

Meeting Minutes
SOUTH DAKOTA COSMETOLOGY COMMISSION
April 30, 2021
Meeting held via tele-conference

President Tami Stokes called the meeting to order at 8:37 am CDT at Lake Area Technical College located at 1201 Arrow Ave, Watertown. Members of the public could join the meeting via video-conferencing or tele-conferencing.

Secretary-Treasurer Annette Petersen read the roll and a quorum was established.

Members Present: Renee Graf
Debbie Pageler
Annette Petersen
Tami Stokes

Members Absent: N/A

Others Present: Graham Oey, Senior Staff Attorney, via video-conferencing
Kate Boyd, Executive Director
Teresa Diederich, Program Assistant
Angela Taylor, Stewart School, via video-conferencing
Angela Larson, LATC Cosmetology Program Director
Rachael Maag, LATC Cosmetology Instructor
Liz Lloyd, LATC Cosmetology Instructor
LATC Cosmetology Students

Executive Director Kate Boyd requested to add one item to the agenda. The Commission will be reviewing an nail technician apprentice application for Jessica Holt at Revive Day Spa. Jessica has submitted a second application to go immediately into an esthetics apprenticeship after completing the nail technician apprenticeship.

Annette Petersen made a motion to approve the agenda as amended. Debbie Pageler seconded the motion. **MOTION PASSED.**

Renee Graf made a motion to approve the minutes of the April 8, 2021 meeting as presented. Annette Petersen seconded the motion. **MOTION PASSED.**

Treasurer Annette Petersen reported that as of March 31, 2021, the available funds balance was \$121,519.35 and the cash center balance was \$177,719.18.

Kate Boyd referred the members to the written Executive Directors report that was included in the meeting handouts. The report included: (1) an update on her retirement and that Teresa Diederich of the Commission staff has been named the new Executive Director and that the search is underway to replace the Program Assistant position being vacated by Teresa; (2) the staff would like to discontinue mailing the annual newsletter and instead including a short note with license renewals referring the licensee to our website to access the newsletter. Also, the plan is discontinue including disciplinary actions in the newsletter since they are included elsewhere on the website. These changes are being proposed due to increased postage costs and to get our licensees in the habit of using the website; (3) there were a large number of pre-approved provider

applications for electric file, microdermabrasion, and eyelash extensions. Copies of the sign-in/out sheet and sample certificates will still be required with the application, but those two pages will no longer be printed and included in the meeting packets; (4) the staff is working on administrative rules to comply with the new law that goes into effect July 1 to increase the allowable numbers of apprentices in a salon to eight, allow for esthetics apprenticeships and change the apprentice education hours to the same hours that are required in school. The interview and inspection conducted at a proposed apprentice salon will help determine if there are sufficient licensed instructors (1 instructor to 2 apprentices) and that there is sufficient classroom and salon floor space to appropriately handle the apprentices. The staff is reviewing other administrative rules that may also be presented to the Commission. A public hearing is going to need to be held before the end of May on the proposed rules as part of the rules adoption process.

Teresa Diederich reviewed the proposed consent agreement cases that have all been signed by licensees. The details of the case review are shown below.

Case H-2020-

Chinh Lesnar's personal license will be suspended for a period of 10 days beginning May 22, 2021.

- a) The 10 days of suspension will be held in abeyance for a period of one year and the personal license will not be actively suspended so long as the following conditions are observed:
 - a. Chinh Lesnar will pay \$150 by May 22, 2021.
 - b. Comply with all laws and regulations of the Commission.

Case A-2021-

Megan Mullin's personal license will be suspended for a period of 14 days beginning May 22, 2021.

- a) The 14 days of suspension will be held in abeyance for a period of one year and the personal license will not be actively suspended so long as the following conditions are observed:
 - a. Megan Mullin will pay \$250 by May 22, 2021.
 - b. Comply with all laws and regulations of the Commission.

Case B-2021-

Good Energy's Salon license will be suspended for a period of 14 days beginning May 22, 2021.

- a) 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. Good Energy Salon will pay \$250 by May 22, 2021.
 - b. Comply with all laws and regulations of the Commission.

Lapsed Case 08-2021-

Jessica DeYoung's personal license will be suspended for a period of 10 days and the salon license will be suspended for 14 days beginning May 22, 2021.

- a) The 10 and 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. Jessica DeYoung will pay \$285 by May 22, 2021.
 - b. Comply with all laws and regulations of the Commission.

Lapsed Case 16-2021-

Klay Thompson Mode's booth license will be suspended for a period of 10 days and 605 Hair Salon's salon license will be suspended for a period of 14 days beginning May 22, 2021.

