



# NORTH DAKOTA STATE BOARD OF COSMETOLOGY

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

## NORTH DAKOTA STATE BOARD OF COSMETOLOGY January 21, 2020 Minutes

A regular meeting was held at the board office, 4719 Shelburne St., Suite 1, Bismarck, ND. President, Maureen Wanner called the meeting to order at 10:00 a.m.

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

**Absent:** Miranda Stanley

**Guest:** Attorney, Allyson Hicks.

First agenda item for discussion is Item #11.

**Savanna Luger:** Sandy DePountis recused herself from the discussion because she received services from Savanna Luger. Ms. Luger is a licensed esthetician working at Pure Skin Aesthetic & Laser Center. The Board received information that Ms. Luger is providing services outside the scope of her esthetician license by providing laser hair removal and other laser treatments. Savanna explained that there was a typographical error in her biography, listed on the Pure Skin's website, and that she does not provide laser hair removal. Attorney, Allyson Hicks suggested asking for more information and send a follow up letter to Savanna Luger with any questions the Board may still have. After discussion, Magen Buchholz motioned to have Sue Meier send a follow up letter to Savanna Luger requesting further information. Eunice Smith seconded the motion. Roll call vote taken and motion carried unanimously.

**Minutes:** Eunice Smith moved, seconded by Tenalee Tangen to approve the November 18, 2019, Board minutes. Roll call vote: Buchholz, yes; Tangen, yes; Smith, yes; Wanner, yes.  
Motion Carried.

**Exam incident:** Magen Buchholz motioned to go into executive session. Eunice Smith seconded the motion. Roll call vote taken and motion carried.

The Board went into executive session to discuss the exam incident and implementation for attorney consultation pursuant to NDCC 44-04-19. 1(2) at 10:30 a.m. and was attended by Maureen Wanner, Magen Buchholz, Eunice Smith, Tenalee Tangen, Sue Meier, and Sandy DePountis.

Magen Buchholz motioned to close the executive session. Seconded by Eunice Smith. Motion carried unanimously. The Board ended the session and reconvened the meeting at 10:47 a.m.

The Board will draft a policy that addresses candidates for cheating incidents.

**Adam Turpin and Chalsie Emil:** Conducting a booth without a booth license. Tenalee Tangen explained that during the new inspection, the space indicated that services have been provided because of sanitation violations. Adam Turpin was not present. They were moving into a new salon that was not licensed yet. They explained that they moved all their supplies directly into the new space without cleaning anything. No one was practicing at the time of inspection. After discussion, Magen Buchholz motioned to conduct a new inspection and request the owners be present and upon satisfactory proof of

passing to grant their booth license. Eunice Smith seconded the motion. Roll call vote: Smith, yes; Buchholz, yes; Maureen Wanner, yes. Motion Carried. Tenalee Tangen recused herself because she conducted the inspections.

**Star Nails and Spa, Bismarck:** The Board took disciplinary action against Star Nails and Spa for sanitation violations and offered a settlement agreement of a fine and one year probation. Owner, Binh Hoang, asked the Board to reconsider the probation. He feels the penalty is too harsh for a new owner. The Board did a follow up inspection on January 13, 2020 and several sanitation violations were found. Based on the last inspection, Magen Buchholz motioned to authorized Sandy DePountis to amend the settlement agreement to require the salon to shut down for a day and all licensees attend a sanitation class given by Tenalee Tangen and the Minot inspector. Eunice Smith seconded the motion. Roll call vote: Smith, yes; Buchholz, yes; Wanner, yes. Tenalee recused herself because she conducted the inspection.

**Amy Lanning's** manicure license expired on December 31, 2017. She is requesting the Board to allow her to renew her license without having to retest. Under law, if a license is not renewed within one year, the applicant must take and pass the examination that is required of new applicants. Amy has taken and passed the NIC written and state practical in 2000. Since she has already taken the exams, Magen Buchholz motioned for reinstatement, Amy Lanning will have to take the ND Laws & Rules test and pay the renewal and penalty fees. Tenalee Tangen seconded the motion. Motion carried unanimously.

**Annette Cannon:** During the December 23, 2019 inspection of AC Hair Designs, the inspector found several sanitation violations and Ms. Cannon did not have 2019 licenses posted. According to the office, Annette Cannon's licenses expired December 31, 2018. After discussion, Magen Buchholz made a motion to authorized Sandy DePountis to send a letter to the owner of the salon to address the issues before considering disciplinary action against the salon license. Request a follow up letter to the Board within a month. Tenalee seconded the motion. Roll call vote taken and motion carried unanimously.

**Holly Austreim** submitted her letter of resignation as inspector in the Williston area. Eunice Smith motioned to approve an ad in the Williston paper for the inspector's position, if needed. Tenalee Tangen seconded the motion. Motion carried unanimously.

**Megan Thiel, The Hair Bungalow, New Salem:** During the April 2, 2019 inspection of The Hair Bungalow, the inspector found several sanitation violations. Since the inspection, the inspector made several attempts to re-inspect but the salon was not open. Several attempts were also made by phone and letters. Megan Thiel did not renew her master or salon license for 2020. According to rule, salon owner must be open for inspection during business hours or inform the Board with its schedule of days opened. After discussion, a motion was made by Tenalee Tangen to proceed with disciplinary action against Megan Thiel and authorized Sandy DePountis to offer a Settlement agreement with a fine of \$500, one year probation, and pass inspection before allowing her to renew the salon license.

**S&P Nails, Minot:** The Board office received a complaint of a client contracting an infection after a visit to the salon. As the Board cannot confirm that the infection was contracted during the manicuring services, this complaint will be forwarded to the Department of Health. S&P Nails is on probation until 12/10/2020. Magen Buchholz made a motion to have the salon close for one day in order to have all employees to attend a one day sanitation class, within 30 days, according to Tenalee's schedule, as she will be providing the class, for violating terms of settlement agreement for sanitation issues. Include the Minot inspector as well. Tenalee Tangen seconded the motion. Motion carried unanimously.

**Shree Beauty:** Daxaben Chaudhei, a licensed esthetician, had been performing waxing services in a mall kiosk that was not licensed as a salon, and has since stopped offering that service in that location. After

discussion Tenalee Tangen made a motion that we found grounds to seek disciplinary action for performing services outside of a licensed salon and authorize Sandy to send a settlement agreement of a \$150 fine. Magen Buchholz seconded the motion. Motion carried unanimously.

**Plasma pen:** Miranda Stanley had called the office and stated that the plasma pen, in discussion, is similar to the fibroblast procedure in that it is invasive and uses heat and energy to damage the surface to contract and tighten the skin. Therefore our licensees are not allowed to provide this service. Magen Buchholz made a motion to reply to Julie Wangendorf's email questioning the procedure. Eunice Smith seconded the motion. Motion carried unanimously.

**Assistance Animals:** The Boards law reads "assistance animals", not service animals. The ADA protects service animals not assistance animals. But as assistance animals, they can still fall under the service animal protection. We can follow ADA requirement that the animal must be under the owners control at all times. The inspector may request this of the owner, and note any concern in their report and then present it to the Board for any further discussion or discipline. Magen Buchholz made a motion to authorize Sandy to draft a letter regarding assistant animals in the salon space and send it to salon owners and inspectors. Eunice Smith seconded the motion. Motion carried unanimously.

**Inspector Training Manual:** Everyone would like more time to review the example document from KY. Will table discussion until next meeting.  
Maureen suggested having Tenalee train new inspectors.

**Nov. & Dec. Financial statement:** Under law, we cannot charge fee for law books or processing fees. NDCC 43-11-28 will need to change in order for us to collect the full amount of renewal fees from individuals renewing online. We also need to change student instructor enrollment fee to student. Eunice Smith made a motion to approve the financial statements from Nov. and Dec. 2019. Magen Buchholz seconded the motion. Motion carried unanimously.

**Approved licenses:** Magen Buchholz made a motion to ratify the approval of the licenses. Eunice seconded the motion. Motion carried unanimously.

**New Business:** Prairie Pointe salon is licensed and was when Nicole Becknell was operating out of the salon. She was not required to hold a booth license for the space since it was licensed as a salon already. The office will process her Booth license application.

**Old Business:** Discussion on if we should have a certification class for inspectors to complete. Magen thought it would be more important to do our own certification/training specific to ND rules and laws. And to provide more training from our Board. We will table the discussion until everyone can review the inspector manual example.

Magen will draft a poster based on Tenalees document for a more simple to follow sanitation poster, and will be considered at our next meeting.

Magen will get three quotes for two ceiling fans in the office classroom, and present at the next meeting.

Eunice Smith made a motion to publish the ND State Board of Cosmetology Facebook page. Tenalee Tangen seconded the motion. Motion carried unanimously.

Magen will post a link to the newsletter on the Facebook page, as well as post it on the website.

No further discussion.

Eunice Smith motioned to adjourn the meeting. Magen Buchholz seconded the motion. Motion carried unanimously.

The next regular Board meeting is scheduled for February 18, 2020, at 10 am.

No other business. It was moved by Eunice Smith and seconded by Magen Buchholz to adjourn.

Maureen Wanner adjourned the meeting at 12:15 pm.

Minutes submitted by Magen Buchholz

A large, stylized handwritten signature in black ink, likely belonging to Magen Buchholz, is written over the text "Minutes submitted by Magen Buchholz". The signature is fluid and cursive, with a long horizontal stroke extending to the right.

## **NORTH DAKOTA STATE BOARD OF COSMETOLOGY**

### **February 18, 2020 Minutes**

A regular meeting was held at the board office, 4719 Shelburne St., Suite 1, Bismarck, ND. President, Maureen Wanner called the meeting to order at 10:00 a.m.

