

Regular Scheduled Board Meeting Minutes of March 21, 2022

I. Welcome and Call to Order

The Mississippi State Board of Cosmetology regular scheduled meeting was called to order at 9:00 a.m. on March 21, 2022. The following members of the Mississippi State Board of Cosmetology were present:

Hilda Bills, Member (arrived 9:17 a.m.)
Debbie Coker, Chairman
Dorothy Ennis, Member
Warren Rossi, Secretary
Jewel Stewart, Vice-Chairman (arrived 9:10 a.m.)

Also present was:

Pete Cajoleas, Special Assistant Attorney General / Counsel for the Board
Ruby Lowery, Interim Executive Director
Porsha Welch, Senior Licensing Agent
Yvonne Laird, Contractor/Consultant
Dana Gordon, Court Reporter
Alisha Taylor, MSBC Inspector
William Kelly, Attorney for Respondent
Marie Butler, Owner – Magnolia College of Cosmetology
Marcia Williams, Volunteer – Magnolia Cosmetology School
Ellen O’Neal, Administrative Hearing Officer, Special Assistant Attorney General

II. Hearing / Hearing Update

Cause Number 2022-01

The motion was made by Warren Rossi to accept the recommendation of the Administrative Hearing Office [after discussions with William Kelly, Attorney for the Respondent and Pete Cajoleas, Counsel for the Board], to:

- A. accept the surrender of license number 14-11635, namely Magnolia College of Cosmetology.
- B. to dismiss all charges levied in the Notice of Hearing and Complaint.
- C. authorize Interim Executive Director to work directly with Marie Butler, Owner to resolve issues remaining between Magnolia with all students with a deadline for resolution of April 20, 2022.
- D. authorize Ruby Lowery to issue a letter to Delta Tech and advise them of Item C above; and
- E. Authorize Counsel to prepare an Agreed Order for the Administrative Hearing Officer’s review and approval for signatures of both MSBC and the respondent, Magnolia College of Cosmetology.

A second was provided by Jewel Stewart. The vote was, as follows:

Aye – Hilda Bills	Aye – Debbie Coker
Aye – Dorothy Ennis	Aye – Warren Rossi
Aye – Jewel Stewart	

Chairman Coker provided for public comment at this time. At the close of public comment, the Chairman called for a 15-minute recess so that students could provide their names and their concerns with Interim Executive Director Ruby Lowery.

III. Agenda Request

There were no Agenda Request presented to the Board for action.

IV. Discussion of the Prior Board Meeting Minutes

The motion was made by Warren Rossi to approve the Board Meeting Minutes for February 28, 2022, with a correction indicating an addition of “illness” added to the absence of Board Member Dorothy Ennis. A second was provided by Jewel Stewart. The vote was, as follows:

Absent – Hilda Bills	Aye – Debbie Coker
Aye – Dorothy Ennis	Aye – Warren Rossi
Aye – Jewel Stewart	

V. Report of Officers

A. Chairman

Chairman Coker had no special business to come before the Board.

B. Vice-President

Vice-President Stewart had no special business to come before the Board.

C. Secretary/Treasurer

No financial report available as last closing financial information was provided by Denise De Rossette at the February 28, 2022, meeting.

VI. MS Cosmetology Council (73-7-7 (1))

Dorothy Ennis provided an informational update regarding the MS Cosmetology Counsel’s meeting of February 27, 2022. The next regularly scheduled meeting is September 25, 2022.

VII. Travel Committee Update

Warren Rossi presented existing travel policies as they related to Board travel provisions. The committee appointed at the February 28, 2022; meeting will continue to review state law to ensure that any policy developed is consistent with compliance requirements of DFA. Dorothy Ennis present information relative to the allowed M&IE (meal and incidental expenses) as allowed by GSA (U.S. General Service Administration). Yvonne Laird provided additional information, as follows:

1. [GSA.gov/travel/ppplan-book/per-diem-rates](https://www.gsa.gov/travel/ppplan-book/per-diem-rates) provides you the meal rates for each state by breakdown. indicated by M&IE (Meals and Incidental) breakdown.

I looked up zip code 39201 and the GSA indicated the following:

M&IE Total	\$59
Breakfast	\$13
Lunch	\$15
Dinner	\$26
Incidental	\$5

2. Mississippi Code Section 25-3-41(1) indicates *subject to the provisions of subsection (10) [which addresses fleet management] of this section, when any officer or employee of the State of Mississippi, or any department, agency or institution thereof, **after first being duly authorized**, is requested to travel in the performance of his official duties, the officer or employee shall receive as expenses for each mile actually and necessarily traveled, when the travel is done by a privately owned automobile or other privately owned motor vehicle, the mileage reimbursement rate allowable to federal employees for the use of a privately owned vehicle while on official travel.*

3. Mississippi Code Section 25-3-41(4) indicates *in addition to the foregoing, a public officer or employee shall be reimbursed for other actual expenses such as meals, lodging and other necessary expenses incurred in the course of the travel, subject to limitations placed on meals for intrastate and interstate official travel by the Department of Finance and Administration, provided, that the Legislative Budget Office shall place any limitations for expenditures made on matters under the jurisdiction of the Legislature.*

