



# North Dakota STATE BOARD OF COSMETOLOGY

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The North Dakota State Board of Cosmetology held a regular meeting on Thursday, August 22, 2024, at 9:30 a.m. at the board office, 4719 Shelburne St., Suite 1, Bismarck, N.D.

**Present:**

D'Arlyn Bauer, PHD, RN, Board President  
Emily Wilson, Cosmetologist  
Maureen Wanner, Cosmetologist, Secretary/Treasurer

**Also present:**

Holly Blomquist, Executive Director  
Steve Hanson, Attorney  
Teresa Felch, Board Inspector  
Angie Schafer, Board Inspector  
Several guests

The meeting was called to order at 9:37.

**Agenda**

**1. Approval of May 20 and June & July Regular & Special Meeting Minutes**

Several changes were made on the May 20 minutes.

Maureen made a motion to approve the May 20, 2024, minutes with changes. D'Arlyn seconded the motion. Motion carried.

Maureen made a motion to approve the June 5, 2024, special meeting minutes. D'Arlyn seconded the motion. Motion carried.

D'Arlyn made a motion to approve the June 12, 2024, special meeting minutes. Emily seconded the motion. Motion carried.

A typo was found and that will be corrected.

D'Arlyn made a motion to approve the June 17, 2024, minutes with change. Maureen seconded the motion. Motion carried.

There are several changes made.

Emily made a motion to approve the July 15, 2024, minutes with changes. Maureen seconded the motion. Motion carried.

D'Arlyn made a motion to approve the July 31, 2024, special meeting minutes. Emily seconded the motion. Motion carried.

**2. Approval of Licenses 7/1/24-7/30/24**

D'Arlyn made a motion to approve the July 2024 licenses. Emily seconded the motion. Motion carried.

**3. July 2024 Financial Statements**

Maureen made a motion to approve the July 2024 Financial Statements. D'Arlyn seconded the motion. Motion carried.

**4. Open Forum 9:45 am-10:00 am**

D'Arlyn opened the floor for comments at 9:49 am. No comment brought forth. She closed the floor for comment at 10:01 am.

- Miranda brought forth ideas to reduce the budget.
  - Half of the license expire in the middle of the year, the others due at the end of the year.
  - 1 inspector, inspect every other year
  - More vast members on the board

**5. Leslie Roste- Cosmetology Compact**

Discussion only.

