

**Board of Cosmetology**  
**December 2, 2019 Board Meeting Minutes**  
10:06 AM to 3:08 PM  
Board of Cosmetology Conference Room  
1000 University Avenue West Suite 100, St. Paul, MN 55104

**Present at Meeting:**

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Rhonda Besel, Chair

Chelsey Anderson, Vice Chair

Jodi Friendshuh, Member

Marcie Smith-Fields, Member

Donna Dungy, Member

Gina Fast, Executive Director

Jill Freudenwald, Chief of Staff

Alex Herbert, School Liaison

Diane DelaBarre, Senior Manager of Operations

Rebecca Gaspard, Rules & Policy Analyst

Jenna Bohl, Licensing Division Manager

Lene Kiser, Compliance Division Manager

Jacqueline Braun, Inspections Division Manager

Tami Thein, Executive Assistant

Cori Omundson, Leadership Team Assistant

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**I. Call to Order**

- Meeting called to order at 10:06 AM.

**II. Approval of Proposed Agenda**

- Motion: Approve proposed agenda with flexibility.
- Seconded; 5 ayes, 0 nays; **Motion Carried.**

**III. Approval of Meeting Minutes**

- Motion: Approve meeting minutes from October 7, 2019.
- Seconded; 5 ayes, 0 nays; **Motion Carried.**

**IV. New Business: Rule Waiver Requests**

- *Caitlyn Pontes*
  - **Request:** Waiver of Minnesota Rule 2105.0145 Subp. 1 D (1), which requires initial license applicants to submit proof of completion of training via a Course Completion Certificate. Her request also involves the test sections and Clinical Service Exercise requirements outlined within the Practical Skills Test Guide. This request is based on medical hardship.

- **Motion:** Approve the waiver request of Minnesota Rule 2105.0145 Subp. 1 D (1).  
**Seconded.**
- **Decision:** On a vote of 5 ayes and 0 nays, the waiver request was approved based on medical hardship, allowing the submission of a Course Completion Certificate upon initial application for licensure that does not include a passing score from the eyelash extension service section of the Practical Skills Test, and without a total number of eyelash extension clinical service exercises. The waiver was granted with the expectation the requestor will not perform eyelash extension services once licensed.
  
- *Minnesota School of Cosmetology - Plymouth*
  - **Request:** Waiver of the first clause of Minnesota Rule 2110.0630 A, which requires a minimum of two licensed instructors be on the school premises while students are present. This request applies to the school's half-time evening cosmetology program only and is based on hardship.
  - **Abstention:** Donna Dungy abstained from discussion and voting due to conflict of interest.
  - **Motion:** Approve the waiver request of Minnesota Rule 2110.0630 A. **Seconded.**
  - **Decision:** On a vote of 4 ayes and 0 nays, the waiver of the first clause of Minnesota Rule 2110.0630 A was conditionally approved based on hardship with conditions:
    - The school is permitted to have one, rather than two, licensed instructors on the school premises when students are present.
    - The waiver is only valid for the school's current half-time cosmetology program on Wednesdays and Thursdays from 6:00PM to 9:00PM and for a maximum of five students.
    - The waiver is valid until October 31, 2020.
  
- *Petra V. Pro*
  - **Request:** Waiver of Minnesota Rule 2105.0305 F, which prohibits an individual from concurrently serving as a Designated School Manager and Designated Licensed Salon Manager, unless the salon is a one-person salon that is never open during school class and school clinic hours. This request applies to the school's pending application and is based on financial hardship.
  - **Motion:** Approve the waiver request of Minnesota Rule 2105.0305 F. **Seconded.**
  - **Decision:** On a vote of 5 ayes and 0 nays, the waiver of Minnesota Rule 2105.0305 F was approved based on financial hardship with conditions:
    - The Designated School Manager listed within the school's application may serve as the Designated School Manager at the school and the Designated Licensed Salon Manager at the salon she owns.
    - The Designated School Manager must be on the school premises at least 10 percent of the hours the school is open each week.
    - The waiver is valid for the school's first license cycle, once issued.
  - **Request:** Waiver of Minnesota Rule 2110.0630 Subp. A, which requires a minimum of two licensed instructors be on the school premises while students are present, and Minnesota Rule 2110.0630 Subp. E, which restricts instructors to instruction in the area

of their practitioner license. This request applies to the school's pending application and is based on financial hardship.

