

Mississippi State Board of Cosmetology
Location for Public Access: 501 N. West Street, Ste 117, Jackson, MS 39201

Regular Scheduled Board Meeting Minutes of May 16, 2022, as Revised June 26, 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 May 16, 2022. The following members of the Mississippi State Board of Cosmetology were present:

Hilda Bills, Member (arrived at 9:29 a.m.)
Debbie Coker, Chairman
Dorothy Ennis, Member (arrived at 9:29 a.m.)
Warren Rossi, Secretary
Jewel Stewart, Vice-Chairman

Also present was:

Pete Cajoleas, Special Assistant Attorney General / Counsel for the Board
Denise De Rossette, Fiscal Agent
Ruby Lowery, Interim Executive Director
Porsha Welch, Senior Licensing Agent
Yvonne Laird, Contractor/Consultant
Carl Musgrove
Charlene Daniels
Vanessa Myers

II. Hearing / Hearing Update

Pete Cajoleas presented recommendations for complaints and hearings scheduled for Monday, June 27, 2022. The motion was made by Warren Rossi to accept the recommendations for hearings and authorize Mr. Cajoleas to release Notice for Hearing for signature of the Board Secretary as required. A second was provided by Jewel Stewart. The vote was, as follows:

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

III. Agenda Request

A. Thu Thuy Thi Vu (Permit Issue)

The motion was made by Jewel Stewart to approve the permit of Thu Thuy Thi Vu dated May 16, 2022 with an expiration date of May 16, 2023. A second was provided by Warren Rossi. The vote was, as follows :

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

B. Carl Musgrove (Licensing)

The motion was made by Warren Rossi to deny the licensing application of Carl Musgrove as he had failed to meet all the requirements for licensure as an Cosmetologist/Instructor and authorize Ruby Lowery, Interim Executive Director to release a letter to Mr. Musgrove specifying the Rule requirements for an Cosmetologist/Instructor License in Mississippi. A second was provided by Jewel Stewart. The vote was, as follows:

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

IV. Discussion of the Prior Board Meeting Minutes

The motion was made by Warren Rossi to approve the Board Meeting Minutes of April 11, 2022. 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	

V. Report of Officers

A. Chairman

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

B. Vice-President

Jewel Stewart had no special business to come before the Board.

C. Secretary/Treasurer

Denise De Rossette, Cornerstone, presented the financial statement. Mrs. De Rossette noted that daily deposits have been prepared with the exception of one (1) day which did not post at month end. The staff was commended for their timely action to this critical requirement. The motion was made by Warren Rossi with a second provided by Jewel Stewart to accept the report as submitted. The vote was, as follows:

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

Mrs. De Rossette requested that during Executive Session at the June 27, 2022 meeting that the Board review and make recommendations for the FY 2023 budget line items for internal purposes. The Interim Executive Director will add this item to the June 27, 2022 Agenda.

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

Dorothy Ennis indicated that there was no update regarding the MS Cosmetology Council. The next regularly scheduled meeting is September 25, 2022.

VII. Travel Committee Update

A. After review and clarification by Board members, the motion was made by Jewel Stewart to approve the MSBC Travel / Per Diem Policy as presented. A second was provided by Warren Rossi. The vote was, as follows:

Aye – Hilda Bills
Aye – Dorothy Ennis
Aye – Jewel Stewart

Aye – Debbie Coker
Aye – Warren Rossi

It was also noted that overnight stay and per diem prior to a Board meeting was acceptable due to travel distance of Warren Rossi and Jewel Stewart between home and MSBC. Overnight stay and per diem prior to a Board meeting was acceptable due to travel requirements and/or health issues facing Board Member Dorothy Ennis at her discretion. No further action required by the Board. Both are in line with the Board Travel / Per Diem Policy previously approved in this section.

Dorothy Ennis also requested clarification regarding travel to and from the airport when a family member carries a Board member to the airport and a Board approved event and then returns to pick them up. Denise De Rossette advised that either travel both times or airport parting expense must be reviewed and the lesser of the two would be allowed regardless of which method was selected.

After discussions regarding inspector travel, the motion was made by Warren Rossi to authorize, in advance, the Team Lead to determine when and if overnight travel is required on a case by case basis and establish this requirement in the MSBC Employee Handbook. Jewel Stewart provided a second. The vote was, as follows:

Aye – Hilda Bills
Aye – Dorothy Ennis
Aye – Jewel Stewart

Aye – Debbie Coker
Aye – Warren Rossi

The motion was made by Hilda Bills to approve travel and per diem for the following upcoming training conferences to be held prior to June 30, 2022:

Premier – Orlando, Florida
Cut Sessions – Collins, Mississippi
MCSA – Biloxi, Mississippi

Dorothy Ennis provided a second. The vote was, as follows:

