

SOUTH DAKOTA COSMETOLOGY COMMISSION MEETING MINUTES

December 10, 2013

Call Meeting to Order

A meeting of the Cosmetology Commission was called to order by President Lois Porch on Tuesday, December 10, 2013 in Conference Room 3 of the Kneip Building, 700 Governors Drive, Pierre, South Dakota.

Disciplinary Action Hearing

The meeting began with a disciplinary action hearing scheduled for 9:00 am. Due to the absence of the individual requesting the hearing, the hearing was not begun until 9:20 am.

Roll Call

Attendance was taken by Secretary-Treasurer Pat Clark, with the following members present: Pat Clark, Lois Porch, Nora Slykhuis and Tammy Ugofsky. Absent: Lori Berreth. Staff present: Attorney Aaron Arnold, Executive Director Kate Boyd and Office of Hearing Examiners Judge Ryan Darling.

The purpose of the hearing was an appeal of the September 10, 2013 Commission decision denying an application for examination and temporary license application. The individual requesting the hearing had been sent notice via U.S. mail and certified mail, but was not present at the hearing. At the direction of the hearing judge, testimony was taken in the case. The individual would have two weeks following the hearing to send a letter to the hearing judge explaining the reason for not appearing at this time and requesting that the judge set a new hearing date.

The appeal hearing was adjourned at 10:00 am.

Regular Commission Meeting

The meeting was called back to order at 1:00 pm in Conference Room 3 of the Kneip Building, 700 Governors Drive, Pierre, South Dakota.

1. Roll Call

Attendance was taken by Secretary-Treasurer Pat Clark, with the following members present: Pat Clark, Lois Porch, Nora Slykhuis and Tammy Ugofsky. Absent: Lori Berreth. Staff present: Attorney Aaron Arnold, Executive Director Kate Boyd and Administrator Todd Kolden, joining via conference call.

Amend Agenda

IT WAS MOVED BY PAT CLARK, SECONDED BY TAMMY UGOFSKY, TO AMEND THE AGEND TO REFLECT THE DISCIPLINARY ACTION HEARING HELD EARLIER IN THE DAY. THE MOTION PREVAILED ON A VOICE VOTE.

2. Minutes of September 10 and November 8, 2013 Meetings

Typographical errors were pointed out in the draft Minutes. IT WAS MOVED BYNORA SLYKHUIS, SECONDED BY TAMMY UGOFSKY, TO APPROVE THE MINUTES OF THE

SEPTEMBER 20, 2013 AND NOVEMBER 8, 2013 MEETING AS CORRECTED. THE MOTION PREVAILED ON A VOICE VOTE.

3. Treasurer's Report

Secretary-Treasurer Pat Clark reported that as of November 30, 2013, the available budget was \$40,553.73 and the cash center balance was \$372,828.68. It was pointed out that the operating expense budget for FY 2014 will show a negative balance because the computer programming contract of approximately \$85,000 to upgrade the database and allow on-line renewal licenses had not been budgeted.

IT WAS MOVED BY NORA SLYKHUIS, SECONDED BY TAMMY UGOFISKY, 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. The report included (1) update of the on-line renewal of licenses and database upgrade project, (2) copies of news articles that had appears in newspapers in the early Fall regarding modernization steps the Commission has undertaken, (3) informational summary of a survey done by another state regarding states that offer a cosmetology program within their prison/corrections system, (4) information from the National Coalition of Estheticians regarding Light Emitting Diodes, (5) summary copies of the pass/fail results for past three exam dates, (6) suggestion to review the strategic plan at January 6 meeting, and (7) inform the Commission that we have been asked to place an item on the agenda for the January 6, 2014 meeting to reconsider the wording about criminal convictions on the various applications use by the commission for licensing and examination purposes.

5. Disciplinary Actions - N/A

OLD BUSINESS

6. 2014 Proposed Special Events Legislation

Copies of the final draft of the proposed special events legislation had been mailed to Commission members. There was no further discussion at this time.

NEW BUSINESS

7. Reporting Examination/Licensing Outcomes for School Graduates

Department of Labor and Regulation Administrator Todd Kolden briefed the Commission on SB 3 and 4 that were passed by the 2013 Legislature and signed into law by the Governor. The new laws require the reporting of examination/professional licensing outcomes for graduates of State colleges and vocational schools. Todd indicated that he is working with a State task force to develop who the reporting will work. It appears that much of the required data will be able to be pulled directly from our database, with limited additional data entry by staff.

8. 2014 Exam Schedule & Commission Meetings

A tentative 2014 exam and commission meeting calendar was presented to the Commission. IT WAS MOVED BY NORA SLYKHUIS, SECONDED BY PAT CLARK, TO APPROVE THE 2014 CALENDAR. THE MOTION PREVAILED ON A VOICE VOTE.

9. 2014 Newsletter

The draft 2014 newsletter was presented to the Commission. There still needs to be information included about OSHA.

10. NIC Region Meeting, Las Vegas, Nevada - March 15-16, 2014

It was noted that the NIC Region Meeting will be held March 15-16, 2014 in Las Vegas. The meeting will begin with a welcome reception on Friday evening, March 14, followed by a full-day meeting on Saturday, March 15 and a half-day meeting on Sunday, March 16. Additionally, the Board Administrators will meet all day on Friday March 14 preceding the start of the Region Meeting. Commission input was sought on which members we should request out-of-state travel approval for. Tammy Ugofsky indicated that she would like to attend. It was suggested to delay a final decision until the January 6 Commission meeting on which other Commission member(s) would be interested in attending this meeting.

It was also mentioned that we need to get someone involved in the National Coalition of Estheticians, Manufacturer /Distributors and Associations (NCEA), since the whole skincare industry is growing and rapidly changing with new devices and products becoming available. We will research the dates for the 2014 meetings of the NCEA and discuss at a future Commission meeting.

11. Other Business

12. Upcoming Meeting Dates

- January 6, 2014 - Commission Meeting - Pierre
- January 6-7, 2014 - State Board Examinations - Pierre
- January 8, 2014 - State Board Examinations - Watertown

Adjournment

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

The meeting adjourned at 10:20 a.m.

Respectfully submitted by:

Kate Boyd, Recording Secretary

and

Pat Clark, Secretary-Treasurer

Executive Director's Report

December 10, 2013

1. On-Line Renewal of Licenses & Database Upgrade

Smart Software Solutions, Pierre, begun the necessary computer programming contract to (1) upgrade the cosmetology database and (2) allow for on-line renewal of licenses. It is anticipated that these projects will be completed in early 2014.

2. Cosmetology News Articles

Enclosed are copies of articles that appeared in the Pierre Capital Journal and Rapid City Journal in mid-September regarding modernization steps that the Commission has undertaken in recent years.

3. Cosmetology Prison Programs

Enclosed is the summary of results of states that offer a cosmetology program within the prison/corrections system. No action is proposed -- this information is merely informational to the Commission.

4. NCEA Position Statement on LED Emitting Diodes (LEDs)

Enclosed in the Commission Meeting packets for your information and review is a position statement prepared by the National Coalition of Estheticians regarding Light Emitting Diodes (LEDs).

5. Examination Reports

Enclosed are copies of the pass/fail results for the September, October and November, 2013 State Board Examinations.

6. Strategic Plan

Since the Commission will be meeting again in less than a month, I would like to suggest that the Commission spend time reviewing the Strategic Plan results during the January 6, 2014 meeting.

7. Criminal Conviction Question on Applications

We have been asked to place an item on the January 6, 2014 Commission meeting agenda to discuss the wording of the criminal conviction question on our applications.