- a) The 10 and 14 days of suspension will be held in abeyance for a period of one year and the booth and salon license will not be actively suspended so long as the following conditions are observed:

- a. Klay Thompson Mode will pay \$282 by May 22, 2021.
- b. Comply with all laws and regulations of the Commission.

Lapsed Case 22-2021-

Dena Heeney's booth license will be suspended for a period of 5 days beginning May 22, 2021.

- a) The 5 days of suspension will be held in abeyance for a period of one year and the booth license will not be actively suspended so long as the following conditions are observed:

- a. Dena Heeney will pay \$100 by May 22, 2021.
- b. Comply with all laws and regulations of the Commission.

Lapsed Case 23-2021-

Studio D's Salon license will be suspended for a period of 14 days beginning May 22, 2021.

- a) 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. Studio D Salon will pay \$275 by May 22, 2021.
- b. Comply with all laws and regulations of the Commission.

Lapsed Case 24-2021-

Pam's Hair Design's salon license will be suspended for a period of 5 days beginning May 22, 2021.

- a) The 5 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. Pam's Hair Design will pay \$100 by May 22, 2021.
- b. Comply with all laws and regulations of the Commission.

Lapsed Case 25-2021-

Stacey Essers personal license will be suspended for 5 days and the booth license will be suspended for a period of 10 days beginning May 22, 2021.

- a) The 5 and 10 days of suspension will be held in abeyance for a period of one year and the personal and booth license will not be actively suspended so long as the following conditions are observed:

- a. Stacey Esser will pay \$200 by May 22, 2021.
- b. Comply with all laws and regulations of the Commission

Lapsed Case 26-2021-

Hair Designs and More salon license will be suspended for a period of 14 days beginning May 22, 2021.

- a) 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. Hair Designs and More will pay \$250 by May 22, 2021.
- b. Comply with all laws and regulations of the Commission.

Lapsed Case 27-2021-

Mana Rae Zeek's personal license will be suspended 5 days and the salon license will be suspended for a period of 10 days beginning May 22, 2021.

- a) The 5 and 10 days of suspension will be held in abeyance for a period of one year and the personal and salon license will not be actively suspended so long as the following conditions are observed:
 - a. Mana Rae Zeek will pay \$150 by May 22, 2021.
 - b. Comply with all laws and regulations of the Commission

Lapsed Case 28-2021-

Holly Bryan's personal license will be suspended for a period of 10 days and Polished Pinky Salon license will be suspended for a period of 14 days beginning May 22, 2021.

- a) The 10 and 14 days of suspension for the personal license and salon license will be held in abeyance for a period of one year and the personal and salon license will not be actively suspended so long as the following conditions are observed:
 - a. Holly Bryan will pay \$288 by May 22, 2021.
 - b. Comply with all laws and regulations of the Commission.

Tami Stokes made a motion to approve all of the above consent agreements with the conditions contained in each agreement. Renee Graf seconded the motion. **MOTION PASSED.**

There were no public comments.

Annette Petersen made a motion to defer Agenda Items I. Esthetics Scope of Practice/Two-tiered Esthetics Licensing and J. NIC Written Practical Examination to the next meeting. Renee Graff seconded the motion. **MOTION PASSED.**

Debbie Pageler made a motion to approve the apprentice salon application for Salon Mia/Estetica Unisex in Sioux Falls. Renee Graff seconded the motion. **MOTION PASSED.**

Tami Stokes made a motion to approve the apprentice application for Alondra Vera Maciel at apprentice salon Salon Mia/Estetica Unisex in Sioux Falls. Renee Graf seconded the motion. **MOTION PASSED.**

Tami Stokes made a motion to approve the nail technician and esthetics apprentice applications for Jessica Holt at Revive Day Spa apprentice salon in Aberdeen. Renee Graf seconded the motion. **MOTION PASSED.**

Attorney Graham Oey confirmed that the Commission can include approve of Agenda Items K4 – K12 -- renewal applications for pre-approved provider, in one motion.