- **Outcome:** Rule waiver not required. After discussion with the Attorney General's office, determination that Subp. A and Subp. E within Minnesota Rule 2110.0630 are independent requirements and the school will independently meet the requirements of each subpart. Two instructors will be present at all times, and instructors will only instruct in the area of their practitioner license and not in other disciplines.
- *Little Falls Care Center*
  - **Request:** Waiver of Minnesota Rule 2105.0305 C, which prohibits an individual from being the Designated Licensed Salon Manager at more than one salon, unless the salons are not open concurrently. This request is based on hardship.
  - **Motion:** Approve the waiver request of Minnesota Rule 2105.0305 C. **Seconded.**
  - **Decision:** On a vote of 5 ayes and 0 nays, the waiver request of Minnesota Rule 2105.0305 C is approved based on hardship with conditions:
    - The waiver permits the practitioner named within the rule waiver request to serve as the Designated Licensed Salon Manager at Little Falls Care Center and the salon she owns.
    - Little Falls Care Center is open on Tuesdays and Wednesdays only.

#### **V. New Business: Advanced Practice Esthetics Related Waiver Requests**

13 requests related to the deadline to submit a complete Advanced Practice Esthetician Grandfathering Application were received for the December 2, 2019 Board meeting and were reviewed by the Licensing Committee on November 13, 2019. The Licensing Committee made a recommendation for action for each request, and the recommendations were brought to the full Board for a final determination at the December 2, 2019 Board meeting. The full Board made motions to conditionally approve or deny each of the 31 requests, as follows:

- *Rosalee Dahlheimer*
  - **Request:** Waiver of Minnesota Rule 2105.0155 Subp. 1, which requires applicants for a grandfathered Advanced Practice (AP) Esthetician Operator License to have at least 900 hours of AP esthetician services in three service categories in the three years prior to application, or to submit passing AP Esthetician Written Practical and General Theory test results, and to submit a complete grandfathering application to the Board office by July 31, 2019. This request is based on hardship.
  - **Motion:** Conditionally approve the waiver request of the grandfathering deadline within Minnesota Rule 2105.0155 Subp. 1. **Seconded.**
  - **Decision:** On a vote of 5 ayes and 0 nays, the request to waive the deadline to submit a grandfathering application within Minnesota Rule 2105.0155 Subp. 1 is conditionally approved, based on hardship, provided a completed application with passing exam results be received in the Board office by January 2, 2020.

- *Angelica Jackson*
  - **Request:** Waiver of Minnesota Rule 2105.0155 Subp. 4, which requires applicants for a grandfathered Advanced Practice (AP) Esthetician Operator License via the student grandfathering provision to have graduated from an esthetician training program between January 1, 2018 and June 1, 2019, submit passing AP Esthetician Written Practical and General Theory test results, and to submit a complete grandfathering application to the Board Office by December 31, 2019. This request is based on hardship.
  - **Motion:** Conditionally approve the waiver request of the training completion deadline and application submission deadline within Minnesota Rule 2105.0155 Subp. 4. **Seconded.**
  - **Decision:** On a vote of 5 ayes and 0 nays, the request to waive the training completion deadline and application submission deadline within Minnesota Rule 2105.0155 Subp. 4 is conditionally approved, based on hardship, provided a completed application with passing exam results is received in the Board office by February 2, 2020.
  
- *Kate McNally*
  - **Request:** Waiver of Minnesota Rule 2105.0155 Subp. 2, which requires applicants for grandfathered Advanced Practice (AP) Esthetician Salon Manager License to have at least 900 hours of AP esthetician services in three service categories in the three years prior to application or to submit passing AP Esthetician Written Practical and General Theory test results, and to submit a complete grandfathering application to the Board office by July 31, 2019.
  - **Motion:** Deny the waiver request of Minnesota Rule 2105.0155 Subp. 2. **Seconded.**
  - **Decision:** On a vote of 5 ayes and 0 nays, the waiver request of the deadline to submit a complete grandfathering application within Minnesota Rule 2105.0155 Subp. 2 is denied based on lack of supporting hardship documentation and based on no evidence of hardship occurring during the timeframe for AP Esthetician grandfathering.
  