Aye – Hilda Bills
Aye – Dorothy Ennis
Aye – Jewel Stewart

Aye – Debbie Coker
Aye – Warren Rossi

The motion was made by Warren Rossi to approve the attendance of Board members and Ruby Lowery at the NIC Annual Conference, San Antonio, Texas, September 30 (travel day) through October 4, 2022 (travel day). Jewel Stewart provided a second. The vote was, as follows:

Aye – Hilda Bills
Aye – Dorothy Ennis
Aye – Jewel Stewart

Aye – Debbie Coker
Aye – Warren Rossi

- B. On April 11, 2022, the Board had an opportunity to review the information regarding DFA fleet management policies regarding the purchase, operation, maintenance, and reporting requirements as recommended by PEER. The motion was made by Warren Rossi to not proceed with the purchase of vehicles for use by inspectors due to the lack of fleet management personnel to coordinate such a process and the limited cost savings associated with the purchase of agency owned vehicles. Hilda Bills provided a second. The vote was, as follows:

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

VIII. Legislative Committee Update

Chairman Coker, Secretary Rossi and Counsel for the Board Pete Cajoleas indicated that there was no update regarding proposed recommendation between the Mississippi State Barber Board and MSBC. Jewel Stewart asks that the Board members be diligent in review of national trends and new or pending legislation from other regulatory states. Future updates to follow.

IX. Report of Counsel

Special Assistant Attorney General Pete Cajoleas requested that his report be deferred to Executive Session.

X. Executive Director's Report

A. Inspector Report

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

B. School/ Testing Report

Pete Cajoleas provided an update regarding Exhibit A of the Prometric Agreement for testing. ITS, as the contracting agent on behalf of MSBC, is working to add this amendment to include the Sanitation and Law Examination. Due to the time frame required to accomplish this task, Yvonne Laird, J-Bar and Associates, Inc. entered the questions into the Random Test Generator test bank and produced thirty (30) different examinations consisting of fifty (50) questions each which will be used temporarily until Prometric can implement this examination. The Sanitation and Law Examinations are scheduled for June 7, 14, and 21, 2022 for those individuals who hold a permit which will expire in July, 2022. No additional action required at this time.

Ruby Lowery provided information relative to when schools obtain scores of theory examinations. Quarterly reports are released to the school. The results of the practical examinations are released to the applicant. The applicant is responsible for maintaining these score reports for submittal with the Application for Licensure, Part 2 in order to obtain their license.

C. Job Posting (Inspector Requirements)

Porsha Welch provided an update regarding the need to establish a business account. Ms. Welch released LinkedIn connection request to Board members and requested that they respond in order to provide connection regarding the validity of MSBC's postings.

After discussions with Denise De Rossette regarding the availability of funds, the motion was made by Warren Rossi with a second by Hilda Bills to no longer require inspectors to be a cosmetologist or an instructor. The vote was, as follows:

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

An inquiry was made as to whether all established violations had been cleared by the Mississippi Department of Health as required by § 73-7-7(2). Warren Rossi made the motion to establish a committee consisting of Board members Dorothy Ennis and Jewel Stewart and team inspector Drew Hudson [Ruby Lowery and Yvonne Laird to serve in an advisory position] to begin the initial review of violations and fines currently enforced by MSBC. Ruby Lowery will forward to committee members the preliminary review and classification of fines as identified by team members. A meeting will be held at the MSBC office at a time and place established by the committee to prepare recommendation to the Board. Pete Cajoleas will also prepare a letter to the Department of Health to insure that MSBC has met the requirements under the statute. 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	

The motion was made by Debbie Coker to recess for lunch at 12:43 p.m. Hilda Bills provided a second. The vote was, as follows:

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

The motion was made by Warren Rossi to return from recess at 1:27p.m. A second was provided by Dorothy Ennis. The vote was, as follows:

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

XI. Executive Session

Executive Session / Closed Determination Session

Upon motion made by Warren Rossi the Board voted to go into a closed determination session to establish the need for an Executive Session. The motion carried with the following members voting for: Hilda Bills, Debbie Coker, Dorothy Ennis, Warren Rossi, and Jewel Stewart; voting against none; recusal: none; absent: none.

In the determination session, Dorothy Ennis moved, that the Board had reason to go into Executive Session, namely for investigative proceedings regarding allegations of misconduct or violation of law. The Board determined that facts presented constituted the need for Executive Session under § 25-41-7 (d), Miss. Code Ann., as revised. The motion carried with the following members voting for: Hilda Bills, Debbie Coker, Dorothy Ennis, Warren Rossi, and Jewel Stewart; voting against none; recusal: none; absent: none.

The Board announced to the public the aforesaid reasons as the Board's purpose for entering an Executive Session.