- 6. Special Guests ND Military Commission- LTC Sheldon & Michelle Richart**  
Was not present
- 7. Miranda Nichols Instructor Course Approval**  
Miranda is a licensed Master Esthetician seeking approval on the Milady RISE Instructors course. She provided class credentials and outline, and her resume.  
Maureen made a motion to approve the complete Milady RISE Instructors course for Miranda according 43-11-27. Emily seconded that motion. Voting: Emily (y), Maureen (y), D'Arlyn (y). Motion carried.
- 8. Kathryn Conley Instructor Course Approval**  
Kathryn is seeking to take the online instructor's RISE course through Milady. She only has over 3 years of experience so she will be taking 160-hour course.  
D'Arlyn made a motion to approve the complete Milady RISE Instructors course for Kathryn according to 43-11-27. Emily seconded that motion. Voting: Emily (y), Maureen (y), D'Arlyn (y). Motion carried.
- 9. Abigail Puklich Master Application**  
Abigail is applying for her master esthetician license. She has worked 2 years, 1,236 hours. She provided check statements and screen shots of text messages between her and her employer. Her employer, Bare Medspa, refused to sign the affidavit. 43-11-26.  
Emily made a motion to approve Abigail's master esthetician application based on the documents provided without the affidavit from her employer. D'Arlyn seconded that motion. Voting: Emily (y), Maureen (y), D'Arlyn (y). Motion carried.
- 10. Benjamin Ohmann Application Approval**  
Benjamin served time for a non-violent drug crime. He was incarcerated for 30 months. He is on probation for 4 years from the date of release. He finished his hours at The Hair Academy.  
Emily made a motion to approve a conditional license upon passing all exams until date of completing probation at which time he will need to provide sufficient proof of release from probation to the board according 43-11-30. D'Arlyn seconded that motion. Voting: Emily (y), Maureen (y), D'Arlyn (y). Motion carried.
- 11. Haley Suedel Conditional Approval of Application**  
Information was provided from a school regarding Haley who has a felony conviction who is seeking an education in cosmetology. Looking for possibility of licensure after completing schooling. Discussion only.
- 12. Chong Tran Reciprocity Application- FL Full Specialist**  
He holds a full specialist license which is Manicuring and Esthetician in Florida. He was licensed in 2021. Maureen made a motion to approve his application for reciprocity for a manicuring license. D'Arlyn seconded the motion. Voting: Cindy (y), Emily (y), Maureen (y), D'Arlyn (y). Motion carried.
- 13. Casey Crader Settlement Agreement Proposed Amendments**  
Steve received proposed changes in the settlement agreement from Casey's attorney. Casey did obtain her master license and her independent licensee license prior to receiving the proposed settlement agreement and wished to have that condition removed.  
D'Arlyn made a motion on the recommendation of our attorney to approve the proposed changes to the settlement agreement. Emily seconded the motion. Voting: Emily (y), Maureen (y), Cindy (y), D'Arlyn (y). Motion carried.
- 14. The Hair Academy Complaint**  
A complaint was filed stating that the school was deducting 30 minutes for the students' hours if no lunch breaks were taken. The school states that they do not take that 30 minutes away from them if they were 'highlighted'. Also stating the school would book them with walk-ins over their scheduled lunch breaks. And a male student was making others uncomfortable, harassing others sexually. The school will handle this according to their policy.  
Maureen made a motion to dismiss the complaint against The Hair Academy. Cindy seconded that motion. Voting: Emily (y), Maureen (y), Cindy (y), D'Arlyn (y). Motion carried.
- 15. The Hair Society Institute of Cosmetology Complaint**  
There is a complaint stating complaints that have already been addressed. There were also complaints about the owner doing clients in the school. She stated that she was cutting her husband's hair. And the complaint states they were open when they should not have been.

D'Arlyn made a motion to dismiss the complaint against HSI for lack of evidence. Emily seconded that motion. Voting: Emily (y), Maureen (y), Cindy (y), D'Arlyn (y). Motion carried.

#### **16. Spectrum School of Massage & Esthetics Complaint**

The school passed the inspection in March. Classes started in May 2024. The school was licensed on June 10, 2024. The instructor (Crystal Lomax) was not fully licensed until June 18, 2024.

They were opened and running an unlicensed school with an unlicensed instructor. The students were unaware of this. There are 7 students.

Maureen made a motion to approve the hours the students have gained since May 1, 2024. Emily seconded the motion. Voting: Emily (y), Maureen (y), Cindy (y), D'Arlyn (y). Motion carried.

The school was operating without a license according to 43-11-13.

They employed an unlicensed instructor, 43-11-16 sub c.

The instructor was not present when students were at the school according to 43-11-16 sub g. and 32-04-01-21.

A student was teaching fellow students according to 32-04-01-23.

The students will be kicked out of the private rooms due to space. There is a massage business being run in the school according to 32-02-01-02 sub 2 and 3.

Maureen made a motion to place Spectrum School of Massage and Esthetics on a 3 years of probation with a minimum one inspection while each esthetics program is in progress, have Theresa hold a School Processes Review Class due within 45 days, provide an appropriate plan for program overlap of massage classes due within 7 days of execution of settlement agreement, and a fine of \$1000 to be paid within 45 days of execution of settlement agreement. Cindy seconded the motion. Voting: Emily (y), Maureen (y), Cindy (y), D'Arlyn (y). Motion carried.

Maureen made a motion to grant the school the use of the classroom space adjacent to the school to be used until current esthetics class is finished. D'Arlyn seconded the motion. Voting: Emily (y), Maureen (y), Cindy (y), D'Arlyn (y). Motion carried.

Maureen made a motion to amend the settlement agreement to remove the massage business from the school. Emily seconded the motion. Voting: Emily (y), Maureen (y), Cindy (y), D'Arlyn (y). Motion carried.

Maureen made a motion to grant Rachelle's hours completed of the esthetic program at 350 hours. D'Arlyn seconded that motion. Voting: Emily (y), Maureen (y), Cindy (y), D'Arlyn (y). Motion carried.

