

Meeting Minutes
SOUTH DAKOTA COSMETOLOGY COMMISSION
123 W Missouri Ave, Pierre, South Dakota
February 9, 2018 CST

Vice President Laurie Brandner called the meeting to order at 8:35 am.

Secretary-Treasurer Crystal Carlson read the roll and a quorum was established.

Members Present: Laurie Brandner
Crystal Carlson
Lori Little, via teleconference

Members Absent: Tammy Ugofsky

Others Present: Kate Boyd, Executive Director
Kelsey Skoglund, Commission staff member
Graham Oey, Staff Attorney, Department of Labor & Regulation
Kimberly Landsman, Rapid City
Shawn VenJohn, LATI Cosmetology Program
Joy Poloncic, Black Hills Beauty College
Tom Poloncic, Black Hills Beauty College
Angela Taylor, Stewart School, via teleconference
Karma Crane, Stewart School, via teleconference

Crystal Carlson made a motion to approve the agenda as amended. Lori Little seconded the motion. **MOTION PASSED** on a roll call vote with Laurie Brandner, Crystal Carlson and Lori Little voting aye, and Tammy Ugofsky absent and not voting.

Crystal Carlson made a motion to approve the November 17, 2017 meeting minutes. Laurie Brander seconded the motion. **MOTION PASSED** on a roll call vote with Laurie Brandner, Crystal Carlson and Lori Little voting aye, and Tammy Ugofsky absent and not voting.

Secretary-Treasurer Crystal Carlson reported that as of January 31, 2018 the available budget was \$85,779 and the cash center balance was \$182,148.

The Executive Director's Report was included in the meeting packets and is attached to the meeting minutes.

Case P-2017- Crystal Carlson made a motion to approve the Consent Agreement for Case P-2017 with the following terms:

- a. The Cutting Crew Salon License, Lic. #CS-05902, will be suspended for a period of 7 days with 7 days being held in abeyance; The Cutting Crew Salon's license will not actively be suspended.
- b. The 7 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) The Cutting Crew Salon will comply with all laws and regulations relating to its 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) Pursuant to SDCL 36-15-58.5 the Commission imposes a monetary penalty of \$150.00 with credit for the \$50 re-inspection fee previously paid by Ms. Vornhagen, reducing the monetary penalty to \$100.00, as a condition for the immediate reinstatement of the salon license, to be paid prior to March 1, 2018.

Lori Little seconded the motion. **MOTION PASSED** on a roll call vote with Crystal Carlson and Lori Little voting aye, Tammy Ugofsky absent and not voting and Violations Committee Laurie Brandner abstaining.

Case R-2017- Lori Little made a motion to approve the Consent Agreement for Case R-2017 with the following terms:

- a. Thao Thi Phuong Tran's personal license, Lic. #NT-11978, will be suspended for a period of 14 days with 14 days being held in abeyance; Thao Thi Phuong Tran's personal license will not actively be suspended.
- b. The 14 days of suspension for her personal 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) Thao Thi Phuong Tran 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) Pursuant to SDCL 36-15-58.5 the Commission imposes a monetary penalty of \$450.00, as a condition for the immediate reinstatement of her personal license, to be paid prior to March 1, 2018.

Crystal Carlson seconded the motion. **MOTION PASSED** on a roll call vote with Crystal Carlson and Lori Little voting aye, Tammy Ugofsky absent and not voting and Violations Committee Laurie Brandner abstaining.

Case S-2017- Crystal Carlson made a motion to approve the Consent Agreement for Case S-2017 with the following terms:

- a. Le Hai Ocampo's personal license, Lic. #NT-11979, will be suspended for a period of 14 days with 14 days being held in abeyance; Le Hai Ocampo's personal license will not actively be suspended.
- b. The 14 days of suspension for her personal 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:
 - 3) Le Hai Ocampo 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;

- 4) Pursuant to SDCL 36-15-58.5 the Commission imposes a monetary penalty of \$450.00, as a condition for the immediate reinstatement of her personal license, to be paid prior to March 1, 2018.

Lori Little seconded the motion. **MOTION PASSED** on a roll call vote with Crystal Carlson and Lori Little voting aye, Tammy Ugofsky absent and not voting and Violations Committee Laurie Brandner abstaining.

Lapsed Case 14-2017- Crystal Carlson made a motion to approve Lapse Case 14-2017 Consent Agreement with the following terms:

- a. AJs Wicked Salon and Spa license, Lic.#CS-05607, will be suspended for a period of 10 days with 10 days being held in abeyance; AJs Wicked Salon and Spa's license will not actively be suspended.
- b. The 10 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) AJs Wicked Salon and Spa will comply with all laws and regulations relating to its 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) Pursuant to SDCL 36-15-58.5 the Commission imposes a monetary penalty of \$150.00, as a condition for the immediate reinstatement of the salon license, to be paid prior to March 1, 2018.

