

**Meeting Minutes**  
**SOUTH DAKOTA COSMETOLOGY COMMISSION**  
**123 W Missouri Ave, Pierre SD**  
**March 20, 2017 8:30 am CST**

**A. Call to Order**

President Tammy Ugofsky called the meeting to order at 8:30 am.

**B. Roll Call**

Secretary-Treasurer Crystal Carlson read the roll.

**Members Present:** President Tammy Ugofsky, Lori Berreth, Laurie Brandner, Crystal Carlson, Lori Little.

**Members Absent:** N/A

**Staff Present:** Attorney Graham Oey, Executive Director Kate Boyd, Program Assistant Kelsey Skoglund.

**Others Present:** Joy Poloncic and Tom Poloncic-Black Hills Beauty College; Peggy Sproat and Cricket Rick-Headlines Academy; Angela Taylor, Katie VanBallegooyen and Matt Fiegen-Stewart School.

**C. February 24, 2017 Meeting Minutes**

It was noted that the Minutes of the February 24, 2017 meeting need to be amended to show the time that the Executive Session began at 10:20 am, ended at 11:13 am and the meeting adjourned at 11:17 am. Lori Berreth moved, seconded by Lori Little, to approve the February 24, 2017 meeting minutes as amended. **MOTION PREVAILED ON A VOICE VOTE.**

**D. Treasurer's Report**

Executive Director Kate Boyd reported that as of February 28, 2017 the available budget was \$73,713.46 and the cash center balance was \$221,702.76.

Crystal Carlson moved, seconded by Laurie Brandner, to approve the Treasurer's report.  
**MOTION PREVAILED ON A VOICE VOTE.**

**E. Executive Director's Report**

Executive Director Kate Boyd's written report included:

1. **Practical Examiner Position** - One of our practical examiners from the Rapid City Area has indicated that she will be unable to continue as an examiner. I would like to replace any of the examiners who choose to not move forward with individuals from the Pierre area, for two reasons:
  - Examiners from Pierre would be able to travel with staff to both sides of the state for exam administration. This would reduce mileage travel expense.
  - If the Commission decides to move the exams all back to Pierre in the future, our travel expenses would be reduced if we were using examiners who live in the Pierre area.

2. **Headlines Academy, Inc.** - One of the owners, Sandy Birmeier is selling her stock in Headlines to the other owner, Peggy Sproat. Sandy will continue on at the school on a part-time basis for the next few months as new personnel are trained.
3. **NIC Instructor Theory Examination** - NIC has released an updated Instructor Theory Examination. Our Commission needs to select a date of when you want to start using the updated Instructor Theory examination. I suggest that you vote to implement the new theory examination on April 1, 2017.

During the meeting, Tammy Ugofsky moved, seconded by Crystal Carlson, to implement use of the new NIC Instructor Theory examination effective April 1, 2017. **MOTION PREVAILED ON A VOICE VOTE.**

4. **Microblading** - The South Dakota Board of Medical and Osteopathic Examiners met on March 9, 2017 and one of their agenda items was the request for a declaratory ruling on the regulation of microblading. Graham Oey and I were present at the Pierre DDN site to observe the meeting. No formal decision was made at this meeting.
5. **Apprenticeship at Leo Thomas Salon, Rapid City** - Our office was contacted by Senior Instructor Holly Ringo from Leo Thomas Salon letting us know that her apprentice has decided to discontinue the apprenticeship program for personal reasons.

#### **F. Disciplinary Actions - N/A**

#### **G. Administrative Rules**

The Commission reviewed the proposed administrative rules changes.

One subject that was revisited during the meeting was adopting a rule requiring licensee continuing education. Laurie Little moved, seconded by Tammy Ugofsky, to not move forward with the implementation of licensee continuing education for renewal of a personal license.

**MOTION PREVAILED ON A VOICE VOTE.**

The staff will move forward with formatting the administrative rules in the proper format to begin the formal adoption process.

#### **H. Legislation Discussion - Cosmetology Education Hours, Request for Hair Design License and Request for Early Testing**

The Commission discussed seeking legislation in the 2018 Legislative Session to reduce the current 2100 hours of cosmetology education to a lower number. The draft proposal from the staff was for a 1500 program. Cosmetology schools present at the meeting gave their input, with some of the schools being of the opinion that the cosmetology education hours should be more than 1500, anywhere from 1600-1800 hours. The subject of a hair design license and request for early testing will be dealt with when the Commission develops a draft legislative bill. No action was taken at this meeting. The Commission will need to provide direction to the staff

at the May 5, 2017 meeting so that a draft bill can be developed for the Commission's consideration and vote at the July 14, 2017 meeting.

