



Andy Beshear
Governor

Joni Upchurch
Executive Director

BOARD MEETING MINUTES

October 14, 2024

9:00 a.m.

Call To Order:

The Kentucky Board of Cosmetology (KBC) convened virtually and in person at 9:03 am on October 14, 2024, at 500 Mero Street, Room 133 CE, Frankfort, KY 40601.

Roll Call:

Kerry Harvey, Lianna Nguyen, Michael Carter, Lindsey Morgan.

Mickey Hobbs was absent.

Staff Present:

Joni Upchurch, Jacob Walbourn, Jennifer Wolsing, Maxine McDonald, Nick Van Over, Haley Wible.

In Person Guests:

Kay Swanner Hart, Brady Brock, Randy Stinson, Johnathon Gray, Misty Williams, April Whitt, Di Tran, Joseph Khalsa, Regina Webb, Jordan Pruitt, Lisa Wilson, Jessica Musselman, Cheryl Fields.

Guest Speakers:

Scheduled:

Brandy Brock

DeLeisa Graham – Absent.

Di Tran

Jordan Pruitt

Lisa Wilson

Johnathon Gray – Attorney on behalf of April Whitt and Misty Williams.

- Kerry Harvey requested office staff send WV OOS instructors transfer requirements via email.

Joseph Khalsa

- Kerry Harvey motioned to grant 90-day extension, 1/15/2025. Lindsey Morgan seconded; motion carried unanimously.

Bonus:

Jessica Musselman

Approval of Minutes:

Chairman Harvey entertained a motion to approve the minutes from the September 9, special board meeting and the September 12, regular KBC board meeting. Chairman Harvey states there were no corrections or adjustments to both minutes presented.

Lindsey Morgan moved to approve the minutes, as presented; Lianna Nguyen seconded the motion. Motion carried; unanimous.

Financial Statements



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Kerry Harvey, Chairman, requested in-office staff work with DPL and PPC on the budget. No motion was made as financial statements weren't presented. Matter was deferred to November meeting by default.

Executive Session:

Chairman Harvey prompted a motion to enter closed session pursuant to KRS 61.810 (1)(c)(G)(J) – including Board members, Legal Counsel, and the Executive Director. Lindsey Morgan moved to enter executive session at 9:43 am. Michael Carter seconded the motion. Motion carried; unanimously. Upon returning, Lindsey Morgan motioned to exit closed session at 12:54 pm; Michael Carter seconded the motion. Motion carried; unanimously.

Executive Director Updates:

Joni Upchurch introduced herself as the new Executive Director. Then gave the following updates...

- Met with PSI, in office and field staff.
- PSI will be providing proctors for all exams after the November 12th and 13th, 2024 PSI training occurs.
- PSI is working on offering Khmer for the Theory portion.
- Attended the inaugural meeting at the compact commission. States their projected launch date is fall of 2025.
- The KBC mainline voicemail has been updated, Board's website is to follow.
- Plans to begin sending friendly reminders and quarterly updates to licensees.

Legal Counsel Update:

Jacob Walbourn suggested the Board adopt a motion to grant digital hours. Michael Carter motioned to offer relief for SEC Laurel Campus due to closure of campus, with 40 hours per student. Stating that these make up hours will not count against the maximum of 40 hours on the week they are obtained.

Lianna Nguyen seconded, Board agreed, and motion carried; unanimously.

Lindsey Morgan moved to delegate Executive Director emergency provisions. Lianna Nguyen seconded, motion carried, unanimously.

Michael Carter motioned to grant Executive Director authority to review L.G. examination, if in order, to then grant candidate licensure. Lindsey Morgan seconded; motion carried, unanimously.

Kerry Harvey requested the office staff stride to answer all emails and return voicemails within 72 business hours moving forward.

- Discussion on review of compiled list of KBC Board members regulation review.

Jacob Walbourn declared the Board's and licensee's desire to amend SB 14. He discussed some amendments will also require statutory changes.

New Business:

- Discussion on Board's policies and practices handling unlicensed facilities and individuals.

Kerry Harvey, Chairman, stated KBC as an agency has no jurisdiction over unlicensed practice of either person's or businesses. Jacob Walbourn stated the Board has been providing these cases to local law enforcement and the county attorneys. The Chairman notified the public that partaking in unlicensed practice is considered a Class B Misdemeanor.

Old Business:

- Regulations review committee – establish - neglected to finalize in June.

