



# NORTH DAKOTA STATE BOARD OF COSMETOLOGY

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## NORTH DAKOTA STATE BOARD OF COSMETOLOGY August 19, 2019 Minutes

A regular meeting was held at the board office, 4719 Shelburne St., Suite 1, Bismarck, ND. Vice President, Maureen Wanner called the meeting to order at 10:05 a.m.

**Present:** Eunice Smith, Maureen Wanner, Miranda Stanley, Magen Buchholz, Tenalee Tangen, Sue Meier and Legal Counsel; Sandy DePountis.

**Election of Officers:** Gary Andes term expired June 30, 2019. Tenalee Tangen was appointed to the State Board of Cosmetology effective July 1, 2019. Maureen Wanner called for open nominations.

**Motion:** Eunice Smith moved to nominate Maureen Wanner for position of President of the Board. Magen Buchholz seconded the motion. The motion carried unanimously.

**Motion:** Miranda Stanley moved to nominate Tenalee Tangen for position of Vice President of the Board. Magen Buchholz seconded the motion. The motion carried unanimously. Magen Buchholz will remain as Secretary of the Board.

**Minutes:** Miranda Stanley moved, seconded by Eunice Smith to approve the June 17, 2019, Board minutes. Roll call vote: Buchholz, yes; Stanley, yes; Tangen, yes; Smith, yes; Wanner, yes. Motion Carried.

Aflac was removed as an agenda item. Sandy DePountis explained that the Board is not authorized to obtain supplemental insurance. Each member may look into this as an individual and not as a board. State employees are entitled if they are interested.

Sandy DePountis explained that Tenalee Tangen cannot be part of the voting on any inspections that she has done. In the future, Tenalee will ask another inspector if needed to assist her during inspections.

Sandy DePountis discussed the problem of unlicensed workers to the Bismarck/Mandan law enforcement since they would be interested in receiving this information because of trafficking and illegal workers. Sandy will provide contact information to report unlicensed workers in salons.

**Bellissima Nails & Spa, Bismarck** was inspected on June 24, 2019, at which the inspector witnessed an unlicensed individual providing manicure services. The salon owner responded that she wanted to know if the individual meets the qualifications before hiring. Based upon the inspector's report, the Board found grounds for disciplinary action. Miranda Stanley motioned to take disciplinary action against Bellissima Nails & Spa for permitting an unlicensed individual to practice manicure services and authorized Sandy DePountis to offer a Settlement Agreement with a fine of \$500 and one year probation. Magen Buchholz seconded the motion.

Roll call vote: Buchholz, yes; Stanley, yes; Smith, yes. The motion carried.

Tenalee Tangen and Maureen Wanner recused themselves from the vote because they conducted the inspection.

**Only Nails, Bismarck:** At the July 29, 2019, Inspector, Tenalee Tangen, found several violations of the sanitary rules and an unlicensed person. The salon owner explained that they were busy and her nephew just helped to do a nail design. According to the August 12<sup>th</sup> follow-up inspection, the sanitation violations have been corrected. Based on the inspector's report, the Board found grounds for disciplinary action. Miranda Stanley motioned to take disciplinary action against Only Nails for permitting an unlicensed individual to practice manicure services and authorized Sandy DePountis to offer a Settlement Agreement with a fine of \$500 and one year probation. Magen Buchholz seconded the motion. The motion carried unanimously. Tenalee Tangen recused herself.

**Mandan Nails** was inspected on July 8, 2019, and the inspector, Tenalee Tangen, found two unlicensed individuals providing services and sanitation violations. The salon passed its re-inspection. Hau Vo explained that one individual was not working on any customers and the other one was his sister and just wanted to help. After discussion, Miranda Stanley made a motion to proceed with disciplinary action against Mandan Nails and authorized Sandy DePountis to offer a Settlement Agreement with a fine of \$500 and one year probation. Magen Buchholz seconded the motion. The motion carried unanimously. Tenalee Tangen recused herself.

**DaVi Nails Salon, Bismarck:** The June 24, 2019, inspection report indicated several violations of the sanitary rules and an unlicensed person providing a pedicure. The owner explained that she hired the individual to help clean the salon, but during a busy time, she asked the individual to put lotion on her customer, so she can start with the next client. The salon passed its follow-up inspection. Miranda Stanley motioned to take disciplinary action against DaVi Nails Salon for permitting an unlicensed individual to practice cosmetology and authorized Sandy DePountis to offer a Settlement Agreement with a fine of \$500 and one year probation. Magen Buchholz seconded the motion.  
Roll call vote: Buchholz, yes; Stanley, yes; Smith, yes.  
Tenalee Tangen and Maureen Wanner recused themselves from the vote because they conducted the inspection.

**Star Nails & Spa, Bismarck** was inspected on June 28, 2019, and inspector, Tenalee Tangen, found several violations of the sanitary rules and two unlicensed persons providing services. The Board did not receive a response from the owner. On August 5, 2019, there was a transfer of ownership. The salon passed the inspection under the new owner and a salon license was granted. After discussion, Miranda Stanley motioned to take disciplinary action against the previous owner of Star Nails & Spa for unlicensed persons and sanitation violations and authorized Sandy DePountis to offer a Settlement Agreement with a \$500 fine. In the future, if Andy Bui or Ann Nguyen applies for ownership of a salon, it must come before the Board for consideration. Magen Buchholz seconded the motion.  
Roll call vote: Buchholz, yes; Stanley, yes; Smith, yes.  
Tenalee Tangen and Maureen Wanner recused themselves because they conducted the inspection.