Emily made a motion to table the discussion of Rachelle's licensure until she applies for licensure. D'Arlyn seconded that motion. Voting: Emily (y), Maureen (y), Cindy (y), D'Arlyn (y). Motion carried.

D'Arlyn made a motion for a board issue complaint against Crystal Lomax for teaching without a license. Emily seconded that motion. Voting: Emily (y), Maureen (y), Cindy (y), D'Arlyn (y). Motion carried.

Meet was paused at 2:30  
Meeting called to order at 2:52

#### **17. Ali Nails and Spa Complaint**

The board received a complaint of sanitation violations. Passed the inspection.

D'Arlyn made a motion to dismiss the complaint due to insufficient evidence. Emily seconded the motion. Voting: Emily (y), Maureen (y), D'Arlyn (y). Motion carried.

#### **18. Nail Studio Complaint**

Unlicensed employees. Passed inspection on July 23, 2024. No unlicensed employees found.

D'Arlyn made a motion to dismiss the complaint due to insufficient evidence. Emily seconded the motion. Voting: Emily (y), Maureen (y), D'Arlyn (y). Motion carried.

#### **19. The Full Monte Complaint**

Board issued complaint. Tina Bear admitted to administering Botox at the salon. Angie reviewed the inspection with Arial from the salon. They discussed the complaint of medical services being done at the salon. Arial stated that they have rented rooms out to others who may have done the injections.

Maureen made a motion to dismiss the complaint due to insufficient evidence. D'Arlyn seconded the motion. Voting: Emily (y), Maureen (y), D'Arlyn (y). Motion carried.

**20. Suite 140 Salon & Spa Complaint**

Board issued complaint. Tina Bear admitted to administering Botox at the salon some time ago. Angie reviewed the inspection with Shauna from the salon. They discussed the complaint of medical services being done at the salon.

Maureen made a motion to dismiss the complaint due to insufficient evidence. D'Arlyn seconded the motion. Voting: Emily (y), Maureen (y), D'Arlyn (y). Motion carried.

**21. Elana K Photography Complaint**

A complaint stating that stylist doing hair and makeup in the photo studio. Elana K says she contracted stylist to do hair and makeup. Holly asked them to provide a list of salons and stylists that they contract.

D'Arlyn made a motion to dismiss the complaint due to insufficient evidence. Maureen seconded the motion. Voting: Emily (y), Maureen (y), D'Arlyn (y). Motion carried.

**22. Bailey Hennager Complaint**

The Board received a complaint against Bailey advertising that she does hair and makeup outside the salon. She has her Master Cosmetology license. She does not work at a salon. She is just advertising her services, not as a salon business. It would be practicing outside of salon according to 32-03-01-14.

Maureen made a motion to dismiss the complaint due to insufficient evidence. Emily seconded the motion. Voting: Emily (y), Maureen (y), D'Arlyn (y). Motion carried.

**23. Trendy Nails and Classy Nails, owned by the same person. Disciplinary Action on Inspection & Complaint**

**Trendy Nails:**  
Inspection was done on June 24, 2024, and the inspector found wax resulting in a reinspection recommendation. The inspector went back for a reinspect and she found there was no Master licensee on duty on July 16, 2024. They rectified that the next day. On July 30 she went in to inspect due to a complaint from the Health Department regarding someone wanting money back because a client developed a fungal infection. They passed on July 30<sup>th</sup>.

D'Arlyn made a motion to dismiss the complaint from the Health Department due to insufficient evidence. Emily seconded the motion. Voting: Emily (y), Maureen (y), D'Arlyn (y). Motion carried.

D'Arlyn made a motion to place them on a 6 months' probation with a reinspection for being open without a master licensee according to 32-03-01-07. Emily seconded the motion. Voting: Emily (y), Maureen (y), D'Arlyn (y). Motion carried.

**Classy Nails:**

D'Arlyn made a motion to dismiss the complaint due to insufficient evidence of unlicensed workers. Emily seconded the motion. Voting: Emily (y), Maureen (y), D'Arlyn (y). Motion carried.