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

**Absent:** Miranda Stanley

**Guests:** Binh Hoang. Attorney; Allyson Hicks via phone.

**Binh Hoang:** Attended the meeting to explain use of nail clippers that they are not used on clients but they are used to clip nail glue. He showed nail drills that may appear unclean but explained that they are just difficult to get looking new. He also explained the difficulty in removing all nail dust, which it settles throughout the day. Asked to reduce or remove probation from settlement agreement. The Board discussed and decided that the probation would help to continue to educate the staff. Magen Buchholz made a motion to amend the settlement agreement to include that they are allowed to address the Board on any violations found during this period. Eunice Smith seconded the motion. Motion carried unanimously.

**Savanna Luger:** Sandra DePountis recused herself from this matter and Allyson Hicks stepped in as legal counsel for the Board. Savanna indicated in her response that there was a misprint on her bio by the website designer. Her bio still indicated that she is certified to perform laser services. Allyson indicated that the Board may initiate a complaint under NDCC 43-11-31 5 and 7. Magen Buchholz motions that in leu of proceeding with a formal disciplinary complaint, the Board offer Savanna Luger a conditional dismissal to remove any reference of laser or providing laser services with her esthetician license from their website as to not misinform the public. Tenalee Tangen seconded the motion. Motion carried unanimously.

**Minutes:** Tenalee motioned to approve the amended minutes from the 12-16-2019 special meeting, Eunice Smith seconded the motion. Motion carried unanimously.  
Eunice Smith motioned to approve the 1-21-2020 meeting minutes, Tenalee Tangen seconded the motion. Motion carried unanimously.

**Megan Theil:** Discussion that she is not currently licensed, nor is her salon so the Board has no jurisdiction over this matter. Magen Buchholz motioned that her file be flagged and renewal will not be allowed. If she desires to renew in the future, it will be brought to the Boards attention before approval. Eunice Smith seconded the motion. Motion carried unanimously.

**Rebecca Wood:** Discussion to re inspect the salon. Sandy will send a letter to Ms. Wood. Tenalee Tangen motioned to table discussion until the next meeting when we have the result of the re inspection. Eunice Smith seconded the motion. Motion carried unanimously.

**Quotes for new PCs for office:** Sue provided three quotes for new office computers and set up. Computer one provides off site back up for the office. Tenalee Tangen motioned to accept the proposal from Computer One. Eunice Smith seconded the motion. Motion carried unanimously.

**Complaint policy:** Discussion on how to handle anonymous complaints. It was noted that the Board may take an anonymous complaint and determine if there is a reason to file a Board initiated complaint.

**Hiring additional Examiners:** Discussion on possibly hiring additional examiners that are not Board members on a needed basis. Magen Buchholz motioned to approve Jay Sease as an examiner if he completes the NIC training in November. Eunice Smith seconded the motion. Motion carried unanimously.

**New:** Sandy explained that during the Governors State of the Union address, Gov. Bergum briefly spoke about expanding reciprocity. Tenalee Tangen motioned to write a letter to the appropriate offices to request keeping the Board of Cosmetology informed and that the Board would like to provide input on this topic. Eunice Smith seconded the motion. Motion carried unanimously.

**Jan. Financial statement:** Eunice Smith made a motion to approve the financial statements from Jan.2020. Tenalee Tangen seconded the motion. Motion carried unanimously.

**Approved licenses:** Magen Buchholz made a motion to ratify the approval of the licenses. Eunice seconded the motion. Motion carried unanimously.

**Plasma Pen:** Discussion on how to handle inquiries about this procedure. Sandy said that since it is not within our licensees' scope of practice, they may contact a private attorney for advice.

**Legislation meeting:** There will be a meeting to discuss upcoming legislation on March 23<sup>rd</sup> at 9am. Notify Miranda Stanley.

**Approval or trainings/seminars for Board members:** Magen Buchholz motioned to approve Tenalee to take the online APIC training. Eunice Smith seconded the motion. Motion carried unanimously. Tenalee will check cost of membership and bring to the next meeting.

Tenalee Tangen motioned to approve Magen to attend the PSI seminar in Chicago in April. Eunice Smith seconded the motion. Motion carried unanimously.

**Inspector training manual:** Discussion to continue reviewing and present at the next meeting.

**Inspector meeting:** Discussion and decision to schedule inspector meetings/trainings for May 11<sup>th</sup> and October 12<sup>th</sup>, 2020. Magen will send an email to inform all inspectors.

**Instructor continuing education seminar 2020:** Discussion on planning the 2020 seminar. The board will provide a full 8-hour day of training, including a working lunch. Maureen will contact BSC or NDSU for presenters. Tenalee will provide discussion on disinfection. Possibly hold in Fargo on Sat May 16<sup>th</sup> from 9-5pm. Will gather information for the next meeting.

#### **Old Business:**

**Sanitation poster:** The Board cannot mandate that salons have to post it. Magen will get a quote for printing and will discuss at next meeting.

#### **New Business:**

The office interviewed three candidates for the open inspector position in Williston. Terri Bachmeier was decided to be the best candidate. Tenalee Tangen motioned to approve Terri Bachmeier to be hired as an inspector. Eunice Smith seconded the motion. Motion carried unanimously.

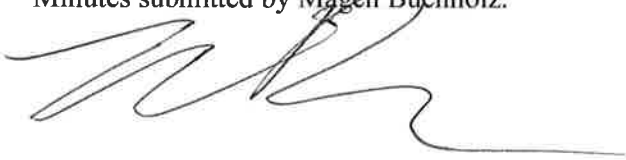
Magen mentioned that NIC examiner training had been scheduled for November 8-10, 2020. The school overview will be held Sunday November 8<sup>th</sup>.

Tenalee voiced concern with Superior Image Salon. The owners are in Arizona for 4 months and are not available to unlock space for inspections. Also, that there are venting concerns and the vents are always closed. Magen Buchholz motioned to send a letter for a response. Tenalee Tangen seconded the motion. Motion carried unanimously.

The next regular Board meeting is scheduled for March 16, 2020, at 10 am.

No other business. It was moved by Eunice Smith and seconded by Tenalee Tangen to adjourn. Maureen Wanner adjourned the meeting at 11:55am.

Minutes submitted by Magen Buchholz.

A handwritten signature in dark ink, appearing to be 'MB', with a long horizontal flourish extending to the right.



# NORTH DAKOTA STATE BOARD OF COSMETOLOGY

4710 SHELburne ST., SUITE 1  
BISMARCK, ND 58503  
March 16, 2020 MINUTES  
TELEPHONE (701) 224-9800

The meeting was held at the board office. Maureen Wanner called the meeting to order at 10:00 am.

**Present:** Maureen Wanner, Magen Buchholz, Tenalee Tangen, Miranda Stanley, Eunice Smith, Sue Meier, and Attorney Sandra Depountis, **Guest:** Attorney; Allyson Hicks via phone

**Minutes:** Eunice Smith moved, seconded by Tenalee Tangen to approve the minutes of the February 18, 2019 meeting. Motion carried unanimously.

**Savanna Luger:** Sandra DePountis recused herself from this matter and Allyson Hicks stepped in as legal counsel for the Board. Savannah's attorney proposed some changes to the conditional dismissal she received from the board. The board discussed and decided to propose the changes be that point D remain the same as originally stated, and that on page two it shall state that "she cannot perform invasive skin care services under her esthetician license". Magen Buchholz made a motion to make these changes to the document. Miranda Stanley seconded the motion. Motion carried unanimously.

**Allyce Halverson complaint:** After reviewing the complaint against the Hair Academy, it was determined that there was not enough evidence that the reaction was caused by chemical burns. There was no doctor report. The board decided to send a letter to the school addressing the matter and emphasizing the importance to take proper precautions and prevent any chemical from ever touching the face of a client. Tenalee Tangen made a motion not to take disciplinary action against the Hair Academy at this time. Also to send a letter to Allyce thanking her for bringing this to the boards attention and state that we will be addressing her concerns with the school and if she would like to pursue this further, she may seek advice of a private attorney. Magen Buchholz seconded the motion. Motion carried unanimously.

**Heaven Nail Spa:** The salon is currently on probation for sanitation violations. There was continuing sanitation violations during a re inspection on 3-11-20. Miranda Stanley made a motion to take disciplinary action against Heaven Nail Spa, and to authorize Sandra to offer a settlement agreement of closing for one day to have the entire staff attend a cleaning and disinfecting class, and a fine of \$500. The class must be set up by April 15, 2020. Magen Buchholz seconded the motion, Motion carried unanimously.

**Brent and Shelly Shlafmann:** They requested to be inspected during the months that they are in ND. If they are not available for inspection continuing forward, and if they do not utilize their ventilation system, the Board may consider disciplinary action. Miranda Stanley made a motion to have Sandra send a letter outlining their responsibilities under the law. Magen Buchholz seconded the motion. Tenalee Tangen recused herself from the vote. Motion carried unanimously.

**Jessica Schaff:** There has still not been a signed settlement agreement received by the salon. She is currently licensed. Magen Buchholz made a motion to send a letter allowing her to settle by April 1, 2020 or the Board will move forward with formal disciplinary action. Eunice Smith seconded the motion. Tenalee Tangen recused herself from the vote. Motion carried unanimously.

**Garrett Kittelson:** His license expired in 2018. We now treat him as an initial applicant. Under ND law he must take the ND law exam and pay the original license fee of \$15.



**ND ARMA seminar:** Tenalee Tangen made a motion to approve Magen and Sue to attend the seminar. Miranda Stanley seconded the motion. Motion carried unanimously.

