

South Dakota Cosmetology Commission

**Disciplinary Action & Consent Agreement Matrix**

Offense Type <sup>1</sup>	Occurrence	Disciplinary Action	Voluntary Consent Agreement Terms <sup>2</sup>
Operating with Expired License	Each	Administrative Fine: Flat \$25.00 fine on day 61 & \$1.00 fine for each day lapsed until renewed, up to \$330.00 <i>(pursuant to SDCL 36-1C-5; SDCL 36-15-56 (2); ARSD 20:42:03:13)</i>	
Employing Unlicensed Worker(s)	1 <sup>st</sup>		\$500.00 fine & 5-day suspension (per worker)
Employing Unlicensed Worker(s)	2 <sup>nd</sup>		\$750.00 fine & 10-day suspension (per worker)
Prohibited Tool(s)	1 <sup>st</sup>	Administrative Fine: \$350.00 <i>(pursuant to SDCL 36-1C-5; SDCL 36-15-56 (2))</i>	
Prohibited Tool(s)	2 <sup>nd</sup>		\$500.00 fine & 5-day suspension
Expired License/Unlicensed Instructor (School)	1 <sup>st</sup>		School Terms: \$1000.00 fine, 5-day suspension & Redo education hours at no cost to student/apprentice(s)
Expired License/Unlicensed Instructor (School)	2 <sup>nd</sup>		School Terms: \$2,000.00 fine, 10-day suspension, Redo education hours at no cost to student/apprentice(s) & Commission reports incident

			to accrediting agency (as applicable)
Opening Salon/Booth Prior to Receiving License	N/A	Administrative Fine: \$350.00 (pursuant to SDCL 36-1C-5; SDCL 36-15-56 (2))	
Failing Reinspection (Salon/Booth/School)	1 <sup>st</sup>	Administrative Fine: \$350.00 (pursuant to SDCL 36-1C-5; SDCL 36-15-56 (2))	
Failing Reinspection (Salon/Booth/School)	2 <sup>nd</sup>		\$500.00 fine, business closed until passes reinspection
Refusing Entry to Inspector	1 <sup>st</sup>	Administrative Fine: \$500.00 (pursuant to SDCL 36-1C-5; SDCL 36-15-56 (2))	
Refusing Entry to Inspector	2 <sup>nd</sup>		\$750.00 fine & 5-day suspension
Academic Dishonesty (Examination)	1 <sup>st</sup>	Administrative Fine: \$250.00 (pursuant to SDCL 36-1C-5; SDCL 36-15-56 (2))	
Using Salon/Booth License at Unlicensed Location	1 <sup>st</sup>	Administrative Fine: \$500.00 (pursuant to SDCL 36-1C-5; SDCL 36-15-56 (2))	
Displaying Unauthorized Copy of License	1 <sup>st</sup>	Administrative Fine: \$500.00 (pursuant to SDCL 36-1C-5; SDCL 36-15-56 (2))	
Failure to Display License	1 <sup>st</sup>	Administrative Fine: \$125.00 (pursuant to SDCL 36-1C-5; SDCL 36-15-56 (2))	
Failure to Display License	2 <sup>nd</sup>	Administrative Fine: \$250.00 (pursuant to SDCL 36-1C-5; SDCL 36-15-56 (2))	
Failure to Display License	3 <sup>rd</sup>	Administrative Fine: \$500.00 (pursuant to SDCL 36-1C-5; SDCL 36-15-56 (2))	
Performing Services without Required Certification	1 <sup>st</sup>	Administrative Fine: \$350.00 (pursuant to SDCL 36-1C-5; SDCL 36-15-56 (2))	

Operating Mobile Salon	1 <sup>st</sup>	Administrative Fine: \$350.00 (pursuant to SDCL 36-1C-5; SDCL 36-15-56 (2))	
Sharing Amenities with Domicile (Home Salon – e.g. bathroom, sink, etc.)	1 <sup>st</sup>	Administrative Fine: Flat \$125.00 fine & \$25.00 fine for each day out of compliance until resolved, up to \$500.00 (i.e. 14 days) (pursuant to SDCL 36-1C-5; SDCL 36-15-56 (2))	

  
 Renee Graf, President

  
 Date

1: The Cosmetology Commission (Commission) reserves the authority to modify or revoke this policy by a majority vote of the Commission. Additionally, the Commission may adjudicate any violations of SDCL Chapter 36-15, not included in this policy, through administrative fines, consent agreements, or by other lawful means adopted by the Commission.

2: A consent agreement is offered to an alleged offender at the discretion of the Commission's Investigative Committee. Consent agreements are not effective until adopted by the Commission. Once agreed to, the terms of a proposed consent agreement cannot be modified by the Investigative Committee or the alleged offender without a majority vote of the Commission.

Authority: SDCL 36-1C-4, SDCL 36-1C-5, SDCL 36-1C-6, SDCL 36-15-55.2, SDCL 36-15-56