

**North Dakota State Board of Cosmetology
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The North Dakota State Board of Cosmetology held a regular meeting on Monday, May 16, 2022, at 9:30 a.m. at the board office and via GoTo Meeting.

Board Members Present:

Tenalee Tangen

Rebecca Wood

Maureen Wanner

Eunice Smith

Miranda Stanley via GoTo

Also present: Sue Meier, Board Administrator

Carl Karpinski, Legal Counsel

Agenda

1. Approval of Minutes.

March 21, 2022, Regular Board Meeting with Corrections.

Eunice made a motion to approve the March 21, 2022, minutes with corrections. Miranda second that motion. All voting: Becky (y), Maureen (y), Miranda (y), Eunice (y), and Tenalee (y). Motion carries.

April 11, 2022, Regular Board Meeting.

Becky made a motion to approve the April 11, 2022, minutes pending change in item #12 to read Board staff misinterpreted the law. Eunice second that motion. All voting: Becky (y), Maureen (y), Miranda (y), Eunice (y), and Tenalee (y). Motion carries.

April 27, 2022, Special Board Meeting.

Eunice made a motion to approve the April 27, 2022, minutes. Becky second that motion. All voting: Becky (y), Maureen (y), Miranda (y), Eunice (y), and Tenalee (y). Motion carries.

2. Approval of Licenses: 4/6/22 to 5/9/2022.

Becky made a motion to approve the licenses from April 6, 2022, to May 9, 2022. Miranda second that motion. All voting: Becky (y), Maureen (y), Miranda (y), Eunice (y), and Tenalee (y). Motion carries.

3. April 2022 Financial Statement.

Eunice made a motion to approve April 2022 financial statement. Maureen second that motion. All voting: Becky (y), Maureen (y), Miranda (y), Eunice (y), and Tenalee (y). Motion carries.

4. Megan Thiel.

Carl explained that he made a mistake sending out a settlement agreement. Megan signed the agreement. No action needed on the settlement agreement because the Board did not sign it. April 2, 2019, Megan failed salon inspection. May 29, 2019, inspector returned to reinspect, and salon was closed. Inspector tried to reach Megan for reinspect of the salon. Board office sent a letter to Megan on June 5, 2019, with no response. December 9, 2019, the inspector informed the board that the salon burnt down. In January 2020 the board offered

a settlement agreement of \$500 fine. That settlement agreement is unsigned. The board denied approval of license in March 2021 and September 2020.

Megan spoke at the meeting and outlined what has been happening in her life for the last few years. Magen stated that the fire happened the beginning of June 2019. She said that she spoke with someone in the office after the salon burnt.

Megan renewed her 2019 master cosmetology license and salon license on May 6, 2019. She reapplied for her master cosmetology license on January 3, 2022, which the board denied. Megan submitted a letter for the March 2022 meeting asking for her application to be approved. The board voted to ask for more information from her.

Becky made a motion to have Sue send a letter to Megan Thiel requesting a renewal and reinstatement application and pay the required fees, for the Board to consider. Eunice second that motion. All voting: Becky (y), Maureen (y), Miranda (y), Eunice (y), and Tenalee (y). Motion carries.

5. Email from Deb Murray, Director of Financial Aid at The Salon Professional Academy: Licensed cosmetologist attending school to complete extra hours.

Students that complete 1500 hours, passes the exams, and becomes licensed, can electively return to school for continued education. A student can test as soon as 1300 hours while still in school, and the board holds license until the completion of hours is received.

Miranda made a motion to have Sue send a letter stating that a licensee can in fact attend school. Maureen second that motion. All voting: Becky (y), Maureen (y), Miranda (y), Eunice (y), and Tenalee (y). Motion carries.

6. Email from Todd Anderson, Josef's, Fargo: Lily Matthews Curriculum Card.

Lily had an 1800-hour curriculum card and needed a 1500-hour card. She withdrew on April 27, 2022. The school did not inform us that the student withdrew. Board staff sent Lily an 1500-hour curriculum card for the Board to review.

Miranda made a motion to have Sue send out a letter to Lily requesting her 1500-hour white curriculum card. Maureen second that motion. All voting: Becky (y), Maureen (y), Miranda (y), Eunice (y), and Tenalee (y). Motion carries.

