

Meeting Minutes
SOUTH DAKOTA COSMETOLOGY COMMISSION
Sioux Falls and Watertown, South Dakota
April 27, 2018 (CDT)

President Tammy Ugofsky called the meeting to order at 9:05 am on Friday, April 27, 2018 at Stewart School located at 604 N West Avenue, Sioux Falls, South Dakota.

Secretary-Treasurer Crystal Carlson read the roll and a quorum was established.

Members Present: Crystal Carlson
Lori Little
Debbie Pageler
Tami Stokes
Tammy Ugofsky

Others Present: Executive Director Kate Boyd
Angela Taylor, Stewart School
Katie Ballegooyen, Stewart School
Caitlin Hoogland, Stewart School

The Commission toured Stewart School classrooms & observed students and met with Stewart School representatives Angela Taylor, Katie Ballegooyen and Caitlin Hoogland.

Lori Littee made a motion to recess and reconvene at 1:00 pm at Lake Area Technical School in Watertown. Crystal Carlson seconded the motion. **MOTION PASSED.**

The meeting was recessed at 10:20 am.

President Tammy Ugofsky called the meeting back to order at 1:00 pm at Lake Area Technical School (LATI) located at 1201 Arrow Avenue, Watertown.

Secretary-Treasurer Crystal Carlson read the roll and a quorum was established.

Members Present: Crystal Carlson
Lori Little
Debbie Pageler
Tami Stokes
Tammy Ugofsky

Others Present: Executive Director Kate Boyd
Shawn Venjohn, LATI Cosmetology Program
Rachael Maag, LATI Cosmetology Program
Angela Larson, LATI Cosmetology Program
Liz Lloyd, LATI Cosmetology Program

The Commission toured LATI Cosmetology Program classrooms & observed students and met with LATI Cosmetology Program representatives Shawn Venjohn, Rachael Maag, Angela Larson and Liz Lloyd.

A short recess was taken at 2:00 pm

President Tammy Ugofsky called the meeting back to order at 2:15 pm.

Secretary-Treasurer Crystal Carlson read the roll and a quorum was established.

Members Present: Crystal Carlson
Lori Little
Debbie Pageler
Tami Stokes
Tammy Ugofsky

Others Present: Executive Director Kate Boyd
Graham Oey, Staff Attorney, Department of Labor & Regulation
Kelsey Skoglund, Cosmetology Commission Staff, via phone
Shawn Venjohn, LATI Cosmetology Program
Rachael Maag, LATI Cosmetology Program
Angela Larson, LATI Cosmetology Program
LATI Cosmetology Program Students
Fallon Helm, Revive Day Spa
Ashley Veen, Revive Day Spa
Tara Mortland, Revive Day Spa
Amanda Steiner, Revive Day Spa
Rebecca Wells, Revive Day Spa

Lori Little asked for Election of a new Vice President to be added to the agenda under Other Business and Graham Oey asked to add one Disciplinary Action case under Other Business.

Lori Little moved approval of the agenda as amended. Crystal Carlson seconded the motion.
MOTION PASSED.

Lori Little pointed out two corrections to the February 9, 2018 meeting minutes. Lori Little moved approval of the February 9, 2018 Commission meeting minutes as amended. Crystal Carlson seconded the motion. **MOTION PASSED.**

Treasurer Crystal Carlson reported that as of March 31, 2018 the available cash balance is \$31,311 and the Cash Center balance is \$175,901.

Executive Director Kate Boyd's report was included in the Commission meeting packet and is attached to these Minutes. The items reports on included: (1) Welcome two new Commission member who were appointed by the Governor effective April 15, 2018, (2) 2108 Legislative Session Recap, (3) Possible administrative rules changes regarding microdermabrasion

equipment, chemical peels and other procedures, (4) NIC Conference October 6-8, 2018 in Seattle, Washington, (5) Instructor State Laws Exam, (5) Request from a licensee, Kandra Walsh, for the Commission to consider allowing mobile salons in South Dakota, and (7) Report of the NIC Executive Directors & All Region Meeting held in Charlotte, North Carolina April 19-22, 2018.

