

# SOUTH DAKOTA COSMETOLOGY COMMISSION MEETING MINUTES

December 1 & 2, 2014

## December 1, 2014

### **Call Meeting to Order**

A meeting of the Cosmetology Commission was at the Cosmetology Commission office located at 111 E Capitol Avenue, Pierre, South Dakota. The meeting was called to order by President Lois Porch at 1:05 pm on Monday, December 1, 2014.

### **Roll Call**

Attendance was taken by Secretary-Treasurer Nora Slykhuis with the following members present: Lori Berreth, Lori Little, Lois Porch, and Nora Slykhuis. Absent: Tammy Ugofsky. Staff present: Attorney Aaron Arnold, Executive Director Kate Boyd, Inspector Georgia Linn.

### **Case G-2014 - Sam's Headquarters Multicultural Hair Salon-Rapid City and Dawn Jones**

Neither Sam Ogah, the owner of Sam's Headquarters Salon nor cosmetologist Dawn Jones were present for the hearing although both had been sent the Notice of Hearing. The Commission heard testimony from Executive Director Kate Boyd and Inspector Georgia Linn outlining the salon being opened prior to obtaining a salon permit and Ms. Jones and Mr. Ogah both being advised to close the salon until they had obtained the appropriate salon permit.

IT WAS MOVED BY NORA SLYKHUIS, SECONDED BY LORI BERRETH, TO GO INTO EXECUTIVE SESSION FOR DELIBERATIVE PURPOSES. THE MOTION PREVAILED ON A VOICE VOTE. At this time, everyone except the Commission members left the meeting room.

The Commission exited Executive Session and resumed their regular meeting at 2:05 pm.

IT WAS MOVED BY LORI BERRETH, SECONDED BY NORA SLYKHUIS, TO ADOPT THE FINDINGS OF FACTS ACCORDING TO SOUTH DAKOTA COSMETOLOGY LAW AND TO SUSPEND THE LICENSE OF SAM'S HEADQUARTERS MULTICULTURAL HAIR SALON FOR 30 DAYS. THE MOTION PREVAILED ON A VOICE VOTE.

The Commission delayed action on Dawn Jones since her cosmetologist license is currently expired. If she sends in her license renewal request, the Commission will consider disciplinary action at that time.

### **Case K-2014 - #1 Nails Salon & Binh Nguyen**

The Commission reviewed a proposed consent agreement for #1 Nails Salon, Binh Nguyen owner. The agreement stated that Mr. Nguyen was operating without a salon license after he purchased this salon. Mr. Nguyen has already agreed to and signed the consent agreement which, if approved by the Commission, will suspend the salon license for 30 days upon issuance and Mr. Nguyen will be required to take and pass the Commission's safety and infection control/state laws course and exam, and to pay \$350 for extra inspections during 2015.

IT WAS MOVED BY LORI LITTLE, SECONDED BY LORI BERRETH, TO ACCEPT THE PROPOSED CONSENT AGREEMENT FOR CASE K-2014 - #1 NAILS SALON & BINH NGUYEN. THE MOTION PREVAILED ON A VOICE VOICE WITH VIOLATIONS COMMITTEE NORA SLYKHUIS ABSTAINING.

IT WAS MOVED BY NORA SLYKHUIS, SECONDED BY LORI BERRETH TO RECESS FOR THE DAY. THE MOTION PREVAILED ON A VOICE VOTE.

The meeting was recessed at 2:30 pm.

### **Tuesday, December 2, 2014**

The meeting was called back to order by President Lois Porch at 8:00 am on Tuesday, December 2, 2014 at the Cosmetology Commission office located at 111 E. Capitol Avenue, Pierre, South Dakota.

#### **Roll Call**

Attendance was taken by Secretary-Treasurer Nora Slykhuis with the following members present: Lori Berreth, Lori Little, Lois Porch, and Nora Slykhuis. Absent: Tammy Ugofsky. Staff present: Attorney Aaron Arnold, Executive Director Kate Boyd, Inspectors Mary Rasmussen and Karen Dossett. Others present for portions of the meeting: Vi Chi Luu, Jimmy Nguyen, Robin Berens, and Michael Colley.

#### **Case P - 2014 - Henry Nguyen - Nail Technician Reciprocity Applicant**

Henry Nguyen had submitted a reciprocity application for a nail technician license. Mr. Nguyen had been sent a Notice of the Hearing but was not present. Executive Director Kate Boyd testified that Mr. Nguyen had omitted information on his application regarding prior licensure. She stated that she had asked him directly which states he had been licensed in and he said only California and Montana. In fact, he had also been licensed in Arizona and Texas.

