

Meeting Minutes
SOUTH DAKOTA COSMETOLOGY COMMISSION
via Microsoft Teams, or Call +1 605.679.7263
Monday, June 2, 2025, 9:30 a.m. CDT

The meeting was called to order at 9:33 a.m. CDT. Karma Sanner called the roll. A quorum was present.

Commissioners Present: Karma Sanner (Secretary)
Renee Graf (President)
Trish Bates
Jason Pettigrew

Others Present: Tyler Evins, Program Director
Jodi Aumer, Director of Professional Licensing
Jennifer Doubledee, DLR Attorney
Fallon Helm
Bob Mercer, Media

Sanner made a motion to approve the March 31, 2025, meeting minutes. Bates seconded the motion. **MOTION PASSED.**

No public comment was made during the public comment period of the meeting.

The proposed administrative rules were presented for consideration by the Commission. Additional details can be found in the meeting packet.

No written or verbal public comment was made during the public comment period of the hearing.

The commission discussed the proposed administrative rules. Pettigrew made a motion to adopt the proposed administrative rules. Sanner seconded the motion. Graf requested a roll-call vote. Karma Sanner – Aye, Jason Pettigrew – Aye, Trish Bates – Aye, Renee Graf – Aye. **MOTION PASSED.**

Sanner made a motion to adjourn the meeting. Pettigrew seconded the motion. **MOTION PASSED.**

The meeting adjourned at 9:38 a.m. CDT.

AVAILABLE FUNDS
 AS OF: 06/06/2025
 FY YEAR REMAINING: 6.8%
 PAY DAYS REMAINING: 1

WEEKLY

BUDGET UNIT 1033

DATE 06/07/2025

CENTER NAME COSMETOLOGY COMMISSION - INFO

COMP	ORIGINAL APPROPRIATION	APPROPRIATION TRANSFERS	YEAR-TO-DATE COMMITMENTS	YEAR-TO-DATE ENCUMBRANCES	YEAR-TO-DATE EXPENDITURES	AVAILABLE APPROPRIATIONS	CASH BALANCE
6503-I	481,958.00	1,430.00	0.00	18,827.60	369,954.04	94,606.36	178,776.74
BUDGETED TOT	481,958.00	1,430.00	0.00	18,827.60	369,954.04	94,606.36	
ALL COMP TOT	481,958.00	1,430.00	0.00	18,827.60	369,954.04	94,606.36	

TOTAL BUDGETED:

	OBJECT OF EXPENDITURE	AMOUNT BUDGETED	COMMITMENTS YEAR-TO-DATE	ENCUMBRANCES YEAR-TO-DATE	EXPENDITURES		BUDGET AVAILABLE	PCT AVL
					MONTHLY	YEAR-TO-DATE		
5101	EMPLOYEE SALARIES	255,419.00	0.00	0.00	0.00	206,967.56	48,451.44	19.0
5102	EMPLOYEE BENEFITS	86,654.00	0.00	0.00	18.21	56,124.83	30,529.17	35.2
5203	TRAVEL	47,566.00	0.00	0.00	539.10	19,446.66	28,119.34	59.1
5204	CONTRACTUAL SVCS	80,568.00	0.00	18,827.60	379.52	79,563.53	17,823.13-	0.0
5205	SUPPLIES & MATRLS	13,181.00	0.00	0.00	0.00	7,681.46	5,499.54	41.7
5207	CAPITAL OUTLAY	0.00	0.00	0.00	0.00	170.00	170.00-	0.0
	TOTALS	483,388.00	0.00	18,827.60	936.83	369,954.04	94,606.36	19.6

BREAKOUT BY COMPANY:

COMPANY 6503-I PROFESSIONAL & LICENSING BOARDS

5101000	EMPLOYEE SALARIES	255,419.00	0.00	0.00	0.00	206,967.56	48,451.44	19.0
5102000	EMPLOYEE BENEFITS	86,654.00	0.00	0.00	18.21	56,124.83	30,529.17	35.2
5203000	TRAVEL	47,566.00	0.00	0.00	539.10	19,446.66	28,119.34	59.1
5204000	CONTRACTUAL SVCS	80,568.00	0.00	18,827.60	379.52	79,563.53	17,823.13-	0.0
5205000	SUPPLIES & MATRLS	13,181.00	0.00	0.00	0.00	7,681.46	5,499.54	41.7
5207000	CAPITAL OUTLAY	0.00	0.00	0.00	0.00	170.00	170.00-	0.0
	PS SUBTOTALS	342,073.00	0.00	0.00	18.21	263,092.39	78,980.61	23.1
	OE SUBTOTALS	141,315.00	0.00	18,827.60	918.62	106,861.65	15,625.75	11.1
	COMPANY 6503-I TOT	483,388.00	0.00	18,827.60	936.83	369,954.04	94,606.36	19.6

36-1D-1. Eligibility--Licensure by endorsement.

