

Meeting Minutes
SOUTH DAKOTA COSMETOLOGY COMMISSION
Ramkota Hotel, Pierre, South Dakota
July 26, 2019 (CDT)

Vice President and Acting Chair Tami Stokes called the meeting to order at 8:37 am on Friday, July 26, 2019 in the Lake Lewis & Clark Room, Ramkota Hotel, Pierre, South Dakota.

Secretary-Treasurer Crystal Carlson read the roll and a quorum was established.

Members Present: Crystal Carlson
Tami Stokes
Renee Graf (via conference call)
Debbie Pageler (via conference call)

Members Absent: N/A

Others Present: Graham Oey, Staff Attorney, Department of Labor & Regulation, (via conference call)
Kate Boyd, Executive Director
Kelsey Skoglund, Commission Staff
Laurie Brandner
Angela Taylor, Stewart School (via conference call)
Peggy Sproat, Headlines Academy (via conference call)
Desaree Dargitz, Headlines Academy (via conference call)

Crystal Carlson made a motion to approve the agenda. Debbie Pageler seconded the motion. **MOTION PASSED.** (Carlson yea; Graf yea; Pageler yea; Stokes yea.)

Vice President Tami Stokes introduced and welcomed Renee Graf as a newly appointed cosmetologist member of the commission.

Tami Stokes pointed out several corrections to the April 12, 2019 draft minutes. Crystal Carlson made a motion to amend the draft minutes. **MOTION PASSED.** (Carlson yea; Graf yea; Pageler yea; Stokes yea.)

Crystal Carlson made a motion to approve the April 12, 2019 minutes. Tami Stokes seconded the motion. **MOTION PASSED.** (Carlson yea; Graf yea; Pageler yea; Stokes yea.)

Treasurer Crystal Carlson stated that as of June 30, 2019, the available funds balance was \$1,471.09 and the cash center balance was \$150,208.06. Executive Director Kate Boyd referred the Commission to a Year-End Report of revenue by fee category. She further commented that the Commission's reserve funds are being depleted. In late 2018 the Commission did an administrative rules amendment to increase fees effective 2020. This will help to increase revenues in future years. However, the Commission is going to need to consider ways to reduce expenses. The Commission requested that the next Commission meeting agenda include a discussion of expense-savings ideas.

The Executive Director's Report was included in the meeting handouts and included the following information: (1) Administrative Rules adoption is underway. The public hearing will be held on August 20, 2019 at 10:00 am via conference call. (2) Kelsey Skoglund has resigned

effective August 30, 2019. (3) The meeting packets included a news article from the Pierre Capital Journal regarding salons that received Commission disciplinary action. (4) The NIC School Overview will be held later in the afternoon and the Examiner Training will be held Saturday and Sunday.

Tami Stokes requested that the practical examination be placed on the next meeting agenda.

Case A-2019- Crystal Carlson made a motion to approve the Consent Agreement for with the following terms:

- a. Thepalm Salon license will be suspended for 5 days beginning September 1, 2019.
- b. The 5 days of suspension will be held in abeyance if the following conditions are observed:
 - 1) Payment for the immediate reinstatement of the salon license pursuant to SDCL 36-15-38.5.
 - 2) Comply with all laws and regulations of the Commission.

Tami Stokes seconded the motion. **MOTION PASSED.** (Carlson yea; Graf yea; Pageler yea; Stokes yea.)

Case B-2019- Crystal Carlson made a motion to approve the Consent Agreement for with the following terms:

- a. Paris Nails Salon will be suspended for a period of 30 days beginning August 9, 2019.
- b. The 30 days of suspension will be held in abeyance if the following conditions are observed:
 - 1) Payment for the immediate reinstatement of the salon license pursuant to SDCL 36-15-38.5.
 - 2) Subject to additional inspections.
 - 3) The salon owner and employees shall take the Administrative Laws and Rules Exam prior to October 30,2019.
 - 4) Comply with all laws and regulations of the Commission.

Debbie Pageler seconded the motion. **MOTION PASSED.** (Carlson yea; Graf yea; Pageler yea; Stokes yea.)

Case D-2019- Tami Stokes made a motion to approve the Consent Agreement for with the following terms:

- a. Bella Spa Salon will be suspended for a period of 14 days beginning September 1, 2019.
- b. The 14 days of suspension will be held in abeyance if the following conditions are observed:
 - 1) Payment for the immediate reinstatement of the salon license pursuant to SDCL 36-15-38.5.
 - 2) Subject to additional inspections.
 - 3) Comply with all laws and regulations of the Commission.

Crystal Carlson seconded the motion. **MOTION PASSED.** (Carlson yea; Graf yea; Pageler yea; Stokes yea.)

Case E-2019- Debbie Pageler made a motion to approve the Consent Agreement for with the following terms:

- a. Nails Time Salon will be suspended for a period of 14 days beginning September 1, 2019.
- b. The 14 days of suspension will be held in abeyance if the following conditions are observed:
 - 1) Payment for the immediate reinstatement of the salon license pursuant to SDCL 36-15-38.5.
 - 2) Subject to additional inspections.
 - 3) Comply with all laws and regulations of the Commission.