**Hotel/meeting room contracts for May 16<sup>th</sup> 2020:** Tenalee Tangen made a motion to accept the contract with the Holiday Inn in Fargo. Eunice Smith seconded the motion. Motion carried unanimously.

**Information on presenters for May 16<sup>th</sup> Inspector seminar:** Discussed topics that would be beneficial to have presented on. Bullying, motivation and self-health were among some discussed. Miranda also mentioned finding someone to speak on ergonomics.

**Workforce Development meetings:** Shared the dates on which the council has scheduled meetings regarding occupational licensing. March 25 (all 1:30-4:30), April 29, May 27<sup>th</sup>, June 24, July 29. Maureen will attend the March 25<sup>th</sup> meeting.

**Rules of cleaning and disinfecting poster:** Tenalee Tangen made a motion to approve the poster to be printed at the price of \$189 for 2000 posters. Miranda Stanley seconded the motion. Motion carried unanimously.

**Financial Statement:** Magen Buchholz made a motion to approve the February 2020 financial statement. Eunice Smith seconded the motion. Motion carried unanimously.

**Approved licenses:** Eunice Smith made a motion to ratify the approval of the licenses. Miranda Stanley seconded the motion. Motion carried unanimously.

#### **Old Business:**

Cloud 9 Salon follow-up inspection. Passed and noted that Annette Cannon is no longer at that salon.

Tenalee was previously approved to attend training for inspectors. This training has since been discovered to only be for nurses or infection preventionists. She found a new training called Clear Learning. We will look into costs, and membership options. Miranda Stanley made a motion to approve Tenalee to attend the training on April 20 in Austin, TX. Eunice Smith seconded the motion. Motion carried unanimously.

Miranda inquired about Boards stance on Fibroblast. Our licensees cannot provide this service under their licenses. Will discuss further at legislation meetings in the future.

#### **New Business:**

Letter from Jill Krahn at TSPA. She would like the Boards approval for distance education during the CODIV-19 outbreak. Sandra advised The North Dakota State Board of Cosmetology does not have the legal authority to waive any requirements of education under its authority set forth in North Dakota Century Code chapter 43-11 or North Dakota Administrative Code Article 32. The Board also does not have the authority to issue advisory letters so please contact private legal counsel for further advice on how school can proceed within the confines of the law.

Tenalee suggested holding off on all annual inspections due to the COVID-19 outbreak. We will stop inspections until we have been able to assess the situation in the future, or at our next meeting. Any new inspections that are scheduled at this time will be conducted.

The Board will utilize our website and Facebook page to issue a statement reminding our licensees to be prudent in cleaning and disinfecting at this time. Also referencing things that the Governor has addressed as well as the CDC.

The next special meeting will be held on Monday March 23, 2020 at 9am, at our office or via videoconference.

No further discussion.

The next regular meeting is scheduled on April 20, 2020 at 10:00 am.

No other business. Magen Buchholz made a motion to adjourn the meeting. Eunice Smith seconded the motion. Motion carried unanimously. Maureen Wanner adjourned the meeting at 11:50 am.

Minutes submitted by Magen Buchholz

A handwritten signature in black ink, appearing to be 'Magen Buchholz', written over the printed name.



# NORTH DAKOTA STATE BOARD OF COSMETOLOGY

4719 SHELBURNE ST. SUITE 1  
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## NORTH DAKOTA STATE BOARD OF COSMETOLOGY March 23, 2020 Minutes

A special meeting was held via GoToMeeting. President, Maureen Wanner called the meeting to order at 9:00 a.m.

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

**School hours:** After discussion, it was determined that online cosmetology instruction is allowable for theory curriculum, but clinic hours must be completed in a school and under the direct supervision of a licensed instructor. It will be up to the Schools to determine how they will operate during this time within the parameters of the law. Where the law is silent on the practical administration of the curriculum, the school should consider whether to provide instruction via remote means. For example, N.D.A.C. 32-04-01-22 requires that clinical services provided by a student must be provided on the premises of the school, under the immediate direction and supervision of a licensed instructor. While on a school premises, instructors must be present and supervise all student work and activities under N.D.A.C. 32-04-01-21. Questions regarding the changes to school operation and the administration of curriculum should be discussed and approved by the appropriate accrediting agency.

**Salon closures:** The Board determined that it is within Governor Burgum's power to make the final recommendation to close all salons or to allow them to remain open, but that we will support his decision for closure if he so chooses to. The steps the Board has already taken to ensure the safety of our staff and public is to cancel all exams for the month of April. This includes proctored computer/written licensure exams as well as in person practical licensing exams. We have also halted annual inspections of salons at this time.

Miranda Stanley made a motion to approve the public statements from the Board. Magen Buchholz seconded the motion. Motion carried unanimously.

The Board decided to postpone their Instructor licensee seminar that was to be held on May 16, 2020.

Tenalee Tangen made a motion to approve the purchase of a GoToMeeting subscription in order to proceed with video conferencing in the future. Miranda Stanley seconded the motion. Motion carried unanimously.

The next special Board meeting is scheduled for April 6, 2020, at 9 am via GoToMeeting.  
No other business. It was moved by Miranda Stanley and seconded by Magen Buchholz to adjourn.  
Maureen Wanner adjourned the meeting at 9:50am.  
Minutes submitted by Magen Buchholz.

The North Dakota State Board of Cosmetology will be holding a Virtual meeting on Monday, April 6, 2020 at 9am to discuss coronavirus updates.



# NORTH DAKOTA STATE BOARD OF COSMETOLOGY

4719 SHELBURNE ST. SUITE 1  
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## NORTH DAKOTA STATE BOARD OF COSMETOLOGY April 6, 2020 Minutes

A special meeting was held via GoToMeeting, President, Maureen Wanner called the meeting to order at 9:00 am.

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

Discussion of holding a meeting with salon owners to give guidance on returning to work. It was decided that we would provide some additional resources for reference, simply as recommendations. Salons and operators should return to work and follow all Laws, Rules and Regulations as set forth by our Board. Further recommendations will be added to our Facebook page and website.

Discussion of providing color product for clients. The Board is not authorized to provide legal advice on how licensees run their business. It is going to be recommended that individuals look at the current Executive Order, and either contact the Governors office or seek private legal counsel to determine if they are within the parameters of the Order.

No further discussion. Meeting adjourned at 9:30am.

Minutes submitted by Magen Buchholz

**NORTH DAKOTA STATE BOARD OF COSMETOLOGY**  
**April 20, 2020 MINUTES**

The meeting was held via GoToMeeting. Maureen Wanner called the meeting to order at 10:00 am.

**Present:** Via GoToMeeting; Maureen Wanner, Magen Buchholz, Tenalee Tangen, Miranda Stanley, Sue Meier, and Attorney Sandra Depountis. Eunice Smith present via phone.

**Minutes:** Tenalee Tangen moved to approve the March 16<sup>th</sup> regular meeting minutes, and March 23<sup>rd</sup> and April 6<sup>th</sup> special meeting minutes. Miranda Stanley seconded to approve the minutes. Motion carried unanimously.

**Josef's School of Hair, Skin, and Body complaint and response:** Students in the esthetic program submitted a complaint, that they were being docked time for being minutes late and that their lessons were being conducted in the hallway or on the clinic floor. There is nothing in our rules that state lessons must be taught in an enclosed classroom. This complaint was not signed. We will send a letter explaining that we cannot accept the complaint without signatures. There was an inspection done of the school, and there were some sanitation concerns. Miranda Stanley made a motion not to take action at this time, but to have a follow up inspection done of the school. Eunice Smith seconded the motion. Motion carried unanimously.

**Mandan Nails, change of ownership while on probation:** The salon will be approved for their ownership change as long as they pass their inspection. No action taken.

**Jessica Schaff, request to make payments:** Tenalee Tangen made a motion to authorize Sandy to amend the previously signed settlement agreement to allow Jessica until August 1, 2020 to pay off her fine of \$500. Magen Buchholz seconded the motion. Motion carried unanimously.

**Financial Statement:** Magen Buchholz made a motion to approve the March 2020 financial statement. Eunice Smith seconded the motion. Motion carried unanimously.

**Approved licenses:** Miranda Stanley made a motion to ratify the approval of the licenses. Tenalee Tangen seconded the motion. Motion carried unanimously.

**COVID -19 updates:** Josef's Schools began distance learning on 4-8-2020. We will have inspectors be in touch with any new salon inspections to be done, and tentatively put them on their schedules so they can be inspected and allowed to open for the hopeful May 1st reopening date. Magen Buchholz will be attending ND Smart Restart meetings to give input along with other industry professionals. She will be voicing her own ideas, not on behalf of the Board. These meetings are being organized and lead by Katie Ralston. The Board will reimburse inspectors for gloves, masks and hand sanitizer if they choose to purchase it for future inspections. It was suggested to try and do annual inspections of chair salons before reopening on May 1<sup>st</sup>, or whenever ND is allowed to reopen.

**May Exams:** We will cancel the May 4<sup>th</sup> cosmetology practical exam, and will keep the May 18<sup>th</sup> exam until we have further notice on a reopening date for ND.

**Old Business:** We will still hold an Inspector meeting, but possibly via GoToMeeting. This will be to discuss the reopening plan and the inspection process moving forward. Magen

Buchholz will email all inspectors to notify them of this and that the date will be determined once we know when salons will be allowed to reopen. The Instructor seminar has been postponed until further notice. We may consider offering Cosmetology practical exams in Fargo and/or Grand Forks once we begin examining again, to help students catch up with testing and not to incur any further costs. Maureen Wanner mentioned discussion of Tenalee Tangen becoming "Head Inspector". More information is needed on what this position would mean. This is put on hold for further discussion. The new cleaning and disinfecting posters will not be mailed out, just handed out at annual inspections. Magen Buchholz will also post the document on the website for individuals to print on their own.

