



NORTH DAKOTA STATE BOARD OF COSMETOLOGY

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The North Dakota State board of Cosmetology held a regular meeting on Tuesday, March 15th 2021 at 9:00a.m. at the board office and via GoTo Meeting

Members Present:

Maureen Wanner
Rebecca Wood
Tenalee Erickson
Eunice Smith

Maureen called the meeting to order at 9:05a.m.

Approval of meeting minutes – Tenalee makes a motion to accept meeting minutes from February 16th, March 1st, March 5th. Eunice seconds the motion. Motion carries.

Nails Pro Complaint – Board discusses that this issue falls under 43-11-31 sub 3. The board may deny an application or discipline a licensee on any of the following grounds: Grossly unprofessional or dishonest conduct. The board did reach out to the salon on February 19th 2021 and has not received a response. Board is looking for more information. Rebecca makes a motion to have the board office send a letter to Nails Pro requesting more information regarding this complaint, as well as a letter to the individual who sent the complaint, requesting any additional information she can provide, including any proof of service she may have. Eunice seconds the motion. Motion carries.

Jeni Berquist license reinstatement - The board discusses the need to follow the law. As stated in 43-11-29 "If a license is not renewed within one year from the

date it expired, the applicant for reinstatement shall take and pass the examination that is required of new applicants.” Jeni states her concern with the way a previous reinstatement of a different licensee was handled. The board recognizes the concern and discusses that at that time there was different board members as well as a different attorney for the board. The board members and attorney, at the time of the previous reinstatement, interpreted the law as they believed to be true at that time, and allowed for the reinstatement of other licensee. The board is concerned that making an exception to a law that they find to be clearly written sets us up for numerous problems in the future. Our current board members and attorney interpret the law to read that if a licensee does not renew their license within one year of expiration, they are required to take the exams required of new applicants (theory, practical and law exam), as well as pay all appropriate fees in order to have the license reinstated. The board believes that not following the law as we interpret it would be setting a precedent the board cannot risk taking. Rebecca makes a motion to hold Jeni Berquist’s license open until she meets the testing requirements of a new applicant according to 43-11-29 for reinstatement. Eunice seconds the motion. Tenalee recuses herself. Motion carries.

Megan Thiel approval of license – Board discusses need for actual court documents as stated in the application. Board feels that not enough has changed in this situation, Megan is still on probation, and still has 4 open felonies. The board discusses that as stated in 43-11-31, sub 2 and 4, these offenses would have a direct bearing on the profession. Tenalee makes a motion to have Annique send a formal letter for denial of the licensure for a period of 12 months, at which time she can reapply. Rebecca seconds the motion. Motion carries.

Antoinett Peal – Board discusses multiple past issues in this salon, and multiple past violations. Board discusses options of offering a class, fine, and/or shutdown. Board recognizes improvements made at the salon. Tenalee makes a motion to have Annique send a letter to Antoinett, stating that she will remain on probation, have a one day shut down and be required to take a sanitation class within 30 days. Eunice seconds the motion. Motion carries.

Polished Nails and Spa – Inspector made a note that she has had issues with this salon, however, previous inspections show no issues. Board discusses that without multiple failed inspections we don’t have the ability to take action.

Rebecca makes a motion to have Tenalee follow up with Andrea (the inspector) about maintaining consistency in all inspections. Eunice seconds the motion. Motion carries.

February financial statement – Board discusses the budget and if needing to reallocate funds to a different line. Maureen questions if there was a note from the Auditors report regarding the budget. Annique will look into this further. Eunice makes a motion to accept the February financial statements. Tenalee seconds the motion. Motion carries

Approval of licenses – Tenalee makes a motion to accept all individual and salon licenses. Eunice seconds the motion. Motion carries.

NEC Examiner training – board discusses how to handle future applicants for NEC training.

Old Business - Terri Bachmeier discussion. Board discusses reason for standing with current decision. Inspector did not follow proper protocol and therefore the board made the decision to let Terri go.

Old Business – Previous discussion with an attorney to change all applications to state “charged or convicted” instead of just charged. Rebecca makes a motion to have all new applications read “have you, in the past 5 years been charged or convicted of an offense, other than a minor traffic violation.” Tenalee seconds the motion. Motion carries.

Old Business – Tenalee brings up considering naming her as the lead inspector. Board discusses the need to have clearly defined roles for both the office staff as well as the Lead Inspector. Eunice makes a motion to have Tenalee be the Lead Inspector. Rebecca seconds the motion.

Old Business – Rebecca brings up needing to require all applicants to complete the application. Tenalee makes a motion that effective immediately, no payment will be accepted without the accompaniment of a completed application. Eunice seconds the motion. Motion carries.

New Business – Elizabeth Rogers request for reinstatement. Board discusses the law 43-11-29 that defines how renewal applications are handled. Board also discusses letting the applicant know about current legislation and how that could affect her renewal. Tenalee makes a motion to send a letter to Elizabeth Rogers stating that we will hold her license open until all requirements under 43-11-29 “If a license is not renewed within one year from the date it expired, the applicant for reinstatement shall take and pass the examination that is required of new applicants” are met, and also to explain to her that there is a bill in legislation that could change these requirements. Rebecca seconds the motion. Motion carries

New Business - Nichole Joan Zetocha request for reinstatement of license. Board office will follow up with Nichole in regards to the requirements of 43-11-29, and clarify what she is wanting to do to move forward.

New Business - Candace Bercier – operating a booth without a salon license. Board discusses options for allowing her to move forward. Rebecca makes a motion to have the board office send a letter to Candace Bercier stating that it is her responsibility to know the laws, and that according to 32-03-01-10 she is required to obtain a booth license. We will also inform that she needs to apply immediately for said booth licensure, or she will be shutdown. Eunice seconds the motion. Motion carries.

New Business - Discussion on Candor’s Ladder of Success classes. Eunice makes a motion that we deny. Tenalee seconds the motion.

New Business - Anonymous complaint. Tenalee makes a motion to have the board office send a letter to individual filing the complaint, offering that she may make a formal complaint, and explaining the process. Eunice seconds the motion. Motion carries.

New Business – Improper testing. Sanh Leho Bubakar made an error and took the cosmetology license instead of the manicuring license. He passed this exam, but unfortunately according to 32-05-01-07 every person desiring to be licensed by the board as a manicurist shall have the qualifications required by ND Century Code chapter 43-11 applicable to manicurists. Rebecca makes a motion to hold

open Sanh Leho Bubakar's license until the proper examination for manicuring has been passed. Tenalee seconds the motion. Motion carries.

Tenalee makes a motion to adjourn the meeting at 12:35. Eunice seconds the motion. Motion carries.

Meeting minutes submitted by Rebecca Wood