

Meeting Minutes
SOUTH DAKOTA COSMETOLOGY COMMISSION
via Microsoft Teams or Call: +1 605.679.7263
Thursday, June 6, 2024, 1:30 p.m. CDT

Meeting was called to order at 1:30 p.m. CDT. Division Director McCabe (McCabe) called the roll. A quorum was present.

Members Present: Kathy Hofer
Jason Pettigrew
Karma Sanner
Trish Bates

Members Absent: Renee Graf

Others Present: Tyler Evins, Executive Director
Gerald McCabe, Division Director
Jodi Aumer, Director of Professional Licensing
Melissa Regan

McCabe entertained a motion to appoint an interim chair for the meeting. Sanner made a motion to appoint Bates as chair for the meeting. Pettigrew seconded the motion. Motion carried by general consent.

Sanner made a motion to approve the agenda. Hoffer seconded the motion. **MOTION PASSED.**

Pettigrew made a motion to approve the May 14, 2024, meeting minutes. Sanner seconded the motion. **MOTION PASSED.**

No comments were made during the public comment portion of the meeting.

Pettigrew made a motion to enter executive session. Sanner seconded the motion. **MOTION PASSED.** The Commission entered executive session at 1:41 p.m. and at 1:53 p.m. the Commission exited executive session.

Sanner made a motion that the Commission office maintain its normal contested case procedure for the pending contested case. Pettigrew seconded the motion. **MOTION PASSED.**

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

The meeting adjourned at 1:57 p.m. CDT.

STATE OF SOUTH DAKOTA
CASH CENTER BALANCES
AS OF: 08/31/2024

AGENCY: 10 LABOR & REGULATION
BUDGET UNIT: 1033 COSMETOLOGY COMMISSION - INFO

COMPANY	CENTER	ACCOUNT	BALANCE	DR/CR	CENTER DESCRIPTION
6503	103300061806	1140000	150,724.99	DR	COSMETOLOGY COMMISSION
COMPANY/SOURCE TOTAL 6503 618			150,724.99	DR *	
COMP/BUDG UNIT TOTAL 6503 1033			150,724.99	DR **	
BUDGET UNIT TOTAL 1033			150,724.99	DR ***	

STATE OF SOUTH DAKOTA
CASH CENTER BALANCES
AS OF: 09/30/2023

AGENCY: 10 LABOR & REGULATION
BUDGET UNIT: 1033 COSMETOLOGY COMMISSION - INFO

COMPANY	CENTER	ACCOUNT	BALANCE	DR/CR	CENTER DESCRIPTION
6503	103300061806	1140000	206,767.06	DR	COSMETOLOGY COMMISSION
COMPANY/SOURCE TOTAL 6503 618			206,767.06	DR *	
COMP/BUDG UNIT TOTAL 6503 1033			206,767.06	DR **	
BUDGET UNIT TOTAL 1033			206,767.06	DR ***	

