

**SOUTH DAKOTA COSMETOLOGY COMMISSION  
Minutes**

**October 7, 2009 (AS AMENDED JANUARY 13, 2010)**

**1. Call Meeting to Order**

The regular meeting of the Cosmetology Commission was called to order by President Jacquelyn Dahlquist on Wednesday, October 7, 2009 at 8:00 a.m. in the Cosmetology Commission Office, Pierre, South Dakota.

**2. Roll Call**

Attendance was taken by Secretary/Treasurer Lois Porch, with the following members present: Pat Clark, Jackie Dahlquist, Ila Davis, Lois Porch, and Nora Slykhuis. Staff present: Kate Boyd, Executive Director, Todd Kolden, Administrator, and Nathan Lukkes, Special Assistant Attorney General. Others present: Penny Thompson, Stewart School.

**3. Minutes**

**A MOTION WAS MADE** by Ila Davis, seconded by Nora Slykhuis, to approve the minutes of the June 30, 2009 and July 11-12, 2009 meetings as presented. The motion passed.

**4. Treasurer's Report**

Lois Porch reported that as of August 31, 2009 the available budget was \$174,135.02, and the cash center balance was \$81,368.14.

**A MOTION WAS MADE** by Nora Slykhuis, seconded by Lois Porch, to approve the Treasurer's report. The motion passed.

**5. Election of Officers**

**A MOTION WAS MADE** by Ila Davis, seconded by Pat Clark, to re-elect the current officers to serve this next year: President - Jacquelyn Dahlquist; Vice President – Nora Slykhuis; Secretary-Treasurer – Lois Porch. The motion passed.

**6. Executive Director's Report**

The new Executive Director Kate Boyd was introduced. Her first day of work was October 1, 2009.

**7. Disciplinary Actions**

Cases B-2009 and C-2009 Lukkes said that both the salon owner Gia Le (Case B-2009) and the individual Hai Dang Diep (Case C-2009) have agreed to sign consent orders.

Gia Le, the salon owner, has sold the salon Nails Plus in the Empire Mall in Sioux Falls and has moved to Washington State and has no plans to come back to South Dakota.

Dan Le – he was not licensed, but has since been licensed, with 5 days suspension, \$400 fine (costing of proceedings), probation, and take safety course.

Case B-2009 – Salon Owner. IT WAS MOVED by Lois Porch, seconded by Pat Clark, to accept the consent order for B-2009. The motion prevailed unanimously.

Case C-2009 – Individual – IT WAS MOVED by Ila Davis, seconded by Lois Porch, to accept the consent order in this case. The Motion prevailed unanimously.

## **8. OLD BUSINESS**

### **a. Proposed 2009 Rules – schools and branch**

Penny Thompson of Stewart School was present and requested that the Commission consider a rules change to allow the cosmetology schools to have students work ten-hour days.

Ms. Thompson also requested that the Commission consider changing the rule that requires 1 hood dryer for every 5 students, as the need for dryers has diminished over the years.

President Jackie Dahlquist stated that the proposed 2009 rules will be discussed at the November, 2009 Commission meeting.

### **b. Proposed State Laws Testing through NIC**

President Dahlquist reported that the Commission has been working on having our State laws testing done through NIC. NIC will review our request at their upcoming meeting in Tampa, Florida.

### **c. CLEAR Conference Report**

Nora Slykhuis reported on her recent attendance at the recent CLEAR Conference and the various sessions she attended. She suggested that we have someone attend each year and that the Commission join CLEAR for \$240 per year. In doing so we would have access to on-line training, webinars, and inspector and investigator training.

**A MOTION WAS MADE** by Ila David, seconded by Pat Clark, that the Commission join CLEAR. The motion passed.

Nora reported that a sample Code of Conduct was reviewed at the CLEAR Conference, as well as identifying fraudulent social security numbers. Attorney Lukkes will do some research into these two items. (Note: Lukkes reported back to the Commission Office following the meeting that South Dakota law does allow us to require social security numbers in order to apply for a license.)

