

TIMELINE OF MAJOR EVENTS ENTAILING COSMETOLOGY BOARD'S 2-INSTRUCTOR RULE/STATUTE

Effective 8/15/10: “Each school shall employ as at least two instructors, persons who are teachers registered by the board, at least one of whom shall have been a registered teacher and in active practice for at least eighteen months.” HB 1028, Wayne Waddell. Became Act 728 of the 2010 Legislature. R. S. 37:595A(4).

Above Statute **never** (even to this day) **PUBLISHED in the LOUISIANA REGISTRY NOR promulgated into Title 46 (a/k/a “The Gold Book”)** for dissemination out to licensed school instructors. See applicable page provided with relevant section highlighted. [**Promulgate: make well-known, broadcast, spread, disseminate**].

Nelda Dural’s Iberia School of Cosmetology is inspected on numerous occasions and noted to be employing only one instructor (Nelda); however, no infraction whatsoever is ever noted. Basically, for four years, the prior LSBC members and, more particularly their attorneys: 1) failed to perform its obligation to promulgate the 2-instructor statute into Title 46, and 2) essentially chose to let the requirement sleep in a dormant manner until it suddenly became convenient to exploit it in the case of Dural.

April 13, 2015: LSBC, notwithstanding above statute, arbitrarily grants an “exception” to the **statute** requiring two instructors. See page from 4/13/15 minutes provided. Despite attorneys Morris & Cangelosi being aware that the preceding requirement was a **statute**, they failed to advise the LSBC that it **had no authority to permit exceptions to statutes**, and both attorneys remained silent and permitted the LSBC to implement the “exception.”

June 1, 2015: Despite “exception” granted only 49 days previously, LSBC conducts hearing for Nelda Dural in which she is grilled by LSBC prosecuting attorney Morris entailing failing to conform to the two-instructor requirement. Morris goes so far as to ask a leading question: “Isn’t it a fact, Ms. Dural, that you’ve known of the two-instructor requirement, and you’ve just chosen to ignore that requirement?” Additionally, Dural’s former students testify as witnesses that Executive Director Steve Young told them “not to attend Iberia Cosmetology School because it is a ‘threatening environment.’” Morris declines to place Young on the witness stand to refute the testimony of the students. One HAS to infer from Morris’ failure to do so that Young DID IN FACT make those statements to prospective and/or previously-enrolled students. Many of the students stated that Dural was an effective instructor (including one gentleman who’d previously been in the oilfield vocation). Nevertheless, they filed complaints because either: 1) they didn’t want to honor their contracts (e.g. the former oilfield worker and one student who openly admitted she’d concealed her enrolment in the school from her husband and stated the he “would want to kill me if he finds out I paid the money I did for enrolling at the school” – she also readily admitted she lost interest and just “quit attending the classes with any regularity,” or 2) they didn’t want to pay for overages for which their contracts

provided when they failed to attend regularly (e.g. the student who concealed her enrollment from her own husband).

August 14, 2015: After 2 ½ days of excruciating deliberations to produce a Findings of Fact, the LSBC mails Dural its Findings of Fact and **conclusions of law** in which it imposes fines approximating \$5,000 and an astounding \$43,000 in costs against Dural (see cost page provided). See entry for 9/8/16 below as to why these “conclusions of law” are in error and need to be corrected internally and SHOULD have been argued by Ms. Dural’s defense attorney, Edward Landry.

September 9, 2015: Dural’s attorney, Edward Landry, files Administrative Appeal in 19th JDC along with a Motion to Stay any closure of Dural’s school. Although Judge Johnson signs Motion to Stay, Morris files Motion to Vacate (Landry filed ex-parte with no provision for contradictory hearing), and arguments were ultimately heard in Judge Johnson’s courtroom and he granted the lifting of the stay.

Early April, 2016: Dural’s school license is revoked and her school is shut down by the LSBC.

June 13, 2016: Raynetta Frazier appears before the LSBC fearing that her own Cosmetology classes which she provides to public school students may come to an end as well as a result of her School Board indicating they simply can’t justify paying for a second instructor to fulfill the statutory requirement. Like Dural, Frazier emphasizes she has “never been deemed to be in violation” all the years she has conducted classes utilizing only herself as the instructor.