Case N-2017- Crystal Carlson made a motion to approve the Consent Agreement for Case N-2017 with the following terms:

- a. Rock Star Nails and Spa license, Lic. #NS-08614, will be suspended for a period of 14 days;
 - 1) Pursuant to SDCL 36-15-58.5 the Commission imposes a monetary penalty of \$1,000.00 for the immediate reinstatement of Rock Star Nails and Spa's license to be paid prior to July 2, 2018;
- b. Provided the condition in a.1 is met, the 14 days of suspension for Rock Star Nails and Spa's license will be held in abeyance for a period of 1 year, beginning on the effective date of this agreement, so long as the following conditions are met:
 - 1) Rock Star Nails and Spa complies with all laws and regulations relating to its profession under SDCL chapter 36-15 and ARSD article 20:42; and
 - 2) Rock Star Nails and Spa accepts that it will be subject to additional inspections for a period of 1 year from the effective date of this agreement. Mr. Do, as owner of the salon, will make a onetime payment to the Commission for the additional expenses of the inspections in the amount of \$350.00 by July 2, 2018.

Tammy Ugofsky seconded the motion. **MOTION PASSED.**

Case O-2017- Tammy Ugofsky made a motion to approve the Consent Agreement for Case O-2017 with the following terms:

- a. Ronni Pospisil Booth license, Lic. #NB-08674, will be suspended for a period of 15 days with 15 days being held in abeyance; Ronni Pospisil Booth's license will not actively be suspended.
- b. The 15 days of suspension for the booth license will be held in abeyance for a period of 1 year, beginning on the effective date of this agreement, so long as the following conditions are met:
 - 1) Ronni Pospisil Booth will comply with all laws and regulations relating to her profession under SDCL chapter 36-15 and ARSD article 20:42 for a period of 1 year beginning on the effective date of this agreement;
 - 2) Pursuant to SDCL 36-15-58.5 the Commission imposes a monetary penalty of \$225.00, as a condition for the immediate reinstatement of the booth license, to be paid prior to March 1, 2018.

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

Lapsed Case 5-2018- Crystal Carlson made a motion to approve Lapse Case 5-2018 Consent Agreement with the following terms:

- a. Tesia Walker Booth license, Lic.#CB-07383, will be suspended for a period of 10 days beginning May 31, 2018.
- b. The 10 days of suspension will be held in abeyance for a period of 1 year, and Tesia Walker Booth's license will not be actively suspended, so long as the following conditions are met:
 - 1) Tesia Walker Booth will comply with all laws and regulations relating to her profession under SDCL chapter 36-15 and ARSD article 20:42 for a period of 1 year beginning the day this agreement is signed by the Commission; and
 - 2) Ms. Walker pay a penalty in the amount of \$125.00 to the Commission prior to May 31, 2018, as a condition for the immediate reinstatement of Tesia Walker Booth license pursuant to SDCL 36-15-58.5.

Lori Little seconded the motion. **MOTION PASSED.**

Lapsed Case 6-2018- Tammy Ugofsky made a motion to approve Lapse Case 6-2018 Consent Agreement with the following terms:

- a. Ms. Beatch's personal license, Lic.#CO-07858, will be suspended for a period of 10 days beginning May 31, 2018.
- b. The 10 days of suspension will be held in abeyance for a period of 1 year, and Ms. Beatch's personal license will not be actively suspended, so long as the following conditions are met:
 - 1) Ms. Beatch will comply with all laws and regulations relating to her profession under SDCL chapter 36-15 and ARSD article 20:42 for a period of 1 year beginning the day this agreement is signed by the Commission; and
 - 2) Ms. Beatch pay a penalty in the amount of \$150.00 to the Commission prior to May 31, 2018, as a condition for the immediate reinstatement of Ms. Beatch's personal license pursuant to SDCL 36-15-58.5.

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

Lapsed Case 7-2018- Crystal Carlson made a motion to approve Lapse Case 7-2018 Consent Agreement with the following terms:

- a. Ms. Steen's personal license, Lic.#CO-11649, will be suspended for a period of 5 days beginning May 31, 2018.
- b. The 5 days of suspension will be held in abeyance for a period of 1 year, and Ms. Steen's personal license will not be actively suspended, so long as the following conditions are met:

- 1) Ms. Steen will comply with all laws and regulations relating to her profession under SDCL chapter 36-15 and ARSD article 20:42 for a period of 1 year beginning the day this agreement is signed by the Commission; and
 - 2) Ms. Steen pay a penalty in the amount of \$100.00 to the Commission prior to May 31, 2018, as a condition for the immediate reinstatement of Ms. Steen's personal license pursuant to SDCL 36-15-58.5.
- c. Angela Steen Booth's license, Lic. #CB-06908, will be suspended for a period of 15 days beginning May 31, 2018.
- d. The 15 days of suspension will be held in abeyance for a period of 1 year, and Angela Steen Booth's license will not be actively suspended, so long as the following conditions are met:
- 1) Angela Steen Booth will comply with all laws and regulations relating to its profession un SDCL chapter 36-15 and ARSD article 20:42 for a period of 1 year beginning on the day this agreement is signed by the Commission: and
 - 2) Angela Steen Booth pay a penalty in the amount of \$225.00 to the Commission prior to May 31,2018, as a condition for the immediate reinstatement of Ms. Steen's booth license pursuant to SDCL 36-15-58.5.

