

# Department of Labor and Industry Business Standards Division Business and Occupational Licensing Bureau

## Bureau Newsletter *LATE SUMMER 2006*

Keith Kelly, Commissioner Mike Cooney, Division Administrator Jill Caldwell, Bureau Chief



### “MEET BUSINESS STANDARDS DIVISION NEW ADMINISTRATOR”

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#### by Mike Cooney

The past few weeks have been very exciting for me. It has been a real pleasure getting to know the staff, introducing myself to some of the Boards and learning about everyone's responsibilities. It continues to amaze me just how busy everyone is and the amount of work the Boards tackle.

One of the first things Commissioner Kelly gave me upon my entry was a card that

outlined our “Core Values”. Most of you are very familiar with this but I was truly struck by these words:

**We are committed to live, breathe, walk, and talk our core values:**

- Customer Focus
- Individual Responsibility
- Individual Growth
- Ethics in the Workplace
- Continuous Improvement

These are more than just words; they are what should

guide all of us in our day to day responsibilities in the Business Standards Division and as State of Montana employees. Following these Core Values, we will succeed in our delivery of service and Montanans will benefit.

I'm so very pleased to have joined the BSD family. I have much to learn but I'm looking forward to my continuing education. I encourage each of you, staff and Board members, to take some time and visit with me. Stop by my office or stop me in the halls, even if it is a simple hello or the need to talk about an idea, issue, or a problem.

VISIT US ANYTIME ON OUR WEBSITE:

[www.mt.gov/dli/bsd/license/  
bus\\_index.asp](http://www.mt.gov/dli/bsd/license/bus_index.asp)

### JACK KANE, DEPUTY ADMINISTRATOR

Jack Kane was appointed Deputy Administrator for the Business Standards Division by Commissioner Keith Kelly in July. Jack was born and raised in Northcentral Montana and attended school in Havre. He graduated from the College of Great Falls in

1981 with a B.S. in Business Administration (back when the University of Great Falls was still a college). He started with the State of Montana as an inspector with the Bureau of Weights & Measures in 1989 and was promoted to the Weights & Measures Bureau Chief position in 1994. Prior to coming to work for the state, Jack worked for a testing/consulting firm in the oil & gas industry in Montana, and constructed electrical transmission lines in Montana, Arizona, and Oregon.

Jack and his wife Anne, live in Helena, and have three daughters (the youngest still living at home), several horses, and one “no-good chocolate lab.” In his spare time, Jack enjoys all types of outdoor activities year round including fishing, hunting, camping, golfing, and skiing.

Jack is looking forward to his new position working with all of the employees of the Business Standards Division as well as all the Board members.



# News from the Bureau

## Governor's Report:

Montana Code Annotated 37-1-106, requires the Department, in cooperation with licensing boards, to submit a report to the Governor biennially. We recently finished compiling and printing the reports for the first year of the 2006-2007 biennium, and they will be distributed to you by your respective board's program specialist within the next few months.

## Board Member Training Manual:

The licensing bureaus have updated the Board Member Training Manual. The manual is available on CD, or if you prefer a print version, the office staff will print one for you. The Bureau is also preparing a DVD of training presentations by Department staff, including the legal staff. Staff will notify you when it is available.

## It's Almost Time - Legislative Session 2007 by Jill Caldwell, Bureau Chief

The 60<sup>th</sup> Legislative Assembly is just around the corner. The Bureau has been working on budgets and legislation for months, but the final documents are being prepared, and we know the big day is near. The Bureau only has two pieces of legislation. One is a joint bill with the Health Care Licensing Bureau to clean up language that is outdated or unclear, address audit citations and make small changes that some

boards requested. This general revision affects 20 boards and programs across both licensing bureaus, and none of the language proposed is controversial.

The second bill is legislation to create another category of boiler operator licensing for those people who have a boiler in their small businesses that is akin to the boilers found in homes or private residences. The Department believes this will help small business owners by requiring them to jump through fewer hoops to achieve compliance while maintaining standards for public safety.

As you know the Legislature also approves the budgets for the boards and programs during the session. The supervisors and program staff have been working with the boards to identify areas that need to be adjusted. The Bureau had increases in rent, network services, salaries and benefits, to name a few, so every board and program had an increase to its budget. The program staff will keep you updated on your budget as we work through the session.

