



# NORTH DAKOTA STATE BOARD OF COSMETOLOGY

4719 SHELBURNE ST. SUITE 1  
BISMARCK, ND 58503  
TELEPHONE (701) 224-9800

## NORTH DAKOTA STATE BOARD OF COSMETOLOGY

### April 15, 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 a.m.

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

**Guest:** Denise Jonas.

**Minutes:** Maureen Wanner moved, seconded by Eunice Smith to approve the March 18 & 25, 2019 Board minutes. Roll call vote: Buchholz, yes; Smith, yes; Wanner, yes; Stanley, yes; Andes, yes. Motion Carried.

**Denise Jonas**, Director with Career and Technical Education in the Cass County area presented a proposal for an educational partnership between the Board of Cosmetology and Career and Technical Education to launch a cosmetology career pathway for high school students. This program will expose students to career experience and prepare them before moving on to college. Students in high school would have the opportunity to earn cosmetology credit hour and be able to transfer the hours to a program in a cosmetology school. A projected timeline is to launch the program in 2022. The program and curriculum requires the Department of Public Instruction (DPI)'s and Career and Technical Education (CTE)'s approval, and changes to the cosmetology laws by the Board of Cosmetology.

After discussion, Maureen Wanner motioned that the Board supports the program and to provide a letter of support to DPI and CTE and appoints herself as the contact person to work with Denise Jonas. Miranda Stanley seconded the motion.

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

**Heaven Nail Spa, Fargo:** The Board received a complaint indicating the nail technician had unclean hands, dirty towels and nail clippings lying around, and unclean tools being used. The salon was inspected on March 20 and April 10, 2019, and the inspector found several violations of the sanitary rules and recommended disciplinary action. The Board has not received a response from the owner. After discussion, Magen Buchholz made a motion to proceed with disciplinary action against Heaven Nail Spa for sanitation violations and authorized Sandy DePountis to offer a Settlement Agreement of a \$500 fine, a one-year probation, and a follow-up inspection one week of the execution of the agreement. If the salon does not pass the follow-up inspection, the salon license will be suspended and will not be allowed to reopen until it does pass a satisfactory inspection. Motion seconded by Maureen Wanner. Roll call vote taken and motion carried unanimously.

**Stacey Kubas, Glitz Hair Studios:** Nichole Hodell has responded at the last meeting for practicing without a license by providing eyelash extensions. Ms. Hodell indicated she was booth renting at Glitz Hair Studios. The Board had concerns that the owner, Stacey Kubas, allowed her to provide services in her salon. The Board requested follow-up information from Ms. Kubas. Stacey Kubas responded that Ms. Hodell signed a lease but never used the room; instead, she chose to work out of her home. The Board determined Stacey Kubas did not violate any laws or rules. Miranda Stanley motioned not to take further action, at this time. Eunice Smith second that motion. Roll call vote taken and motion carried unanimously. A letter will be sent to Stacey Kubas.

**Andrea Emerson, Kharma Vida Salon:** It was brought to the Board's attention in February 2018 that Kharma Vida Salon has carpet in its facial treatment rooms. The Board granted Ms. Emerson until April 1, 2019, to remove the carpet. Ms. Emerson informed the Board that she is potentially moving to a different location at the beginning of June and is asking for extra time to change the flooring because it would be an unnecessary expense if they were to move. After discussion, Maureen Wanner motioned to grant Andrea Emerson until May 31, 2019, to remove the carpet if she is not changing location and revisit this issue at the June meeting. Miranda Stanley second that motion. Roll call vote taken and motion carried unanimously.

**Financial Report:** Maureen Wanner made a motion to accept the March 2019 financial statement. Eunice Smith seconded the motion. Roll call vote taken and motion carried unanimously.

**New Business:**

- Natasha Yavorivska is a certified Production Makeup Artist and is requesting approved to rent space in a licensed salon to provide makeup services, face painting, and air brush tanning. Under the law, an individual must be licensed as an Esthetician or Cosmetologist to provide makeup services in North Dakota, unless it falls under the exemption of NDCC 43-11-02 (6). After discussion, the Board will consider creating a specialty license for Makeup Artist. A follow-up letter will be sent to Natasha Yavorivska explaining that she needs to be licensed.
- Nicole Acosta's Master Cosmetology license expired December 31, 2017. She renewed her salon license but forgot to renew her master license. According to NDCC 43-11-29, if a license is not renewed within one year from the date it expired, the applicant for reinstatement shall take and pass the examination that is required of new applicants. Ms. Acosta is asking the Board to reconsider and allow her to reinstate her license by paying the renewal and penalty fees. Sandy DePountis indicated that she would have to meet the standard of the current law. The Board requires a National practical and National written examinations. After discussion, Maureen Wanner motioned to keep with NDCC 43-11-29 and to check what type of examinations she has taken and what is required to update her license. Seconded by Magen Buchholz. Roll call vote taken and motion carried unanimously. The Board will clarify this law.
- Magen Buchholz inquired if prospective students provided information that they have a criminal record. Sandy DePountis replied it would have to go to the Board for consideration. Legally, the Board cannot provide an opinion or a definitive answer until they complete the program and made application for licensure.

- An unlicensed individual contacted the board office inquiring if she can provide hair braiding and threading in a salon. Under the current law, a cosmetology license is required. Effective August 1, 2019, braiders are exempt from the cosmetology law and may provide the services in a license salon. If they violate the law by practicing other cosmetology services, the Board can take action against the salon license for allowing an unlicensed person to practice cosmetology. The individual also inquired about opening a salon. Sandy DePountis recommended directing her to the salon license requirements and to contact a private attorney to discuss legal requirements.
- Sandy DePountis reported a legislative update.

HB 1345 relating to hair braiding and threading pass as is, without amendments and will become law August 1, 2019.

SB 2353 relating to regulation of Boards failed in the House. Sandy recommend being prepared for more board bills because there is concern about the amount of regulations that happens with Boards. Sandy suggested to review our law for the next session.

SB 2341 on apprenticeship failed.

SB 2306 regarding military spouse licensure bill. Amendments were added and it is now in conference committee. A new amendment added that military spouses automatically receive a temporary license if an application has been submitted and 30 days have past.

- Magen Buchholz is obtaining information to develop and implement a system to file inspection reports electronically. They would design the report based on what the Board would like to see on the report. If the Board is interested, the company will to do a presentation. Sandy DePountis suggested contacting OMB procurement guidelines. Magen is still working with PSI on adding a photo to licenses. Magen will schedule the presentation for May meeting.

The Board will begin reviewing the law for any changes for next Legislative Session.

The Board Members will attend the Instructors Continuing Education seminar and Inspectors meeting on April 29, 2019.

The next regular Board meeting is scheduled for May 20, 2019 at 10 am.

No other business. It was moved by Maureen Wanner and seconded by Eunice Smith to adjourn. Gary Andes adjourned the meeting at 11:30 am.

Minutes submitted by Sue Meier.