Lori Little seconded the motion. **MOTION PASSED.**

The draft Administrative Rules changes were reviewed. Tammy Ugofsky made a motion to proceed with the formal adoption procedures for the draft administrative rules. Lori Little seconded the motion. **MOTION PASSED.**

The Commission received a report from Holly Ringo, Senior Instructor at Leo Thomas Apprentice Salon in Rapid City on the status of the two apprentices. Ms. Ringo notified the Commission that Tristan Hall has discontinued the apprenticeship.

Lori Little made a motion that Danielle Amburn has successfully completed her apprenticeship probationary period at Leo Thomas Salon and is authorized to continue the apprenticeship. Debbie Pageler seconded the motion. **MOTION PASSED.**

Lori Little made a motion to approve the apprentice application for Christina Skates at Leo Thomas Salon under the direction of Senior Instructor Holly Ringo. Debbie Pageler seconded the motion. **MOTION PASSED.**

Crystal Carlson made a motion to approve the apprentice application for Rebecca Wells at Revive Day Spa in Aberdeen. Lori Little seconded the motion. **MOTION PASSED.**

Lori Little made a motion to approve the Electric File Provider Application for Revive Day Spa in Aberdeen. Tammy Ugofsky seconded the motion. **MOTION PASSED.**

Debbie Pageler made a motion to approve the Electric File Provider and Microdermabrasion Provider Applications for Headlines Academy. Crystal Carlson seconded the motion. **MOTION PASSED.**

Crystal Carlson made a motion to accept Amy Moir's 600 hours of esthetics education from Lu Ross Academy in Ventura, California. Tammy Ugofsky seconded the motion. **MOTION PASSED.**

Tammy Ugofsky made a motion to accept Thi Dan Tuyen Tran's 606 hours of nail technician education from Georgia Beauty School, Norcross, Georgia. Debbie Pageler seconded the motion. **MOTION PASSED.**

Crystal Carlson made a motion to accept Kayla Dickerson's 2100 hours of cosmetology education from LeMars Beauty College, LeMars, Iowa. Tammy Ugofsky seconded the motion. **MOTION PASSED.**

Case Y-2015- Tammy Ugofsky made a motion to approve Case Y-2015 Application for Reinstatement from Darla Bierwagen with the following terms:

1. I shall successfully complete the Milady Infection Control Online Class and submit proof of completion to the Commission Office by May 31, 2018.
2. I shall make payments totaling \$350.00 to the Commission Office either in lump sum or in the amount of \$50 per month with the first payment starting May 31, 2018 and each payment being due by the last business day of each following month until paid in full;
3. I agree to the remaining 346 days of suspension being held in abeyance until July 14, 2018, with such to remain in abeyance until said time on the condition that I comply with the provisions of SDCL Chapter 36-15 and ARSD Article 20:42, and assuming no violations of such provisions between the time of this Application and July 14, 2018, said suspension shall terminate;
 - a. I agree that any failed inspection during such period of abeyance will result in my license being automatically suspended for a period of 2 days beginning immediately after the failed inspection;
4. I agree to 3 days of suspension being held in abeyance until the \$350.00 in section 2 is paid in full. If I fail to make timely scheduled payments, I agree to my license being suspended for 3 as set by the Commission at the next meeting following any missed payment, and any remaining amount owed will be waived; and
5. I will file for the dismissal of circuit court appeal proceedings in case 49CIV17-2188 by April 30, 2018.

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

Commission members were asked to review the upcoming meeting dates for the remainder of 2018. Two meetings of special importance are the July 28 and 29, 2018 NIC Examiner Training

and Certification for any individuals who will be administering practical examinations and the NIC Conference October 6-8, 2018 in Seattle, Washington.

Lori Little made a motion to adjourn. Crystal Carlson seconded the motion. **MOTION PASSED.**

President Ugofsky adjourned the meeting at 3:52 pm..