Discussion on reinstating licenses: If someone lets their license lapse, and does not renew within one year, they must pay the original license fee and take whatever exams they have not taken, or that have been updated since they first were licensed. This usually is just the law exam because it updates often.

**New Business:** Discussion on reaching out to the Department of Health to team up on infection control videos. Also to possibly educate consumers on things to look for in hair salons, nail salons, and during makeup services. Magen Buchholz will send emails to connect.

Maureen and Tenalee did a call meeting with a few salon owners. As discussed, we will not mail new cleaning and disinfection posters to salons. Individuals can get it from the website, or wait to get one during their annual inspection. Maureen Wanner mentioned that some salon owners would like us to consider dropping school hours to 1600 or 1500. Some people wish we would live stream our meetings, we open them to the public and post the information and/or link to any virtual meetings on our website. These salon owners also gave their opinions on how to reopen salons.

**Legislation discussion:** Started with N.D.C.C. 43-11-01 Definitions.

- "Booth space"- we need to clarify what this means, so that we have clarity on who is responsible during inspections. It needs to be clear that a salon owner is responsible for any communal space. Tenalee will research other states to see if they have a good definition for booth space. May rename to "independent contractor"
- "Cosmetology"- discussion over adding wigs and hairpieces into this definition. Decided to leave it out, since there are individuals that may sell a clip in hairpiece like Claire's and wigs at merle Norman. Also that these things can be worked on independent of an individual actually wearing it, and it expands out scope of practice. We will not add in "styling that is current at that time", we were advised to leave that out because the law needs to be whatever is current when the law is passed, it cannot change as time goes on with verbage like that. Discussion on adding in language "shaving and trimming of facial hair". Take specific language of "the use of chemical hair joining agents, such as synthetic tape, keratin bonds, or fusion bonds." And add into definition of cosmetology. We want a very clear definition of cosmetology services.
- Discussion on defining Esthetician as basic esthetics and what Invasive care is. Defining skin care separately from esthetician.
- Adding fibro blasting, need a clear definition.

- Discussion of taking esthetics out of cosmetology, and simply allowing basic skin care. This will keep being worked on, how to separate. What would we allow est. to do over just basic skin care? Magen will be getting information from schools to see what the esthetic and cosmo courses entail specifically related to this issue.
- Discussion on clarifying "homebound", leave definition here but change/clarify 43-11-13.2
- Define makeup artist more clearly. Look at other states.
- Specify details on manicuring definition.
- Define micro blading
- Define micro needling
- Add definition of permanent makeup
- Add esthetics and manicuring to school of cosmetology definition
- Add waxing and tweezing to skin care definition
- Add esthetics and manicuring to student and student instructor definitions

No further discussion.

The next special meeting will be held on Monday April 27, 2020 at 10am, via videoconference. This meeting will hold further COVID-19 updates and legislation discussion.

The next regular meeting is scheduled on May 18, 2020 at 10:00 am.

Magen Buchholz made a motion to adjourn the meeting. Tenalee Tangen seconded the motion. Motion carried unanimously. Maureen Wanner adjourned the meeting at 3:15pm

Minutes submitted by Magen Buchholz





**NORTH DAKOTA STATE BOARD OF COSMETOLOGY**  
**April 27, 2020 MINUTES**

The special meeting to discuss COVID-19 updates and legislative review was held via GoToMeeting. Maureen Wanner called the meeting to order at 10:00 am.

**Present:** Via GoToMeeting; Maureen Wanner, Magen Buchholz, Tenalee Tangen, Miranda Stanley, Sue Meier, and Attorney Sandra Depountis. **Absent:** Eunice Smith.

Magen Buchholz shared guidelines to protect the safety of the public. The committee will provide a letter/document in regards to any new guidelines.

**Legislative review:**

- Define Invasive care instead of defining every procedure. See SD definition, and AZ laws for ideas. Miranda will contact Dr. Becker for discussion.
- See CA definition of booth renter/ independent contractor. Define booth space in law and clarify in rules. Salon owners are responsible for common area and any shared space used by a renter.
- Make up artists/ makeup brushes: Tenalee will check with CA and Leslie Roste for additional information.
- 43-11-02: #8-add "provided by a licensed esthetician or cosmetologist"?
  - #6- consider with a makeup law
  - #7- concern with infection control with a volunteer providing services. Keep
- 43-11-03 no changes
- 43-11-04 no changes
- 43-11-05 no changes, discussion to create a policy and procedure manual
- 43-11-11 anytime someone practicing outside of a licensed salon the board may adopt rules.
- 43-11-11.1 change sanitized to disinfected, hair setting is two words
- 43-11-13 change skincare to esthetician
- 43-11-13.1 pictures on licensed, renewal every two years, consider more at a later discussion
- 43-11-13.2 homebound license- remove because of NDCC 43-11-11 practicing outside of salon.
- 43-11-14 licenses must be displayed conspicuously to the public where services are being provided.
- 43-11-15 remove operated and keep supervised by, add: the board shall determine the qualification for licensure and license fees for a salon or booth license. Consider including booth space.
- 43-11-16 add online instruction to rule
- 43-11-16.7 add the student must be under the immediate direction and supervision of a licensed instructor.
- 43-11-17 include booth license to law change to biannual license
- 43-11-17.1 add "shall, after inspection and approval"
- 43-11-18 change person to individual

- 43-11-19 add manicuring and esthetics to #1
- 43-11-20 remove NDCC 43-11-20
- 43-11-20.3 change person to student
- To all laws: change persons to individuals
- 43-11-21 add "a photograph taken by a facility approved by the board"
- 43-11-24 remove requiring students to complete extra hours before applying for a 2nd re examination
- 43-11-25 add international application
- 43-11-26 add under the direction and control of a master cosmetologist. Addressing master esthetician and master manicurist in the rules
- 43-11-27 include instructor of manicuring and esthetician- instruct within their scope of practice of license. A. Remove last sentence videotapes.

No further discussion.

Maureen Wanner adjourned the meeting at 3pm

Minutes submitted by Magen Buchholz

A handwritten signature in black ink, appearing to read 'MB', with a long horizontal flourish extending to the right.

**NORTH DAKOTA STATE BOARD OF COSMETOLOGY**  
**April 29, 2020 MINUTES**

The special meeting was held via GoToMeeting. Maureen Wanner called the meeting to order at 11:00 am.

**Present:** Via GoToMeeting; Maureen Wanner, Magen Buchholz, Tenalee Tangen, Miranda Stanley, Sue Meier, and Attorney Sandra Depountis. Eunice Smith present via phone.

**ND Smart Restart:** Governor Burgum issued guidelines for reopening. Magen drafted a statement from the Board. The board reviewed the statement. Magen Buchholz made a motion to approve the statement. Eunice Smith seconded the motion. Motion carried unanimously

**Radio show request:** Magen was contacted by a radio station to see if any board member would like to be interviewed for her radio show, regarding the reopening of salons. Maureen will do the interview.

**Inspectors:** A meeting/training will be held on May 11, 2020 to discuss conducting inspections during COVID-19, and any new information. Magen and Tenalee will put together an agenda. Annual inspections could resume after May 11<sup>th</sup>, after board approves.

Angie will do new inspection in Jamestown.

**Settlement agreements:** Two salons are still required to complete a cleaning and disinfection class. The board addressed, and they should be completed as soon as possible.

Sandy DePountis reminded the board that any information provided must stay within the scope of our law.

No further discussion.

Eunice Smith made a motion to adjourn the meeting. Miranda Stanley seconded the motion. Motion passed unanimously. Maureen Wanner adjourned the meeting at 11:20am.

Minutes submitted by Magen Buchholz

A handwritten signature in dark ink, appearing to be 'MB', is written over the printed name 'Magen Buchholz'.

**NORTH DAKOTA STATE BOARD OF COSMETOLOGY**  
**April 30, 2020 MINUTES**

The special meeting was held via GoToMeeting. Maureen Wanner called the meeting to order at 10:00 am.

**Present:** Via GoToMeeting; Maureen Wanner, Magen Buchholz, Tenalee Tangen, Sue Meier, and Attorney Sandra Depountis. Eunice Smith present via phone. Absent: Miranda Stanley.

Discussion on providing reimbursement for gloves, masks and hand sanitizer to inspectors. Magen Buchholz made a motion to approve the reimbursement. Tenalee Tangen seconded the motion. Motion carried unanimously.

Governor Burgum amended executive order 2020-6.4 to enforce the ND Smart Restart standards. Industry and Industry Specific standards must be followed. The Board has no jurisdiction or authority over this order.

Tenalee Tangen made a motion to approve the updated statement from the Board. Magen Buchholz seconded the motion. Motion carried unanimously.

Sandy followed up with legal advice to the board. 1. The board does not have the authority to expand on the new requirements because they are not our laws and protocols. 2. We could be opened up to personal liability; these questions must be directed to the Governors office, Department of Health, or the Department of Commerce. 3. We can only act according to ND Century Code 43-11, and ND Administrative Code title 32.

No further discussion.

Magen Buchholz made a motion to adjourn the meeting. Tenalee Tangen seconded the motion. Motion carried unanimously.

Maureen Wanner adjourned the meeting at 10:15 am

Minutes submitted by Magen Buchholz



**NORTH DAKOTA STATE BOARD OF COSMETOLOGY**

**May 7, 2020 Special meeting minutes**

12

The special meeting to review Heaven Nails order was held via GoToMeeting. Maureen Wanner called the meeting to order at 8:30 pm.

