

MISSISSIPPI STATE BOARD OF COSMETOLOGY AND BARBERING
Board Meeting Minutes
September 30, 2024
239 North Lamar Street, Jackson, MS 39201

1. WELCOME AND CALL TO ORDER

Warren Rossi called the meeting to order at 9:00 a.m.

Sharon Clark provided a roll call with the following present:

Warren Rossi, President

Michael McBunch

Clelly Farmer

Linell Palmer, Jr.

Members absent:

Bennie Lee Adkins

Dr. Daniel Edney, State Health Officer

A quorum was present for voting purposes.

Others present were:

Catherine Bell, Special Assistant Attorney General / Counsel for the Board

Sharon Clark, Executive Director, Cosmetology Board

Ann Welch, Interim Executive Director, Barber Board

Ruby Lowery

Members of the public present.

2. INVOCATION

Clelly Farmer provided the invocation.

3. AGENDA APPROVAL

The agenda was amended to include the following:

V. D. MS Takeover

VI. E. NIC Attendee

X. A. Idol Nail & Spa (07-41577) moved to XI. H.

Mike McBunch moved to accept the agenda as amended. Linell Palmer, Jr. provided a second. The voice vote was unanimous. Motion carried.

4. BOARD MINUTE APPROVAL

Linell Palmer, Jr. moved to approve the Board minutes from the August 26, 2024, meeting. Clelly Farmer provided the second. The voice vote was unanimous. Motion carried.

Mike McBunch moved to approve the Board minutes from the September 23, 2024, meeting. Linell Palmer, Jr. provided the second. The voice vote was unanimous. Motion carried.

5. FINANCIAL REPORT

Denise DeRossette with Cornerstone provided the human resources and financial report. In the past month, there has been one resignation, and seven contract exam evaluators were hired. Ms. DeRossette updated the Board as to the changes to the State of Mississippi Health Insurance. The Board discussed the need to recruit and hire additional inspectors. An ad hoc committee of Ruby Lowery, Ann Welch, and Linell Palmer, Jr. was appointed by Warren Rossi to assist with the development of inspector criteria and job description.

Linell Palmer, Jr. moved, seconded by Mike McBunch, to accept the financial report pending audit. The voice vote was unanimous. Motion carried.

6. AGENDA REQUEST

Timothy A. Kelly addressed the Board and requested that the Board waive a violation received during an inspection on February 7, 2024, for a lapsed license.

Mike McBunch moved to deny Mr. Kelly's request for a waiver of the violation received on February 7, 2024. Linell Palmer, Jr. provided the second. The voice vote was unanimous. Motion carried.

The Mississippi Vietnamese Organization addressed the Board for excessive fines, whirlpool foot spa cleaning rules and logs, and the e-file certification.

Mike McBunch moved, seconded by Linell Palmer, Jr. that for all class one (1) tools, including electronic file (e-file), a licensee must possess a certificate of proficiency and present the certificate upon request. The Board will accept an original certificate issued by any provider and issued on any date. The Board will not accept photocopies of any certificate. The Board no longer requires that an e-file course be Board approved, and the Board will not sponsor, endorse, or promote any e-file provider. The voice vote was unanimous. Motion carried.

BSNEM Trade Show addressed the Board and requested reconsideration of the previous denial of continuing education credit for the October 7, 2024, event in Tunica for barbers and cosmetologists.

Mike McBunch moved to approve the BSNEM Trade Show that will be held on October 7, 2024, in Tunica for seven (7) hours of continuing education for cosmetology and barbering. Because BSNEM will provide both receipts and certificates, no Board monitor was required. Linell Palmer, Jr. provided the second. The voice vote was unanimous. Motion carried.

MS Takeover addressed the Board and requested approval of continuing education and methods for the October 14, 2024, event at the Agricultural Museum in Jackson.