STATE OF SOUTH DAKOTA
MONTHLY EXPENDITURE REPORT
FOR PERIOD ENDING: 08/31/2024

AGENCY 10 LABOR & REGULATION
BUDGET UNIT 1033 COSMETOLOGY COMMISSION - INFO
CENTER-5 10330 COSMETOLOGY COMMISSION

COMP	CENTER	ACCOUNT	DOCUMENT NUMBER	POSTING DATE	JV APPVL #, OR PAYMENT #	SHORT NAME	VENDOR NUMBER	VENDOR GROUP	AMOUNT	DR/ CR	
COMPANY NO		6503									
COMPANY NAME		PROFESSIONAL & LICENSING BOARDS									
6503	103300061806	51010100	CGEX240726	08/02/2024					6,454.56	DR	
6503	103300061806	51010100	CGEX240813	08/16/2024					7,625.39	DR	
6503	103300061806	51010100	CGEX240828	08/31/2024					5,890.99	DR	
OBJSUB:		5101010 F-T EMP SAL & WAGES								19,970.94	DR *
6503	103300061806	51010200	CGEX240726	08/02/2024					3,160.76	DR	
6503	103300061806	51010200	CGEX240813	08/16/2024					3,285.60	DR	
6503	103300061806	51010200	CGEX240828	08/31/2024					2,749.53	DR	
OBJSUB:		5101020 P-T/TEMP EMP SAL & WAGES								9,195.89	DR *
OBJECT:		5101 EMPLOYEE SALARIES								29,166.83	DR **
6503	103300061806	51020100	CGEX240726	08/02/2024					724.79	DR	
6503	103300061806	51020100	CGEX240806	08/07/2024	620035				4.28	DR	
6503	103300061806	51020100	CGEX240806	08/07/2024	620033				3.22	DR	
6503	103300061806	51020100	CGEX240813	08/16/2024					809.90	DR	
6503	103300061806	51020100	CGEX240814	08/14/2024	624916				6.43	DR	
6503	103300061806	51020100	CGEX240814	08/14/2024	624915				5.36	DR	
6503	103300061806	51020100	CGEX240814	08/14/2024	624912				4.29	DR	
6503	103300061806	51020100	CGEX240828	08/31/2024					638.03	DR	
6503	103300061806	51020100	CGEX240829	08/31/2024	639767				5.35	DR	
6503	103300061806	51020100	CGEX240829	08/31/2024	639766				4.29	DR	
6503	103300061806	51020100	CGEX240829	08/31/2024	639765				4.28	DR	
OBJSUB:		5102010 OASI-EMPLOYER'S SHARE								2,210.22	DR *
6503	103300061806	51020200	CGEX240726	08/02/2024					387.30	DR	
6503	103300061806	51020200	CGEX240813	08/16/2024					457.45	DR	
6503	103300061806	51020200	CGEX240828	08/31/2024					353.40	DR	
OBJSUB:		5102020 RETIREMENT-ER SHARE								1,198.15	DR *
6503	103300061806	51020600	CGEX240726	08/02/2024					1,363.73	DR	
6503	103300061806	51020600	CGEX240813	08/16/2024					1,557.35	DR	
6503	103300061806	51020600	CGEX240828	08/31/2024					1,306.45	DR	
OBJSUB:		5102060 HEALTH/LIFE INS.-ER SHARE								4,227.53	DR *
6503	103300061806	51020800	CGEX240726	08/02/2024					16.35	DR	
6503	103300061806	51020800	CGEX240813	08/16/2024					18.63	DR	
6503	103300061806	51020800	CGEX240828	08/31/2024					14.76	DR	
OBJSUB:		5102080 WORKER'S COMPENSATION								49.74	DR *
6503	103300061806	51020900	CGEX240726	08/02/2024					1.45	DR	
6503	103300061806	51020900	CGEX240813	08/16/2024					1.68	DR	
6503	103300061806	51020900	CGEX240828	08/31/2024					1.38	DR	
OBJSUB:		5102090 UNEMPLOYMENT COMPENSATION								4.51	DR *
OBJECT:		5102 EMPLOYEE BENEFITS								7,690.15	DR **
GROUP:		51 PERSONAL SERVICES								36,856.98	DR ***