**Present:** Via GoToMeeting; Maureen Wanner, Magen Buchholz, Tenalee Tangen, and Attorney Sandra Depountis. **Absent:** Eunice Smith and Miranda Stanley

Discussion on allowing Heaven Nails to reopen after completing a three hour sanitation class so to not cause extra hardship on the business, or completing the class and remain closed for the entire day as previously stated in their order. Magen Buchholz made a motion to authorize Sandy to amend the order to state that they must complete their sanitation class on Friday May 15<sup>th</sup> and remain closed for the entire day. Tenalee Tangen seconded the motion. Motion carried unanimously.

Maureen Wanner adjourned the meeting at 8:40 pm.

Minutes submitted by Magen Buchholz

A handwritten signature in dark ink, appearing to be 'Magen Buchholz', written over the printed name.

**NORTH DAKOTA STATE BOARD OF COSMETOLOGY**  
**May 18, 2020 MINUTES**

The meeting was held via GoToMeeting. Maureen Wanner called the meeting to order at 10:04 am.

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

**Minutes:** Miranda Stanley made a motion to approve the April 20, 2020 meeting minutes. Magen Buchholz seconded the motion. Motion carried unanimously.

Tenalee Tangen made a motion to approve the April 27, 2020, April 29, 2020, and April 30, 2020 special meeting minutes. Miranda Stanley seconded the motion. Motion carried unanimously.

Tenalee Tangen made a motion to approve the May 5, 2020 special meeting minutes. Miranda Stanley seconded the motion. Motion carried unanimously.

Tenalee Tangen made a motion to approve the May 11, 2020 inspector training/meeting minutes. Miranda Stanley seconded the motion. Motion carried unanimously.

**Practical Exams restart:** Miranda Stanley made a motion to resume practical exams June 1, 2020. Allowing a maximum of 5 applicants per exam, one examiner and one proctor. Magen Buchholz seconded the motion. Motion carried unanimously.

**NIC practical exam update:** NIC will not require wipes for exams until July.

**Rules of cleaning and disinfecting poster:** We will not distribute posters at this time. We will revise and develop a new poster once we have gone through rule change. We will have the new poster take place of the old one at time of distribution.

**Ryan Noe request:** Tenalee Tangen made a motion to deny Ryan's request for a different inspector. Miranda Stanley seconded the motion. Motion carried unanimously.

**Ms. Dale salon and safety concerns:** We will notify our inspector of this situation for her to keep in mind during her inspections in Grand Forks, and send Ms. Dale an email thanking her for the information.

**Chelsea McGauvran, clarification on 32-03-01-14(3):** She asked, Could a master cosmetologist work independently without being associated with a salon? Would the MC license be appropriate or should they have a homebound license, if she is not working in a licensed salon. If she goes there weekly, should it be a salon?

Magen Buchholz will respond in an email, outlining the law and referencing 32-01-02-01 (16) as well, and if these cannot be followed, then she would need a homebound license.

**Instructor Seminar:** Maureen will reach out to speakers and find dates that work well in August. Mondays are best and we will be conducting the seminar virtually.

**Inspector meeting follow up:** Tenalee Tangen made a motion to approve the Inspector Procedures (COVID-19) document to be distributed to and followed by all inspectors. Miranda Stanley seconded the motion. Motion carried unanimously.

Magen Buchholz made a motion to restart annual inspections of salons on June 1, 2020. Tenalee Tangen seconded the motion. Motion carried unanimously.

**Eliana Botelho Nicolai reciprocity application:** In order for her to obtain her ND manicurist license, she would need to take the State Board exam. She could have an accrediting agency review foreign law, but she does not meet requirements for cosmetology reciprocity. Magen Buchholz made a motion to have Sue Meier send a letter explaining. Miranda Stanley seconded the motion. Motion carried unanimously.

**Board Schedule:** Noted the addition of NIC inspector training Nov 8-10, 2020.

**Financial Statement:** Miranda Stanley made a motion to approve the April 2020 financial statement. Magen Buchholz seconded the motion. Motion carried unanimously.

**Approved licenses:** Magen Buchholz made a motion to ratify the approval of the licenses. Tenalee Tangen seconded the motion. Motion carried unanimously.

**Old Business:** Tenalee will look into upcoming training dates for Clear HQ, and report her options at the next meeting.

**New Business:** Magen Buchholz asked what our inspector's options are in addressing guns in salons. Sandy stated that they may ask, upon arrival, if there is a gun on the premises. The individual does not have to answer if they do not want to. The inspectors cannot make specific requests as to how the gun is stored. It is in the inspectors' interest to have someone such as a manager or owner open drawers and cabinets during inspections, and that inspectors wear gloves.

No further discussion.

The next regular meeting is scheduled on June 15, 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 11:18 am.

Minutes submitted by Magen Buchholz

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# NORTH DAKOTA STATE BOARD OF COSMETOLOGY

4719 SHELburne ST. SUITE 1  
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TELEPHONE (701) 224-9800

## NORTH DAKOTA STATE BOARD OF COSMETOLOGY June 15, 2020 Minutes

A regular meeting was held via GoToMeeting. President, Maureen Wanner called the meeting to order at 10:07 a.m.

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

**Absent:** Miranda Stanley, and Tenalee Tangen

**Minutes:** Magen Buchholz motioned to approve the minutes from the 5-18-2020 meeting, Eunice Smith seconded the motion. Motion carried unanimously.

**JC Penny Salon: operating without hot water:** Eunice Smith motioned to call Penny's and explain that they are ok for the time being, and that no action will be taken at this time. Magen Buchholz seconded the motion. Motion carried unanimously.

**Ashley Lee: Incorporating diversity in school curriculums petition:** Sandy notified the board that we cannot sign petitions. The board only covers general curriculum requirements. The schools would need to become involved to change curriculums. The office will forward the email to the schools.

**Clarification on rule 32-04-01-25(3):** Additional hours must be done in a school. An individual could hire a tutor that is affiliated with a school or go back to the general education to complete the hours. Maureen Wanner will call to clarify options.

**Ceiling fan proposals:** Magen Buchholz made a motion to accept the bid from All Sparks. Eunice Smith seconded the motion. Motion carried unanimously.

**Approval for purchase of mass email membership:** Magen presented three options, but Sandy noted that we must contact procurement. Magen will be in contact with procurement and will present any information at the next meeting.

**May Financial statement:** Eunice Smith made a motion to approve the financial statements from May 2020. Magen Buchholz seconded the motion. Motion carried unanimously.

**2020-21 Budget:** Eunice Smith made a motion to accept the 2020-21 budget. Magen Buchholz seconded the motion. Motion carried unanimously.

**Approved licenses:** Magen Buchholz made a motion to ratify the approval of the licenses. Eunice seconded the motion. Motion carried unanimously.

**New business:** Amy Rebhahn reciprocity: we need proof of her practical exam in school, then she is qualified to be approved.



Hair Society Institute: It is ok that they only have a small amount of stations and grow their equipment as their student numbers grow. If they comply with 43-11-16 and 32-04-01.13. Magen Buchholz will email them back a response.

Kent-City Nails: Huyen Thi Nguyen does not qualify for reciprocity but this should be processed as a regular manicure license. Sue Meier will respond.

Sonetta Williams complaint: We will send a letter to Sonetta explaining that her scope of practice does not allow her to be working outside of a licensed salon. Magen Buchholz motioned to take no action at this time and to send the letter. Eunice Smith seconded the motion. Motion carried unanimously.

Tanya Haase, expired license: Eunice motioned that the board found grounds to take disciplinary action against Tanya Haase, and to authorize Sandy to offer a settlement agreement of a \$500 fine for operation without a license. Magen Buchholz seconded the motion. Motion carried unanimously.

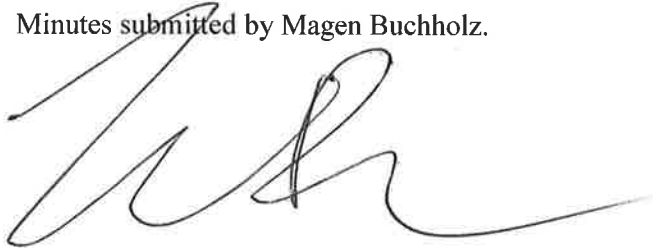
We will schedule a meeting to approve any changes to 43-11-01.

The next regular Board meeting is scheduled for August 17, 2020, at 10 am.

No other business. It was moved by Eunice Smith and seconded by Magen Buchholz to adjourn.

Maureen Wanner adjourned the meeting at 11:00am.

Minutes submitted by Magen Buchholz.

A handwritten signature in black ink, appearing to be 'MB', written over the text 'Minutes submitted by Magen Buchholz.'

**NORTH DAKOTA STATE BOARD OF COSMETOLOGY**  
**June 29, 2020 Special Meeting Minutes**

A special meeting was held via GoToMeeting on Monday June 29, 2020. Maureen Wanner called the meeting to order at 9:06 am.

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

**Amy Rebhahn:** Provided proof of her practical exam that was taken in school to become licensed. Magen Buchholz made a motion to accept Amy's practical exam. Tenalee Tangen seconded the motion. Miranda Stanley was absent for this vote. Motion carried unanimously.

**NIC contract:** Magen Buchholz motioned to approve the renewal of the NIC contract and to be allowed to sign the renewal. Eunice Smith seconded the motion. Miranda Stanley was absent for the vote. Motion carried unanimously.

**Star Nails/Andy Bui:** The Board discussed Mr. Bui not attending the cleaning and disinfecting class at Star Nails. No action will be taken at this time. The board may extend the time frame in which such classes need to be completed in the future.

