

**North Dakota State Board of Cosmetology
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The North Dakota State Board of Cosmetology held a regular monthly meeting on Monday, July 25, 2022, at 9:30 a.m. at the Board office and via GoTo Meeting.

Board Members Present:

Rebecca Wood

Maureen Wanner

Eunice Smith (absent)

Miranda Stanley (absent)

Holly Bloomquist

Also present: Sue Meier, Board Administrator

Carl Karpinski, Legal Counsel

Agenda

Meeting called to order by Becky Wood at 9:41 a.m.

The Board is presented with a request from The Hair Academy to have their attorney, Ryan Bernstein, speak. Carl gave a background of the process of the settlement agreement and how each of the attorney are involved.

Maureen made motion to allow Ryan Bernstein to speak for 15 minutes at the beginning of the meeting. Holly second that motion. All voting: Maureen (y), Holly (y) and Becky (y). Motion carried.

Ryan Bernstein spoke, clarifying his roles with the schools. He also spoke in regard to the 1500-hours curriculum and the 1800-hour curriculum at the schools, Title 4 and the Department of Education as it relates to the schools.

Becky suggests that having the new member orientation at the beginning of the meeting would be helpful to Holly before continuing with the Board meeting.

Maureen a made a motion to have item #25 moved to the beginning of the meeting. Holly second that motion. All voting: Maureen (y), Holly (y) and Becky (y). Motion carried.

Carl gave an overview of what the Board will be dealing with during the meetings and an overview of open meetings, open records, and conflict of interest.

Discussion only. No further motions needed.

1. Election of Officers.

Maureen made a motion to elect Becky as President. Holly second that motion. All voting: Maureen (y), Holly (y) and Becky (y). Motion carried.

Becky made a motion to elect Maureen as Secretary. All voting: Maureen (y), Holly (y) and Becky (y). Motion carried. Becky Wood is President and Maureen Wanner is Secretary.

2. Approval of Minutes.

June 13, 2022, Regular Board Meeting.

July 6, 2022, Special Board Meeting.

Holly made a motion to approve the minutes. Maureen second that motion. All voting: Maureen (y), Holly (y) and Becky (y). Motion carried.

3. Approval of Licenses: 6/7/22 to 7/15/22.

Maureen made a motion to approve the licenses from 6/7/22 to 7/15/22. Holly second that motion. All voting: Maureen (y), Holly (y) and Becky (y). Motion carried.

4. June 2022 Financial Statement.

Holly made a motion to approve the June 2022 financial statement. Maureen second that motion. All voting: Maureen (y), Holly (y) and Becky (y). Motion carried.

5. Josef's School of Hair, Skin & Body: Board's approval for letter to NACCAS.

Todd from Josef's gave an overview of why the school is asking for the letter from the Board. Becky made a motion to table this item until later in the meeting. Holly second that motion. All voting: Maureen (y), Holly (y) and Becky (y). Motion carried.

6. Vogel Law Firm: Josef's Settlement Agreement.

Statements were made by Todd from Josef's, Andrea from The Hair Academy, Ryan Bernstein, Kevin from Vogel Law Firm, and Ms. Thompson.

Becky made a motion that we have Carl modify D in the settlement agreement to legal language. After much discussion, Becky withdrew her motion.

Holly made a motion to amend the white card to remove student's final grade and change final theory and practical grades to current theory and practical grades. Maureen second that motion. All voting: Maureen (y), Holly (y) and Becky (y). Motion carried.

Holly made a motion to amend the white card as written. Maureen second that motion. All voting: Maureen (y), Holly (y) and Becky (y). Motion carried.

Becky made a motion that Carl amend the settlement agreement by leaving C as written, E as written and modifying D to strike the language as written and specifically include reference to North Dakota Century Code 43-11-32, subsection 2, and admin code 32-04-01, subsections 8, 11, 18, 25, and 26.1. Holly second that motion. All voting: Maureen (y), Holly (y) and Becky (y). Motion carried.