Debbie Pageler made a motion to approve the following pre-approved provider renewal applications:

4. Microdermabrasion Education Provider Application – Ramona Reicherts, Glenville, MN
5. Electric Nail File Education Provider Application – Paul Mitchell School, Rapid City
6. Eyelash Extension Education Provider Application – Paul Mitchell School, Rapid City
7. Microdermabrasion Education Provider Application – Paul Mitchell School, Rapid City

8. Eyelash Extension Education Provider Application – The Salon Professional Academy, Rapid City
9. Electric Nail File Education Provider Application – Revive Day Spa, Aberdeen
10. Electric Nail File Education Provider Application – World of Beauty Academy, Des Moines, IA
11. Microdermabrasion Education Provider Application -- World of Beauty Academy, Des Moines, IA

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

Tami Stokes made a motion to approve the new eyelash extension education provider application submitted by Sandy Marin-Romero, South Sioux City, Nebraska. Renee Graf seconded the motion. **MOTION PASSED.**

Annette Petersen made a motion to approve the student nail technician license for an individual with a felony conviction. Debbie Pageler seconded the motion. **MOTION PASSED.**

Tami Stokes made a motion to approve the nail technician license reinstatement application of Ngoc Lan Thi Nguyen. Renee Graff seconded the motion. **MOTION PASSED.**

Annette Petersen made a motion to adjourn the business portion of the meeting and to reconvene in the LATC Cosmetology Program for the scheduled school visit. Tami Stokes seconded the motion. **MOTION PASSED.**

The business meeting was concluded at 9:06 am.

The meeting was immediately reconvened in the Cosmetology Program of Lake Area Technical College. Roll call was taken with all four Commission members – Renee Graf, Debbie Pageler, Annette Petersen, and Tami Stokes present. Others present were Commission staff Kate Boyd and Teresa Diederich. The Commission toured the LATC cosmetology program classrooms and clinic floor and met with LATC representatives Angela Larson and Liz Lloyd.

It was moved by Annette Petersen to recess the meeting to travel to Sioux Falls for the Stewart School tour and visit. **MOTION PASSED.**

The meeting was recessed at 11:00 am.

The meeting reconvened at 1:50 pm at Stewart School located at 604 West Ave N, Sioux Falls. Roll call was taken with all four Commission members – Renee Graf, Debbie Pageler, Annette Petersen, and Tami Stokes present. Others present were Commission staff Kate Boyd and Teresa Diederich. The Commission toured the Stewart School classrooms and clinic floor and met with Stewart School representatives Matt Feigen, Angela Taylor, and Danielle Bouwman.

Debbie Pageler made a motion to adjourn. Tami Stokes seconded the motion. **MOTION PASSED.**

The meeting was adjourned at 3:00 pm.

Respectfully submitted,

Kate Boyd, Executive Director

Annette Petersen, Secretary-Treasurer

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

April 30, 2021

1. **Staff Changes** – Teresa Diederich has been named the new Executive Director of the Cosmetology Commission and the Board of Barber Examiners. Kate Boyd's retirement is effective June 8, 2021, although my last day of work is planned for May 21, with vacation leave the last pay period. The Program Assistant I, Teresa's previous position has been advertised but interviews have not yet occurred.

2. **Newsletter** – For many years the Commission practice has been to include an annual newsletter with license renewals. The staff would like to discontinue mailing the newsletter and instead include a short note in the envelope thanking the licensee for their renewal, directing them to the newsletter on the website, asking them to provide our office with an email address, and to let us know when they change their email address.

The reasons for discontinuing mailing the newsletter are two-fold: (1) the newsletter is taking extra postage to mail due to its length, and (2) we would like to get our licensees in the habit of using the website.

Further, we would also like to discontinue including disciplinary actions in the newsletter since they are already listed on the website under the Disciplinary Action link. This is something that the staff has been considering for a while now. Attached is a letter from the owner of a Med Spa requesting that we not include disciplinary actions in the newsletter.

3. **Pre-approved Provider Applications** -- Your meeting packets include pre-approved provider applications for electric nail file, microdermabrasion, and eyelash extensions. There are several documents that an applicant must send with their application and \$100 fee, including, outline of the course curriculum, resume of the instructor, sign-in/out sheet for attendees, and copy of the certificate that they provide to those that complete the course. The staff reviews the applications and required documents before they are included in the Commission meeting packets. You will note that this time we did not include the sign-in/out sheet or the completion certificate. Since those documents have been reviewed by the staff, it seems unnecessary to print those sample sheets for the meeting packets.

4. **Administrative Rules** -- We are working on updating administrative rules to comply with the new law that will go into effect July 1 to (1) increase the allowable number of apprentices in a salon to eight, (2) allow for esthetics apprenticeships, and (3) change apprentice education hours to the same number of hours as students in cosmetology schools: 1500 cosmetology, 600 esthetics, and 400 nail technology. There will likely be some other proposed rule changes presented to the Commission as well. Commission

members will be contacted in the near future to confirm a date for an administrative rules hearing. The hearing can be done via video conferencing, eliminating the time and cost of traveling.