### **d. NIC Conference Report**

President Dahlquist and Commissioner Ila Davis attended the recent NIC Conference. Davis reported on the informative sessions she attended that included Safety & Sanitation; and

Fraudulent activities and documents. It was also stated that Dahlquist was elected as the NIC President and Angie Prince from Livingston Montana is the new Region Director.

### **e. New Director Hiring Process**

The new director hiring process is now complete with the recent hiring of Kate Boyd to replace the position vacated by Sue Monge.

### **f. FY 2011 Final Budget Proposal and FY 2009 Final Annual Report**

Administrator Todd Kolden reported on the FY 2011 budget process and the expectation that there will be more cuts to State agency budgets. The Commission has been doing research

into on-line licensing through debit and credit cards. Kolden will be the contact person on this issue.

The Commission requested that they receive an annual report of the number of exams and the numbers of the various licenses issued throughout the year. Additionally, they requested the next meeting agenda include a discussion of website access of documents for Commission members.

Kolden stated that if the Commission office does not hear back from him of Dick Flemer in the near future, it can be assumed that the FY 2011 budget proposal is okay as requested. It was also stated that budgets for State Boards and Commissions are informational in nature to the Legislature – the Legislature cannot approve or disapprove those budgets.

## **9. NEW BUSINESS**

### **a. Proposed 2010 Calendar**

The proposed 2010 calendar for testing and Commission meetings was approved as presented.

### **b. Final Audit Report**

The final Audit Report for FY 2009 was received and will be placed on file.

## **10. OTHER BUSINESS**

### **Electric Files**

The lesson plan from Desaree & Co. to teach electric files was reviewed. The topics to be covered were deemed adequate, but she may be short ¾ of a hour.

### **Assisted Living & Licensing**

The Cosmetology office received an e-mail complaint about individuals going into the homes of elderly individuals as personal attendants and providing hair care services. The Commission stated they do not plan to introduce legislation on this subject. Todd Kolden advised the Commission to develop a position in case a legislator would introduce a bill in this regard in the future.

### **Instructor Continuing Education**

The Commission said that Black Hills Beauty College needs more documentation of their lesson planning for instructor continuing education, including the class schedule, completion certificates for each attendee, outline of what was covered, how many hours, and who the presenter was. **THESE MINUTES WERE AMENDED BY THE COMMISSION ON JANUARY 13, 2010.** FOLLOWING THE PUBLISHING OF THE OCTOBER 7, 2009 MINUTES, IT WAS POINTED OUT THAT BLACK HILLS BEAUTY COLLEGE HAD SUPPLIED THE REQUESTED DOCUMENTATION SEVERAL MONTHS EARLIER IN JULY 2009. WITH THE CHANGE OF EXECUTIVE DIRECTORS FROM SUSAN MONGE TO KATE BOYD, THE NEW EXECUTIVE DIRECTOR WAS NOT AWARE THAT THE DOCUMENTATION WAS IN THE COMMISSION OFFICE.

Administration Rule 20:42:08 deals with instructor continuing education. The Commission was asked to give staff direction on the \$35 fee to verify the continuing education. The Commission stated if the school sponsors the class, the school would be one \$35 fee that will cover each

attendee. If the instructor seeks out their own continuing education, that individual will need to pay the \$35 verification fee and provide appropriate documentation of the continuing education.

**NIC Survey on Regions III & IV Meeting**

If Commission members have suggestions for education topics for this meeting, please contact the office with your suggestions.

**11. Next Meeting and State Boards**

The next testing dates are November 9 & 10, 2009. The Commission set their meeting for 8:00 a.m., Tuesday, November 10, 2009.

**Adjournment**

**A MOTION WAS MADE** by Pat Clark, seconded by Nora Slykhuis, to adjourn. The motion passed. The meeting adjourned at 9:45 a.m.

Respectfully submitted by:

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Kate Boyd, Recording Secretary

and \_\_\_\_\_  
Lois Porch, Secretary/Treasurer

Attest:

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Jackie Dahlquist, President

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Nora Slykhuis, Vice President

\_\_\_\_\_  
Pat Clark, Member

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Ila Davis, Member