**Kisi Benjamin:** The Board received a complaint with screenshots advertising eyelash extensions classes. The complaint indicates Kisi Benjamin is holding training classes for girls and telling them they only need to be certified in lash extensions to provide the services on their own, but if they want to work in a salon they do need to be licensed. Kisi Benjamin is denying the allegation. She explained that she had one certification class using a mannequin and the individuals were from out of state. Based on the information, there is not enough evidence that Kisi Benjamin violated the law. Tenalee Tangen motioned not to take disciplinary action at this time. Eunice Smith seconded the motion. Roll call vote taken and motion carried unanimously.  
If the Board receives any additional information, the Board will revisit the matter.

**Mariah Patton:** Application for licensure by reciprocity. Ms. Patton is currently licensed in good standing in Colorado and has been working in the profession since 2009. Ms. Patton provided document of her conviction of criminal impersonation and controlled substance. She is on probation until August 2019. She has been sober since 2017 and continues in treatment therapy. After discussion, the Board determined her past conviction should not restrict her to practice cosmetology. Magen Buchholz motioned to approve Mariah Patton's reciprocity application. Tenalee Tangen seconded the motion. Roll call vote taken and motion carried unanimously.

**Rick Laqua** provided copies of his criminal judgement and is asking the Board to allow him to renew his cosmetology license. In May 2019, Mr. Laqua was convicted of possession of a controlled substance with intent to deliver and possession of drug paraphernalia. He was sentenced to 18 months and is currently at the Tompkins Rehabilitation & Corrections Center in Jamestown. After discussion, Eunice Smith motioned to table this until renewal time and request updated information regarding his progress. Tenalee Tangen seconded the motion. Roll call vote taken and motion carried unanimously.

**Jessica Schaff:** May 2019, the Board took disciplinary action against Jessica Schaff's cosmetology license for operating a booth without a current booth license and offered her a Settlement Agreement with a fine of \$250. She has not responded. On June 13, 2019, Ms. Schaff renewed her booth license online for 2019. Magen Buchholz motioned to send a modified settlement agreement that the Board will grant her booth license if she agrees with the terms of the prior settlement agreement. Eunice Smith seconded the motion.

Roll call vote: Buchholz, yes; Stanley, yes; Smith, yes; Wanner, yes. Motion carried.  
Tenalee Tangen recused herself because she conducted the inspection.

**Shelly Kuntz** is a drug & alcohol testing coordinator and she would like to work with the Board to set up a drug screening program through the Drug & Alcohol Testing Network. Sandy DePountis explained that the Board has no authority to require drug testing. A letter will be sent to Shelly Kuntz informing her that this would have to go through legislation.

**June & July 2019 Financial Reports:** Magen Buchholz made a motion to accept the June and July 2019 financial statements. Eunice Smith seconded the motion. Roll call vote taken and motion carried unanimously.

**Old Business:**

- Eunice Smith brought to the Board's attention that at its last meeting, the Board gave Sue Meier a 3% increase of salary thinking that Sue was being paid a monthly salary rather than by the hour. Eunice suggest increasing her salary by a dollar amount. After discussion, Tenalee Tangen motioned to increase Sue Meier's hourly salary to \$39.00. Magen Buchholz seconded the motion. Roll call vote taken and motion carried unanimously. Magen Buchholz also receives an hourly wage.

Sandy DePountis excused herself from the meeting.

- Magen Buchholz asked for dates for the 2020 NIC Examiners training. Magen will check if October 17 & 18, 2020 is available.
- A special meeting has been scheduled for September 23, 2019, at 10 am for Legislation discussion.

- Magen Buchholz is putting together the newsletter for the website and asked Tenalee Tangen for a bio with a picture as a new board member and a letter from Maureen Wanner as Board President. Magen would like any newsletter articles by end of August.

**New Business:**

- Magen Buchholz explained that for 2021, a postcard reminder for renewal will be mailed instead of a renewal application. They will be able to download an application from the website or renew licenses online, hoping this will encourage more online renewals. Magen is working with Armor Interactive in updating the renewal process.
- Tenalee Tangen would like to show a power point presentation on going mobile. She has been working with an app developer to develop mobile inspection app. The system would be in numeral system because she feel the current inspections are subjective. Eunice Smith suggested getting the other inspectors input. After discussion, Tenalee will see when the developer is available to present this to the Board.
- Maureen Wanner brought it to the Board's attention that Rich Skjonsby the owner of the building on Thayer Ave. called "The Salons" has a past conviction. Maureen discussed this with Sandy DePountis prior to the meeting and she suggested that if the Board has to deal with Mr. Skjonsby to have two inspectors present or law enforcement involved. Tenalee Tangen said that he has never been at the inspections. Tenalee's issue is that the Board is not requiring the owner to license the building as a salon. Tenalee feel he is operating the place as a booth rental salon because each owner rents its own space but shares the common areas. As owner of the salon, he would be responsible to provide keys for an inspector to enter the entire salon premises. She requested the Board to revisit this further. This will be included to the next meeting agenda.

The next regular Board meeting is scheduled for September 16, 2019, at 10 am.

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

Minutes submitted by Sue Meier.