Notwithstanding any existing provisions related to licensure by endorsement or licensure by reciprocity in any applicable licensing statute, a licensing board or a department secretary, if the secretary is responsible for issuing the license, shall issue a license, certificate, registration, or permit to an applicant to allow practice in this state if, upon application to the licensing board, the applicant satisfies all of the following conditions:

- (1) Holds a current license, certificate, registration, or permit from another state, territory, or country and the licensing board determines that state's, territory's, or country's requirements are substantially equivalent to or exceed the requirements established in this state;
- (2) Demonstrates competency in the profession or occupation through methods determined by the licensing board or a department secretary, if the secretary is responsible for issuing the license;
- (3) Has not committed any act that constitutes grounds for refusal, suspension, or revocation of a license, certificate, registration, or permit to practice that profession or occupation in this state unless the licensing board determines, in its discretion, that the act should not be an impediment to the granting of a license, certificate, registration, or permit to practice in this state;
- (4) Is in good standing and has not been disciplined by the jurisdiction that issued the license, certificate, registration, or permit unless the licensing board determines, in its discretion, that the discipline should not be an impediment to the granting of a license, certificate, registration, or permit to practice in this state; and
- (5) Pays any fees established by the licensing board by rules promulgated pursuant to chapter [1-26](#).

Source: SL 2021, ch 169, § 1; SL 2023, ch 133, § 1.

**STATE OF SOUTH DAKOTA
DEPARTMENT OF LABOR AND REGULATION
STATE COSMETOLOGY COMMISSION**

IN THE MATTER OF

Dwight Johnson,

Applicant.

CONSENT AGREEMENT

FACTS

In consideration of the above matter, the undersigned parties consent to the following:

1. Dwight Johnson (Applicant) applied to the South Dakota Cosmetology Commission (Commission) for a student license on March 13, 2025.
2. The Commission denied his application on March 18, 2025 based on Applicant's criminal history and submission of an incomplete court record.
3. On April 10, 2025, in response to Applicant's additional submissions, the Commission again denied the Applicant's application pursuant to his criminal history pursuant to SDCL 36-1C-7 and SDCL 36-15-56 based on Applicant's simple assault convictions in 2008, 2015, 2016, and 2018. Under SDCL 22-18-1, the 2016 and 2018 simple assault convictions are class 6 felonies. Applicant was also convicted of Intentional Damage to Property (SDCL 22-34-1) in 2016, a class 6 felony.
4. The Commission rescinded its decision on April 30, 2025, and, pursuant to SDCL 36-1C-20, advised Applicant its intent to take adverse action to deny his application based upon his criminal history. Applicant was further advised that he had twenty calendar days to request a hearing on this matter.
5. Applicant requested a hearing on April 30, 2025.

AGREEMENTS AND UNDERSTANDINGS

1. Applicant is aware and understands the nature of this matter.
2. Applicant has been informed of his right to legal counsel, notice, hearing, and appeal rights.
3. Applicant understands that by agreeing to and signing this Consent Agreement, he waives all procedures and proceedings before the Commission that he may be entitled to under state or federal law.
4. Applicant agrees that that the Commission's knowledge of his past criminal history as stated in paragraph 3 of the Facts section of this document is accurate and he has no other criminal convictions for the Commission to consider.
5. In lieu of contesting this matter formally, Applicant understands that by executing this agreement, the Commission agrees to approve his student license application with the understanding that any new criminal convictions will result in immediate revocation of his student applicant license.
6. In exchange for Applicant's agreement to the provisions of this Consent Agreement, the Commission agrees to not proceed to a formal administrative hearing and agrees that this Consent Agreement will constitute the final agency disposition of this matter.
7. Applicant will comply with all laws and regulations relating to this profession under SDCL Chapter 36-15 and ARSD article 20:42.
8. Applicant understands that nothing in this Consent Agreement will be deemed to restrict the Commission from raising facts in reference to the Applicant if there are other material facts related to the matters under investigation that have not been set forth or disclosed herein.

