



NORTH DAKOTA STATE BOARD OF COSMETOLOGY

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NORTH DAKOTA STATE BOARD OF COSMETOLOGY May 20, 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: Gary Andes, Eunice Smith, Maureen Wanner, Sue Meier and Legal Counsel; Sandy DePountis, Magen Buchholz and Miranda Stanley attended the meeting via speakerphone.

Guest: Tenalee Tangen.

Minutes: Maureen Wanner moved, seconded by Eunice Smith to approve the April 15, 2019 Board minutes. Roll call vote: Buchholz, yes; Smith, yes; Wanner, yes; Stanley, yes; Andes, yes. Motion Carried.

Minutes: Eunice Smith moved, seconded by Maureen Wanner to approve the April 29, 2019 Inspectors meeting minutes. Roll call vote taken and motion carried unanimously.

Nails by Vikkie: The Board received an application for a change of ownership. Nails by Vikkie is on probation until February 19, 2020 as part of a disciplinary procedure. Sandy DePountis suggested, for salon transfers, include on the application that by signing it, the new owner agrees the salon will remain on the same terms and conditions as the previous salon. After discussion, Magen Buchholz motioned to authorized Sandy DePountis to send a letter with an Addendum that the Board will grant the transfer if the salon is in compliance with the laws, pass inspection, and will be subject to the same terms and conditions under the previous Settlement Agreement. Maureen Wanner seconded the motion. Roll call vote taken and motion carried unanimously.

Da-Vi Nails, Minot: During the April 10, 2019 inspection, the inspector found several sanitation violations and an unlicensed individual providing pedicure services. The salon owner explained that she had her grandson help when her nail technician went to lunch. After discussion, Maureen Wanner made a motion to proceed with disciplinary action against Da-Vi Nails for permitting an unlicensed person 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. Miranda Stanley seconded the motion. Roll call vote: Wanner, yes; Smith, yes; Buchholz, yes; Stanley, yes; Andes, yes. Motion carried.

Star Nails, Grand Forks: The April 30, 2019 inspection report indicates several sanitation violations and an unlicensed person providing services. The owner, Andy Nguyen explained that the person was not providing services, he was there for an interview and the Inspector saw him washing his hands. The salon passed its May 16, 2019 follow-up inspection. The inspector can't be sure if the individual was providing services. The inspector informed the Board that the owner is rude and very disrespectful toward her and refused to take the time to discuss any problems. After discussion, the board has no evidence that Star Nails violated the law by allowing an unlicensed person to practice cosmetology services. A motion was made by Eunice Smith to send another inspector with Sheila Carlson to inspect Star Nails and table this discussion for the outcome of that inspection. Miranda Stanley seconded the motion. Roll call vote taken and motion carried unanimously.

AC Hair Design, West Fargo: The February 22 and April 24, 2019 inspection reports indicated several violations of the sanitation rules. The owner, Annette Cannon, did not renew her master or booth license for 2019. Ms. Cannon was not present during the inspections. She provided an explanation that she has not been working in her salon and will renew her licenses when she returns. Without her being licensed, the Board does not have jurisdiction over her. A motion was made by Maureen Wanner to table this discussion and when she renews her licenses do another follow-up inspection. Eunice Smith seconded the motion. Roll call vote taken and motion carried unanimously.

Jacey Brenden filed a complaint against Jody Lopez and Carly Beckel indicating that they are performing micro needling using a skin pen with Platelet Rich Plasmas (PRP), falsely advertising that they are master estheticians, and performing micro-blading at Premier Esthetics in Grand Forks. The complaint indicated that the Medical Director is never on site. The owner, Lori Mercil is on staff as an RN. Jody Lopez and Carly Beckel responded that the medical director oversees all medical services and they provide micro-needling that does not invade the live tissue. The Department of Health has been contacted to inspect the facility for micro-blading. Miranda Stanley explained that micro needling with a skin pen using PRP would invade the live tissue of the dermis, because it involves drawing blood. She suggested turning the information over to the Board of Nursing and the Medical Board. After discussion, Miranda Stanley motioned to forward the complaint to the Board of Nursing and State Board Medical Examiners. Maureen Wanner seconded the motion. Roll call vote taken and motion carried unanimously. Miranda Stanley will look into other State's regulations on the scope of practice for esthetician working in medical facilities.

Peggy Syverson filed a complaint against Elizabeth Knutson indicating that on February 16, 2019 she had permanent eyebrow and eyeliner applications at Permanent Makeup by Bea. After the procedure, her eyes and brows were swollen and her brows were a red tint. Ms. Syverson was denied a refund. Elizabeth Knutson explained that she has her clients sign a release form before any procedures and informed Ms. Syverson that it takes time for the color to be completed and heal. The Board has no jurisdiction over tattooing. After discussion, Maureen Wanner motioned to dismiss the complaint and send Peggy Syverson a follow-up letter to contact the Health Department and a private attorney for personal injury. Eunice Smith seconded the motion. Roll call vote taken and motion carried unanimously.

Jessica Schaff has been operating a booth without a current booth license. She closed her booth April 30. The Board sent letters given her the opportunity to renew. After discussion, Miranda Stanley made a motion to authorize Sandy DePountis to offer a Settlement Agreement of a \$250 fine for operating a booth without a license. Seconded by Magen Buchholz. Motion carried unanimously.

It was brought to the Board's attention that the building located at 123 W Rosser Ave. in Bismarck is set up as a booth rental salon, but is not licensed as a salon. Each cosmetologist rents their own room, but share the laundry room, restrooms, and reception area. Inspector, Tenalee Tangen feels that the building should be licensed as a salon, since the renters share the common areas. She makes several attempts to conduct inspections but the renters are never there. According to law, a salon owner is responsibility to have keys to open any locked spaces on the premises for inspection. Gary Andes explained the layout of the building and his concern is the safety of clients, because of the steep stairway. He contacted the city for an inspection. Sue Meier contacted the owner of the building and he indicated that he is in the rental business and not a salon.

Since they are considered salon owners, each owner is responsible for the common areas and must be open for inspection during normal business hours. Sandy DePountis suggested looking at their floor plan to determine what part of the building they are licensing. After discussion, Maureen Wanner motioned to send a letter to each salon owner requesting the business hours and inform them that as the owner of a salon, they are responsible for all the common areas and any violations found during inspection. Seconded by Eunice Smith. Motion carried unanimously.

Financial Report: Miranda Stanley made a motion to accept the April 2019 financial statement. Maureen Wanner seconded the motion. Roll call vote taken and motion carried unanimously.

New Business:

- Discussion was held to set a policy for military spouses. The military spouse law goes into effect August 1, 2019. Sandy DePountis suggested including military spouse language on applications for licensure and renewal forms. Inquire if they are a spouse of a member of the armed forces or reserve component. This applies to military spouses with military orders and they are required to provide proof of military spouse status. After discussion, an application for the practice of cosmetology for military spouse will be prepared for the Board to consider at its next meeting.

The next regular Board meeting is scheduled for June 17, 2019 at 10 am.

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

Minutes submitted by Sue Meier.

A handwritten signature in cursive script that reads "Sue Meier". The signature is written in black ink and is positioned below the text "Minutes submitted by Sue Meier."