



North Dakota STATE BOARD OF COSMETOLOGY

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The North Dakota State Board of Cosmetology held a regular meeting on Monday, October 21, 2024, at 9:30 a.m. at the board office, 4719 Shelburne St., Suite 1, Bismarck, N.D.

The meeting was called to order at 9:44 am by D'Arlyn Bauer.

Present:

D'Arlyn Bauer, Board President
Emily Wilcox, Board Vice President
Maureen Wanner, Board Secretary
Cindy Ripplinger, Board Member

Also Present:

Holly Blomquist, Executive Director
Steve Hanson, Attorney

D'Arlyn made a statement

Agenda

1. Approval of September Regular & Special Meeting Minutes
Special September 3, 2024. Cindy made a motion to approve the minutes for the special meeting on September 3, 2024. D'Arlyn seconded that motion. Motion carried.

Regular September 16, 2024. Cindy made a motion to approve the minutes for the special meeting on September 3, 2024. Maureen seconded that motion. Motion carried.

Special September 24, 2024. D'Arlyn made a motion to approve the minutes for the special meeting on September 3, 2024. Cindy seconded that motion. Motion carried.

Special September 25, 2024. D'Arlyn made a motion to approve the minutes for the special meeting on September 3, 2024. Cindy seconded that motion. Motion carried.
2. Approval of Licenses 9/1/24-9/30/24
Cindy made a motion to the license for September 1 to September 30, 2024. D'Arlyn seconded that motion. Motion carried.
 - a. Caitlin Dunn. Maureen made Cindy. All voting: Maureen (y). Cindy (y), Cindy (absent), D'Arlyn (y). Motion carried.
3. Approval September 2024 Financial Statements
Cindy made a motion to approve the September 2024 Financial Statements. D'Arlyn seconded that motion. Motion carried.
4. Open Forum 9:45 am-10:00 am
D'Arlyn opened the meeting up at 9:45.
 - The topic of a board member being involved with a cosmetology school
 - Master Cosmetologist being on duty at the salon during open hours. Comments were

regarding the salon being open if MC was sick and needed to be out of salon.
The open forum closed at 10:05.

5. Heather Meyer's resignation
Heather resigned her position as an examiner. Discussion only.
6. Examiner positions hiring request
Maureen made a motion to go through the hiring process for two examiners. D'Arlyn seconded that motion. All voting: Maureen (y). Cindy (y), Emily (y), D'Arlyn (y). Motion carried.
7. Jazzlyn Hasbargen application for licensure
Jazzlyn was charged with open container. She has taken care of her obligations. Emily made a motion to approve Jazzlyn application upon successfully completing the requirements to licensure. D'Arlyn seconded that motion. All voting: Maureen (y). Cindy (y), Emily (y), D'Arlyn (y). Motion carried.
8. Martha Lainez reciprocity application. 43-11-25, 32-05-01-01.1
Completed 400-hours of school training. Licensed in December 2022. D'Arlyn made a motion to have Martha take the participle examination and upon the success of passing the exam and the law exam and pay her fee, be granted her license. Cindy seconded that motion. All voting: Maureen (y). Cindy (y), Emily (y), D'Arlyn (y). Motion carried.
9. Cuong Do reciprocity application.
He is asking to have the requirement to take the participle exam waived because of lack of transportation. D made the motion to require Cuong Do to take the participle examination and the law exam and upon passing and paying the fee, be granted a license. Cindy seconded that motion. All voting: Maureen (y). Cindy (y), Emily (y), D'Arlyn (y). Motion carried.
10. Dana Miller independent licensee application. 43-11-28
Dana is asking the board to refund her renewal and late fee or have that applied to the new location application fee. She has not yet applied for a new salon location. D made a motion to deny the request for a refund according to 43-11-28. Emily seconded that motion. All voting: Maureen (y). Cindy (y), Emily (y), D'Arlyn (y). Motion carried.

Dana is working in an unlicensed salon. The salon owner she is renting from knows she is unlicensed. Cindy made a motion to start a board-initiated complaint against Dana according to 43-11-13. Emily seconded that motion. All voting: Maureen (y). Cindy (y), Emily (y), D'Arlyn (y). Motion carried.
11. Josef's School of Hair, Skin & Body complaint
 - a. Service appointments not being evenly distributed.
Maureen made a motion to dismiss the complaint. Cindy seconded that motion. All voting: Maureen (y). Cindy (y), Emily (y), D'Arlyn (y). Motion carried.
 - b. Student accommodation. Because of students' transportation issues, asked to be 3 minutes late. She can be there 30 minutes early riding the bus but wants staff there so she can get in. She also would like to do tarot cards during theory class since a guest speaker was allowed to mention her Christian beliefs during her guest visit.
Emily made a motion to dismiss the complaint. Maureen seconded that motion. Cindy seconded that motion. All voting: Maureen (y). Cindy (y), Emily (y), D'Arlyn (y). Motion carried.
12. Nail Mosaic complaint
Unlicensed worker complaint. Scheduling site allowed appointments to be scheduled with unlicensed worker. The owner acknowledges allowing unlicensed individuals to work in salon and stated she was training an individual in her salon who was preparing to take licensing

examinations.

