

Meeting Minutes
SOUTH DAKOTA COSMETOLOGY COMMISSION
via Microsoft Teams or Call: +1 605.679.7263, ID: 783 612 988#
Thursday, April 13, 2023, 10:00 a.m. CDT

By general consent, Commissioner Annette Petersen was chosen to preside over the April 13, 2023, meeting of the Cosmetology Commission, in the absence of the Vice President and no current President.

Petersen called the meeting to order at 10:02 a.m. CDT and called the roll. A quorum was present.

Members Present: Annette Petersen
Debbie Pageler
Zoe Hiller

Members Absent: Renee Graf

Others Present: Tyler Evins, Executive Director
Jerry McCabe, Senior Staff Attorney, DLR
Angela Larson, Member of Public
Ivan Romero, Member of Public
Danielle Bouwman, Member of Public
Angela Taylor, Member of Public
Peggy Sproat, Member of Public
Kara Goodrich, Member of Public

Pageler made a motion to approve the agenda. Hiller seconded the motion. **MOTION PASSED.**

Pageler made a motion to approve the January 26, 2023, meeting minutes. Hiller seconded the motion. **MOTION PASSED.**

Hiller reported that, as of February 28, 2023, the available cash balance was \$213,689.79.

Executive Director Evins presented his report.

There was no public comment during the comment period.

Executive Director Evins requested authorization to impose administrative fines for violations of South Dakota Codified Law (SDCL) and Administrative Rule of South Dakota (ARSD). Executive Director Evins informed the Commission that any fines imposed would be reported to the Commission within 30 days, pursuant to SDCL 36-1C-5. Attorney McCabe added that one common use for this authority would be routine lapsed license cases and minor violations.

Pageler made a motion to grant the Executive Director the authority to impose fines pursuant to SDCL 36-1C-5. Hiller seconded the motion. **MOTION PASSED.**

Attorney McCabe asked the Commission for its preference on how disciplinary hearings should be scheduled and whether the Commission wanted to hear those hearings themselves or refer them to the Office of Hearing Examiners, if and when they are necessary. Attorney McCabe presented three options for

scheduling and the Commission did not indicate a preference for any one option and left it up to Attorney McCabe's discretion for which approach should be used on a case-by-case basis.

Executive Director Evins requested authorization to discontinue the distribution of the State Laws & Rules Book in paper form. Instead, a digital copy would be maintained on the Cosmetology Commission website and paper copies would be available by request, for a fee of \$5.

Pageler made a motion to authorize the Executive Director to discontinue the printing and distribution of State Laws & Rules books, except by request. Hiller seconded the motion. **MOTION PASSED.**

Executive Director Evins requested authorization to withdraw the South Dakota Cosmetology Commission from participation in the NIC National License Verification Database. This includes both the pilot program and the final version of the database. Evins cited a substantial administrative burden for Commission staff, as well as additional monetary costs associated with participation, as the basis for the withdrawal.

Petersen made a motion to authorize the Executive Director to withdraw the Commission from participation in the NIC National License Verification Database. Pageler seconded the motion. **MOTION PASSED.**

The 2023 meeting and exam dates were reviewed by the Commission. Several commissioners indicated scheduling conflicts for the May 26, 2023, Commission meeting. Executive Director Evins will work to determine an alternate date to hold the next Commission meeting.

Pageler made a motion to enter executive session at 10:36 am CDT. Petersen seconded the motion. **MOTION PASSED.**

The Commission exited executive session at 10:49am CDT.

Petersen made a motion to approve the consent agreement for Applicant A. Pageler seconded the motion. **MOTION PASSED.**

Hiller made a motion to approve the consent agreement for Applicant B. Pageler seconded the motion. **MOTION PASSED.**

Petersen made a motion to approve the student license application for Applicant A. Hiller seconded the motion. **MOTION PASSED.**

Peterson made a motion to adjourn the meeting. Hiller seconded the motion. **MOTION PASSED.**

The Commission adjourned at 10:51 a.m. CDT.