

## **SOUTH DAKOTA COSMETOLOGY COMMISSION**

### **Minutes**

**March 26, 2007**

The regular meeting of the Cosmetology Commission was called to order by President Jacquelyn Dahlquist on Monday, March 26, 2007, at 5:00 p.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, Lois Porch, and Nora Slykhuis. Staff present: Executive Director Susan Monge. Others present: Shannon George-Larson, Department of Labor; Angela Hansen, Stewart School; Jean Ann Hentges, Stewart School; and Molly Sterk, Stewart School.

#### **Minutes**

**A MOTION WAS MADE** by Ila Davis, seconded by Nora Slykhuis, to accept the minutes of January 24, 2007. The motion passed.

**A MOTION WAS MADE** by Dorothy Johnson, seconded by Nora Slykhuis, to accept the minutes of the February 16, 2007 teleconference. The motion passed.

#### **Treasurer's Report**

Lois Porch reported that as of 2/28/07 the available budget was \$75,168.55 and the cash center balance \$54,176.41.

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

Dahlquist stated that the agenda would change and Stewart School would be addressed first.

#### **Stewart School Proposed Branch School**

The Commission reviewed the application and required documentation for the proposed Stewart branch school. The opening date is tentatively set for April 2, 2007. Slykhuis and inspector Noreen Johnson inspected the proposed school site on March 21, 2007. Slykhuis gave a verbal report and stated that there were areas that still needed completion. Monge verbally reviewed Johnson's written inspection report which reflected Slykhuis' verbal report.

Angela Hansen and Jean Ann Hentges answered questions from the Commission and the inspections reports. Hansen and Hentges did not have the answers to all the questions asked. They stated that the March 21<sup>st</sup> inspection missed some items that were on site.

Monge suggested that before the school opens another inspection be done by inspector Johnson with Hentges on hand to answer all questions. Then a third inspection be done after the school opens with the students on site.

**A MOTION WAS MADE** by Lois Porch, seconded by Nora Slykhuis, to approve the Stewart branch school license pending passage of two inspections. The motion passed.

#### **Executive Director's Report**

Monge reported on numerous issues. See attachment #1.

Regarding the microdermabrasion request, the licensees who are already certified for microdermabrasion may apply as microdermabrasion providers and then instruct. They will have to comply with all requirements of a provider.

Regarding the Department of Health flu flyer, Monge was directed to obtain the flyers and have the inspectors distribute them to the salons.

Regarding the school renewal form, Monge was directed to design a simple form and to present it to the Commission at the next meeting for review. The Commission is concerned that the schools are making changes from the original application and not informing the Commission of these changes.

Regarding the reciprocity questions, Monge is directed to check with Minnesota to see what their original requirements for high school documentation were in 1968. If Minnesota shows that they accepted documentation originally, and there is proof the applicant has had a license for over thirty years the Commission may grant a waiver. The Commission does accept the NIC Vietnamese theory test as long as the other state will certify the test was taken and passed.

#### **Disciplinary actions**

Case U-2006. Monge presented a Consent Order to the Commission regarding working without an instructor license. Copies of the agreement were distributed to and read by the Commission.

Case T-2006. Monge presented a Consent Order to the Commission regarding the filing of a fictitious business name with the Minnehaha County Registrars office. Copies of the agreement were distributed to and read by the Commission.

Case A-2007. Monge presented a Consent Order to the Commission regarding working with a student license in a salon. Copies of the order were distributed to and read by the Commission.

#### **Executive Session**

**A MOTION WAS MADE** by Ila Davis, seconded by Lois Porph, to go into executive session to consult with counsel regarding Cases U-2006, T-2006, and A-2007 at 6:15 p.m. The motion passed.

#### **Out of Executive Session**

**A MOTION WAS MADE** by Nora Slykhuis, seconded by Dorothy Johnson, to come out of executive session at 6:23 p.m. The motion passed.

**A MOTION WAS MADE** by Lois Porph, seconded by Dorothy Johnson, to approve the Consent Order for Case U-2006. A voice vote was taken: Dahlquist – yes, Davis – abstain, Johnson – yes, Porph – yes, and Slykhuis – yes. The motion passed.

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

**A MOTION WAS MADE** by Lois Porch, seconded by Dorothy Johnson, to approve the Consent Order of Case A-2007. A voice vote was taken: Dahlquist – yes, Davis – abstain, Johnson – yes, Porch – yes, and Slykhuis – yes. The motion passed.

