

Meeting Minutes
SOUTH DAKOTA COSMETOLOGY COMMISSION
Rapid City, South Dakota
September 20, 2018 (MDT)

President Tammy Ugofsky called the meeting to order at 9:05 am on Thursday, September 20, 2018 at Black Hills Beauty College located at 623 St Joseph St, Rapid City, South Dakota.

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

Members Present: Crystal Carlson
Lori Little
Tami Stokes
Tammy Ugofsky

Members Absent: Debbie Pageler

Others Present: Executive Director Kate Boyd
Holly Keszler, Black Hills Beauty College
Joy Poloncic, Black Hills Beauty College
Tom Poloncic, Black Hills Beauty College

The Commission toured Black Hills Beauty College classrooms & observed students and met with Black Hills Beauty College representatives Holly Keszler, Joy Poloncic and Tom Poloncic.

Crystal Carlson made a motion to recess and reconvene at 10:30 am at Headlines Academy. Lori Little seconded the motion. **MOTION PASSED.**

The meeting was recessed at 10:10 am.

President Tammy Ugofsky called the meeting back to order at 10:30 am at Headlines Academy located at 333 Omaha St, Suites 6 & 7, Rapid City, South Dakota.

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

Members Present: Crystal Carlson
Lori Little
Tami Stokes
Tammy Ugofsky

Members Absent: Debbie Pageler

Others Present: Executive Director Kate Boyd
Peggy Sproat, Headlines Academy
Desaree Dargatz

The Commission toured Headlines Academy classrooms & observed students and met with Headlines representatives Peggy Sproat and Desaree Dargatz.

Tammy Ugofsky made a motion to recess and reconvene at 1:00 pm at the Department of Labor and Regulation office located at 2330 N Maple Ave Suite 1, Rapid City. Lori Little seconded the motion. **MOTION PASSED.**

The Meeting was recessed at 11:30 am.

President Tammy Ugofsky called the meeting back to order at 1:00 pm at the Department of Labor and Regulation office located at 2330 N Maple Ave Suite 1, Rapid City.

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

Members Present: Crystal Carlson
Lori Little
Debbie Pageler (via teleconference)
Tami Stokes
Tammy Ugofsky

Others Present: Executive Director Kate Boyd
Graham Oey, Staff Attorney, Department of Labor & Regulation
(via teleconference)
Kelsey Skoglund, Cosmetology Commission Staff
(via teleconference)
Shawn Venjohn, LATI Cosmetology Program
Angela Larson, LATI Cosmetology Program (via teleconference)
Peggy Sproat, Headlines Academy
Desaree Dargatz, Headlines Academy
Tom Poloncic, Black Hills Beauty College

Attorney Graham Oey requested that consideration of two proposed Consent Agreements be added to the agenda. Executive Director Kate Boyd requested that the agenda also be amended to include consideration of a Commission policy regarding applicants that have failed the exams ten or more times.

Lori Little made a motion to approve the agenda as amended. Tami Stokes seconded the motion. **MOTION PASSED.** (Carlson yea; Little yea; Pageler yea; Stokes yea; Ugofsky yea).

Crystal Carlson made a motion to approve the Minutes of the July 27, 2018 meeting as written. Lori Little seconded the motion. **MOTION PASSED.** (Carlson yea; Little yea; Pageler yea; Stokes yea; Ugofsky yea).

The Treasurer's Report for August 31, 2018 showed available funds of \$233,184 and cash center balance of \$157,802.

The President stated that the period for public comment was now open.

Shawn Venjohn from Lake Area Technical Institute requested that the Commission reconsider its policy on certifying only the 1500 hours required for cosmetology licensure instead of the additional hours a student may take in South Dakota. Tami Stokes made a motion to revisit the certification of education hours at the November 30, 2018 Commission meeting. Tammy Ugofsky seconded the motion. **MOTION PASSED.** (Carlson yea; Little yea; Pageler yea; Stokes yea; Ugofsky yea).

Shawn Venjohn asked the Commission to place a percentage of education that must be completed prior to a student being able to take State Board examinations. Tami Stokes made a motion to place this on the agenda for the November 30, 2018 meeting. Lori Little seconded the motion. **MOTION PASSED.** (Carlson yea; Little yea; Pageler yea; Stokes yea; Ugofsky yea). Attorney Graham Oey will check into whether or not the Commission has the authority to develop an administrative rule on this.

Peggy Sproat from Headlines Academy asked the Commission to clarify who is authorized to teach eyelash extensions at a school. The response was that the instructor must first be certified in eyelash extensions prior to teaching to students.

Shawn Venjohn requested that the Commission consider removing the requirement to complete the 1500 hours of required cosmetology curriculum prior to teaching extra hours since some schools only offer programs requiring more hours. The consensus was to place this on the November 30, 2018 meeting agenda. Executive Director Kate Boyd noted that this would require an administrative rules change.

