

SOUTH DAKOTA COSMETOLOGY COMMISSION MEETING MINUTES

February 10, 2012

Call Meeting to Order

A special meeting of the Cosmetology Commission was called to order by President Nora Slykhuis on Friday, February 10, 2012 at 8:30 a.m. at the Cosmetology Commission Office, 111 East Capitol Avenue, Pierre, South Dakota.

1. Roll Call

Attendance was taken by Secretary Treasurer Pat Clark, with the following members present: Pat Clark, Lois Porch, and Nora Slykhuis. Members Absent: Ila Davis and Kory McKay. Staff present: Attorney Aaron Arnold and Executive Director Kate Boyd. Others present included: Maria Tran, Sioux Falls and John Vu, Sioux Falls.

2. Consider Reciprocity Application from Maria Tran

The first item of business was to review a reciprocity application of Maria Tran. Ms. Tran had previously applied for reciprocity in 2008 and 2009, but had not passed all required portions of the exam. Therefore she was not ever issued a South Dakota nail technician license. During a disciplinary action hearing in 2010, Ms. Tran had been found to be working as an unlicensed nail technician in a salon in Sioux Falls in 2010 and caused injury to a minor individual's toe. Following the hearing, the salon's license had been revoked. Ms. Tran is now reapplying for reciprocity as a nail technician in South Dakota.

Maria Tran appeared before the Commission and requested that the Commission approve her reciprocity application at this time.

IT WAS MOVED BY LOIS PORCH, SECONDED BY PAT CLARK, TO GO INTO EXECUTIVE SESSION FOR DELIBERATIVE PURPOSES. THE MOTION PREVAILED ON A VOICE VOTE.

Executive Director Kate Boyd and Maria Tran left the room during the Executive Session.

Following Commission deliberation in Executive Session, IT WAS MOVED BY PAT CLARK, SECONDED BY LOIS PORCH TO COME OUT OF EXECUTIVE SESSION. THE MOTION PREVAILED ON A VOICE VOTE.

Executive Director Boyd and Maris Tran rejoined the meeting.

IT WAS MOVED BY PAT CLARK, SECONDED BY LOIS PORCH, TO APPROVE THE RECIPROCITY APPLICATION OF MARIA TRAN. THE MOTION PREVAILED ON A VOICE VOTE.

President Nora Slykhuis reminded Maria Tran that she cannot work as a nail technician on anyone until she retakes all portions of the State Board Examinations and is issued a South Dakota nail technician license.

Ms. Tran thanked the Commission for approving her application and departed the meeting.

3. Consider Salon Application from John Vu

At this time, John Vu, Sioux Falls, joined the meeting to request that the Commission approve his application to reinstate his salon located at 5223 West 26th Street in Sioux Falls. Vu's salon license had been revoked because of a violation of allowing an unlicensed individual to perform nail technology services in 2010. Mr. Vu apologized to the Commission for his prior actions and stated that he will abide by the law if granted a reinstatement of his salon license.

IT WAS MOVED BY PAT CLARK, SECONDED BY LOIS PORCH, TO GO INTO EXECUTIVE SESSION FOR DELIBERATIVE PURPOSES. THE MOTION PREVAILED ON A VOICE VOTE.

Executive Director Kate Boyd and John Vu left the room during the Executive Session.

Following Commission's deliberation in Executive Session, IT WAS MOVED BY PAT CLARK, SECONDED BY LOIS PORCH, TO COME OUT OF EXECUTIVE SESSION. THE MOTION PREVAILED ON A VOICE VOTE.

IT WAS MOVED BY LOIS PORCH, SECONDED BY PAT CLARK, TO REINSTATE THE REVOKED LICENSE OF PRO NAILS BY VU UPON THE FOLLOWING CONDITIONS:

- (1) PAYMENT OF \$2,500 IN ADMINISTRATIVE COSTS FROM THE 2010 DISCIPLINARY ACTION HEARING;
- (2) SALON TO BE ON PROBATION FOR TWO YEARS;
- (3) SALON OWNER AND EMPLOYEES MUST FOLLOW ALL RULES AND REGULATIONS; FAILURE TO DO SO WILL RESULT IN AUTOMATIC REVOCATION OF THE SALON LICENSE AND CANNOT REAPPLY FOR REINSTATEMENT FOR FIVE YEARS;
- (4) SALON SUBJECT TO TWO ADDITIONAL RANDOM INSPECTIONS PER YEAR;
- (5) JOHN VU AND HIS WIFE ANH TT VU TO EACH PAY \$50 AND TAKE THE COMMISSION'S SAFETY/SANITATION STATE LAWS COURSE AND PASS THE OPEN-BOOK EXAM; AND
- (6) ALL FEES STATED ABOVE TO BE PAID WITHIN 60 DAYS.

THE SALON LICENSE WILL BE ISSUED IN TEN DAYS. THE MOTION PREVAILED ON A VOICE VOTE.

Adjournment

IT WAS MOVED BY LOIS PORCH, SECONDED BY PAT CLARK, TO ADJOURN. THE MOTION PREVAILED ON A VOICE VOTE.

The meeting adjourned at 10:00 a.m.

Respectfully submitted by:

Kate Boyd, Recording Secretary

and

Pat Clark, Secretary-Treasurer