

The North Dakota State Board of Cosmetology held a regular meeting on Monday, March 13, 2023, at 9:30 a.m. at the board office, 4719 Shelburne St., Suite 1, Bismarck, N.D.

Board Members Present:

Rebecca Wood, Cosmetologist, President
Maureen Wanner, Cosmetologist, Secretary/Treasurer
Teresa Felch, Cosmetologist
D'Arlyn Bauer, PHD, RN

Board Member Absent:

Miranda Stanely, RN, MSN, FNP

Also present:

Holly Blomquist, Executive Director
Josh Amundson, Legal Counsel

Agenda

1. Approval of February 13, 2023, minutes

D'Arlyn made a motion to approve the minutes with the changes made. Teresa second that motion. All voting: D'Arlyn (y), Teresa (y), and Maureen (y). Motion carried.

2. Approval of Licenses 2/1/23-2/31/23

D'Arlyn made a motion to approve the licenses for February 2023. Teresa second that motion. All voting: D'Arlyn (y), Teresa (y), and Maureen (y). Motion carried.

3. Approval of Timesheets- February 2023

D'Arlyn made a motion to approve the timesheets for the month of February 2023. Teresa second that motion. All voting: D'Arlyn (y), Teresa (y), and Maureen (y). Motion carried.

4. February 2023 Financial Statements

Teresa made a motion to approve the financial statements for February 2023. D'Arlyn second that motion. All voting: D'Arlyn (y), Teresa (y), and Maureen (y). Motion carried.

5. 2023 Estheticians & Manicurists exam schedule

D'Arlyn made motion the approve the exam schedule. Teresa second that motion. All voting: D'Arlyn (y), Teresa (y), and Maureen (y). Motion carried.

6. Nail Glamor- complaint & disciplinary action

Inspection found unlicensed workers, 4 undocumented workers.

D'Arlyn made a motion to have Josh do a settlement agreement for \$1,000 and six-month probation which will also include an inspection. Teresa second that motion. All voting: D'Arlyn (y), Teresa (y), and Maureen (y). Motion carried.

7. S & P Nails-complaint

Complaint of unlicensed workers. The inspector found no unlicensed workers. They do have sanitation issues. They have had two sanitation classes. The previous inspection was passing.

Teresa made a motion to send the inspector in to do a reinspection. D'Arlyn second that motion. All voting: D'Arlyn (y), Teresa (y), and Maureen (y). Motion carried.

8. Nail Studios- disciplinary action

Route inspections. Heather, the inspector, observed several workers running out the back door. Teresa made a motion to have Holly send a letter the Nail Studios informing them of the statute 43-11-35 and to have Heather do a reinspection. D'Arlyn second that motion. All voting: D'Arlyn (y), Teresa (y), and Maureen (y). Motion carried.

9. Happy Nail-complaint

There was a call-in complaint. The caller said there were dogs in the salon. Dogs are service animals. Maureen made a motion to dismiss the complaint. D'Arlyn second that motion. All voting: D'Arlyn (y), Maureen (y), Teresa (y), Rebecca (y). Motion carried.

10. European Wax Center-complaint

Complaint regarding double dipping. They passed their inspection.

Teresa made a motion to dismiss the complaint. D'Arlyn second that motion. All voting: D'Arlyn (y), Maureen (y), Teresa (y), Rebecca (y). Motion carried.

11. InfiniteArt Nails-complaint

Complaint filed. Inspector sent in. The inspection was done. Inspection failed. Reinspection will be done. Discussion only.

12. HSI- inspection results from previous complaint

Complaint was filed. Inspection done. They passed the inspection and were found to be in compliance with statutes.

D'Arlyn made a motion to dismiss the complaint. Teresa second that motion. All voting: D'Arlyn (y), Maureen (y), Teresa (y), Rebecca (y). Motion carried.

13. Duplicate Licenses

Holly states that there is an influx of requests for duplication of license. She is asking if we should stamp "Duplicate" or "Duplicate Copy" on that requested duplicated license. This way the inspectors can clear up the question if this is the original or not. Holly's concern is that they are giving the extra license to others to use. Stamping it "Duplicate" or "Duplicate Copy" would confirm that it is the original licensee using the license.

D'Arlyn made a motion that Holly clarify what the smaller license is for and that she stamps reissued licenses duplicates. Maureen second that motion.

Before the vote, Holly asks for clarification if she needs to hold up to duplicate in the mail while informing them of the differences. D'Arlyn states that is the start of communication by sticking a letter in with the licenses.

All voting: D'Arlyn (y), Maureen (y), Teresa (y), Rebecca (y). Motion carried.

More discussion on the purpose of duplicate license and if there should be a multi-site license. D'Arlyn made a motion to table this for further investigation. Maureen second that motion. All voting: D'Arlyn (y), Maureen (y), Teresa (y), Rebecca (y). Motion carried.

14. Letters to the Board

The letters are considerations for legislation. Discussion only.

15. Independent Licensee in a Barber Shop

Discussion was had on whether a cosmetologist could be an independent licensee in a barber shop. This licensee needs clear knowledge of the fact they need to state that they are a cosmetologist and not a barber.

