



NORTH DAKOTA STATE BOARD OF COSMETOLOGY

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NORTH DAKOTA STATE BOARD OF COSMETOLOGY

October 15, 2018 Minutes

A regular meeting was held at the board office, 4719 Shelburne St., Suite 1, Bismarck, ND. Gary Andes called the meeting to order at 10 a.m.

Present: Gary Andes, Magen Buchholz, Eunice Smith, Miranda Stanley, Sue Meier and Legal Counsel; Sandy DePountis. **Speakerphone:** Maureen Wanner. **Guest:** Andrea Birst and Jessica Tergesen.

Minutes: It was moved by Eunice Smith, seconded by Magen Buchholz to approve the September 17, 2018 Board minutes.

Roll call vote: Buchholz, yes; Smith, yes; Stanley, yes; Andes, yes. Motion Carried.
Maureen Wanner was not present at this time.

Emily Wilcox brought to the Board's attention that the student population within ND has become more diverse and it has been extremely challenging for students to pass the written exams due to the language barriers. National-Interstate Council of State Boards of Cosmetology, Inc. (NIC) offers the National Theory exam in English, Spanish, Vietnamese, and Korean languages. It's against NIC's policy to allow for readers or translators. According to NIC policy, the translator would have to be selected and paid for by the State and it would be the State's responsibility for defending the affect that a translator may have on the examination. After discussion, the Board will continue to follow the NIC policy and refer Ms. Wilcox to NIC.

My Thien Nguyen: Application for licensure by reciprocity from California and Texas. Mr. Nguyen completed 1600 hours of school training in California. He's unable to obtain his work experience from past employers, but he provided his 2016 & 2017 tax forms. The board cannot determine hours of work experience from the tax forms. Under ND reciprocity law, he will need to provide 3,000 hours of work experience or work for 3 of the past 5 years or complete 200 hours of school training. Sue will notify him with his options.

Skill Cutz Barbershop & Salon: At the September 9 inspection, there were several sanitation violations found. Upon the re-inspection of October 11, 2018, the salon did pass the inspection. It was also noted that they are operating a school of barbering in the same area. Sandy DePountis contacted the Barber Board, and they are licensed to operate a school. Sandy informed the Barber Board of the sanitation concerns. The Barber Board will look into the sanitation issues, and they indicated that they are in the process of moving the school out of the space. Sandy DePountis recommended notifying the owners that, under the cosmetology law, salons must be separate from schools and have a separate entrance. She also suggested to give them a timeline to move the school out of the salon. The cosmetology law does not pertain to barbers or barber schools. After discussion, Magen Buchholz motioned not to pursue any action at this time as long as the cosmetology salon meets our requirements and passes inspections. Motion seconded by Eunice Smith.

Roll call vote: Buchholz, yes; Smith, yes; Stanley, yes; Wanner, yes; Andes, yes. Motion carried.

Andrea Trimble submitted her letter of resignation as Inspector. Andrea told Sue that she is resigning because she plans on being gone three months at a time, but if the Board would allow her to continue inspecting when she is back in Fargo, she would be willing to work with another inspector. Magen Buchholz motioned to keep Andrea Trimble on as an inspector and start the process of hiring another inspector for the Fargo area. Motion seconded by Miranda Stanley. Roll call vote taken and motion carried unanimously.

Trinidad Vargas: This item was tabled from the February Board meeting on a complaint that Mr. Vargas was charged assaulting a young girl at the salon. On September 17, 2018, this case has been dismissed with prejudice, which means the case is dismissed permanently and it cannot be brought back to court. Based on the court's decision, the Board decided not to investigate this case further. Magen Buchholz motioned to dismiss. Seconded by Eunice Smith. Roll call vote taken and motion carried unanimously. Sandy will inform Mr. Vargas's attorney.

NIC Report: Magen Buchholz provided the attached report of the NIC Executive Director's meeting.

PSI Testing presented the option of adding a photo on licenses. The Board asked Magen to look into this further for the Board to consider.

Leslie Roste with Barbicide Company offered to look at our laws and rules to provide suggestions or update the language for consideration at this legislation session. Magen will contact her to see if she is willing to do this for the Board to consider at its November meeting. Magen will also contact Leslie Roste to conduct an educational class for Inspectors and Instructors in the spring of 2019.

