

SOUTH DAKOTA COSMETOLOGY COMMISSION MEETING MINUTES

July 12, 2011

Call Meeting to Order

The regular meeting of the Cosmetology Commission was called to order by President Nora Slykhuis on Tuesday, July 12, 2011 at 4:35 p.m. in the Cosmetology Commission Office, Pierre, South Dakota.

1. Roll Call

Attendance was taken by Secretary-Treasurer Pat Clark, with the following members present: Pat Clark, Ila Davis, Kory McKay, Lois Porch, and Nora Slykhuis. Staff present: Attorney Aaron Arnold and Executive Director Kate Boyd.

2. Minutes of the May 9, 2011 Meeting

IT WAS MOVED BY LOIS PORCH, SECONDED BY KORY MCKAY, TO APPROVE THE MINUTES OF THE MAY 9, 2011 MEETING AS WRITTEN. THE MOTION PREVAILED ON A VOICE VOTE.

3. Treasurer's Report

Secretary-Treasurer Pat Clark reported that as of June 29, 2011, the available budget was \$27,561.80, and the cash center balance was \$211,413.65. Executive Director Kate Boyd pointed out that the June 29 date is a semi-final report. June 30 is the end of the fiscal year, so the report will be revised with final numbers in the next week or two.

IT WAS MOVED BY KORY MCKAY, SECONDED BY LOIS PORCH, TO APPROVE THE TREASURER'S REPORT AS PRESENTED. THE MOTION PREVAILED ON A VOICE VOTE.

4. Executive Director's Report

The Executive Director's Report had previously been mailed to Commission members and is attached to these Minutes as Attachment 1. Highlights of the report are shown below:

(1) Sales Tax Fraud Reporting Hotline - The office has received numerous calling about cosmetologists performing services on clients from their home without a home salon license. We have started referring them to the Sales Tax Fraud Reporting Hotline - 1-800-829-9188.

(2) Buffalo Chip Campground Fundraiser - The Buffalo Chip Campground in Sturgis will be conducting a fundraiser to benefit the Children's Home Society and Make A Wish Foundation. This is a nationally recognized event where individuals get their heads shaved and the BIC 4 Good organization makes a donation to the charities as noted above.

(3) State Laws Exam - The new 25-question State Laws exam is being used for the first time with the July State Board exams. The test booklets will be scored by SMT.

(4) Cosmetology Practical Exam - The newly published NIC cosmetology practical exam was released for use beginning July 1, 2011.

5. Disciplinary Actions

Case 2011-B

The Commission was reminded that we will have a violations hearing at 9:00 a.m., Wednesday, September 14, 2011 in Pierre. Pat Clark informed the group that she will be out-of-town for the September State Boards and will not be here for this hearing.

Case 2010-I - Colorful Nails - Watertown

Colorful Nails, Watertown had appealed the Commission's decision on their 2010 violation. The Circuit Court judge upheld the Commission's findings, but sent it back to the Commission to revise the dates of the suspension.

IT WAS MOVED BY ILA DAVIS, SECONDED BY PAT CLARK TO GO INTO EXECUTIVE SESSION FOR DELIBERATIVE PURPOSES OF CASE 2010-I - COLORFUL NAILS - WATERTOWN. THE MOTION PREVAILED ON A VOICE VOTE.

IT WAS MOVED BY PAT CLARK, SECONDED BY ILA DAVIS TO END EXECUTIVE SESSION. THE MOTION PREVAILED ON A VOICE VOTE.

IT WAS MOVED BY KORY MCKAY, SECONDED BY PAT CLARK, TO AMEND THE ORDER IN CASE 2010-I - COLORFUL NAILS - WATERTOWN, TO CHANGE THE DATES OF SUSPENSION OF THE SALON AND OWNER LICENSES TO AUGUST 25-31, 2011 AND OCTOBER 27-NOVEMBER 2, 2011 AND TO ALLOW THE OWNER TO PAY THE COSTS OUTLINED IN THE ORDER BY MAKING THREE INSTALLMENTS TO BE RECEIVED NO LATER THAN DECEMBER 31, 2011. THE MOTION PREVAILED ON A VOICE VOTE WITH VIOLATIONS COMMITTEE MEMBER LOIS PORCH ABSTAINING.

Cases 2011-D - Rose Nails - Vermillion & Yankton

The Commission was presented with two Consent Agreements for Rose Nails in Vermillion and Yankton. Both of these salons are owned by Ryan Nguyen and involve unlicensed nail technicians performing services on clients. Mr. Nguyen was offered and has signed proposed Consent Agreements for both salons.

IT WAS MOVED BY KORY MCKAY, SECONDED BY PAT CLARK TO GO INTO EXECUTIVE SESSION FOR DELIBERATIVE PURPOSES OF CASE 2011-D - ROSE NAILS - VERMILLION AND YANKTON. THE MOTION PREVAILED ON A VOICE VOTE.

IT WAS MOVED BY PAT CLARK, SECONDED BY ILA DAVIS TO END EXECUTIVE SESSION. THE MOTION PREVAILED ON A VOICE VOTE.

IT WAS MOVED BY KORY MCKAY, SECONDED BY ILA DAVIS, TO APPROVE THE PROPOSED CONSENT AGREEMENTS FOR ROSE NAILS VERMILLION AND YANKTON. THE MOTION PREVAILED ON A VOICE VOTE WITH VIOLATIONS COMMITTEE MEMBER LOIS PORCH ABSTAINING.

