



NORTH DAKOTA STATE BOARD OF COSMETOLOGY

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NORTH DAKOTA STATE BOARD OF COSMETOLOGY January 21, 2020 Minutes

A regular meeting was held at the board office, 4719 Shelburne St., Suite 1, Bismarck, ND. President, Maureen Wanner called the meeting to order at 10:00 a.m.

Present: Maureen Wanner, Magen Buchholz, Eunice Smith, Sue Meier and Legal Counsel; Sandy DePountis. Tenalee Tangen via speakerphone.

Absent: Miranda Stanley

Guest: Attorney, Allyson Hicks.

First agenda item for discussion is Item #11.

Savanna Luger: Sandy DePountis recused herself from the discussion because she received services from Savanna Luger. Ms. Luger is a licensed esthetician working at Pure Skin Aesthetic & Laser Center. The Board received information that Ms. Luger is providing services outside the scope of her esthetician license by providing laser hair removal and other laser treatments. Savanna explained that there was a typographical error in her biography, listed on the Pure Skin's website, and that she does not provide laser hair removal. Attorney, Allyson Hicks suggested asking for more information and send a follow up letter to Savanna Luger with any questions the Board may still have. After discussion, Magen Buchholz motioned to have Sue Meier send a follow up letter to Savanna Luger requesting further information. Eunice Smith seconded the motion. Roll call vote taken and motion carried unanimously.

Minutes: Eunice Smith moved, seconded by Tenalee Tangen to approve the November 18, 2019, Board minutes. Roll call vote: Buchholz, yes; Tangen, yes; Smith, yes; Wanner, yes.
Motion Carried.

Exam incident: Magen Buchholz motioned to go into executive session. Eunice Smith seconded the motion. Roll call vote taken and motion carried.

The Board went into executive session to discuss the exam incident and implementation for attorney consultation pursuant to NDCC 44-04-19. 1(2) at 10:30 a.m. and was attended by Maureen Wanner, Magen Buchholz, Eunice Smith, Tenalee Tangen, Sue Meier, and Sandy DePountis.

Magen Buchholz motioned to close the executive session. Seconded by Eunice Smith. Motion carried unanimously. The Board ended the session and reconvened the meeting at 10:47 a.m.

The Board will draft a policy that addresses candidates for cheating incidents.

Adam Turpin and Chalsie Emil: Conducting a booth without a booth license. Tenalee Tangen explained that during the new inspection, the space indicated that services have been provided because of sanitation violations. Adam Turpin was not present. They were moving into a new salon that was not licensed yet. They explained that they moved all their supplies directly into the new space without cleaning anything. No one was practicing at the time of inspection. After discussion, Magen Buchholz motioned to conduct a new inspection and request the owners be present and upon satisfactory proof of

passing to grant their booth license. Eunice Smith seconded the motion. Roll call vote: Smith, yes; Buchholz, yes; Maureen Wanner, yes. Motion Carried. Tenalee Tangen recused herself because she conducted the inspections.

Star Nails and Spa, Bismarck: The Board took disciplinary action against Star Nails and Spa for sanitation violations and offered a settlement agreement of a fine and one year probation. Owner, Binh Hoang, asked the Board to reconsider the probation. He feels the penalty is too harsh for a new owner. The Board did a follow up inspection on January 13, 2020 and several sanitation violations were found. Based on the last inspection, Magen Buchholz motioned to authorized Sandy DePountis to amend the settlement agreement to require the salon to shut down for a day and all licensees attend a sanitation class given by Tenalee Tangen and the Minot inspector. Eunice Smith seconded the motion. Roll call vote: Smith, yes; Buchholz, yes; Wanner, yes. Tenalee recused herself because she conducted the inspection.

Amy Lanning's manicure license expired on December 31, 2017. She is requesting the Board to allow her to renew her license without having to retest. Under law, if a license is not renewed within one year, the applicant must take and pass the examination that is required of new applicants. Amy has taken and passed the NIC written and state practical in 2000. Since she has already taken the exams, Magen Buchholz motioned for reinstatement, Amy Lanning will have to take the ND Laws & Rules test and pay the renewal and penalty fees. Tenalee Tangen seconded the motion. Motion carried unanimously.

Annette Cannon: During the December 23, 2019 inspection of AC Hair Designs, the inspector found several sanitation violations and Ms. Cannon did not have 2019 licenses posted. According to the office, Annette Cannon's licenses expired December 31, 2018. After discussion, Magen Buchholz made a motion to authorized Sandy DePountis to send a letter to the owner of the salon to address the issues before considering disciplinary action against the salon license. Request a follow up letter to the Board within a month. Tenalee seconded the motion. Roll call vote taken and motion carried unanimously.

Holly Austreim submitted her letter of resignation as inspector in the Williston area. Eunice Smith motioned to approve an ad in the Williston paper for the inspector's position, if needed. Tenalee Tangen seconded the motion. Motion carried unanimously.

