

# **SOUTH DAKOTA COSMETOLOGY COMMISSION MEETING MINUTES**

**September 10, 2013**

## **Call Meeting to Order**

The regular meeting of the Cosmetology Commission was called to order by President Lois Porch on Tuesday, September 10, 2013 at 3:35 p.m. at the Cosmetology Commission office, 111 E Capitol Avenue, Pierre, South Dakota.

## **1. Roll Call**

Attendance was taken by Secretary-Treasurer Pat Clark, with the following members present: Pat Clark, Lois Porch, Nora Slykhuis and Tammy Ugofsky joining via telephone. Absent: Lori Berreth. Guests present: Reporter Bob Mercer, Marcellino Cochran and Darnesia Cochran. Staff present: Attorney Aaron Arnold and Executive Director Kate Boyd.

## **2. Minutes of the July 15, 2013 and August 20, 2013 Meetings**

There was one correction noted to the July 15 Minutes under Election of Officers, Nora Slykhuis was elected as Vice President. IT WAS MOVED BY PAT CLARK, SECONDED BY NORA SLYKHUIS, TO APPROVE THE MINUTES OF THE JULY 15, 2013 MEETING AS CORRECTED. THE MOTION PREVAILED ON A VOICE VOTE.

IT WAS MOVED BY NORA SLYKHUIS, SECONDED BY PAT CLARK, TO APPROVE THE MINUTES OF THE AUGUST 20, 2013 MEETING AS WRITTEN. THE MOTION PREVAILED ON A VOICE VOTE.

## **3. Treasurer's Report**

Secretary-Treasurer Pat Clark reported that as of August 31, 2013, the available budget was \$176,029.76 and the cash center balance was \$358,841.95.

IT WAS MOVED BY NORA SLYKHUIS, SECONDED BY TAMMY UGOFKY, TO APPROVE THE TREASURER'S REPORT AS PRESENTED. THE MOTION PREVAILED ON A VOICE VOTE.

## **8. Referral of Application for Examination & Temporary License Application to the Commission**

At this time, the Commission moved to agenda item 8, since the applicant was present to speak on his own behalf. The Commission was given a report of drug and alcohol related convictions for an applicant who was applying to take the cosmetology state board examinations and for issuance of a temporary license. In addition to concerns about the drug and alcohol convictions, the applicant had shown a salon not licensed with the commission on the temporary license application.

At this time, the applicant appeared before the Commission to speak on his own behalf. Following the applicant's remarks, IT WAS MOVED BY NORA SLYKHUIS, SECONDED BY PAT CLARK, TO GO INTO EXECUTIVE SESSION FOR THE PURPOSES OF DELIBERATION AND PURSUANT TO SDCL 1-25-2(3). THE MOTION PREVAILED ON A VOICE VOTE.

At this time, all individuals left the meeting with the exception of the Commission members and attorney Aaron Arnold.

The Commission reconvened regular session.

IT WAS MOVED BY NORA SLYKHUIS, SECONDED BY TAMMY UGOFISKY, TO DENY THE APPLICATION FOR EXAMINATION AND TEMPORARY LICENSE APPLICATION, BASED UPON SDCL 36-15-56(4) & (9). 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. The report included (1) welcome to new Commission member Tammy Ugofsky from Yankton, (2) Update on the on-line renewal of licenses and database upgrade to inform the Commission that Smart Software Solutions from Pierre has been selected as the vendor of this project, (3) reminder about the staff annual performance planning and review that will need to be completed for Executive Director and Secretary in early October, and (4) suggestion for the next Commission meeting date.

#### **5. Disciplinary Actions**

The Commission was informed that it will be necessary to schedule a disciplinary action hearing in a case that is currently pending. The following dates were suggested: November 8, November 14, or November 18.

#### **OLD BUSINESS**

##### **6. 2014 Proposed Special Events Legislation**

The Commission reviewed the latest draft of the 2014 proposed special events legislation. Changes had been made from the earlier draft to include a requirement for a special events kit to be in the salon for inspection and that all special events services must be documented through a salon or booth license.

IT WAS MOVED BY NORA SLYKHUIS, SECONDED BY PAT CLARK, TO PROCEED WITH THE NEW CHANGES TO THE SPECIAL EVENTS PERMIT DRAFT LEGISLATION. THE MOTION PREVAILED ON A VOICE VOTE.

##### **7. Strategic Plan**

The final report of the strategic planning session had been mailed to Commission members. Further review of the plan was deferred to the next meeting.

#### **NEW BUSINESS**

##### **9. Proposed Language Regarding Criminal Convictions on Applications**

The Commission reviewed proposed language presented by attorney Aaron Arnold to be added to Student Enrollment Form/Student License, Application for Examination, Reciprocity Application and Temporary License Application to ask applicants: "Have you ever been convicted of, plead guilty or nolo contendere to a felony or to any alcohol or drug related misdemeanor? \_\_Yes \_\_No. If answered "yes", explain on a separate sheeting giving date, place and full particulars and attach as part of this application."

