

**Meeting Minutes**  
**SOUTH DAKOTA COSMETOLOGY COMMISSION**  
**123 W. Missouri Ave., Pierre**  
**February 24, 2017 8:30 a.m. CDT**

**A. Call to Order**

President Tammy Ugofsky called the meeting to order at 8:30 am. The meeting was held via teleconference.

**B. Roll Call**

Executive Director Kate Boyd read the roll.

**Members Present:** President Tammy Ugofsky, Lori Berreth, Laurie Brandner, Crystal Carlson, Lori Little.

**Members Absent:** N/A

**Staff Present:** Attorney Graham Oey, Executive Director Kate Boyd, Program Assistant Kelsey Skoglund.

**Others Present:** Peggy Sproat and Catherine Rick, Headlines Academy, Inc. and Angela Taylor, Stewart School.

**C. December 2, 2016 Meeting Minutes**

Lori Berreth moved, seconded by Crystal Carlson, to approve the December 2, 2016 meeting minutes. **MOTION PASSED ON A ROLL CALL VOTE** with Tammy Ugofsky, Lori Berreth, Laurie Brandner, Crystal Carlson, and Lori Little voting Aye. Voting Nay: N/A.

**D. Treasurer's Report**

Executive Director Kate Boyd reported that as of January 31, 2017 the available budget was \$95,421.83 and the cash center balance was \$225,772.18.

Lori Brandner moved, seconded by Tammy Ugofsky, to approve the Treasurer's report.

**MOTION PASSED ON A ROLL CALL VOTE** with Tammy Ugofsky, Lori Berreth, Laurie Brandner, Crystal Carlson, and Lori Little voting Aye. Voting Nay: N/A.

**E. Executive Director's Report**

Executive Director Kate Boyd's written report included:

1. **NIC Instructor Exam** - NIC has launched an updated Instructor Practical Exam effective 1/1/17. A copy of the updated Candidate Information Bulletin enclosed in the meeting packets for all Commission members. The Commission needs to make two decisions:
  - Do you want to continue to administer the Instructor Practical exam?
  - If yes, what date do you want to use the new NIC Instructor Practical Exam?

Tammy Ugofsky moved, seconded by Laurie Brandner, to discontinue administering the NIC Instructor Practical Examination. **MOTION PASSED ON A ROLL CALL VOTE** with Tammy

Ugofsky, Lori Berreth, Laurie Brandner, Crystal Carlson, and Lori Little voting Aye. Voting Nay: N/A.

2. **Salon & Booth Licenses Not Transferable** - Added Statement to Salon and Booth licenses stating they are not transferable to another location or owner
3. **Home School Diplomas** - State of South Dakota does not verify home school education. What criteria should we use to accept home school diplomas.

Lori Berreth moved, seconded by Tammy Ugofsky, to not accept home school high school diplomas. **MOTION PASSED ON A ROLL CALL VOTE** with Tammy Ugofsky, Lori Berreth, Laurie Brandner, Crystal Carlson, and Lori Little voting Aye. Voting Nay: N/A.

4. **Exam Schedule Change** - We are cancelling the June 23-24, 2017 State Board exams scheduled for Sioux Falls. Instead, we will be administering State Board exams on July 17-18, following the NIC Examiner Training. This will provide newly trained examiners the opportunity to immediately implement what they have learned.
5. **Dermaplaning & Microblading**- We have had several inquiries regarding dermaplaning and microblading. These subjects will be discussed in-depth at a future meeting.
6. **Teeth Whitening in a Salon** - The Commission meeting packets include legal action taking by the South Dakota Board of Dentistry against a Tanning Bed business who offered teeth whitening.
7. **NIC Executive Directors Meeting - August 3-4, 2017 - Charleston WV**  
**NIC Conference - August 5-7, 2017 - Charleston WV** - Commission members should be checking their calendars and decide if they would like to put in an out-of-state travel request to attend the August 5-7 Conference. The travel day for Commission members would be Friday, August 4, with a preconference reception that evening.
8. **Proposed Website & Database Updates** - Enclosed in the Commission meeting packets are a list of possible updates to the website and the database. We would need to enter into a new contract with Smart Software to complete these items as they do not fit into our annual maintenance contract.