Lori Little seconded the motion. **MOTION PASSED** on a roll call vote with Crystal Carlson and Lori Little voting aye, Tammy Ugofsky absent and not voting and Violations Committee Laurie Brandner abstaining.

Lapsed Case 15-2017- Lori Little made a motion to approve Lapse Case 15-2017 Consent Agreement with the following terms:

- a. Simply Divine Day Spa Salon license, Lic.#ES-08007, will be suspended for a period of 10 days with 10 days being held in abeyance; Simply Divine Day Spa Salon's license will not actively be suspended.
- b. The 10 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) Simply Divine Day Spa Salon will comply with all laws and regulations relating to its 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) Pursuant to SDCL 36-15-58.5 the Commission imposes a monetary penalty of \$125.00, as a condition for the immediate reinstatement of the salon license, to be paid prior to March 1, 2018.

Crystal Carlson seconded the motion. **MOTION PASSED** on a roll call vote with Crystal Carlson and Lori Little voting aye, Tammy Ugofsky absent and not voting and Violations Committee Laurie Brandner abstaining.

Lapsed Case 16-2017- Crystal Carlson made a motion to approve Lapse Case 16-2017 Consent Agreement with the following terms:

- a. Jayde Tree Salon LLC license, Lic.#CS-06979, will be suspended for a period of 30 days with 30 days being held in abeyance; Jayde Tree Salon LLC's license will not actively be suspended.
- b. The 30 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) Jayde Tree Salon LLC will comply with all laws and regulations relating to its 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) Pursuant to SDCL 36-15-58.5 the Commission imposes a monetary penalty of \$325.00, as a condition for the immediate reinstatement of the salon license, to be paid prior to March 1, 2018.

Lori Little seconded the motion. **MOTION PASSED** on a roll call vote with Crystal Carlson and Lori Little voting aye, Tammy Ugofsky absent and not voting and Violations Committee Laurie Brandner abstaining.

Lapsed Case 20-2017- Lori Little made a motion to approve Lapse Case 20-2017 Consent Agreement with the following terms:

- a. Ms. Lenz's personal license, Lic.#CO-05763, will be suspended for a period of 10 days with 10 days being held in abeyance; Ms. Len's personal license will not actively be suspended.
- b. The 10 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. Lenz 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) Pursuant to SDCL 36-15-58.5 the Commission imposes a monetary penalty of \$175.00, as a condition for the immediate reinstatement of her personal license, to be paid prior to March 1, 2018.
- c. Lisa Lenz Booth license, Lic. #CB-03873, will be suspended for a period of 5 days with 5 days being held in abeyance; Lisa Lenz Booth's license will not actively be suspended.
- d. The 5 days of suspension for the booth 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) Lisa Lenz Booth will comply with all laws and regulations relating to its 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) Pursuant to SDCL 36-15-58.5 the Commission imposes a monetary penalty of \$75.00, as a condition for the immediate reinstatement of the booth license, to be paid prior to March 1, 2018.

Crystal Carlson seconded the motion. **MOTION PASSED** on a roll call vote with Crystal Carlson and Lori Little voting aye, Tammy Ugofsky absent and not voting and Violations Committee Laurie Brandner abstaining.

Lapsed Case 21-2017- Crystal Carlson made a motion to approve Lapse Case 21-2017 Consent Agreement with the following terms:

- a. 3rd Avenue Salon and Spa license, Lic.#CS-05281, will be suspended for a period of 10 days with 10 days being held in abeyance; 3rd Avenue Salon and Spa's license will not actively be suspended.
- b. The 10 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) 3rd Avenue Salon and Spa will comply with all laws and regulations relating to its 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) Pursuant to SDCL 36-15-58.5 the Commission imposes a monetary penalty of \$200.00, as a condition for the immediate reinstatement of the salon license, to be paid prior to March 1, 2018.

Lori Little seconded the motion. **MOTION PASSED** on a roll call vote with Crystal Carlson and Lori Little voting aye, Tammy Ugofsky absent and not voting and Violations Committee Laurie Brandner abstaining.

Lapsed Case 23-2017- Crystal Carlson made a motion to approve Lapse Case 23-2017 Consent Agreement with the following terms:

- a. Marilyn's North Mane Salon license, Lic.#CS-06502, will be suspended for a period of 5 days with 5 days being held in abeyance; Marilyn's North Mane Salon's license will not actively be suspended.
- b. The 5 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) Marilyn's North Mane Salon will comply with all laws and regulations relating to its 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) Pursuant to SDCL 36-15-58.5 the Commission imposes a monetary penalty of \$100.00, as a condition for the immediate reinstatement of the salon license, to be paid prior to March 1, 2018.