9. Applicant consents, agrees, and acknowledges that this Consent Agreement must be submitted to the Commission for acceptance or rejection. In the event the Commission rejects the recommendations of the resolution by Consent Agreement, Applicant waives any right to claim prejudice or to request recusal of any commission member by reason of any factual basis submitted to the Commission to resolve this matter by Consent Agreement rather than by formal proceeding.
10. Applicant understands that this Consent Agreement may be considered in future licensing procedures with the Commission and for the purposes of determining the appropriate sanctions in any future actions by the commission for any violations of laws or regulations of the State of South Dakota or for failing to abide by any order of the Commission.
11. Applicant has read, understands, and agrees to this Consent Agreement and is freely and voluntarily signing it.
12. This Consent Agreement contains the entire agreement between the parties relating to the matters referenced in the Consent Agreement. Applicant is not relying on any other representations of any kind, verbal or otherwise.
13. If this Consent Agreement is approved by the Commission, a copy of the executed Consent Agreement will be served by electronic mail to the Applicant.

Dated this ____ day of _____, 2025.

South Dakota Cosmetology Commission

Chairperson

I, Dwight Johnson, have read and understand the terms of this Consent Agreement. I understand that I am waiving my due process rights and right to a hearing. I am voluntarily entering into this agreement.

Dated this 9 day of June, 2025.



Dwight Johnson

Academic Dishonesty Policy (Proposed)

The South Dakota Cosmetology Commission adopts the following policy concerning substantiated instances of academic dishonesty.

Definition: Academic dishonesty includes:

1. the use of any unauthorized tools or materials during an examination; or
2. the commission of fraud or the conspiracy to commit fraud to complete an examination; or
3. the commission of fraud or the conspiracy to commit fraud to complete any required coursework in the procurement of a license or certification.

Policy:

First Offense: Upon certification by the Cosmetology Commission's Investigative Committee that an allegation of academic dishonesty is substantiated, the Executive Director of the Cosmetology Commission (Commission) will file a written complaint against the alleged offender. Upon receipt of the alleged offender's written response and absent any evidence to exonerate the alleged offender, the Executive Director will issue an administrative fine in the amount adopted by the Commission. The alleged offender will be barred from further attempts to complete an examination or to procure a certification until the fine is paid or a contested case is resolved.

Second Offense: Upon certification by the Cosmetology Commission's Investigative Committee that an allegation of academic dishonesty is substantiated, the attorney for the Commission will file a formal written complaint against the alleged offender and will schedule a hearing pursuant to policies adopted by the Commission. The alleged offender will be barred from further attempts to complete an examination or to procure a certification until the complaint is resolved.

A student or apprentice enrolled at a school or apprentice salon licensed by the Commission may continue to complete coursework during the pendency of a complaint or contested case unless the school or apprentice salon has a suspended license. The provisions of this policy do not prevent a school or apprentice salon from suspending or expelling a student or apprentice for a substantiated instance of academic dishonesty.

Authority: SDCL 36-15-15 (2), SDCL 36-15-19.1, SDCL 36-15-19.3, SDCL 36-15-19.5, SDCL 36-15-55.2, SDCL 36-15-56 (1)

Renee Graf, President

Date

South Dakota Cosmetology Commission

Disciplinary Action & Consent Agreement Matrix (Proposed)

Offense Type₁	Occurrence	Disciplinary Action	Voluntary Consent Agreement Terms₂
Operating with Expired License	Each	Administrative Fine: Flat \$25.00 fine on day 61 & \$1.00 fine for each day lapsed until renewed, up to \$330.00 <i>(pursuant to SDCL 36-1C-5; SDCL 36-15-56 (2); ARSD 20:42:03:13)</i>	
Employing Unlicensed Worker(s)	1 st		\$500.00 fine & 5-day suspension (per worker)
Employing Unlicensed Worker(s)	2 nd		\$750.00 fine & 10-day suspension (per worker)
Prohibited Tool(s)	1 st	Administrative Fine: \$350.00 <i>(pursuant to SDCL 36-1C-5; SDCL 36-15-56 (2))</i>	
Prohibited Tool(s)	2 nd		\$500.00 fine & 5-day suspension
Expired License/Unlicensed Instructor (School)	1 st		School Terms: \$1000.00 fine, 5-day suspension & Redo education hours at no cost to student/apprentice(s)
Expired License/Unlicensed Instructor (School)	2 nd		School Terms: \$2,000.00 fine, 10-day suspension, Redo education hours at no cost to student/apprentice(s) & Commission reports incident