**Legislation discussion:** Discussion and updates to 43-11-01 Definitions.

2. We will leave the definition for "Booth space" as is but consider clarifying what a booth renter is in rules.

5. Make a definition of "Salon" remove the word cosmetology. Salon is an establishment licensed under this chapter where cosmetology, manicuring, and/ or esthetician services are provided.

9. Consider changing curriculum of cosmetology since there is only training on basic skin care and no training on chemical peels. Address the education portions of this vs. removing chemical peels.

10. Remove "makeup artist" from definitions. NDCC 43-11-02 Exemptions, add makeup artists, providing makeup services only. Make a rule on cleaning requirements of makeup and tools.

No further discussion.

Eunice Smith motioned to adjourn the meeting. Tenalee Tangen seconded the motion. Motion carried unanimously.

Maureen Wanner adjourned the meeting at 10:31 am.

Minutes submitted by Magen Buchholz.



**NORTH DAKOTA STATE BOARD OF COSMETOLOGY**

~~June 29, 2020~~ Special Meeting Minutes

July 31

A special meeting was held via GoToMeeting on Monday July 31, 2020. Maureen Wanner called the meeting to order at 9:32 am.

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

**Brittany White:** Military spouse with 1200 hours of education from FL. Has been licensed in Hawaii and Alabama. Does not meet ordinary requirements for reciprocity due to lack of education hours and lack of experience. As a military spouse – the board can use 43-51-11.1 – under this statute, the board decided to:

- Issue the license pursuant to subsection (1)
  - Under this section, the board can grant exceptions on a case by case basis to licensing standards if the applicant demonstrates competency in the occupation and has experience practicing for at least two of the four years preceding the application and the board determines the issuance of the license will not increase harm to the public.

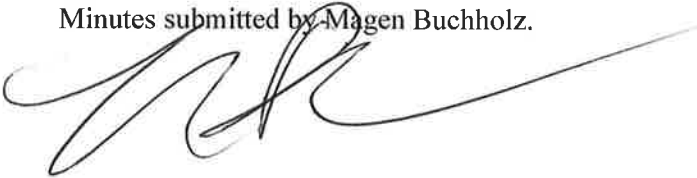
Magen Buchholz motioned to approve Brittany White for military spouse licensure through reciprocity. Tenalee Tangen seconded the motion. Motion carried unanimously.

No further discussion.

Magen Buchholz motioned to adjourn the meeting. Tenalee Tangen seconded the motion. Motion carried unanimously.

Maureen Wanner adjourned the meeting at 9:37 am.

Minutes submitted by Magen Buchholz.





# NORTH DAKOTA STATE BOARD OF COSMETOLOGY

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TELEPHONE (701) 224-9800

## 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.

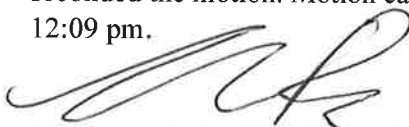
Future meetings will be held at the office, but will still have a GoTo invite for anyone unable to physically attend.

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



## NORTH DAKOTA STATE BOARD OF COSMETOLOGY

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

The North Dakota State Board of Cosmetology held a regular meeting on Monday, September 21, 2020 at 10:00 a.m. at the board office, 4719 Shelburne Street, Suite 1, Bismarck, N.D.

### Members Present:

Eunice Smith  
Maureen Wanner  
Tenalee Tangen  
Rebecca Wood

Approval of August 17, 2020 Regular Board Meeting Minutes: Eunice Smith made a motion to approve, Tenalee Tangen seconded the motion. Motion carries.

Terri Bachmeier concerns: Recommended by Sandra at last meeting to remove Terri from inspecting ManCave because she was a former employee and board felt that there was a conflict of interest. Terri raised concerns that she was removed, and felt she wasn't notified soon enough. Tenalee discussed her rationale for the decision that was made at the last board meeting. Rebecca Wood also stated that she felt there was a conflict of interest, and explained why. Sandra suggested implementing a policy against having an inspector performing the inspections for a previous employer. Sandra also mentioned a policy to ensure the inspector sees a complaint immediately. Tenalee discussed the need for ironing out inspector protocols. Tenalee also mentions the need to follow legal advice.

@Nails: Upon inspection it was found that @nails was employing 2 unlicensed workers. Board discussed a \$500 fine for each unlicensed worker. Tenalee makes a motion based on grounds for disciplinary action due to allowing unlicensed workers to be employed and authorizes Sandra to send a settlement agreement of



a \$1000 fine, \$500 for each unlicensed worker. Eunice Smith seconds the motion, the motion carries.

Jessica Schaff: Board previously approved an amended settlement agreement, agreement was never signed by Jessica, and settlement was never paid. Board discusses options for moving forward. Tenalee recommends revoking license effective immediately. Tenalee makes a motion based on grounds for not complying with the terms of the amended agreement and to flag next years renewal. Eunice seconded the motion. Motion carries.

Megan Thiel: Tenalee discusses public safety concerns, but appreciates that Megan is actively working to rehabilitate. Board members recognize the positive moves, but agree there are still concerns over granting a license based on recent charges. Sandra suggests an option to offer her a conditional license. Rebecca stated concerns about granting the conditional license, but instead recommends offering a plan for re-evaluating licensure next year. Board members discuss the need to wait until a determination on current charges is made. Sandra recommends editing the application to say charged OR convicted. Rebecca makes motion to deny approval of the license based on 43.11.31. Eunice seconds the motion. Motion carries.

ND Manicure Law exam: Rebecca suggested a larger pool of questions to pull from, as well as making the exam more difficult. Maureen discusses changing exam semi-annually based on recommendations from board members. Tenalee makes a motion to allow Sue and Magen, along with board members to come up with new questions and change the exam every 6 months. Rebecca seconded motion. Motion carries.

Mona Radermacher: Part 1: Mona is wanting to know if the school is able to hold curriculum cards until a completion of a 1900 hour program is finished. Sandra states that each school can choose what to offer, and if student chooses to take a 1900 vs. 1800 hour course, they must complete the full 1900 hours before they can receive the license. Based on 43.11.21, the board allows. Part 2: No eyelash services are able to be offered by manicurists pursuant to 43.11.01 subsection 10 which gives the scope of practice for manicuring.

Office position job descriptions: Maureen discusses the need to further clarify the office position job descriptions. Maureen wants to have the positions defined so when it comes time to hire an ED we have a clear role. These will be discussed and voted on formally at a later date.

Microsoft Teams: Approval/discussion Sandra discusses the pros and cons of Teams versus Zoom. Eunice makes a motion to maintain GO TO account until we have determined a better option. Tenalee seconds the motion. Motion carries

Letters: Tenalee and Rebecca discuss concerns about the letter stating an unlicensed stylist automatically becomes the responsibility of the salon owner. Tenalee states a need for law clarification for "booth rental" and would like to hold off on mailing a letter to current owners. Magen discusses having inspectors inform the salon owner if the issue of an unlicensed booth or individual arises. Tenalee makes a motion to hold off on sending a letter until after legislation can provide further clarification. Eunice seconded the motion. Motion carries.

Update from TDLR: Sandra offers the options for denial vs. revocation of license. Board discusses waiting until the investigation is complete. Board will inform the applicant that licensure is pending until we get verification from TDLR. Tenalee makes a motion to table this until we have further clarification from TDLR, Eunice seconds the motion. Motion carries.

NIC: Magen provided information about the conference and confirmed registration.

Mass emailing information: NDIT listserv vs Granicus (ND contract) – Magen discusses concerns with the listserv as an email blast option, stating cumbersome to get users to sign in, also not user friendly to categorize. Offered the option to use Granicus as an alternative. Discussed the cost along with available options with this program. Tenalee makes a motion that we use paper mailing as our method of communication versus an email database. Rebecca Wood seconded the motion. Motion carries.

Amanda Grover: Rebecca shows that the application states employee must have practiced as a licensed cosmetologist, esthetician, manicurist for 1,000 hours in a licensed salon. Sandra states that the law for licensure of a master cosmetologist requires practicing for 1000 hours as a "cosmetologist." Tenalee confirms that manicuring falls under the definition of a "cosmetologist". Board discusses approval of license. Tenalee makes a motion to approve Amanda Grover for her master license. Eunice seconds the motion. Motion carries.

August 2020 Financial Statement: Tenalee makes a motion to approve August 2020 financial statement. Eunice seconds the motion. Motion carries.

Approval of all Licenses: Eunice makes a motion to ratify the approval of the licenses. Rebecca seconds. Motion carries

Board Schedule 9-21-20 to 12-31-20: Eunice makes a motion to approve 2021 meeting and examination dates. Tenalee makes a motion to second. Motion carries

Examination schedule: Board discussed dates and who is assigned as an examiner for each exam.

Tierney Turner: Does not have a booth license but has an individual license. Salon was failed based on grounds of "unlicensed booth" not sanitation. Board discusses moving initial decision from a disciplinary action to a passing inspection, due to the fact that no sanitation issues were found. Tenalee makes a motion to move finding of inspection from disciplinary to passing, and no action will be taken against Jennifer Nelson's Salon. Rebecca seconds the motion. Motion carries.

2020 NIC examination training dates: Board chooses first option of May 23<sup>rd</sup>-25<sup>th</sup> with a second option a June date.

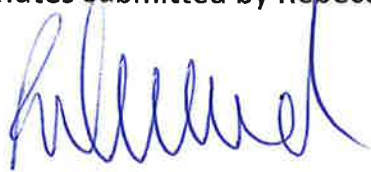
Old Business: Magen and Tenalee discuss inspector training. Tenalee also discussed the mobile inspection app and moving forward with the creation of the app.

New Business : No new business

Eunice makes a motion to adjourn the meeting. Tenalee seconds the motion.  
Motion carries.

