

Minnesota Board of Cosmetology
January 10, 2023, Special Board Meeting* Minutes
(*Continuation of December 5, 2022 Board Meeting)

5:39 PM to 8:13 PM

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 (joined at 6:00 PM)

Board Members Not Present:

Mahogany Plautz, Vice Chair

Staff Present:

Gina Fast, Executive Director
Jenna Bohl, Licensing Division Manager
Tami Thein, Executive Assistant
Allen Barr, Asst. Attorney General
Jodie Wehrspann, Board Administrative Coordinator

I. Call to Order

- Meeting called to order at 5:39 PM by Chelsey Anderson.

II. Reading of MN Statutes Chapter 13D

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

III. Approval of Proposed Agenda

- **Motion:** Rhonda Besel – Approve proposed agenda with flexibility.
- **Seconded** by Donna Dungy; 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:** Marcie Smith-Fields – Approve meeting minutes from October 3, 2022, Board meeting.
- **Seconded** by Rhonda Besel; 5 ayes, 0 nays; **Motion Carried.**
 - *Ayes:* Chelsey Anderson, Rhonda Besel, Donna Dungy, Jodi Friendshuh, Marcie Smith-Fields
 - *Nays:* None

V. Approval of 2023 Board Meeting Dates

- Monday, March 27, 2023
- Monday, June 12, 2023
- Monday, September 11, 2023
- Monday, November 13, 2023
- **Motion:** Rhonda Besel – Approve 2023 Board Meeting Dates.
- **Seconded** by Jodi Friendshuh; 5 ayes, 0 nays; **Motion Carried.**
 - *Ayes:* Chelsey Anderson, Rhonda Besel, Donna Dungy, Jodi Friendshuh, Marcie Smith-Fields
 - *Nays:* None

VI. New Business: Rule Waiver Requests

- *Elizabeth Hickey*

- **Request:** Elizabeth Hickey is requesting to waive Minnesota Rule 2105.0145 Subp. 1 C (1), which requires initial license applicants to submit proof of completion of training via a course completion certificate. A course completion certificate shows that all hours of training, clinical services exercises and practical skills test requirements have been met. Elizabeth is requesting that the Board waive the requirement to complete *eyelash extension* clinical service exercises and the *eyelash extension* section of the practical skills test. This request is based on medical hardship.
- **Motion:** Rhonda Besel – Approve the request to waive Minnesota Rule 2105.0145 Subp. 1 C (1), based on medical hardship. The waiver allows Elizabeth to obtain an initial license without completing eyelash extension quotas or completing the eyelash section of the Practical Skills Test. Upon graduation, the Course Completion Certificate from the school may be submitted with the license application without a "total score" or "date passed" from the eyelash extension segment of the practical skills test results, and without the number of eyelash extensions service quotas completed. **Seconded** by Donna Dungy.
- **Decision:** On a vote of 5 ayes and 0 nays, the waiver request was approved.
 - *Ayes:* Chelsey Anderson, Rhonda Besel, Donna Dungy, Jodi Friendshuh, Marcie Smith-Fields
 - *Nays:* None

Carol Logan, Board Member, joins the meeting at 6:00 PM

- *Theresa Soucy*
 - **Request:** Theresa Soucy is requesting to waive Minnesota Rule 2105.0215.3, which requires individuals with an instructor's license that is more than three years expired to submit original passing test results of a board-approved instructor general theory exam, instructor practical exam, and instructor laws and rules exam with their renewal application. Theresa requests that the Board consider that she has met the continuing education requirements (within MN Rule 2105.0200.2.A) to renew a license as if it were less than three years expired.
 - **Motion:** Rhonda Besel – Table the request to waive Minnesota Rule 2105.0215.3 until the March 27, 2023, Board Meeting based on lack of hardship documentation. **Seconded** by Donna Dungy.
 - **Decision:** On a vote of 6 ayes and 0 nays, the waiver request was tabled.
 - *Ayes:* Chelsey Anderson, Rhonda Besel, Donna Dungy, Jodi Friendshuh, Marcie Smith-Fields, Carol Logan
 - *Nays:* None
- *Southwest Metro*
 - **Request:** SouthWest Metro is requesting to waive the 1 to 20 instructor-to-student ratio requirement within Rule 2110.0630 A and the requirement to use only a licensed salon manager as a substitute for no more than 30 days per year within MN Rule 2110.0630 A (1). The school asks that the waiver be retroactively applied to cover the dates the school was out of compliance. This request is based on financial hardship.
 - **Motion:** Rhonda Besel – Approve the request to waive the 1 to 20 instructor-to-student ratio requirement within MN Rule 2110.0630 A and the requirement to use only a licensed salon manager as a substitute for no more than 30 days per year within MN Rule 2110.0630 A (1) for the timeframe of September 6, 2022, to October 24, 2022. This waiver allows two licensed instructors, instead of the required three, to teach the blocks that exceed 40 students and to allow a cosmetology operator (Madeline Rifley) to serve as a substitute from 9/6/2022 (start of Q1) to 10/24/2022 (when Madeline started teaching as a licensed instructor) to cover the dates the school was out of compliance so that students receive credit for the hours spent in class. **Seconded** by Carol Logan.
 - **Decision:** On a vote of 6 ayes and 0 nays, the waiver request was granted.