If you have any questions, you can call me at (406) 841-2302, or e-mail me at ([jcaldwell@mt.gov](mailto:jcaldwell@mt.gov)), or stop in and see me when you are in town. I'll be happy to explain our progress with you. We'll provide more information about the actual session, delivering testimony, following protocol, etc., at the end of the year.

## Governor Announces \$50,000 in Cost Savings - Awards Employees Palladium Medal



A framed palladium medal was presented to **Grace Berger, Barb McAlmond, and Teri Ray**, of the Department of Labor and Industry Business Standards Division's Board of Realty Regulation.

The Board of Realty Regulation produces 1,000 to 1,500 pieces of paper nine times a year, in binders that weigh nearly 12 pounds to each of its five board members at a total biennial cost of \$9,970.

"By scanning the documents on to compact disc, the Board has exercised a conservation measure that saves trees and money," said Governor Schweitzer. "By implementing this same process for all 32 of the other boards (at Business Standards Division) the state will see an estimated cost savings of nearly \$50,000 annually."

"Electronic transfer of data is critical in the Information Age," said Schweitzer. "Twenty hours of staff time alone was used to create hardcopy books for one Board. By using technology we've reduced the process to one hour."

# News from the Bureau

## Board of Barbers and Cosmetologists:

Program manager Andy Verbanac, traveled to Sun Valley, Idaho in April to attend the National-Interstate Council of State Boards of Cosmetology regional conference. Andy attended the 2006 National Interstate Council of States Board of Cosmetology in Portland, Maine the end of August.

Inspector Jeff Garden deployed to Iraq in early June. The Board hired Norm Olson to temporarily fill in during Jeff's deployment.

At the April Board meeting, the Board members re-elected Wendell Petersen as Chairperson, Darlene Battaiola as Vice-Chairperson, and Maxine Collins as Secretary.

The Board updated their rules for schools, students, salons, booth renters, and all occupational license holders. These rules became effective on June 2, 2006. Some highlights of the rule changes are:

24.121.301, Definitions, "Distance Education" and "Inactive" have been defined.

24.121.401, Fees, the fee for student enrollment/re-enrollment has been repealed and a \$20.00 fee for "Variance Requests" has been adopted.

24.121.405, Variances, clarifies the Board's intent as to the purpose of variances and the standard used in considering whether to grant a variance.

24.121.601, Applications For Licensure, clarifies that the education required for licensure must be obtained from schools licensed in either Montana or other jurisdictions.

24.121.603, Out-Of-State Applicants, the Board will now accept other nationally recognized exams in addition to those administered by the National-Interstate Council of State Boards of Cosmetology for out-of-state applicants seeking Montana licensure.

24.121.803, School Requirements, eliminates the requirement of specific equipment, tools, and supplies that schools must provide to students as a kit.

24.121.805, School Operating Standards, eliminates the requirement for the Board office to receive and maintain records of student registration, daily attendance and final student hours. This amendment coincides with the elimination of the student registration fee proposed in the fee schedule. It also amends the rule to no longer specify the rounding requirements of the schools' time clocks as it is sufficient to simply require that the time-keeping systems are protected against tampering.

24.121.809, Student Withdrawl, Transfer or Graduating, eliminates the requirement for the Board office to receive and maintain records of students who withdraw, transfer, or graduate. It requires schools to provide an official transcript to students as verification of attendance or completion of coursework and requires the student to obtain and maintain those records.

24.121.1105, Teacher-Training Curriculum, eliminates the requirement for the Board to receive and maintain records of teacher-training hours.

24.121.2101, Continuing Education – Instructors/Inactive Instructors, simplifies and more clearly delineates the Board's approval process for instructor continuing education (CE) not already recognized by the Board, the required record keeping associated with CE, and the Board's CE audit process. Ensures quality coursework through distance education providers. It clearly outlines the consequences of failing to meet the CE requirements.

24.121.2301, Unprofessional Conduct, includes failure to comply with a continuing education audit as an act of unprofessional conduct.

New Rule I, (24.101.402), Fee Abatement, allows the Board to authorize the Department to perform renewal licensure fee abatements as appropriate and when needed, without further vote or action by the Board.

New Rule II, Continuing Education Licensees/Inactive Licensees, This rule was not adopted. There will be no continuing education requirements for any license type except instructors.

24.121.811, Field Trips, the Board repealed this rule as they determined field trips are an integral part of course instruction and do not require a separate rule to outline their requirements.

