



## NORTH DAKOTA STATE BOARD OF COSMETOLOGY

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The North Dakota State Board of Cosmetology held a special meeting on Friday, February 16<sup>th</sup>, 2021 at 10:00a.m. at the board office.

### Members Present:

Maureen Wanner  
Rebecca Wood  
Tenalee Erickson  
Eunice Smith

Maureen Wanner called the meeting to order at 9:52am

Matt Lonn with ND Center for Distance Education presented his plan for adding in a cosmetology course to their program. He was looking for opinions, and an official endorsement and potential for support in the future. Maureen is proposing writing a letter to Matt Lonn to endorse his proposal with edits to ensure there will be no hands-on services provided by unlicensed cosmetologists. We are also proposing that they add in a section for discussion of century code. Tenalee makes a motion to have Maureen send a letter to Matt Lonn that the State Board of Cosmetology will endorse the courses proposed by Matthew. Eunice seconds the motion. Motion carries.

Approval of meeting minutes for January 13th, 19th, 20th, and 27th. Tenalee makes a motion to approve January meeting minutes. Eunice seconds the motion. Motion carries.

Audit Report - Tenalee makes a motion to accept the audit report. Eunice seconds the motion. Motion carries.

The Flyest Honey – Board discusses lack of proof with Bree offering services outside of her scope of practice. Board feels it is all hearsay at this point and would need concrete proof in the future. Board discusses having the office send a letter. Tenalee makes a motion to dismiss the complaint. Rebecca seconds the motion. Motion carries

Hoang Nguyen renewal – Board raises concerns regarding multiple convictions. Board discusses pro/cons of offering a renewal with provisions. Rebecca makes a motion to deny the renewal based on 43-11-31 sub 2 Conviction of an offense determined by the board to have a direct bearing upon a person's ability to serve the public in a profession licensed by the board and have Annique send a letter to Mr. Nguyen. Eunice seconds the motion. Motion carries.

Sublime impressions – Board discusses issues with taking emotions out of inspecting. Board decides to have Tenalee follow up with Cheryl to ensure she is handling inspections in a black and white manner.

Terri Bachmeier – Board discusses issues with the professionalism of Terri bringing a friend along to do her salon inspections. The individual with Terri handled herself in an unprofessional manner while at the salon. Board has offered to send someone in with Terri upon her request if she feels concerned. Board never received any such request from Terri. Rebecca makes a motion to remove Terri Bachmeier as an inspector. Eunice seconds the motion. Motion carries.

Kaycee Demarest – Operating as a licensed cosmetologist in a booth setting without a salon license. Kaycee stated that she was under the impression she was fully licensed and was not aware that she also needed a salon license. Tenalee makes a motion to approve the salon license for Kaycee Demarest. Rebecca seconds the motion. Motion Carries.

Maisy Hanson test scores. Board discusses inability to waive the law. We do not have the authority to overturn exam issues.

Lovely Nail and Spa – Sanitation violations and unlicensed workers. Board discussing standing with previous protocol of a \$500 fine for unlicensed workers,

a one year probation and a with a sanitation class. Tenalee makes a motion to authorize Annique to send a settlement agreement to Lovely Nail and Spa to include a \$500 fine, a one year probation, and a sanitation class within 30 days. Eunice seconds the motion. Motion carries.

Inspector boundaries – Board discusses hiring an additional inspector for the Bismarck, Mandan, and Williston areas. We also discuss reviewing the boundaries for current inspectors. Rebecca makes a motion to add an additional inspector to the Bismarck Mandan area. Tenalee seconds the motion. Rebecca makes a motion to open up applications for the Bismarck/Mandan and Williston area. Tenalee seconds the motion. Motion carries.

Board discusses options for NIC examiner training.

Board discusses amendments to 1426

Hours we would require for a Hairstyling curriculum

Hours we would require for a Makeup artistry curriculum

Board discusses advantages for licensees over those who would simply certified.

Major point being for reciprocity reasons. A license would be recognized from state to state where as a certification would not be.

Tenalee Makes a motion to table the discussion on HB 1426. Eunice seconds the motion. Motion carries

January 2021 financial statement approval - Eunice makes a motion to approve the January 2021 financial statement. Tenalee seconds the motion. Motion carries.

Tenalee makes a motion to ratify all licenses. Eunice seconds the motion. Motion carries.

Lupita Coleman complaint – Anonymous complaint brought forward to the Board by Gary Andes. Board discusses following up with Lupita and having the Board send a letter thanking her for her response and informing her where to find the salon license application. Tenalee makes a motion to have Sue send the letter to Lupita Coleman. Eunice seconds the motion. Motion carries.

License clarification – Board discusses different interpretations of the law 43.11.29, which reads, “A license issued by the board under this chapter, which has not been renewed prior to the thirty-first day of December in any year, expires on the thirty-first day of December in that year. The holder of an expired license, within one year from and after the date of its expiration, may obtain a license upon the payment of the required fee in addition to the current renewal fee and upon furnishing to the board satisfactory proof of the person’s qualifications to resume practice. If a license is not renewed within one year from the date it expired, the applicant for reinstatement shall take and pass the examination that is required of new applicants.” Board office states that they were advised by a previous attorney that the interpretation would be that since they have already taken their practical, theory and law exam when becoming originally licensed that they would now only need to take the law exam. Board members raise concern over that interpretation and feel it is pretty clear that any expired license after one year would be considered a “new applicant” as directly stated in the law and therefore would need to retake all exams as if a new applicant. Board recognizes inconsistency in interpretations and seeks advice from current legal counsel. Annique the attorney for the board agrees that this law reads very straightforward and therefore advises the board to follow the current known interpretation when making this reinstatement decision. Rebecca makes a motion to have Annique send a letter to Jeni Berquist stating that she will be required to take and pass the examinations that are required of new applicants as stated in 43.11.29. Eunice seconds the motion. Tenalee abstains from the vote. Motion carries.

S and P nails Board discusses the fact that this is the 3<sup>rd</sup> time they have failed their inspection. They have had many sanitation issues and the board decides to stand with original settlement agreement. Tenalee makes a motion to stand with original settlement agreement. Eunice seconds the motion. Motion carries.

Eunice makes a motion to adjourn the meeting at 1:39pm. Rebecca seconds the motion.

Meeting minutes submitted by Rebecca Wood