

Minnesota Board of Cosmetology
March 27, 2023, Board Meeting Minutes

10:02 AM to 12:14 PM

In-Person and WebEx Meeting

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

Board Members Present:

Mahogany Plautz, Vice (acting) Chair
Donna Dungy, Member
Marcie Smith-Fields, Member
Rhonda Besel, Member
Jodi Friendshuh, Member
Carol Logan, Member (joined at 10:05 AM)

Board Members Not Present:

Chelsey Anderson, Chair

Staff Present:

Gina Fast, Executive Director
Jenna Bohl, Licensing Division Manager
Diane DelaBarre, Senior Manager of Operations
Lene Kiser, Compliance Division Manager
Josh Luhmann-Woodbury, Inspections 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 10:02 AM by Mahogany Plautz, Vice Chair.
- Meeting held in person and by telephone or electronic means according to Minnesota Statutes, Chapter 13D.

II. Attendance

- Mahogany Plautz, Vice Chair, conducted 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:* Mahogany Plautz, Rhonda Besel, Donna Dungy, Jodi Friendshuh, Marcie Smith-Fields
 - *Nays:* None

IV. Approval of Meeting Minutes

- **Motion:** Rhonda Besel – Approve minutes from the January 10, 2023, Special Board Meeting; December 5, 2022, Board Meeting; June 29, 2021, Emergency Board Meeting.
- **Seconded** by Jodi Friendshuh; 5 ayes, 0 nays; **Motion Carried.**
 - *Ayes:* Mahogany Plautz, Rhonda Besel, Donna Dungy, Jodi Friendshuh, Marcie Smith-Fields
 - *Nays:* None

Carol Logan, Board Member, joins the meeting electronically at 10:05 AM.

V. New Business: Rule Waiver Requests

- *Theresa Soucy*
 - NOTE: This request was originally heard at the January 10, 2023, Special Board Meeting. The Board ruled to table the request based on lack of hardship documentation.
 - **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. This request is based on hardship.

- **Motion:** Rhonda Besel – Approve the request 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. **Seconded** by Carol Logan.
 - **Comment:** Gina Fast – Theresa states she has completed the 45 hours of continuing education required (within MN Rule 2105.0200.2.A), but these hours have not been staff verified, so the waiver would be contingent on completing the 45 hours of continuing education.
 - **Motion amended** – Rhonda Besel. Approve the request to waive Minnesota Rule 2105.0215.3 dependent on verification by Board staff that Theresa has did complete the 45 hours of continuing education. **Seconded** by Carol Logan.
 - **Decision:** On a vote of 6 ayes and 0 nays, the waiver request was approved.
 - **Ayes:** Mahogany Plautz, Rhonda Besel, Donna Dungy, Jodi Friendshuh, Marcie Smith-Fields, Carol Logan.
 - **Nays:** None
- *Shelly Kurtti*
 - **Request:** Shelly Kurtti is requesting to waive Minnesota Rule [2105.0145 Subpart 4.C.](#), which requires applicants for an initial Instructor License to document at least 2,700 hours of licensed practice in the same licensure field as the instructor license type sought within the three years prior to application. Shelly asks the Board to consider the work experience she obtained in the admissions department at a cosmetology school be counted as licensed practice. This request is based on financial hardship.
 - **Motion:** Rhonda Besel – Deny the request to waive Minnesota Rule [2105.0145 Subpart 4.C.](#), which requires applicants for an initial Instructor License to document at least 2,700 hours of licensed practice in the same licensure field as the instructor license type sought within the three years prior to application. **Seconded** by Marcie Smith-Fields.
 - **Comment:** Allen Barr – Board Members must identify the basis for the denial.
 - **Motion amended:** Rhonda Besel cites an interest in public safety as the basis for the denial.
 - **Decision:** On a vote of 6 ayes and 0 nays, the waiver request was denied.
 - **Ayes:** Mahogany Plautz, Rhonda Besel, Donna Dungy, Jodi Friendshuh, Marcie Smith-Fields, Carol Logan
 - **Nays:** None
 - *Zoia Chamata*
 - **Request:** Zoia Chamata is requesting a waiver of four rules: 1) Minnesota Rule 2110.1510.A., which states cosmetologist training must consist of at least 1,550 hours of coursework and include the full nail technician course content, the full esthetician course content, and the balance in hair services; 2)"the course completion certificate" portion of Minnesota Rule 2105.0183.3.A., so that the Foreign Transfer Course Completion Certificate may be submitted with the license application without passing scores from the skin care, nail care, and eyelash extension segments of the Practical Skills Test (PST) and without school hours for these segments; 3) Minnesota Rule 2105.0183.3.B.1, which requires applicants for a cosmetologist operator license whose training was outside the United States and have not been licensed by another state to submit original passing test results of a board-approved general theory test no more than one year old with their application, and; 4) Minnesota Rule 2105.0183.3.B.2., which requires applicants for a cosmetologist operator license whose training was outside the United States and have not been licensed by another state to submit original passing test results of a board-approved written practical test no more than one year old. This request is based on financial hardship as a refugee of war.

