

SOUTH DAKOTA COSMETOLOGY COMMISSION MEETING MINUTES

January 21, 2016

Call Meeting to Order

A meeting of the Cosmetology Commission was called to order by President Tammy Ugofsky on Thursday, January 21, 2016 at 2:00 pm. The meeting was held via conference call.

Roll Call

Attendance was taken by Secretary-Treasurer Laurie Brandner, with the following members present: Laurie Brandner, Lori Little, Crystal Carlson, and Tammy Ugofsky. Member Absent: Lori Berreth. Staff present: Attorney Aaron Arnold, Executive Director Kate Boyd.

2. Minutes of September 24-25, October 15, and December 31, 2015 Meetings

Lori Little noted a correction to the September 24-25 Minutes in which it was stated that she made a motion, when, in fact, she was not present. IT WAS MOVED BY LORI LITTLE, SECONDED BY CRYSTAL CARLSON, TO APPROVE THE MINUTES OF THE SEPTEMBER 24-25 (AS AMENDED), OCTOBER 15, AND DECEMBER 31, 2015 MEETINGS. THE MOTION PREVAILED ON A ROLL CALL VOTE WITH LORI BRANDNER, CRYSTAL CARLSON, LORI LITTLE AND TAMMY UGOFKY VOTING AYE.

3. Treasurer's Report

Secretary-Treasurer Laurie Brandner reported that as of December 31, 2015 the available budget was \$98,219.02 and the cash center balance was \$284,264.52.

IT WAS MOVED BY LORI LITTLE SECONDED BY LAURIE BRANDNER, TO APPROVE THE TREASURER'S REPORT AS PRESENTED. THE MOTION PREVAILED ON A ROLL CALL VOTE WITH LORI BRANDNER, CRYSTAL CARLSON, LORI LITTLE AND TAMMY UGOFKY VOTING AYE.

4. Executive Director's Report

Executive Director Kate Boyd reported on a variety of subjects. The written report is attached to these Minutes. The report included a request from the South Dakota Cosmetology Club for the Commission to consider the implementation of licensee continuing education in order to renew cosmetology, nail technician and esthetician licenses. This item will be placed on the agenda for the March 11, 2016 meeting. Prior to the meeting we will ask the Cosmetology Club to make suggestions for how they envision the requirements for continuing education. We will also survey the other states to see if they require licensee continuing education and the types of education they allow.

Additionally, the staff is concerned about the large number of personal and salon/booth license renewals the office receives every year that are extremely late, sometimes resulting in the individual working without a current license for almost a year. This subject will also be placed on the March 11 meeting agenda for further discussion.

5. Disciplinary Actions

Review and Disposition of Consent Agreement - Case A-2015 - Lisa Pfannes

IT WAS MOVED BY LAURIE BRANDNER, SECONDED BY LOR LITTLE TO APPROVE THE CONSENT AGREEMENT FOR CASE A-2015-LISA PFANNES. THE MOTION PREVAILED ON A ROLL CALL VOTE WITH LORI BRANDNER, CRYSTAL CARLSON, LORI LITTLE AND TAMMY UGOFKY VOTING AYE.

6. Referral of Student License Application to Commission

The Commission reviewed a Student License Application for Shelly Ewing who would like to attend cosmetology school in South Dakota. She currently is under the Court's supervision for a felony drug conviction. Ms. Ewing's application included her written statement, copies of courses she has completed, and letters of support from a number of individuals.

IT WAS MOVED BY LORI LITTLE, SECONDED BY LAURIE BRANDNER, TO APPROVE THE STUDENT LICENSE APPLICATION OF SHELLY DIANE EWING. THE MOTION PREVAILED ON A ROLL CALL VOTE WITH LORI BRANDNER, CRYSTAL CARLSON, LORI LITTLE AND TAMMY UGOFKY VOTING AYE.

7. Request from Reciprocity Applicant to Test for the 8th Time

The Commission reviewed a letter from Vi Luu to be allowed to take the Nail Technology theory examination for the eighth time. Executive Director Kate Boyd reminded the group of the Commission's policy regarding exam retakes: Fail first exam, may retake three more times; if all three retakes are failed, the candidate must wait three months and then can retake three more times; if those retakes are all failed, then the candidate must wait three months and write to the Commission for permission to test for an 8th time, explaining what steps the candidate has undertaken in an effort to be able to pass the exam. IT WAS MOVED BY LORI LITTLE, SECONDED BY LAURIE BRANDNER, TO ALLOW VI LUU TO TAKE THE NAIL THEORY EXAM ONE MORE TIME, BUT IF HE FAILS THIS EIGHTH ATTEMPT, HE MUST GET TAKE AND SHOW PROOF OF 100 HOURS OF NAIL THEORY EDUCATION PRIOR TO REQUESTING TO TEST AGAIN. THE MOTION PREVAILED ON A ROLL CALL VOTE WITH LORI BRANDNER, CRYSTAL CARLSON, LORI LITTLE AND TAMMY UGOFKY VOTING AYE.