STATE OF SOUTH DAKOTA
 MONTHLY EXPENDITURE REPORT
 FOR PERIOD ENDING: 08/31/2024

AGENCY 10 LABOR & REGULATION
 BUDGET UNIT 1033 COSMETOLOGY COMMISSION - INFO
 CENTER-5 10330 COSMETOLOGY COMMISSION

COMP	CENTER	ACCOUNT	DOCUMENT NUMBER	POSTING DATE	JV APPVL #, OR PAYMENT #	SHORT NAME	VENDOR NUMBER	VENDOR GROUP	AMOUNT	DR/CR
6503	103300061806	52030200	CGEX240814	08/14/2024	624915				103.84	DR
6503	103300061806	52030200	CGEX240829	08/31/2024	639766				126.26	DR
6503	103300061806	52030200	CGEX240829	08/31/2024	639767				109.45	DR
	OBJSUB: 5203020	AUTO PRIV (IN-ST.) L/RTE							339.55	DR *
6503	103300061806	52031400	CGEX240806	08/07/2024	620035				56.00	DR
6503	103300061806	52031400	CGEX240806	08/07/2024	620033				42.00	DR
6503	103300061806	52031400	CGEX240814	08/14/2024	624916				84.00	DR
6503	103300061806	52031400	CGEX240814	08/14/2024	624915				70.00	DR
6503	103300061806	52031400	CGEX240814	08/14/2024	624912				56.00	DR
6503	103300061806	52031400	CGEX240829	08/31/2024	639767				70.00	DR
6503	103300061806	52031400	CGEX240829	08/31/2024	639765				56.00	DR
6503	103300061806	52031400	CGEX240829	08/31/2024	639766				56.00	DR
	OBJSUB: 5203140	TAXABLE MEALS/IN-STATE							490.00	DR *
	OBJECT: 5203	TRAVEL							829.55	DR **
6503	103300061806	52040500	25-1000-001 434	08/14/2024	02565344	SMARTSOFTW	12221150		456.00	DR
	OBJSUB: 5204050	COMPUTER CONSULTANT							456.00	DR *
6503	103300061806	52041800	DP507100	08/28/2024					2,121.70	DR
	OBJSUB: 5204180	COMPUTER SERVICES-STATE							2,121.70	DR *
6503	103300061806	52042000	PL507059	08/16/2024					247.78	DR
	OBJSUB: 5204200	CENTRAL SERVICES							247.78	DR *
6503	103300061806	52042300	0946573	08/09/2024	02564859	SERVALLUNI	12049672		2.85	DR
	OBJSUB: 5204230	JANITORIAL & MAINT SERV							2.85	DR *
6503	103300061806	52045300	TL507053	08/16/2024					176.50	DR
6503	103300061806	52045300	8381416X07242024	08/07/2024	00073063	ATTMOBILIT	12279233		104.96	DR
	OBJSUB: 5204530	TELECOMMUNICATIONS SRVCS							281.46	DR *
6503	103300061806	52047400	D105CC002	08/09/2024	F25753				538.78	DR
6503	103300061806	52047400	D105CC002	08/09/2024	F25753				538.78	DR
6503	103300061806	52047400	D105CC002	08/09/2024	F25753				538.78	CR
	OBJSUB: 5204740	BANK FEES AND CHARGES							538.78	DR *
6503	103300061806	52049600	3057	08/28/2024	00928747	PROVINC	12719289		4,050.00	DR
6503	103300061806	52049600	9726	08/07/2024	00924982	NATIONALIN	12114840	02	738.00	DR
	OBJSUB: 5204960	OTHER CONTRACTUAL SERVICE							4,788.00	DR *
	OBJECT: 5204	CONTRACTUAL SERVICES							8,436.57	DR **
6503	103300061806	52050200	0498985	08/21/2024	00927175	HPINC	12125515	11	17.45	DR
6503	103300061806	52050200	18382 AUG24	08/16/2024	00926409	INMANSWATE	12044712		17.91	DR
	OBJSUB: 5205020	OFFICE SUPPLIES							35.36	DR *
6503	103300061806	52053100	CD507027	08/07/2024					496.37	DR
	OBJSUB: 5205310	PRINTING-STATE							496.37	DR *

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6503	103300061806	52053500	MS507047	08/16/2024					605.09	DR
		OBJSUB: 5205350	POSTAGE						605.09	DR *
		OBJECT: 5205	SUPPLIES & MATERIALS						1,136.82	DR **
6503	103300061806	5228000	T105-012	08/28/2024					1,184.27	DR
		OBJSUB: 5228000	OPER TRANS OUT -NON BUDGT						1,184.27	DR *
		OBJECT: 5228	NONOP EXP/NONBGTD OP TR						1,184.27	DR **
		GROUP: 52	OPERATING EXPENSES						11,587.21	DR ***
		COMP: 6503							48,444.19	DR ****
		CNTR: 103300061806							48,444.19	DR *****
		B. UNIT: 1033							48,444.19	DR *****

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

In the Matter of:

CONSENT AGREEMENT

Savannah Thorne and Lash Spa
Boutique LLC Apprentice Salon,
Licensees.

