

SOUTH DAKOTA COSMETOLOGY COMMISSION

Minutes

January 24, 2007

The regular meeting of the Cosmetology Commission was called to order by President Jacquelyn Dahlquist on Wednesday, January 24, 2007, at 8:05 a.m. in the Cosmetology office, Pierre, South Dakota.

Roll call was taken by Secretary/Treasurer Lois Porch, with the following members present: Jacquelyn Dahlquist, Ila Davis, Dorothy Johnson (by teleconference), Lois Porch, and Nora Slykhuis. Staff present: Executive Director Susan Monge. Others present: Todd Kolden, Department of Labor, Shannon George-Larson, Department of Labor, and Steve Blair, Attorney General's office.

Minutes

A MOTION WAS MADE by Lois Porch, seconded by Ila Davis, to accept the minutes of November 13, 2006. The motion passed.

Treasurer's Report

Lois Porch reported that as of 12/13/06 the available budget was \$102,147.30 and the cash center balance \$38,332.

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

Executive Director's Report

Monge reported on numerous issues. See attachment #1.

It was decided to send Dahlquist and Davis to the NIC Region 4 meeting in Missoula, Montana on April 21-22, 2007 .

Disciplinary Actions

Monge asked that this be held until our attorneys arrive. They were not able to attend until after 9:00 a.m.

Old Business

2007 Proposed Legislation

Monge reported that our two bills, HB 1040 and HB 1041, were received by the House. They both passed the Commerce Committee. HB1040 which is the manager/instructor changes is waiting to go to the House floor for vote. HB1041 was heard by the Governmental Operations and Audit Committee yesterday (January 23rd). Monge and Dahlquist testified. The bill was deferred until Monge could provide further financial documentation.

Inspection report and criteria

A letter was mailed to all salon and booth owners informing them of the inspection report changes. Monge, Dahlquist, and Davis will be meeting with the inspector on January 28-29 for training..

NIC National Meeting in 2007

The national meeting arrangements are moving along. Monge has send out letters asking for donations to the gift bags and the reception.

New Business

Massage Therapy Board meeting

Monge and Dahlquist plan to meet with the president and director of the massage therapy board to discuss scope of practice and how to notify our licensees of the changes.

School Inspection Report

The Commission reviewed the school inspection report. It is similar to last year. The student station inspection reports will only be one page instead of three copies. The one page will be given to the school instructors to follow-up with their students. This report will be discussed with the inspectors and then sent to the schools before the inspections.

The Commission did direct Monge to send a letter to the schools. Any instructor teaching or overseeing electric files or microdermabrasion must have completed the required continuing education for those services. Monge was to refer them to the continuing education rules.

Disciplinary actions

Case M-2006. Monge reported that Rene Stolsmark who had signed a consent order with the Commission on September 13, 2006, has not paid the costs of \$1,944. The Commission directed George-Larson to seek all legal means to collect the costs from Rene Stolsmark.

Case I-2006. George-Larson presented a Settlement Agreement to the Commission. Copies of the agreement were distributed to and read by the Commission.

Case V-2006. George-Larson presented a Consent Order to the Commission. Copies of the order were distributed to and read by the Commission.

A MOTION WAS MADE by Nora Slykhuis, seconded by Lois Porch, to go into executive session to consult with counsel regarding Case I-2006 and Case V-2006 at 9:25 a.m. The motion passed.

A MOTION WAS MADE by Lois Porch, seconded by Nora Slykhuis, to come out of executive session at 9:35 a.m. The motion passed.

A MOTION WAS MADE by Nora Slykhuis, seconded by Lois Porch, to approve the Settlement Agreement of Case I-2006. A voice vote was taken: Dahlquist – yes, Davis – abstain, Johnson – abstain, Porch – yes, and Slykhuis – yes. The motion passed.

A MOTION WAS MADE by Lois Porch, seconded by Nora Slykhuis, to approve the Consent Order of Case V-2006. A voice vote was taken: Dahlquist – yes, Davis – abstain, Johnson – abstain, Porch – yes, and Slykhuis – yes. The motion passed.

Case G-2006. Monge received a letter from Sang Tran. He is requesting to appeal the Commission's decision from his hearing in November 2006. The Commission reviewed the letter. Assistant Attorney General Blair state that he would reply to the letter since the appeal process was not in the jurisdiction of the Commission.

Monge state that Mr. Tran submitted his application for a nail technician license. The Commission stated in its decision from the November 2006 hearing that Mr. Tran could apply for a nail technician license, but if approved, the license would then be suspended for six months. The Commission reviewed the application.

Monge state that a separate letter was received from Mr. Tran that asked the Commission to allow him to pay his assessed hearing costs in different payments. His hearing costs were \$1277.00. The Commission reviewed the letter.

A MOTION WAS MADE by Lois Porch, seconded by Nora Slykhuis, to approve the nail technician application for Sang Tran, but not to send the license to him until the six month suspension has ended. The motion passed.

Case K-2006. Monge stated that a separate letter was received from Ms. Linda Dinh that asked the Commission to allow her to pay her assessed hearing costs in different payments. Her hearing costs were \$1277.00. Ms. Dinh's hearing was in November 2006. The Commission reviewed the letter.

A MOTION WAS MADE by Ila Davis, seconded by Dorothy Johnson, to allow Sang Tran and Linda Dinh to make two separate payments with one payment due on March 1, 2007 and the second payment due on April 1, 2007. The motion passed.

Safety and Infection Protection course development

This was tabled until a future meeting.

Next Meeting and State Boards

The next meeting is scheduled for March 26-27, 2007.

Adjournment

A MOTION WAS MADE by Nora Slykhuis, seconded by Ila Davis, to adjourn. The motion passed. The meeting adjourned at 10:20 a.m.

Respectfully submitted by:

Susan Monge, Recording Secretary and _____
Lois Porch, Secretary/Treasurer

Attest:

Jackie Dahlquist, President

Ila Davis, Vice-President

Dorothy Johnson, Member

Nora Slykhuis, Member

EXECUTIVE DIRECTOR'S REPORT – January 24, 2007

1. The schools sent in the information on their electric file classes. I reviewed the information and ask the education committee for their input.
2. The Professional Beauty association has sent a letter to the Commission. They are requesting a comprehensive list of our salons and cosmetologists. They are developing a national census of licensed salons and cosmetologists.
3. Vicki Shull was hired as the Rapid City inspector to replace Sandi Laskowski.
4. In-state lodging reimbursement will increase on July 1 to \$46.50.
5. A licensee sent in a request to use a color bar in her salon. Dahlquist and Monge felt it met our requirements.
6. Dahlquist and Monge excused a candidate from the January tests. The candidate had received a beauty show packet and ticket last fall before she graduated or was scheduled for the examination. The show fell the same time as the examination.