

NORTH DAKOTA STATE BOARD OF COSMETOLOGY

August 17, 2020 MINUTES

The meeting was held via GoToMeeting. Maureen Wanner called the meeting to order at 10:05 am.

Present: Maureen Wanner, Tenalee Tangen, Miranda Stanley, Eunice Smith, Rebecca Wood, Sue Meier, Magen Buchholz and Attorney Sandra Depountis.

Election of Officers: Eunice Smith nominated Maureen Wanner for President, Tenalee Tangen seconded. Maureen Wanner elected President after unanimous vote.

Maureen Wanner nominated Tenalee Tangen for Vice President, Eunice seconded. Tenalee Tangen elected Vice President after unanimous vote.

Eunice Smith nominated Rebecca Wood for Secretary, Tenalee Tangen seconded. Rebecca Wood elected Secretary after unanimous vote.

Minutes: Tenalee Tangen moved, seconded by Eunice Smith to approve the minutes of the June 15, 2020 regular meeting, and July 31, 2020 special meeting. Motion carried unanimously.

ManCave for Men, Williston: Request to have a different inspector since Terri Bachmeier was terminated from her employment there. Miranda Stanley motioned to approve their request and allow another inspector to conduct all inspections of ManCave for Men. Tenalee Tangen seconded the motion. Motion carried unanimously.

Tierany Turner: Lori Emerson inspected Fresh by Jenn, and it was brought to her attention that there was another renter, Tierany, and that she had been there since fall of 2019. Tierany had moved out of state and was in the middle of setting up her space, but not providing services according to her response. There was no proof that any services had been performed by Tierany in that space. There has not been a response from the salon owner at this time. Tenalee motioned to table this until we receive a response from the salon owner Jennifer Nelson. Rebecca seconded the motion. Motion carried unanimously.

Rachel Taber: There was discussion that we will be notifying salon owners of any violations of a booth within their salon. There will be additional information added to salon applications and renewals to remind salon owners that they are responsible for the sanitation and any violations of a space that is not properly licensed within their salon. Sandy will assist Magen in coming up with the language to put onto forms and also distribute to salon owners. This information will be added to the website and also posted to the Facebook page. Tenalee Tangen moved to seek disciplinary action on the basis of failure to display the license, sanitation, and operating without a license until July 27, 2020 and authorizes Sandy to offer a settlement agreement of a \$500 fee and 1 year probation. Eunice Smith seconded the motion. Motion carried unanimously. Miranda Stanley moved to have Sandy send Lori Burbach a letter regarding Rachel Taber, reminding her that she is also responsible for the sanitation violations and improper licensure, or lack of. We will be sending an inspector and she may be subject to disciplinary action if things haven't improved. Tenalee Tangen seconded the motion. Motion carried unanimously.

Tina's Nail Spa, Grand Forks: Complaint submitted by Nancy Anderson, concerning a fungus she may have contracted from a nail service at Tina's Nail Spa. After discussion, it was determined there was no evidence that her nail service was the cause. Tenalee Tangen moved to have the office send a letter to Nancy Anderson thanking her for notifying the board of this

matter, and we will keep the complaint on file but will not be taking action against Tina's Nail Spa at this time. Eunice Smith seconded the motion.

Megan Thiel: Her file has been flagged for Board review if she is to reapply for licensure. She must apply by mailing or dropping off a paper application, as she is not permitted to renew online. Once we receive a physical application, it will be brought to the Board for approval/review.

Lisa Boehm: Complaint against St. Gabriel's regarding her personal items being used in her salon space, while she was not allowed to be in the building due to COVID 19 concerns. Sandy stated that the Board does not have jurisdiction on this matter; she would need to contact private legal counsel. Tenalee Tangen motioned to have the office send a letter to Lisa explaining the Board's jurisdiction does not allow them to take any action against St. Gabriel's. And that she may seek private legal counsel. Eunice Smith seconded the motion. Motion carried unanimously.

ND Chamber policy summit information was shared. Sandy mentioned that anyone wanting to attend should notify the office. So that if there is a quorum, we can post notice of a public meeting.

Manicure Law exam changes: Board members will review the current exam, and bring back ideas for changes to next month's meeting.

Postcard notice: Tenalee Tangen motioned to approve the postcard proof and to send to printing. Eunice Smith seconded the motion. Motion carried unanimously.

TDLR licensing investigation: The office received a complaint of four individuals purchasing their hours from Texas; this was also reported to Texas. This situation is currently under investigation with the Texas Department of Licensing and Registration. The office was asked not to approve any licenses of these individuals until the investigation is completed. One individual is currently licensed (Dien Long) and this license will be flagged for renewal. If any of the others applies for licensure we will hold that application. Miranda Stanley moved to flag Dien Long's license for renewal and will need to be reviewed before renewal is allowed. Rebecca Wood seconded the motion. Motion carried unanimously.