Maureen made a motion to allow Sue, in the office, to send out the license as soon as the white card is received. Holly second that motion. All voting: Maureen (y), Holly (y) and Becky (y). Motion carried.

Holly made a motion to allow timecards to be submitted no more than 1570-hours. Maureen second that motion. All voting: Maureen (y), Holly (y) and Becky (y). Motion carried.

7. Kaseylea Brule Complaint against Josef's School of Hair, Skin & Body.

Kaseylea passed all her licensure exams. She filed complaint in July 2022 with the Board against the school. Sue was advised to send out the 1500-hours white card to the school. The school then provided a discontinued notice on Kaseylea. Sue sent to Todd Kaseylea's complaint for a response. The school again states that they do not have a 1500-hour program and that is why she is a discontinued student. Kaseylea had 1564.75 hours and was withdrawn administratively for unsatisfactory progress. She was looking to continue but based on the policies for attendance and grades, she was administratively withdrawn for unsatisfactory progress. We have a white card unsigned by student, no final grades, and short hours in a category. Kaseylea believes the instructor altered the white card putting on fewer hours. The school has verified the hours.

Maureen made a motion to deny the application lack the hours and grades. Holly second that motion. All voting: Maureen (y), Holly (y) and Becky (y). Motion carried.

Based on 43-11-16 and 32-04-01-26.1

Becky made motion to dismiss the complaint against Josef's. Maureen second that motion. All voting: Maureen (y), Holly (y) and Becky (y). Motion carried.

Maureen made a motion that in Carl's cover letter to schools that there is a two-week grace period to get all the white cards updated and sent to us. Holly second that motion. All voting: Maureen (y), Holly (y) and Becky (y). Motion carried.

Maureen amends the motion to state that all schools have two weeks from today, July 25, 2022, to get the white cards updated and returned to the Board. Holly second that amendment. All voting: Maureen (y), Holly (y) and Becky (y). Motion carried.

Maureen made a motion that the schools can change the current 1500-hour white cards making the notation changes: the school's final grade to student's current grade, in the boxes make theory current grade, practical evaluation current grade and date of graduation change to date of completion of the 1500-hours. Once they receive the new cards, they can begin using the new cards. Holly second that motion. All voting: Maureen (y), Holly (y) and Becky (y). Motion carried.

Maureen made a motion to take the white curriculum card from a state form to a Board form. Holly second that motion. All voting: Maureen (y), Holly (y) and Becky (y). Motion carried.

8. Kathy Osland Complaint against Josef's School of Hair, Skin & Body

She received her license on February 8, 2022, with 1800-hours school training. January 26, 2020, Sue sent Josef's in Grand Forks 1500-hour card upon Kathy's request. Sue did a follow-up with the school. Sue states that Todd stated that they would be sending the 1800-hour card because Kathy was due to finish soon.

Kathy took the practical exam at 1554.5-hours in December of 2021. In Kathy's complaint, she is requesting damages.

Becky made a motion to have Sue send a letter to Kathy Osland stating that we appreciate her concern, and the Board has addressed the issue and clarify 43-11-16 moving forward. Maureen second that motion. All voting: Maureen (y), Holly (y) and Becky (y). Motion carried.

The Board move back to item #5.

Josef's is requesting a letter from the Board approving a 1500-hour cosmetology program at both locations for NACCAS.

Becky made a motion that we have Sue send a letter to Josef's approving a 1500-hour cosmetology course that they can send to NACCAS. Maureen second that motion. All voting: Maureen (y), Holly (y) and Becky (y). Motion carried.

9. Jessica Schaff. Proposed Settlement Agreement.

Jessica did not check the box that she had a conviction. It was brought to the Boards attention that she did have convictions. The Board investigated it. She had some serious convictions that we determined they made her insufficiently rehabilitated to serve the public in a safe manner. The Board did deny the license application. The proposal is to allow her to work as an apprentice. North Dakota does not have an approved apprenticeship program.

Litigation counsel, Mike Pitcher, is asking the Board if they want to continue summary judgment motion.

Maureen made a motion to continue with summary judgment motion. Holly second that motion. All voting: Maureen (y), Holly (y) and Becky (y). Motion carried.

