

North Dakota State Board of Cosmetology
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The North Dakota State Board of Cosmetology held a regular meeting on Monday, June 13, 2022, at 9:30 a.m. at the board office and via GoTo Meeting.

Board Members Present:

Tenalee Tangen

Rebecca Wood via GoTo

Maureen Wanner

Eunice Smith

Miranda Stanley via GoTo

Also present: Sue Meier, Board Administrator

Carl Karpinski, Legal Counsel

Agenda

Additions to the agenda.

Maureen made a motion to have Mario Olivieri speak at the meeting. Eunice second that motion. All voting: Maureen (y), Miranda (y), Eunice (y), and Tenalee (n). Becky not in the meeting currently. Motion carries.

1. Leslie Roste.

Leslie spoke on the national cosmetology compact in legislation funded by the Department of Defense. She also spoke on the highest injury services across the nation in cosmetology are eyelash extensions, waxing services, and pedicures.

Time frame for Mario to speak.

Maureen made a motion to have Mario speak now for 15 minutes. Eunice second that motion. All voting: Becky (y), Maureen (y), Eunice (y), and Tenalee (y). Miranda not online currently. Motion carries.

Mario spoke in reference to the hours for cosmetology schooling, funding, and drop rates.

2. Approval of Minutes.

May 16, 2022, Regular Board Meeting.

Eunice made a motion to approve the minutes from May 16, 2022. Maureen second that motion.

All voting: Becky (y), Maureen (y), Miranda (y), Eunice (y), and Tenalee (y). Motion carries.

3. Approval of Licenses: 5/10/22 to 6/6/22.

Maureen made a motion to approve the licenses from May 10-June 6, 2022. Eunice second that motion.

All voting: Becky (y), Maureen (y), Eunice (y), and Tenalee (y). Miranda not online currently. Motion carries.

4. May 2022 Financial Statement.

This was overlooked and the board returned to it.

Maureen made a motion to approve the May 2022 financial statement. Eunice second that motion. All voting: Becky (y), Maureen (y), Miranda (y), Eunice (y), and Tenalee (y). Motion carries.

5. July 2022 – June 2023 Budget Report.

Maureen gave a report on the budget and things we will need to accommodate. Tenalee request that the inspector's budget be increased.

Maureen made a motion to approve the budget for the next fiscal year ending June 2023 with the change to inspectors' salary of \$65,000. Eunice second that motion. All voting: Becky (y), Maureen (y), Miranda (y), Eunice (y), and Tenalee (y). Motion carries.

6. Board Complaint against Josef's.

Lilly has tested and passed all her tests. She has completed her hours in all categories outlined by law. Maureen made a motion to have Sue send the white card to Josef's school and the school has 2 weeks to return it to us and to give Sue the authority to send the license to Lily Matthews upon receiving the white card. Eunice second that motion. All voting: Becky (y), Maureen (y), Miranda (y), Eunice (y), and Tenalee (y). Motion carries.

Carl states that the school needs to follow the law. Tenalee states 32-04-01-18 #1. Becky states 43-11-16. Schools need to use the 1500-hour white card for tracking student's school hours for the students starting after August 2021.

Maureen calls for question which will end the debate. No second was given. Motion fails.

Maureen made a motion that Josef's school has a 1-year probation. They need to fill out and send in a 1500-hour white card, signed and notarized, for every student, and if they do not comply, the board will take action against them. Eunice second that motion. All voting: Becky (y), Maureen (y), Miranda (y), Eunice (y), and Tenalee (y). Motion carries.

Maureen made a motion to return to the financial statement for approval. Becky seconds that motion. All voting: Becky (y), Maureen (y), Miranda (y), Eunice (y), and Tenalee (y). Motion carries.

7. Lily Matthews Complaint against Josef's.

Maureen made a motion to dismiss the Lily's complaint against Josef's, and allow Sue to send information regarding what we have done with the state-initiated complaint against Josef's. Miranda second that motion. All voting: Becky (y), Maureen (y), Miranda (y), Eunice (y), and Tenalee (y). Motion carries.

8. Isabel Hanson: Approval of License.

Isabel would like to be licensed after 1500 hours but will still complete the 1800-hour program at the Hair Academy. Sam and Andrea spoke saying they would fill out the white card and sign and notarize it after Isabel completed her contract with the school. Carl clarifies that the notary is not required by law on the white cards. Andrea stated that the Hair Academy thought they were doing the right thing by the law. They will consult her legal counsel to help interpret the law. Becky quotes 32-04-01-25 #1.

