



# NORTH DAKOTA STATE BOARD OF COSMETOLOGY

4719 SHELBURNE ST. SUITE 1  
BISMARCK, ND 58503  
TELEPHONE (701) 224-9800

## North Dakota State Board of Cosmetology June 18, 2018 Minutes

The meeting was held at the board office. Gary Andes called the meeting to order at 10:00 a.m.

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

**Minutes:** Miranda Stanley moved, seconded by Maureen Wanner to approve the May 21, 2018 Board minutes and May 23, 2018 Inspector's minutes.

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

**Jimmy Nguyen's Reciprocity Application:** The Board received an email indicating that he has been working in Minot for more than 8 years without a license and recently at ND Nails & Spa for one year. The Board is very concerned about the threatening language in this email. Sandra DePountis forwarded the information to law enforcement, but has not heard back. The owner of ND Nails & Spa replied that Jimmy Nguyen is not working for him and was also troubled by the email. Recently, Jimmy Nguyen applied for a license by reciprocity, but the application is incomplete because we have not received license verification from California and he failed the law test. A copy of the email was sent to Jimmy Nguyen requesting a response, but no reply. The salon was inspected on May 14, 2018 and all individuals were licensed. The Board is unsure who sent the email and has no proof that he was practicing. Sandy DePountis suggested waiting for a response from him. Gary Andes feels it's Jimmy Nguyen's responsibility to provide proof that he didn't write the threatening email and to send a second letter by registered mail. After discussion, Eunice Smith motioned that Sue send Jimmy Nguyen a registered letter given him a last opportunity to submit a response. Seconded by Maureen Wanner. Roll call vote: Buchholz, yes; Stanley, yes; Wanner, yes; Smith, yes; Andes, yes. Motion carried.

**Logan Sperl:** At its last meeting, the Board considered Ms. Sperl's reciprocity application as a member of the military. Recently, she informed Sue that she is also a military spouse. Under the military spouse law, she must demonstrate competency in the profession, worked in the licensed profession for at least two of the past four years, pays the required fees, and the board may grant a license, if it won't increase risk of harm to the public. Ms. Sperl explained that her ex-employer will not verify her work experience. The Board will accept paystubs, tax information, or a co-worker may verify her hours. Maureen motioned to grant Logan Sperl a military spouse licensure contingent upon proof of working two years of the past four years. Miranda Stanley seconded the motion. Roll call vote taken and motion carried unanimously.

**Chinh Duong** asked the Board to consider granting a license without taking the law test, or provide the exam in Vietnamese language because his friend can't read English. The Board cannot waive the requirement of the exam and it's not required by law that the Board has to provide the test in different languages. If the Board allow this, it would have to offer it in other languages, as well. The Board looked at NIC's policy and readers, translators, or foreign language dictionaries are not allowed. Allowing translators creates security problems and the ability to read and understand instructions is important to public protection. After discussion, Maureen Wanner motioned to inform Chinh Duong that the law test is not offered in different languages. Seconded by Eunice Smith.

Roll call vote taken and motion carried unanimously.

**Susan Getz's** filed a complaint against M. J. Capelli concerning a bad haircut she received from a stylist. Sue Cote, Manager of M. J. Capelli Salons explained that she did what she could to correct it and offered to take care of her at no charge. Sandy DePountis explained that the Board doesn't have authority to take disciplinary action for dissatisfaction with services. Maureen Wanner moved, seconded by Miranda Stanley to dismiss the complaint.

Roll call vote taken and motion carried unanimously.

**State Approving Agency for Veterans Benefits:** Sandy explained this allows veterans to be reimbursed for exam fees by the US Department of Veterans Affairs. Sue will complete the application for approval.

**Waxing License Proposal:** Jayme Albright manages Waxing The City in Minot and she is making a proposal for the Board to consider creating a waxing license. Gary Andes feels if you allow a waxing license, there will be others that will want separate licenses for other services. After discussion, a letter will be sent to Jayme Albright, thanking her for the information.

**Legislation:** Maureen Wanner will start adding her thoughts and suggestions to the laws and rules for the Board to consider for legislation.

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

Roll call vote taken and motion carried unanimously.

**July 2018 – June 2019 Budget Report:** Miranda Stanley motion to accept the budget report. Seconded by Maureen Wanner.

Roll call vote taken and motion carried unanimously.

**NIC National Convention** will be held October 6-8, 2018 in Seattle, Washington. Maureen Wanner will attend and if Magen Buchholz is unable to attend the Executive Directors' meeting, Maureen will attend that as well.

**New Business:**

- Magen Buchholz inquired if booth renter can have employees. It was determined as long as the space is licensed and a master cosmetologist is present at all times.

**Old Business:**

- Gary Andes brought up his concern again about the grading system used for the NIC practical. Candidates are passing when they can't even do a haircuts. He would like to include grading on skills. Megan Buchholz didn't feel comfortable with the responsibility to decide how many points to give. The NIC exam is a minimum competency test with a yes or no grading system. If a candidate fails, it will be on safety and sanitation, not skills. The employers are responsible to continue educating their stylists.

No meeting in July. The next meeting is scheduled on August 20, 2018 at 10 am.

Maureen Wanner motion and seconded by Eunice Smith to adjourn. Gary Andes adjourned the meeting at 10:45 am.

Minutes submitted by Sue Meier.

A handwritten signature in cursive script that reads "Sue Meier". The signature is written in dark ink on a white background.