



# NORTH DAKOTA STATE BOARD OF COSMETOLOGY

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## North Dakota State Board of Cosmetology May 21, 2018 Minutes

The meeting was held at the board office. Gary Andes called the meeting to order at 10:05 a.m.

**Present:** Gary Andes, Eunice Smith, Magen Buchholz, Maureen Wanner, Sandy DePountis, and Sue Meier. **Absent:** Miranda Stanley.

**Minutes:** Magen Buchholz moved, seconded by Eunice Smith to approve the minutes of April 16, 2018 meeting.

Roll call vote: Smith, yes; Wanner, yes; Buchholz, yes; Andes, yes. Motion Carried.

**Kelsey Carter:** The Board received a complaint and Facebook posts indicating that Kelsey Carter has a salon set up in her home and providing services without a salon license. At its last meeting the Board table this discussion to gather more information. Ms. Carter provided an explanation that she is on maternity leave and never intended to advertise as a salon and removed her Facebook page. She indicated that she did friends and their children for free because they couldn't afford going to a salon. She asked the Board if she is allowed to do hair for Carries Kids back to school charity event. She may practice outside of a salon providing she is a master cosmetologist with one year work experience, follows all rules of sanitation and services are not provided on a regularly scheduled basis to constitute a salon business. Sandy DePountis said the Board cannot give legal advice to the public. Under the law, they do not have to have approval to provide services at special events. The Board will consider updating the language to this rule. The Board's main concern is that people understand that they need to follow sanitation practices at all events. After discussion, Maureen Wanner motioned not to take disciplinary action against Kelsey Carter at this time, but table it in case something comes before the Board again. Seconded by Eunice Smith.

Roll call vote taken and motion carried unanimously. The office will sent a letter to Ms. Carter with the law that allows her to provide services outside a salon for a special event and the importance of following all the rules of sanitation.

**Logan Sperl:** Application for licensure by reciprocity form Ohio. Ms. Sperl completed 200 hours for manicure and has taken and passed a practical and written exam in Ohio. Ms. Sperl is a member of the military and is unable to provide 3 years of work experience because of full-time active duty. Sandy DePountis informed the Board that there is a military spouse exemption, but not one for military. Based on her information, she will have to comply with the reciprocity requirements of 43-11-25 to obtain ND licensure. She will need to provide 3 years of work experience or she will have to complete 150 hours of school training. If she can show that she has been working the past three years, even if it wasn't full time, the Board can consider it. Sue will work with her to see if she can provide work experience.

**Stella Nails & Spa, Watford City** was inspected on May 9, 2018. The inspector found two unlicensed individuals providing services. This salon opened on 2/21/18. The owner, Stanley Por explained that one person is an assistant and helps set up the pedicure chairs and manicure tables and the other person was demonstrating his skills for a job. Both individuals are in the process of obtaining their license by reciprocity. Based on the inspector's report, Magen Buchholz motioned to take disciplinary action against Stella Nails & Spa for permitting unlicensed individuals to practice manicure services and authorized Sandy DePountis to offer a Settlement Agreement with a fine of \$500 and one year probation. Maureen Wanner seconded the motion.

Roll call vote taken and motion carried unanimously.

**NIC Regional:** Attached is the Report given by Maureen Wanner on the NIC Regional meeting. Summary:

- Discussion about regulation and deregulation.
- NIC is researching the use of lasers and who should be regulating it. Currently, no State has implement any laws. Maureen will continue to follow this research.
- Cut-It-Out program.
- Barbers and cosmetologist combining into one entity.
- Inspection.

Eunice Smith asked if anything was address on braiding. It was briefly discussed that NIC wants to keep regulating it as a cosmetology service. If a braiding license is considered, schools will have to be willing to offer the program and the curriculum must include sanitation.

The Board discussed legislation and updating the law. Maureen Wanner will look into other state's laws on how to regulate invasive practices and work with the other Boards that are involved. Magen Buchholz's concern is that, for the Board to regulate invasive procedures, the inspectors and board members needs to be educated with the procedures.

**NIC National Convention** will be held October 6-8, 2018 in Seattle, Washington. Maureen Wanner will be able to attend and Magen Buchholz would like to attend the executive directors' meeting starting on Oct. 4<sup>th</sup>. Finally decision will be made at the next meeting.

**Back-up Inspector for the Fargo area.** Andrea Trimble request the Board to consider hiring a substitute inspector to inspect her territory when she is on vacation. The Board discussed talking to Cheryl Hokana to see if she would be interested in conducting any new inspections when Andrea is out of town. The Board received an application for the positon. A motion was made by Maureen Wanner to keep the resume on file in case an opening does occur and talk to Cheryl if she is interested in being a back-up inspector. Motion seconded by Eunice Smith.

Roll call vote taken and motion carried unanimously.

**Financial Reports:** Motion by Maureen Wanner to accept the April 2018 financial reports. Seconded by Magen Buchholz.

Roll call vote taken and motion carried unanimously.

**Out-of-State Board's Salary:** Sue Meier inquired on how to compensation members of the board when travel out of state. Sandy DePountis explained under the law 43-11-06 they will

receive compensation in the amount provided for members of the legislative under 54-35-10 for each day employed in the actual duties and must also be paid for expenses while attending meetings. A full day rate is \$177.00. If Magen Buchholz goes as an executive director, she will receive her employee salary while attending meetings and travel time. If she goes as a board member, she will be compensated under 43-11-06.

**New Business:**

- Magen Buchholz received a call from a salon owner concerning a client bringing a service animal, to the salon, without proper documentation that it's a service animal. Sandy said that the Board is not authorized to give legal advice and she will have to contact a private attorney. Under the cosmetology law, no animals except assistance animals for the disabled shall be permitted in any salon. She will have to rely on her attorney's opinion what is required for service animals.
- Dorothy Forestal applied for a cosmetology license by reciprocity from Florida. She completed 1200 hours of school training, passed a written examination, and has been working in the profession since 2012. Florida does not require a practical exam. Ms. Forestal is requesting the Board to consider her work experience in lieu of taking the practical exam. Under the law, an applicant must have passed a theory and practical examination. The Board does not have the authority to waive the laws or rules.

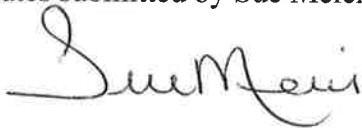
Inspector's meeting will be held on May 23, 2018 at 1pm. Sandy will review the letter that Andrea Trimble provided and will let Magen know her thoughts.

No other business.

The next meeting is scheduled on June 18, 2018 at 10 am.

Maureen Wanner motion and seconded by Magen Buchholz to adjourn. Gary Andes adjourned the meeting at 11:05 am.

Minutes submitted by Sue Meier.

A handwritten signature in cursive script, appearing to read "Sue Meier".