

SOUTH DAKOTA COSMETOLOGY COMMISSION MEETING MINUTES

July 12, 2016

Call Meeting to Order

A meeting of the Cosmetology Commission was called to order by President Tammy Ugofsky at 8:30 am on Tuesday, July 12, 2016. The meeting was held at the Ramkota Hotel located at 920 West Sioux Avenue, Pierre, South Dakota.

Roll Call

Attendance was taken by Secretary-Treasurer Laurie Brandner, with the following members present: Lori Berreth, Laurie Brandner, Crystal Carlson, Lori Little and Tammy Ugofsky. Staff present: Attorney Aaron Arnold, Executive Director Kate Boyd. Others present included: Angela Taylor from Stewart School; Cricket Rick from Headlines Academy and Fallon Helm, Revive Day Spa and TSPA School.

2. Minutes of the May 24 and June 19, 2016 Meeting

IT WAS MOVED by Lori Brandner, seconded by Lori Berreth to approve the Minutes of the May 24 and June 19, 2016 meeting as written. The motion prevailed on a voice vote.

3. Treasurer's Report

Executive Director Kate Boyd reported that as of June 30, 2016 the available budget was negative -\$77,955.62 and the cash center balance was \$252,891.57. The negative balance is due mainly to the Commission now paying a prorated share of Attorney Arnold's salary, new computer purchases for the staff and the maintenance contractor with Smart Software Solutions. These items had not originally been budgeted for FY 16 that ended June 30, 2016. The Commission was also provided a copy of the monthly and annual revenue by income category.

IT WAS MOVED by Lori Berreth, seconded by Crystal Carlson to approve the Treasurer's Report as presented. The motion prevailed on a voice vote.

4. Executive Director's Report

Executive Director Kate Boyd reported on five subjects, including:

(1) New Staff Member - A candidate has been selected for the Program Assistant 1 position. There were several well-qualified candidates.

(2) Public Comment - A member of the public had contacted the office to express her opinion that salons who fail their inspection should be required to post a failed notice. She was informed that we do post failed inspections on the website.

(3) Failed Inspections on Website - The staff is in the process of updating the website so that salons and booths that fail their inspections will receive a new posting showing that they passed their recheck inspection.

(4) Continuing Education for Licensees - Executive Director Kate Boyd asked for guidance from the Commission on the subject of continuing education for licensees. The consensus of the Commission was that the Continuing Education Task Force should meet again and have a firm proposal for the Commission's consideration at the next meeting. It was suggested that an invitation be extended to the leaders of the South Dakota Cosmetology Club to attend the meeting.

(5) Practical Examinations - Following the May Commission meeting, the search has begun to come up with a total of 12 individuals, including the three cosmetologist members of the Commission, to be trained to administer the practical examinations. The goal would be to have six trained examiners in eastern South Dakota and six in western South Dakota. It was agreed that we should not continue to train our inspectors as examiners so that we can keep them in the field performing inspections and investigating complaints. Those present were asked to contact the office with names of potential cosmetologists who would be interested in entering into a contract with the Commission to administer practical exams.

5. Disciplinary Actions

Proposed Consent Agreement - Case E-2016

IT WAS MOVED BY Crystal Carlson, seconded by Lori Little, to approve the Consent Agreement for Case E-2016 with the following terms:

- a. Mr. Romero's license, Lic. #CO-11588, will be suspended for a period of 45 days with 31 days being held in abeyance. Mr. Romero's license will actively be suspended for 14 days from July 31, 2016, **through** August 13, 2016;
- b. The remaining 31 days of suspension for his 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) Mr. Romero will comply with all laws and regulations relating to their 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) Mr. Romero will successfully pay for and successfully complete the online course entitled "Infection Control Online Class", sponsored by Milady, found at www.miladypro.com. Mr. Romero must submit to the Commission the Certificate of Completion received after successful completion of the course by July 31, 2016; and

- 3) Mr. Romero agrees not to sell or transfer in any way Estetica Unisex Mia LLC prior to January 1, 2017.
- c. Estetica Unisex Mia LLC's license, #CS-06020, will be suspended for a period of 45 days with 31 days being held in abeyance. Estetica Unisex Mia LLC's license will actively be suspended for 14 days from July 31, 2016, **through** August 13, 2016;
- d. The remaining 31 days of suspension for the salon'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) Estetica Unisex Mia LLC will comply with all laws and regulations relating to its 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; and
 - 2) Estetica Unisex Mia LLC will be subject to additional inspections for a period of one year from the date of execution of this Agreement. Mr. Romero, 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 31, 2016.

The motion prevailed on a roll call vote with Lori Berreth, Crystal Carlson, Lori Little and Tammy Ugofsky voting Aye and Violations Committee Laurie Brandner abstaining.