A printed version of these new rules is available upon request by contacting the board office at (406) 841-2335. The rules are also located on our website at:

[www.cosmetology.mt.gov](http://www.cosmetology.mt.gov)

# News from the Bureau

## Board of Athletics:

Board Chairperson Kevin McCarl resigned from the Board after two years of service.

The Board of Athletics recently amended its existing rules and adopted new rules relating to Mixed Martial Arts (MMA). The Board now regulates professional MMA in Montana. MMA is becoming quite popular in our state. The Board had the opportunity to regulate the first event on July 22, 2006.

Check the website for updates on board meetings, new statutes and rules, and other pertinent licensee information. You may also contact Chris Bernet at (406) 841-2334.  
[www.athleticboard.mt.gov](http://www.athleticboard.mt.gov)

## Board of Private Security Patrol Officers & Investigators:

The Board has undergone some changes recently. Sandy Matule has left the Board after many years of productive service and Chris Bernet has been appointed as the program manager.

Chris has worked with the Business and Occupational Licensing Bureau for over four years serving in many different capacities. In addition to being the program manager for this board, he is also the program manager for the Board of Sanitarians, Board of Athletics, and the Fire Prevention Program.

On July 6, 2006, the board published MAR Notice # 24-182-30 regarding fee schedule, licensure

requirements, type of firearm, requirements for firearm instructors licensure, armed re-qualification required annually, and company licensure and branch offices.

If anyone needs a copy of the notice, one can be obtained by contacting the Board office. Additionally, a copy of the notice is available through the Board's website at the following address: [www.privatesecurity.mt.gov](http://www.privatesecurity.mt.gov)

## Board of Outfitters:

Governor Brian Schweitzer recently appointed the following individuals to the Board:

John Redman, Sidney - Public Member  
Thomas Sather, Bozeman- Sportsperson  
Carol Gibson, Billings - Sportsperson  
Tim Linehan, Troy, - Big Game Hunting Outfitter

Each member serves a 3-year term ending October 1, 2008.  
Congratulations and Welcome!

The powers and duties of the Board relating to outfitters, guides and professional guides are set forth under 37-47-201, MCA. The statute specifies, in part, that the Board shall cooperate with the federal government in matters of mutual concern regarding the business of outfitting and guiding in Montana; enforce the provisions of this chapter and rules adopted pursuant to this chapter; establish outfitter and guide standards; hold hearings and proceedings to suspend or revoke licenses of outfitters and guides for due cause; and maintain records of actual clients served by all Montana outfitters. Additionally, the Board is required to adopt rules to administer and enforce this chapter, including rules prescribing qualifications for licensure as an outfitter or guide; reasonable rules necessary for safeguarding the public health, safety,

and welfare; rules specifying standards for review and approval of proposed new operations plans involving hunting use or the proposed expansion of net client hunter use, and rules establishing outfitter reporting requirements.

The Board has been actively involved in discussions concerning their purpose, what is expected of them, and envisioned goals and objectives for the ensuing year and years to come. A list of recommendations was compiled and then assigned a priority number based on the greatest necessity, promptness for action and/or importance. The members have agreed that everyone must do their part to reach each goal in a timely fashion. The Board will be continuing discussions and receiving completion updates on this issue during their regularly scheduled open meetings

### Priority No. 1

- Proactive approach to continuing education
- Educate industry/public
- Newsletter

### Priority No. 2

- Jurisdiction/authority – unlicensed practice
- Good/better – Bad/gone
- Eliminate illegal service providers
- Review penalties – apply appropriately

### Priority No. 3

- Involve public more – especially when setting up Strategic Planning/Goal meetings
- Improve public perception of Board /industry

### Priority No. 4

- Board of Outfitter's purpose – effectiveness
- Establish optimum size of Board/industry

### Priority No. 5

- License booking agents
- Broaden scope of licensure/ hunting broker

# News from the Bureau

## Board of Sanitarians:

The Board has contracted with Laser Grade to offer examination candidates a choice of where and how to take the sanitarian exam. Candidates can still take a hard copy exam at the Board office in Helena. Additionally, candidates can now take an electronic version of the exam at any Laser Grade facility in the country. (A Laser Grade facility outside of Montana may charge a different fee.)

There are a few differences with taking the exam through Laser Grade compared with taking a hard copy exam in Helena. All exams given at Laser Grade are electronic, which many people prefer. The fee for the exam costs an additional \$80 through Laser Grade. There are several Laser Grade facilities located throughout Montana and may be much closer to the exam candidate's home than Helena (saving travel time and cost). In addition, the exam candidate will know their exam score immediately after taking the exam at a Laser Grade facility. Typically, the results take 4-6 weeks for a hard copy exam given in Helena. So far, the feedback from the electronic exam candidates has been positive and the Laser Grade option is working out great.