**Executive Session**

**A MOTION WAS MADE** by Lois Porch, seconded by Ila Davis, to go into executive session to consult with counsel regarding Case M-2006 at 6:26 p.m. The motion passed.

**Out of Executive Session**

**A MOTION WAS MADE** by Ila Davis, seconded by Nora Johnson, to come out of executive session at 6:38 p.m. The motion passed.

**A MOTION WAS MADE** by Dorothy Johnson, seconded by Lois Porch, to table any action until a later time. The motion passed.

**Old Business**

**2007 Proposed Legislation**

Monge reported that our two bills, HB 1040 and HB 1041, were passed by the Legislature and signed by the Governor. The new laws will go into effect on July 1, 2007.

**Inspection report and criteria**

A meeting will be held with the inspectors, Monge, Dahlquist, and Davis in April to discuss the new inspection reports.

**NIC National Meeting in 2007**

Duties were assigned to various commissioners. Davis, Slykhuis, and Porch will coordinate the tours. Johnson and Dahlquist will plan the welcoming reception. They will report on their assignments at the next meeting. The registration materials are scheduled to be sent out at the end of May.

**School Inspection Report**

Dahlquist, Slykhuis, and Monge held a teleconference with representatives of each school and the inspectors on February 26, 2007. The criteria and school inspection report were reviewed and questions answered.

**New Business**

**Proposed rules**

The Commission discussed the draft of the proposed rules. Monge stated that the rules need to be ready to go into effect on July 1, 2007 due to the fee changes in the law.

The Commission set Wednesday, May 9 as the date for the public hearing. Monge was directed to start the rules process.

**Additional Meeting Dates**

Monday, June 4, 2007 was set as a testing date for nails and esthetics. Only cosmetology would be tested on May 7 and 8. Further testing dates would be set as the need arises.

**Field Trip Approvals**

**A MOTION WAS MADE** by Dorothy Johnson, seconded by Ila Davis, to approve the field trips for Headlines Academy and Black Hills Beauty College – Rapid City. The motion passed.

**Electric files courses**

The Commission discussed the required electric file course and possible providers. Headlines Academy has indicated that they are interested in being a provider.

**Headlines Academy Proposed Nail Program**

Dahlquist gave a review of her site visit to the Headlines Academy proposed nail technician program. Monge read inspector Vicki Shull's two inspection reports. Dahlquist suggested that Shull inspect again after the program is started.

**A MOTION WAS MADE** by Lois Porch, seconded by Nora Slykhuis, to approve the Headlines Academy Nails Program. The motion passed.

**ICLO – International Cosmetology Licensing Organization Request**

Monge suggested that this subject be discussed at the next meeting.

**Next Meeting and State Boards**

The next meeting is scheduled for May 7-9, 2007.

**Adjournment**

**A MOTION WAS MADE** by Lois Porch, seconded by Dorothy Johnson, to adjourn. The motion passed. The meeting adjourned at 8:45 p.m.

Respectfully submitted by:

\_\_\_\_\_  
Susan Monge, Recording Secretary      and      \_\_\_\_\_  
Lois Porch, Secretary/Treasurer

Attest:

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Jackie Dahlquist, President

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Ila Davis, Vice-President

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Dorothy Johnson, Member

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Nora Slykhuis, Member

**EXECUTIVE DIRECTOR'S REPORT – March 26, 2007**

1. I am distributing the current list of schools and their days/hours of operation.
2. A licensee has asked verbally if the commission will approve microdermabrasion taught by other licensee's in her salon.
3. Update – GOAC (Governmental Operations and Audit Committee of the Legislature) is still looking at creating a Board and Commission Litigation Reserve Fund.
4. I propose that we work with the Department of Health and distribute their flyers regarding the prevention of the spread of flu, etc. The inspectors could distribute the flyers.
5. We need to meet with the Massage Therapy board. Perhaps Dahlquist could set a date to meet in Pierre? The MT president and executive are located in Pierre.
6. Do we need a school renewal form that the schools complete and submit when they renew their licenses? This would then allow the commission to see the changes that schools are incorporating in their schedules, curriculum, teaching staff, etc.
7. Two reciprocity questions:
  - a. A letter has been received from a person seeking reciprocity from Minnesota. She has had her license since 1968. She is originally from England and cannot produce documentation of high school or GED. She requests to be excused from this requirement.
  - b. Two persons took the NIC Vietnamese theory test in the State of Washington. They are asking if South Dakota will accept this test.