- *Migdalia Omae*
  - **Request:** Waiver of Minnesota Rule 2105.0155 Subp. 1, which requires applicants for a grandfathered Advanced Practice (AP) Esthetician Operator License to have at least 900 hours of AP esthetician services in three service categories in the three years prior to application, or to submit passing AP Esthetician Written Practical and General Theory test results, and to submit a complete grandfathering application to the Board office by July 31, 2019. This request is based on financial hardship.
  - **Motion:** Conditionally approve the waiver request of the grandfathering deadline within Minnesota Rule 2105.0155 Subp. 1. **Seconded.**
  - **Decision:** On a vote of 5 ayes and 0 nays, the waiver request of the deadline to submit a complete grandfathering application within Minnesota Rule 2105.0155 Subp. 1 is conditionally approved, based on financial hardship, provided a completed application with passing exam results is received in the Board office by February 2, 2020.

- *Greta Ouziad*
  - **Request:** Waiver of Minnesota Rule 2105.0155 Subp. 1, which requires applicants for a grandfathered Advanced Practice (AP) Esthetician Operator License to have at least 900 hours of AP esthetician services in three service categories in the three years prior to application, or to submit passing AP Esthetician Written Practical and General Theory test results, and to submit a complete grandfathering application to the Board office by July 31, 2019.
  - **Motion:** Deny the waiver request of Minnesota Rule 2105.0155 Subp. 1. **Seconded.**
  - **Decision:** On a vote of 5 ayes and 0 nays, the waiver request of the deadline to submit a complete grandfathering application within Minnesota Rule 2105.0155 Subp. 1 is denied due to lack of documentation of hardship.
  
- *Camille Bove*
  - **Request:** Waiver of Minnesota Rule 2105.0155 Subp. 1, which requires applicants for a grandfathered Advanced Practice (AP) Esthetician Operator License to have at least 900 hours of AP esthetician services in three service categories in the three years prior to application, or to submit passing AP Esthetician Written Practical and General Theory test results, and to submit a complete grandfathering application to the Board office by July 31, 2019. This request is based on medical hardship.
  - **Motion:** Conditionally approve the waiver request of the grandfathering deadline within Minnesota Rule 2105.0155 Subp. 1. **Seconded.**
  - **Decision:** On a vote of 5 ayes and 0 nays, the waiver request of the deadline to submit a complete grandfathering application within Minnesota Rule 2105.0155 Subp. 1 is conditionally approved, based on medical hardship, provided a completed application with passing exam results is received in the Board office by February 2, 2020, based on medical hardship.
  
- *Kimberly Westling*
  - **Request:** Waiver of Minnesota Rule 2105.0155 Subp. 1, which requires applicants for a grandfathered Advanced Practice (AP) Esthetician Operator License to have at least 900 hours of AP esthetician services in three service categories in the three years prior to application, or to submit passing AP Esthetician Written Practical and General Theory test results, and to submit a complete grandfathering application to the Board office by July 31, 2019. This request is based on financial hardship.
  - **Motion:** Conditionally approve the waiver request of the grandfathering deadline within Minnesota Rule 2105.0155 Subp. 1. **Seconded.**
  - **Decision:** On a vote of 5 ayes and 0 nays, the waiver request of the deadline to submit a complete grandfathering application within Minnesota Rule 2105.0155 Subp. 1 is conditionally approved, based on financial hardship, provided a completed application be received in the Board office by January 2, 2020 and with proof of work experience to be further verified by Board staff.