**24. La Belle Nails LLC Disciplinary Action on Inspection**

They employ a cosmetologist, but not a Master Cosmetologist. They have a Master Manicurist. There was a wax pot on in a room with a bed in the room. They stated they were just doing waxing on themselves. Emily made a motion to place La Belle on a 6 months' probation with a \$250 fine payable within 45 days of execution of the settlement agreement, a reinspection, having them remove the waxing and the advertising of waxing from the website according to 43-11-13, and hire a Master Cosmetologist to oversee the cosmetologist according to 43-11-15 and 32-03-01-07. D'Arlyn seconded the motion. Voting: Emily (y), Maureen (y), D'Arlyn (y). Motion carried.

**25. Lavish Nails Disciplinary Action on Inspection**

There is a complaint about unlicensed employees. No unlicensed employees found. They had waxing supplies on site, wax pot plugged in but not on but portable. They were found doing esthetic services without proper license.

Emily made a motion to place Lavish nails on a 6 months' probation and a reinspection due to waxing supplies found on site and they are to remove the supplies until a Master Cosmetologist or Master Esthetician is employed according to 32-03-01-07. D'Arlyn seconded the motion. Voting: Emily (y), Maureen (y), D'Arlyn (y). Motion carried.

D'Arlyn made a motion to dismiss the complaint of an unlicensed employee due to insufficient evidence. Maureen seconded the motion. Voting: Emily (y), Maureen (y), D'Arlyn (y). Motion carried.

**26. Pro Nails Spa Disciplinary Action on Inspection**

Inspected May 22 by Heather. 3 employees got up and left clients and walked out the backdoor. The owner admitted that they were unlicensed. They did not have a response to that complaint. Holly had Teresa do

a reinspection, several employees got up and left clients.

D'Arlyn made a motion to place Pro Nails on 6 months' probation, \$500 fine to be paid within 45 days of execution of the settlement agreement and a reinspect according to 43-11-13. Emily seconded that motion. Voting: Emily (y), Maureen (y), D'Arlyn (y). Motion carried.

**27. Lucky Nails Disciplinary Action on Inspection**

During the inspection, a mattress was found in the back room for sleeping. The owner says it is for the kids when they come to the salon, a "private office" listed on the office door, and UV light the owner states is for storage. Sufficient means of disinfection was present in salon. There needs to be separate space according to 32-02-01-02.

Maureen made a motion to dismiss the disciplinary action recommended from the inspection due to insufficient evidence. Emily seconded the motion. Voting: Emily (y), Maureen (y), D'Arlyn (y). Motion carried.

**28. Bling Nail & Spa Disciplinary Action on Inspection**

During an inspection waxing supplies were found but unplugged. They stated that they no longer have someone to perform the services.

D'Arlyn made a motion to place Bling Nails on a 6 months' probation due to waxing supplies found on site and they are to remove the supplies until a Master Cosmetologist or Master Esthetician is employed and to have a reinspection to be done according to 32-03-01-07. Maureen seconded the motion. Voting: Emily (y), Maureen (y), D'Arlyn (y). Motion carried.

**29. Infinite Art Nails Disciplinary Action on Inspection**

There were invasive tools found on site during an inspection.

D'Arlyn made a motion to place Infinite Art Nails on 6 months' probation with a \$250 fine to be paid within 45 days of the execution of the settlement agreement and a reinspection according to 43-11-01 sub 8; 32-02-01-11 sub 17. Emily seconded the motion. Voting: Emily (y), Maureen (y), D'Arlyn (y). Motion carried.

**30. Nail Concepts Disciplinary Action on Inspection**

There were invasive tools found on site during an inspection. The owner has tossed out the invasive tool that was given to them by an educator.

D'Arlyn made a motion to place Nail Concepts on 6 months' probation with a \$250 fine to be paid within 45 days of the execution of the settlement agreement and a reinspection according to 43-11-01 sub 8; 32-02-01-11 sub 17. Maureen seconded the motion. Voting: Emily (y), Maureen (y), D'Arlyn (y). Motion carried.

**31. Lovely Nails and Spa Disciplinary Action on Inspection**

They are not on disciplinary actions currently. They have been on disciplinary actions in the past. There were invasive tools found in the trash that the inspector saw the worker toss in, and another one in the storage area.