Upon the conclusion of business of Executive Session, the Board voted, upon motion made by Dorothy Ennis to come out of Executive Session. The motion carried with the following members voting for: Hilda Bills, Debbie Coker, Dorothy Ennis, Warren Rossi, and Jewel Stewart; voting against: none; recusal: none; absent: none.

The Board resumed in open meeting by announcing the following actions and votes taken in Executive Session.

RETURN TO REGULAR SESSION

After discussion between Board Members, Counsel for the Board, Pete Cajoleas and Interim Executive Director Ruby Lowery, regarding non-compliance of performing "verbal inspections" instead of in-person written inspections, the motion was made by Jewel Stewart, with a second by Dorothy Ennis to eliminate verbal approvals and document, in writing, temporary approvals. The vote was, as follows:

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

The motion was made by Warren Rossi, with a second by Jewel Stewart to develop investigative proceedings and protocols for presentation at the June 26, 2022 meeting. The vote was, as follows:

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

The motion was made by Warren Rossi and a second provided by Jewel Stewart to accept the recommendation of Pete Cajoleas and determined that there was reasonable cause to believe that violations of law had occurred and notice of hearings would be set forth, as follows:

- A. Certain violations occurred by the licensed owner on July 16, 2021 as cited by Drew Hudson, Inspector;
- B. Certain violations occurred by a licensed practitioner on July 16, 2021 as cited by Drew Hudson, Inspector;
- C. Certain violations occurred by the licensed owner on April 1, 2022 as cited by Drew Hudson, Inspector; and

D. Certain violations occurred by the licensed owner on August 18, 2021 as cited by Drew Hudson, Inspector.

These hearings will be held in accordance with State law on June 27, 2022. The vote was, as follows:

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

XII. Old Business

A. Clarification of “Reciprocity”

Upon motion made by Warren Rossi, the Board voted that it would recognize traditional reciprocity with another state only if there is a written agreement. 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	

After discussions regarding information provided by Pete Cajoleas, the motion was made by Dorothy Ennis to authorize counsel to prepare a letter to the State of Tennessee, Department of Commerce and Insurance, Tennessee Board of Cosmetology and Barber Examiners, 500 James Robertson Parkway Davy Crockett Tower, Nashville, Tennessee 37243 to inquire as to whether or not the State of Tennessee is interested in entering into discussion that may result in a Reciprocity Memorandum of Understanding (MOU) without apprenticeship hours for the discipline 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	

B. SOS / OLRC Filing

Yvonne Laird, Consultant provided information relative to the Military Family Freedom Act (§ 73-50-1); the Universal Recognition of Occupational Licensing Act (§ 73-50-2) and the revision to § 73-7-23, as changed by HB 1263 effective July 1, 2021) and discrepancies with the OLRB and SOS rule filings. Counsel reviewed §25-43-108 and determined that in MSBC’s effort to adhere to the declared public policy of the State of Mississippi in promoting competition, encouraging innovation, creating job growth, and the “help people go to work quickly and easily” in Mississippi, including people moving to Mississippi and establishing residence here, and to prevent undue economic hardship for such people moving to Mississippi by having to wait on the administrative rules approval process before they can be issued a permit or license under the new Universal Recognition of Occupational Licensing Act, effective July 1, 2021, to work and practice their profession in Mississippi, and for the purpose of ensuring the public health and safety in the field of cosmetology, esthetics and manicures, the motion was made to adopt the temporary Rules as identified below:

1. Rule 1.2 *Definitions*, to add a definition of Temporary Work Permit (73-7-13); Temporary Practice Permit (73-50-1 and 73-50-1); and Reciprocity (73-7-23);
2. Rule 1.8 *Violations of Law, Rules and Regulations*, change to read:
All establishments licensed by MSBC shall inspect biennially or on an as needed basis to ensure compliance with the laws, rules and regulations of MSBC;
3. Rule 2.11 *Licensure by Reciprocity – Practitioner*:
 - a. *remove The Mississippi State Board of Cosmetology maintains a list of states with whom Mississippi is reciprocal.*
 - b. *and bring B. Application Process into compliance with § 73-7-23.*
4. Rule 2.12. *License by Reciprocity – Instructor*: Bring Rule language into compliance with § 73-7-23
5. Rule 2.13 *Licensure Process for Military Personnel and Military Spouses* - Bring Rule language into compliance with § 73-50-1
6. Rule 2.14 *Licensure Process for Applicants Entering Under the Universal Recognition of Occupational Licensing Act (UROLA)*
7. Move existing Rule 2.14 to Rule 2.15.
4. Rule 7.1.A *Enforcement*
Delete: or the person in charge of any such establishment.
5. Rule 5.16.1
Add (e): a fine of \$100 per occurrence and \$400 for subsequent violations will be levied if enrollment document are not received within 30 days of start date. Further disciplinary action may be taken at the discretion of the Board.
Add to 5.23.F: a fine of \$100 per occurrence and \$400 for subsequent violations will be levied if monthly summary report of hours acquired by each student are not filed on or before the 10th day of each month. Further disciplinary action may be taken at the discretion of the Board.
Add to 5.23.G: a fine of \$100 per occurrence and \$400 for subsequent violations will be levied in the event a student withdraws from classes before completing the course and a final transcript of his/her hours and grades, certified by the school, is not filed with the Board within 30 days. Further disciplinary action may be taken at the discretion of the Board.