IT WAS MOVED BY NORA SLYKHUIS, SECONDED BY LORI LITTLE, TO DENY HENRY NGUYEN'S RECIPROCITY APPLICATION, BASED ON THE OMISSION OF REQUIRED INFORMATION ON THE APPLICATION. THE MOTION PREVAILED ON A VOICE VOTE.

#### **Case I - 2014 - Vi Chi Luu Request to Retest**

Vi Chi Luu had been found working unlicensed at Oscar Nails Spa in Brookings and the salon and salon owner, Jimmy Nguyen had previously been disciplined by the Commission. Mr. Luu had requested permission to retake the written theory and South Dakota Laws/Rules exams that he had previously failed. Vi Chi Luu and Jimmy Nguyen were present to speak on his behalf.

Testimony was given by Executive Director Kate Boyd and Inspector Karen Dossett.

IT WAS MOVED BY NORA SLYKHUIS, SECONDED BY LORI BERRETH, TO GO INTO EXECUTIVE SESSION FOR DELIBERATIVE PURPOSES. THE MOTION PREVAILED ON A VOICE VOTE. At this time, everyone except the Commission left the meeting room.

After the Commission ended their Executive Session, IT WAS MOVED BY NORA SLYKHUIS, SECONDED BY LORI LITTLE, TO ACCEPT VI CHI LUU'S APPLICATION TO RETEST ON THE CONDITION THAT IF HE PASSES AND RECEIVED HIS NAIL TECHNICIAN LICENSE, HIS LICENSE WILL BE SUSPENDED FOR ONE WEEK. THE MOTION PREVAILED ON A VOICE VOTE.

#### **Case B-2014 - Robin Berens**

Robin Berens, Wessington Springs, was present to speak on her own behalf. Executive Director Kate Boyd and Inspector Mary Rasmussen testified regarding Robin Berens having a salon sign in the yard of her home in Wessington Springs. She had been asked to remove the sign in 2011

and in January, 2014 a new sign had been erected. Ms. Berens spoke on her own behalf about why she has the sign even though she does not have a salon in her home.

Following testimony, IT WAS MOVED BY LORI BERRETH, SECONDED BY LORI LITTLE, TO GO INTO EXECUTIVE SESSION FOR DELIBERATIVE PURPOSES. THE MOTION PREVAILED ON A VOICE VOTE. Everyone except Commission members left the meeting room.

When the Commission exited Executive Session and resumed their regular meeting, IT WAS MOVED BY LORI LITTLE, SECONDED BY LORI BERRETH, TO ACCEPT THE LICENSE RENEWAL FOR ROBIN BERENS. THE MOTION PREVAILED ON A VOICE VOTE.

IT WAS MOVED BY LORI LITTLE, SECONDED BY LORI BERRETH TO RECESS. THE MOTION PREVAILED ON A VOICE VOTE. The meeting was recessed at 10:00 am and reconvened at 11:00 am.

**Case L-2014 - Colley Cutz & Michael Colley**

Michael Colley joined the meeting. Executive Director Kate Boyd and Inspectors Karen Dossett and Mary Rasmussen testified about Colley Cutz salon operating without a salon license and with an expired cosmetologist license. Besides the fact that the required licenses did not exist, the salon was very dirty and failed the inspection, and there were business cards advertising cosmetology services for an entry-level student at a cosmetology school in Sioux Falls. Mr. Colley testified that he didn't know that he needed a salon license and that he did not hire the individual whose business cards were in the salon.

IT WAS MOVED BY LORI BERRETH, SECONDED BY LORI LITTLE, TO GO INTO EXECUTIVE SESSION FOR DELIBERATIVE PURPOSES. THE MOTION PREVAILED ON A VOICE VOTE. Everyone except the Commission left the meeting room.

After the Commission ended their Executive Session and resumed their regular meeting, IT WAS MOVED BY NORA SLYKHUIS, SECONDED BY LORI LITTLE, TO ENTER INTO A CONSENT AGREEMENT WITH COLLEY CUTZ AND MICHAEL COLLEY, TO APPROVE THE SALON LICENSE APPLICATION, BUT TO SUSPEND THE SALON LICENSE FOR 14 DAYS AND REQUIRE MICHAEL COLLEY TO PAY \$50 TO SUCCESSFULLY PASS THE COMMISSION'S SAFETY AND INFECTION CONTROL/STATE LAWS COURSE AND EXAM. THE MOTION PREVAILED ON A VOICE VOTE.

**Adjournment**

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

The meeting adjourned at 12:50 p.m.

Respectfully submitted by:

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Kate Boyd, Recording Secretary

and

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Secretary-Treasurer Nora Slykhuis