Meeting adjourned at 12:19 PM

Minutes submitted by Rebecca Wood

A handwritten signature in blue ink, appearing to read "Rebecca Wood", is written below the text "Minutes submitted by Rebecca Wood". The signature is stylized with a large initial 'R' and 'W'.



## NORTH DAKOTA STATE BOARD OF COSMETOLOGY

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

The North Dakota State Board of Cosmetology held a regular meeting on Monday, October 19, 2020 at 10:00 a.m. at the board office, 4719 Shelburne Street, Suite 1, Bismarck, N.D. with some members present via GoToMeeting

### Members Present:

Eunice Smith  
Maureen Wanner  
Tenalee Tangen  
Rebecca Wood

Approval of September 21, 2020 Regular Board Meeting Minutes: Tenalee makes a motion to approve the September 21<sup>st</sup> meeting minutes, Eunice seconds the motion. Motion carries.

Clarification of NDCC 43-11-27: Allison states that the way the law currently reads, it does not allow for estheticians and manicurists to be instructors. Maureen will send a letter to all individuals who have requested clarification on this matter. Tenalee makes a motion for Maureen to send a letter to the individuals to inform them about Allison's interpretation of current law. Eunice seconds the motion. Motion carries

Sonja Trapp request: Sonja is looking for exclusions from required regulations for cosmetology/esthetics spaces. Board raises concerns about sanitation of using a sink in a kitchen area and states she must stay in accordance with North Dakota Administrative Code 32-02-01-05, which states - Water supply and waste disposal. Each licensed salon shall be equipped with an adequate supply of hot and cold running water and proper plumbing located within the confines of the salon, separate from a

bathroom facility. Each salon and school shall: 1. Have a safe water supply, approved by the local health authority or the state department of health. Board also discusses the need for flooring to be a hard surface in accordance with North Dakota Administrative Code 32-02-01-04 - Cleaning and disinfecting premises. 1. Walls, floors, and fixtures must be kept clean and in good repair at all times. 2. All floors must be cleaned and made free of hair and other debris after each client and must be in good repair. Carpeting is not permitted in the working area, except in a licensed salon with carpeting in the working area on July 1, 2000, and which have not changed ownership since July 1, 2000. Carpeting will only be permitted in the reception and drying areas. Board discusses sending a letter from the office stating that she would need a portable sink and flooring installed prior to salon license approval. Rebecca makes a motion that the board will send a letter to Sonja stating the need for a designated sink in the immediate work area, and the need for hard surface flooring according to the North Dakota Administrative Code. Tenalee seconds the motion. Motion carries.

Anh Tran unlicensed worker: Board discusses a fine of \$500 for AJ Nails L.L.C. for allowing an unlicensed worker to practice services in the salon on customers. Tenalee makes a motion to authorize Allison to send a letter to Anh Tran stating a \$500 fine and a 1-year probation period along with a re-inspection. Rebecca seconds the motion. Motion carries

Art of Touch Salon: Board discusses sanitation issues with salon and states a re-inspection should be done. A letter from the board office will be sent to inform Art of Spa that we will be re-inspecting. Board discusses having the office also send the report to the health department, based on multiple sanitation concerns. Tenalee makes a motion to turn inspection over to health department, as well as send Sheila into the salon to do a re-inspect. Rebecca seconds the motion. Motion carries.

Reciprocity for Maria Torres-Bonilla - Board discusses concerns about practical exam being written, but states that since she will be required to take the North Dakota Law exam, as well as having been licensed for 18 years in Florida, in good standing, we will grant the reciprocity. Tenalee makes a motion that we grant

reciprocity to Maria Torres after the successful completion of a law exam. Eunice seconds the motion. Motion carries.

NIC Examiners: Board discusses if there is need for new candidates. Board states there may not be a need for many more examiners as we are currently handling the exams. Tenalee states that having Karen as an examiner to do the nail portion of the exam and possibly as a proctor would be beneficial. Board decides to reach out to Karen and do a GoToMeeting interview with Karen to discuss the position as well as the possibility of her being a proctor. Eunice makes a motion for Megan to contact Karen and set up an interview with Rebecca and Tenalee. Tenalee seconds the motion. Motion carries.

Discussion of Pivot Point curriculum: no approval needed; board completed a review.

Board Member Job Descriptions: Discussion of titles, roles, and duties as written. Board discusses the legal requirement for using the proper protocol for hiring. Tenalee also discusses the concern for redundant positions based on financial issues as well as space issues. She states that the positions seem redundant. Board discusses budget concerns and the need to determine availability in the budget for 3 office positions. Tenalee makes a motion to table these discussions. Eunice seconds the motion. Motion carries.

September 2020 financial statement: Tenalee makes a motion to approve September 2020 financial statement. Rebecca seconds motion. Motion carries

Approval of all licensees: Tenalee makes a motion to ratify the license renewals. Eunice seconds the motion. Motion carries

Old business: no old business

New business: Laci Thomas inquiring about offering plasma skin tightening services. Board discusses having a letter sent by Magen as this does not fall under the cosmetology/esthetics licensing scope. Rebecca makes a motion to have Magen send a letter to Laci stating that the plasma skin tightening services

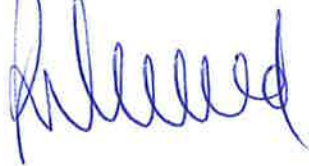
do not fall under the cosmetology scope of practice and therefore she would need to contact a private attorney for further clarification on the offering of these services. Eunice seconds the motion. Motion carries.

Mari Bennington esthetics scope of practice questions: Board discusses Mari's questions and determines that Allison will send a response to her with the answers and citation from century code. Tenalee makes a motion to have Allison send a letter to Mari Bennington stating she can contact a private attorney and will quote century code. Rebecca seconds the motion. Motion carries

Tenalee makes a motion to add a December board meeting. Eunice seconds the motion. Motion carries

Eunice makes a motion to adjourn the meeting at 12:08pm. Tenalee seconds the motion. Motion carries

Meeting minutes submitted by Rebecca Wood, Board Secretary

A handwritten signature in blue ink, appearing to read "Rebecca Wood", is written over the text of the meeting minutes submission.





## NORTH DAKOTA STATE BOARD OF COSMETOLOGY

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

The North Dakota State Board of Cosmetology held a special meeting on Monday, November 2nd, 2020 at 9:00 a.m. at the board office, 4719 Shelburne Street, Suite 1, Bismarck, N.D.

### Members Present:

Miranda Stanley via GoTo Meeting  
Tenalee Tangen  
Rebecca Wood

Tenalee called the meeting to order at 9:08am

Legislative discussion about the rules that will need updating

Tenalee discusses research and findings about definitions of booth rental and how we should update the "booth rental" verbiage to better encompass what this definition should mean. We discuss breaking down the definition in 43-11-01 number 2. Or definition of 32-03-01-04 We need to decide what we will call an open rental space versus a suite (enclosed with a door) space.

Discussion with Allison to determine how we can better define "booth space". We come to an agreement that the owner of the salon must ensure all booths must have a license separate from the salon license. Allison states that we are legally able to define any "booth renter" as someone is set up as an independent contractor. If you decide to be an independent contractor in an open concept salon (no enclosed door to separate your space), you are required to have a booth license, and you are responsible for the commons areas of the entire salon.

Maureen Simmons Esthetics instructor license : We determine that according to 43-11-01 9, the definition of an instructor is required to be a licensed cosmetologist. The difference for Maureen is that she was once licensed as an instructor and therefore falls under 43-11-29 for a license renewal. Allison discusses the options to offer a settlement

to grant a restricted license based on the difference of current law compared to past law. In the settlement offer, the board decides to require her to stay within her scope of practice. Rebecca makes a motion to have Allison send a letter to Maureen offering a settlement for a restricted instructor's license based on 43-11-01 sub 8 and 43-11-27 , and require her to take the law exam, practical exam and instructors exam. Miranda seconds the motion. Motion carries

Rebecca makes a motion to adjourn the meeting 11:32am. Miranda seconds the motion. Motion carries

Minutes submitted by Rebecca Wood



## NORTH DAKOTA STATE BOARD OF COSMETOLOGY

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

The North Dakota State Board of Cosmetology held a regular meeting on Monday, November 16, 2020 at 8:30 a.m. via GoTo Meeting.

### Members Present:

Eunice Smith  
Maureen Wanner  
Rebecca Wood

Approval of October 19th, 2020 Regular Board Meeting Minutes: Miranda makes a motion to accept the meeting minutes from October 19<sup>th</sup> meeting. Eunice seconds the motion. Motion carries.

Lux Spa sanitation issues: Failing an inspection while on probation. Board discusses a \$1000 fine, a 2 day closure for cleaning, a sanitation class provided by Tenalee Tangen, and a one year probabtion. Miranda makes a motion to authorize Allison to offer a settlement agreement of a \$1000 fine, a 2 day business closure for cleaning and a sanitation class, with re-opening contingent on passing a re-inspection. Rebecca seconds the motion. Motion carries.

Antoinett Hair Salon : discussion of sanitation issues. Board discusses multiple inspection and re-inspection failures. Sanitation issues are extreme. Board discusses a potential settlement offer including a \$500 fine, and a one year probation.

Rebecca makes a motion to have Allison send a settlement agreement to Antoinett Hair Salon including a \$500 fine and a one year probation on the basis

of multiple inspection failures for sanitation violations. Eunice seconds the motion. Motion carries.