Case No. 01-2024

**License Nos. ASL-11679, EO-13989, IE-
15664**

Pursuant to South Dakota Codified Laws (SDCL) 36-1C-6 and 1-26-20, in consideration of the above-captioned matter, and as the full and final resolution of this matter, the undersigned parties do hereby consent and agree to the following:

1. The South Dakota Department of Labor and Regulation, Cosmetology Commission (Commission) has jurisdiction over this matter pursuant to SDCL Chapter 36-15.
2. The Commission may take disciplinary action against a licensee on any of the grounds listed in SDCL 36-15-56, including under subdivision (2) the failure “of any person to comply with any of the requirements of this chapter or rules adopted pursuant to this chapter”.
3. Disciplinary action may include suspension or revocation of an existing license or the refusal to issue a new license under SDCL 36-15-55.2.
4. SDCL 36-15-47 states that “Any apprentice licensed pursuant to this chapter may practice...under the constant supervision, control, and direction of a licensed instructor at all times...”

5. Savannah Thorne (THORNE) is licensed by the Commission as an esthetician (license number EO-13989) and esthetics instructor (license number IE-15664). THORNE has also been certified to offer eyelash extensions.
6. THORNE operates Lash Spa Boutique Apprentice Salon (APPRENTICE SALON) (license number ASL-11679).
7. On February 5, 2024, a Commission inspector conducted an inspection at the APPRENTICE SALON.
8. During the inspection, a Cosmetology Commission inspector (INSPECTOR) discovered that an apprentice was performing cosmetology services on a client without supervision by a licensed instructor. When questioned by the INSPECTOR, THORNE disclosed that her apprentices use call buttons to summon an instructor when help is needed, so that THORNE and other instructors in the APPRENTICE SALON are free to teach other students and apprentices or to go about salon business. THORNE also disclosed that an instructor is not present when an apprentice performs certain services on clients.
9. At the time of inspection, the inspector discovered that one of the instructors of record at the salon had an expired license.
10. THORNE is the owner and operator of the APPRENTICE SALON and is responsible for the salon's compliance with Commission laws and rules.

11. On April 17, 2024, a complaint in this matter was filed against THORNE based on the above allegations.
12. The above-described conduct constitutes grounds for discipline pursuant to SDCL 36-15-56(2) with reference to SDCL 36-15-47 and 36-15-47.1.
13. THORNE is aware of and understands the nature of this matter. THORNE acknowledges that she has been informed of various rights she has in this matter. These rights include, but are not limited to, the right to:
 - a. be represented by a lawyer in this matter;
 - b. receive notice of any hearing in this matter;
 - c. have a contested case hearing, as defined in SDCL 1-26-1(2). A contested case hearing includes the right of the THORNE to be present at the hearing, be represented by legal counsel, introduce evidence, present testimony, call witnesses to testify, cross-examine all witnesses present, and submit argument on her own behalf; and
 - d. appeal any decision based on the contested case hearing to circuit court and the South Dakota Supreme Court, as provided by law.
14. THORNE agrees that, by signing this Consent Agreement, THORNE voluntarily **waives** all of these rights, procedures, and proceedings before the Commission. THORNE further waives any other rights to which she may be entitled under state or federal law as applicable to this matter.
15. THORNE is not represented by an attorney in this matter.

