

IDAHO BARBER AND COSMETOLOGY SERVICES LICENSING BOARD
Division of Occupational and Professional Licenses
P.O. Box 83720
Boise, ID 83720-0063

Meeting Minutes of 4/11/2022

BOARD MEMBERS PRESENT: Debra J Thompson - Chair
Merrilyn Cleland
Geneal Thompson
Thomas E Grimsman
Wendy S Rucker
Brian Porter
Lindy High

DIVISION STAFF: Anne Lawler, Bureau Chief
Kent Absec, Licensing Program Manager
John Price, Investigative Unit Manager
Nicholas Crema, General Counsel
Yvonne Dunbar, General Counsel
Bob McLaughlin, Public Information Officer
Cesley Metcalfe, Board Support Supervisor

OTHERS PRESENT: Eric Nelson, Naylor and Hales
Lance Giles, The Giles Group, LLC.
Margarita Castellanos, The Salon Professionals
Academy

The meeting was called to order at 8:31 AM MDT by Debra J Thompson.

PUBLIC COMMENT

Lance Giles introduced himself to the Board as the lobbyist for Northwest Career Colleges. He asked for the history of HB 762 and the status of the Board's administrative rules. Mr. Absec stated that Ms. Dunbar would provide information on HB762. He also stated that the Board's administrative rules are temporary and that they will be approved and moved forward based on the authority granted the Division Administrator under Idaho Code § 67-2604.

DISCUSSION ON HOUSE BILL 762

Ms. Dunbar informed the Board that House Bill 762 (HB762) passed the Legislature and was signed by Governor Little on March 28, 2022. HB762 defines natural hair braiding and exempts individuals who practice natural hair braiding from licensure requirements under the Barber and Cosmetology Services Act. Ms. Dunbar stated that a lawsuit brought against the Board by the Institute for Justice was dropped on March 31, 2022.

INSPECTION FORM REIEW

Mr. Price informed the Board that the forms used during establishment inspections have been updated to reflect and reference the Board's current administrative rules.

COMPLAINT MEMORANDUM

Mr. Price gave the investigative report, which is linked above.

FOR BOARD DETERMINATION

Ms. Cleland made a motion to approve the Division's recommendation and authorize closure in case numbers I-BCB-2022-140; I-BCB-2022-164; and I-BCB-2022-213. It was seconded by Ms. Rucker. Motion carried.

EXECUTIVE SESSION

Ms. Cleland made a motion that the Board go into executive session under Idaho Code § 74-206(1)(d) to consider records that are exempt from disclosure under the Idaho Public Records Law, Idaho Code § 74-106(9). The purpose of the executive session was to discuss documents relating to the fitness of a licensee to retain a license or registration. It was seconded by Ms. G. Thompson. The vote was: Ms. D. Thompson, aye; Ms. Cleland, aye; Ms. G. Thompson, aye; Mr. Grimsman, aye; Ms. Rucker, aye; Mr. Porter, aye; and Ms. High, aye. Motion carried.

Ms. High made a motion to come out of executive session. It was seconded by Mr. Porter. Motion carried.

DISCIPLINE

Mr. Grimsman made a motion to approve the Stipulation and Consent Order in case numbers BCB-2021-23/24; BCB-2022-1; BCB-2022-2; BCB-2022-27; BCB-2022-39/40; BCB-2022-56; BCB-2022-62; BCB-2022-64; BCB-2022-76; BCB-2022-94/201; BCB-2022-96/97; BCB-2022-98; and BCB-2022-105/106 and allow the Board chair to sign on behalf of the Board. It was seconded by Ms. Rucker. Motion carried.

Ms. Cleland made a motion to approve the Stipulation and Consent Order in case numbers BCB-2022-90/91; BCB-2022-138/139; BCB-2022-140/141; BCB-2022-144/145; BCB-2022-148; BCB-2022-148/150; BCB-2022-151/152; BCB-2022-155; BCB-2022-158/159; BCB-2022-160/161; BCB-2022-162; BCB-2022-163; BCB-2022-164/165; BCB-2022-166/167; BCB-2022-171/172; BCB-2022-178; BCB-2022-185/186; BCB-2022-187/188; BCB-2022-191/192; and BCB-2022-196/197 and allow the Board chair to sign on behalf of the Board. It was seconded by Mr. Grimsman. Motion carried.

DIVISION UPDATES

Mr. Absec informed the Board that the Division is on scheduled to move into its permanent location by July 1, 2022.

Mr. Price informed the Board that the inspector for the Blackfoot area resigned approximately three weeks ago. The open position was posted by the Division of Human Resources and Mr. Price is working to get the position filled as quickly as possible.

EXECUTIVE OFFICER REPORT

Mr. Absec stated that some items were removed from the agenda that prevented discussion on topics that the Board wished to discuss. Information on SB1354 and a discussion on investigative costs will be added to the next meeting agenda.

QUESTIONS REGARDING FINANCIAL MEMO

The Board reviewed and discussed a financial memo from the Division Administrator regarding Board finances and allocations of funds. Mr. Absec stated that income and expenditures specific to the Board are tracked and reflected in the Board's cash balance.

APPROVAL OF MINUTES

Ms. High made a motion to amend the minutes by removing reference to fines and fees and replacing that with investigative costs. It was seconded by Ms. Rucker.

Ms. High amended the motion to approve the minutes of February 7, 2022, with the stated modifications. It was seconded by Ms. Rucker. Motion carried.

ADJOURNMENT

Ms. D. Thompson adjourned the meeting at 9:32 AM MDT.