

SOUTH DAKOTA COSMETOLOGY COMMISSION MEETING MINUTES

September 12, 2011

Call Meeting to Order

The regular meeting of the Cosmetology Commission was called to order by President Nora Slykhuis on Monday, September 12, 2011 at 4:30 p.m. in the Cosmetology Commission Office, Pierre, South Dakota.

1. Roll Call

Attendance was taken by Vice President Lois Porch, with the following members present: Ila Davis, Kory McKay, Lois Porch, and Nora Slykhuis. Absent: Pat Clark. Staff present: Attorney Aaron Arnold and Executive Director Kate Boyd.

2. Minutes of the July 12, 2011 Meeting and August 16, 2011 Special Meeting

IT WAS MOVED BY KORY MCKAY, SECONDED BY ILA DAVIS, TO APPROVE THE MINUTES OF THE JULY 12, 2011 MEETING AS WRITTEN. THE MOTION PREVAILED ON A VOICE VOTE.

IT WAS MOVED BY LOIS PORCH, SECONDED BY KORY MCKAY, TO APPROVE THE MINUTES OF THE JULY 12, 2011 MEETING AND AUGUST 16, 2011 SPECIAL MEETING AS WRITTEN. THE MOTION PREVAILED ON A VOICE VOTE.

3. Treasurer's Report

In the absence of Secretary-Treasurer Pat Clark, Vice President Lois Porch reported that as of August 31, 2011, the available budget was \$195,377.47, and the cash center balance was \$219,680.35.

IT WAS MOVED BY ILA DAVIS, SECONDED BY KORY MCKAY, TO APPROVE THE TREASURER'S REPORT AS PRESENTED. THE MOTION PREVAILED ON A VOICE VOTE.

4. Executive Director's Report

The Executive Director's Report had previously been mailed to Commission members and is attached to these Minutes as Attachment 1. Highlights of the report are shown below:

(1) 2011 Annual Report - Commission members were mailed a summary copy of our FY 2011 Annual Report showing revenue by income category.

(2) Status of Office Secretarial Position - Holly Love's last day is September 16. The job announcement was open for two weeks. We expect to have the list of applicants from the Bureau of Personnel in the near future, conduct interviews shortly thereafter and have the new secretary on board by October 10, 2011

(3) Vietnamese Testing - We are offering the NIC theory and South Dakota State Laws exams in Vietnamese for the first time this week.

(4) Audit - CPA Paul East will conduct our revenue audit for FY 2011 on October 3, 2011. We are required to have an audit of our revenue every three years.

(5) Proof of Lawful Presence - We are in the process of checking into a possible Federal mandate for us to require licensees to prove their lawful presence to live/work in the U.S.

5. Disciplinary Actions

We had been scheduled to conduct a Violations Hearing on September 14; however, the Attorney for the licensee has indicated that the Consent Agreement will be acceptable to the salon owner. The hearing has been cancelled and the signed Consent Agreement presented to the Commission at the next meeting for review/approval.

In another pending case, the licensee has not accepted the offered Consent Agreement. It was agreed to schedule a hearing for Monday, October 17, 2011 at 1:00 p.m.

OLD BUSINESS

6. Proposed Legislation

The Commission reviewed the draft legislation that had been presented at the last meeting regarding violations. There was discussion about whether or not the Commission could require a sign on the door of a salon that has been closed by the Commission for disciplinary reasons. Additionally, there was discussion about amending 36-15-56-rounds for disciplinary actions to include: failure to pay fees or fines owed to the Commission.

Attorney Aaron Arnold will check if we would be allowed to put a sign on the door of salons that are closed because of disciplinary actions.

IT WAS MOVED BY KORY MCKAY, SECONDED BY LOIS PORCH, TO ACCEPT THE DRAFT LEGISLATION REGARDING VIOLATIONS WITH LANGUAGE ADDED ABOUT FEES AND FINES OWED TO THE COMMISSION, AND, IF ALLOWED, TO ADD LANGUAGE ABOUT PUTTING A SIGN ON THE DOOR OF SALONS THAT ARE CLOSED FOR DISCIPLINARY ACTIONS. THE MOTION PREVAILED ON A VOICE VOTE.

7. Report from NIC Conference & State Administrators Meeting

Nora Slykhuis, Lois Porch and Kate Boyd reported on their attendance at the recent NIC Conference held in Ft. Lauderdale, Florida on August 26-29. Kate also reported on the State Administrators Meeting held prior to the Conference on August 25 & 26, 2011. Some of the highlights of the Administrators meeting were: report on NIC testing updates, report of legislative changes by the various states, and round-table discussions on reciprocity issues and fraudulent documents. During the conference, key discussions included the problems with Human Trafficking in cosmetology industry, Infection Control presented by Leslie Roste of King Research. Ms. Roste had reviewed all the states safety and sanitation laws/rules and gave each state a grade. She stressed the importance of not interchanging words such as clean, sanitize, and sterilize. There were also break-out sessions on Protecting Our Industry, Fraudulent Documents, How to Present Yourself to the legislature, and The World of Hybrid Learning.