Miranda made a motion to have Sue send the 1500-hour white card to the school and give them 2 weeks to complete it and Sue can then grant Isabel's license upon completion.

Eunice second that motion. All voting: Becky (y), Maureen (y), Miranda (y), Eunice (y), and Tenalee (y). Motion carries.

Carl clarifies that we are giving the schools an opportunity to fill out the 1500-hour white cards, signed and notarized.

9. Megan Thiel. Reinstatement Application.

Maureen made a motion to reinstate Megan's license. Miranda second that motion. All voting: Maureen (y), Miranda (y), Eunice (y), and Tenalee (y). Motion carries. Becky left the meeting.

10. Megan Owens: Reinstatement Application. Board's Approval with 2020 Test Results.

Maureen made a motion to make a policy that when licensees need to reinstate, they pay the renewal fee and the late fee to reinstate their license. Eunice second that motion. All voting: Maureen (y), Miranda (y), Eunice (y), and Tenalee (y). Motion carries.

Maureen made a motion to make it a policy that the board will accept exam scores up to 5 years from the date of testing. Tenalee second that motion. All voting: Maureen (y), Miranda (y), Eunice (y), and Tenalee (y). Motion carries.

Maureen made a motion that the board accept Megan's application after she pays the fees for renewal and reinstatement. Eunice second that motion. All voting: Maureen (y), Miranda (y), Eunice (y), and Tenalee (y). Motion carries.

11. Shelby Bursch: Reinstatement Application. Board's Approval with 2013 Test Results.

Carl states that the board is using 43-11-29 sub. 4b to require and retake the exam.

Maureen made a motion to approve Shelby's renewal and reinstatement after paying the fees and passes the law exam. Miranda second that motion. All voting: Maureen (y), Miranda (y), Eunice (y), and Tenalee (y). Motion carries.

12. Allure Salon Suites: Unlicensed Independent Licensee.

Maya El did apply for her master license, which was issued, and she did apply for Independent Licensee Salon License. Lori did the opening inspection. Maya did pass that inspection.

Eunice made a motion to grant Maya her license. Maureen second that motion. All voting: Maureen (y), Miranda (y), Eunice (y), and Tenalee (y). Motion carries.

Tenalee made a motion to have Sue reach out to see who their point of contact is. Eunice second that motion. All voting: Maureen (y), Miranda (y), Eunice (y), and Tenalee (y). Motion carries.

13. A & A Nails. Violation of Cleaning and Disinfection.

Maureen made a motion to offer a settlement agreement of 6-months probation and \$250 fine.

Tenalee second that motion. All voting: Maureen (y), Miranda (y), Eunice (y), and Tenalee (y). Motion carries.

14. Ashlyn Guderjahn: Conviction on Practical Exam Application.

Minor in consumption in April 2021. She paid her fine and the 6 months probation period ended on March 7, 2022. Maureen made a motion to approve her application for the practical examination.

Eunice second that motion. All voting: Maureen (y), Miranda (y), Eunice (y), and Tenalee (y). Motion carries.

15. Jennifer Getz: Conviction of Master License Application.

Convicted of a DUI in January 2022.

Maureen made a motion that we approve her master license application. Miranda second that motion. All voting: Maureen (y), Miranda (y), Eunice (y), and Tenalee (y). Motion carries.

16. Complaint filed against Tatianna Byrd.

Maureen made motion to dismiss the complaint. Eunice second that motion. All voting: Maureen (y), Miranda (y), Eunice (y), and Tenalee (y). Motion carries.

17. Complaint filed against Salon Duo.

Maureen made a motion to dismiss this complaint. Tenalee second that motion. All voting: Maureen (y), Miranda (y), Eunice (y), and Tenalee (y). Motion carries.

18. Complaint filed against Darcie Boltz.

Maureen made a motion to dismiss this complaint. Eunice second that motion. All voting: Maureen (y), Miranda (y), Eunice (y), and Tenalee (y). Motion carries.

19. Ritchie Phan, Nail Place: Complaint against Cheryl Hokana.

Maureen made a motion to have Tenalee go with Cheryl for a reinspection. Eunice second that motion. All voting: Maureen (y), Miranda (y), Eunice (y), and Tenalee (y). Motion carries.

Maureen made a motion to have Sue send a letter to Ritchie validating his complaint and explaining that the board will not replace the inspector. Eunice second that motion. All voting: Maureen (y), Miranda (y), Eunice (y), and Tenalee (y). Motion carries.

