

SOUTH DAKOTA COSMETOLOGY COMMISSION MEETING MINUTES

September 24 & 25, 2015

Call Meeting to Order

A meeting of the Cosmetology Commission was called to order by President Tammy Ugofsky on Thursday, September 24, 2015 at Lake Area Technical Institute, located at 1201 Arrow Avenue, Watertown, South Dakota.

A. Roll Call

Attendance was taken by Secretary-Treasurer Laurie Brandner, with the following members present: Lori Berreth, Laurie Brandner, Crystal Carlson, and Tammy Ugofsky. Commission member absent: Lori Little. Staff present: Executive Director Kate Boyd. Others present included: Shawn Venjohn, Kim Bellum, Diane Stiles and Angela Larson.

- B.**
- **Tour LATI Cosmetology Program Classrooms and Observe Students**
 - **Meet with LATI Cosmetology Program School Representatives**

The Commission toured LATI Cosmetology Program classrooms and observed students working and studying. Following the tour the commission met with Cosmetology Program Director Shawn Lohr, Instructor Angela Larson, and school representatives Diane Stiles and Kim Bellum.

There being no further business, IT WAS MOVED BY LORI BERRETH, SECONDED BY CRYSTAL CARLSON, TO RECESS TO TRAVEL TO SIOUX FALLS FOR THE NEXT SCHOOL VISIT. THE MOTION PREVAILED ON A VOICE VOTE.

The meeting recessed at 3:15 p.m.

Reconvene

The meeting reconvened at 5:00 pm at Stewart School located at 604 N West Avenue, Sioux Falls, South Dakota.

C. Roll Call

Attendance was taken by Secretary-Treasurer Laurie Brandner, with the following members present: Lori Berreth, Laurie Brandner, Crystal Carlson, and Tammy Ugofsky. Commission member absent: Lori Little. Staff present: Executive Director Kate Boyd. Others present included: Matt Fiegen, Angela Taylor and Penny Thompson.

- D.**
- **Tour Stewart School Classrooms and Observe Students**
 - **Meet with Stewart School Representatives**

The Commission toured Stewart School classrooms and observed students working and studying. Following the tour the commission met briefly with school owner Matt Fiegen, School Director Angela Taylor, and Student Services Director Penny Thompson.

There being no further business, IT WAS MOVED BY LORI BERRETH, SECONDED BY CRYSTAL CARLSON, TO RECESS FOR THE DAY. THE MOTION PREVAILED ON A VOICE VOTE.

The meeting recessed at 6:30 p.m.

There being no further business, IT WAS MOVED BY LORI BERRETH, SECONDED BY TAMMY UGOFKY, TO RECESS FOR THE DAY. THE MOTION PREVAILED ON A VOICE VOTE.

The meeting recessed at 5:00 p.m.

Friday, September 25, 2015

The Commission reconvened at 8:30 am at Black Hills Beauty College, located at 3501 S Kelley Avenue, Sioux Falls, South Dakota.

E. Roll Call

Attendance was taken by Secretary-Treasurer Laurie Brandner, with the following members present: Lori Berreth, Laurie Brandner, Crystal Carlson, and Tammy Ugofsky. Commission member absent: Lori Little. Staff present: Executive Director Kate Boyd and Attorney Aaron Arnold. Others present included: Joy and Tom Poloncic and Monica Engeltjes.

D. • Tour Black Hills Beauty College Classrooms and Observe Students • Meet with Black Hills Beauty College Representatives

The Commission toured Black Hills Beauty College-Sioux Falls classrooms and observed students working and studying. Following the tour the commission met briefly with school owners Joy and Tom Poloncic, and School Director Monica Engeltjes.

There being no further business, IT WAS MOVED BY LORI BERRETH, SECONDED BY CRYSTAL CARLSON, TO RECESS AND TO RECONVENE AT THE DEPARTMENT OF LABOR AND REGULATION OFFICE LOCATED AT 811 EAST 10TH STREET, SIOUX FALLS. THE MOTION PREVAILED ON A VOICE VOTE.

The meeting recessed at 9:30 a.m.

Reconvene

The meeting reconvened at 10:00 am at the Department of Labor and Regulation office located at 811 East 10th Street, Sioux Falls.