4. DFA, Office of Purchasing, Travel and Fleet Management (PTFM), Page 6, State Travel Policy Rules and Regulations provides that *Section 25-3-41, Mississippi Code of 1972, establishes guidelines for travel reimbursement of officers and employees of the State of Mississippi, and of any department, institution, board or commission thereof. It also provides that the Mississippi Department of Finance and Administration (DFA) shall promulgate rules and regulations to effectuate economies for all expenses authorized under this section. All rules and regulations contained herein apply to all state officers and employees. The provisions governing reimbursement of actual expenses such as meals, lodging, and other necessary expenses applies to officers and employees of all other political subdivisions of the State as well as state officers and employees. Further, State departments and political subdivisions are authorized to supplement these regulations, providing the requirements set forth herein are not exceeded and any such supplement does not constitute deviation from provisions of law on allowable reimbursements.*

5. DFA Travel Policy, Page 32, indicates *that reimbursements shall be made based on the following sliding scale, which always remains constant, not to exceed the following rates:*

*State Travel Policy Rules & Regulations, Revised: December 2019, Page 32
Section 8 - Meal Allowances, 124. General Information*

Officers and employees of the state and political subdivisions shall be reimbursed the actual cost of meals incident to official travel, not to exceed the daily maximums for the specific location of assignment. Section 25-3-41(4) does not require receipts for meal reimbursements; however, DFA recommends that agencies and governing authorities require them to sufficiently document reimbursements. However, it is not necessary for agencies to include these

receipts with the Travel Voucher when submitting for reimbursement to the DFA Office of Fiscal Management. The amount allowed for individual meals when traveling within the continental United States (including Alaska) shall be at the discretion of the governing authority or the department head, provided that the total does not exceed the maximum state reimbursement rate listed below. Meal reimbursements are not allowed within the official duty station.

125. High-Cost Area Meal Allowances

In-state and out -of-state high cost areas are those cities designated in the Federal Register as having a prescribed maximum per diem daily rate of \$149.00 or higher. Reimbursement shall be made based on the following sliding scale, which always remains constant, not to exceed the following rates.

Federal Register Maximum Per Diem Rate	Maximum State Reimbursement Rate
\$1 \$149	\$41
\$150 - \$164	\$49
\$165 - \$179	\$51
\$180 - up	\$56

A list of the maximum state reimbursement rates for meals in high cost areas has been pre-calculated for your convenience and is available on the OPTFM Travel Information website at: <http://www.dfa.ms.gov/dfa-offices/purchasing-travel-and-fleet-management/bureau-of-purchasing-and-contracting/travel/>. If you cannot find the city you are looking for, locate the county and use the amount listed. If neither the city nor county is listed, the maximum state reimbursement rate is \$46.00/day unless traveling to a high-cost area. All areas in Mississippi are \$46/per, with the following exceptions: Southaven - \$51; Starkville - \$51.

6. Miss. Code Section 25-3-69 provides unless otherwise provided by law, all officers and employees of state agencies, boards, commissions, departments and institutions authorized by law to receive per diem compensation for each day or fraction thereof occupied with the discharge of official duties shall be entitled to Forty Dollars (\$ 40.00) per diem compensation. When the Governor, Lieutenant Governor or Speaker of the House of Representatives appoints a person to a board, commission or other position that requires confirmation by the Senate, the person may receive per diem compensation for the performance of official duties before such appointment is confirmed by the Senate, as such per diem compensation is authorized under this section.

The Travel Committee will take all of the above reference information received from Dorothy Ennis and Yvonne Laird in the continued review and establishment of the MSBC Travel Policy. An update of their findings will be presented at the April 11, 2022, meeting.

VIII. Legislative Committee Update

There was no report given regarding the draft legislation as recommended by PEER. An update will be provided at the April 11, 2022, meeting.

IX. Report of Counsel

Special Assistant Attorney General Pete Cajoleas provided an update regarding upcoming activities relative to the MSBC and advised that SB2083 (open meetings; legislative advisory committee members must be invited to stay during executive session) was tabled on March 8, 2021, with final disposition identified as "DEAD". Further, SB2087 (Open Meetings Law; require official meetings to be broadcast via video livestream applications) also died in House Committee on March 1, 2022. No action required by the Board.

X. Executive Director's Report

A. Inspector Report

Ruby Lowery reviewed inspection reports which were attached to and included in the distribution of the agenda. No action required by the Board.

B. School/ Testing Report

Ruby Lowery asked for questions relative to the School/Testing Reports which were attached to and included in the distribution of the agenda. There were no inquiries by the Board; therefore, no action was required at this time.

