

# **SOUTH DAKOTA COSMETOLOGY COMMISSION MEETING MINUTES**

**July 21, 2014**

## **Call Meeting to Order**

A meeting of the Cosmetology Commission was called to order by President Lois Porch on Monday, July 21, 2014 1:10 pm at the Cosmetology Commission office, 111 E Capitol Avenue, Pierre, South Dakota.

## **Roll Call**

Attendance was taken by Secretary-Treasurer Tammy Ugofsky, with the following members present: Lori Berreth, Lori Little, Lois Porch, Nora Slykhuis and Tammy Ugofsky. Staff present: Attorney Aaron Arnold, Executive Director Kate Boyd. Others present included Board of Massage Therapy representatives members and staff: Christine Ellwein, Linda Zeller, Bridget Myers, Laura Woitte, Karen Koppel, Jennifer Stalley; and members of the public: Olawana Rae-Bruhjell, Robb Shuttlesworth, Rhanda Heller, Calvin Duong and Huong Nguyen.

## **2. Meeting with Massage Therapy Board Regarding Scope of Practice**

The members of the Board of Massage Therapy and Executive Director Jennifer Stalley were present to discuss the scope of practice for an esthetician and for a massage therapist. It was noted and agreed that there are certain types of service, such as body wraps that fall under the practice for an esthetician and a massage therapist. The difference in the law relates to the intent of the service. If it is for cosmetic and beautification purposes, then it falls under the scope of practice of an esthetician, and if it is for health and wellness, then the service falls under the scope of practice of a massage therapist.

## **9. Requests from Applicants**

### **• Calvin Minh Duong - Referral of Reciprocity Application to the Commission for Action**

Calvin Minh Duong had applied for reciprocity as a nail technician and his application contained discrepancies of where he had previously been licensed and his legal name. For those reasons his application was referred to the Cosmetology Commission for review and action. Mr. Duong was present to speak to the Commission on his own behalf. He stated that his name was legally changed in 1999, as his documents showed, but he failed to get his name changed on his nail technician licenses in two separate states. He also stated that he had forgotten that he had been licensed for a short period of time in a third state. The Commission members stated that he would need to get his name changed on his current nail technician license in North Dakota and request a new certification of licensure prior to being eligible for a South Dakota license through reciprocity.

### **• Samantha Buckley - Request to Accept Utah School Education Hours**

The Commission reviewed correspondence from Samantha Buckley requesting that the Commission accept her 2009 esthetics education hours from her school in Utah. She had not ever been issued an esthetics license and the Utah Board of Cosmetology will not certify education hours. It was noted that the South Dakota Cosmetology Commission has a long-standing policy to only accept out-of-state education hours from another State Board of Cosmetology, not from an out-of-state school. The reason for not accepting hours directly from an out-of-state school is that our Commission does not regulate those schools. IT WAS MOVED BY NORA SLYKHUIS, SECONDED BY LORI LITTLE, TO UPHOLD THE COMMISSION'S POLICY OF NOT ACCEPTING OUT-OF-STATE EDUCATION HOURS UNLESS THE HOURS ARE

CERTIFIED BY THE OTHER STATE'S BOARD OF COSMETOLOGY. THE MOTION PREVAILED ON A VOICE VOTE.

### **3. Minutes of the May 29-30, 2014 Meeting**

IT WAS MOVED BY NORA SLYKHUIS, SECONDED BY TAMMY UGOFISKY, TO APPROVE THE MINUTES OF THE MAY 29-30, 2014 MEETING AS WRITTEN. THE MOTION PREVAILED ON A VOICE VOTE.

### **4. Treasurer's Report**

Secretary-Treasurer Tammy Ugofsky reported that as of June 20, 2014, the available budget was -\$104,636 and the cash center balance was \$299,901.

IT WAS MOVED BY LORI BERRETH, SECONDED BY LORI LITTLE, TO APPROVE THE TREASURER'S REPORT AS PRESENTED. THE MOTION PREVAILED ON A VOICE VOTE.