8. 2012 State Board Exam & Commission Meeting Dates

The Commission reviewed the draft dates for 2012 State Board Exams and Commission meetings. This schedule includes exams in Sioux Falls, Watertown, and Rapid City. In reviewing the calendar hand-out, it was agreed to move the Sioux Falls June 2 & 3 date to May 5 & 6. It was noted that 2012 will be a learning year as we proceed with testing in these alternate locations. BY CONSENSUS, IT WAS AGREED TO MOVE FORWARD WITH THE 2012 EXAM DATES AND COMMISSION MEETINGS.

The question was raised if we need to have someone from NIC or SMT check out the test sites that we plan to use at the tech schools in those other cities. An answer to this question will be shared with the Commission at the next meeting.

NEW BUSINESS

9. Headlines Academy, Inc. - School License Renewal Application

The school license renewal application for Headlines Academy, Inc. was reviewed by the Commission. It was noted that the list of current instructors and their license numbers was not included with the application. IT WAS MOVED BY LOIS PORCH, SECONDED BY ILA DAVIS, TO APPROVE THE SCHOOL LICENSE RENEWAL APPLICATION FOR HEADLINES ACADEMY, INC., CONTINGENT UPON RECEIPT OF THE LIST OF CURRENT INSTRUCTORS AND THEIR COSMETOLOGY AND INSTRUCTOR LICENSE NUMBERS. THE MOTION PREVAILED ON A VOICE VOTE. (Note: Headlines Academy was contacted on September 13, and they supplied the request instructor information that same day.)

10. Lake Area Technical Institute - School License Renewal Application

The school license renewal application for Lake Area Technical Institute was reviewed by the Commission. IT WAS MOVED BY KORY MCKAY, SECONDED BY LOIS PORCH, TO APPROVE THE SCHOOL LICENSE RENEWAL APPLICATION FOR LAKE AREA TECHNICAL INSTITUTE. THE MOTION PREVAILED ON A VOICE VOTE.

11. Black Hills Beauty College - Request for Approval of Instructor Continuing Education

Black Hills Beauty College submitted a request for approval of their proposed instructor continuing education to be held October 2 & 3, 2011. IT WAS MOVED BY KORY MCKAY, SECONDED BY LOIS PORCH, TO APPROVE THE PROPOSED INSTRUCTOR CONTINUING EDUCATION PLAN SUBMITTED BY BLACK HILLS BEAUTY COLLEGE. THE MOTION PREVAILED ON A VOICE VOTE.

12. Other Business - N/A

13. Upcoming Meeting Dates

October 17, 2011, 1:00 p.m. - Violations Hearing

November 14 & 15, 2011 (possibly 16th also) - State Board Exams and Commission Meeting

Adjournment

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

The meeting adjourned at 8:15 p.m.

Respectfully submitted by:

Kate Boyd, Recording Secretary

and

Lois Porch, Vice President

ATTACHMENT 1

Executive Director's Report - September 12, 2011

1. 2011 ANNUAL REPORT

A summary of our FY 2011 revenue by income category was mailed to all Commission members. A copy of the FY 2011 report was included so that you can compare the two years.

2. STATUS OF OFFICE SECRETARIAL POSITION

Our secretary Holly Love's last day is September 16. The position was open for applications for two weeks and closed on September 6, 2011. We expect to receive a copy of the applications from the Bureau of Personnel by September 20, 2011. Interviews will likely be scheduled for the last week of September. Hopefully we will have a new secretary on board by October 10, 2011.

3. VIETNAMESE TESTING

The South Dakota Laws exam has now been translated into Vietnamese. We will begin offering the NIC theory and State Laws exams in Vietnamese beginning with the September 12 & 13, 2011 State Board exams. We will track the pass/fail rate of the English vs Vietnamese tests.

4. AUDIT

CPA Paul East will be in our office on October 3, 2011 to audit our revenue for the FY 2011 fiscal year. We are required to have an audit of our revenue every three years.

5. PROOF OF LAWFUL PRESENCE

At the recent NIC Conference and State Administrators there was discussion about whether or not State Cosmetology Boards require licensees to prove their lawful presence to be in the United States. The State of Wyoming requires licensees to prove that they are a U.S. citizen or possess a green card or other documentation allowing them to live and work in the U.S. The Board Administrator from Wyoming, Betty Abernathy, informed us that their State Attorney General has cited a federal mandate that requires all individuals seeking professional licensing to prove their lawful presence. Our attorney, Aaron Arnold, is researching this and will provide guidance when the research is complete.