

Meeting Minutes
SOUTH DAKOTA COSMETOLOGY COMMISSION
Pierre, South Dakota
November 29, 2018 (CST)

President Tammy Ugofsky called the meeting to order at 2:05 pm on Thursday, November 29, 2018 at the Matthews Training Center located at 523 E. Capitol Avenue, Pierre, South Dakota.

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

Members Present: Crystal Carlson
Lori Little (via teleconference)
Debbie Pageler
Tami Stokes
Tammy Ugofsky

Members Absent: N/A

Others Present: Graham Oey, Staff Attorney, Department of Labor & Regulation
Executive Director Kate Boyd
Joy Poloncic, Black Hills Beauty College
Tom Poloncic, Black Hills Beauty College
Angela Larson, LATI Cosmetology Program
Diane Stiles, LATI (via teleconference)
Peggy Sproat, Headlines Academy (via teleconference)
Desaree Dargatz, Headlines Academy (via teleconference)
Angela Taylor, Stewart School (via teleconference)
Katie Ballegooyen, Stewart School (via teleconference)

Teresa Diederich, the new secretary in the Commission office in Pierre was introduced.

Executive Director Kate Boyd offered two new agenda items under Disciplinary Actions: Lapsed Case 22-2017 and Case D-2018. Tammy Ugofsky made a motion to accept these two new agenda items. Crystal Carlson seconded the motion. **MOTION PASSED.** (Carlson yea; Little yea; Pageler yea; Stokes yea; Ugofsky yea).

Tammy Ugofsky made a motion to approve the agenda as amended. Lori Little seconded the motion. **MOTION PASSED.** (Carlson yea; Little yea; Pageler yea; Stokes yea; Ugofsky yea).

Four typographical errors were noted in the September 20, 2018 meeting minutes. Crystal Carlson made a motion to approve the minutes of the September 20, 2018 as corrected and the minutes of the November 5, 2018 Administrative Rules Hearing as submitted. Debbie Pageler seconded the motion. **MOTION PASSED.** (Carlson yea; Little yea; Pageler yea; Stokes yea; Ugofsky yea).

Treasurer Crystal Carlson stated that as of October 31, 2018, the available funds balance was \$192,735.39 and the cash center balance was \$171,945.43.

Executive Director Kate Boyd reported (1) that she appeared before the Legislature's Interim Rules Review Committee on November 20, 2018 to present the proposed fee increases. The rule was approved as final. The fee increases will go into effect January 1, 2020; (2) Teresa Diederich joined the Commission office staff in October as the new secretary; and (3) Kelsey Skoglund began her 12-week maternity leave on November 26, 2018.

Case D-2017 - Tammy Ugofsky made a motion to approve the Consent Agreement for Case D-2017 with the following terms:

- a. Ms. Ngo license, Lic. #NT-12398, will be suspended for a period of 14 days beginning January 1, 2019.
- b. The 14 days of suspension will be held in abeyance for a period of one year, and Ms. Ngo's license will not be actively suspended, so long as the following conditions are met:
 - 1) Ms. Ngo will comply with all laws and regulations relating to her 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) Ms. Ngo will successfully complete an educational course about South Dakota State Laws and Rules provided by the Commission Staff.
- c. Best Nail Salon's license, #NS-08359, will be suspended for a period of 14 days beginning January 1, 2019.
- d. The 14 days of suspension will be held in abeyance for a period of one year, and Best Nail Salon license will not be actively suspended, so long as the following conditions are met:
 - 1) Best Nail Salon 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) Best Nails Salon will be subject to additional inspections for a period of 1 year from the date of execution of this agreement. Ms. Ngo, 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 January 1, 2019.
 - 3) Pursuant to SDCL 36-15-58.5 the Commission imposes a monetary penalty of \$300.00 to be paid prior to January 1, 2019.

Debbie Pageler seconded the motion. **MOTION PASSED.** (Little yea; Pageler yea; Stokes yea; Ugofsky yea; Carlson abstain).

Lapsed Case 24-2017 – Tammy Ugofsky made a motion to approve the Consent Agreement for Lapsed Case 24-2017 with the following terms:

- a. New Leaf Body Spa Salon license, Lic. #CS-06194, will be suspended for a period of 10 days with 10 days being held in abeyance; New Leaf Body Spa Salon's license will not actively be suspended.
- b. The 10 days of suspension for the salon 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:
 - 4) New Leaf Body Spa Salon 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;
 - 5) Pursuant to SDCL 36-15-58.5 the Commission imposes a monetary penalty of \$125.00, as a condition for the immediate reinstatement of the salon license, to be paid prior to March 1, 2018.

