

Meeting Minutes
SOUTH DAKOTA COSMETOLOGY COMMISSION
123 W Missouri Ave, Pierre, South Dakota
January 24, 2020 (CST)

President Crystal Carlson called the meeting to order at 8:30 am.

Secretary-Treasurer Tami Stokes read the roll and a quorum was established.

Members Present: Crystal Carlson
Renee Graf
Debbie Pageler
Annette Petersen
Tami Stokes

Members Absent: N/A

Others Present: Kate Boyd, Executive Director
Teresa Diederich, Program Assistant 1
Nichole Finch, Paul Mitchell The School Rapid City
Danielle Bouwman, Stewart School, via teleconference
Angela Larson, LATI, via teleconference

Executive Director Kate Boyd withdrew the four petitions for declaratory ruling and noted they will be resubmitted for the April meeting. Debbie Pageler made a motion to approve the agenda as amended. Tami Stokes seconded the motion. **MOTION PASSED.**

Crystal Carlson made a motion to approve the minutes of the December 6, 2019 meeting. Annette Petersen seconded the motion. **MOTION PASSED.**

Treasurer Tami Stokes stated the available funds balance is \$183,731.30 and the cash center balance is \$116,201.52. Executive Director Kate Boyd noted that the fee increases went into effect 1/1/20, so we should start seeing the cash center balance increasing.

The Executive Director's Report was included in the meeting handouts and included the following information: (1) Legislative Update of three bills that affect the Commission or our licensees; (2) School name change from Headlines Academy to Paul Mitchell The School Rapid City; (3) Black Hills Beauty College is being sold effective March 1, 2020 and there will be a new name, The Salon Professional Academy (TSPA); (4) Information for Commission members on the two NIC meetings being held in 2020; and (5) report of lapsed license disciplinary action fees. A copy of the Executive Director's Report is attached to these minutes.

Case G- 2019 -- Crystal Carlson made a motion to approve the Consent Agreement for the following items:

- a) Southeastern Hair Design and Day Spa's salon license will be suspended for a period of 14 days beginning February 14, 2020.
- b) The 14 days of suspension will be held in abeyance for a period of one year and the salon license will not be actively suspended so long as the following conditions are observed:
 - a. Ms. Donley will pay \$500 by February 14, 2020.

- b. Southeastern Hair Design and Day Spa will be subject to no more than four unannounced inspections for a period of one year from the date the agreement is accepted by the Commission.
- c. Comply with all laws and regulations of the Commission.

Debbie Pagler seconded the motion. **MOTION PASSED.**

Case H 2019 -- Tami Stokes made a motion to approve the Consent Agreement for the following items:

- a) Ghusoon Al Hachama's personal license will be suspended for a period of 7 days beginning February 14, 2020.
- b.) The 7 days of suspension will be held in abeyance for a period of one year and her personal license will not be actively suspended so long as the following conditions are observed:
 - a. Ms. Al Hachama will pay \$50 by February 14, 2020.
 - b. Comply with all laws and regulations of the Commission.

Annette Petersen seconded the motion. **MOTION PASSED.**

Case J- 2019 -- Crystal Carlson made a motion to approve the Consent Agreement for the following items:

- a) Sandy's Beauty Salon's salon license will be suspended for a period of 30 days beginning February 14, 2020.
- b) The 30 days of suspension will be held in abeyance for a period of one year and her personal license will not be actively suspended so long as the following conditions are observed:
 - a. Ms. Escuita will pay \$350 by February 14, 2020, and \$350 by March 14, 2020.
 - b. Sandra Escuita and any Cosmetologists, nail technicians or estheticians working at Sandy's Beauty Salon shall take and pass the Infection Control Online Class sponsored by Milady.
 - c. Sandy's Beauty Salon will be subject to no more than four unannounced inspections for a period of one year from the date the agreement is accepted by the Commission.
 - d. Comply with all laws and regulations of the Commission.

Debbie Pageler seconded the motion. **MOTION PASSED.**

Lapsed Case 18 2019 -- Crystal Carlson made a motion to approve the Consent Agreement for the following items:

- a) Dani Dahme's personal license will be suspended for a period of 10 days beginning February 14, 2020.
- b) The 10 days of suspension will be held in abeyance for a period of one year and her personal license will not be actively suspended so long as the following conditions are observed:
 - a) Ms. Dahme will pay \$125 by February 14, 2020.
 - b) Comply with all laws and regulations of the Commission.

