. The Board moved into open session**

**1:02 p.m. A motion was made by Jacklyn Crow and seconded by Betty Leake to adjourn in open session**

Motion carried with all members present and participating.

**\*\*Adjournment\*\***



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Executive Director

Approved on October 27, 2014