Cindy made a motion to place Nail Mosaic on probation due to unlicensed workers for 6 months, fine of \$500 payable in 45-day and a reinspect according to 43-11-13, 32-01-03-01 and 43-11-35. Emily seconded that motion. All voting: Maureen (y). Cindy (y), Emily (y), D'Arlyn (y). Motion carried.

13. London Nails complaint

Unlicensed workers. A rasp was found during inspection.

D'Arlyn made a motion due to violation to 32-02-01-11.17, to place London Nails on 6 months' probation, shall pay a fine of \$250 payable in 45-day and will be reinspect. Emily seconded the motion. All voting: Maureen (y). Cindy (y), Emily (y), D'Arlyn (y). Motion carried.

D'Arlyn made a motion to dismiss the complaint of unlicensed worker. Emily seconded that motion. All voting: Maureen (y). Cindy (y), Emily (y), D'Arlyn (y). Motion carried.

14. Tina's Nail Spa complaint

Complaint about unlicensed worker, ID shared among workers, paraffin being reused. They passed their inspection.

Cindy made a motion to dismiss the complaint against Tina's Nail Spa. D'Arlyn seconded that motion. All voting: Maureen (y). Cindy (y), Emily (y), D'Arlyn (y). Motion carried.

15. K&K Nails by Jacob Le Disciplinary on inspection

An inspection was done. Found invasive tools. They have a signed settlement agreement already in place for employing unlicensed workers. They are currently on probation.

Maureen made a motion to have K&K Nails by Jacob Le pay a fine of \$250 payable in 45-day and will be reinspect. D'Arlyn seconded that motion.

All voting: Maureen (y). Cindy (y), Emily (y), D'Arlyn (y). Motion carried.

16. LOR Spa Disciplinary on inspection

The inspection was done on September 12, 2024. Lancets and microneedling were found, no master license for the salon at the time of inspection. There is now a Master Esthetician. But the cosmetologist also needs a master license.

D'Arlyn made a motion that a letter be sent to clarify that the Cosmetologist needs a master license according to 32-03-01-07 and due to 32-02-01-11.17, to place LOR Spa on 6 months' probation, shall pay a fine of \$250 payable in 45-day and will be reinspect. Emily seconded the motion. All voting: Maureen (y). Cindy (y), Emily (y), D'Arlyn (y). Motion carried.

17. InfiniteArt Nails settlement agreement

Asking to make payment of the fine.

Cindy made a motion to except the payment plan for InfiniteArt Nails' fine outlined in their settlement agreement. D'Arly seconded the motion. All voting: Maureen (y). Cindy (y), Emily (y), D'Arlyn (y). Motion carried.

18. V Nails & Spa settlement agreement

Asking the board to reconsider the terms of the settlement agreement. Maureen made a motion to deny V Nails & Spa's request. Cindy seconded that motion. All voting: Maureen (y). Cindy (y), Emily (y), D'Arlyn (y). Motion carried.

19. Concepts of Wellness settlement agreement

Asking the board to lower the fine of \$250 to \$150 and to lessen the probation time. Emily made a motion to deny Concepts of Wellness' request. Cindy seconded that motion. All voting: Maureen (y). Cindy (y), Emily (y), D'Arlyn (y). Motion carried.

20. Miranda Marshall reciprocity application

Licensed in July 2022.

Maureen made a motion to ask Miranda for more information on work experience or if there is none provided, she takes the particle examination and upon success of passing the exam and the law exam and paying her fee, be granted a license. D'Arlyn seconded that motion. All voting: Maureen (y). Cindy (y), Emily (y), D'Arlyn (y). Motion carried.

- 21.** Sawyer Damiano application to take particle exam for initial license.
Convicted of consumption of a minor. Obligations are met.
D'Arlyn made a motion to approve her application and approval her license upon successfully meeting all requirements. Cindy seconded that motion. All voting: Maureen (y). Cindy (y), Emily (y), D'Arlyn (y). Motion carried.
- 22.** Questions from TSPA, Josef's & The Hair Academy
The schools brought forth questions and concerns regarding apprenticeship, the protection of the apprentice, and advanced Esthetics license requirements.
- 23.** Letters to the Board
Several emails have been sent to the board regarding the potential changes to esthetic law and rules. Discussion only
- 24.** New Business
 - a. Survey from a third party regarding the States Auditor's office. Holly will find out if this survey needs to be completed since they do not do the Boards audits.
- 25.** Unfinished Business
 - a. Statutes review, continued
Discussion only
 - b. FYI-Pending Settlement Agreements:
 - i. Amber @ Jazzy Stylz org. sent 2/15/24
A copy of the settlement agreement was left for Amber by the inspector.
 - ii. Esthetics by Elyse
Esthetic by Elyse sent settlement back in the mail.
 - iii. Trendy Nails
A second letter will be sent out soon.
 - iv. Glitz & Glam Nails
A second letter will be sent out soon.
- 26. Adjournment**
Maureen made a motion to adjourn the meeting. D'Arlyn seconded that motion. Motion carried.
The meeting was adjourned at 3:51 pm.

The next regular meeting is scheduled for November 18, 2024, at 9:30 am.

Minutes submitted by Maureen Wanner