Linell Palmer, Jr., seconded by Clelly Farmer, moved to approve the October 14, 2024, MS Takeover for four (4) hours of continuing education and two (2) hours of methods for instructors, masters, cosmetologist, and barbers. Because MS Takeover will provide both receipts and certificates, no Board monitor was required. The voice vote was unanimous. Motion carried.

7. OLD BUSINESS

Mike McBunch moved, seconded by Linell Palmer, Jr., to table scheduling the following cases for hearing: 2024-08-18995-01; 2024-02-66427-1; 2024-01-65462-1; and 2024-07-42015-1. The voice vote was unanimous. Motion carried.

Due to the Board's position on e-file, the request of Jennifer Young and Jennifer Pace for Board approval of e-file curriculum is moot. No action was taken.

Mike McBunch moved to table continued discussion of proposed rules and regulations. Clelly Farmer provided the second. The voice vote was unanimous. Motion carried.

There was no update on a proposed remedial course for sanitation.

The Board has paid for two attendees to the NIC conference and has one (1) opening. Mike McBunch moved to send Porsha Welch to the NIC conference. Linell Palmer, Jr. provided the second. The voice vote was unanimous. Motion carried.

8. LICENSE/WORK PERMITS/APPROVAL LETTER REPORT

The Board reviewed the application of Etelinda Faviola Pineda de Rodriguez for cosmetology licensure and noted that she had not earned 1500 hours. Linell Palmer, Jr. moved to deny Etelinda Faviola Pineda de Rodriguez's application for licensure. Mike McBunch provided the second. The voice vote was unanimous. Motion carried.

The Board reviewed the application of Sandra Viviana Castano Gutierrez for nail technology licensure and noted that she did not have a license but held a certificate. Linell Palmer, Jr. moved, seconded by Mike McBunch to deny Sandra Viviana Castano Gutierrez's application for licensure. The voice vote was unanimous. Motion carried.

Ruby Lowery provided an update of all applications made, licenses issued, establishments inspected, and violations issued for the previous month for the professions of cosmetology, nail technology, and esthetics. Mike McBunch moved, seconded by Clelly Farmer, to approve all licenses/work permits as stated. The voice vote was unanimous. Motion carried.

Ann Welch reported that the report on all applications made, licenses issued, establishments inspected, and violations issued for the previous month for the barbering profession was not ready but would be presented at the October Board meeting. Linell Palmer, Jr. moved, seconded by Clelly Farmer, to place all licenses/work permits for the barbering profession on the table. The voice vote was unanimous. Motion carried.

9. NEW BUSINESS

Linell Palmer, Jr. nominated Mike McBunch to server as Board Secretary. Clelly Farmer provided the second. The voice vote was unanimous. Motion carried.

Linell Palmer, Jr. moved, seconded by Mike McBunch, to permit SMT, a Prometric Company, to disclose that they partner with Mississippi State Board of Cosmetology and Barbering to deliver the Board's exams and for SMT, a Prometric Company, to post the Board's logo as a vendor on their website. The voice vote was unanimous. Motion carried.

10. LICENSURE EXAMINATION

Linell Palmer, Jr. moved, seconded by Mike McBunch, for the barbering practical examination scoring sheet to be stylistically reformatted to mirror the cosmetology practical examination scoring sheet in that all applicant's names

would be removed and all applicants would be scored on the same page. The voice vote was unanimous. Motion carried.

The Board considered the application of Pearl Frazier for a barbering practical exam evaluator. However, the Board noted that there are no open positions for a practical exam evaluator for either cosmetology or barbering at this time. Linell Palmer, Jr. moved that Ms. Frazier's application be kept on file and considered if a position opened in the future. Clelly Farmer provided the second. The voice vote was unanimous. Motion carried.

11. COMPLIANCE

Kim Barthalow with US Nails submitted a letter on September 12, 2024, requesting a waiver of the fine received during an August 19, 2024, inspection. Linell Palmer, Jr. moved, seconded by Mike McBunch, to deny Ms. Barthalow's request for a waiver of the fine received during the August 19, 2024, inspection. The voice vote was unanimous. Motion carried.