Tami Stokes seconded the motion. **MOTION PASSED.** (Little yea; Pageler yea; Stokes yea; Ugofsky yea; Carlson abstain).

Lapsed Case 13-2018 – Debbie Pageler made a motion to approve the Consent Agreement for Lapsed Case 13-2018 with the following conditions:

- a. Ms. Harrington's personal license, Lic. #CO-02051, will be suspended for a period of 5 days beginning January 1, 2019.
- b. The 5 days of suspension will be held in abeyance for a period of 1 year, and Ms. Harrington's personal license will not be actively suspended, so long as the following conditions are met:
 - 6) Ms. Harrington will comply with all laws and regulations relating to her profession under SDCL chapter 36-15 and ARSD article 20:42 for a period of 1 year beginning on the day this agreement is signed by the Commission; and
 - 7) Ms. Harrington pay a penalty in the amount of \$75.00 to the Commission prior to January 1, 2019, as a condition for the immediate reinstatement of Ms. Harrington's personal license pursuant to SDCL 36-15-58.5.
- c. Hair Unlimited Salon license, Lic. #CS-03097, will be suspended for a period of 10 days beginning January 1, 2019.
- d. The 10 days of suspension will be held in abeyance for a period of 1 year, and Hair Unlimited Salon license will not be actively suspended, so long as the following conditions are met:
 - 8) Hair Unlimited Salon 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 day this agreement is signed by the Commission; and
 - 9) Hair Unlimited Salon pay a penalty in the amount of \$125.00 to the Commission prior to January 1, 2019, as a condition for the

immediate reinstatement of Hair Unlimited Salon license pursuant to SDCL 36-15-58.5.

Tammy Ugofsky seconded the motion. **MOTION PASSED.** (Little yea; Pageler yea; Stokes yea; Ugofsky yea; Carlson abstain).

Lapsed Case 14-2018 – Tami Stokes made a motion to approve the Consent Agreement for Lapsed Case 14-2018 with the following conditions:

- a. Ms. Luetjen's personal license, Lic. #CO-10888, will be suspended for a period of 5 days beginning January 1, 2019.
- b. The 5 days of suspension will be held in abeyance for a period of 1 year, and Ms. Luetjen's personal license will not be actively suspended, so long as the following conditions are met:
 - 10) Ms. Luetjen will comply with all laws and regulations relating to her profession under SDCL chapter 36-15 and ARSD article 20:42 for a period of 1 year beginning on the day this agreement is signed by the Commission; and
 - 11) Ms. Luetjen pay a penalty in the amount of \$100.00 to the Commission prior to January 1, 2019, as a condition for the immediate reinstatement of Ms. Luetjen's personal license pursuant to SDCL 36-15-58.5.

Tammy Ugofsky seconded the motion. **MOTION PASSED.** (Little yea; Pageler yea; Stokes yea; Ugofsky yea; Carlson abstain).

Lapsed Case 15-2018 – Tammy Ugofsky made a motion to approve the Consent Agreement for Case 15-2018 with the following conditions:

- a. Ms. Anderson's personal license, Lic. #CO-03624, will be suspended for a period of 30 days beginning January 1, 2019.
- b. The 30 days of suspension will be held in abeyance for a period of 1 year, and Ms. Anderson's personal license will not be actively suspended, so long as the following conditions are met:
 - 12) Ms. Anderson will comply with all laws and regulations relating to her profession under SDCL chapter 36-15 and ARSD article 20:42 for a period of 1 year beginning on the day this agreement is signed by the Commission; and
 - 13) Ms. Anderson pay a penalty in the amount of \$350.00 to the Commission prior to January 1, 2019, as a condition for the immediate reinstatement of Ms. Anderson's personal license pursuant to SDCL 36-15-58.5.
- c. Images by Sheila Salon license, Lic. #CS-02194, will be suspended for a period of 30 days beginning January 1, 2019.