NEW BUSINESS

9. Proposed Legislation

In their meeting packets, Commission members had received some draft legislative proposals regarding violations. Attorney Aaron Arnold had drafted the proposed changes in an attempt to strengthen our laws relating to violations. An updated copy of the proposal was handed out at the meeting. Commission members were asked to review the new draft and come to the September meeting prepared to vote on whether or not we want to try to pursue legislation in 2012 related to violations.

Commission members were also asked to spend some time reviewing the Cosmetology Laws & Rules book and come to the September meeting prepared to provide input on any changes that we may want to pursue legislatively or through administrative rules changes.

10. Election of Officers

IT WAS MOVED BY KORY MCKAY, SECONDED BY ILA DAVIS, TO RE-ELECT NORA SLYKHUIS AS PRESIDENT, LOIS PORCH AS VICE PRESIDENT, AND PAT CLARK AS SECRETARY-TREASURER. THE MOTION PREVAILED ON A VOICE VOTE.

8. Provider Application for Electric File Certification - Iowa School of Beauty, Sioux City, Iowa

Iowa School of Beauty located in Sioux City, Iowa submitted a provider application for an 8-hour electric file class. This was submitted in an effort to provide a class location for individuals in southeastern South Dakota to receive the training necessary to be certified for electric file.

IT WAS MOVED BY LOIS PORCH, SECONDED BY KORY MCKAY, TO APPROVE THE PROVIDER APPLICATION FOR ELECTRIC FILE CERTIFICATION RECEIVED FROM IOWA SCHOOL OF BEAUTY, SIOUX CITY, IOWA. THE MOTION PREVAILED ON A VOICE VOTE.

OLD BUSINESS

7. Administrative Rules Changes

The Commission was informed that we will be moving forward with the adoption process for the Administrative Rules that the Commission has identified for change.

6. Alternate Locations for State Board Exams

The Commission spent considerable time working on a tentative testing schedule for 2012 to include testing sites in Pierre, Sioux Falls, Rapid City, and Watertown. The draft proposed dates/locations will be mailed to the Commission in the near future so that personal scheduled can be checked and the dates/locations finalized at the September meeting.

12. Other Business - N/A

13. Upcoming Meeting Dates

August 27-30, 2011 NIC Conference in Ft. Lauderdale

Cosmetology Commission Minutes
July 12, 2011
Page 4

September 12 & 13, 2011 State Board Exams & Commission Meeting
September 14, 2011 Violations Hearing - 9:00 a.m.

Adjournment

IT WAS MOVED BY LOIS PORCH, SECONDED BY ILA DAVIS, TO ADJOURN. THE MOTION PREVAILED ON A VOICE VOTE.

The meeting adjourned at 7:55 p.m.

Respectfully submitted by:

Kate Boyd, Recording Secretary

and

Pat Clark, Secretary-Treasurer

ATTACHMENT 1

Executive Director's Report - July 12, 2011

1. SALES TAX FRAUD REPORTING HOTLINE

We have received several phone calls complaining about cosmetologists performing services on clients from their home without a home salon license. Following communication with the Department of Revenue, we have started referring them to the Sales Tax Fraud Reporting Hotline - 1-800-829-9188.

2. BUFFALO CHIP CAMPGROUND

- BIC 4 Good & Sturgis Kids & Chrome Promotion & Fundraiser

Jim Walczak, COO of the Buffalo Chip contacted the Commission office in mid-June to inform us they are working on a very special promotion with BIC USA Inc. for one of their dedicated charities Kids & Chrome Foundation, Inc. which is a Black Hills 501(c) (3) non-profit corporation. Basically individuals will be asked to have their head shaved and BIC will make a donation for each head shaved to the Sturgis Kids & Chrome Promotion & Fundraiser. Mr. Walczak contacted the Commission office to make sure they would not be violating any South Dakota cosmetology laws. He also contacted the Barber Board to ensure they are in compliance with the State's barber laws.

The web sites below provide information on how the Promotion and Fundraiser BIC 4 Good works for the Make A Wish Foundation and this is the exact Promotion and Fundraiser they are committed to doing during the Rally for Sturgis Kids & Chrome. BIC 4 Good has committed their full resources to help make this a successful and meaningful Fundraiser for the Sturgis Kids and Chrome Organization.

<http://bic4good.com/#home>

<http://www.kidsandchrome.com/index2.php>

The Chip has supported this charitable cause for many years and this is the most unique Fundraising opportunity the Chip has been presented with and will help provide the much needed money that will help this Charity continue their great work for Make A Wish Foundation and the Children's Home Society.

3. STATE LAWS EXAMS

We have received the South Dakota State Laws Exams test booklets from SMT. They will be used for the first time for the July 11-13, 2011 State Board exams. The new exam contains 25 questions instead of 50 as has been the case in the past.

4. COSMETOLOGY PRACTICAL EXAM

The newly published NIC cosmetology practical exam was released for use beginning July 1, 2011 and will be used for the first time in South Dakota July 11 & 13, 2011.

5. REVIEW OF COSMETOLOGY LAWS BOOK

The enclosed agenda includes #9 - Proposed Legislation. The meeting packets contain draft legislation dealing with violations. Also enclosed in the Commission meeting packets is a copy of the Cosmetology

Laws/Rules book. All State agencies have been asked to review their current laws to determine if there are outdated laws that can be eliminated or that need to be updated. The Commission can choose to review the laws under Agenda Item #9-Proposed Legislation or to have a more lengthy discussion at the September Commission meeting.

6. MINNESOTA STATE GOVERNMENT SHUT-DOWN

As you may have heard on the news, Minnesota State government has shut down due to budget issues. Depending on how long the shutdown lasts, we may have some issues with regard to reciprocity certifications for individuals moving to South Dakota from Minnesota.