Becky made a motion to file a board-initiated complaint against Josef's School of Hair, Skin and Body of Grand Forks. Eunice second that motion. All voting: Becky (y), Maureen (y), Miranda (y), Eunice (y), and Tenalee (y). Motion carries.

Maureen made a motion to have Carl send out a letter to Josef's School of Hair, Skin and Body, Grand Forks, explaining that the board received information and has initiated a board complaint, will further explain the law, and wait for the school's response before further action. Eunice second that motion. All voting: Becky (y), Maureen (y), Miranda (y), Eunice (y), and Tenalee (y). Motion carries.

7. Tracy Becker, ND Career & Technical Education: Cosmetology High School Program.

Tracy is inquiring about entry-level, theory-based cosmetology classes in the high schools. Maureen made a motion to have Sue send a letter to Tracy stating that we are interested but we are looking for more information as to what the possible program would look like. Eunice second that motion. All voting: Becky (y), Maureen (y), Miranda (y), Eunice (y), and Tenalee (y). Motion carries.

8. Email from Jean Gustafson: Questions on invasive practices.

Jean is looking for clarification on 43-11-02 #6. Dr. Jean Gustafson has an esthetician working for her who would like to do cryotherapy which would fall outside of the esthetician's scope of practice.

Becky made a motion to have Sue send a letter to Jean stating that the board is unable to provide legal advice and provide the laws and rules. Eunice second that motion. All voting: Becky (y), Maureen (y), Miranda (y), Eunice (y), and Tenalee (y). Motion carries.

9. The Center Square: Media request regarding services animals.

A reporter is requesting answers to questions. This looks like a possible national newsletter.

Eunice made a motion to take no action. Becky second that motion. All voting: Becky (y), Maureen (y), Miranda (y), Eunice (y), and Tenalee (y). Motion carries.

10. Skill Cutz Babershop & Salon: Sanitation Violations.

April 19, 2021, failed inspection, re-inspected required. March 17, 2022, failed reinspection. March 31, 2022, failed repeated reinspection.

Maureen made a motion to send a settlement agreement of \$250 fine, 6-month probation and a sanitation, cleaning, and disinfecting class. Eunice second that motion. All voting: Becky (y), Maureen (y), Miranda (y), Eunice (y), and Tenalee (y). Motion carries.

11. Supercuts: Transfer of ownership in July 2021 without applying for a new license.

The Inspector did an annual inspection. A stylist comment that there was a change of ownership. Past owner was contacted who provided the contact for the new owner. Change of ownership did happen in July 2021.

Becky made a motion to have Carl send a settlement agreement of a conditional license with 6-month probation to Venita Group, LLC due to lack of ownership transfer. Eunice second that motion.

All voting: Becky (y), Maureen (y), Miranda (y), Eunice (y), and Tenalee (y). Motion carries.

12. Heather's Touch: Changed location without applying for a new license.

Heather Swanson thought that she did not need to apply for new license when she changed her location.

Maureen made a motion to have Carl send a settlement agreement of a conditional license with 6-month probation to Heather's Touch for not applying for a new salon license.

Miranda second that motion. All voting: Becky (y), Maureen (y), Miranda (y), Eunice (y), and Tenalee (y). Motion carries.

13. Rebecca Jobe: Conviction on Practical Exam Application.

Conviction, June 2021, restraining order. She passed the practical exam.

Becky made a motion to issue Rebecca's license upon passing her written examination.

Maureen second that motion. All voting: Becky (y), Maureen (y), Miranda (y), Eunice (y), and Tenalee (y). Motion carries.

14. Shelby Bursch Reinstatement Application.

Shelby's license has expired December 31, 2018. She passed the Law, Rules, and Regulation exam in June 2013. She is requesting the board to accept those test results as satisfactory proof stated in 43-11-29 #4.

Maureen made a motion to table this until later in the meeting. Miranda second that motion.

All voting: Becky (y), Maureen (y), Miranda (y), Eunice (y), and Tenalee (y). Motion carries.