- **Ayes:** Chelsey Anderson, Rhonda Besel, Donna Dungy, Jodi Friendshuh, Marcie Smith-Fields, Carol Logan
 - **Nays:** None

- *Faisa Ahmed*
 - **Request:** Faisa Ahmed is requesting to waive Minnesota Rule [2110.0670 E \(5\)](#), which requires documentation of a student’s successful completion of clinical service exercises, curriculum, and practical skills test on a course completion certificate. She has requested that the Board allow completion of eyelash extension and eyebrow wax clinical service exercises and practical skills test portions on a mannequin rather than a live model and for those to be documented on the course completion certificate. The request is based on hardship associated with religious restrictions.
 - **Motion:** Rhonda Besel - Approve Faisa Ahmed’s request to waive Minnesota Rule [2110.0670 E \(5\)](#) based on hardship associated with religious restrictions. The waiver will permit her to complete the eyelash extension and eyebrow wax clinical service exercises and practical skills test portions on a mannequin rather than a live model and for those to be documented on the course completion certificate. **Seconded** by Marcie Smith-Fields.
 - **Decision:** On a vote of 6 ayes and 0 nays, the waiver request was granted.
 - **Ayes:** Chelsey Anderson, Rhonda Besel, Donna Dungy, Jodi Friendshuh, Marcie Smith-Fields, Carol Logan
 - **Nays:** None

- *Fahma Boor*
 - **Request:** Fahma Boor is requesting to waive Minnesota Rule [2110.0670 E \(5\)](#), which requires documentation of a student’s successful completion of clinical service exercises, curriculum, and practical skills test on a course completion certificate. She has requested that the Board allow completion of eyelash extension and eyebrow wax clinical service exercises and practical skills test portions on a mannequin rather than a live model and for those to be documented on the course completion certificate. The request is based on hardship associated with religious restrictions.
 - **Motion:** Rhonda Besel – Deny Fahma Boor’s request to waive Minnesota Rule [2110.0670 E \(5\)](#). The request is denied because the hardship is no longer present since the requestor has completed all necessary clinical service exercises and passed all practical skills test sections to earn a completed course completion certificate. **Seconded** by Marcie Smith-Fields.
 - **Decision:** On a vote of 6 ayes and 0 nays, the waiver request was denied.
 - **Ayes:** Chelsey Anderson, Rhonda Besel, Donna Dungy, Jodi Friendshuh, Marcie Smith-Fields, Carol Logan
 - **Nays:** None

- *Ayan Dubow*
 - **Request:** Ayan Dubow is requesting to waive Minnesota Rule [2110.0670 E \(5\)](#), which requires documentation of a student’s successful completion of clinical service exercises, curriculum, and practical skills test on a course completion certificate. She has requested that the Board allow completion of eyelash extension and eyebrow wax clinical service exercises and practical skills test portions on a mannequin rather than a live model and for those to be documented on the course completion certificate. The request is based on hardship associated with religious restrictions.
 - **Motion:** Rhonda Besel – Deny Ayan Dubow’s request to waive Minnesota Rule [2110.0670 E \(5\)](#). The request is denied because the hardship is no longer present since the requestor has completed all necessary clinical service exercises and passed all practical skills test sections to earn a completed course completion certificate. **Seconded** by Carol Logan.
 - **Decision:** On a vote of 6 ayes and 0 nays, the waiver request was denied.