Renee Graf seconded the motion. **MOTION PASSED.**

Lapsed Case 19-2019 Case H 2019 -- Crystal Carlson made a motion to approve the Consent Agreement for the following items:

- a) Colley Cuts Salon license will be suspended for a period of 15 days beginning February 14, 2020.
- b) The 15 days of suspension will be held in abeyance for a period of one year and her personal license will not be actively suspended so long as the following conditions are observed:
 - a) Mr. Colley will pay \$125 by February 14, 2020 and \$100 by March 14, 2020.
 - b) Comply with all laws and regulations of the Commission.

Debbie Pageler seconded the motion. **MOTION PASSED.**

Lapsed Case 21 2019 --Tami Stokes made a motion to approve the Consent Agreement for the following items:

- a) Tanya Peterson's personal license will be suspended for a period of 10 days beginning February 14, 2020.
- b) The 10 days of suspension will be held in abeyance for a period of one year and her personal license will not be actively suspended so long as the following conditions are observed:
 - a) Ms. Peterson will pay \$125 by February 14, 2020
 - b) Comply with all laws and regulations of the Commission.

Renee Graf seconded the motion. **MOTION PASSED.**

Lapsed Case 22-2019 -- Crystal Carlson made a motion to approve the Consent Agreement for the following items:

- a) Mandy Zerr's personal license will be suspended for a period of 15 days beginning February 14, 2020.
- b) The 15 days of suspension will be held in abeyance for a period of one year and her personal license will not be actively suspended so long as the following conditions are observed:
 - a) Ms. Zerr will pay \$250 by February 14, 2020
 - b) Comply with all laws and regulations of the Commission.

Annette Petersen seconded the motion. **MOTION PASSED.**

Lapsed Case 23-2019 -- Annette Petersen made a motion to approve the Consent Agreement for the following items:

- a) Tammy Merchen's personal license will be suspended for a period of 15 days beginning February 14, 2020.
- b) The 15 days of suspension will be held in abeyance for a period of one year and her personal license will not be actively suspended so long as the following conditions are observed:
 - a) Ms. Merchen will pay \$275 by February 14, 2020
 - b) Comply with all laws and regulations of the Commission.

Tami Stokes seconded the motion. **MOTION PASSED.**

Lapsed Case 24-2019 -- Debbie Pageler made a motion to approve the Consent Agreement for the following items:

- a) Kirsten Legrand's booth license will be suspended for a period of 15 days and her personal license will be suspended for a period of 10 days beginning February 14, 2020.
- b) The 15 and 10 days of suspension will be held in abeyance for a period of one year and her personal license will not be actively suspended so long as the following conditions are observed:

- a) Ms. Legrand will pay \$275 by February 14, 2020
- b) Comply with all laws and regulations of the Commission.

Renee Graf seconded the motion. **MOTION PASSED.**

Lapsed Case 25-2019 -- Crystal Carlson made a motion to approve the Consent Agreement for the following items:

- a) Amanda Harr's booth license will be suspended for a period of 5 days beginning February 14, 2020.
- b) The 5 days of suspension will be held in abeyance for a period of one year and her personal license will not be actively suspended so long as the following conditions are observed:
 - a) Ms. Harr will pay \$100 by February 14, 2020
 - b) Comply with all laws and regulations of the Commission.

Renee Graf seconded the motion. **MOTION PASSED.**

Lapsed Case 26-2019 -- Crystal Carlson made a motion to approve the Consent Agreement for the following items:

- a) Main Attractions by Kim's salon license will be suspended for a period of 5 days beginning February 14, 2020.
- b) The 5 days of suspension will be held in abeyance for a period of one year and her personal license will not be actively suspended so long as the following conditions are observed:
 - a) Ms. Swayze will pay \$100 by February 14, 2020
 - b) Comply with all laws and regulations of the Commission.

Debbie Pageler seconded the motion. **MOTION PASSED.**

Lapsed Case 27-2019 -- Annette Petersen made a motion to approve the Consent Agreement for the following items:

- a) Aimee Nonnast's personal license will be suspended for a period of 10 days beginning February 14, 2020.
- b) The 10 days of suspension will be held in abeyance for a period of one year and her personal license will not be actively suspended so long as the following conditions are observed:
 - a) Ms. Nonnast will pay \$125 by February 14, 2020
 - b) Comply with all laws and regulations of the Commission.

Renee Graf seconded the motion. **MOTION PASSED**

Lapsed Case 28-2019 -- Crystal Carlson made a motion to approve the Consent Agreement for the following items:

- a) Brookes Schultz's booth license will be suspended for a period of 10 days beginning February 14, 2020.
- b) The 10 days of suspension will be held in abeyance for a period of one year and her personal license will not be actively suspended so long as the following conditions are observed:
 - a) Ms. Schultz will pay \$125 by February 14, 2020
 - b) Comply with all laws and regulations of the Commission.