After discussions, the motion was made by Jewel Stewart to take appropriate action to bring the current rules before the UROLB as soon as possible which will require a withdrawal of current rules and a re-filing of both Temporary and Proposed Rules. A second was provided by Dorothy Ennis

The vote was, as follows:

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

- C. Financial and Administrative Internal Control Manual
Tabled for distribution and review at the June 26, 2022 Meeting.

XIII. New Business

A. Personnel Matters
CLOSED DETERMINATION/EXECUTIVE SESSION

Upon motion made by Dorothy Ennis, with a second by Warren Rossi the Board voted to go into a closed determination session to establish the need for an Executive Session. The motion carried with the following members voting for: Hilda Bills, Debbie Coker, Dorothy Ennis, Warren Rossi and Jewel Stewart voting against: none; recusal: none; absent: none.

In the determination session, Jewel Stewart moved, seconded by Hilda Bills, that the Board had reason to go into Executive Session, namely to: transact business and discussion of personnel matters. The motion carried with the following members voting: voting for: Hilda Bills, Debbie Coker, Dorothy Ennis, Warren Rossi and Jewel Stewart voting against: none; recusal: none; absent: none.

The Board announced to the public the aforesaid reasons as the Board's purpose for entering into an Executive Session.

Upon the conclusion of business of Executive Session, the Board voted, upon motion made by Hilda Bills and seconded by Dorothy Ennis to come out of Executive Session. voting for: Hilda Bills, Debbie Coker, Dorothy Ennis, Warren Rossi and Jewel Stewart voting against: none; recusal: none; absent: none.

The Board resumed in open meeting by announcing the following actions and votes taken in Executive Session.

RETURN TO REGULAR SESSION

Within the Executive Session, the Board took the following actions:

The motion was made by Jewel Stewart, with a second by Hilda Bills, to instruct Pete Cajoleas to prepare a temporary contract with Vickie McGee at a rate of \$15 per hour, not to exceed \$4,000.00 for the period May 17, 2022 through June 30, 2022, with the following scope of service:

Process the back-log of pending applications of applicants entering through reciprocity, military and UROLA to include:

1. notification to applicants regarding current status;
2. notification to applicants regarding required documents necessary to bring their applications current for licensure consideration;
3. document all notifications, actions taken to the file and the database for easy accessibility to licensing team members;
4. clearing applicants for final review of team lead for permitting and/or licensure and,
5. other related duties as assigned by the Interim Executive Director.

The vote was, as follows:

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

The motion was made by Warren Rossi, with a second by Hilda Bills to instruct Pete Cajoleas to prepare personal service contracts with three (3) retired law enforcement individuals to serve as inspectors / investigators. The vote was, as follows:

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

The motion was made by Jewel Stewart with a second by Dorothy Ennis to initiate a hearing notification for an employee for the June 26, 2022 meeting regarding inefficiencies which may exist that may warrant disciplinary action due to excessive absenteeism which negatively affects their ability to properly perform duties as Office Manager; and poor job performance resulting from resisting management directives through insolent behavior, undermining the supervisor's ability to manage and placing an undue burden on other team members to accomplish agency task. The vote was, as follows:

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

After discussion and information received from Ruby Lowery, Interim Executive Director, the motion was made by Jewel Stewart with a second by Dorothy Ennis to instruct the Interim Executive Director to prepare a written reprimand for an inspector who has documented poor job performance resulting from resisting management directives, undermining the supervisor's ability to manage and placing an undue burden on other team members to accomplish agency task as required as this individual is conducting verbal inspections and failing to meet inspection requirements. The vote was, as follows:

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

B. PEER Report Response

The motion was made by Warren Rossi to accept the response to PEER regarding the PEER Review Findings of December 15, 2021. 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

XI. Adjournment

There being no further business to come before the Board, the motion was made by Jewel Stewart to adjourn the meeting at 4:19 p.m. A second was provided by Dorothy Ennis.

The vote was, as follows:

Absent – Hilda Bills
Aye – Dorothy Ennis
Aye – Jewel Stewart

Aye – Debbie Coker
Absent – Warren Rossi

APPROVED:

Debbie Coker
Debbie Coker, Chairman

Warren Rossi
Warren Rossi, Secretary

By Hilda Bills