- d. The 30 days of suspension will be held in abeyance for a period of 1 year, and Images by Sheila Salon license will not be actively suspended, so long as the following conditions are met:
 - 14) Images by Sheila Salon 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 day this agreement is signed by the Commission; and
 - 15) Images by Sheila Salon pay a penalty in the amount of \$350.00 to the Commission prior to January 1, 2019, as a condition for the immediate reinstatement of Images By Sheila Salon license pursuant to SDCL 36-15-58.5.

Debbie Pageler seconded the motion. **MOTION PASSED.** (Little yea; Pageler yea; Stokes yea; Ugofsky yea; Carlson abstain).

Lapsed Case 16-2018 - Lori Little made a motion to approve the Consent Agreement for Lapsed Case 16-2018 with the following conditions:

- a. The Getaway Salon and Spa license, Lic. #CS-03758, will be suspended for a period of 10 days beginning January 1, 2019.
- b. The 10 days of suspension will be held in abeyance for a period of 1 year, and The Getaway Salon and Spa license will not be actively suspended, so long as the following conditions are met:
 - 16) The Getaway Salon and Spa will comply with all laws and regulations relating to her profession under SDCL chapter 36-15 and ARSD article 20:42 for a period of 1 year beginning on the day this agreement is signed by the Commission; and
 - 17) The Getaway Salon and Spa pay a penalty in the amount of \$150.00 to the Commission prior to January 1, 2019, as a condition for the immediate reinstatement of The Getaway Salon and Spa license pursuant to SDCL 36-15-58.5.

Tammy Ugofsky seconded the motion. **MOTION PASSED.** (Little yea; Pageler yea; Stokes yea; Ugofsky yea; Carlson abstain).

Lapsed Case 19-2018 – Debbie Pageler made a motion to approve the Consent Agreement for Lapsed Case 19-2018 with the following conditions:

- a. Wanda Gasper Booth license, Lic. #CB-01759, will be suspended for a period of 10 days beginning January 1, 2019.
- b. The 10 days of suspension will be held in abeyance for a period of 1 year, and Wanda Gasper Booth license will not be actively suspended, so long as the following conditions are met:
 - 18) Wanda Gasper Booth will comply with all laws and regulations relating to her profession under SDCL chapter 36-15 and ARSD

article 20:42 for a period of 1 year beginning on the day this agreement is signed by the Commission; and

- 19) Wanda Gasper Booth pay a penalty in the amount of \$150.00 to the Commission prior to January 1, 2019, as a condition for the immediate reinstatement of Wanda Gasper Booth license pursuant to SDCL 36-15-58.5.

Tammy Ugofsky seconded the motion. **MOTION PASSED.** (Little yea; Pageler yea; Stokes yea; Ugofsky yea; Carlson abstain).

Lapsed Case 20-2018 – Tammy Ugofsky made a motion to approve the Consent Agreement for Lapsed Case 20-2018 with the following conditions:

- a. The Cutting Edge Salon license, Lic. #CS-03979, will be suspended for a period of 15 days beginning January 1, 2019.

- b. The 15 days of suspension will be held in abeyance for a period of 1 year, and The Cutting Edge Salon license will not be actively suspended, so long as the following conditions are met:

- 20) The Cutting Edge Salon 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 day this agreement is signed by the Commission; and

- 21) The Cutting Edge Salon pay a penalty in the amount of \$275.00 to the Commission prior to January 1, 2019, as a condition for the immediate reinstatement of The Cutting Edge Salon license pursuant to SDCL 36-15-58.5.

Lori Little seconded the motion. **MOTION PASSED.** (Little yea; Pageler yea; Stokes yea; Ugofsky yea; Carlson abstain).

Lapsed Case 21-2018 – Lori Little made a motion to approve the Consent Agreement for Lapsed Case 21-2018 with the following conditions:

- a. Ms. Sogge's personal license, Lic. #CO-07781, will be suspended for a period of 15 days beginning January 1, 2019.

- b. The 15 days of suspension will be held in abeyance for a period of 1 year, and Ms. Sogge's personal license will not be actively suspended, so long as the following conditions are met:

- 22) Ms. Sogge will comply with all laws and regulations relating to her profession under SDCL chapter 36-15 and ARSD article 20:42 for a period of 1 year beginning on the day this agreement is signed by the Commission; and

- 23) Ms. Sogge pay a penalty in the amount of \$250.00 to the Commission prior to January 1, 2019, as a condition for the

immediate reinstatement of Ms. Sogge's personal license pursuant to SDCL 36-15-58.5.

