



NORTH DAKOTA STATE BOARD OF COSMETOLOGY

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NORTH DAKOTA STATE BOARD OF COSMETOLOGY

January 22, 2019 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 10:05 a.m.

Present: Magen Buchholz, Eunice Smith, Maureen Wanner, Sue Meier and Legal Counsel; Sandy DePountis. Gary Andes attended the meeting via speakerphone. **Absent:** Miranda Stanley.
Guest: Tenalee Tangen.

Minutes:

- It was moved by Magen Buchholz, seconded by Eunice Smith to approve the November 19, 2018 Board minutes. Roll call vote: Buchholz, yes; Smith, yes; Andes, yes. Motion Carried.
- It was moved by Magen Buchholz, seconded by Eunice Smith to approve the December 20 & 31, 2018 special Board meeting minutes. Roll call vote: Buchholz, yes; Smith, yes; Wanner, yes. Motion Carried. Gary Andes was disconnected at this time.
- It was moved by Eunice Smith, seconded by Magen Buchholz to approve the January 7, 10 & 14, 2019 special Board meeting minutes. Roll call vote: Buchholz, yes; Smith, yes; Wanner, yes. Motion Carried. Gary Andes was disconnected at this time.

Nails by Vikkie, Wahpeton was inspected on November 29, 2018, at which the inspector witnessed an unlicensed individual providing manicure services. The report also indicates several violations of the sanitary rules. The salon owner was not aware that the individual was not licensed. After discussion, Magen Buchholz made a motion to proceed with disciplinary action against Nails By Vikkie for permitting an unlicensed individual to practice manicure services and authorized Sandy DePountis to offer a Settlement Agreement with a fine of \$500, one year probation, and a follow-up inspection within two weeks of the execution of the agreement. Eunice Smith seconded the motion. Roll Call vote: Buchholz, yes; Smith, yes; Wanner, yes; Andes, yes. Motion carried.

LaVonne Reiser submitted her letter of resignation as inspector. Magen Buchholz made a motion to accept the resignation of LaVonne Reiser. Eunice Smith seconded the motion. Roll call vote taken and motion carried unanimously. Tenalee Tangen indicated that she would be interested in the Bismarck/Mandan territory but not the rural territory because of too many miles on her leased vehicle. The Board will move forward to work on the territories and start the interviewing process for a new inspector for the rural territory. Tenalee will keep the Bismarck/Mandan territory. The office will interview for the rural territory position and bring potential candidates for Board's approval.

Jade Sundby filed a complaint against Marissa Regan indicating that she has been booth renting without a master or a booth license. Ms. Regan explained that she is an employee at The Suites until she completes the hours for a master license. The owner, Margaret Ramberg, confirmed that Marissa is an employee of the salon. Jade Sundby inquired if the Board would investigate further by reviewing her tax documents. Based on the owner verifying that Marissa Regan is her employee, Maureen Wanner made a motion to dismiss the complaint against Marissa Regan. Magen Buchholz seconded the motion. Roll call vote taken and motion carried unanimously.

Anonymous complaint filed against Kari Canfield indicating that she is operating a salon in her home without it being licensed as salon. Ms. Canfield denied the allegations. In the case of an anonymous complaint there is no truth or merit to the allegation. Magen Buchholz made a motion to dismiss the complaint against Kari Canfield. Maureen Wanner seconded the motion. Roll call vote taken and motion carried unanimously.

Krystal McDonald filed a complaint against the Board indicating the Board should have notified her that her license expired in 2017. When she tried to renew on January 8, 2019, she was told that she had until December 31, 2018 to renew with a late fee. She is asking the Board to consider allowing her to renew her license without retaking the State Board Exam. In her response, she didn't realize her license had expired because she didn't have it posted. The Board must be consistent with the law. Magen Buchholz made a motion to authorize Sandy DePountis to send a follow up letter to Krystal McDonald informing her that the Board cannot waive the requirements of 43-11-29 and will not provide this information to the State's Attorney for practicing without a license. Maureen Wanner seconded the motion. Roll call vote taken and motion carried unanimously.

