

Minnesota Board of Cosmetology
October 3, 2022, Board Meeting Minutes

10:03 AM to 11:48 AM

In-Person and WebEx Meeting

1000 University Avenue West, Suite 100, St. Paul, MN 55104

Board Members Present:

Chelsey Anderson, Chair
Donna Dungy, Member
Marcie Smith-Fields, Member
Rhonda Besel, Member
Jodi Friendshuh, Member
Carol Logan, Member

Board Members Not Present:

Mahogany Plautz, Vice Chair

Staff Present:

Gina Fast, Executive Director
Jill Freudenwald, Chief of Staff
Diane DeLaBarre, Senior Manager of Operations
Josh Luhmann-Woodbury, Inspections Division Manager
Jenna Bohl, Licensing Division Manager
Lene Kiser, Compliance Division Manager
Tami Thein, Executive Assistant
Allen Barr, Asst. Attorney General
Tracey Sigstad, Small Agency Resource Team, MDA
Jodie Wehrspann, Board Administrative Coordinator

I. Call to Order

- Meeting called to order at 10:02 AM by Chelsey Anderson.

II. Reading of 13D.021- COVID-19

- Read by Chelsey Anderson
- Meeting to be held in person and by telephone or electronic means due to COVID-19
- Roll call of Board members

III. Approval of Proposed Agenda

- **Motion:** Rhonda Besel – Approve proposed agenda with flexibility.
- **Seconded** by Jodi Friendshuh; 5 ayes, 0 nays; **Motion Carried.**
 - *Ayes:* Chelsey Anderson, Rhonda Besel, Donna Dungy, Jodi Friendshuh, Marcie Smith-Fields
 - *Nays:* None

IV. Approval of Meeting Minutes

- **Motion:** Rhonda Besel – Approve meeting minutes from August 1, 2022, Board meeting.
- **Seconded** by Donna Dungy; 5 ayes, 0 nays; **Motion Carried.**
 - *Ayes:* Chelsey Anderson, Rhonda Besel, Donna Dungy, Jodi Friendshuh, Marcie Smith-Fields
 - *Nays:* None

V. New Business: Rule Waiver Requests

- *Catherine Christy*
 - **Request:** Catherine Christy is requesting a waiver of the requirement within MN Rule 2105.0183 Subp. 4a (A) to have her advanced practice esthetician training, school records and work experience evaluated at a Minnesota cosmetology school, rectify any deficiencies noted in the evaluation results, and provide the original AP esthetician course completion certificate. The request is based on financial hardship.
 - **Motion:** Rhonda Besel - Table the request to waive MN Rule 2105.0183 Subp. 4a (A) request until the December 5, 2022, Board meeting until the school evaluation is completed. Seconded by Donna Dungy.
 - **Decision:** On a vote of 5 ayes and 0 nays, the waiver request was tabled.

- **Ayes:** Chelsey Anderson, Rhonda Besel, Donna Dungy, Jodi Friendshuh, Marcie Smith-Fields
 - **Nays:** None
- *Nicole Nyberg*
 - **Request:** Nicole Nyberg is requesting to waive the repeal of Minnesota Rule 2105.0155 Subp. 2 and to waive the deadline within the rule, which stated a cosmetologist or esthetician salon manager may apply for a grandfathered advanced practice (AP) esthetician salon manager license by meeting the requirements of this subpart and that a completed application must be received no later than 7/31/2019. This request is based on hardship.
 - **Motion:** Rhonda Besel - Deny the request to waive the repeal of Minnesota Rule 2105.0155 Subp. 2 and to deny the waiver of the deadline within the rule. **Seconded** by Marcie Smith-Fields.
 - **Decision:** On a vote of 5 ayes and 0 nays, the waiver request was denied.
 - **Ayes:** Chelsey Anderson, Rhonda Besel, Donna Dungy, Jodi Friendshuh, Marcie Smith-Fields
 - **Nays:** None
- *Lavish Beauty School*
 - **Request:** Amy Schwartz, Designated School Manager, on behalf of Lavish Beauty School is requesting a waiver of Rule 2110.0680 subpart G, which addresses student breaks. This request was heard at the August 1, 2022 Board meeting. The Board tabled this discussion until October 2022.
 - **Motion:** Rhonda Besel - Grant the request to waive Rule 2110.0680 subpart G with the condition that students take one 30-minute break or two 15-minute breaks in the 7-hour timeframe when school is in session and clock out during that time, as it would not be considered training time. **Seconded** by Donna Dungy.
 - **Decision:** On a vote of 5 ayes and 0 nays, the waiver request was granted.
 - **Ayes:** Chelsey Anderson, Rhonda Besel, Donna Dungy, Jodi Friendshuh, Marcie Smith-Fields
 - **Nays:** None
- *Bloomington Career & College Academy*
 - **Request:** Sabiha Amini, Designated School Manager, and Gary Kressin, Principal, on behalf of Bloomington Career & College Academy (BCCA), are asking for a waiver of the requirement within Minnesota Rule [2110.0630 \(A\)](#) that states the school must maintain a minimum ratio of one instructor for each 1 to 20 students present each day. BCCA is asking for a waiver of this requirement to be in place from August 2022 to June of 2023 until they can find a second instructor. This request is based on hardship.
 - **Motion:** Rhonda Besel - Approve a waiver of the requirements to have one instructor per twenty students present and to have at least two licensed instructors on the school premises whenever students are present, both within 2110.0630 (A) with the following conditions:
 - The waiver is retroactively applied from August 29, 2022, through October 7, 2022, when the school was out of compliance and using only one licensed instructor per forty students, so that the students' hours are not affected without notification.
 - Effective October 10, 2022, the Board will allow BCCA to use a second PELSIB-licensed teacher acting as a substitute in the classroom with the licensed instructor and acting as the second instructor on the school premises through November 30, 2022, or when the first trimester ends. Beyond the first trimester, BCCA would need to request a new waiver of Rule 2110.0630 (A) to allow the school to use a PELSIB-licensed teacher as a substitute in the classroom with the licensed cosmetology instructor. The Board cautions that class size must be kept to a maximum of 20 students as they are unlikely