Becky made a motion to approve her reinstatement application pending her passing the updated law exam. Eunice second that motion. All voting: Becky (y), Maureen (y), Miranda (y), Eunice (y), and Tenalee (y). Motion carries.

15. Dien Long: License Revoked 2/25/21. May reapply after 12/31/21 with Board's approval.

His license was revoked because it was found that he bought his hours from a school in Texas. He completed 350 hours of school at The Salon Professional Academy in Fargo. Passed the practical exam. Waiting on him to pass the theory exam.

Becky made a motion to approve Dien Long's license upon passing his theory exam. Maureen second that motion. All voting: Becky (y), Maureen (y), Miranda (y), Eunice (y), and Tenalee (y). Motion carries.

16. Complaint against Ashley Aos, ManCave for Men, Williston.

There was a conflict between a salon owner and a client. The client was upset about appointment timing.

Maureen made a motion to dismiss the complaint and to have Sue send a letter to both parties. Eunice second that motion. All voting: Becky (y), Maureen (y), Miranda (y), Eunice (y), and Tenalee (y). Motion carries.

17. Complaint against Shelly Sack.

Anonymous complaints against Shelly Sack for providing cosmetology services without a ND license. Eunice made a motion to have Sue send a letter to Dayna Schank, owner of Studio 26 Salon Suites, requesting an explanation for permitting an unlicensed individual to practice cosmetology services on its premises. Miranda second that motion. All voting: Becky (y), Maureen (y), Miranda (y), Eunice (y), and Tenalee (y). Motion carries.

18. Complaint against Son Hung Pham.

There is a complaint against Son Hung Pham stating that he purchased his hours from Texas.

Becky made a motion to send the information regarding Son Hung Pham to Texas for updating. Eunice second that motion. All voting: Becky (y), Maureen (y), Miranda (y), Eunice (y), and Tenalee (y). Motion carries.

19. Complaint against Salon Professional Academy.

School inspection done February 23, 2022, reinspection required. School's reinspection done March 8, 2022, passed inspection. Complaint against the school for bugs.

Miranda made a motion to have 2 inspectors go into the school to do an inspection.

Maureen second that motion. All voting: Becky (y), Maureen (y), Miranda (y), Eunice (y), and Tenalee (y). Motion carries.

20. Rediscuss Rachele Swallow, Happy Roots Salon.

Rachele's salon license expired on December 31, 2020. She applied for salon renewal in 2022. She needs to reinstate her license to make it in good standing and then renew that license. March 9, 2022, she applied for new salon. Opening inspection was on March 11, 2022.

Maureen made a motion to supersede the motion made at April's meeting regarding Rachele Swallow and Happy Roots Salon. Eunice second that motion. All voting: Becky (y), Maureen (y), Miranda (y), Eunice (y), and Tenalee (y). Motion carries.

Maureen made a motion to inform Rachelle Swallow of this, send out the correct application forms for reinstatement and renewal and let her know we will credit her the \$80 fee. Becky second that motion. All voting: Becky (y), Maureen (y), Miranda (y), Eunice (y), and Tenalee (y). Motion carries.

21. Heaven Nail Spa Reinspection. Previous Complaint.

October 28, 2021, reinspection was required. March 31, 2022, pass inspection. April 13, 2022, passed inspection. They are not on probation.

Becky made a motion to have Sue send a letter to Randy stating that Heaven Nail Spa was inspected twice to ensure compliance and thank him for his concern. Miranda second that motion. All voting: Becky (y), Maureen (y), Miranda (y), Eunice (y), and Tenalee (y). Motion carries.

22. Inspectors asking for driver's license for identification.

Carl, again, advises against collecting and matching identification to licenses. Tenalee stated that this has been practice for at least 10 years.

Tenalee made a motion to create a policy to ask for identification for licensure, Eunice second that motion. All voting: Becky (y), Miranda (n), Maureen (y), Eunice (y), and Tenalee (y). Motion carries.

Tenalee made a motion that the specific language for the policy state "Identification for verification of licensure maybe be utilized." Eunice second that motion. All voting: Becky (y), Maureen (y), Miranda (n), Eunice (y), and Tenalee (y). Motion carries.