Maureen made a motion to place Lovely Nails on 6 months' probation with a \$250 fine to be paid within 45 days of the execution of the settlement agreement and a reinspection according to 43-11-01 sub 8; 32-02-01-11 sub 17. D'Arlyn seconded the motion. Voting: Emily (y), Maureen (y), D'Arlyn (y). Motion carried.

**32. Top Nails by Emily Disciplinary Action on Inspection**

There were invasive tools found on site during an inspection. Owner states that she uses it on her husband.

Maureen made a motion to place Top Nails by Emily on 6 months' probation with a \$250 fine to be paid within 45 days of the execution of the settlement agreement and a reinspection according to 43-11-01 sub 8; 32-02-01-11 sub 17. D'Arlyn seconded the motion. Voting: Emily (y), Maureen (y), D'Arlyn (y). Motion carried.

**33. Glitz & Glam Nails Disciplinary Action on Inspection**

There were invasive tools found on site during an inspection. She stated she has it for her own use.

D'Arlyn made a motion to place Glitz & Glam Nails on 6 months' probation with a \$250 fine to be paid within 45 days of the execution of the settlement agreement and a reinspection according to 43-11-01 sub 8; 32-02-01-11 sub 17. Maureen seconded the motion. Voting: Emily (y), Maureen (y), D'Arlyn (y). Motion carried.

**34. Heaven Nails Spa Disciplinary Action on Inspection**

There were invasive tools found on site during an inspection. The owner states that she will throw it away.

Maureen made a motion to place Heaven Nails on 6 months' probation with a \$250 fine to be paid within 45 days of the execution of the settlement agreement and a reinspection according to 43-11-01 sub 8; 32-02-01-11 sub 17. D'Arlyn seconded the motion. Voting: Emily (y), Maureen (y), D'Arlyn (y). Motion carried.

### **35. AG Professional Licensing Board Training**

Training is October 15, 2024, in person and online.

Maureen made a motion to pay up to 5 board members to attend the AG Professional Licensing Board Training. D'Arlyn seconded the motion. Voting: Emily (y), Maureen (y), D'Arlyn (y). Motion carried.

### **36. OMG! Salon**

During a routine inspection, it was found that there was a new owner, Thi Nguyen Die Mai, who is a licensed Master Manicurist, and workers from other salons who are also licensed. They will be getting duplicate licenses for the workers that work in multiple locations. This is an unlicensed salon currently. The owner is operating a salon without a license according to 43-11-13.

Maureen made a motion to place OMG! Salon owner Thi Nguyen Die Mai, license #MA 486, on a 6 months' probation with a \$1000 fine to be paid within 45 days of the execution of the settlement agreement, a reinspection and to have the salon application completed along with payment within 30 days. D'Arlyn seconded the motion. Voting: Emily (y), Maureen (y), D'Arlyn (y). Motion carried.

### **37. Hair by 201**

A call was made to Holly with some questions: How to create a separation between her two businesses, a medi spa and hair salon and if the board would offer a conditional salon license so she can open Hair by 201 Salon as a separation will take time to construct? The Board determined a hallway was not sufficient separation between businesses where invasive procedures were being performed. There would need to be a door or wall separation. 43-11-01 sub 8 & 19; 32-02-01-11 sub 17.

Maureen made a motion to approve a conditional salon license for 3 months so they can get a door added to create separation between the 2 businesses. D'Arlyn seconded the motion. Voting: Emily (y), Maureen (y), D'Arlyn (y). Motion carried.

### **38. New Business**

- Samatha Kessel is employed by the board as an examiner and was arrested but all charges were dropped. She wanted to inform the board. Discussion only.
- Laws committee. Determined that since all board members wanted to participate no need for committee so Special Meetings will be used instead of a special committee.

### **39. Unfinished Business**

- a. FYI-Pending Settlement Agreements:
  - i. Amber @ Jazzy Stylz org. sent 2/15/24
    - a. Undelivered certified letter was returned
    - b. Holly will send on letter with the inspector
  - ii. Charley Rae's Hair Studio org sent 6/21/24

### **40. Adjournment.**

Maureen made a motion to adjourn the meeting. Emily seconded the motion. motion carried. Meeting adjourned at 5:45 pm.

The next regular meeting is scheduled for September 16, 2024, at 9:30 am.