Crystal Carlson seconded the motion. **MOTION PASSED.** (Carlson yea; Graf yea; Pageler yea; Stokes yea.)

Lapsed Case 8-2019- Crystal Carlson made a motion to approve the Consent Agreement for with the following terms:

- a. Posh Nail Bar & Spa Salon license will be suspended for 15 days beginning April 22, 2019.
- b. The 15 days will be held in abeyance if following conditions are observed:
 - 1) Comply with all laws and regulations of the Commission.
 - 2) Payment for the immediate reinstatement of the salon license pursuant to SDCL 36-15-38.5.

Tami Stokes seconded the motion. **MOTION PASSED.** (Carlson yea; Graf yea; Pageler yea; Stokes yea.)

Lapsed Case 11-2019- Crystal Carlson made a motion to approve the Consent Agreement for with the following terms:

- a. Ms. Berkner's personal license will be suspended for 10 days beginning September 1, 2019.
- b. The 10 days will be held in abeyance if following conditions are observed:
 - 1) Comply with all laws and regulations of the Commission.
 - 2) Payment for the immediate reinstatement of her personal license pursuant to SDCL 36-15-38.5.

Debbie Pageler seconded the motion. **MOTION PASSED.** (Carlson yea; Graf yea; Pageler yea; Stokes yea.)

Lapsed Case 12-2019- Crystal Carlson made a motion to approve the Consent Agreement for with the following terms:

- a. The Sassie Spur Salon license will be suspended for 10 days beginning September 1, 2019.
- b. The 10 days will be held in abeyance if following conditions are observed:

- 1) Comply with all laws and regulations of the Commission.
- 2) Payment for the immediate reinstatement of the salon license pursuant to SDCL 36-15-38.5.

Tami Stokes seconded the motion. **MOTION PASSED.** (Carlson yea; Graf yea; Pageler yea; Stokes yea.)

Lapsed Case 13-2019- Crystal Carlson made a motion to approve the Consent Agreement for with the following terms:

- a. Ms. Muhm's personal license will be suspended for 15 days beginning September 1, 2019.
- b. The 15 days will be held in abeyance if following conditions are observed:
 - 1) Comply with all laws and regulations of the Commission.
 - 2) Payment for the immediate reinstatement of her personal license pursuant to SDCL 36-15-38.5.
- c. Ms. Muhm Booth's license will be suspended for 5 days beginning September 1, 2019.
- d. The 5 days will be held in abeyance if the following conditions are observed:
 - a. Comply will all laws and regulations of the Commission.
 - b. Payment for the immediate reinstatement of her booth license pursuant to SDCL 36-15-38.5.

Debbie Pageler seconded the motion. **MOTION PASSED.** (Carlson yea; Graf yea; Pageler yea; Stokes yea.)

Lapsed Case 14-2019- Crystal Carlson made a motion to approve the Consent Agreement for with the following terms:

- a. Wildflower Salon and Spa's license will be suspended for 10 days beginning September 1, 2019.
- b. The 10 days will be held in abeyance if following conditions are observed:
 - 1) Comply with all laws and regulations of the Commission.
 - 2) Payment for the immediate reinstatement of the salon license pursuant to SDCL 36-15-38.5.

Tami Stokes seconded the motion. **MOTION PASSED.** (Carlson yea; Graf yea; Pageler yea; Stokes yea.)

Lapsed Case 15-2019- Tami Stokes made a motion to approve the Consent Agreement for with the following terms:

- a. Ms. Gillen license will be suspended for 10 days beginning September 1, 2019.
- b. The 10 days will be held in abeyance if following conditions are observed:
 - 1) Comply with all laws and regulations of the Commission.
 - 2) Payment for the immediate reinstatement of her license pursuant to SDCL 36-15-38.5.

Debbie Pageler seconded the motion. **MOTION PASSED.** (Carlson yea; Graf yea; Pageler yea; Stokes yea.)

Lapsed Case 16-2019- Crystal Carlson made a motion to approve the Consent Agreement for with the following terms:

- a. Hair with Flair Salon's license will be suspended for 5 days beginning September 1, 2019.
- b. The 5 days will be held in abeyance if following conditions are observed:
 - 1) Comply with all laws and regulations of the Commission.
 - 2) Payment for the immediate reinstatement of the salon license pursuant to SDCL 36-15-38.5.

Tami Stokes seconded the motion. **MOTION PASSED.** (Carlson yea; Graf yea; Pageler yea; Stokes yea.)

Lapsed Case 17-2019- Crystal Carlson made a motion to approve the Consent Agreement for with the following terms:

- a. The Prairie Cottage Nails Salon's license will be suspended for 10 days beginning September 1, 2019.
- b. The 10 days will be held in abeyance if following conditions are observed:
 - 1) Comply with all laws and regulations of the Commission.
 - 2) Payment for the immediate reinstatement of the salon license pursuant to SDCL 36-15-38.5.

Tami Stokes seconded the motion. **MOTION PASSED.** (Carlson yea; Graf yea; Pageler yea; Stokes yea.)