16. THORNE understands that by entering into this Consent Agreement, the Commission is making a finding that THORNE violated SDCL 36-15-47 and 36-15-47.1. In addition, THORNE understands that by entering into this Agreement, the Commission is taking formal disciplinary action against THORNE and her APPRENTICE SALON.
17. In return for THORNE's agreement to the provisions of this Consent Agreement, the Commission agrees not to proceed to formal hearing in this matter and agrees that this Consent Agreement shall constitute the final Commission disposition of this matter.
18. THORNE agrees that this Consent Agreement shall serve as the final resolution of this matter, including any appeal. THORNE also agrees, in lieu of further contesting this matter, that:
 - a. THORNE shall pay a fine in the amount of **\$350**, due to the Commission office within 30 days of the effective date of this Consent Agreement.
 - b. THORNE and the APPRENTICE SALON shall not enroll new apprentices for a period of **180 days** from the effective date of this agreement.
 - c. THORNE shall take and pass the South Dakota Cosmetology Laws and Administrative Rules Examination for Instructors within 15 days of the effective date of this agreement.
 - d. Within 15 days of the effective date of this agreement:

- 1) THORNE shall remove all call buttons from apprentice workstations, the use of which does not satisfy the requirement for constant supervision of an apprentice by a licensed instructor.
 - 2) THORNE shall provide the Commission executive director with a plan to ensure the constant supervision of apprentices by a licensed instructor, regardless of the services being performed by the apprentices. The executive director shall review the plan to determine if it complies with the provisions of SDCL 36-15-47. If the plan is compliant, the executive director shall approve the plan and append it to the APPRENTICE SALON's curriculum.
- e. THORNE shall comply with all provisions of SDCL Chapter 36-15 and ARSD Article 20:42 during the pendency of this Consent Agreement.
19. This Consent Agreement shall be deemed complete upon THORNE's compliance with the terms of the agreement, and the Commission office shall provide THORNE with written verification that the terms of the agreement have been completed by email at THORNE's email address on file with the Commission.

20. If THORNE fails to comply with any of the terms of this Consent Agreement, THORNE agrees that any such violation would constitute new grounds for further discipline.
21. THORNE understands and agrees that the terms of this Consent Agreement shall be public.
22. THORNE consents, agrees, and acknowledges that this Consent Agreement must be submitted to the Commission at a public meeting for acceptance or rejection. If the Commission rejects this Consent Agreement, THORNE waives any right to claim prejudice or to request recusal of any Commission member by reason of any factual basis submitted to the Commission in an effort to resolve this matter by Consent Agreement rather than by formal proceeding.
23. THORNE understands that nothing in this Consent Agreement will be deemed to restrict the Commission from raising facts in reference to THORNE outside of those set forth in this Consent Agreement, if there are other material facts related to the matters under investigation that have not been set forth or disclosed herein.
24. THORNE understands that this Consent Agreement may be considered in any future licensing matters 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 or decision of the Commission.

25. THORNE has read, understands, and agrees to this Consent Agreement and is freely and voluntarily signing it. This Consent Agreement contains the entire agreement between the parties relating to the matters referenced in the Consent Agreement. THORNE is not relying on any other representations of any kind, verbal or otherwise.
26. THORNE agrees to waive any rights and procedures afforded her under SDCL Chapters 1-26, 36-15, 36-1C, and ARSD Article 20:42.
27. This Consent Agreement shall be effective on the date it is signed by the Commission member designated by the Commission.

Dated this ____ day of _____ 2024.
(month)

Printed Name: _____
Commission Member

CONSENT AND ACKNOWLEDGMENT

By signing below, I accept and agree to the terms of this Consent Agreement. I agree that I have read and understand the terms of this Consent Agreement and I understand that I am waiving my due process rights and my right to a hearing. I am freely and voluntarily entering into this agreement.

Dated this 20th day of May 2024,
(month)

Savannah Thorne
Savannah Thorne
Licensee