Laurie Brandner moved, seconded by Tammy Ugofsky, to approve moving forward with a contract to do the necessary computer programming to allow the following Licensee Online Services: (1) Request and pay for license certifications, and (2) Allow students graduating from a South Dakota cosmetology school to apply and pay for their State Board Examinations. **MOTION PASSED ON A ROLL CALL VOTE** with Tammy Ugofsky, Lori Berreth, Laurie Brandner, Crystal Carlson, and Lori Little voting Aye. Voting Nay: N/A.

9. **Legislative Update**

- The South Dakota Legislature passed the bill exempting natural hair braiding from the practice of cosmetology.
- A bill has been introduced in the Iowa Legislature to deregulate barbering and massage therapy.

## **F. Disciplinary Actions**

### **F.1. Review and take action on Consent Agreements signed by Licensees**

#### **Case R-2014**

Tammy Ugofsky moved, seconded by Lori Berreth to approve the Consent Agreement for Case R-2014 with the following terms:

- a. The Commission shall dismiss the allegations against Rock Star Nails and the allegations regarding renewing individual licenses against Paris Nails;
- b. Paris Nails' license, Lic. #LS-06893, will be suspended for a period of 45 days with 38 days being held in abeyance. Paris Nails Salon license will actively be suspended for 7 days from February 25, 2017 **through** March 3, 2017;
- c. The remaining 38 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:
  - 1) Paris Nails 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 effective date of this agreement;
  - 2) The manager of the salon, Ms. Mai K. Voong, will successfully pay for and successfully complete the online course "Infection Control Online Class", sponsored by Milady, found at [www.miladypro.com](http://www.miladypro.com). Ms. Voong must submit to the Commission the Certificate of Completion received after successful completion of the course by March 31, 2017.
  - 3) Paris Nails will be subject to additional inspections for a period of one year from the date of execution of this Agreement. The owners of the salon will make a onetime payment to the Commission for the additional expenses of the inspection in the amount of \$350.00 by March 31, 2017:
  - 4) The owners of Paris Nails agree not to sell or transfer in any way Paris Nails prior to May 1, 2017.

**MOTION PASSED ON A ROLL CALL VOTE** with Tammy Ugofsky, Lori Berreth, Crystal Carlson, and Lori Little voting Aye. Abstaining: Violations Committee Laurie Brandner.

### Case O-2016

Tammy Ugofsky moved, seconded by Lori Berreth to approve the Consent Agreement for Case O-2016 with the following terms:

- a. For the first offence on or about April 22, 2016; Regal Nails Salon. Lic. #NS-07199, will be suspended for a period of 45 days with 31 days being held in abeyance. Regal Nails Salon license will actively be suspended for 14 days from March 15, 2017 **through** March 28, 2017.
- b. The remaining 31 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:
  - 1) Regal Nails 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 effective date of this Agreement;
  - 2) Mr. Luc as owner of the salon will successfully pay for and successfully complete the online course "Infection Control Online Class", sponsored by Milady, found at [www.miladypro.com](http://www.miladypro.com). Mr. Luc must submit to the Commission the Certificate of Completion received after successful completion of the course by May 31, 2017.
- c. For the second offence dating on or about June 3, 2016: Regal Nails Salon license #NS-07199, shall be suspended for a period of 180 days with 135 days being held in abeyance. Regal Nails Salon license will actively be suspended for 45 days from March 29, 2017 **through** May 12, 2017. The remaining 135 days of suspension for the salon's license shall 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:
  - 1) Regal Nails 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 effective date of this Agreement;
  - 2) Regal Nails Salon will be subject to additional inspections for a period of one year from the date of execution of this agreement. Mr. Luc, 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 May 31, 2017.
- d. Regal Nails Salon license will actively be suspended for 59 day for both the first and second offences consecutively from March 15, 2017 **through** May 12, 2017. With a total of 166 days held in abeyance for a period of 1 year, beginning on the effective date of this agreement.