C. SOS / OLRC Filing

Yvonne Laird, Consultant advised the Board that two different submittals had been submitted to SOS / OLRC. The Temporary Rules were filed March 8, 2022 and are reflected on the SOS website which was provided for informational purposes. The Proposed Rules were also filed on March 8, 2022; however, had to be withdrawn due to "wigology" still remaining in Rule 2.1.2.A.7. These were re-filed on March 15, 2022 with the SOS and are awaiting acknowledgement and confirmation of OLRC prior to the SOS posting in the Administrative Bulletin. No Board action required at this time. Dorothy Ennis requested information relative to the previous wigology licensees. Porsha Welch stated

D. DFA Evaluation of Internal Controls (MS Agency Accounting Policy and Procedure Manual). Ms. Lowery advised that this remains in-process and will be developed in conjunction with the DFA Fiscal Management Internal Control Assessment. A completion date has been tentatively set for April 11, 2022..

E. Inspector Job Posting

Porsha Welch indicated that an account had been created to post inspector job openings with Indeed and LinkedIn, as previously approved. Denise De Rossette of Cornerstone must close _____ prior to posting. Porsha Welch will follow-up with her for action. No further action required by the Board at this time.

XI. Old Business

- A. DataLynks Contract
Hilda Bills made the motion to approve the maintenance contract not to exceed \$11,150 for FY2022 ending June 30, 2022. Jewel Stewart provided a second. The vote was, as follows:

Aye – Hilda Bills	Aye – Debbie Coker
Aye – Dorothy Ennis	Aye – Warren Rossi
Aye – Jewel Stewart	

- B. NIC/ELP Update
Mr. Cajoleas provided an update regarding the cancellation of the NIC Contract. The motion was made by Warren Rossi to authorize Counsel to prepare a letter for the Interim Executive Director’s signature requesting that ITS terminate the contract on behalf of MSBC, as requested. Jewel Stewart provided a second. The vote was, as follows:

Aye – Hilda Bills	Aye – Debbie Coker
Aye – Dorothy Ennis	Aye – Warren Rossi
Aye – Jewel Stewart	

Any information relative to the financial remedy will be provided upon receipt by Counsel.

- C. Premiere in Orlando – Board Member Attendee Approval
Chairman Coker, as confirmed by Interim Director Ruby Lowery, the Board had previously approved all Premiere Events; however, the travel for Board members to attend these events would have to be approved prior to attendance and reflected in the Minutes. The Minutes of February 28, 2022 reflected that the motion was made by Hilda Bills to approve Premiere Orlando Hair Show, Sunday through Monday, for 7 hours each day. Certificates from special classes for instructors for methods of teaching will be accepted. No further action was required by the Board.

XII. New Business

- A. CEU Hours for HydraFacial Connect
The motion was made by Warren Rossi to deny HydraFacial Connect. A second was provided by _____. The vote was, as follows:

Aye – Hilda Bills	Aye – Debbie Coker
Aye – Dorothy Ennis	Aye – Warren Rossi
Aye – Jewel Stewart	

- B. MS State Board of Cosmetology Mission Statement / Code of Ethics
The motion was made by Warren Rossi to approve the modification and format of the Mission Statement found on the MSBC website and the adoption of the Licensee Code of Ethics and to place of the MSBC website. A second was provided by Jewel Stewart. The vote was, as follows:

Aye – Hilda Bills	Aye – Debbie Coker
Aye – Dorothy Ennis	Aye – Warren Rossi
Aye – Jewel Stewart	

- C. MS State Board of Cosmetology Incident Report

MISSISSIPPI STATE BOARD OF COSMETOLOGY
BOARD MEETING AGENDA
9:00 A.M. April 11, 2022
WOOLFOLK BLDG. ROOM 117
511 N. WEST STREET
JACKSON, MS 39202

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| I. | Welcome and Call to Order | Debbie Coker |
| II. | Hearing / Hearing Update | Pete Cajoleas |
| III. | Agenda Request | |
| | A. MCSA CEU Request | Andrea Calton |
| | B. Lychandra Brown CEU Request | Lychanda Brown |
| | C. Out of Country Reciprocity | Ruby Lowery |
| IV. | Discussion of Prior Board Meeting Minutes | Debbie Coker |
| | A. Regular Scheduled Meeting of March 21, 2022 | |
| V. | Report of Officers | |
| | A. Chairman | Debbie Coker |
| | B. Vice Chairman | Jewel Stewart |
| | C. Secretary / Treasurer | Warren Rossi |
| | 1. Financials | Denise De Rossette |
| VI. | MS Cosmetology Council 73-7-7-(1) | Dorothy Ennis |
| VII. | Travel Committee Update | Warren Rossi, Jewel Stewart
Ruby Lowery |
| VIII. | Legislature Committee Update | Debbie Coker, Warren Rossi
Melvin Calton |
| IX. | Report of Counsel | Pete Cajoleas |
| X. | Executive Director's Report | Ruby Lowery |
| | A. Inspector Report | |
| | B. School/Testing Report | |
| | C. SOS / ORLB Filing Update | |
| | D. DFA Internal Control Assessment | |
| | E. Internal Control Manual | |
| | F. Job Posting Update | Porsha Welch |
| XI. | Old Business | |
| | A. Magnolia | Pete Cajoleas |
| XII. | New Business | |
| | A. Online CEU hours | Ruby Lowery |
| XIII. | Executive Session | |
| XIV. | Adjournment | Debbie Coker |