- *Cynthia Trout*
  - **Request:** Waiver of Minnesota Rule 2105.0155 Subp. 1, which requires applicants for a grandfathered Advanced Practice (AP) Esthetician Operator License to have at least 900 hours of AP esthetician services in three service categories in the three years prior to application, or to submit passing AP Esthetician Written Practical and General Theory test results, and to submit a complete grandfathering application to the Board office by July 31, 2019. This request is based on financial hardship.
  - **Motion:** Conditionally approve the waiver request of the grandfathering deadline within Minnesota Rule 2105.0155 Subp 1. **Seconded.**
  - **Decision:** On a vote of 5 ayes and 0 nays, the waiver request of the deadline to submit a complete grandfathering application within Minnesota Rule 2105.0155 Subp. 1 is conditionally approved, based on financial hardship, provided a completed application with passing exam results be received in the Board office by February 2, 2020.
  
- *Bethany Hermel*
  - **Request:** Waiver of Minnesota Rule 2105.0155 Subp. 1, which requires applicants for a grandfathered Advanced Practice (AP) Esthetician Operator License to have at least 900 hours of AP esthetician services in three service categories in the three years prior to application, or to submit passing AP Esthetician Written Practical and General Theory test results, and to submit a complete grandfathering application to the Board office by July 31, 2019. This request is based on financial hardship.
  - **Motion:** Conditionally approve the waiver request of the grandfathering deadline within Minnesota Rule 2105.0155 Subp 1. **Seconded.**
  - **Decision:** On a vote of 5 ayes and 0 nays, the waiver request of the deadline to submit a complete grandfathering application within Minnesota Rule 2105.0155 Subp. 1 is conditionally approved, based on financial hardship, provided a completed application with passing exam results be received in the Board office by January 2, 2020.
  
- *Marina Rolle*
  - **Request:** Waiver of Minnesota Rule 2105.0155 Subp. 1, which requires applicants for a grandfathered Advanced Practice (AP) Esthetician Operator License to have at least 900 hours of AP esthetician services in three service categories in the three years prior to application, or to submit passing AP Esthetician Written Practical and General Theory test results, and to submit a complete grandfathering application to the Board office by July 31, 2019. This request is based on medical hardship.
  - **Motion:** Deny the waiver request of the grandfathering deadline within Minnesota Rule 2105.0155 Subp. 1. **Seconded.**
  - **Decision:** On a vote of 5 ayes and 0 nays, the waiver request of the deadline to submit a complete grandfathering application within Minnesota Rule 2105.0155 Subp.1 was denied due to lack of supporting hardship documentation.
  
- *Kimberly Layer*
  - **Request:** Waiver of Minnesota Rule 2105.0155 Subp. 1, which requires applicants for a grandfathered Advanced Practice (AP) Esthetician Operator License to have at least 900

hours of AP esthetician services in three service categories in the three years prior to application, or to submit passing AP Esthetician Written Practical and General Theory test results, and to submit a complete grandfathering application to the Board office by July 31, 2019. This request is based on financial hardship.

- **Motion:** Conditionally approve the waiver request of the grandfathering deadline within Minnesota Rule 2105.0155 Subp. 1. **Seconded.**
  - **Decision:** On a vote of 5 ayes and 0 nays, the waiver request of the deadline to submit a complete grandfathering application within Minnesota Rule 2105.0155 Subp. 1 is conditionally approved, based on financial hardship, provided a completed application be received in the Board office by January 2, 2020 and with proof of work experience to be further verified by Board staff.
- *Lynn Hatzenbeler*
    - **Request:** Waiver of Minnesota Rule 2105.0155 Subp. 2, which requires applicants for a grandfathered Advanced Practice (AP) Esthetician Salon Manager License to have at least 900 hours of AP esthetician services in three service categories in the three years prior to application, or submit passing AP Esthetician Written Practical and General Theory test results, and to submit a complete grandfathering application to the Board office by July 31, 2019. This request is based on financial hardship.
    - **Motion:** Conditionally approve the waiver request of Minnesota Rule 2105.0155 Subp. 2. **Seconded.**
    - **Decision:** On a vote of 5 ayes to 0 nays, the waiver request of the deadline to submit a complete grandfathering application within Minnesota Rule 2105.0155 Subp. 2 is conditionally approved, based on financial hardship, provided a completed application be received in the Board office by January 2, 2020 and with proof of work experience to be further verified by Board staff.
- *Rebecca Jacobson*
    - **Request:** Upon review of Rebecca's AP esthetician grandfathering application and the Board motion made at the October 7, 2019 Board Meeting, staff realized the motion does not include a reference to the dates Rebecca accrued work experience performing AP esthetician services. Board staff are requesting review of Rebecca's situation and that the Board determine if the intent was to allow her to apply for a grandfathered license with work experience accrued more than three years ago.
    - **Motion:** Accept the relevant AP esthetician work experience accrued within the four years prior to the grandfathering deadline of July 31, 2019. **Seconded.**
    - **Decision:** On a vote of 5 ayes to 0 nays, relevant AP esthetician work experience Rebecca accrued within the four years prior to the grandfathering deadline of July 31, 2019 can be considered toward grandfathered licensed requirements.