- e. Me. Luc as owner of Regal Nails Salon agrees not to sell or transfer the salon in any way prior to one year from the date of execution of the agreement.
- f. Pursuant the SDCL 36-15-58.5 the Commission imposes a onetime fine of \$2,000.00 to be paid prior to May 10, 2017 as a condition for the reinstatement of Regal Nails Salon's suspended license.

**MOTION PASSED ON A ROLL CALL VOTE** with Tammy Ugofsky, Lori Berreth, Crystal Carlson, and Lori Little voting Aye. Abstaining: Violations Committee Laurie Brandner.

**Case S-2016**

- a. Lori Little moved, seconded by Crystal Carlson to approve the Consent Agreement for Case S-2016 with the following terms:
- b. Ms. Shape's license, Lic. #CO-09988, will be suspended for a period of 45 days with 31 days being held in abeyance. Ms. Shape's license will actively be suspended for 14 days from March 12, 2017 through March 25, 2017.
- c. The remaining 31 days of suspension for her license will be held in abeyance for a period of 1 year, beginning the effective date of this agreement, so long as the following conditions are met:
  - 1) Ms. Shape 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. Shape will successfully pay for and successfully complete the online course "Infection Control Online Class", sponsored by Milady, found at [www.miladypro.com](http://www.miladypro.com). Mr. Luc must submit to the Commission the Certificate of Completion received after successful completion of the course by March 31, 2017.
- d. Due to the recent closure of Meltdown Day Spa Salon License, #Cs-07388 there will be no active days of suspension for the Salon license.

**MOTION PASSED ON A ROLL CALL VOTE** with Tammy Ugofsky, Lori Berreth, Crystal Carlson, and Lori Little voting Aye. Abstaining: Violations Committee Laurie Brandner.

**Case U-2016**

Lori Little moved, seconded by Tammy Ugofsky to approve Case U-2016 with the following terms:

- a. Ms. Beard's license, Lic. #CO-03691, will be suspended for a period of 45 days with 31 days being held in abeyance. Ms. Beard's license will actively be suspended for 14 days from March 12, 2017 through March 25, 2017.

- b. The remaining 31 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:
  - 1) Ms. Beaird 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. Beaird will successfully pay for and successfully complete the online course "Infection Control Online Class", sponsored by Milady, found at [www.miladypro.com](http://www.miladypro.com). Mr. Luc must submit to the Commission the Certificate of Completion received after successful completion of the course by March 31, 2017.
  
- c. Carol's Styling Center Salon license #CS-01216, shall be suspended for a period of 45 days with 45 days 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:
  - 1) Carol's Styling Center 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 effective date of this Agreement;

**MOTION PASSED ON A ROLL CALL VOTE** with Tammy Ugofsky, Lori Berreth, Crystal Carlson, and Lori Little voting Aye. Abstaining: Violations Committee Laurie Brandner.

## **F.2. Disciplinary Action Process**

Attorney Graham Oey discussed the disciplinary action process, including fines in lieu or in addition to license suspensions for Consent Agreement, Late Renewals, and Composition of the Violations Committee.

Tammy Ugofsky moved, seconded by Laurie Brandner, to request the staff to present recommendations for late renewals and the disciplinary action process at a future meeting.

**MOTION PASSED ON A ROLL CALL VOTE** with Tammy Ugofsky, Lori Berreth, Laurie Brandner, Crystal Carlson, and Lori Little voting Aye. Voting Nay: N/A.

## **Composition of Violations Committee**

The consensus of the Commission was to not make any changes to the composition of the Violations Committee that currently includes: Commission member Laurie Brandner and staff members Graham Oey, Kate Boyd and Kelsey Skoglund.