No set committee was formed, all present Board Members and Legal Counsel considered the below regulations 201 KAR...

Jacob Walbourn led the conversation regarding proposed regulation changes, stating that a special meeting will most likely be required, and that the 15th of each month is the regulation filing date. Kerry Harvey, Chairman, said there was no need to make formal votes during this meeting.

- 12.010 Executive Director Duties: Jacob Walbourn asked if this regulation is necessary. Board requested to move forward in an amendment granting Board members authority to regulate as needed.
- 12.030 Licensing and Exams: Lianna Nguyen proposed KBC add a waxing permit to current Specialty Permits offered, limited to facial waxing only. Lianna also proposed a specialty permit for hair braiding. Lianna specified that proper verbiage would be required. Kerry Harvey requested staff look into waxing permit details.
- *Section 2*: Joni Upchurch and Jacob Walbourn suggested reviewing the fees that are currently attached to process basic licensee information changes. Such as change of address, name, etc. Lindsey Morgan and Lianna Nguyen both agreed with this sentiment.
- *Section 3*: Lianna Nguyen entertained reducing the requirement for a Highschool diploma or equivalent to gain licensure. Jacob Walbourn said this would need regulatory and statutory amendment to be completed.
- *Section 5*: Kerry Harvey, Chairman, requested the wording in (1) subpoint be amended from “may” to “shall”. All present Board members were in favor. Chairman Harvey suggested in amending this section to also stride to make the Military (4) subpoint clearer. The Chairman also proposed the incorporation of US territories. Jacob Walbourn informed the Board that this would require a legislative change.
- *Section 10*: Lianna Nguyen advocated for practice under supervision after 150 hours with a “high-level” salon. Lindsey Morgan agreed with the stipulations of a minimum hours, full time student, etc. Kerry Harvey felt this would be “impossible” to enforce. Chairman suggested a short limit permit and proof the student is actively enrolled and attending school.
- Senate Bill 14: Jacob Walbourn stated regulation would need to be amended to follow the bill’s contents. Jacob asked what point other license types should be required to take a refresher course. Kerry Harvey, Chairman, declared all licensees should have same requirement. Lianna Nguyen agreed.
- Biannual Renewals: Chairman Harvey suggested 2-year license renewals would be easier on staff and licensees.
- *Section 16*: Kerry Harvey recommended accreditation not be required of schools, rather that schools should be required to publish their pass/fail rates on the Board’s homepage and inform students prior to enrollment. All present Board members were in favor.

- 12.060 Inspections: Jacob Walbourn suggested a 30-day deadline on salons/facilities and owners/managers turning in audits or paperwork. Jacob also mentioned taking away Board members ability to inspect salons and facilities. All present members were in favor. Kerry Harvey proposed making inspections only required once during the life of the license.
- 12.082 Education Requirements and School Administration: Lianna Nguyen advocated for an advanced nail program of 600 hours as current Nail technician students cannot get financial aid for 450 hours. Lianna also suggested to change the current 20:1 student to teacher ratio to 30:1, and if not then to do 25:1. Joni Upchurch, as an instructor, offered that quality over quantity is important and that teachers may not be as effective or efficient. It was asked if two junior instructors count as students. Michael Carter suggested to reduce full time students, make it be 16 full time 8 part time. Lindsey Morgan expressed she disagreed with Michael Carter's suggestion. Kerry Harvey suggests the two junior instructors don't count to instructors in the student teacher ratio. Jacob Walbourn requested the Board provide a draft of this request and he can clean up.
- *Section 4*: Chairman, Kerry Harvey, suggested to amend the daily cap of hours from 8 hours a day to 10 hours day. The Chairman gave the example of four (4) ten (10) hours days. Kerry expanded that special hours would be exempt from the weekly 40 hours maximum. Joni Upchurch requested the wording be updated to include community service, special events, etc. Joni pointed out that to do these special school hours a demonstration permit would still be required.
- *Section 11*: All present Board members agreed to discuss the requirement for additionally fifty (50) training hours for Nail Technician and Esthetic Instructors. Kerry Harvey asked to remove hair braiding until it is known what the outcome of current pending legal events is. Kerry Harvey also expressed his approval for college hours.
- 12.100 Infection Control, Health, and Safety: *Section 21*: Lianna Nguyen said that UV light sterilization shouldn't be banned. Michael Carter followed up with his personal research that will kill 99.9% of bacteria.
- 12.190 Complaint and Disciplinary Process: *Section 2*: Jacob Walbourn pointed out that the Complaints Committee is not required to form but it is required to meet. The present Board expressed their wanting to take away the committee completely.
- *Section 3*: The Board visited the topic of the complaints process and how to offer more clarity for staff and the public. Kerry Harvey suggested removing the current deadline for paperwork regarding complaints. Lindsey Morgan countered to amending the current ten (10) day timeline for documentation to thirty (30). All present members agreed upon the thirty (30) day proposal.
- 12.260 Fees: Joni Upchurch brought to the Board that currently the self-service option to update personal information in the licensing portal has various prices. Joni suggested no fees for licensees to utilize their portal and maintain current information. Lianna Nguyen proposed the Board also take fees away or offered a discount to seniors. Lindsey Morgan said she held some reservations, continuing that several of the senior licensees keep their license active but do not actively practice. Kerry Harvey interjected that the financial impact would have to be reviewed. The Chairman was unsure if we could afford to. Michael Carter agreed with the Chairman.