The Commission reviewed a packet containing photos of pedicure tools to provide guidance to the staff and inspectors on which tools are acceptable and which ones violate the law and rules. It was agreed that the pumice stone tools need to be identified in the administrative rules as single-use because they cannot be disinfected. A handout is going to be developed that can be placed on the website and provided to salons and inspectors and available to the public regarding acceptable and nonacceptable pedicure tools.

Tami Stokes made a motion to elect Crystal Carlson as President. Debbie Pageler seconded the motion. **MOTION PASSED.** (Carlson yea; Graf yea; Pageler yea; Stokes yea.)

Tami Stokes made a motion to elect Debbie Pageler as Vice President. **MOTION PASSED.** (Carlson yea; Graf yea; Pageler yea; Stokes yea.)

Crystal Carlson made a motion to elect Tami Stokes as Secretary-Treasurer. Debbie Pageler seconded the motion. **MOTION PASSED.** (Carlson yea; Graf yea; Pageler yea; Stokes yea.)

The meeting was opened for public comment. Laurie Brandner commented that she observed a nail salon that had developed a homemade power tool to remove calluses. The Commission stated that if an inspector finds a tool of this sort, the salon would be told to remove this nonlegal equipment and it would be noted on the inspection report.

Tami Stokes made a motion to approve the Headlines Academy school license renewal application. Crystal Carlson seconded the motion. **MOTION PASSED.** (Carlson yea; Graf yea; Pageler yea; Stokes yea.)

Crystal Carlson made a motion to approve Applicant #1 – Instructor License Application. Tami Stokes seconded the motion. **MOTION PASSED.** (Carlson yea; Graf yea; Pageler yea; Stokes yea.)

Crystal Carlson made a motion to approve Applicant #2 – Student License Application. Tami Stokes seconded the motion. **MOTION PASSED.** (Carlson yea; Graf yea; Pageler yea; Stokes yea.)

Tami Stokes made a motion to approve Applicant #3 – Student License Application. Crystal Carlson seconded the motion. **MOTION PASSED.** (Carlson yea; Graf yea; Pageler yea; Stokes yea.)

The Commission discussed the future of esthetics licensing and allowable services. The area of esthetics services and equipment is rapidly changing with new produced and equipment becoming available at a rapid rate. It was agreed to reform the Esthetics Task Force. Crystal Carlson and Tami Stokes from the Commission will serve on the task force, together with office staff and inspectors. The schools will be invited to have one representative serve on the task force.

The Commission was asked to reconsider the current policy of requiring all non-US high school diplomas to be translated by Credential Consultants and evaluated by AEQUO International. This process is very time-consuming and expensive for the applicant and delays being issued a South Dakota cosmetology, esthetics or nail technician license.

Crystal Carlson made a motion to change the proof of high school graduation for non-US high school graduates to accept a translated diploma, along with a copy of the original diploma or a written, notarized statement from the applicant that they do possess a high school diploma. Tami Stokes seconded the motion. **MOTION PASSED.** (Carlson yea; Graf yea; Pageler yea; Stokes yea.)

The list of upcoming meetings and events was reviewed. Tami Stokes commented that in addition to the items listed, we will be administering cosmetology State Board exams on August 5 & 6, 2019.

There was a brief discussion about the December 3 Commission meeting. The Commission members agreed to continue to have the meeting that afternoon via conference call.

Crystal Carlson made a motion to adjourn. Debbie Pageler seconded the motion. **MOTION PASSED.** (Carlson yea; Graf yea; Pageler yea; Stokes yea.)

Acting Chair Tami Stokes adjourned the meeting at 10:20 am.

Respectfully submitted,

Kate Boyd, Executive Director

Crystal Carlson, Secretary-Treasurer

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

July 26, 2019

- 1. Administrative Rules** – The proposed administrative rules have been sent to the DLR Secretary for review and authorization to proceed. After we receive the go-ahead, we will schedule a conference call public hearing. Our rules will be presented to the Legislative Interim Rules Review Committee on September 9, 2019. If the Rules Review Committee okays everything, the final step is to file the rules with the Secretary of State's office and the rules become effective 20 days later. It was announced at the Commission meeting that the Public Hearing will be held on August 20 at 10:00 am via teleconference.

The latest version of the draft rules was emailed to all Commission members and schools for review. If you see any further changes, please contact me with your questions or proposed changes. Any further changes would need to be dealt with after public testimony at the Commission public hearing.

- 2. Personnel Change** – Kelsey Skoglund submitted her resignation, effective July 30, 2019 to have more time to devote to her family. We will miss her, but also want to wish her well. The position has been announced and a verbal update will be given at the July 26 meeting.
- 3. Pierre Capital Journal News Article** – Enclosed as part of the Executive Director report for your information is an article that ran in the Pierre Capital Journal in the Spring about salons that received disciplinary action from the Commission.
- 4. NIC School Overview and Practical Examiner Training** – The NIC School Overview of the practical examination will be held later in the afternoon beginning at 2:00 pm in the same room as the Commission meeting. The practical examiner training & certification will be held July 27 & 28 at the Ramkota in Pierre. Nine individuals are scheduled to attend the annual examiner training. Training and certification is required to qualify to score the practical examination.