Case A-2018- Lori Little made a motion to approve the Consent Agreement for Case A-2018 with the following terms:

- a. Carrie Hanson Booth's License, Lic. #CB-08793, will be suspended for a period of days beginning September 1, 2018.
- b. The 5 days of suspension will be held in abeyance for a period of 1 year, and Carrie Hanson Booth's license will not be actively suspended, so long as the following conditions are met:
 - 1) Carrie Hanson 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 day this agreement is signed by the Commission; and
 - 2) Carrie Hanson Booth pay a penalty in the amount of \$75.00 to the Commission prior to September 1, 2018, as a condition for the immediate reinstatement of Ms. Hanson's booth license pursuant to SDCL 36-15-58.5.

Crystal Carlson seconded the motion. **MOTION PASSED.** (Carlson yea; Little yea; Pageler yea; Stokes yea; Ugofsky yea).

Lapsed Case 11-2018- Crystal Carlson made a motion to approve the Consent Agreement for Lapsed Case 11-2018 with the following terms:

- a. Hair Candy Salon license, Lic. #CS-08191, will be suspended for a period of 10 days beginning September 1, 2018.
- b. The 10 days of suspension will be held in abeyance for a period of 1 year, and Hair Candy Salon license will not be actively suspended, so long as the following conditions are met:
 - 1) Hair Candy 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 day this agreement is signed by the Commission; and
 - 2) Hair Candy Salon pay a penalty in the amount of \$150.00 to the Commission prior to September 1, 2018, as a condition for the immediate reinstatement of Hair Candy Salon license pursuant to SDCL 36-15.58.5.

Lori Litte seconded the motion. **MOTION PASSED.** (Carlson yea; Little yea; Pageler yea; Stokes yea; Ugofsky yea).

Tami Stokes made a motion to go into Executive Session to deliberate Cases M-2017 and S-2018. Tammy Ugofsky seconded the motion. **MOTION PASSED.** (Carlson yea; Little yea; Pageler yea; Stokes yea; Ugofsky yea).

Executive Session began at 2:00 pm. The Commission resumed regular session at 2:35 pm.

Case M-2017- Tammy Ugofsky made a motion to approve Case M-2017 Consent Agreement with the following terms:

- a. Headlines, Lic. #SLC-00015, will be suspended for a period of 60 days beginning October 5, 2018.
- b. The 60 days of suspension will be held in abeyance for a period of one year, and Headlines Academy Inc's School license will not be actively suspended, so long as the following conditions are met:
 - 1) Headlines will pay \$4,500.00 to the Commission prior to September 5, 2018, as a condition for the immediate reinstatement of the school license pursuant to SDCL 36-15.58.5.
 - 2) Headlines will be subject to additional inspections for a period of one year from the date of execution of this agreement. Ms. Sproat, as owner of the school, will make a onetime payment to the Commission for the additional expenses of the inspections in the amount of \$1,000.00 by October 5, 2018.
 - 3) Headlines will send to the Commission Office, on a weekly basis, instructor work schedules for a period of one year beginning on the day this agreement is accepted by the Commission; and

- 4) Headlines 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 one year beginning on the day this agreement is signed by the Commission.

Lori Little seconded the motion. **MOTION PASSED.** (Carlson yea; Little yea; Pageler yea; Stokes yea; Ugofsky yea).

Case F-2018- Tammy Ugofsky made a motion to approve Case F-2018 Consent Agreement with the following terms:

- a. Ms. Sproat, Lic. #CO-06370 & IC-05824, will be suspended for a period of 6 months beginning October 5, 2018.
- b. The 6 months of suspension will be held in abeyance for a period of one year, and Ms. Sproat's license will not be actively suspended, so long as the following conditions are met:
 - 1) Ms. Sproat pay a penalty in the amount of \$1,000.00 to the Commission prior to October 5, 2018; as a condition for the immediate reinstatement of her licenses pursuant to SDCL 36-15-58.5;
 - 2) Ms. Sproat will attend and successfully complete an educational course given by Commission Staff on Licensing Laws and Regulations. This course is provided at a cost of \$50 to be paid and completed by November 16, 2018; and
 - 3) Ms. Sproat 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 one year beginning on the day this agreement is signed by the Commission;

Lori Little seconded the motion. **MOTION PASSED.** (Carlson yea; Little yea; Pageler yea; Stokes yea; Ugofsky yea).

Tami Stokes made a motion to go into Executive Session for the purposes of reviewing and updating the State Laws/Rules examination, Instructor State Laws examination, and the salon/booth and school inspection reports. Debbie Pageler seconded the motion. **MOTION PASSED.** (Carlson yea; Little yea; Pageler yea; Stokes yea; Ugofsky yea).

Executive Session began at 2:47 pm.

The Commission went back into regular session at 3:10 pm.