Check out the website for updates on Board meetings, new statutes and rules, and other pertinent licensee information. You may also contact Chris Bernet at (406) 841-2334.

[www.sanitarian.mt.gov](http://www.sanitarian.mt.gov)

## Board of Realty Regulation:

The Board launched a new online feature for continuing education in April of this year, establishing a new e-service enabling Montana's 6,111 real estate sales agents, brokers, and property managers to access their professional education credit information online. This new service, called Professional Continuing Education (CE), allows licensees the ability to monitor state-required continuing education information quickly and conveniently.

"Prior to activating Professional Continuing Education, it was the responsibility of a licensee to ensure CE requirements had been met," said Labor Commissioner Keith Kelly. "If audited by the Realty Board, a licensee had to provide documentation that they had obtained the required number of credits. The new e-service eliminates this cumbersome step for all parties involved."

In addition to real estate sales agents, brokers, and property managers, the 148 educators approved to teach continuing education courses in Montana also will have access to the e-service. At the conclusion of a course, educators will have 20 days to electronically submit a roster of attendees to the Board. Once submitted, a licensee's CE information is updated instantaneously and can be viewed without delay.

A separate state system, called Online License Renewal, will then track the number of credits a realty regulation licensee obtains throughout the year. When it comes time for licensees to renew their licenses, the Online License Renewal system already knows which individuals have met their CE requirements and allows the licensees to proceed and renew their licenses.

"The convenience of accessing, viewing and managing continuing education information online saves time and money for all parties involved," said Kelly.

Professional Continuing Education is the result of an alliance between state government and the private sector. The system was cooperatively developed and is supported by the Montana Department of Labor Business Standards Division, the Montana Department of Administration's Information Technology Services Division and Montana Interactive, LLC, a wholly owned subsidiary of e-Government provider NIC (Nasdaq: EGOV).

Introduced by the Montana Department of Labor Business Standards Division, Professional Continuing Education can be accessed through the Board of Realty Regulation's home page online at:

[www.ContinuingEd.mt.gov](http://www.ContinuingEd.mt.gov)

# News from the Bureau

## NEW EMPLOYEES AT BUSINESS AND OCCUPATIONAL LICENSING...

**Kathey Synness** joined the BOLB crew in April of this year as an administrative support clerk. Last month she agreed to learn the application specialist position, and now processes applications for the busy Board of Barbers and Cosmetologists. Kathey came to DLI from the private sector, spending about seven years at Qwest.



With three school age children at home, Kathey is quite busy. Nonetheless, she enjoys spending time with her children horseback riding, hiking, and developing her photography skills.

**Norm Olson** was born and raised in Helena, Montana. Norm has 19 years of experience working with the public.



Norm has two wonderful sons: Connor, age 7, and Nevan, age 4, and spends most of his spare time coaching Babe Ruth Baseball and Bantam Bowling. Under Norm's guidance, his son Connor took first place in his bowling league last year. Norm is also a very accomplished bowler who has bowled a 300 game in 1997 and has many trophies to his credit.

**Shane Younger** started as the new administrative support clerk in the Bureau on August 28, 2006. Among other duties, Shane will provide support to the



application specialists. Shane's previous career was a purchasing specialist for the Montana Highway Patrol, and she's graciously agreed to take on the purchasing for our Bureau. We're happy to have Shane join our family!

**Dennis Clark** was born and raised in Schenectady, New York. Dennis came to Montana in 1976 and met the love of his life Marilyn, whom he married in 1979. In 2001, Dennis and Marilyn adopted two natural sisters, Shelby and Beth.



Prior to joining the Bureau, he owned Belmont Studio of Photography in Billings, where he won numerous national and state awards.

**Ella Glowacki** joined the Board of Realty Regulation as its new Education Director in August of this year. She looks forward to working closely with the Board and to traveling throughout the state to host classes for those pursuing their real estate licenses.



Ella enjoys spending her free time with her two small children, Ava, who is turning 2 years old this month, and Isaac, 4 months.

**Department of Labor and Industry  
Business Standards Division  
Business and Occupational Licensing Bureau (BOLB)  
301 South Park Avenue  
PO Box 200513  
Helena Montana 59620-0513**