There was further discussion about cosmetology education hours and practical examination testing.

Cosmetology reciprocity applicants are not required to take the practical hands-on examination in South Dakota if they took a State-administered practical examination in one of the states where they are or were previously licensed. The Commission has a standing policy that if a cosmetologist seeks reciprocity from a state that does not require a Board-administered practical hands-on examination, the practical exam is waived if the cosmetologist reciprocity applicant has three or more years of experience and the license certification(s) do not show any disciplinary action from the other state(s).

Lori Little moved, seconded by Laurie Brandner, to reduce the number of years of licensing from three years to one year for waiving the practical examination for those reciprocity cosmetology applicants who come from a state that did not require a State Board-administered practical hands-on examination, provided the certification(s) do not show any disciplinary action. **MOTION PREVAILED ON A VOICE VOTE.**

Laurie Brandner moved, seconded by Lori Little, to eliminate the practical examination for cosmetology effective July 1, 2017, with the cosmetology schools administering a hands-on practical examination, with a Commission or staff member monitoring the examination.

Crystal Carlson moved to amend the motion, seconded by Lori Little to include the nail technician and esthetician practical examinations as well. **MOTION TO AMEND THE MAIN MOTION PREVAILED ON A VOICE VOTE.**

A substitute motion was offered by Crystal Carlson, seconded by Lori Little to have the staff consider the feasibility of eliminating the practical examination, with the schools administering a practical examination. The staff will make a report at the May 5, 2017 Commission meeting on whether or not it is feasible to eliminate the Commission-administered practical examinations, and if so, a recommended motion for the Commission's consideration. **MOTION PREVAILED ON A VOICE VOTE.**

## **I. Referral of Applications to the Commission**

**I. 1. Nancy Nguyen - Reciprocity Applicant** - The details related to Nancy Nguyen's reciprocity application are:

Ms. Nguyen submitted a reciprocity application dated 7/18/16. The application was incomplete in the Education section. Ms. Nguen also stated that she has only been licensed in Florida and Texas. She also answered no, that she had never had her license(s) suspended or revoked.

Commission staff mailed Ns. Nguen a second application and reminded her that, "you need to truthfully and honestly answer all questions."

Commission office received a second application dated 9/30/16. While the education section was completed, but once again the application stated Florida and Texas were the only states in which Ms. Nguyen have been licensed. She also stated, no, that she had never had a license(s) suspended or revoked.

The Commission staff became aware that Ms. Nguyen had previously been licensed in North Carolina and Oklahoma and that her license in Oklahoma was revoked due to submission of fraudulent documents from Puerto Rico. Due to the untruthful statements contained on both applications, her application for reciprocity was referred to the Commission for their review and action.

Both applications were signed by Ms. Nguyen under the application statement: *“I declare and affirm under the penalties of perjury that this information has been examined by me and to the best of my knowledge and belief, is, in all things true and correct. If granted a license to practice Cosmetology, Esthetics, or Nail Technology in the State of South Dakota, I promise to abide by all the laws of the State of South Dakota governing these practices.”*

Tammy Ugofsky moved, seconded by Lori Berreth, to deny Nancy Nguyen’s reciprocity application and inform her that she cannot reapply for a South Dakota license for five years.

**MOTION PREVAILED ON A VOICE VOTE.**

**I. 2. Brooke Brugger - Out-of-State Education Applicant** - Brooke Brugger requested that the Commission accept her 600 hours of esthetics education directly from Minnesota State Southeast Technical College in Winona, Minnesota. The Minnesota Board of Cosmetology will not certify education hours, only licensure. Ms. Brugger would like to take her Esthetics State Board examinations in South Dakota instead of Minnesota. She would like to take the South Dakota State Board examinations.

Crystal Carlson moved, seconded by Laurie Brandner, to accept Brook Brugger’s 600 esthetics education hours directly from her Minnesota State Southeast Technical College in Winona, Minnesota. **MOTION PREVAILED ON A VOICE VOTE.**

## **L. Adjourn**

Lori Little moved, seconded by Crystal Carlson to adjourn. **MOTION PREVAILED ON A VOICE VOTE.**

The meeting was adjourned at 1:30 pm.

Respectfully submitted,