8. School Requests

a. School License Renewal Application - Black Hills Beauty College-Rapid City

IT WAS MOVED BY LAURIE BRANDNER, SECONDED BY CRYSTAL CARLSON, TO APPROVE THE SCHOOL LICENSE RENEWAL APPLICATION OF BLACK HILLS BEAUTY COLLEGE-RAPID CITY. THE MOTION PREVAILED ON A ROLL CALL VOTE WITH LORI BRANDNER, CRYSTAL CARLSON, LORI LITTLE AND TAMMY UGOFKY VOTING AYE.

b. Black Hills Beauty College - Rapid City and Sioux Falls - Request for Approval of Esthetics and Nail Technology Programs for both schools.

IT WAS MOVED BY LAURIE BRANDNER, SECONDED BY LORI LITTLE TO APPROVE ESTHETICS AND NAIL TECHNOLOGY PROGRAMS FOR BLACK HILLS BEAUTY COLLEGE RAPID CITY AND SIOUX FALLS. THE MOTION PREVAILED ON A ROLL CALL VOTE WITH LORI BRANDNER, CRYSTAL CARLSON, LORI LITTLE AND TAMMY UGOFKY VOTING AYE.

c. Microdermabrasion Provider Application - Black Hills Beauty College-Rapid City

IT WAS MOVED BY CRYSTAL CARLSON, SECONDED BY LORI LITTLE, TO APPROVE THE MICRODERMABRASION PROVIDER APPLICATION FROM BLACK HILLS BEAUTY COLLEGE-RAPID CITY. THE MOTION PREVAILED ON A ROLL CALL VOTE WITH LORI BRANDNER, CRYSTAL CARLSON, LORI LITTLE AND TAMMY UGOFKY VOTING AYE.

d. Request for Approval of Emergency Senior Instructor License for Abby Kustak

IT WAS MOVED BY LORI LITTLE, SECONDED BY LAURIE BRANDNER, TO APPROVE THE EMERGENCY SENIOR INSTRUCTOR LICENSE APPLICATION FOR ABBY KUSTAK AT BLACK HILLS BEAUTY COLLEGE-SIOUX FALLS, WITH ABBY COMPLETING HER REMAINING HOURS OF JUNIOR INSTRUCTOR EDUCATION WITHIN THE NEXT SIX MONTHS. THE MOTION PREVAILED ON A ROLL CALL VOTE WITH LORI BRANDNER, CRYSTAL CARLSON, LORI LITTLE AND TAMMY UGOFKY VOTING AYE.

e. Request for Approval of 2016 Instructor Continuing Education Course - Black Hills Beauty College - Rapid City and Sioux Falls

IT WAS MOVED BY LORI LITTLE, SECONDED BY CRYSTAL CARLSON, TO APPROVE THE 2016 INSTRUCTOR CONTINUING EDUCATION REQUEST FOR BLACK HILLS BEAUTY COLLEGE RAPID CITY AND SIOUX FALLS. THE MOTION PREVAILED ON A ROLL CALL VOTE WITH LORI BRANDNER, CRYSTAL CARLSON, LORI LITTLE AND TAMMY UGOFKY VOTING AYE.

f. School License Renewal Application - Desaree & Company School of Beauty - Sturgis

IT WAS MOVD BY LAURIE BRANDNER, SECONDED BY CRYSTAL CARLSON, TO APPROVE THE SCHOOL LICENSE RENEWAL APPLICATION FOR DESAREE AND COMPANY SCHOOL OF BEAUTY IN STURGIS. THE MOTION PREVAILED ON A ROLL CALL VOTE WITH LORI BRANDNER, CRYSTAL CARLSON, LORI LITTLE AND TAMMY UGOFKY VOTING AYE.

g. Electric File Provider Application - Desaree & Company School of Beauty - Sturgis

IT WAS MOVED BY LORI LITTLE SECONDED BY CRYSTAL CARLSON, TO APPROVE THE ELECTRIC FILE PROVIDER APPLICATION OF DESAREE & COMPANY SCHOOL OF BEAUTY. THE MOTION PREVAILED ON A ROLL CALL VOTE WITH LORI BRANDNER, CRYSTAL CARLSON, LORI LITTLE AND TAMMY UGOFKY VOTING AYE.