The schools and lawyers present dismissed themselves.

10. Anna's Nails: Sanitation Violations and Invasive implements.

July 5, 2022, inspection, disciplinary action recommended. The inspector recalls being informed that if the salon has invasion tools, they should be put on disciplinary action. This

salon had rasps and razors and other sanitation violations. Most past inspections they have passed.

Becky made a motion to have Sue, the inspector in Fargo, do a salon reinspection. Maureen second that motion. All voting: Maureen (y), Holly (y) and Becky (y). Motion carried.

11. A & A Nails Salon Application: Transfer of ownership and Unsigned Settlement Agreement.

The owner, Mike Tran, has a settlement agreement, but he is no longer in the state. The current owner has not had an opening inspection. Long Tran is the new owner.

Maureen made a motion to dismiss the settlement agreement and have an opening inspection for the new owners. Holly second that motion. All voting: Maureen (y), Holly (y) and Becky (y). Motion carried.

12. Lachelle Tetzloff: Complaint. Providing cosmetology services in her home.

This is a complaint against Lachelle for providing cosmetology services in her home. It states that the inspector went in to check on an expired salon license. Lachelle was not there so the inspector asked the manager of the salon and was informed that Lachelle no longer rented there. Some of the other renters stated she was doing her services out of her house because it was cheaper for her. We have not received a response.

Maureen made a motion to table this until the next meeting waiting on a response. Holly second that motion. All voting: Maureen (y), Holly (y) and Becky (y). Motion carried.

13. Allure Salon Suites: Response on Unlicensed Independent Licensee.

Response an unlicensed independent licensee. The individual was granted a ND license.

Marissa Gillmore and her husband, Josh, are the owners of the salon. They stated that they were aware that the licensee had a license but were unaware that it was from another state. This licensee moved to ND because of the military.

Maureen made a motion to do a settlement agreement of a six-month probation and have them adhere to the statutes. Holly second that motion. All voting: Maureen (y), Holly (y) and Becky (y). Motion carried.

14. Follow-up Inspection of The Salon Professional Academy.

The academy had a bed bug complaint May 2, 2022. May 19, 2022, an inspection was done, and the academy passed inspection. The inspector did not know about the complaint, so the Board sent the inspector back on July 12, 2022, and recommended a reinspect. The school owner put together an action plan.

Maureen made a motion to have The Salon Professional Academy reinspected. Holly second that motion. All voting: Maureen (y), Holly (y) and Becky (y). Motion carried.

15. Rica McPherson: Reinstatement Application. Conviction and request to accept 2014 Test Results.

There is a conviction box checked and then a request to accept 2014 test results. She would need to take the law exam. Conviction was reckless driving.

Maureen made a motion to grant the license after satisfactory passing the examination.

Holly second that motion. All voting: Maureen (y), Holly (y) and Becky (y). Motion carried.

16. Karli Krantz: Master Application. Conviction.

Kari was pulled over for speeding and then she was asked to have her car searched.

Marijuana paraphernalia was discovered, and she was found to be ingesting intoxicants other than alcohol. This was in SD. She did not serve time and was put on a 1-year probation.

Maureen made a motion to approve her master license and put her on a settlement agreement of a probation until April 25, 2023.

Maureen amends the motion to include her individual license. Holly second that motion. All voting: Maureen (y), Holly (y) and Becky (y). Motion carried.

17. Board of Barbers: Cosmetologists Advertising as Barbers.

North Dakota Board of Barbers are concerned that cosmetologists are advertising as barbers and have 'Barbershop' in the salon name. They will be addressing cosmetology exemptions in their North Dakota Century Code. Discussion only.

18. NIC Contract Amendment.

NIC is requesting us to renew our 2-year examination contract.

Maureen made a motion to renew our terms with NIC. Holly second that motion. All voting: Maureen (y), Holly (y) and Becky (y). Motion carried.

Maureen made a motion to have Becky come and observe an examination when her time allows. Holly second that motion. All voting: Maureen (y), Holly (y) and Becky (y). Motion carried.