to approve the use of a PESLB-licensed instructor to waive the 1:20 ratio again.

Seconded by Donna Dungy.

- **Decision:** On a vote of 5 ayes and 0 nays, the waiver request was granted.
 - **Ayes:** Chelsey Anderson, Rhonda Besel, Donna Dungy, Jodi Friendshuh, Marcie Smith-Fields
 - **Nays:** None
- *10-minute recess: At 11:21 AM, Nora Ingenito asked the Board to hear her waiver request. Nora stated she emailed the request to the Board of Cosmetology by the waiver request deadline, but the Board office had not received it. The Board recessed at 11:21 AM for 10 minutes and reopened at 11:22 AM to hear the request.*
- *Nora Ingenito*
 - **Request:** Nora Ingenito is requesting to waive the requirement to have a fully complete course completion certificate, which requires passing of the layered haircut practical skills test section, within MN Rule 2105.0145 Subpart 1 C (1), based on medical hardship.
 - **Motion:** Rhonda Besel - Approve Nora Ingenito's request to waive the requirement to have a fully complete course completion certificate, within MN Rule 2105.0145 Subpart 1 C (1), allowing for 1 hour to complete the layered haircut practical skills test section instead of 30 minutes without impacting the final score. **Seconded** by Donna Dungy.
 - **Decision:** On a vote of 5 ayes and 0 nays, the waiver request was tabled.
 - **Ayes:** Chelsey Anderson, Mahogany Plautz, Marcie Smith-Fields, Donna Dungy, Carol Logan, Rhonda Besel
 - **Nays:** None

VI. New Business: Division Reports

- **Administrative Division Report**
 - **2023 Board Member terms expiring:**
 - Rhonda Besel – Cosmetologist Member
 - Jodi Friendshuh – Nail Technician Member
 - Carol Logan – Public Member
 - Member position vacancies are posted in November of each year and are open until filled. To apply for or learn more about board member vacancies, visit the Minnesota Secretary of State. Board members are appointed by the Governor or by an appointed authority.
 - **Budget Preparations and SmART Overview.** Tracey Sigstad, Small Agency Resource Team, Minnesota Department of Administration, reviewed the 2023 Manager's Financial Report [MFR].
- **Policy and Rulemaking Division Report**
 - **Legislative Update**
 - Board staff are working with the Governor's Office and Minnesota Management and Budget (MMB) to submit the FY24-25 biennial budget. In August, staff submitted our Agency Profile to MMB for review. We expect MMB to publish all agency budget data on or around November 30. It will be available on the MMB website.
 - Staff anticipate submitting a base budget increase request to the Governor's office for potential inclusion in the new Governor's budget proposal. This request would be to cover the anticipated rise of operational costs, including for technology, mandated staff pay increases, and insurance costs.
 - As a reminder, this is an election year for the Governor's Office. As an executive branch agency, a change in Governor may have an impact on us, though the depth of that impact will not be known until after the election.

- **Rule Docket 4456**
 - At the August 1, 2022 Board meeting, the Board approved moving forward with rules governing schools, instructors and school managers found in Minnesota Rules, Chapter 2110. The rule draft and Statement of Need and Reasonableness (SONAR) were published in the State Register on September 26, 2022. These documents were also sent to all licensees, salons and schools. From now until November 4, 2022, the Board will accept public comments on the rules.
- **Schools**
 - There are currently 39 licensed schools.

VII: Adjournment

- **Board Chair** Chelsey Anderson adjourned the meeting at 11:48 AM.