Lori Little seconded the motion. **MOTION PASSED** on a roll call vote with Crystal Carlson and Lori Little voting aye, Tammy Ugofsky absent and not voting and Violations Committee Laurie Brandner abstaining.

Lapsed Case 26-2017- Crystal Carlson made a motion to approve Lapse Case 26-2017 Consent Agreement with the following terms:

- a. Ms. Vansickle's personal license, Lic.#CO-04267, will be suspended for a period of 15 days with 15 days being held in abeyance; Ms. Vansickle's license will not actively be suspended.
- b. The 15 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. Vansickle 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) Pursuant to SDCL 36-15-58.5 the Commission imposes a monetary penalty of \$250.00, as a condition for the immediate reinstatement of her personal license, to be paid prior to March 1, 2018.
- c. Traci Vansickle Booth license, Lic.#CB-06760, will be suspended for a period of 10 days with 10 days being held in abeyance; Traci Vansickle Booth's license will not actively be suspended.
- d. The 10 days of suspension for the booth 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) Traci Vansickle Vooth will comply with all laws and regulations relating to its 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;

Lori Little seconded the motion. **MOTION PASSED** on a roll call vote with Crystal Carlson and Lori Little voting aye, Tammy Ugofsky absent and not voting and Violations Committee Laurie Brandner abstaining.

Lapsed Case 27-2017- Lori Little made a motion to approve Lapse Case 27-2017 Consent Agreement with the following terms:

- a. Ms. Chavez's personal license, Lic.#CO-12675, will be suspended for a period of 10 days with 10 days being held in abeyance; Ms. Chavez's license will not actively be suspended.

- b. The 10 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, Chavez 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) Pursuant to SDCL 36-15-58.5 the Commission imposes a monetary penalty of \$150.00, as a condition for the immediate reinstatement of her personal license, to be paid prior to March 1, 2018.

Crystal Carlson seconded the motion. **MOTION PASSED** on a roll call vote with Crystal Carlson and Lori Little voting aye, Tammy Ugofsky absent and not voting and Violations Committee Laurie Brandner abstaining.

Lapsed Case 28-2017- Crystal Carlson made a motion to approve Lapse Case 28-2017 Consent Agreement with the following terms:

- a. Mai Lees Threading Beauty Salon license, Lic.#CS-07480, will be suspended for a period of 15 days with 15 days being held in abeyance, Mai Lees Threading Beauty Salon's license will not actively be suspended.
- b. The 15 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) Mai Lees Threading Beauty Salon will comply with all laws and regulations relating to its 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) Pursuant to SDCL 36-15-58.5 the Commission imposes a monetary penalty of \$300.00, as a condition for the immediate reinstatement of the salon license, to be paid prior to March 1, 2018.

Lori Little seconded the motion. **MOTION PASSED** on a roll call vote with Crystal Carlson and Lori Little voting aye, Tammy Ugofsky absent and not voting and Violations Committee Laurie Brandner abstaining.

Crystal Carlson made a motion to delay discussion of agenda items H-Cosmetology Inspectors and I-Inspection of a booth that a licensee has only for the purpose of performing services at special events, instead of working regularly at the booth, to the April 27, 2018 meeting so that the inspectors can be present at the discussion. **MOTION PASSED** on a roll call vote with Laurie Brandner, Crystal Carlson and Lori Little voting aye, and Tammy Ugofsky absent and not voting.

Executive Director Kate Boyd provided an update on the status of the apprenticeships at Leo Thomas Salon in Rapid City. The weekly timesheets have been submitted in a timely manner

and the monthly inspections have been good. However, one of the apprentices appears to have a high level of absenteeism.

Lori Little made a motion to have the staff contact the apprentice salon to discuss the absenteeism and to let the instructor and apprentice know that the Commission is going to delay acting on approving the apprenticeship beyond the probationary period to allow the apprentice to improve attendance. The Commission will vote at the April 27, 2018 meeting whether or not to allow the apprenticeships at Leo Thomas Salon to continue. Crystal Carlson seconded the motion. **MOTION PASSED** on a roll call vote with Laurie Brandner, Crystal Carlson and Lori Little voting aye, and Tammy Ugofsky absent and not voting.

Laurie Brandner made a motion to approve the Stewart School license renewal application. Crystal Carlson seconded the motion. **MOTION PASSED** on a roll call vote with Laurie Brandner, Crystal Carlson and Lori Little voting aye, and Tammy Ugofsky absent and not voting.