Chris Ecker filed a complaint against an unlicensed individual practicing cosmetology on the Air Force Base. Magen Buchholz informed Mr. Ecker that the Board does not have jurisdiction over unlicensed individuals and to contact the States Attorney's office. Sandy DePountis said the Board does not have any jurisdiction on military bases and suggest he contacts the Base on how to handle this matter. Magen Buchholz will sent a follow up letter to Chris Ecker.

House Bill 1523, relating to the operating fund balances of state agencies. Sandy DePountis explained that the bill is unclear on what it means by unobligated and undesignated balance in excess of \$250,000 or the Board's operating expenses. Based on the Board's financial statements, its operating expenses are more than \$250,000. The Board's funds are for operating expenses, potential litigation, and updating a new system for licensing. After discussion, Maureen Wanner made a motion not to take any action at this time on HB 1523. Magen Buchholz seconded the motion. Roll call vote taken and motion carried unanimously. If this bill passes, the Board can argue that the Board's funds are designated to operating expenses of \$300,000 and litigation reserve for \$300,000.

House Bill 1215 relating to apprenticeships program. Magen Buchholz provide the testimony to oppose HB 1215. Maureen Wanner made a motion to approve the testimony on HB 1215. Eunice Smith seconded the motion. Roll call vote taken and motion carried unanimously.

Senate Bill 2306 relating to military spouse licensure. This bill waives the original licensing fee for a military spouse. Maureen Wanner made a motion that the Board not take any action at this time on SB 2306. Magen Buchholz seconded the motion. Roll call vote taken and motion carried unanimously.

Continued Education and Inspector Meeting: Maureen Wanner contacted Don Thorpe and he is willing to provide a two-hour class for \$1,000 on any type of education the Board would like. Magen Buchholz spoke with Leslie Roste and she would be available April 8 or 29 for the inspectors meeting. For the instructors seminar, the Board discussed having Don Thorpe present a class on business education and Leslie Roste a two-hour class on sanitation at 8am – noon. The inspectors meeting will be at 1pm. After discussion, Maureen Wanner made a motion to schedule the instructors and inspectors classes on April 29, 2019 at the board office and moving forward to booking Don Thorpe and Leslie Roste. Magen Buchholz seconded the motion. Roll call vote taken and motion carried unanimously. Magen Buchholz will send a preliminary email to instructors and inspectors of the upcoming class.

Financial Reports: Eunice Smith made a motion to approve the financial statement for the period of July through November 2018. Eunice Smith modified her motion to include the July through December 2018 financial statement. Maureen Wanner seconded the motion. Roll call vote taken and motion carried unanimously.

New Business:

- A new bill was filed and a hearing is scheduled today on House Bill No. 1489. Sandy DePountis is unsure of the parameters of this bill. Magen Buchholz made a motion that the Board not take any action at this time on House Bill 1489 and see what happens at the hearing. Maureen Wanner seconded the motion. Roll call vote taken and motion carried unanimously. Sandy DePountis will be attending the hearing and report back to the Board with more information relating to this bill.
- Senate Bill 2353 relating to regulate occupations and professions. This bill creates a new section to the law 43-63 which regulates all Boards. This bill will add parameters for all Boards. The bill does not repeal what is in the Board's statues. Some of the requirements of this bill are mandatory Board training, limit Board's term, require six hours of continuing education for all licensees, and change the renewal date to March 31. Sandy DePountis suggested reviewing the bill and see where the discrepancies are with the cosmetology laws. After discussion, Maureen Wanner made a motion to authorize Magen Buchholz to start preparing testimony on the bill and present any opinions at a special meeting next week. Eunice Smith seconded the motion. Roll call vote taken and motion carried unanimously. A special meeting will be held on January 29, 2019 at 11 am.
- Sandy DePountis informed the Board that the Department of Health might also testify in opposition to the advance skin care bill.

The next regular Board meeting is scheduled for February 19, 2019 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 11:30 am.

Minutes submitted by Sue Meier.