12. FORMAL COMPLAINTS

EXECUTIVE SESSION

Linell Palmer, Jr. moved to go into closed session to determine whether an Executive Session was needed. The voice vote was unanimous. Motion carried.

Linell Palmer, Jr. moved, seconded by Mike McBunch, that the Board had reason to go into Executive Session pursuant to MISS. CODE ANN. § 25-41-7, investigative proceedings regarding allegations of misconduct or violations of law. The voice vote was unanimous. Motion carried.

Within Executive Session the following action was taken:

The Board took no action on the following complaints: FC20240624-001; FC20240716-001; G2024-85H/3; and 2024-535-G2.

For complaints numbered FC20240813-001 and FC20240816-001, Linell Palmer, Jr. moved, seconded by Clelly Farmer, to offer the licensee a consent agreement within the parameters outlined by the Board. The voice vote was unanimous. Motion carried.

Mike McBunch moved to dismiss complaint numbered FC20240823-001. Linell Palmer, Jr. provided the second. The voice vote was unanimous. Motion carried.

For the complaint numbered FC20240828-001, Linell Palmer, Jr. moved to offer the licensee a consent agreement within the parameters outlined by the Board. Mike McBunch provided the second. The voice vote was unanimous. Motion carried.

For complaint 07-41577, Linell Palmer, Jr. moved, seconded by Mike McBunch, to offer the licensee a consent agreement within the parameters outlined by the Board. The voice vote was unanimous. Motion carried.

Linell Palmer, Jr., seconded by Clelly Farmer, moved to exit Executive Session and return to Open Session. The voice vote was unanimous. Motion carried.

13. Show Cause Hearings

The following individuals appeared before the board for a show cause hearing:

| | |
|-------------------------|--------------|
| P. Bennett | A. Hawthorne |
| C. Fields | N. Lett |
| J. Gilmer | S. Smith |
| C. Harpole | S. Young |
| J. Harrington (Hatcher) | |

Warren Rossi moved to go into closed session to determine whether an Executive Session was needed. The voice vote was unanimous. Motion carried.

Linell Palmer, Jr. moved, seconded by Mike McBunch, that the Board has reason under MISS. CODE ANN. § 25-41-7 (k), as amended, to go into Executive Session, namely to discuss the issuance of an appealable order after the conclusion of the show cause hearings for the previously named individuals.

During Executive Session, the following actions were taken:

Mike McBunch moved, seconded by Linell Palmer, Jr., that for the following individuals:

| | |
|------------|-------------------------|
| P. Bennett | J. Harrington (Hatcher) |
| C. Fields | A. Hawthorne |
| J. Gilmer | S. Smith |
| C. Harpole | S. Young |

the felony convictions known by the Board and committed by the aforementioned individuals at the time of the hearing have been considered by the Board under the Fresh Start Act and do not prohibit the individual from obtaining a license issued by the Board once all education and testing have been completed. The voice vote was unanimous. Motion carried.

Mike McBunch moved, seconded by Linell Palmer, Jr., that for applicant N. Lett, the felony convictions known by the Board and committed by the aforementioned individuals at the time of the hearing have been considered by the Board under the Fresh Start Act and do prohibit the individual from obtaining a license issued by the Board once all education and testing have been completed. The voice vote was unanimous. Motion carried.

14. ADJOURNMENT

Mike McBunch, seconded by Linell Palmer, Jr., moved to adjourn at 3:41p.m. The voice vote was unanimous. Motion carried.

APPROVED: _____
Warren Rossi, President

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Mike McBunch moved, seconded by Linell Palmer, Jr., that for applicant N. Lett, the felony convictions known by the Board and committed by the aforementioned individuals at the time of the hearing have been considered by the Board under the Fresh Start Act and do not prohibit the individual from obtaining a license issued by the Board once all education and testing have been completed. The voice vote was unanimous. Motion carried.

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APPROVED:


Warren Rossi, President