### **5. Executive Director's Report**

**Executive Director Kate Boyd reported on the following items:** (1) Presentation that she gave to Headlines Academy students on July 3, (2) update on the database and on-line renewal computer project, and (3) she will be serving on the new member orientation session at the upcoming NIC Conference in late August. The report is attached to these Minutes.

### **6. Disciplinary Actions**

#### **Case C-2014 - #1 Nails/Ngoc Lan Thi Nguyen**

The Commission had held a disciplinary action hearing on April 22, 2014 for Case C-2014. At this time the Commission reviewed the Findings of Fact and Conclusions of Law from the Office of Hearing Examiners. IT WAS MOVED BY LORI BERRETH, SECONDED BY TAMMY UGOFISKY, TO ADOPT THE FINDINGS OF FACT AND CONCLUSIONS OF LAW IN CASE C-2014-#1 NAILS/NGOC LAN THI NGUYEN AND TO REVOKE THE #1 NAILS SALON LICENSE #NS-03130 AND NGOC LAN THI NGUYEN'S NAIL TECHNICIAN LICENSE #NT-06721 FOR A PERIOD OF TEN YEARS EACH. THE MOTION PREVAILED ON A ROLL CALL VOTE WITH LORI BERRETH, LORI LITTLE, LOIS PORCH AND TAMMY UGOFISKY VOTING AYE AND VIOLATIONS COMMITTEE NORA SLYKHUIS ABSTAINING.

#### **Case F-2014 - Angelique Verver/Platinum Imagination Booth**

The Commission reviewed a proposed Assurance of Voluntary Compliance for Case F-2014. IT WAS MOVED BY LORI BERRETH, SECONDED BY LORI LITTLE, TO ACCEPT THE ASSURANCE OF VOLUNTARY ASSURANCE FOR CASE F-2014, ANGELIQUE VERVER, LICENSE #CO-08001 AND PLANTINUM IMAGINATION BOOTH, LICENSE #CB-04496. TH MOTION PREVAILED ON A ROLL CALL VOTE WITH LORI BERRETH, LORI LITTLE, LOIS PORCH AND TAMMY UGOFISKY VOTING AYE AND VIOLATIONS COMMITTEE NORA SLYKHUIS ABSTAINING.

### **7. Report on June, 2014 Las Vegas Esthetics Show**

Tammy Ugofsky gave a detailed report of her attendance at the Las Vegas Esthetics Show that she attended in June. She shared handouts from the various vendors of esthetics equipment and products. It was agreed that the Commission needs to be vigilant in keeping up with the various

new skin care equipment that becomes available on a continuing basis as not all of these machines and products are legal for use by estheticians in South Dakota.

### **8. Special Events Exemption**

The updated law 36-15-54 relating to work outside a salon went into effect July 1, 2014. The law named four specific special events that are exempt and allowed the Commission to expand the list of special events that may be performed outside a licensed salon. It was acknowledged that the special events must be an integral part of the special event and it is not intended for the convenience of a customer to have services performed in their home.

IT WAS MOVED BY TAMMY UGOFKY, SECONDED BY LORI BERRETH, TO APPROVE THE FOLLOWING LIST OF SPECIAL EVENTS FOR WORK OUTSIDE A SALON:

1. BRIDAL SHOWS
2. PLAYS/DANCE RECITALS/MUSICALS
3. FESTIVALS AND FAIRS
4. STURGIS RALLY
5. BEAUTY PAGEANTS
6. TELEVISION AND MOVIE FILMING
7. COMMUNITY EVENTS TO EDUCATE THE PUBLIC TO PERFORM THEIR OWN PERSONAL COSMETIC CARE

THE MOTION PREVAILED ON A VOICE VOTE.

It was noted that the Commission will likely be reviewing the expanding the special events approved list from time to time as new kinds of events are proposed by our licensees.

### **10. School & Instructor Requests**

#### **● Headlines Academy, Inc. - School License Renewal Application**

The Commission reviewed the Headlines school license renewal application. IT WAS MOVED BY TAMMY UGOFKY, SECONDED BY NORA SLYKHUIS, TO APPROVE THE SCHOOL LICENSE RENEWAL APPLICATION FOR HEADLINES ACADEMY, RAPID CITY. THE MOTION PREVAILED ON A VOICE VOTE.