Megan Thiel, The Hair Bungalow, New Salem: During the April 2, 2019 inspection of The Hair Bungalow, the inspector found several sanitation violations. Since the inspection, the inspector made several attempts to re-inspect but the salon was not open. Several attempts were also made by phone and letters. Megan Thiel did not renew her master or salon license for 2020. According to rule, salon owner must be open for inspection during business hours or inform the Board with its schedule of days opened. After discussion, a motion was made by Tenalee Tangen to proceed with disciplinary action against Megan Thiel and authorized Sandy DePountis to offer a Settlement agreement with a fine of \$500, one year probation, and pass inspection before allowing her to renew the salon license.

S& P Nails, Minot: The Board office received a complaint of a client contracting an infection after a visit to the salon. As the Board cannot confirm that the infection was contracted during the manicuring services, this complaint will be forwarded to the Department of Health. S&P Nails is on probation until 12/10/2020. Magen Buchholz made a motion to have the salon close for one day in order to have all employees to attend a one day sanitation class, within 30 days, according to Tenalee's schedule, as she will be providing the class, for violating terms of settlement agreement for sanitation issues. Include the Minot inspector as well. Tenalee Tangen seconded the motion. Motion carried unanimously.

Shree Beauty: Daxaben Chaudhei, a licensed esthetician, had been performing waxing services in a mall kiosk that was not licensed as a salon, and has since stopped offering that service in that location. After

discussion Tenalee Tangen made a motion that we found grounds to seek disciplinary action for performing services outside of a licensed salon and authorize Sandy to send a settlement agreement of a \$150 fine. Magen Buchholz seconded the motion. Motion carried unanimously.

Plasma pen: Miranda Stanley had called the office and stated that the plasma pen, in discussion, is similar to the fibroblast procedure in that it is invasive and uses heat and energy to damage the surface to contract and tighten the skin. Therefore our licensees are not allowed to provide this service. Magen Buchholz made a motion to reply to Julie Wangendorf's email questioning the procedure. Eunice Smith seconded the motion. Motion carried unanimously.

Assistance Animals: The Boards law reads "assistance animals", not service animals. The ADA protects service animals not assistance animals. But as assistance animals, they can still fall under the service animal protection. We can follow ADA requirement that the animal must be under the owners control at all times. The inspector may request this of the owner, and note any concern in their report and then present it to the Board for any further discussion or discipline. Magen Buchholz made a motion to authorize Sandy to draft a letter regarding assistant animals in the salon space and send it to salon owners and inspectors. Eunice Smith seconded the motion. Motion carried unanimously.

Inspector Training Manual: Everyone would like more time to review the example document from KY. Will table discussion until next meeting. Maureen suggested having Tenalee train new inspectors.

Nov. & Dec. Financial statement: Under law, we cannot charge fee for law books or processing fees. NDCC 43-11-28 will need to change in order for us to collect the full amount of renewal fees from individuals renewing online. We also need to change student instructor enrollment fee to student. Eunice Smith made a motion to approve the financial statements from Nov. and Dec. 2019. Magen Buchholz seconded the motion. Motion carried unanimously.

Approved licenses: Magen Buchholz made a motion to ratify the approval of the licenses. Eunice seconded the motion. Motion carried unanimously.

New Business: Prairie Pointe salon is licensed and was when Nicole Becknell was operating out of the salon. She was not required to hold a booth license for the space since it was licensed as a salon already. The office will process her Booth license application.

Old Business: Discussion on if we should have a certification class for inspectors to complete. Magen thought it would be more important to do our own certification/training specific to ND rules and laws. And to provide more training from our Board. We will table the discussion until everyone can review the inspector manual example.

Magen will draft a poster based on Tenalees document for a more simple to follow sanitation poster, and will be considered at our next meeting.

Magen will get three quotes for two ceiling fans in the office classroom, and present at the next meeting.

Eunice Smith made a motion to publish the ND State Board of Cosmetology Facebook page. Tenalee Tangen seconded the motion. Motion carried unanimously.

Magen will post a link to the newsletter on the Facebook page, as well as post it on the website.

No further discussion.

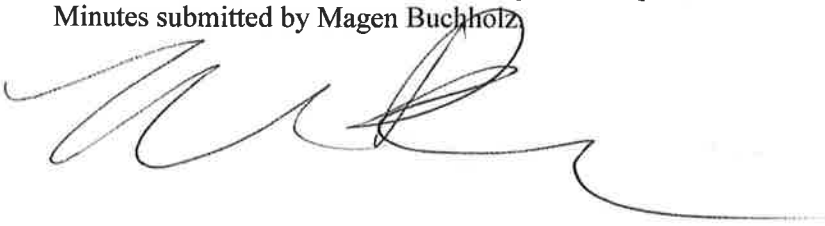
Eunice Smith motioned to adjourn the meeting. Magen Buchholz seconded the motion. Motion carried unanimously.

The next regular Board meeting is scheduled for February 18, 2020, at 10 am.

No other business. It was moved by Eunice Smith and seconded by Magen Buchholz to adjourn.

Maureen Wanner adjourned the meeting at 12:15 pm.

Minutes submitted by Magen Buchholz

A handwritten signature in black ink, appearing to be 'Magen Buchholz', written in a cursive style. The signature starts with a large 'M' and ends with a long horizontal flourish.