1. Roll Call

Attendance was taken by Secretary-Treasurer Laurie Brandner, with the following members present: Lori Berreth, Laurie Brandner, Crystal Carlson, and Tammy Ugofsky. Commission member absent: Lori Little. Staff present: Executive Director Kate Boyd and Attorney Aaron Arnold. Others present included: Ngocthan Thi Nguyen representing herself, James Mathis, representing Ngocthan Thi Nguyen, Joy and Tom Poloncic from Black Hills Beauty College, Matt Fiegen, Angela Taylor and Penny Thompson from Stewart School, Eileen Donley, Stephanie

Mortimore, Talia Frederick and Cori Roseboom all representing themselves, and Andrew Oswald representing Iowa School of Beauty, Sioux City, Iowa.

President Tammy Ugofsky stated that the agenda items would be taken out of order so that the Commission could accommodate the various guests in attendance. She also asked those who were planning to address the Commission to limit their remarks ten minutes due to the fact that the meeting will need to adjourn by Noon so that the Commission can administer State Board examinations in the afternoon.

2. July 14 & August 18, 2015 Meeting Minutes

IT WAS MOVED BY CRYSTAL CARLSON, SECONDED BY LAURIE BRANDNER, TO APPROVE THE MINUTES OF THE JULY 14 AND AUGUST 18, 2015 MEETINGS AS WRITTEN. THE MOTION PREVAILED ON A VOICE VOTE.

3. Treasurer's Report

Secretary-Treasurer Laurie Brandner reported that the available fund balance is \$191,920.36 and the Cash Center balance is \$300,180.33. IT WAS MOVED BY LORI BERRETH, SECONDED BY CRYSTAL CARLSON, TO APPROVE THE TREASURER'S REPORT AS PRESENTED. THE MOTION PREVAILED ON A VOICE VOTE.

5. Disciplinary Actions - N/A

6. Commission Review of License Applications

Ngoc Lan Thi Nguyen - Ngoc Lan Thi Nguyen appeared before the Commission to request reinstatement of her revoked license. Ms. Nguyen's license had been revoked as a result of employing an unlicensed nail technician and two separate attempts to bribe a cosmetology inspector. Also appearing to speak on Ms. Nguyen's behalf was her friend James Mathis.

IT WAS MOVED BY LORI BERRETH, SECONDED BY CRYSTAL CARLSON TO GO INTO EXECUTIVE SESSION TO DISCUSS MS. NGUYEN'S REQUEST FOR REINSTATEMENT.

When the Commission went back into regular session, IT WAS MOVED BY CRYSTAL CARLSON, SECONDED BY LORI BERRETH, TO DENY THE REINSTATEMENT OF NOGC LAN THI NGUYEN'S NAIL TECHNICIAN LICENSE AND THAT SHE CANNOT REAPPLY FOR FIVE YEARS FROM THIS DATE. THE MOTON PREVAILED ON A VOICE VOTE.

Van Quoc Nguyen - The Commission was presented a nail technician reciprocity application for Van Quoc Nguyen. Executive Director Kate Boyd stated that in reviewing his application and verifying Mr. Nguyen's Washington State licensure, it was learned from the Washington State Board of Cosmetology that Mr. Nguyen had falsified his South Dakota application. His application had stated that he attended Renton Beauty School in Renton, Washington. The Washington State Board of Cosmetology verified that he did not attend school in their state, and, in fact, he was licensed through reciprocity from nail technician education earned in Vietnam.

IT WAS MOVED BY CRYSTAL CARLSON, SECONDED BY LORI BERRETH, TO DENY VAN QUOC NGUYEN'S NAIL TECHNICIAN RECIPROCALITY APPLICATION, DUE TO THE FACT

THAT THE APPLICATION INCLUDED FALSIFIED EDUCATION. THE MOTION PREVAILED ON A VOICE VOTE.

Danny Tran & Huong Thi Thanh Nguyen - The Commission was presented two applications for reciprocity from Danny Tran and Huong Thi Thanh Nguyen. Both Mr. Tran and Ms. Nguyen had had earlier been denied licenses for not showing proof of high school graduation. Both of them reapplied and now included invalid high school diplomas with their reciprocity applications. They had come into the Commission office and pleaded for licenses and then wrote notes to the Commission requesting that the Commission approve their applications.

IT WAS MOVED BY CRYSTAL CARLSON, SECONDED BY LAURIE BRANDNER, TO NOT ACCEPT THE PERSONAL STATEMENTS OF DANNY TRAN AND HUONG THI THANH NGUYEN REGARDING HIGH SCHOOL GRADUATION AND TO DENY THEIR RECIPROCITY APPLICATIONS. THE MOTION PREVAILED ON A VOICE VOTE.

