

Meeting Minutes
SOUTH DAKOTA COSMETOLOGY COMMISSION
221 W. Capitol Ave, Suite 101, Pierre, South Dakota
June 19, 2020 (CDT)

Vice President Debbie Pageler called the meeting to order at 9:50 am.

Secretary-Treasurer Tami Stokes 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 teleconference)
Kate Boyd, Executive Director
Teresa Diederich, Program Assistant 1
Angela Taylor, Stewart School (via teleconference)
Danielle Bouwman, Stewart School (via teleconference)

Renee Graf made a motion to approve the agenda as presented. Annette Petersen seconded the motion. **MOTION PASSED.** (Voice Vote).

Tami Stokes made a motion to approve the minutes of the April 17, 2020 meeting as presented. Annette Petersen seconded the motion. **MOTION PASSED.** (Voice Vote).

Treasurer Tami Stokes stated the available funds balance is \$59,677.55 and the cash center balance is \$134,443.38.

The Executive Director's Report was included in the meeting handouts and included the following information: (1) Crystal Carlson resigned from the Commission last week after serving 5.5 years. (2) We had a request from a licensee who is interested in being able to have a mobile salon that is not allowed under current law. I told her that I would bring it up to the Commission. (3) Some of the cosmetology schools are interesting in the Commission pursuing a law change to allow distance learning after the current Executive Order suspended laws and rules to allow distance learning during the current coronavirus pandemic expires in December 2020. (4) We resumed State Board exam testing at the Cosmetology Commission office in Pierre on June 5. Since we are no longer administering a hands-on practical exam, cosmetology, esthetics and nail technology exams can be administered at the same time. When the applicant completes the theory and laws/rules exams, they learn if they passed, and if so, their license is issued before they leave. (5) The 2020 NIC Conference scheduled for Kentucky in early October has been canceled due to the coronavirus pandemic. A modified meeting will take place later in the year to conduct important business, such as election of officers and other subjects that require action each year. (6) The April 2019 school visits for Lake Area Technical Institute and Stewart School were cancelled due to a Spring blizzard and the April 2020 visits were cancelled due to the coronavirus pandemic. The Commission may want to reschedule these school visits sometime in 2020. A copy of the Executive Director's Report is attached to these minutes.

The Commission indicated that they would like to reschedule East River school visits. Executive Director Boyd will research possible dates in August and get feedback from the Commission on the best date.

Case D- 2020 -- Debbie Pageler made a motion to approve the Consent Agreement for Case D-2020 with the following conditions:

- (a) Kimberly Jones booth license will be suspended for a period of 15 days beginning July 1, 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. Jones will pay \$250 by July 1, 2020.
 - b. Comply with all laws and regulations of the Commission.

Annette Petersen seconded the motion. **MOTION PASSED.** (Voice Vote).

Case C-2020 – The Violations Committee informed the Commission of their intent to dismiss Case C-2020, due to the fact that the salon does not have a personal license with the Commission and was in the process of new ownership during the time the defendant received the complaint from our office.

Angela Taylor from Stewart School encouraged the Commission to consider drafting legislation to allow for distance learning in the future.

Annette Petersen made a motion to approve the school license renewal application of Paul Mitchell The School Rapid City. Renee Graf seconded the motion. **MOTION PASSED.** (Voice Vote).

Renee Graf made a motion to approve the Electric File Provider Application of Paul Mitchell The School Rapid City. Tami Stokes seconded the motion. **MOTION PASSED.** (Voice Vote).

Annette Petersen made a motion to approve the Microdermabrasion Provider Application of Paul Mitchell The School Rapid City. Renee Graf seconded the motion. **MOTION PASSED.** (Voice Vote).

Debbie Pageler made a motion to approve the Eyelash Extension Provider Application of Paul Mitchell The School Rapid City. Tami Stokes seconded the motion. **MOTION PASSED.** (Voice Vote).

Tami Stokes made a motion to approve the Electric File Provider Application of World of Beauty, Des Moines, Iowa. Renee Graf seconded the motion. **MOTION PASSED.** (Voice Vote).