D'Arlyn made a motion to have Holly send a letter to state that the licensee can work there, the entire barber shop will be subject to inspected as a salon and it needs to be made very clear to the public that she is a cosmetologist. D'Arlyn amend the motion to replace salon with independent license. Teresa second that motion. All voting: D'Arlyn (y), Maureen (y), Teresa (y), and Rebecca (y). Motion carried.

16. Amitaben Chaudhari-reciprocity

Amitaben is coming into the state. Discussion only

D'Arlyn will be looking into this.

Teresa made a motion for D'Arlyn to do research on AEQO International credential agency.

Maureen second that motion. All voting: D'Arlyn (y), Maureen (y), Teresa (y), and Rebecca (y). Motion carried.

17. Kela Stephens-practical in CO.

Went to school and practical in Co. The board is questioning if Kela took the NIC practical exam. D'Arlyn made a motion to have Holly contact the Colorado Board of Cosmetology to ask if it is a NIC exam and if this student did indeed pass that exam. Teresa second that motion. All voting: D'Arlyn (y), Maureen (y), Teresa (y), and Rebecca (y). Motion carried.

18. Courtney Thorkelson-transfer hours

Courtney is a Master Manicurist. She wants to go to school for esthetics. She is questioning if a portion of her schooling hours could go towards esthetics schooling hours. D'Arlyn states that the content is critical and brings forth that the minimum hours are still required.

D'Arlyn made a motion to have Holly send out a letter to Courtney that she needs to meet the requirements set for the Esthetics program. Maureen seconded that motion. All voting: D'Arlyn (y), Maureen (y), Teresa (y), and Rebecca (y). Motion carried.

19. Office Space Lease Renewal

Lease up at the end of month and will go to month the month until a new lease is signed.

D'Arlyn made a motion that Holly negotiate the changes that her, Josh, and Rebecca have looked at and bring the contract back to the board for approval. Maureen second that motion. All voting: D'Arlyn (y), Maureen (y), Teresa (y), and Rebecca (y). Motion carried.

20. NIC Membership changes

Holly updates the board that changes will be made to the NIC membership. Changes are still pending. Discussion only.

21. NIC Surveys

Holly brings forth several surveys offered by NIC. Discussion only.

22. Online (Milady) Instructors course

A group in Minot is putting things in place to open a school. They are trying to get their possible instructors educated to be licensed. They are asking if they could utilize an online course.

32-05-01-04, 43-11-27 sub c

Maureen made a motion that we have Holly send out a letter inquiring about their online education that they will be using for their instructors. D'Arlyn second that motion. All voting: D'Arlyn (y), Maureen (y), Teresa (y), and Rebecca (y). Motion carried.

23. Legislative update

Josh gave an update on legislation. Crossover has happened. 2249 turned into a study. 2397 failed.

24. New Business

- **Vo, Giang, Vu.** Full spectrum manicurist (180 hours nails/220 hours in facial) from Florida.
Teresa made a motion that Holly send a letter stating 43-11-25 sub 1a for needing extra hours for licensure. D'Arlyn second that motion. All voting: D'Arlyn (y), Maureen (y), Teresa (y), and Rebecca (y). Motion carried.
- **Remote instructor exams.** The Salon Professional Academy is asking to have instructors and students tested remotely or if the board could go to other locations. The board explained that remote testing is very particular regarding the environment and what might be extra in the room such as extra people, computers, or monitors. The board explained that there is an extra cost for examiners to travel and for their time while traveling.
- Maureen made a motion to have Holly run the number on the cost of having examiner travel to other locations and to ask Prov about the remote testing. Teresa second the motion. All voting: D'Arlyn (y), Maureen (y), Teresa (y), and Rebecca (y). Motion carried.
- **Instructor hours.** Jill asking for clarification on 43-11-27.
- **Amber Wellnitz** renewed in 2016. States that she renewed in 2019 the board has no proof of that. Maureen made a motion to have Holly send out a letter asking for proof of that renewal fee paid. Teresa second the motion. All voting: D'Arlyn (y), Maureen (y), Teresa (y), and Rebecca (y). Motion carried.
- **Disciplinary action against Ashley Kelpin.** Her salon license is not renewed, expired December 31, 2022. Her personal license is current. Maureen made a motion to have Holly send her a letter informing her of the century code and that she has an expired a license and that she needs to remedy within 30 days of receiving the letter. Teresa second that motion. All voting: D'Arlyn (y), Maureen (y), Teresa (y), and Rebecca (y). Motion carried. Holly asked for clarification if there is a known reason to have a new salon number issued for salon relocation. Discussion only

25. Old Business

- **Meshia Curington.** Transcript leading to degree. She is asking if this would replace the need for a high school transcript. D'Arlyn made a motion that we except proof of college degree in place of high school diploma in this case. Teresa second that motion. All voting: D'Arlyn (y), Maureen (y), Teresa (y), and Rebecca (y). Motion carried.
- **Kevin Robertson.** Josh updated us on Kevin's settlement agreement. Discussion only.

26. Adjournment

Teresa made a motion to adjourn the meeting. D'Arlyn second that motion. All voting: D'Arlyn (y), Maureen (y), Teresa (y), and Rebecca (y). Motion carried. The meeting was adjourned at 1:53 p.m.

The next regular meeting is scheduled for April 17, 2023, at 9:30 am.