- *Section 2:* Jacob Walbourn brought up that there is a requirement to hold a Cosmetology and Instructor's license to teach. Jacob questions if we really need the separate licenses or if there could be a combination license created. Lianna Nguyen was for the suggestions if it wasn't a financial burden on the agency. Michael Carter pointed out what would happen if an individual had their instructor license revoked, then would what happen to their personal with the combo license. Lindsey Morgan thought we should keep the licenses separate but then maybe give individuals with two licenses a discount.
- *Section 4:* Jacob Walbourn brought up that Joni Upchurch has made a point that the Board could consider changes to some required fees. Kerry Harvey questioned if the agency is taking in more money than required to properly support itself and salaries. Joni Upchurch mentioned there is some conflict between regulation and statute requirements.
- 12.280 Esthetics Practices Restrictions: Jacob Walbourn requested the Board assist him in clarifying this regulation. Lindsey Morgan expressed this regulation is confusing and contradictory. Lianna asked if estheticians can derma plane or not. Present members expressed a shared interest in clearing up this regulation.
- 12:290 Permits: Jacob Walbourn requested the permits be given an expiration date. Michael Carter interjected that permits are allotted an expiration date and are renewable yearly as other licensure. Legal Counsel Jacob Walbourn asked if the Board should consider placing stipulations on permits, suggesting maybe they could be tied to hours or schooling. Lindsey Morgan liked the idea. Jacob referred to demonstration permits and community service, stating this section requires clarification. Chairman Kerry Harvey suggested this be worked into the amendment regarding students forty (40) hour amendment and agreed the languages needs clarification. Joni Upchurch explained to the room what a demonstration permit is.

Kerry Harvey motioned to seek legislative changes for the following...

1. SB 14 amendment, to include all license types.
2. Incorporating US territories for transferring licensure.
3. SB 14 amendment, address infractions, 1 offense (excluding unlicensed practice) means a warning.

Lindsey Morgan seconded; a discourse started. Michael Carter pointed out that KBC has grown exponentially recently. He suggested we should notify everyone to get a license. Board agreed, motion carried unanimously.

Applications, Reconsiderations, Complaints & Investigations Committee Report for October 2024:

Lindsey Morgan motions to adopt committee recommendations. Michael Carter seconds, all present members were in favor. The motion carried unanimously.

Applications and Reconsiderations (10)

- 1.A - April Whitt – OOS Instructor – WV – Recommended to transfer personal licensure to KY. Kerry
- 2.A - Elizabeth Montgomery – OOS – CA – 1500 hours required then take and pass exams.
- 3.A - Lisa Wilson – Lash Course – Approve.
- 4.A - Misty Lea Williams – OOS Instructor – WV - Recommended to transfer personal licensure to KY.
- 5.A - Platinum Shears Beauty Academy Request – Recommended full Board review.
- 6.A - Joseph Khalsa – OOS – CA – Requested extension. Recommended to invite candidate to speak and consult legal.
- 7.A - Soraia Salehi – Lash Course – Approve.
- 8.A - Sydney Lauryl Hobbs – OOS – MO – Required to enroll in Board approved school for cosmetology. Then required to study 400 hours of esthetics.
- 9.A - Di tran – Lash Course – Approve.
- 10.A - Jordan Burns – Recommended full Board and Legal review. Deferred to November.