Tami Stokes made a motion to adopt the updated state laws/rules and instructor state laws examinations and to have the instructor state laws examination become a closed book examination. The salon/booth and school inspection reports will be revisited at the November 30, 2018 meeting after further review. Tammy Ugofsky seconded the motion. **MOTION PASSED.** (Carlson yea; Little yea; Pageler yea; Stokes yea; Ugofsky yea).

The next agenda item was for the Commission to review their policy on testing of reciprocity applicants. The Commission did not take any action to change the policy.

President Tammy Ugofsky stated that due to the lateness of the hour, the two-tier esthetics licensing would be delayed to the November 30, 2018 meeting.

Tami Stokes made a motion to approve the successful completion of the three-month probation for Apprentice Rebecca Wells at Revive Day Spa apprentice salon in Aberdeen. **MOTION PASSED.** (Carlson yea; Little yea; Pageler yea; Stokes yea; Ugofsky yea).

Tammy Ugofsky made a motion to approve the Black Hills Beauty College electric file provider application. Crystal Carlson seconded the motion. **MOTION PASSED.** (Carlson yea; Little yea; Pageler yea; Stokes yea; Ugofsky yea).

Tammy Ugofsky made a motion to approve Tami Stokes electric file provider application. Crystal Carlson seconded the motion. **MOTION PASSED.** (Carlson yea; Little yea; Pageler yea; Ugofsky yea, Stokes abstain).

Tami Stokes made a motion to approve Black Hills Beauty College eyelash extension provider application. Tammy Ugofsky seconded the motion. **MOTION PASSED.** (Carlson yea; Little yea; Pageler yea; Stokes yea; Ugofsky yea).

Tammy Ugofsky made a motion to approve Headlines Academy eyelash extension provider application. Debbie Pageler seconded the motion. **MOTION PASSED.** (Carlson yea; Little yea; Pageler yea; Stokes yea; Ugofsky yea).

Tammy Ugofsky made a motion to approve Ayla Archer eyelash extension provider application. Crystal Carlson seconded the motion. **MOTION PASSED.** (Carlson yea; Little yea; Pageler yea; Stokes yea; Ugofsky yea).

Tami Ugofsky made a motion to approve Headlines Academy eyelash extension provider application. Tami Stokes seconded the motion. **MOTION PASSED.** (Carlson yea; Little yea; Pageler yea; Stokes yea; Ugofsky yea).

Tammy Ugofsky made a motion to approve Tami Stokes eyelash extension provider application. Lori Little seconded the motion. **MOTION PASSED.** (Carlson yea; Little yea; Pageler yea; Ugofsky yea, Stokes abstain).

Executive Director Kate Boyd informed the Commission that the 2019 State Board Exam and Commission Meeting schedule is still not complete. The schedule does not require Commission approval. The Commission will all receive a copy of the schedule when it is complete in the next few weeks. If there are major conflicts, changes can be made at that time.

The other item that had been added to the agenda was for the Commission to consider authorizing the Executive Director to deny applications for individuals who have tested ten or more times. The Commission members stated that they feel this is a Commission responsibility.

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An application for an individual who has failed the nail technician theory examination fourteen times was passed out to the Commission, together with the history of the applicant's exam history. This will be placed on the agenda for the November 30, 2018 meeting for Commission review and action.

Lori Little made a motion to adjourn. Crystal Carlson seconded the motion. **MOTION PASSED.**
(Carlson yea; Little yea; Pageler yea; Stokes yea; Ugofsky yea).

President Ugofsky adjourned the meeting at 3:30 pm..

Respectfully submitted,

Kate Boyd, Executive Director

Crystal Carlson, Secretary-Treasurer

**SOUTH DAKOTA COSMETOLOGY COMMISSION
EXECUTIVE DIRECTOR'S REPORT**

September 20, 2018

1. **Administrative Rules** – I appeared before the Legislature's Interim Rules Review Committee on August 20, 2018 to present our administrative rules changes that were the result of legislation passed during the 2018 Legislative Session. The rules adoption procedure was deemed complete by the Rules Review Committee. The appropriate information was filed with the Secretary of State's Office on August 21, 2018, with the rules becoming final on September 10, 2018.

I am in the process of submitting the appropriate forms to increase the fee levels voted on by the Commission at the July meeting. This will require a public hearing on the draft rules. You will be informed when that conference call meeting will be held.

2. **Status of Cosmetology Commission Staff – (1) Inspector** - Nancy LaBrie from Aberdeen has been hired as an Inspector to handle the northeastern part of the state. She replaces Karen Dossett, who retired after many years of service to the Commission. Nancy was previously a Cosmetology Inspector when she lived in Pierre. Her official day of hire was September 10, 2018. **(2) Office Secretary** – We are in the process of interviewing candidates to fill the vacant secretarial position in the office.
3. **Transfer Worksheet** – With the upcoming reduction in cosmetology education hours, we need to revise the allowable transfer hours between cosmetology, esthetics, and nail technology. I am requesting that a member of the Commission work with me on this and that we bring a proposal for the Commission's consideration at the November 30, 2018 meeting.