**G. Administrative Rules** - Deferred to the next meeting at the request of the staff

**H. Cosmetology Education Hours, Request for Hair Design License and Request for Early Testing** - Deferred to the next meeting at the request of the staff

**I. School Requests**

**1. School License Renewal Application - Black Hills Beauty College-Rapid City**

Lori Berreth moved, seconded by Laurie Brandner, to approve the school license renewal application of Black Hills Beauty College-Rapid City.

**MOTION PASSED ON A ROLL CALL VOTE** with Tammy Ugofsky, Lori Berreth, Laurie Brandner, Crystal Carlson, and Lori Little voting Aye. Voting Nay: N/A.

**2. School License Renewal Application - Black Hills Beauty College-Sioux Falls**

Crystal Carlson moved, seconded by Tammy Ugofsky, to approve the school license renewal application of Black Hills Beauty College-Sioux Falls.

**MOTION PASSED ON A ROLL CALL VOTE** with Tammy Ugofsky, Lori Berreth, Laurie Brandner, Crystal Carlson, and Lori Little voting Aye. Voting Nay: N/A.

**3. School License Renewal Application - Desaree & Company School of Beauty - Sturgis**

Lori Berreth moved, seconded by Tammy Ugofsky, to approve the school license renewal application of Desaree & Company School of Beauty - Sturgis.

**MOTION PASSED ON A ROLL CALL VOTE** with Tammy Ugofsky, Lori Berreth, Laurie Brandner, Crystal Carlson, and Lori Little voting Aye. Voting Nay: N/A.

**4. School License Renewal Application - Stewart School - Sioux Falls**

Crystal Carlson moved, seconded by Lori Little, to approve the school license renewal application of Stewart School - Sioux Falls.

**MOTION PASSED ON A ROLL CALL VOTE** with Tammy Ugofsky, Lori Berreth, Laurie Brandner, Crystal Carlson, and Lori Little voting Aye. Voting Nay: N/A.

**5. Electric File Provider Application - Desaree & Company School of Beauty - Sturgis**

Lori Berreth moved, seconded by Lori Little, to approve the electric file provider application of Desaree & Company School of Beauty.

**MOTION PASSED ON A ROLL CALL VOTE** with Tammy Ugofsky, Lori Berreth, Laurie Brandner, Crystal Carlson, and Lori Little voting Aye. Voting Nay: N/A.

**6. Electric File Provider Application - Headlines Academy, Inc. - Rapid City**

Lori Berreth moved, seconded by Tammy Ugofsky, to approve the electric file provider application of Headlines Academy, Inc.

**MOTION PASSED ON A ROLL CALL VOTE** with Tammy Ugofsky, Lori Berreth, Laurie Brandner, Crystal Carlson, and Lori Little voting Aye. Voting Nay: N/A.

**7. Microdermabrasion Provider Application - Headlines Academy, Inc. - Rapid City**

Tammy Ugofsky moved, seconded by Lori Little, to approve the microdermabrasion provider application of Headlines Academy, Inc.

**MOTION PASSED ON A ROLL CALL VOTE** with Tammy Ugofsky, Lori Berreth, Laurie Brandner, Crystal Carlson, and Lori Little voting Aye. Voting Nay: N/A.

**8. Microdermabrasion Provider Application - Black Hills Beauty College-Rapid City**

Lori Berreth moved, seconded by Crystal Carlson, to approve the electric file provider application of Black Hills Beauty College-Rapid City.

**MOTION PASSED ON A ROLL CALL VOTE** with Tammy Ugofsky, Lori Berreth, Laurie Brandner, Crystal Carlson, and Lori Little voting Aye. Voting Nay: N/A.

**J. Referral of Applications to the Commission**

**1. Toni Seales**

Toni Seales is a cosmetology student from New Mexico who completed her education on December 8, 2016, is currently working in New Mexico under a temporary license awaiting receipt of her New Mexico cosmetology license. The New Mexico State Board of Cosmetology will only certify their required 1600 hours of education, leaving Ms. Seales 500 hours short to meet South Dakota's 2100 hour requirement. Ms. Seales is requesting that the South Dakota Cosmetology Commission accept additional hours directly from her New Mexico school in a combination with work experience to meet our 2100 hour requirement.