Debbie Pageler seconded the motion. **MOTION PASSED.** (Little yea; Pageler yea; Stokes yea; Ugofsky yea; Carlson abstain).

Lapsed Case 22-2018 – Tammy Ugofsky made a motion to approve the Consent Agreement for Lapsed Case 22-2018 with the following conditions:

- a. Hollie Jeffery Booth license, Lic. #NB-06840, will be suspended for a period of 10 days beginning January 1, 2019.
- b. The 10 days of suspension will be held in abeyance for a period of 1 year, and Hollie Jeffery Booth license will not be actively suspended, so long as the following conditions are met:
 - 24) Hollie Jeffery Booth will comply with all laws and regulations relating to her profession under SDCL chapter 36-15 and ARSD article 20:42 for a period of 1 year beginning on the day this agreement is signed by the Commission; and
 - 25) Hollie Jeffery Booth pay a penalty in the amount of \$125.00 to the Commission prior to January 1, 2019, as a condition for the immediate reinstatement of Hollie Jeffery Booth license pursuant to SDCL 36-15-58.5.

Tami Stokes seconded the motion. **MOTION PASSED.** (Little yea; Pageler yea; Stokes yea; Ugofsky yea; Carlson abstain).

Lapsed Case 24-2018 – Debbie Pageler made a motion to approve the Consent Agreement for Lapsed Case 24-2018 with the following conditions:

- a. Candice Geick Booth license, Lic. #CB-07315, will be suspended for a period of 30 days beginning January 1, 2019.
- b. The 30 days of suspension will be held in abeyance for a period of 1 year, and Candice Geick Booth license will not be actively suspended, so long as the following conditions are met:
 - 26) Candice Geick Booth will comply with all laws and regulations relating to her profession under SDCL chapter 36-15 and ARSD article 20:42 for a period of 1 year beginning on the day this agreement is signed by the Commission; and
 - 27) Candice Geick Booth pay a penalty in the amount of \$375.00 to the Commission prior to January 1, 2019, as a condition for the immediate reinstatement of Candice Geick Booth license pursuant to SDCL 36-15-58.5.

Tammy Ugofsky seconded the motion. **MOTION PASSED.** (Little yea; Pageler yea; Stokes yea; Ugofsky yea; Carlson abstain).

Lapsed Case 22-2017 – Debbie Pageler made a motion to approve the Consent Agreement for Lapsed Case 22-2017 with the following conditions:

- a. Ms. Fletcher's personal license, Lic. #CO-05799, will be suspended for a period of 10 days with 10 days being held in abeyance; Ms. Fletcher's license will not actively be suspended.
- b. The 10 days of suspension for her 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:
 - c. Ms. Fletcher will comply with all laws and regulations relating to her 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;
 - 28) Pursuant to SDCL 36-15-58.5 the Commission imposes a monetary penalty of \$150.00, as a condition for the immediate reinstatement of her personal license, to be paid prior to March 1, 2018.
- d. The Best Little Hair House Salon license, Lic. #CS-03295, will be suspended for a period of 15 days with 15 days being held in abeyance; The Best Little Hair House Salon's license will not actively be suspended.
- e. The 15 days of suspension for the salon 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:
 - 29) The Best Little Hair House Salon 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;
 - 30) Pursuant to SDCL 36-15-58.5 the Commission imposes a monetary penalty of \$225.00, as a condition for the immediate reinstatement of the booth license, to be paid prior to March 1, 2018.

Tammy Ugofsky seconded the motion. **MOTION PASSED.** (Little yea; Pageler yea; Stokes yea; Ugofsky yea; Carlson abstain).

Case D-2018 – Tami Stokes made a motion to amend the Consent Agreement for Case D-2018 to change the dates of completion of the terms of the agreement to February 1, 2019 and to approve the amended Consent Agreement, with the following conditions:

- a. Ms. Rankin's, Cosmetology Lic. #CO-04905 and Instructor Lic. #IC-13770, will be suspended for a period of 7 days beginning September 1, 2018.
- b. The 7 days of suspension will be held in abeyance for a period of one year, and Ms. Rankin's cosmetology license and instructor license will not be actively suspended, so long as the following conditions are met:
 - 31) Ms. Rankin 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 one year beginning on the day this agreement is signed by the Commission; and

32) Ms. Rankin pay a penalty in the amount of \$100.00 to the Commission prior to February 1, 2019; as a condition for the immediate reinstatement of her personal cosmetologist license and instructors license pursuant to SDCL 36-15-58.5.