			to accrediting agency (as applicable)
Opening Salon/Booth Prior to Receiving License	N/A	Administrative Fine: \$350.00 <i>(pursuant to SDCL 36-1C-5; SDCL 36-15-56 (2))</i>	
Failing Reinspection (Salon/Booth/School)	1 st	Administrative Fine: \$350.00 <i>(pursuant to SDCL 36-1C-5; SDCL 36-15-56 (2))</i>	
Failing Reinspection (Salon/Booth/School)	2 nd		\$500.00 fine, business closed until passes reinspection
Refusing Entry to Inspector	1 st	Administrative Fine: \$500.00 <i>(pursuant to SDCL 36-1C-5; SDCL 36-15-56 (2))</i>	
Refusing Entry to Inspector	2 nd		\$750.00 fine & 5-day suspension
Academic Dishonesty (Examination)	1 st	Administrative Fine: \$250.00 <i>(pursuant to SDCL 36-1C-5; SDCL 36-15-56 (2))</i>	
Using Salon/Booth License at Unlicensed Location	1 st	Administrative Fine: \$500.00 <i>(pursuant to SDCL 36-1C-5; SDCL 36-15-56 (2))</i>	
Displaying Unauthorized Copy of License	1 st	Administrative Fine: \$500.00 <i>(pursuant to SDCL 36-1C-5; SDCL 36-15-56 (2))</i>	
Failure to Display License	1 st	Administrative Fine: \$125.00 <i>(pursuant to SDCL 36-1C-5; SDCL 36-15-56 (2))</i>	
Failure to Display License	2 nd	Administrative Fine: \$250.00 <i>(pursuant to SDCL 36-1C-5; SDCL 36-15-56 (2))</i>	
Failure to Display License	3 rd	Administrative Fine: \$500.00 <i>(pursuant to SDCL 36-1C-5; SDCL 36-15-56 (2))</i>	
Performing Services without Required Certification	1 st	Administrative Fine: \$350.00 <i>(pursuant to SDCL 36-1C-5; SDCL 36-15-56 (2))</i>	

Operating Mobile Salon	1 st	Administrative Fine: \$350.00 <i>(pursuant to SDCL 36-1C-5; SDCL 36-15-56 (2))</i>	
Sharing Amenities with Domicile (Home Salon – e.g. bathroom, sink, etc.)	1 st	Administrative Fine: Flat \$125.00 fine & \$25.00 fine for each day out of compliance until resolved, up to \$500.00 (i.e. 14 days) <i>(pursuant to SDCL 36-1C-5; SDCL 36-15-56 (2))</i>	

Renee Graf, President

Date

1: The Cosmetology Commission (Commission) reserves the authority to modify or revoke this policy by a majority vote of the Commission. Additionally, the Commission may adjudicate any violations of SDCL Chapter 36-15, not included in this policy, through administrative fines, consent agreements, or by other lawful means adopted by the Commission.

2: A consent agreement is offered to an alleged offender at the discretion of the Commission’s Investigative Committee. Consent agreements are not effective until adopted by the Commission. Once agreed to, the terms of a proposed consent agreement cannot be modified by the Investigative Committee or the alleged offender without a majority vote of the Commission.

Authority: SDCL 36-1C-4, SDCL 36-1C-5, SDCL 36-1C-6, SDCL 36-15-55.2, SDCL 36-15-56

Commission Meeting & School Visit Dates

Event Type	Date	School/Apprentice Salon (AS)	Location
Commission Meeting ₁	March 31, 2025	N/A	Virtual (Microsoft Teams)
School Visit ₂	April 7, 2025	Paul Mitchell, TSPA	Rapid City
School Visit ₂	May 5, 2025	Stewart School, Hollywood Style AS	Sioux Falls
Commission Meeting ₁	June 16, 2025	N/A	Pierre (In-Person)
School Visit ₂	September 8, 2025	Appoise Esthetics School/ Revive AS	Aberdeen
Commission Meeting ₁	September 22, 2025	N/A	Virtual (Microsoft Teams)
School Visit ₂	November 10, 2025	LATC	Watertown
Commission Meeting ₁	November 17, 2025	N/A	Virtual (Microsoft Teams)

Note: All virtual meeting times at 1:00 p.m. CT; In-Person meeting time 12:30 p.m. CT

1: Quorum required (minimum of 3 Commissioners)

2: No quorum allowed (maximum of 2 Commissioners)