- **Motion:** Rhonda Besel - Table the request until the next Board meeting on June 12, 2023, and direct Board staff to research avenues for licensure that would allow Zoia to offer hair services only. Currently, there is legislation proposed which would allow the Board to issue a hair technician license. If the bill passes in May 2023, a hair technician license would become available on July 1, 2024. **Seconded** by Donna Dungy.
- **Decision:** On a vote of 6 ayes and 0 nays, the waiver request was tabled.
 - Ayes: Mahogany Plautz, Rhonda Besel, Donna Dungy, Jodi Friendshuh, Marcie Smith-Fields, Carol Logan
 - Nays: None
- *Maureen Simon*
 - **Request:** Maureen Simon is requesting to waive Minnesota Rule [2105.0010 Subp. 11f.](#), which defines "physical location" as the contiguous space representing each salon that can be accessed by customers without exiting the salon, so that she can open an outdoor salon. The request is based on medical and financial hardship.
 - **Motion:** Rhonda Besel – Table the request until an application has been received in the Board office so that questions pertaining to requirements can be addressed through the application process. **Seconded** by Carol Logan.
 - **Decision:** On a vote of 6 ayes and 0 nays, the waiver request was tabled.
 - Ayes: Mahogany Plautz, Rhonda Besel, Donna Dungy, Jodi Friendshuh, Marcie Smith-Fields, Carol Logan
 - Nays: None
- *Emily Paulson*
 - **Request:** Emily Paulson is requesting a waiver from performing artificial nail applications required under [Rule 2110.0510 D \(8\)](#); and from the artificial nails section of the practical skills test, which is to be documented on her course completion certificate required under [Rule 2105.0145 Subp. 1 C \(1\)](#). This request was based on medical hardship.
 - **Motion:** Rhonda Besel – Approve Emily Paulson’s waiver request to be exempt from performing artificial nail applications required under [Rule 2110.0510 D \(8\)](#); and from the artificial nails section of the practical skills test, which is to be documented on the course completion certificate required under [Rule 2105.0145 Subp. 1 C \(1\)](#), with the condition that she complete 10 extra sets of natural nail manicures as part of her quota completion. **Seconded** by Donna Dungy.
 - **Decision:** On a vote of 6 ayes and 0 nays, the waiver request was approved.
 - Ayes: Chelsey Anderson, Rhonda Besel, Donna Dungy, Jodi Friendshuh, Marcie Smith-Fields, Carol Logan
 - Nays: None
- *Phung Luu*
 - NOTE: This request was on the agenda but withdrawn, as Phung Luu passed the exam with the aid of an interpreter.
 - **Request:** Phung Luu is requesting to waive [MN Rule 2105.0183 subpart 1.F.](#), which requires applicants with required training who wish to transfer a license from another state to provide original passing test results of the Minnesota state laws and rules test no more than one year old. This request is based on hardship.

VI. New Business: Division Reports

- **Compliance Division Report**
 - **Complaint Committee Meetings**
 - The Complaint Committee met on November 14, 2022 and reviewed 40 complaints. The categories of complaints heard during the meeting were as follows:

- Licensing – 14 complaints
 - Infection Control – 14 complaints
 - Licensing and Infection Control – 3 complaints
 - Declined Release, Non-jurisdictional, or Doesn't Warrant Resources- 9 complaints
 - The Committee recently met on February 27, 2023, and those numbers will be reported on the Compliance Division Report for the first quarter of 2023. The next scheduled Committee meeting will be on May 15, 2023.
- **New Complaint Breakdown**
 - In the 4th quarter of 2022, a total of 24 new complaints were filed with the Board. Board staff currently have 65 open complaints and are tracking 184 closed complaints by waiting for either completion of infection control course or payment of civil penalties.
- **Inspections Division Report**
 - **Q4 2022 Inspection Summary**
 - 975 Salons and 4 Schools – 979 Total Inspections
 - **News and Updates:**
 - Staffing Updates: As of January 9, 2023, the board's inspections division employs five inspectors.
 - **Statewide Completion Statistics as of 1/09/2023:**
 - 44% (2,378 salons) inspected within the last one year
 - 56% (3,015 salons) inspected between one and two years ago.
 - 0% (0 salons) inspected over two years ago.
- **Licensing Division Report**
 - **Licensing Activity Q4**
 - In the fourth quarter of 2022, the Licensing Department maintained an average processing time of about 3 business days. There was an average of 56 licenses issued per day and 279 licenses issued per week.
- **Policy and Rulemaking Division Report**
 - **Legislative Update**
 - **Committee Hearings:** On March 3, Minnesota Senate State and Local Government and Veterans Committee discussed Senate File 1259 which proposes the creation of a hair technician license and the qualifications for obtaining the license. A copy of the bill can be found in the Board packet.
 - **Governor's Budget Recommendations:** On January 24, the Governor released his two-year budget recommendations. The Governor recommended a budget increase of \$456,000 in fiscal year 2024 and a \$676,000 in fiscal year 2025 for the Board of Cosmetology. At this time, we have not seen what the House and Senate budget bills will look like. It is still a long process before the Board has their FY2024-2025 budget.

VII: Public Comments

- **Public comment by**
 - Lara Kelley, School Manager, Minnesota School of Beauty, made a public comment regarding Requests for Proposal, a Board Agenda item on May 2, 2022 (see May 2, 2022, Board Minutes).

VIII: New Business: Performance Review (Closed Session)

- **Performance Review of Executive Director**
 - Meeting was closed by Mahogany Plautz at 11:27 AM on March 27, 2023, pursuant to Minnesota Statutes Chapter 13D.05 Subd 3. for the purpose of an employee performance evaluation of the Executive Director, Gina Fast.

- Meeting was reopened by Mahogany Plautz at 12:13 pm. The Board determined that the performance of the Executive Director is excellent and may be eligible for all pay increases and achievement awards for the next year.

IX: Adjournment

- **Board Vice Chair** Mahogany Plautz adjourned the meeting at 12:14 PM.