Nikki Acosta: Request to allow school age children in the salon due to hybrid learning this school year. Sandy stated N.D.A.C. 32-02-01-14, and that the board does not have the ability to waive this law. Miranda Stanley suggested sharing this information on the website. Sandy said to quote the law and that this is the law that the board has to follow and does not have the authority to waive this law. It will also be posted on the Facebook page. Suggestions of mailing or emailing a notice for salon owner to post to share this information were made. Sandy suggested mailing/emailing it as an optional thing for any owners to post, as we cannot mandate it. The office will send a response to Nikki. Tenalee Tangen moved to send a letter to Nikki and an email with an attachment to the law to salon owners. Rebecca Wood seconded the motion. Motion carried unanimously.

NIC annual conference: The conference will be virtual this year October 3-5, 2020. Maureen, Tenalee and Rebecca are all interested in attending. This would not need to be posted as a meeting, due to an exception for association meetings and training. As long as they are not going into a chat and discussing personal items of the Board, this is ok. Eunice Smith moved to approve paying registration fees for them to attend. Miranda Stanley seconded the motion.

NIC updated procedure examiner notice was shared.

Continuing Education: The board is not required to host the training. Although 43-11-28(2) requires the board to sponsor educational programs – it does not mandate how much or to what extent. Instead, NDCC 43-11-27(3) requires evidence of completion of continuing education established by the board by rule and NDAC 32-05-01-03 requires instructors to attend 8 hours of “board approved continuing education annually” and before the seminar shall apply in writing to the board for approval of the seminar. So although the board should offer some sort of training every year to comply with 43-11-28 – the law does not mandate that the board offer the full 8 hours of continuing education for instructors. Instead, the board can approve other continuing education that an instructor applies for approval. The board decided not to host any training this year. Magen Buchholz presented a list of courses to be pre approved by the board for continuing education. Tenalee Tangen moved to approve the document. Eunice Smith seconded the motion. Motion carried unanimously.

Occupational Licensing listening sessions. Sandy explained some of the topics for discussion, and input from the board. Maureen Wanner said she would attend one of the sessions. For Maureen to address any concerns or make a statement on behalf of the board, each topic was discussed. Board stance on each topic:

- **Justice Involved:** There is a possibility that in the future a law could be passed that would allow an individual to petition the board for a pre-approval to enroll in school. The board is ok with this if it does not impede their ability to consider charges that happen between the pre-approval and licensure. The board does not want this to restrict or prevent them to act upon subsequent charges.
- **Veterans and military spouses:** The board agrees to include military as well as military spouses.
- **Graphic mobility:** One concern is if an individual is coming from a state with very low requirements or no licensure. The board would like to require ND law examination. The board has done a lot already to accommodate licensees from other states and have not had issue with licensing through reciprocity.
- **Process:** The board is in support for training. Note that the office is very quick to process completed forms/applications and has received compliments from other jurisdictions. Voice concern that there may not be the needed expertise in a general office.

Credit card for office use: Magen and Sue were wondering if it was ok to get a credit card or debit card to simplify some payments. It was suggested to get a debit card to avoid fees but to allow for digital payments.

Executive Director position discussion: The board will review and discuss at the next meeting.

Financial Statement: Miranda Stanley made a motion to approve the June and July 2020 financial statements. Eunice Smith seconded the motion. Motion carried unanimously.

Approved licenses: Tenalee Tangen made a motion to ratify the approval of the licenses. Rebecca Wood seconded the motion. Motion carried unanimously.

Old Business: Bulk-emailing software/membership was discussed, and Sandy mentioned a few options on how to accomplish this. It was suggested to reach out to ITD and see if they could design something for our specific use, or utilize the current ND contractor and discuss a more appropriate format for our office. Magen will research this more and bring back to the next meeting.

Tenalee mentioned that she has begun the Clear Learning training.

Miranda shared that she reached out to Dr. Rick Becker and he is willing to sponsor any bills for the board. He said that November is a good time to have things prepared.

Future meetings will be held at the office, but will still have a GoTo invite for anyone unable to physically attend.

No New Business

No further discussion.

The next regular meeting is scheduled on September 21, 2020 at 10:00 am.

No other business. Tenalee Tangen made a motion to adjourn the meeting. Eunice Smith seconded the motion. Motion carried unanimously. Maureen Wanner adjourned the meeting at 12:09 pm.

Minutes submitted by Magen Buchholz