NIC Report: Maureen Wanner provided the attached report of the NIC Annual Convention that she attended.

Financial Reports: Motion by Miranda Stanley to accept the September 2018 financial report. Seconded by Eunice Smith. Roll call vote taken and motion carried unanimously.

New Business:

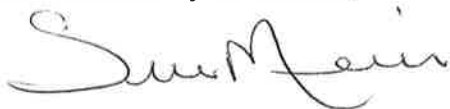
- Kayla Bartholomay, owner of Enlightened Beauty Salon, inquired if a licensed instructor or master cosmetologist can teach a class in the salon for the general public on makeup application and hair styling. Under the law, the Board is not authorized to give legal advice. Sue will contact Kayla to advise her to seek the services of a private attorney on whether she is able to provide such classes.

The Board members and Sue Meier will attend the licensing board training on October 30, 2018, at the State Capitol.

The next meeting is scheduled on November 19 at 10 am.

No other business. It was moved by Eunice Smith and seconded by Magen Buchholz to adjourn. Gary Andes adjourned the meeting at 11:15 am.

Minutes submitted by Sue Meier.



2018 NIC Executive Directors Meeting – Seattle, WA

Thursday October 4th 2018

Welcome and introduction- Cynthia Briggs Washington DC, chair

Susan Colard reporting from WA

There have been 50 cases of fraud discovered, from multiple states, with license verifications in recent months. (Coming into WA) People have been copying letters from states with unofficial seals, forged signatures, etc. All through the mail, many came from *Milwaukee WI*.

There are scams occurring through out the states of people sending fraudulent letters asking for payments of fines or needing to pay for classes that need to be taken a.s.a.p. They are requesting immediate payment by means of prepaid cards.

A lot of name fraudulent name change documents are coming from CA. Texas verifications have often been fraudulent as well. CA has been revoking licenses if they have looked back and found fraudulent documents, and have enough proof. Kentucky has froze accounts and not allowed renewals, to combat this as well.

We will only send verification through email and receive directly from another state by phone or email. But will keep envelopes from certifications, compare and ask if anything looks suspicious or unofficial. Track where we are sending and receiving certifications to verify they are coming from and going to the official location. NIC will get a document together of email accounts that certifications will come from. There will be a small committee organized to come up with a process to put together a streamlined process. All in attendance agreed to move toward electronic documentation, and contact states if any questions arise. The committee made will reach out to all states and share and gather information to organize the processes.

There will be an executive director portion on the NIC website soon, with all communications posted there, it will also be a place to share info if we have news to share.

Presentation on NCSL by Julie Campbell

NCSL.org /national conference of state legislatures

The group is a consortium comprised of a variety of occupational licensing, and each state involved creates a local “task force” of legislators, attorneys, and people in licensing depts. to discuss policy and practice and regulatory and statutory requirements in each state for each group, and how to improve the cohesion to not

have to worry so much about the deregulation, ways to make it portable and more encompassing on a national level . The objectives are ...to advise on best practice for licensure in under employed groups (veterans and military families, legal immigrants, individuals with criminal records).... enhance portability of state licenses across state border...reform regulatory standards and reduce redundancy (keep safe, but not be over burdensome)... this agreement is not about deregulation but about making improvements and reductions in non safety related issues so that we can all be more flexible and so it works for all and we don't have the deregulation fight.

NCLS database link will document everything for licensing requirements in each state that is a part of this group. ND is going to possibly become part in 2018. Links to legislature sites for each state.

State legislative reports/updates

There were 19 states/territories represented, 16 reported changes/updates. Among those reporting were CA, ID, CO, VI, WY, AK, KS, WA, Washington DC, KT, MN, GA, SD, AZ, and Guam

PSI presentation at lunch Thursday

Spoke about options for PSI to proctor exams in each state. As we are already utilizing many of their services, one area of interest for ND was a photo on licenses. We spoke specifically about options to add photos to all ND licenses. We will be in contact to talk details and cost.

Friday October 5th 2018

Document review and discussion

Discussion over the NIC Mission and Vision, Uniform Practice Act.

Industry "health and safety" trends Leslie Roste

Leslie spoke very briefly about her interest to visit each state and do training with inspectors, staff, and anyone interested. We will be scheduling her to come to ND to do an inspector training, and hopefully training for our instructors and any other licensees on safety and sanitation.