Debbie Pageler seconded the motion. **MOTION PASSED.**

Lapsed Case 29-2019 -- Annette Petersen made a motion to approve the Consent Agreement for the following items:

- a) Lindsey Faini's booth license will be suspended for a period of 15 days beginning February 14, 2020.
- b) The 15 days of suspension will be held in abeyance for a period of one year and her personal license will not be actively suspended so long as the following conditions are observed:
 - a) Ms. Schultz will pay \$225 by February 14, 2020
 - b) Comply with all laws and regulations of the Commission.

Crystal Carlson seconded the motion. **MOTION PASSED.**

Lapsed Case 30-2019 -- Debbie Pageler made a motion to approve the Consent Agreement for the following items:

- a) Kathryn Ellingson's personal license will be suspended for a period of 5 days beginning February 14, 2020.
- b) The 5 days of suspension will be held in abeyance for a period of one year and her personal license will not be actively suspended so long as the following conditions are observed:
 - a) Ms. Ellingson will pay \$100 by February 14, 2020
 - b) Comply with all laws and regulations of the Commission.

Crystal Carlson seconded the motion. **MOTION PASSED.**

Lapsed Case 31-2019 -- Annette Petersen made a motion to approve the Consent Agreement for the following items:

- a) Carmen Van Dyke's booth license will be suspended for a period of 5 days beginning February 14, 2020.
- b) The 5 days of suspension will be held in abeyance for a period of one year and her personal license will not be actively suspended so long as the following conditions are observed:
 - a) Ms. Van Dyke will pay \$100 by February 14, 2020
 - b) Comply with all laws and regulations of the Commission.

Tami Stokes seconded the motion. **MOTION PASSED.**

Lapsed Case 32-2019 -- Crystal Carlson made a motion to approve the Consent Agreement for the following items:

- a) The Mop Shop's salon license will be suspended for a period of 10 days beginning February 14, 2020.
- b) The 10 days of suspension will be held in abeyance for a period of one year and her personal license will not be actively suspended so long as the following conditions are observed:
 - a) Ms. Van Dyke will pay \$125 by February 14, 2020
 - b) Comply with all laws and regulations of the Commission.

Renee Graf seconded the motion. **MOTION PASSED.**

Lapsed Case 33-2019 -- Annette Petersen made a motion to approve the Consent Agreement for the following items:

- a) Nancy Soll's personal license will be suspended for a period of 10 days beginning February 14, 2020.

- b) The 10 days of suspension will be held in abeyance for a period of one year and her personal license will not be actively suspended so long as the following conditions are observed:

- a) Ms. Soll will pay \$125 by February 14, 2020
- b) Comply with all laws and regulations of the Commission.

Tami Stokes seconded the motion. **MOTION PASSED.**

There were no public comments.

Executive Director Boyd informed the Commission that NIC is in the process of developing written practical examinations for all the license types we currently test using the NIC hands-on practical examination. The new written practical exams will be rolled out July 1, 2020. The exams questions will give a scenario and the applicant must choose the correct answer. It is our understanding that there will be a Candidate Information Bulletin for this exam, as there is for the hands-on practical and the theory exam. Our commission could choose to discontinue use of the current hands-on practical exam and start using the written practical when it becomes available. She said that she is researching computer-based test options in Sioux Falls, Watertown and Rapid City so that candidates will not be required to come to Pierre for any of the exams.

Crystal Carlson made a motion to discontinue use of the current NIC hands-on practical examination and begin using the NIC written practical examination when it becomes available July 1, 2020. Renee Graff seconded the motion. **MOTION PASSED.** (Carlson yea; Graf yea; Pageler yea; Petersen yea; Stokes abstain).