Annette Petersen made a motion to approve the Microdermabrasion Provider Application of World of Beauty, Des Moines, Iowa. Debbie Pageler seconded the motion. **MOTION PASSED.** (Voice Vote).

Renee Graf made a motion to approve the Eyelash Extension Provider Application of World of Beauty, Des Moines, Iowa. Tami Stokes seconded the motion. **MOTION PASSED.** (Voice Vote).

Debbie Pageler made a motion to approve the student license for an applicant with felony convictions who is still under court supervision. Annette Petersen seconded the motion. **MOTION PASSED.** (Voice Vote).

Tami Stokes made a motion to approve the apprentice application of Payton Kucker at Revive Day Spa, Aberdeen. Renee Graf seconded the motion. **MOTION PASSED.** (Voice Vote).

In response to a declaratory ruling request, Annette Petersen made a motion declaring dipped makeup brush cleaner as set forth in the petition does not comply with the Commission's rules on safety and infection control under ARSD 20:42:05:01, as it doesn't require full immersion and doesn't meet the definition of a disinfectant under ARSD 20:42:01:01(7). Tami Stokes seconded the motion. **MOTION PASSED.** (Voice Vote).

In addition to the meeting dates and exam calendar shown on the agenda, the Commission agreed to try to visit the East River cosmetology schools in August 2020.

Under Other Business, the Commission requested that distance learning be places on the next meeting agenda.

Tami Stokes made a motion to adjourn. Annette Petersen seconded the motion. **MOTION PASSED.** (Voice Vote).

Vice President Debbie Pageler adjourned the meeting at 10:30 am.

Respectfully submitted,

Kate Boyd, Executive Director

Tami Stokes, Secretary

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

June 19, 2020

1. **Commission Resignation** – Crystal Carlson resigned from the Commission last week due to personal reasons. Crystal served the Commission for 5.5 years. We thank her for her service and wish her well in the future.
2. **Mobile Salons** – We received a request from a licensee who is interested in being able to have a mobile salon licensed in South Dakota. This is not allowed under current law. I told her that I would bring this subject up to the Commission to see if there is any interest in pursuing a change in law.
3. **Distance Learning** – Some of the schools in South Dakota offered education through distance learning due to the pandemic. The accrediting agencies allowed distance learning if the state allowed it. South Dakota's Governor signed an executive order that suspended law and rule so that the schools could do distance learning.

At least two of the schools are interested in pursuing distance learning for theory education in the future after the executive order expires. This would take legislation to change our law to allow this to occur. Commission members can give this some thought and decide if you want to pursue legislation to allow a portion of theory education to be taught remotely. If the Commission does decide to pursue distance learning for theory education, you would want to limit it to a percentage of hours, such as 30% of theory. A decision does not have to be made at the June 19 meeting.

4. **State Board Exams** – We conducted State Board exams at our office in Pierre on Friday evening, June 5 and all day Saturday and Sunday, June 6 and 7. The exams went well and we were able to issue licenses for those who passed their exams and had completed their education. Since we are no longer administering a hands-on practical examination, we do not have to separate the exams by cosmetology, esthetics, or nail technology since the exams are computer-based. Under normal circumstances we should not have to administer exams for 2.5 days, but we were trying to catch up since exams were cancelled in March and May due to the coronavirus pandemic.

We have scheduled an exam date for Saturday, July 18, 2020. We will need to schedule two or three more exam dates during the remainder of 2020.

5. **2020 NIC Conference Cancelled** – The Executive Board of the National Interstate Council of State Boards of Cosmetology (NIC) recently voted to cancel the annual 2020 conference scheduled for Kentucky in early October due to the coronavirus pandemic.
6. **East River School Visits** – The April 2019 schools visits for Lake Area Technical Institute in Watertown and Stewart School in Sioux Falls were cancelled due to a Spring storm and the April 2020 visits were cancelled due to the coronavirus pandemic. The Commission may want to consider scheduling visits in Watertown and Sioux Falls before the end of 2020.