Lori Berreth moved, seconded by Tammy Ugofsky, to accept Ms. Seales additional education hours directly from her New Mexico cosmetology school in combination with work experience to meet our 2100 hour requirement.

**MOTION PASSED ON A ROLL CALL VOTE** with Tammy Ugofsky, Lori Berreth, Laurie Brandner, Crystal Carlson, and Lori Little voting Aye. Voting Nay: N/A.

## **2. Tuan Luc**

Executive Director Kate Boy referred the reciprocity application of Tuan Luc to the Commission for their review and disposition, due to the fact that he was found to be working unlicensed in a salon in Rapid City on two separate occasions. His reciprocity application states that he attended school in California during the period of time that he was found to be working unlicensed in South Dakota.

Tammy Ugofsky moved, seconded by Lori Berreth, to not accept the reciprocity application of Tuan Luc.

**MOTION PASSED ON A ROLL CALL VOTE** with Tammy Ugofsky, Lori Berreth, Laurie Brandner, Crystal Carlson, and Lori Little voting Aye. Voting Nay: N/A.

## **3. Julie Bosch**

Julie Bosch's application was referred to the Commission for their review and action. Ms. Bosch attended cosmetology school in Colorado and completed 1800 hours. She requested that the Commission allow her to attend cosmetology school in South Dakota to complete the remaining 300 hours of education to meet South Dakota's 2100 hour requirement and to seek licensure in South Dakota. Ms. Bosch is currently under court supervision.

Tammy Ugofsky moved, seconded by Lori Berreth, to approve Julie Bosch to attend cosmetology school and seek licensure in South Dakota.

**MOTION PASSED ON A ROLL CALL VOTE** with Tammy Ugofsky, Lori Berreth, Laurie Brandner, Crystal Carlson, and Lori Little voting Aye. Voting Nay: N/A.

## **K. Other Business**

Executive Director suggested that the Commission schedule a meeting in March, 2017 to deal with Agenda Items G. Administrative Rules and H. Cosmetology Education Hours/Request for Hair Design License/Request for Early Testing. Other routine subjects may be considered as well at that meeting.

The Commission agreed to schedule a meeting for March 20, 2017 at 8:30 am at 123 E Missouri Avenue, Pierre, South Dakota CST.

## **L. Upcoming Meeting Dates**

- April 18-19, 2017 - NIC Executive Directors Meeting - Minneapolis
- April 29, 2017 - Cosmetology State Board Exams - Watertown

- May 4-5, 2017 - School Visits & Commission Meeting - Watertown & Sioux Falls
- July 14, 2017 - Commission Meeting am & NIC School Overview pm
- July 15-16, 2017 - NIC Examiner Training/Certification (MANDATORY FOR PRACTICAL EXAMINERS)
- July 17-18, 2017 State Board Exams - Pierre
- August 3-7, 2017 - NIC Executive Directors Meeting (Aug 3-4) & NIC Conference (Aug 5-7) - Charleston WV

#### **M. Executive Session - NIC Testing Contract**

Laure Brandner moved, seconded by Lori Little to go into Executive Session to discuss the NIC Testing Contract and national testing protocol.

**MOTION PASSED ON A ROLL CALL VOTE** with Tammy Ugofsky, Lori Berreth, Laurie Brandner, Crystal Carlson, and Lori Little voting Aye. Voting Nay: N/A. The Executive Session began at 10:20 am.

The Executive Session ended at 11:13 am and regular session was resumed.

#### **N. Adjourn**

Lori Berreth moved, seconded by Crystal Carlson to adjourn.

**MOTION PASSED ON A ROLL CALL VOTE** with Tammy Ugofsky, Lori Berreth, Laurie Brandner, Crystal Carlson, and Lori Little voting Aye. Voting Nay: N/A. The meeting was adjourned at 11:17 am.

Respectfully submitted,

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Kate Boyd, Recording Secretary

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Lori Berreth, Vice President