33) Ms. Rankin will attend and successfully complete an educational course given by Commission Staff on Licensing Laws and Regulations. At the conclusion of this course Ms. Rankin will take the Instructors State Laws exam. This course is provided at a cost of \$50 to be paid and completed by February 1, 2019.

Debbie Pageler seconded the motion. **MOTION PASSED.** (Little yea; Pageler yea; Stokes yea; Ugofsky yea; Carlson abstain).

President Ugofsky stated the meeting was now open for Public Comment. She added that there will be a limit of two minutes for any member of the public to speak. During specific agenda items, there will also be a two-minute limit of time.

Angela Larson from Lake Area Technical Institute brought up the subject of display of student licenses in a school and asked for a clarification. The Commission responded that the student licenses may be displayed together in the lobby area of the school.

Lake Area Technical Institute had sent a letter to the Commission requested that the Commission revisit their position on (1) Administrative rule requiring completion of the 1500 hours of required cosmetology curriculum prior to completing additional hours; (2) would like the Commission to certify the actual hours completed, if it exceeds 1500, instead of only certifying the Commission-required 1500 hours; and (3) asked the Commission to put parameters on completion of a set percentage of hours before a student can test early. Cosmetology Instructor Angela Larson from LATI was present at the meeting and Vice President Diane Stiles joined the meeting via teleconference to request that the Commission reconsider these items.

These subjects were discussed and no action was taken by the Commission.

Tammy Ugofsky made a motion to approve the issuance of a student licensure for the applicant with a felony conviction that is currently under court supervision. Crystal Carlson seconded the motion. **MOTION PASSED.** (Carlson yea; Little yea; Pageler yea; Stokes yea; Ugofsky yea).

Lori Little made a motion to accept Hannh Lane's 600 esthetics education hours earned at Aveda Institute in Minneapolis. Tammy Ugofsky seconded the motion. **MOTION PASSED.** (Carlson yea; Little yea; Pageler yea; Stokes yea; Ugofsky yea).

Tammy Ugofsky made a motion to accept the reciprocity application of Maria Tran. Debbie Pageler seconded the motion. **MOTION PASSED.** (Carlson yea; Little yea; Pageler yea; Stokes yea; Ugofsky yea).

Crystal Carlson made a motion to approve the pre-approved microdermabrasion provider application of Black Hills Beauty College. Lori Little seconded the motion. **MOTION PASSED.** (Carlson yea; Little yea; Pageler yea; Stokes yea; Ugofsky yea).

Attorney Graham Oey requested that the Commission deal with one more item that had not been on the original agenda. He recommended that the Commission give the Office of Hearing Examiner judge the authority to decide whether a violation occurred and what, if any, disciplinary action should occur as a result in the hearing for Case K-2018.

Debbie Pageler made a motion to allow the hearing judge in Case K-2018 to make the final decision on whether a violation occurred and what disciplinary action should occur. Tammy Ugofsky seconded the motion. **MOTION PASSED.** (Little yea; Pageler yea; Ugofsky yea; Carlson abstain; Stokes abstain;).

Tammy Ugofsky made a motion to adjourn. Debbie Pageler seconded the motion. **MOTION PASSED.** (Carlson yea; Little yea; Pageler yea; Stokes yea; Ugofsky yea).

President Ugofsky adjourned the meeting at 3:15 pm.

Respectfully submitted,

Kate Boyd, Executive Director

Crystal Carlson, Secretary-Treasurer

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

November 29, 2018

1. **Administrative Rules** – I appeared before the Legislature's Interim Rules Review Committee to present the proposed fee increases approved on Tuesday, November 20, 2018. The rules were approved as final and have been filed with the Secretary of State's office. The fee increases will go into effect January 1, 2020.

2. **Office Secretary** – Teresa Diederich joined the Commission office staff in October as our new secretary. Teresa recently moved to Pierre from Kansas, where she was a cosmetologist and salon owner. Teresa's cosmetology background is an asset to the office. She is responsible for license renewals, new salon and booth applications, recording inspection reports, and processing financial payables and travel vouchers.

3. **Kelsey Skoglund** – As I am writing this on November 20, Kelsey is getting ready to begin her three-month maternity leave. Her absence will temporarily reduce the office staff to two of us.