



# NORTH DAKOTA STATE BOARD OF COSMETOLOGY

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## NORTH DAKOTA STATE BOARD OF COSMETOLOGY June 17, 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, Miranda Stanley, Sue Meier and Legal Counsel; Sandy DePountis.

**Absent:** Magen Buchholz.

**Guest:** Tamara Johnson-Shealey via speakerphone.

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

**Skill Cutz Barbershop & Salon** will be expanding its salon to add hair braiding as part of its business. The new law will exempt hair braiders from the cosmetology licensing requirements. The Board will have no jurisdiction over the braider, but will inspect the entire salon for safety and sanitation and if there are violations the salon owner will be responsible.

**Men's Hair World:** The Board received a complaint from Aryeh Ohayon indicating the stylist ignored his request on how he wanted his hair cut and was put in an uncomfortable position for something he didn't want. Mr. Ohayon said that he was touched inappropriately; however, he does not expand on the statement. The owner stated that the client was upset and the salon was willing to work with him. The cosmetology laws do not allow the Board to take disciplinary action for those dissatisfied with services. Based on this information, Maureen Wanner motioned to dismiss the complaint and send a letter to Aryeh Ohayon that he may contact a private attorney for advice on how to handle this matter. Seconded by Eunice Smith.

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

**NIC National Convention** will be held September 7-9, 2019, in Milwaukee, Wisconsin. Maureen Wanner will attend and Gary Andes will let the office know within the week. Sue will check with Magen Buchholz if she will be attending the executive directors' meeting.

**NIC Practical Training:** The dates October 6 & 7 is no longer available for training. Gary Andes explained that the NIC practical exam is based on safety and sanitation and he would like to see grading on skills as well. The Board will take the training this year and start working on how to change it to include skills. Maureen Wanner will discuss the Board's concerns with the test at the National convention. The contract with NIC expires July 31, 2020. After discussion, the Board scheduled October 27-28 for the training.

**Tamara Johnson-Shealey** is the President and Senior Advocate of The Concerned Beauty and Barber Professionals—an organization started to address the need to protect the health and safety of licensed professionals and the clients they serve. She's been advocating to strengthen the cosmetology profession and bring integrity back into the industry. As an organization, they are tracking Bills that specific to the Beauty and Barber industry. They encourage the Boards and Professionals to fight for their industry and to engage in the political process. Legislation of other States are changing the law to deregulate hairstyling, braiding, shampooing, blow drying services. No training or license would be required. She encourages Boards to work with OSHA and provide leadership and education on health, safety, and sanitation to the Professionals and the consumers.

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

**July 2019 – June 2020 Budget Report:** Maureen Wanner motioned to increase Sue's salary by 3 percent. Seconded by Eunice Smith. Roll call vote taken and motion carried unanimously. Maureen Wanner motioned, seconded by Eunice Smith to approve the budget. Roll call vote taken and motion carried unanimously.

Sue Meier will be on vacation June 20-21 and July 17-24. The changes of hours will be posted on the Board's website. The office will be closed on June 20-21 and the Board Members will take turns being in the office during July 17-24.

**New Items:**

- **Star Nails, Grand Forks:** At its April 30, 2019, inspection, there were several sanitation violations found. Upon the re-inspection of June 14, 2019, the inspector recommended disciplinary action due to several violations. After discussion, Miranda Stanley made a motion to take disciplinary action against Star Nails for sanitation violations and authorized Sandy DePountis to offer a Settlement Agreement of a \$500 fine, one year probation, and a follow-up inspection in 30 days. If they fail the second inspection, the salon will be subject to further disciplinary action. Maureen Wanner seconded the motion. Roll call vote taken and motion carried unanimously.
- **Nicole Nelson.** It was reported that Nicole Nelson is operating a booth without a booth license and a master license. According to the law, Ms. Nelson is a licensed esthetician and is practicing within a licensed salon; therefore, she has not violated the law. The Board does not get involved in the business operation of how they run their salon. The salon owner would be responsible for anyone working in the salon. The Board took no action.
- **Angie Seibel** inquired if she could provide plasma skin tightening under her cosmetology license. She contacted the Health Department and they said it doesn't fall under permanent makeup and the Medical Board said it's not a medical procedure. Miranda Stanley explained that Plasma Skin Tightening is an invasive cosmetic treatment, and it not within the scope of practice of cosmetologists or estheticians. The treatment fall under lasers and nobody regulates laser in North Dakota. A cosmetologist or esthetician cannot provide invasive care services. If they are advertising this service under their license, the Board can take action for false or deceptive statements. Miranda started a discussion with Senator Oban for legislation to start a separate Board to regulate Tattoo/Permanent Makeup.

- **DaVi Nails, Minot:** At its May meeting, the Board took disciplinary action against DaVi Nails for allowing an unlicensed individual to practice manicure services. The Board offered a Settlement Agreement with a fine of \$500. The owner is requesting the Board to reduce the fine or allow her to make monthly payments. Maureen Wanner motioned to authorized Sandy DePountis to amend the Settlement Agreement to a month payment of \$50 and include that the Board will take further disciplinary action if they violate the terms of the Settlement Agreement. Seconded by Eunice Smith. Motion carried unanimously.
- Sandy DePountis recommends following up with the Governor's office on the Board's re-appointments.

The next regular Board meeting is scheduled for August 19, 2019, at 10 am.

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

Minutes submitted by Sue Meier.

A handwritten signature in cursive script, appearing to read "Sue Meier".