#### **● Stewart School - Instructor 12-Hour Continuing Education Proposal**

The Commission reviewed the Stewart School instructor 12-hour continuing education proposal. IT WAS MOVED BY NORA SLYKHUIS, SECONDED BY LORI BERRETH, TO APPROVE THE STEWART SCHOOL INSTRUCTOR 12-HOUR CONTINUING EDUCATION PROPOSAL. THE MOTION PREVAILED ON A VOICE VOTE.

#### **● Ramona Reicherts - Microdermabrasion Provider Application**

The Commission reviewed the microdermabrasion provider application submitted by Ramona Reicherts. IT WAS MOVED BY NORA SLYKHUIS, SECONDED BY LORI BERRETH, TO APPROVE THE RAMONA REICHERTS AS A MICRODERMABRASION 16-HOUR EDUCATION PROVIDER. THE MOTION PREVAILED ON A VOICE VOTE.

#### **● Apprenticeship Application - Tonya Waterman Beynon, Senior Instructor/Krishna Hills, Apprentice**

The Commission reviewed a proposed nail technician apprenticeship for Krishna Hills, with Tonya Waterman Beynon as the senior instructor. It was noted that this would be Tonya's second apprentice, with her first apprentice completing her nail technician apprenticeship and successfully passing her state board examinations in April, 2014. IT WAS MOVED BY NORA SLYKHUIS, SECONDED BY LORI BERRETH, TO APPROVE THE PROPOSED NAIL TECHNICIAN APPRENTICESHIP FOR KRISHNA HILLS, WITH TONYA WATERMAN BEYNON AS THE SENIOR INSTRUCTOR. THE MOTION PREVAILED ON A VOICE VOTE.

#### **11. Election of Officers**

**Vice President** - IT WAS MOVED BY LORI BERRETH, SECONDED BY LORI LITTLE, TO ELECT TAMMY UGOFKY AS VICE PRSIDENT. THE MOTON PREVAILED ON A VOICE VOTE.

**Secretary-Treasurer** - IT WAS MOVED BY TAMMY UGOFKY, SECONDED BY LORI BERRETH, TO ELECT NORA SLYKHUIS AS SECRETARY-TREASURER. THE MOTION PREVAILED ON A VOICE VOTE.

**President** - IT WAS MOVED BY NORA SLYKHUIS, SECONDED BY TAMMY UGOFKY, TO ELECT LOIS PORCH AS PRESIDENT. THE MOTION PREVAILED ON A VOICE VOTE.

#### **13. Upcoming Meeting Dates**

- August 22-25, 2014 NIC Conference and August 21-22, 2014 Board Administrators Meeting, Charleston, South Carolina (Tammy Ugofsky, Lori Little and Kate Boyd Attending)
- September 5-6, 2014 State Board Exams - Rapid City
- September 25-27, 2014 - Schools Visits, Commission Meeting and State Board Exams - Watertown and Sioux Falls

#### **Adjournment**

IT WAS MOVED BY LORI LITTLE, SECONDED BY TAMMY UGOFKY, TO ADJOURN. THE MOTION PREVAILED ON A VOICE VOTE.

The meeting adjourned at 7:25 p.m.

Respectfully submitted by:

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Kate Boyd, Recording Secretary

and

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Tammy Ugofsky, Secretary-Treasurer

## **Executive Director's Report**

**July 21, 2014**

1. Presentation to Headlines Academy School - I gave a presentation to Headlines Academy students on July 3, 2014 regarding the new special events exemption law and other issues relating to licensing and salon and booth ownership. A representative from the Rapid City Department of Revenue attended the meeting as well to address sales tax licensing. Plans will be made to give similar presentations to other cosmetology schools in the upcoming months.
2. Database and On-Line Renewal of Licenses - The initial computer programming is almost complete and we will begin the transition to the new system in the next few months. The conversion of data from the old database to the new database is proving challenging, so the contract has been extended to refine the process.
3. NIC Conference New Member Orientation - I have been asked to serve on the new member orientation program at the upcoming NIC Conference in Charlotte, North Carolina. We hope to develop a presentation that is informative and presents NIC in a professional manner.