IT WAS MOVED BY PAT CLARK, SECONDED BY NORA SLYKHUIS, TO ADD THE PROPOSED LANGUAGE AS NOTED ABOVE TO THE APPLICATIONS. THE MOTION PREVAILED ON A VOICE VOTE.

**10. Headlines Academy School License Approval**

The Commission reviewed the application for school license renewal from Headlines Academy, Inc., Rapid City. IT WAS MOVED BY PAT CLARK, SECONDED BY NORA SLYKHUIS, TO APPROVE THE SCHOOL LICENSE RENEWAL APPLICATION FOR HEADLINES ACADEMY, INC. THE MOTION PREVAILED ON A VOICE VOTE.

**11. School Field Trip Requests - Stewart School; LATI; BHBC-SF Charity Event; BHBC - SF & RC**

The Commission reviewed several school field trip requests that the Commission office had received as a result of the recent administrative rules amendment allowing 32-hours of Commission-approved field trips for cosmetologist students.

IT WAS MOVED BY NORA SLYKHUIS, SECONDED BY TAMMY UGOFKY, TO APPROVE THE SCHOOL FIELD TRIP REQUESTS AS NOTED ABOVE. THE MOTION PREVAILED ON A VOICE VOTE.

**12. Proposed Apprenticeship - Tonya Waterman-Beynon**

The commission reviewed an apprenticeship application packet for senior instructor Tonya Waterman-Beynon and Rosa Glaus. Nora Slykhuis reported that she had interviewed Tonya and Rosa on August 8 at Tonya's salon in Brookings. Nora stated she thought that Tonya and Rosa understood the apprenticeship relationship they would be entering in to. IT WAS MOVED BY NORA SLYKHUIS, SECONDED BY TAMMY UGOFKY, TO APPROVE THE PROPOSED APPRENTICESHIP APPLICATION. THE MOTION PREVAILED ON A VOICE VOTE.

**13. Instructor Continuing Education - Pivot Point On-Line Courses**

Discussion of the Pivot Point On-Line instructor courses was deferred until we receive more information from the company.

**14. 2014 Exam Schedule & Commission Meetings**

Finalization of the schedule for 2014 exam dates and Commission meetings was deferred to the next meeting.

**15. Report of NIC Board Administrator Meeting & NIC Conference**

President Lois Porch, Vice President Nora Slykhuis and Executive Director Kate Boyd all reported on their recent attendance at the NIC Conference, and Kate's attendance at the Board Administrators Meeting.

**16. Other Business - N/A**

**17. Upcoming Meeting Dates**

- OCTOBER 6, 2013 - NIC EXAMINER TRAINING - PIERRE (Attendance Mandatory)
- October 25-26, 2013 - State Board Examinations - Rapid City
- November 15-16, 2013 - State Board Examinations - Sioux Falls

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**Adjournment**

IT WAS MOVED BY PAT CLARK, SECONDED BY NORA SLYKHUIS, TO ADJOURN. THE MOTION PREVAILED ON A VOICE VOTE.

The meeting adjourned at 5:35 p.m.

Respectfully submitted by:

\_\_\_\_\_  
Kate Boyd, Recording Secretary

and

\_\_\_\_\_  
Pat Clark, Secretary-Treasurer

## **Executive Director's Report**

**September 10, 2013**

### **1. Welcome New Commission Member**

We welcome Tammy Ugofsky, owner of Xtreme Salon & Spa, Yankton, South Dakota as a new member of the Commission. Tammy was appointed as a cosmetologist member of the Commission by Governor Daugaard to replace Kim Maskell who resigned in late July, 2013. Tammy's appointment was effective 8/28/13, with her term expiring on 4/14/16.

### **2. On-Line Renewal of Licenses & Database Upgrade**

Smart Software Solutions, Pierre, has been selected to perform the necessary computer programming to (1) upgrade the cosmetology database and (2) allow for on-line renewal of licenses. The formal contract is currently being developed. It is anticipated that these projects will be completed in early 2014.

### **3. Annual Performance Planning & Review**

Both office personnel annual performance reviews need to be completed within the next 30 days. Executive Director's review is due by October 1, 2013. Office secretary Beth Marnell's review needs to be completed by October 11, 2013. At the recent Strategic Planning Session, there was discussion about the entire Commission providing input for the Executive Director review. Blank copies of the review form are enclosed for Commission members. I suggest that you coordinate this process with President Lois Porch.

As her supervisor, I will conduct the review for Beth Marnell, with Commission President Lois Porch also signing the review document.

### **4. Next Commission Meeting**

I would like to suggest that the Commission consider holding a meeting on October 7, 2013. The Commission will be in Pierre on October 6, 2013 for the NIC Examiner Training. At that time, the 2014 exam and meeting calendar can be finalized and the Commission can spend time reviewing the Strategic Planning document and assigning certain tasks to be performed.