The Commission reviewed the draft inspection reports several additions and clarifications were made. Tami Stokes made a motion to adopt the new salon/booth and school/student clinic floor inspection reports with the changes noted. Renee Graf seconded the motion. **MOTION PASSED.**

Annette Petersen made a motion to approve the school license renewal application for Black Hills Beauty College. Debbie Pageler seconded the motion. **MOTION PASSED.**

Annette Petersen made a motion to approve the new school application for The Salon Professional Academy, formerly Black Hills Beauty College. Debbie Pageler seconded the motion. **MOTION PASSED.**

Renee Graf made a motion to approve the apprentice application of Bradi Heinz at Revive Day Spa in Aberdeen. Tami Stokes seconded the motion. **MOTION PASSED.**

Debbie Pageler made a motion to approve the eyelash extension education provider application of Chantelle Duncan. Crystal Carlson seconded the motion. **MOTION PASSED.**

Tami Stokes made a motion to approve the student license application from the individual with felony convictions. Annette Petersen seconded the motion. **MOTION PASSED.**

The upcoming meetings and exam dates were reviewed. The Commission requested that the Watertown and Sioux Falls school visits and Commission meeting be rearranged to begin in Sioux Falls on Thursday afternoon and then drive to Watertown for the school visit and

Commission meeting Friday morning. Further it was agreed to change the July 24 Commission meeting date to mid-June. Friday, June 19 was suggested as a possibility. Members will check their personal calendars and confirm if they are available that day.

Out-of-State Travel Requests were handed out to the Commission for their use if they want to request to attend the April 24-26, 2020 NIC all Region Meeting in Biloxi, Mississippi or October 2-5, 2020 NIC Annual Conference in Lexington, Kentucky. It was noted that all out-of-state travel requests must be approved by the Department of Labor & Regulation Secretary. Two to three members are normally approved to attend each meeting, together with the Executive Director.

Crystal Carlson made a motion to adjourn. Debbie Pageler seconded the motion. **MOTION PASSED.**

President Crystal Carlson adjourned the meeting at 10:04 am.

Respectfully submitted,

Kate Boyd, Executive Director

Tami Stokes, Secretary-Treasurer

**SOUTH DAKOTA COSMETOLOGY COMMISSION
EXECUTIVE DIRECTOR'S REPORT**

January 24, 2020

1. **Legislative Update** – As of January 14, 2020, there are three legislative bills being introduced in the Legislative Session of interest to the Commission. Copies of these bills are included in the meeting packets and are briefly summarized below.

SB 10 – will allow the Cosmetology Commission to allow credit for general coursework completed in other programs or institutions, not specific to cosmetology, nail technology, or esthetics, to be applied to any course of study required for licensure with the Commission. The bill authorizes the Commission to establish criteria for accepting and applying the allowable credit.

Individuals who may be interested in this cross-over education for licensing with the Commission may include licensed massage therapists, makeup artists, barbers, or medical personnel.

SB 13 – is similar to SB 10, in that it allows the South Dakota Board of Barber Examiners to allow credit for general coursework completed in other programs or institutions, not specific to barbering, to be applied to any course of study required for certification with the Barber Board. The bill authorizes the Board to establish criteria for accepting and applying the allowable credit. A cosmetologist could attend a South Dakota school of barbering for the required hours and curriculum set by the Board of Barber Examiners to apply for a SD barber certificate.

SB 23 – will remove the high school education requirement to be licensed with the Cosmetology Commission. It does not change the minimum age of 17 to attend cosmetology school or minimum age of 18 to become fully licensed with the Commission.
2. **School Name Change** -- Peggy Sproat, owner of Headlines Academy, has informed the Commission that her school has become a Paul Mitchell School. The official school name is Paul Mitchell The School Rapid City. A school name change does not require a new school license.
3. **Sale of School** – Black Hills Beauty College (BHBC) is being purchased by Wendy Beaumont, effective March 1, 2020 and will have a new name, The Salon Professional Academy (T-SPA). The current license for Black Hills Beauty College expires February 1, 2020; therefore, the Commission meeting packets include a school license renewal application from BHBC and new school license application from T-SPA.
4. **2020 NIC All Region Meeting and Annual Conference** – Enclosed is a copy of the 2020 Meeting and Exam Calendar. Of special note are the two NIC Meetings being held in April in Biloxi, Mississippi and in October in Louisville, Kentucky. Out-of-state travel request forms will be available at the January 24 Commission meeting for any Commission member who wants to request approval to attend either of these meetings.
5. **Lapsed License Disciplinary Action Fees** – The Commission had asked the Violations Committee to revisit the fees that are proposed in consent agreements in lieu of license suspension. The fees begin at \$50 for a license lapsed two months, and an additional \$25 is added on for each additional month the license was lapsed. If the licensee has two lapsed licenses – personal license and salon/booth, we have only been imposing the fee for the license that has been lapsed the longest. In accordance with Commission direction at the September 20 Commission meeting, the Violations Committee recommends that the fee structure remain the same, but that if two licenses are lapsed, the fee for the license that has been lapsed the longest will be offered, together with 25% of what the monthly fee for the second license would be.