23. The Hair Academy: Additional information for approval of class for continued education hours for Instructors.

Becky made a motion to approve the Lanza hair class for 5 continuing education hours for their instructors. Eunice second that motion. All voting: Becky (y), Maureen (y), Miranda (y), Eunice (y), and Tenalee (y). Motion carries.

24. Quotes for Video.

Discussion only

25. Board sponsoring a class on the new Laws, Rules, and Regulations.

Discussion on available dates at the Baymont and Ramada. Maureen asks for clarification on how we will answer questions from the licensees if they ask for clarification on the laws and rules. Tenalee states that this will be a presentation, not a question-and-answer session.

Tenalee made a motion to host an education class on October 24, 2022, at the Ramada for \$400 for 170 people. Becky second that motion. All voting: Becky (y), Maureen (y), Miranda (y), Eunice (y), and Tenalee (y). Motion carries.

26. CLEAR Learning: Renew Membership.

Tenalee made a motion to renew our CLEAR Learning membership for another year.

Becky second that motion. All voting: Becky (y), Maureen (n), Miranda (y), Eunice (y), and Tenalee (y). Motion carries.

27. Inspector's Training Report: Reimbursement for Inspector's supplies and work at home.

Tenalee made a motion to pay inspectors for their time utilized to prepare for inspections. Becky second that motion. All voting: Becky (y), Maureen (y), Miranda (y), Eunice (y), and Tenalee (y). Motion carries.

28. Complaint Policy. Requires Board's approval.

Becky made a motion to table the Complaint Policy. Eunice second that motion. All voting: Becky (y), Maureen (y), Miranda (y), Eunice (y), and Tenalee (y). Motion carries.

29. Sue's Vacation Days: May 20 & 27, June 16 & 17, 2022.

Informing the Board of her vacation days.

30. New Business.

- **Continuing Education: The Salon Professional Academy. May 9, 2022, 1-hour ColorLab Airbrushing System PK and Demo Webinar from Your New School.**

Tenalee made a motion to ask for more information regarding Your New School for completion of education at The Salon Professional Academy. Becky second that motion. All voting: Becky (y), Maureen (y), Miranda (y), Eunice (y), and Tenalee (y). Motion carries.

- **Continuing Education: The Salon Professional Academy. Facilitating Training through Fuel Education.**

Tenalee made a motion to approve the Fuel Education. Eunice second that motion. All voting: Becky (y), Maureen (y), Miranda (y), Eunice (y), and Tenalee (y). Motion carries.

- **Milady training.**

Tenalee made a motion to approve the Milady Training. Becky second that motion. All voting: Becky (y), Maureen (y), Miranda (y), Eunice (y), and Tenalee (y). Motion carries.

- **Pet Rule**

Maureen made a motion the no animals, birds or other pets except service animals and fish in aquariums shall be permitted in any licensed salon. Service animals shall be in the control of the handler or owner at all times. Tenalee second that motion. All voting: Becky (y), Maureen (y), Miranda (y), Eunice (y), and Tenalee (y). Motion carries.

- **Barber And Cosmetology Salons Combined.**

The idea of combining the Barber board, Massage board and the Cosmetology board may be presented in legislation in 2023. Discussion only.

- **Exams.** PSI stated that the board can provided questions or if PSI develops the questions, there will be a cost to the Board or to the candidates.

Maureen made a motion to form a committee of Eunice and one other person to update the exam questions. Miranda second that motion. All voting: Becky (y), Maureen (y), Miranda (y), Eunice (y), and Tenalee (y). Motion carries.

- **Laws and rules on Facebook**

Tenalee made a motion to allow Maureen to put the new rules and laws on the Facebook page. Eunice second that motion. All voting: Becky (y), Maureen (y), Miranda (y), Eunice (y), and Tenalee (y). Motion carries.

31. Old Business.

- **Continuing Education Online.**

Becky presents question from an individual to send licensees' emails.
Discussion only.

32. Adjournment.

Maureen made a motion to adjourn the meeting at 5:25PM. Eunice second that motion. All voting: Becky (y), Maureen (y), Miranda (y), Eunice (y), and Tenalee (y). Motion carries.

The next regular meeting is scheduled for June 13, 2022, at 9:30 am.

Minutes submitted by Maureen Wanner.