Peggy Sproat, owner of Headlines Academy had requested a waiver of the 12-hours of instructor continuing education so that she could renew her instructor license. She stated that she would be attending instructor continuing education with her staff in March, 2018.

Lori Little made a motion to deny Peggy Sproat's request for a waiver of 12-hours of instructor continuing education to renew her instructor license. Laurie Brandner seconded the motion. **MOTION PASSED** on a roll call vote with Laurie Brandner, Crystal Carlson and Lori Little voting aye, and Tammy Ugofsky absent and not voting.

Three requests for the Commission to pursue administrative rules changes were discussed.

The first request was from licensee Kimberly Landsman to remove dermaplane procedures from the list of prohibited procedures. Ms. Landsman discussed dermaplane procedures and the type of device she was trained on. That device basically removes the hair on the face and the nonliving cells of the skin. Ms. Landsman provided to the Commission with the type of device she was trained on that has a handle and a one-inch blade. Karma Crane, an instructor from Stewart School discussed another kind of device that has a guard on it and is for single use only and only removes hair, but not dead skin.

Lori Little made a motion to not take any action to initiate an administrative rule change to remove dermaplane procedures from the list of prohibited procedures. The Commission will review and further discuss this topic at the April 27, 2018 meeting. Crystal Carlson seconded the motion. **MOTION PASSED** on a roll call vote with Laurie Brandner, Crystal Carlson and Lori Little voting aye, and Tammy Ugofsky absent and not voting.

The second request was from Karma Crane, an instructor at Stewart School, for the Commission to review and possibly initiate an administrative rule change regarding the percent of acid and ph levels for glycolic peels.

Lori Little made a motion to not take any action regarding the acid and ph levels, but to put this topic on the April 27, 2018 meeting agenda. Laurie Brandner seconded the motion. **MOTION PASSED** on a roll call vote with Laurie Brandner, Crystal Carlson and Lori Little voting aye, and Tammy Ugofsky absent and not voting.

The third request was from Karma Crane for the Commission to consider a change to the administrative rule regarding closed loop microdermabrasion equipment if the machine has a diamond head. She also asked the Commission to review the administrative rule that states a licensee cannot apply any exfoliating acid to a client's skin that has undergone microdermabrasion with the previous seven days.

Tom Polonic from Black Hills Beauty College asked the Commission to provide the schools with a definition of what is closed loop system is for microdermabrasion.

Lori Little made a motion to not take any action regarding closed loop microdermabrasion machines or preventing applying exfoliating acid to a client's skin that has undergone microdermabrasion within the previous seven days, but to put this topic on the April 27, 2018 Commission meeting agenda. Crystal Carlson seconded the motion. **MOTION PASSED** on a roll call vote with Laurie Brandner, Crystal Carlson and Lori Little voting aye, and Tammy Ugofsky absent and not voting.

Crystal Carlson made a motion to approve Ashley Allbee's request for approval of a student license. Lori Little seconded the motion. **MOTION PASSED** on a roll call vote with Laurie Brandner, Crystal Carlson and Lori Little voting aye, and Tammy Ugofsky absent and not voting.

Laurie Brandner made a motion to adjourn. Crystal Carlson seconded the motion. **MOTION PASSED** on a roll call vote with Laurie Brandner, Crystal Carlson and Lori Little voting aye, and Tammy Ugofsky absent and not voting.

The meeting was adjourned at 10:10 am.

Respectfully submitted,

Kate Boyd, Executive Director

Crystal Carlson, Secretary-Treasurer

EXECUTIVE DIRECTOR'S REPORT

February 9, 2018

- 1. Legislative Update** - The 2018 legislative session has been extremely busy. I have been spending a great deal of time at the Capitol talking to legislators and testifying on our bills. I have sent the Commission several email reports and will continue to do so as our bills progress through the legislature.
- 2. Tri-Annual Agreed-Upon Procedures Review of Revenue** - The CPA firm Lamfers & Maas completed our tri-annual review of the Commission's revenues. They do not review the expenditures because it is the Department of Labor & Regulation, together with the State Auditor's office who actually pays our bills. The report is enclosed for information and review of the Commission.
- 3. NIC All Region Meeting - April 21 & 22, 2018 - Charlotte, NC** - Commission members were mailed information about the NIC All Region Meeting scheduled for Charlotte, NC, together with out-of-state travel requests. If you are interested in being considered to attend this meeting, please send or bring your out-of-state travel requests to the Commission office.
- 4. Electric Nail File Certification** - We have been receiving inquiries from licensees who would like to become certified for electric nail file, but are unsuccessful in finding a place to go for the training, especially in eastern South Dakota. We may need to come up with other providers as a suggestion for the licensees who want the certification, since the South Dakota schools who have applied and been preapproved are reluctant to teach a class for one or two individuals.