

Meeting Minutes
SOUTH DAKOTA COSMETOLOGY COMMISSION
via Microsoft Teams or Call: +1 605.679.7263
Thursday, July 27, 2023, 10:00 a.m. CDT

Vice President Graf called the meeting to order at 10:01 a.m. CDT and called the roll. A quorum was present.

Members Present: Annette Petersen
Renee Graf
Zoe Hiller
Debbie Pageler

Members Absent: N/A

Others Present: Tyler Evins, Executive Director
Jerry McCabe, Senior Staff Attorney, DLR
Perla Samantha Olivares-Johnson

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

Petersen made a motion to approve the May 25, 2023 meeting minutes. Pageler seconded the motion. **MOTION PASSED.**

Hiller reported that the available cash balance was \$229,010.44.

Executive Director Evins presented his report.

The Following comments were made during the public comment period:

Fallon Helm of Revive Day Spa & Salon asked the Cosmetology Commission (Commission) to consider streamlining the apprenticeship application and licensing process to more closely align with the school requirements.

Savannah Thorne added support for streamlining the apprenticeship application and licensing process.

Trish Bates of Hollywood Style Salon spoke in support of the apprenticeship program for cosmetologists, estheticians, and nail technicians.

The Commission reviewed disciplinary case number 02-2023 and the accompanying proposed decision from Judge Ryan Darling, Office of Hearing Examiners. McCabe gave a summary of the findings of fact and evidence supporting the proposed decision to discipline Perla Samantha Olivares-Johnson (licensee). The licensee had an opportunity to address the violations outlined in the complaint. The Commission asked clarifying questions to determine if the licensee had received the initial complaint and the notice of hearing. The licensee confirmed that she did receive the complaint and the notice of hearing.

Hiller made a motion to adopt the proposed order. Petersen seconded the motion. A roll call vote was requested, and the votes are as follows: Petersen – Aye, Graf – Aye, Hiller – Aye, Pageler – Aye. **MOTION PASSED.**

The Commission reviewed disciplinary case number 05-2023 and the accompanying consent agreement. Petersen made a motion to approve the consent agreement. Hiller seconded the motion. A roll call vote was requested, and the votes are as follows: Petersen – Aye, Graf – Aye, Hiller – Aye, Pageler – Aye. **MOTION PASSED.**

The Commission reviewed a petition for declaratory ruling (Case No. 04-2023) from Angela Taylor of Stewart School. The petitioner requested that the Commission allow the student salon within the school to be used as a private salon by instructors on weekends. The statute in question was SDCL 36-15-37 which states that “No owner, employer, manager, or any other person may conduct simultaneously a salon and a school, unless the salon is conducted separately from the school so as not to be construed by the public as one enterprise.”

Petersen made a motion, based on the language of SDCL 36-15-37, that SDCL 36-15-37 prevents a salon license based on the facts of this request. Hiller seconded the motion. A roll call vote was requested, and the votes are as follows: Petersen – Aye, Graf – Aye, Hiller – Aye, Pageler – Aye. **MOTION PASSED.**

The Commission reviewed the school license renewal application for Stewart School. Executive Director Evins informed the Commission that the renewal application was standard, with no changes to the curriculum. Pageler made a motion to approve the school license renewal application for Stewart School. Petersen seconded the motion. **MOTION PASSED.**

The Commission reviewed the apprenticeship applications for Adriaana Tilberg and Merari Salazar-Aguilar. Hiller made a motion to approve the apprenticeship applications for Adriaana Tilberg and Merari Salazar-Aguilar. Pageler seconded the motion. **MOTION PASSED.**

The Commission reviewed the ownership change and license transfer application for Appoise Esthetics School, along with the accompanying stipulated disposition (Case No. 06-2023).

Pageler made a motion to adopt the Stipulated Disposition. Hiller seconded the motion. A roll call vote was requested, and the votes are as follows: Petersen – Aye, Graf – Aye, Hiller – Aye, Pageler – Aye. **MOTION PASSED.**

The Commission reviewed the instructor continuing education submission from Summit Salon Business Center (Summit). Vice President Graf disclosed a conflict of interest and yielded the chair to Commissioner Petersen. Fallon Helm spoke about the benefits of this Summit education program.

Hiller made a motion to approve the instructor continuing education program from Summit. Pageler seconded the motion. A roll call vote was requested, and the votes are as follows: Petersen – Aye, Hiller – Aye, Pageler – Aye. Graf abstained from the vote. **MOTION PASSED.**

Commissioner Petersen yielded the chair back to Vice President Graf.

The Commission reviewed the certification course provider application for Amazing Lash Studios. Petersen made a motion to approve the application. Pageler seconded the motion. **MOTION PASSED.**

The Commission reviewed the meeting and examination schedule for the remainder of 2023 and the examination schedule for 2024. Commissioner Petersen stated she could not attend the September 22, 2023, meeting.

Hiller made a motion to enter executive session at 11:22 a.m. CDT. Petersen seconded the motion. **MOTION PASSED.**

The Commission exited executive session at 11:25 a.m. CDT.

Petersen made a motion to approve the student license application for Applicants A, B, and C. Hiller seconded the motion. **MOTION PASSED.**

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

The meeting adjourned at 11:28 a.m. CDT.