Maureen made a motion that Holly investigate other vendors for testing. Becky second that motion. All voting: Maureen (y), Holly (y) and Becky (y). Motion carried.

19. Your New School: Approval for CE Hours.

Your New School said that they do not provide continuing education for webinars. It is up to a school to provide hours for a class.

Holly made a motion to deny the approval of continuing education for this webinar.

Maureen second that motion. All voting: Maureen (y), Holly (y) and Becky (y). Motion carried.

20. Quotes for Video on Rules of Cleaning & Disinfecting.

Quotes from REM Media and Spotlight Media.

Becky made a motion for Holly to do more research on quotes for the video of the rules on cleaning and disinfecting. Maureen second that motion. All voting: Maureen (y), Holly (y) and Becky (y). Motion carried.

21. New ND Laws, Rules, Regulation Tests. Require Board's approval

Eunice and Tenalee updated these questions.

Becky made a motion to table the approval of the ND Laws, Rules, Regulations Tests. Holly second the motion. All voting: Maureen (y), Holly (y) and Becky (y). Motion carried.

22. October 24, 2022, Board Sponsored Class on Laws, Rules, and Regulations.

No agenda was set.

Maureen made a motion to table the education class until a later date. Becky second that motion. All voting: Maureen (y), Holly (y) and Becky (y). Motion carried.

Maureen made a motion to table the video until after legislation. Holly second the motion. All voting: Maureen (y), Holly (y) and Becky (y). Motion carried.

23. NIC Executive Director Meeting and Convention.

NIC conference in San Antonio, TX, September 30 - October 3.

Maureen made a motion to send three Board members to attend the conference. Holly second the motion. All voting: Maureen (y), Holly (y) and Becky (y). Motion carried.

Maureen made a motion to send one Board member to the Executive Director's meeting at the NIC conference. Holly second the motion. All voting: Maureen (y), Holly (y) and Becky (y). Motion carried.

Maureen made a motion to put the flights and hotel on the P-Card. Holly second the motion. All voting: Maureen (y), Holly (y) and Becky (y). Motion carried.

24. NIC National Database Program.

Discussion only.

25. New Member Orientation.

This item was handled at the beginning of the meeting.

26. Complaint Policy. Updates. Requires Board's approval.

Becky made a motion to approve the complaint policy. Maureen second that motion. All voting: Maureen (y), Holly (y) and Becky (y). Motion carried.

27. Board of Cosmetology Handbook. Requires Board's approval.

Maureen made a motion to approve the purpose changes in the handbook. Holly second that motion. All voting: Maureen (y), Holly (y) and Becky (y). Motion carried.

28. Proposed Legislation.

Purposed law changes need to be submitted in the beginning of December. Discussion only.

29. Sue's Vacation Days: July 29 & August 1, 2022.

Discussion only.

30. New Business.

- Hybrid schooling. Holly made a motion to send a response to HSI in Williston letting them know that we would need legislative changes before allowing a hybrid school. Becky second that motion. All voting: Maureen (y), Holly (y), and Becky (y). Motion carried.
- Compact licensure meeting. Discussion only.
- Redkin Continuing Education. Maureen made a motion to deny this class for continuing education hour. Holly second that motion. All voting: Maureen (y), Holly (y), and Becky (y). Motion carried.

Becky made a motion to have Holly work on a continuing education protocol that we can follow. Maureen second that motion. All voting: Maureen (y), Holly (y), and Becky (y). Motion carried.

- Renewal cards will be sent out. License paper has been ordered. Discussion only.

31. Old Business.

- Silk Peel. ProCell Micro channeling. Becky brings forth her concerns again on these services stating a salon in Fargo is employing estheticians may be offering these services. Miranda was looking into these services. We are waiting on her research. Discussion only.

Adjournment: Maureen made a motion to adjourn the meeting. Holly second that motion. All voting: Maureen (y), Holly (y), and Becky (y). Motion carried. Meeting adjourned at 3:36 a.m.

The next regular meeting is scheduled for August 15, 2022, at 9:30 a.m.