On or Around September 8, 2016:

Conference called conducted with **Ms. Katherine Brindley** at the Louisiana Registry (**225-342-5016**). She said anyone on that call, myself included, was welcome to use her name and stated, “I am here to serve the public!” She was very, very emphatic that the **LSBC had “dropped the ball”** in not promulgating the 2010 statute into **Title 46**, and that **both attorneys “should know better.”** She also said that, “larger occupational boards would never engage in something like that because they know they could never get away with it.” She further described what had transpired in **Dural’s case as “a tragedy” that never should have transpired.** She also stated that she believes that, while it is true that a statute does “trump” a rule, the **LSBC’s dismal failure to**

promulgate the statute into Title 46 would make the statute “unenforceable” in a court of law, and she faulted Dural’s attorney for not hammering that point home hard both at the LSBC hearing and in court. She cited a similar case entailing the **Electrolysis Board (Pauline Poole)** in which Ms. Poole was given several options of her OWN choosing in order to remedy the “injustice” bestowed upon her as a result of circumstances very similar to Ms. Dural’s.

Based on guidance provided by Ms. Brindley after she made the statements reflected above which, again, she said were free to have her name associated with them, Nelda Dural filed a formal complaint with the Office of Inspector General entailing the episode which transpired with her only minutes after obtaining that guidance from Ms. Brindley.

My Assessment:

The LSBC (and particularly its attorneys Morris and Cangelosi) in failing to publish the 2-instructor requirement in the Louisiana Register and promulgate it into Title 46 (the Gold Book) is analogous to the Legislature approving reducing the speed limit from 65 MPH to 60 MPH on I-10 over the Atchafalaya Basin, and then LSP failing to post speed limit signs warning motorists of the new speed limit. **The effect is that the statute becomes UNENFORCEABLE!!!!!!!**

My recommendation:

Revoking Dural’s school license was a reckless and irresponsible action taken by the previous board guided almost exclusively at the behest of former Chairman Frances Hand, Executive Director Steve Young, and the two attorneys, Cangelosi and Morris. I think it would be most prudent to **correct the irresponsible actions of the prior board (particularly Hand), Executive Director Young, and the two attorneys by reinstating Dural’s school license and permitting Ms. Frazier to operate with one instructor. By failing to publish the 2-instructor requirement into the Louisiana Registry and by failing to promulgate it into Title 46, the prior Board’s and two attorneys have been derelict in their obligations and have RENDERED THE STATUTE UNENFORCEABLE (just as LSP would do by NOT posting updated speed limit signs on the Atchafalaya Basin after the Legislature approved a statute to reduce the speed to 60 MPH).**

Next, in the 2017 Legislative session, the LSBC needs to advance legislation repealing the two-instructor mandate. I think its intended purpose was NEVER to protect the public (or why else would an “exception” be granted???) but instead was intended to

drive smaller, lower-tuition schools (and public, tuition-free schools) representing low-cost competition, right out of business.

As I'm sure everyone is bound to be aware by now, I am making videos of this board available to various entities with the capacity to effectively sue the LSBC, including the Institute for Justice and the Federal Trade Commission. **I even had to go to the trouble of making arrangements for a videographer from court reporters to be here at a meeting recently for which I had a conflict.** These agencies are finding these videos quite intriguing.

When I first attended an LSBC meeting with my camera in tow, Ms. Morris asked me if I planned to be a regular attendee, and I responded, "It depends upon what I uncover." Frankly, I have a ton of other boards I'd rather be focusing on, and I think it would be in everyone's best interest to implement a SIGNIFICANT change in the way this board operates (particularly the manner in which it conducts its Administrative Hearings, and I'll be happy to elaborate if anyone would like) and negate the need for me to even be present for this board's meetings. Nevertheless, if operations continue under the present board as they did under the previous board, I'll be a permanent fixture at these meetings to provide video coverage to those agencies which have expressed interest in watching them.

I appreciate the opportunity to address you today, and I thank you for your time.