6. School Requests

a. Fallon Helm - TSPA

Fallon Helm was present with the blueprints for the cosmetology school she proposes to open in Aberdeen. She discussed their progress to date.

b. School License Renewal Application - Headlines Academy, Rapid City

IT WAS MOVED BY Lori Berreth, seconded by Crystal Carlson to approve the school license renewal application of Headlines Academy. The motion prevailed on a voice vote.

c. School License Renewal Application - Lake Area Technical Institute Cosmetology Program, Watertown

IT WAS MOVED BY Lori Berreth, seconded by Laurie Brandner to approve the school license renewal application of Lake Area Technical Institute Cosmetology Program. The motion prevailed on a voice vote.

- d. Electric File Provider Application - Black Hills Beauty College, Rapid City &**
- e. Electric File Provider Application - Black Halls Beauty College, Sioux Falls**

IT WAS MOVED BY Crystal Carlson, seconded by Lori Little, to approve the electric nail provider applications for Black Hills Beauty College, Rapid City and Sioux Falls. The motion prevailed on a voice vote.

7. Commission Review of License Applications and Requests

- **An Thien Le** - Sent a letter to the Commission requesting to take the nail technician theory examination for the eighth time.

IT WAS MOVED BY Lori Little, seconded by Crystal Carlson, to approve An Thien Le's request to retake the nail technician theory examination one more time. The motion prevailed on a voice vote.

- **Stephanie Waletich** - Ms. Waltich has completed her independent study previously approved by the Commission and will need to take the Instructor State Board examination in the near future. Laurie Brandner offered to administer the practical examination and Crystal Carlson expressed a desire to sit in on the exam.

- **Jayde Keller - Alternative Senior Instructor License Proposal** - Ms. Keller had submitted a written request for the Commission to accept her alternative education for a Senior Instructor license.

IT WAS MOVED BY Crystal Carlson, seconded by Lori Berreth, to approve Jayde Keller's alternative senior instructor education proposal. The motion prevailed on a voice vote.

8. Election of Officers

President - IT WAS MOVED BY Lori Little, seconded by Lori Berreth, to elect Tammy Ugofsky as President. The motion prevailed on a voice vote.

Vice President - IT WAS MOVED BY Lori Little, seconded by Crystal Carlson, to elect Lori Berreth as Vice President. The motion prevailed on a voice vote.

Secretary-Treasurer - IT WAS MOVED BY Laurie Brandner, seconded by Tammy Ugofsky, to elect Crystal Carlson as Secretary-Treasurer. The motion prevailed on a voice vote.

9. Review and Revise Exam and Meeting Calendar for Remainder of 2016

In an effort to separate Commission Meetings from State Board examinations, the following dates were agreed upon for Commission meetings and State Board examinations for the remainder of 2016:

September 23, 1:00 pm - Commission Meeting - Pierre
October 21-22 - State Board Exams - Sioux Falls
November 19 - State Board Exams - Watertown

December 2, 9:00 am - Commission Meeting - Pierre

10. Other Business

Smocks for State Board Exam Administration - Crystal Carlson stated that she is still interested in those who administer State Board examinations to wear matching smocks.

Adjourn

There being no further business, IT WAS MOVED by Lori Berreth, seconded by Lori Little, to adjourn. The motion prevailed on a voice vote.

The meeting was adjourned at 11:40 am.

Respectfully submitted,

Kate Boyd, Recording Secretary

Laurie Brandner, Secretary-Treasurer

EXECUTIVE DIRECTOR'S REPORT

July 12, 2016

1. **New Staff Member** - An update on the selection/hiring of a new staff member will be given at the July meeting.
2. **Public Comment** - Linda Dietrich contacted the office to express her opinion that salons or booths with failed inspections should be required to post a Failed Inspection notice in their salon. I informed her that the Commission is now posting failed inspections on the website and she stated that she was aware of that but thought that salons who fail their inspections should be required to post something notifying the public that the salon failed its most recent inspection. (Note: Currently salons are issued a "Passed Inspection" card to post in the salon.)
3. **Failed Inspections on Website** - The staff is in the process of updating the website so that salons and booths that have failed inspections on the website will receive a new posting when they have been rechecked and pass the follow-up inspection.
4. **Continuing Education** - The staff would like to some guidance from the Commission on the subject of continuing education.
5. **Practical Examinations** - The search for licensed cosmetologists who may be interested in being trained/certified to administer the practical exams. This would reduce the burden to Commission members who already devote so much of their time to Commission activities and to keep our cosmetology inspectors in the field inspecting salons and booths. If you know of cosmetologists who may be interested, please contact the office.