Heather Anderson - The Commission office had recently received new enrollment forms and applications for student licenses from LATI. Included in the packet was a transcript for Heather Anderson who had been home-schooled. Upon further investigation and a telephone conversation with her mother, Debbie, it was learned that Debbie had chosen courses for her daughter and developed the transcript on an excel spreadsheet. They had not utilized a particular set of home-school curriculum. She had completed her courses in 2012 and none of the workbooks had been kept.

It was noted that other avenues open to Ms. Anderson or others without a high school diploma are to obtain a GED certificate or to take the ACT test. Following discussion, IT WAS MOVED BY LORI BERRETH, SECONDED BY CRYSTAL CARLSON, TO NOT ACCEPT THE HOME-SCHOOL TRANSCRIPT OF HEATHER ANDERSON AS PROOF OF HIGH SCHOOL GRADUATION. THE MOTION PREVAILED ON A VOICE VOTE.

Holly Ringo - Cosmetologist Holly Ringo had earlier undertaken an independent study course to become a licensed senior instructor. The Commission had earlier approved her courses of study. She has now completed the course work and has applied to take the Instructor State Board examinations. The exams consist of: NIC Practical, that includes a demonstration and lecture on two separate subjects assigned by the Commission, NIC theory that is 85 questions, and the South Dakota Instructor Laws/Rules exam. It was agreed that Nora Slykhuis, who is an NIC-certified practical examiner, will administer the practical exam and Executive Director Kate Boyd will administer the theory and laws exams.

8. Iowa School of Beauty

Andrew Oswald, Vice President, Iowa School of Beauty addressed the Commission to discuss recent action taken by the Commission to no longer accept Iowa School of Beauty as a preapproved provider of 8-hours of electric file education and to not accept 400 hours of nail technician education directly from the school. The Commission's action had been based on an incident in August of the then school director, Kathy Flaugh, collecting fees for the electric file training and falsifying training certificates without actually providing the required training. Mr. Oswald apologized and informed the Commission that Ms. Flaugh acted on her own without the knowledge or approval of the school owners. She has been dismissed and is no longer employed

by the school. He went on to define steps the school has taken to assure that this does not happen in the future. He was especially concerned about a current nail technician student who is halfway through the 400 hour education required to become licensed in South Dakota. The Commission thanked Mr. Oswald for his remarks and stated that they will take this matter under advisement.

10. Stephanie Mortimore & Eileen Donley - Licensee Input

Licensees Stephanie Mortimore and Eileen Donley were present to talk about the South Dakota Cosmetology group that they have recently formed on Facebook. In two weeks they have over 700 members of the group. Their intent is to help keep licensees informed of current issues that affect the cosmetology profession in an effort to work together as a group and cooperate with the Commission on subjects such as proposed legislation, individuals working unlicensed from their homes and not claiming income or paying their sales tax. The Commission thanked Ms. Mortimore and Ms. Donley for attending the meeting and said they look forward to working with this group in the future.

7. School Approval Requests

a. Microdermabrasion Provider Application - Ramona Reicherts

The Commission reviewed Ramona Reicherts application to be a pre-approved provider of the Commission required 16-hours of microdermabrasion education. It was noted that she has been a pre-approved provider of this education for several years now. IT WAS MOVED BY CRYSTAL CARLSON, SECONDED BY LORI BERRETH, TO APPROVE RAMONA REICHERTS APPLICATION TO BE A PRE-APPROVED PROVIDER OF 16-HOURS OF MICRODERM EDUCATION. THE MOTION PREVAILED ON A VOICE VOTE.

b. LATI Field Trip Request

The Commission reviewed Lake Area Technical Institute's field trip request. IT WAS MOVED BY LORI BERRETH, SECONDED BY CRYSTAL CARLSON, TO APPROVE THE LATI FIELD TRIP REQUEST. THE MOTION PREVAILED ON A VOICE VOTE.

c. Electric File Provider Applications - Black Hills Beauty College - Sioux Falls & Rapid City

The Commission reviewed Electric File Provider application for Black Hills Beauty College-Sioux Falls and Black Hills Beauty College-Rapid City. IT WAS MOVED BY LAURIE BRANDNER, SECONDED BY LORI BERRETH, TO APPROVE THE ELECTRIC FILE PROVIDER APPLICATIONS FOR BLACK HILLS BEAUTY COLLEGE-SIOUX FALLS AND BLACK HILLS BEAUTY COLLEGE-RAPID CITY. THE MOTION PREVAILED ON A VOICE VOTE.