h. Request for Approval of Emergency Senior Instructor License for Danica Terry

IT WAS MOVED BY LAURIE BRANDNER, SECONDED BY LORI LITTLE, TO APPROVE THE EMERGENCY SENIOR INSTRUCTOR LICENSE APPLICATION FOR DANICA TERRY, WITH DANICA COMPLETING THE REMAINING JUNIOR INSTRUCTOR EDUCATION. THE NUMBER OF REMAINING HOURS WILL BE DETERMINED BY STAFF REVIEW OF HER PAST INSTRUCTOR EDUCATION HOURS AS A PRODUCE EDUCATOR. THE MOTION PREVAILED ON A ROLL CALL VOTE WITH LORI BRANDNER, CRYSTAL CARLSON, LORI LITTLE AND

TAMMY UGOFKY VOTING AYE.

i. Black Hills Beauty College-Sioux Falls - Request for Approval of Field Trip

IT WAS MOVED BY LORI LITTLE, SECONDED BY CRYSTAL CARLSON, TO APPROVE THE FIELD TRIP REQUEST OF BLACK HILLS BEAUTY COLLEGE-SIOUX FALLS TO WORK WITH THE GIRL SCOUTS ON A COMMUNITY SERVICE PROJECT AT WEST CENTRAL HIGH SCHOOL IN HARTFORD, SOUTH DAKOTA. THE MOTION PREVAILED ON A ROLL CALL VOTE WITH LORI BRANDNER, CRYSTAL CARLSON, LORI LITTLE AND TAMMY UGOFKY VOTING AYE.

9. Instructor Continuing Education - Preapproval Request from State Board Professor Co.

The Commission office received a request for preapproval as a provider of Instructor Continuing Education from State Board Professor Co. IT WAS MOVED BY CRYSTAL CARLSON, SECONDED BY LAURIE BRANDNER, TO REQUEST FURTHER INFORMATION FROM THIS COMPANY PRIOR TO CONSIDERING PREAPPROVAL. THE MOTION PREVAILED ON A ROLL CALL VOTE WITH LORI BRANDNER, CRYSTAL CARLSON, LORI LITTLE AND TAMMY UGOFKY VOTING AYE.

10. NIC Region Meeting - April 1-3, 2016 in Nashville Tennessee and Board Administrators Meeting preceding the Region Meeting March 31 and April 1. Commission members were asked to indicate if they are interested in attending the Region Meeting so that out-of-state travel requests can be mailed to them to sign prior to submission to the department for approval.

11. Other Business - N/A

12. Upcoming Meeting Dates

- February 8, 2016 - State Board Examinations - Rapid City
- March 11-12, 2016 - Commission Meeting March 11 in the morning and State Board Examinations that afternoon and all day on March 12, 2016.

Adjournment

THERE BEING NO FURTHER BUSINESS, IT WAS MOVED BY LORI LITTLE, SECONDED BY CRYSTAL CARLSON TO ADJOURN. THE MOTION PREVAILED ON A ROLL CALL VOTE WITH LORI BRANDNER, CRYSTAL CARLSON, LORI LITTLE AND TAMMY UGOFKY VOTING AYE.

The meeting adjourned at 3:50 pm.

Respectfully submitted,

Kate Boyd, Recording Secretary

Laurie Brandner, Secretary-Treasurer

EXECUTIVE DIRECTOR'S REPORT

January 21, 2016

1. **Cosmetology Office Move** - The Cosmetology Commission office move is complete. We are in our new location at 221 W Capitol Ave, Suite 101, Pierre. The reception area has not been completed so Bradi remains working out of the conference room. She is doing a great job despite not having an actual desk. Hopefully the reception area will be complete in the next few weeks.
2. **Licensee Continuing Education** - The South Dakota Cosmetology Club has requested that the Commission consider the implementation of licensee continuing education in order to renew cosmetology, nail technician and esthetician licenses. I would like to suggest that we put this on the agenda for the March 11 meeting in Sioux Falls. In the meantime we can query the other states to determine how they handle continuing education for licensees.
3. **FTC Staff Guidance on Active Supervision of State Regulatory Boards Controlled By Market Participants** - Enclosed with the meeting packets is a several page report for your information and review. Attorney Aaron Arnold may want to provide further information on this subject during the meeting.
4. **Renewal of Licenses Expired for Several Months** - On an on-going basis we receive personal and salon/booth licenses for renewal several months or a year after expiration. This means that many licensees are working without a personal or salon/booth license. The staff would like to suggest that the Commission review this subject and consider a policy or administrative rule about these extremely late licenses. We would like guidance about initialing a formal complaint for these individuals who are working without active licenses. Aaron Arnold will provide more information and this subject could be deferred to the March 11, 2016 meeting.
5. **KELO Television News Coverage** - Some Commission members are aware that Angela Kennecke of KELO has done two news stories on D N Nails Salon and on-going subjects related to the cosmetology profession. If you have not had the opportunity to view these news reports, you can go to the KELO website and click on the Angela Kennecke link. If you have trouble finding them, contact our office and we will direct you to the proper link or email the link to you.