- Ayes: Chelsey Anderson, Rhonda Besel, Donna Dungy, Jodi Friendshuh, Marcie Smith-Fields, Carol Logan
 - Nays: None
- *Veronica Matthew*
 - **Request:** Veronica Matthew is requesting to waive Minnesota Rule [2105.0145 Subpart 1 C \(1\)](#), which requires initial license applicants to submit proof of completion of training via a Course Completion Certificate. This request was submitted based on financial hardship.
 - **Motion:** Rhonda Besel – Approve Veronica Matthew’s request to waive Minnesota Rule [2105.0145 Subpart 1 C \(1\)](#), which requires initial license applicants to submit proof of completion of training via a Course Completion Certificate, based on financial hardship. The waiver permits Veronica to obtain a license without submitting a Course Completion Certificate from her initial training, allowing her to submit a transcript and diploma from her initial training instead. **Seconded** by Donna Dungy. (Marcie Smith-Fields abstained.)
 - **Decision:** On a vote of 5 ayes and 0 nays, the waiver request was granted.
 - Ayes: Chelsey Anderson, Rhonda Besel, Donna Dungy, Jodi Friendshuh, Carol Logan
 - Nays: None
- *Bloomington Career & College Academy*
 - **Request:** Sabiha Amini, Designated School Manager, on behalf of Bloomington Career & College Academy (BCCA), is requesting to waive the requirement within Minnesota Rule 2110.0630 (A) that states there must be at least two licensed instructors on the school premises whenever students are present. BCCA requested that the waiver be applied retroactively, from November 28, 2022, the start of the second trimester, through June 2023, when the 2022-2023 school year ends, and include the option to use a PELSB teacher as the second instructor on the school premises. This request is based on hardship.
 - **Motion:** Rhonda Besel - Approve the request to waive the requirement to have at least two licensed instructors on the school premises whenever students are present, within 2110.0630 (A), with the following conditions: 1) The waiver is retroactively applied from November 28, 2022, the start of the second trimester, to cover the dates the school was out of compliance, and extends through June 2023, when the 2022-2023 school year ends, and; 2) the waiver includes the option to use a PELSB teacher during this timeframe. **Seconded** by Carol Logan.
 - **Decision:** On a vote of 6 ayes and 0 nays, the waiver request was granted.
 - Ayes: Chelsey Anderson, Rhonda Besel, Donna Dungy, Jodi Friendshuh, Marcie Smith-Fields, Carol Logan
 - Nays: None
- *Maria Elmhurst*
 - **Request:** Maria Elmhurst is requesting to waive Minnesota Rule 2105.0145 Subp. 1 C (1), which requires initial license applicants to submit proof of completion of training via a Course Completion Certificate. This request is based on financial hardship.
 - **Motion:** Rhonda Besel – Approve the request to waive Minnesota Rule 2105.0145 Subp. 1 C (1), which requires initial license applicants to submit proof of completion of training via a Course Completion Certificate, with two conditions: 1) The Board will accept the student transcript from Nova Academy in lieu of the original Course Completion Certificate; and, 2) The Board requires that Maria submit an esthetician Skills Course Certificate, required when initial training is more than five years old, from the Minnesota School of Beauty. The esthetician Skills Course must include passing the eyelash extensions segment. **Seconded** by Marcie Smith-Fields.
 - **Decision:** On a vote of 6 ayes and 0 nays, the waiver request was granted.
 - Ayes: Chelsey Anderson, Rhonda Besel, Donna Dungy, Jodi Friendshuh, Marcie Smith-Fields, Carol Logan
 - Nays: None

- *Aubriana Jackson*
 - **Request:** Aubriana Jackson is requesting to waive Minnesota Rule 2105.0145 Subp. 4.C., which requires applicants for an initial Instructor License to have 2,700 hours of licensed practice within the three years prior to application. This request is based on financial hardship.
 - **Motion:** Carol Logan – Approve the request to waive the three-year timeframe for which work experience can be considered toward the 2,700-hour requirement within Minnesota Rule 2105.0145 Subp. 4 C. The Board will consider licensed practice accumulated between February 2016 and February 2020 within the application for an initial instructor license. **Seconded** by Rhonda Besel. (Marcie Smith-Fields abstained.)
 - **Decision:** On a vote of 5 ayes and 0 nays, the waiver request was granted.
 - Ayes: Chelsey Anderson, Rhonda Besel, Donna Dungy, Jodi Friendshuh, Carol Logan
 - Nays: None

VII. New Business: COVID-19 Pandemic and Cosmetology Schools

- **Online Theory Instruction**
 - The Board considered whether to extend the option for schools to move scheduled theory instruction online without prior Board approval or let the motion expire. Per Minnesota Statute 155A.30 subdivision 11(b), instruction must be given within a licensed school building. Online instruction is permitted for board-approved theory-based classes. Practice-based classes must not be given online. Schools have always had the option to provide online theory instruction with Board approval. Currently, 20 schools have submitted formal curriculum changes to make online theory a permanent part of their curriculum.
 - No action was taken. The Board’s previous motion will expire after December 31, 2022, and schools can continue to submit a curriculum change to the Board if they wish to move theory instruction online.