9. Stewart School - Input on a Variety of Subjects

Stewart School had sent the Commission a letter and requested that the Commission consider three separate items. Those items included: (1) Allowing cosmetology students to take their State Board exams after completion of 1900 hours, nail technicians after 350 hours, and esthetician students after 500 hours; (2) Request that the Commission consider moving forward with a reduced hour Hair Design license; and (3) Request the Commission re-evaluate the Instructor license process as the administrative rules are ambiguous.

It was noted that the Commission would review these items more thoroughly and work with all the schools in the State on these important subjects.

10. Stephanie Mortimore & Eileen Donley - Licensee Input

Cosmetologists Stephanie Mortimore and Eileen Donley were present to talk about the new Cosmetologist Facebook group they have started. In less than two weeks they now have about 700 members from individuals who are licensed by the Commission in South Dakota. The purpose of their group is to work together on issues that affect the cosmetology profession, including subjects like unlicensed workers, those working from home and not paying taxes or claiming income, legislative matters. They indicated they would like to be resource for the Commission to turn to when legislation is introduced that affect our licensees or other important matters. The Commission commended them for taking the initiative to form this group and said that we will keep the channels of communication open.

4. Executive Director's Report

Due to the lateness of the hour, Executive Director Kate Boyd gave an abbreviated verbal report and referred the Commission to the written report that had been mailed in the meeting packets.

IT WAS MOVED BY LORI BERRETH, SECONDED BY CRYSTAL CARLSON TO ADJOURN.
THE MOTION PREVAILED ON A VOICE VOTE.

The meeting adjourned at 12:00 Noon.

Respectfully submitted by:

_____ and
Recording Secretary

_____ and
Laurie Brandner, Secretary-Treasurer

EXECUTIVE DIRECTOR'S REPORT

September 25, 2015

1. **Cosmetology Office Moving** - The Cosmetology Commission office will be moving from our current location down the street two blocks. We will no longer have a room to administer State Board examinations. If we hold State Board exams in Pierre in the future, we will need to rent space for the practical exams like we did this past July for the cosmetology and nail technician exams.
2. **Mannequin Faces vs. Live Models for Esthetics** - South Dakota and South Carolina are the only states that require a live model for esthetics practical exams. The other states use mannequin faces. I would like to ask the Commission to consider the pros and cons of using live models versus mannequin faces for future esthetics examinations.
3. **Verification of High School Diplomas/Education** - At the recent NIC Conference, it was learned that AEQUO International can not only translate/verify foreign documents and education, but they can also verify on-line and home-school high school education. Since the Commission staff does not have the training and skill-set to verify high school education, I would like to suggest that the Commission formally adopt a policy to require individuals with on-line or home school diplomas/education to have their education verified by AEQUO International.
4. **Milady Infection Control Online Class** - Access to the Milady on-line Infection Control course was emailed to Commission members for your information and review. I would like to suggest the Commission consider the use of the Milady online Infection Control course instead of our Commission-developed Safety and Infection Control course for licensees under disciplinary action and for individuals seeking reinstatement after a five-year lapse in licensure.
5. **Review Policy Regarding Out-of-State Education** - Review Minnesota Board of Cosmetology policy of not accepting any out-of-state education hours, whether it is directly from a school or from another State's Board of Cosmetology. Minnesota requires that a candidate with out-of-state education have their transcript sent to a Minnesota cosmetology school of the candidate's choosing to have their hours evaluated and that they complete the number of hours the Minnesota school requires prior to applying for State Board exams.
 - a. The Minnesota policy does NOT apply to reciprocity applicants. It is only for students who earned education hours in another state but who want to seek their initial licensure from the State of Minnesota.
 - b. The Florida Board of Cosmetology only requires 240 hours of nail technology education. The nail technician does NOT take any State Board examinations and is not actually licensed in Florida. Nail technicians in Florida are merely registered. I would like to recommend that the Commission require Florida nail technicians, even those who were registered with the Florida Board of Cosmetology, to transfer to a South Dakota school for at least 160 hours of nail technology education.
6. **Administrative Rules** - We have a variety of administrative rules that need to be reviewed and updated. I would like to suggest that we schedule a Commission meeting to review rules and proceed with some changes. This could be done via conference call or by meeting in Pierre.
7. **Hospital Spa Services** - We were recently contacted by a licensee about hospital spa services. Hospitals in and out of South Dakota are starting to offer spa services such as manicures and pedicures as part of a package price for OB and other types of services.

