

## Board of Cosmetologist Examiners

### July 22, 2013 Board Meeting Minutes

9:00 AM to 3:00 PM

Conference Room A, University Park Plaza

2829 University Ave SE, Minneapolis, MN 55414

#### Present at Meeting:

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Laurie Boggess, Chair	Billi Jo Jones, Licensing and Inspection Divisions Manager
Kurt Deile, Member	Rebecca Gaspard, Compliance
Robert Salmonson, Member	Jenna Bohl, Licensing Specialist
Mary Finnegan, Member	Catrina Mairose, Licensing Specialist
Gina Stauss Fast, Executive Director	Sarah Gruber, Assistant to the Executive Director
Michele Owen, Attorney	

#### I. **Call to Order**

LB: Called meeting to order at 9:10 AM.

#### II. **Approval of Proposed Agenda**

BS: Made a motion to pass the proposed agenda with flexibility.

MF: Seconded. 4 Ayes. 0 Nays. **Motion Carried.**

#### III. **Approval of Minutes**

MF: Made a motion to approve the minutes from the May 2013 Board Meeting.

KD: Seconded. 4 Ayes. 0 Nays. **Motion Carried.**

#### IV. **New Business**

##### A. *Waiver—Terri Letourneau*

GSF: Ms. Letourneau requested a waiver of Rule 2105.0160 that requires salon manager applicants to have 2,700 hours in a salon within the last three years. She claimed hardship because of medical and financial reasons. Ms. Letourneau currently works part time as a cosmetologist and has worked 102 hours in the last three years.

KD: Made motion to deny the waiver request based on hardship or medical necessity to gain the manager license due to Ms. Letourneau's lack of hours.

MF: Seconded. 4 Ayes. 0 Nays. **Motion Carried.**

##### B. *Waiver—Lynnette Hanson*

GSF: Ms. Hanson requested a waiver of Rule 2105.0160 which requires applicants for a manager license to have at least 2,700 hours of licensed practice within the three years prior to application. She claimed hardship due to a medical disability. Ms. Hanson works part time, and by the end of this year, will have accrued 2,000 hours since 2011.

MF: Made a motion to grant a waiver to Lynnette Hanson based on medical hardship. Lynnette is to be able to apply for her manager's license, once she has passed the manager test, and the Board will waive the 2,700 hour requirement.

KD: Seconded because she is very close to the 2,700 hours. 4 Ayes. 0 Nays. **Motion Carried.**

*C. Public Comment—Jerry Gardner*

LB: Calls on Jerry Gardner.

Jerry Gardner, of Elite Professional Educators, LLC: Elite Professional Educators provides continuing education for cosmetology and other professions. Mr. Gardner states that the company would like to provide continuing education to Minnesota's cosmetologists under the new laws and upcoming rules regarding continuing education requirements.

LB: Called for break at 9:52 AM.

LB: Called back to order at 10:03 AM.

*D. Waiver—Laura Schmitt*

GSF: Ms. Schmitt requested a waiver of Rule 2105.0210(3) which requires a 155 hour refresher course to renew a license that has been expired more than three years. Laura requested to be able to take her refresher course at Josef's School of Hair Design in Fargo, ND. The closest BCE approved school is 80 miles away from her home and she claims financial hardship because of the cost of driving and the loss of time and wages.

BS: Made a motion to grant a waiver based on financial hardship due to travel. The waiver allows Ms. Schmitt to take her course at Josef's school, if the course meets BCE criteria, but she must take all of her exams in Minnesota.

KD: Seconded. 4 Ayes. 0 Nays. **Motion Carried.**

*E. Waiver—Calen Irvine*

GSF: Ms. Irvine requested a waiver of Rule 2110.0690, which requires license applicants to pass examination and be licensed within three years from completion of training. She claimed financial and medical hardship.

MF: Made motion to approve Ms. Irvine's waiver regarding the three year application deadline and accepts her request to apply for her license, so long as she meets other requirements.

KD: Seconded. 4 Ayes. 0 Nays. **Motion Carried.**

*F. Waiver – Khadijia Green*

GSF: Ms. Green requested a waiver for Rule 2110.0690, which requires license applicants to pass examination and be licensed within three years from completion of training. She claims medical and financial hardship.

MF: Made motion to approve Ms. Green's waiver request due to medical hardship. The three year expiration date on her hours may be waived when she successfully completes the other application requirements. Ms. Green must submit her complete application by 7/22/2014, one year from this meeting.