Respectfully submitted,

Kate Boyd, Executive Director

Crystal Carlson, Secretary-Treasurer

EXECUTIVE DIRECTOR'S REPORT **April 27, 2018**

1. WELCOME NEW COMMISSION MEMBERS – We welcome two new Commission members who were appointed April 15, 2018.

Tami Stokes is our new cosmetologist member of the Commission and is the owner of Studio 19 Lash Bar and Salon in Rapid City.

Debbie Pageler is our new public member and is from Sisseton, South Dakota.

2. 2018 LEGISLATIVE SESSION RECAP – The 2018 Legislative Session was productive for the Cosmetology Commission. All four of the bills we initiated were passed in both the House and the Senate and signed into law by the Governor. The new laws go into effect on 7/1/18, with one exception. At the request of the cosmetology schools, the reduction in cosmetology education hours will go into effect 1/1/19.

- HB 1026 – Cosmetology Education
 - Lowers cosmetology school hours from 2100 to 1500
 - Lowers cosmetology apprentice hours from 3000 to 2150
 - Eliminates the two-tier instructor licensing program
 - Allows the Commission to promulgate rules for substitute instructors
- HB 1027 – Maximum Number of Apprentices
 - Increases the maximum number of apprentices in an apprentice salon from 2 to 4
 - Licensed Instructor may only instruct 2 apprentices at any one time
- HB 1086 – Assisted Living Centers
 - Exempts assisted living centers from salon licensure, provided the cosmetologist(s) who perform services at the assisted living centers do not perform services there on anyone except the residents of the facility. This is the same exemption that licensing nursing

facilities have had for some time. In both cases, if they advertise as a salon and perform services on the public, including staff at the facility or family members of the residents, they will still be required to have a salon license.

- **HB 1087 – Early Testing for students**
This allows cosmetology, esthetician and nail technician students to take their state board exams prior to finishing their required education. They will need to complete their education before being issued a license. This will allow a student to retake a failed exam prior to finishing school so that they can become licensed as soon as they complete their education.

3. ADMINISTRATIVE RULES - At the February Commission meeting there was discussion about microdermabrasion machines, chemical peels, and other procedures. The Commission will need to provide the staff direction if you would like to have those pursued in the near future. The current administrative rules that the Commission will be reviewing at the April 27 meeting are the result of 2018 law changes. We need to deal with the applicable rules so that we can complete the administrative rules adoption process in order to have the new rules become effective July 1, 2018.

4. NIC CONFERENCE – OCTOBER 6-8, 2018 – SEATTLE WA - The Annual NIC Conference will be held October 6-8, 2018 in Seattle, Washington. Commission members interested in attending this year's conference can complete an out-of-state travel request. All out-of-state travel requests must be approved by the Department of Labor and Regulation (DLR) Secretary. Decisions on approval are based on costs and who has attended recent conferences. The entire Commission does not receive to attend every conference or Region Meeting.

5. INSTRUCTOR STATE LAWS - As staff we have been discussing the instructor state laws/rules exam and would like to make a recommendation that the Commission consider making this a closed-book exam instead of allowing instructor candidates to look answers in the book.

6. MOBILE SALONS - Licensee Kandra Walsh has written to the Commission to request that you consider allowing mobile salons in South Dakota. A copy of Ms. Walsh's letter is included in the meeting packet. This would require a change in law and administrative rule, as under our current a new salon license must be applied for if the salon moves to a new location and under administrative rule the salon plumbing must be hooked up to a central sewer system. A few states do allow mobile salons, but most states do not. One of the reasons that the Commission has not allowed mobile salons in the past is that we license for public protection and surprise inspections are an important component of the inspection process. Ms. Walsh's letter is attached. I am in the process of surveying the other states to determine which states offer a mobile salon license. If the Commission wishes to pursue this subject, I will prepare a report for a future Commission meeting.

7. NIC EXECUTIVE DIRECTORS & NIC ALL REGION MEETINGS – I attended the NIC Executive Directors Meeting on April 19 & 20, 2018 in Charlotte, NC. Among the presentations and topics we discussed were the following: Review of Safety and Infection Control rules; State legislative updates; Review and updates of the Uniform Model Cosmetology Law; Report from NIC Executive Board representatives; National Standardization of cosmetology, and related education program hours; micro-needling, derma-needling, derma-planing. Together with President Tammy Ugofsky, we attended the NIC All Region Meeting was held April 21 & 22 and important topics included: future of the Beauty and Barber industries, report from SMT representatives on national exam development and legal defensibility of the exams, presentation on the organization “Cut It Out” that provides education to schools and salons on how to recognize the signs of domestic violence; building stronger bonds between cosmetologists and barbers. The second day was a round-table discussion on issues and topics of interest to attendees.