20. Dayna Schank Response. Unlicensed Individual - Shelly Sack.

Miranda recommended we inform the medical board because of the invasive services she has listed on her website and Facebook. Maureen informed the board that she knows of Shelly Sack through a niece but does not know her personally. Miranda states how nervous she is about the services that Shelly's Med Spa is providing. Tenalee states that the board needs to be very concerned about these services

provided by this med spa. Miranda states that the board has done their job if we turn this provider into the States Attorney's office. Tenalee states that the board should also inform the state of SD where she currently holds a cosmetology license.

Maureen made a motion to dismiss the complaint against Dayna Schank. Eunice second that motion. All voting: Maureen (y), Miranda (y), Eunice (y), and Tenalee (y). Motion carries.

Tenalee made a motion to have Sue send a letter to Shelly Sack quoting 43-11-13 and 43-11-35, report Shelly to the South Dakota Cosmetology Board, the State Attorney, the Medical Board, and the Nursing Board. Maureen second that motion. All voting: Maureen (y), Miranda (y), Eunice (y), and Tenalee (y). Motion carries.

21. Reinspection of The Salon Professional Academy. Complaint Bed bugs.

The Salon Professional Academy passed the inspection. Maureen made a motion to dismiss the complaint against The Salon Professional Academy and send the inspector back to do a reinspection before the next board meeting. Tenalee second that motion. All voting: Maureen (y), Miranda (y), Eunice (y), and Tenalee (y). Motion carries.

22. Hung Son Pham: Texas Board research on Complaint.

Texas Board researched and found that Hung Son Pham did not buy hours from Texas but did in fact complete his hours in Vietnam. World Nails School in Vietnam was evaluated by the Texas board, and they found that school to be a legitimate school.

Maureen made a motion to dismiss the complaint against Hung Son Pham. Miranda second that motion. All voting: Maureen (y), Miranda (y), Eunice (y), and Tenalee (y). Motion carries.

23. Cosmetology Rules and Laws Exam. Requires Board's approval.

Update on the progress of the updating the rules and law exam. Discussion only.

24. NIC Exams Updates.

Update on the changes of the NIC exams. It was recommended that we wait to implement the exams until we can update the schools and iPads.

Maureen made a motion to start the updated exams September 1 and notify the schools of the changes as soon as possible. Miranda second that motion. All voting: Maureen (y), Miranda (y), Eunice (y), and Tenalee (y). Motion carries.

25. Your New School: Educator bio. Approval for CE Hours.

Your New School does not offer CE hours. Your New School did provide the class to The Salon Professional Academy.

Tenalee made a motion to have Sue send a letter asking for the length of time and if the certificate came from Your New School. Maureen second that motion. All voting: Maureen (y), Eunice (y), and Tenalee (y). Motion carries. Miranda left the meeting.

26. Complaints: Unlicensed Individuals.

Two unlicensed individuals providing cosmetology services.

Maureen made a motion to have Sue send a letter to the Dollhouse Beauty Clinic in Williston quoting the laws 43-11-13 and 43-11-35, and report them to the State's Attorney's office. Eunice second that motion. All voting: Maureen (y), Eunice (y), and Tenalee (y). Motion carries. Miranda left the meeting.

Maureen made a motion to have Sue send a letter to Elizabeth Grothman, Faces by Lizzy, quoting the laws 43-11-13 and 43-11-35, and report them to the State's Attorney's office. Eunice second that motion. All voting: Maureen (y), Eunice (y), and Tenalee (y). Motion carries.

27. Complaint Policy. Updates. Requires Board's approval.

Tenalee asked for a clean version. Maureen made a motion to have a clean version for the next meeting and to table this until the next meeting. Tenalee second that motion. All voting: Maureen (y), Eunice (y), and Tenalee (y). Motion carries.

28. Board of Cosmetology Handbook.

There is a page dealing with inspectors that needs to be updated. Tenalee made a motion to table the Handbook until next meeting. Maureen second that motion. All voting: Maureen (y), Eunice (y), and Tenalee (y). Motion carries.

29. New Business.

No new business.

30. Old Business.

Carl asks for clarification on the school's decisions and understanding of the settlement agreement.

31. Adjournment.

Maureen made a motion to adjourn the meeting. Eunice second that motion. All voting: Maureen (y), Eunice (y), and Tenalee (y). Motion carries. Meeting is adjourned at 3:03PM

The next regular meeting is scheduled for July 18, 2022, at 9:30 am.

Minutes submitted by Maureen Wanner