VIII. New Business: Amendment of October 3, 2022, Board Meeting Minutes

- **Motion:** Donna Dungy – Add Carol Logan to the list of Board Members Present in the October 3, 2022, Board Meeting Minutes.
- **Seconded** by Marcie Smith-Fields; 6 ayes, 0 nays; **Motion Carried.**
 - Ayes: Chelsey Anderson, Rhonda Besel, Donna Dungy, Jodi Friendshuh, Marcie Smith-Fields, Carol Logan
 - Nays: None

IX. New Business: Division Reports

- **Administrative Division Report**
 - **Board Member Service Award Certificates for 2022**
 - Rhonda Besel
 - Marcie Smith-Fields
 - Mahogany Plautz
 - Jodi Friendshuh
 - Donna Dungy
 - Carol Logan
 - Chelsey Anderson
 - **2023 Board Meeting Dates** (results from a survey sent to all board members)
 - Monday, March 27, 2023
 - Monday, June 12, 2023
 - Monday, September 11, 2023
 - Monday, November 13, 2023
 - **2023 Committee Elections:**
 - Complaint Committee: Chelsey Anderson, Rhonda Besel, Jodi Friendshuh

- Rules Committee: Rhonda Besel, Mahogany Plautz, Marcie Smith-Fields
- Licensing Committee: Jodi Friendshuh, Mahogany Plautz, Marcie Smith-Fields
- Legislative Committee: Chelsey Anderson, Donna Dungy, Carol Logan
 - **Motion:** Rhonda Besel – Approve the 2023 Committee Elections as shown.
Seconded by Carol Logan.
 - **Decision:** On a vote of 6 ayes and 0 nays, the motion was approved.
- Ayes: Chelsey Anderson, Rhonda Besel, Donna Dungy, Jodi Friendshuh, Marcie Smith-Fields, Carol Logan
- Nays: None
- **Chair and Vice Chair Elections**
 - **Current:**
 - Chelsey Anderson, Chair
 - Mahogany Plautz, Vice Chair
- **Compliance Division Report**
 - **Complaint Committee Meetings**
 - The Complaint Committee met on August 8, 2022 and reviewed 35 complaints. The categories of complaints heard during the meeting were as follows:
 - Licensing – 21 complaints
 - Infection Control – 6 complaints
 - Licensing and Infection Control – 3 complaints
 - Declined Release, Non-jurisdictional, or Doesn't Warrant Resources- 10 complaints
 - Other – 3 complaints
 - The next scheduled Complaint Committee meeting will be held on February 27, 2023.
 - **New Complaint Breakdown**
 - In the third quarter of 2022, a total of 33 new complaints were filed with the Board. Board staff currently have 68 open complaints and are tracking 185 closed complaints by waiting for either completion of infection control course or payment of civil penalties.
- **Inspections Division Report**
 - **Q3 2022 Inspection Summary**
 - 575 Salons and 39 Schools – 614 Total Inspections
 - **News and Updates:**
 - Staffing Updates: As of October 5, 2022, the board's inspections division employs four inspectors.
 - **Statewide Completion Statistics as of 10/05/2022:**
 - 53% (2,841 salons) inspected within the last one year
 - 47% (2,521 salons) inspected between one and two years ago.
 - 0% (0 salons) inspected over two years ago.
- **Licensing Division Report**
 - **Licensing Activity Q3**
 - In the third quarter of 2022, we maintained an average processing time of about 8 business days. There was an average of 57 licenses issued per day and 283 licenses issued per week.
 - **News and Updates:**
 - Hiring: Ericka Williams joined our team in September as our third Licensing Specialist. Shannon Damlo started in November as our Administrative Assistant at the front desk.
- **Policy and Rulemaking Division Report**
 - **Rule Docket 4456**

- The public comment period for the school rules closed on November 4, 2022. The Board received 22 comments and 50 requests for a hearing. A hearing on the rules will be held via WebEx on December 12, 2022.
- On November 16, 2022, the Rules Committee met to discuss the Board's response to pre-hearing comments. The Board's response will be finalized and posted on the Board website later this week. At the hearing, the Administrative Law Judge will listen to comments from the public. Board staff will be on hand to answer any questions or provide clarification but will not respond to the comments in the hearing. After the hearing, the Board will provide a written response to the comments.
- **Schools**
 - There are currently 38 licensed schools.

X: Adjournment

- **Board Chair** Chelsey Anderson adjourned the meeting at 8:13 PM.