KD: Seconded. 4 Ayes, 0 Nays. **Motion Carried.**

*G. Waiver—Kristy Lemcke*

GSF: Ms. Lemcke requested a waiver of rule 2110.0690, which requires applicants to pass examination and be licensed within a period of not more than three years from completion of training. She claims financial hardship.

MF: Made motion to grant waiver of hardship to allow Ms. Lemcke to apply for her cosmetologist operator license using her training completed in 2009.

KD: Seconded. 4 Ayes, 0 Nays. **Motion Carried.**

*H. Waiver—Kayla Schroeder*

GSF: Ms. Schroeder requested a waiver of Rule 2110.0690, which requires applicants to pass examination and be licensed within a period of not more than three years from completion of training. She claims financial and medical hardship.

MF: Made motion to approve Ms. Schroeder's waiver request and allow her to use her completed training to apply for her operator license, so long as she completes her exams and application by nine months from this meeting (4/22/2014).

KD: Seconded. 4 Ayes, 0 Nays. **Motion Carried.**

*I. Waiver—Jennifer Long*

GSF: Ms. Long requested a waiver of Rule 2105.0160 that requires applicants for a manager license to have at least 2,700 hours of licensed practice, in a licensed salon and supervised by a licensed manager, within the three years prior to application. Ms. Long is basing her request on financial hardship and would like to gain her manager license so that she may reopen her salon.

BS: Made motion, on grounds of financial hardship, to grant waiver to allow Ms. Long to apply to be a manager despite not having 2,700 hours in a licensed salon. She must meet all other requirements for the salon manager application to obtain her license.

KD: Seconded. 4 Ayes, 0 Nays. **Motion Carried.**

*J. Waiver—Kathryn Boerboom*

GSF: Ms. Boerboom requested a waiver of Rule 2105.0210(3) which requires a 155 hour refresher course to renew a license that has been expired more than three

years. She wishes to take the 40 hour refresher course, rather than the full 155 hour course. She claims financial hardship and military service as reasons for her request.

KD: Motion to grant requested waiver due to hardship.

MF: Seconded. 4 Ayes, 0 Nays. **Motion Carried.**

*K. Waiver—Elizabeth Johnson*

GSF: Ms. Johnson requested a waiver of Rule 2105.0340(2) which requires salons whose licenses have expired by more than 30 days to cease operation until a new salon application has been submitted. She wishes to provide a salon renewal form and payment of \$210, rather than a new salon application and payment of \$293.

KD: Made motion to grant waiver for Ms. Johnson. Instead of having to complete the new application, she may just complete a renewal form.

BS: Seconded. 4 Ayes, 0 Nays. **Motion Carried.**

*L. Waiver—Peggy Gorter-Evans*

GSF: This waiver is regarding how the Board wants to manage newly passed legislation. The new statute says that online instruction is permitted for online, theory-based classes. The Board must decide if it wants to allow staff approval, or whether the Board wants schools to be approved by the Board. Ms. Gorter-Evans' request is to allow MN West Community and Technical College to offer online courses.

Discussion: The Board members discussed that online instruction will still need to follow the rules of the number of hours of preclinical instruction outlined in 2110.510(B), 2110.0520(B), and 2110.0530(B).

MF: Made motion to delegate to staff to make determination for online, board-approved, theory based classes.

BS: Seconded. 4 Ayes, 0 Nays. **Motion Carried.**

**V. Schedule 2014 Meetings**

GSF: Similar dates to 2013 meetings are: February 24, May 12, July 21, October 6, December 8.

BS, KD, MF, and LB approved meeting dates.

LB: Call for Break at 11:00 AM.

LB: Call back to order 11:17AM.

**VI. Rules and Resolution**

Discussion: New drafts of Rule Chapters 2105 and 2110 were proposed by Rebecca Gaspard. Discussion included defining a professional association and continuing education requirements.

LB: Called for lunch break at 12:25 PM.

LB: Called back to order at 12:56 PM.

Discussion: Continued from above and included defining which licensees pay which inspection fines or violations, the use of the terms “transfer” and “reciprocity,” and procedural processes.

KD: Made motion to accept proposed changes to Minnesota Rules 2105 and 2110.

BS: Seconded. 4 Ayes, 0 Nays. **Motion Carried.**

Resolution: Rebecca Gaspard proposed a resolution to delegate authority to Gina Stauss Fast to resubmit non-substantive rule changes to the Office of Administrative Hearings on behalf of the Board. This resolution also allows her to perform tasks necessary to adopt the new rule changes after OAH approval.

MF: Made motion to accept the certificate of resolution.

KD: Seconded. 4 Ayes, 0 Nays. **Motion Carried.**

## **VII. Adjournment**

LB: Adjourned the meeting at 2:58 PM.