## **VI. New Business: Rulemaking Activities**

- Licensing and Practice Updates, Revisor's Draft 0-4552
  - The proposed rules were approved by the Governor's office in November and are under review by the Office of Administrative Hearings.

- School Rules Overhaul, Revisor's Draft 0-4456
  - The Request for Comments was published on November 4, 2019. Comments are due by December 6, 2019.
  - The Board is appointing an advisory committee to assist in the review of current rules and in development of new or amended rules.
- New Email Address for Rules Comments
  - The Board has created a new email address to receive comments regarding rules. The new email address is [cosmorules@state.mn.us](mailto:cosmorules@state.mn.us).

**Break for lunch at 11:40 AM**

**Called to order at 12:21 PM**

## **VII. New Business: Division Reports**

- *Compliance Division*
  - Complaint Committee met on July 15, 2019 and reviewed 92 complaints.
  - In the third quarter of 2019, a total of 82 new complaints were filed with the Board. Board staff currently have 54 open complaints and are tracking 385 closed complaints by waiting for either completion of infection control course or payment of civil penalties.
- *Inspections Division Report*
  - Jackie Braun is the new Interim Inspections Division Manager.
  - New inspector, Jordynn Poferl started Monday, October 14, 2019.
  - In the third quarter of 2019, 1,599 salons were inspected, and 35 schools were inspected for a total of 1,634 inspections.
- *Licensing Division Report*
  - In the third quarter of 2019, the advanced practice esthetician grandfathering period ended.
  - Maintained an average processing time of 14 business days with an average of 71 licenses issued per day and 357 licenses per week.
  - Missy Riste was recently promoted from Licensing Specialist to Licensing Team Lead.
  - In the process of hiring a new Licensing Specialist.
- *Policy Division Report*
  - Advanced Practice Esthetics
    - Our testing vendor, PSI, has been asked to create advanced practice esthetics topics for the instructor practical exam. PSI Has worked with subject matter experts to create 2 new topics for the practical exam. The exam topics are estimated to go live mid-January.
  - Workplace Safety
    - On November 6, a workplace safety consultant from the Minnesota Department of Labor and Industry visited the Board's offices. The consultant performed an on-site inspection of the office layout and points of entry/exit as well as evaluated the safety of the workspace. In general, the consultant believes the Board of Cosmetology has created a very safe work environment for staff

including a brightly lit office area, cameras in the parking lot, multiple exits and a safe room without windows. From a public perspective, the consultant believes that the Board was successful in creating a public space that is inviting and calm without losing the integrity of a safe work environment.

- Staff Training
  - On December 16, staff will receive training on salon health and safety from the Salon and Spa Professional Association. This is part of our ongoing effort to provide quarterly all-staff trainings. Next year, trainings are being planned regarding strategies for effective communication and steps for improving professional organization. Staff are also eligible to participate in trainings offered to employees through Minnesota Management and Budget.

#### **VIII. Public Comment**

- No public comments

#### **IX. New Business: Closed Session**

##### ***Closed session began at 12:31 PM.***

- *Pursuant to Minnesota Statute 13D.05 Subd. 3 (a), closed session performance review of Executive Director, Gina Fast.*
  - *Pursuant to Minnesota Statute 13D.05 Subd. 3 (b), closed session for Attorney/Client privilege.*
- Closed session re-opened at 3:08 PM.***

#### **X. Adjournment**

- Meeting was adjourned at 3:09 PM.