Sports Clips: No master Cosmetologist on duty. Board sent a letter to Sports Clips regarding no Master Cosmetologist on duty during an inspection, but has not received a response from them. Board discusses a \$500 fine, a one year probation and a re-inspection. Rebecca makes a motion based on 43-11-15 to have Allison send a settlement agreement to Sports Clips including a \$500 fine and a one year probation. Miranda Seconds the motion. Motion carries

Breezy's (Breanna Stein): Inspector was performing an inspection of a salon in shared location to Breezy's space, and was informed that Breanna Stein is allegedly offering cosmetology services, however her space is not currently licensed. When Board sent a letter regarding these issues, Breezy responded that she was not offering any cosmetology services. It was brought to the Board's attention that there are advertisements for cosmetology services from Breezy's dated October of this year. Board finds this is a violation of 43-11-31 sub 5, advertising by means of knowingly false or deceptive statements. Board discusses issuing a \$500 fine based on the above statute. Sue will follow up with Breanna to ensure that she understands her license is not yet granted. Miranda makes a motion to have Allison send a settlement agreement to Breanna Stein based on 43-11-31 sub 5 for advertising by means of knowingly false or deceptive statements, settlement will include a \$500 fine. Eunice seconds the motion. Motion carries.

Jowel Swee Dormu: Application for reciprocity. Board discusses qualifications for reciprocity and whether Jowel has substantial requirements. According to 43-11-25 board finds that applicant has met necessary requirements for reciprocal license. Rebecca makes a motion to approve a reciprocity license based on findings. Eunice seconds the motion. Motion carries.

October 2020 financial statement : Miranda makes a motion to approve the October 2020 financial statement. Rebecca seconds the motion. Motion carries.

License renewals : Rebecca makes a motion to ratify all individual, salon and renewal licenses. Miranda seconds the motion. Motion carries.

Executive Director position : Board discusses needing to table this discussion to further clarify if there is in fact room in the budget for 3 office positions. Sue mentions that there is an audit coming in December and board agrees there is need to wait until the finalization of the audit to further determine budget availability. Eunice makes a motion to table this discussion until January. Miranda seconds the motion. Motion carries.

Manicure Law Exam : approval of new questions for exam. Miranda makes a motion to approve the new law exam questions to be used from January to July. Rebecca seconds the motion. Motion carries.

Hoang Nguyen Renewal Application: Board discusses asking Hoang Nguyen to provide further clarification on 4/17/2018 charges. Rebecca makes a motion to have Sue send Hoang Nguyen a letter to ask for clarification on charges as well as include judgements from offense. Eunice seconds the motion. Motion carries.

Approval of new portion of practical exam regarding soaking off acrylic nails. Eunice makes a motion to add soaking of acrylic nails to the practical exam as well as providing the schools a 120 day notice. Miranda seconds the motion. Motion carries.

Adding additional exam dates : Board discusses adding January 11<sup>th</sup> and February 8<sup>th</sup> to the calendar as additional exam days. Eunice makes a motion to accept additional examination dates. Rebecca seconds the motion. Motion carries.

Board discusses changes to the laws in preparation for upcoming legislation.

Eunice makes a motion to adjourn the meeting at 12:06pm, Rebecca seconds the motion. Motion carries.

Meeting minutes submitted by Rebecca Wood



## **NORTH DAKOTA STATE BOARD OF COSMETOLOGY**

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

The North Dakota State Board of Cosmetology held a special meeting on Monday, November 18th, 2020 at 8:30 a.m. via GoTo Meeting.

### **Members Present:**

Eunice Smith  
Maureen Wanner  
Rebecca Wood  
Tenalee Erickson  
Miranda Stanley

The Board met to continue discussions regarding legislation and changes to our cosmetology rules and regulations.

Meeting adjourned at 11:30am



## NORTH DAKOTA STATE BOARD OF COSMETOLOGY

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

The North Dakota State Board of Cosmetology held a special meeting on Monday, November 23, 2020 at 8:30 a.m. via GoTo Meeting.

### Members Present:

Eunice Smith  
Maureen Wanner  
Rebecca Wood  
Tenalee Erickson

Lux Salon : Andrea Trimble discusses her concerns with Lux Spa and wants the board to reconsider ruling based on improvements from Lux Spa. Board reiterates to Andrea that our decisions are based simply on the laws and that consistency is our #1 concern. Tenalee discusses the need to remain un-biased when inspecting and when bringing forth disciplinary action.

Board turns to legislative discussion.

Tenalee makes a motion to adjourn the meeting at 10:28am, Eunice seconds the motion. Motion carries



## NORTH DAKOTA STATE BOARD OF COSMETOLOGY

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

The North Dakota State Board of Cosmetology held a special meeting on Monday, November 30th, 2020 at 9:00 a.m. via GoTo Meeting.

### Members Present:

Eunice Smith  
Maureen Wanner  
Rebecca Wood  
Tenalee Erickson  
Miranda Stanley

The Board met to continue discussions regarding legislation and changes to our cosmetology rules and regulations.

Tenalee makes a motion to approve the discussed legislative changes and bring them to Dr. Becker for feedback. Eunice seconds the motion. Motion carries.

Rebecca makes a motion to adjourn the meeting at 12:20pm. Miranda seconds the motion. Motion carries.





## **NORTH DAKOTA STATE BOARD OF COSMETOLOGY**

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

The North Dakota State Board of Cosmetology held a special meeting on Friday, December 4th, 2020 at 1:00p.m. via GoTo Meeting.

### **Members Present:**

Maureen Wanner  
Rebecca Wood  
Tenalee Erickson  
Miranda Stanley

The Board met to discuss a final approval of bill changes for legislation. Tenalee makes a motion to accept the changes to the rules and regulations as previously discussed. Miranda seconds the motion. Motion carries.

Board also discusses whether or not to submit the bill as an agency or not. Board discussions wanting to be certain bill is able to be brought forward this session and since it is due today at 5pm, board decides to move forward as an agency and look to Senators for support of our bill. Tenalee makes a motion to submit our bill today, December 4<sup>th</sup> 2020. Rebecca seconds the motion. Motion carries.

Miranda makes a motion to adjourn the meeting at 1pm. Tenalee seconds the motion. Motion carries.



## **NORTH DAKOTA STATE BOARD OF COSMETOLOGY**

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

The North Dakota State Board of Cosmetology held a special meeting on Friday, December 4th, 2020 at 1:00p.m. via GoTo Meeting.

### **Members Present:**

Maureen Wanner  
Rebecca Wood  
Tenalee Erickson  
Miranda Stanley

The Board met to discuss a final approval of bill changes for legislation. Tenalee makes a motion to accept the changes to the rules and regulations as previously discussed. Miranda seconds the motion. Motion carries.

Board also discusses whether or not to submit the bill as an agency or not. Board discussions wanting to be certain bill is able to be brought forward this session and since it is due today at 5pm, board decides to move forward as an agency and look to Senators for support of our bill. Tenalee makes a motion to submit our bill today, December 4<sup>th</sup> 2020. Rebecca seconds the motion. Motion carries.

Miranda makes a motion to adjourn the meeting at 1pm. Tenalee seconds the motion. Motion carries.



## NORTH DAKOTA STATE BOARD OF COSMETOLOGY

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

The North Dakota State Board of Cosmetology held a special meeting on Monday, December 7th, 2020 at 9:30a.m. via GoTo Meeting.

### Members Present:

Maureen Wanner  
Rebecca Wood  
Tenalee Erickson  
Miranda Stanley  
Eunice Smith

Approval of meeting minutes: Miranda makes a motion to approve all November meeting minutes. Eunice seconds the motion. Motion carries.

Tanner Stevens review of lesson plans: Eunice makes a motion to approve Tanner Stevens lesson plan. Tenalee seconds the motion. Motion carries.

Mari Bennington discussion. Eunice makes a motion to have Allyson send a letter to Mari suggesting she contact a private attorney to help interpret the rules and regulations. Tenalee seconds the motion. Motion carries.

Financial statement approval: No bank statement received as of meeting today

License approval: Tenalee makes a motion to ratify all licenses. Miranda seconds the motion. Motion carries

Hoang Nguyen license renewal with previous conviction. Board discusses if licensee has shown any proof of rehabilitation. Board also discusses that licensee

has two convictions within a short period of time. Board discussions options for licensee if rehabilitation can occur. Tenalee makes a motion to have Allyson send a letter to Hoang Nguyen to provide the board with documentation of any rehabilitation that has been done up to this point, as well as information regarding applicant previously checking the box on an application for prior convictions. Eunice seconds the motion. Motion carries.

Approval of December 4<sup>th</sup> meeting minutes. Tenalee makes a motion to approve the December 4<sup>th</sup> meeting minutes. Miranda seconds the motion. Motion carries.

Old business – no old business

New business – Josef's School of Hair Design asking for approval of a distance learning plan if distance learning becomes a need again. Allyson states that there is no need for approval since it is not currently an issue.

Tenalee makes a motion to adjourn the meeting at 10:20a.m. Eunice seconds the motion. Motion carries.

Meeting minutes submitted by Rebecca Wood



## NORTH DAKOTA STATE BOARD OF COSMETOLOGY

4719 SHELBURNE ST. SUITE 1  
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The North Dakota State Board of Cosmetology held a special meeting on Monday, January 11<sup>th</sup> 2021 at 7:00p.m. via GoTo Meeting.

### Members Present:

Maureen Wanner  
Rebecca Wood  
Tenalee Erickson  
Miranda Stanley  
Eunice Smith

Board discusses recommendations from Rick Becker for changes to legislation bill 20.92. Board decides to leave all the same, with the exception of SB 20.92 section 43-12.1.

Tenalee makes a motion to amend SB 20.92 to include nurse practitioners in section 43-12.1. Rebecca seconds the motion. Motion carries.

Tenalee makes a motion to adjourn the meeting at 7:45pm. Eunice seconds the motion. Motion carries.

Meeting minutes submitted by Rebecca Wood