Felonies (5)

- 1.F - Jordan Crozier – Felony – Probation with KBC until probation with courts end. Require a good standing letter from probation officer – Approve with conditions.
- 2.F - Brittianey Lewis – Felony – Probation with KBC until probation with courts end. Require a good standing letter from probation officer – Approve with conditions.
- 3.F - Denise Gannon – OOS Felony – No probation required. Approve.
- 4.F - Toni Cardine – Felony – No probation required. Approve.
- 5.F - Caitlin Zavala – Felony – Probation until court probation ends. Required to report any new changes within thirty (30) days. Approve with conditions.

C&D (1)

- 1.CD - UNLIC – Non-Surgical

Appeals (0)

Case List (27)

- 1.C - BS – Passed Inspection – 601741 – N Finity – Dismiss.
- 2.C - Scott Co – 800001568 – Nailed It – C&D required on NT waxing and sanitation. Review inspections sheet.



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- 3.C - NS – UNLIC – Jefferson Co – Jaya Garrett – C&D recommended. Request individual seek licensing.
- 4.C - BS – Passed Inspection – Jefferson Co – 800001791 – Skyn Lounge – Dismiss.
- 5.C - SC – Jefferson Co – School – 110700000 – Empire Beauty – Recommended staff call for clarification.
- 6.A - Allergy – Response Requested – Amanda nelson – CS-000002760 – Per Executive Director, PSI will handle. Dismiss.
- 7.A - Allergy – Response Requested – Anne Frances Williams – CS-000000759 – Per Executive Director, PSI will handle. Dismiss.
- 8.C - SC – Jefferson Co – Eleigh Rose – Complaint on Schools. Dismiss.
- 9.R - Waiver Requested – Christa Rogers (Pucket) – 239941 – No fees to be waived or refunded.
- 10.R - VTP – Response Requested – NS-000002992 – Grant extension to 12/31/2024. Staff requested to notify individual.
- 11.C - BS – Fayette Co – 601943 – Ulta Salon – Dismiss.
- 12.C - BS – Floyd Co – 800001109 – Valhalla Salon & Spa – Dismiss.
- 13.C - UNLIC LOC – Jefferson Co – Denise Smith (Johnson) – Locdness Mama – No jurisdiction, if an address, send C&D.
- 14.C - UNLIC – Powell Co – Adrian Morton – No jurisdiction, if an address, send C&D.
- 15.C - UNLIC – Madison-Pulaski Co – Cat Nails – Lash Out – No address provided.
- 16.C - UNLIC – Warren Co – Corianna Wideman – No address provided.
- 17.C - UNLIC Persons – Emily Campbell – Katy Moody – No jurisdiction, if an address, send C&D.
- 18.C - UNLIC – Marshall Co – Katie Williams – No address provided.
- 19.C - UNLIC – Christian Co – Keirston Elmore – KLS Nails – No jurisdiction, if an address, send C&D.
- 20.C - UNLIC – Fayette Co – Pauline Samuels – Alinson Blanco – No jurisdiction, if an address, send C&D.
- 21.C - UNLIC – Wayne Co – Sandy Pena – No jurisdiction, if an address, send C&D.
- 22.C - UNLIC – Warren Co – Shelby Olivia Payne – 700004790 – SP – No address provided.
- 23.C - UNLIC – UNLIC LOC – Marshall Co – Katie Williams – Kat’s Claws – No jurisdiction, if an address, send C&D.
- 24.C - UNLIC – UNLIC LOC – Scott Co – Nails by Landyn – No jurisdiction, if an address, send C&D.



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25.C - UNLIC LOC – Fayette Co – Genesis Tovas – No jurisdiction, if an address, send C&D.

26.C - UNLIC LOC – Jefferson Co – Iris Pereira – Iris Nails – No jurisdiction, if an address, send C&D.

27.C Boards and Commissions Complaints.

Approval of Travel and Per Diem:

Lindsey Morgan motions to approve travel and per diem. Michael Carter seconded the motion, all present members were in favor, motion carried.

Next Meeting – November 4, 2024

Chairman Harvey confirmed the next meeting will be held on November 4, 2024, at the same location.

Adjournment:

Michael Carter motions to adjourn, Lindsey Morgan seconded. Motion carries unanimously. The meeting adjourned at 3:00 pm.

APPROVED: At the November 4th, 2024, Board meeting Lindsey Morgan motioned to approve October 14th, 2024, minutes as is. Michael Carter seconded the motion and it carried unanimously.

PRESIDING OFFICER:

Kerry Harvey, Chairman

Minutes prepared by Haley Wible, Executive Secretary.