

**Minnesota Board of Cosmetology**  
**June 12, 2023, Board Meeting Minutes**

10:00 AM to 11:45 AM

In-Person and WebEx Meeting

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

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**Board Members Present:**

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

**Board Members Not Present:**

**Staff Present:**

Gina Fast, Executive Director  
Jenna Bohl, Senior Manager of Policy & Regulation  
Diane DelaBarre, Senior Manager of Operations  
Lene Kiser, Compliance Division Manager  
Josh Luhmann-Woodbury, Inspections Division Manager  
Tami Thein, Executive Assistant  
Anne Anderson, Business & Communications Analyst  
Allen Barr, Asst. Attorney General  
Jodie Wehrspann, Board Administrative Coordinator

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**I. Call to Order**

- Meeting called to order at 10:00 AM by Chelsey Anderson, Chair.
- Meeting held in person and by telephone or electronic means according to Minnesota Statutes, Chapter 13D.

**II. Attendance**

- Chelsey Anderson, Chair, conducted roll call of Board Members.

**III. Approval of Proposed Agenda**

- **Motion:** Mahogany Plautz – Approve proposed agenda with flexibility.
- **Seconded** by Carol Logan; 7 ayes, 0 nays; **Motion Carried.**
  - *Ayes:* Chelsey Anderson, Mahogany Plautz, Rhonda Besel, Donna Dungy, Jodi Friendshuh, Marcie Smith-Fields, Carol Logan
  - *Nays:* None

**IV. Approval of Meeting Minutes**

- **Motion:** Carol Logan – Approve minutes from the March 27, 2023, Board Meeting.
- **Seconded** by Mahogany Plautz; 7 ayes, 0 nays; **Motion Carried.**
  - *Ayes:* Chelsey Anderson, Mahogany Plautz, Rhonda Besel, Donna Dungy, Jodi Friendshuh, Marcie Smith-Fields, Carol Logan
  - *Nays:* None

**V. New Business: Performance Review Results**

- **Performance Review of Executive Director**
  - *The Executive Director's Performance Review was completed at the March 27, 2023, Board meeting in a closed session pursuant to Minnesota Statutes Chapter 13D.05 Sub 3.*
  - *At its next public meeting (which is today, June 12, 2023), the Board must summarize its conclusions regarding the performance evaluation of Executive Director Gina Fast.*
  - **The Board** has *“determined that the performance of Executive Director Gina Fast is excellent and that she may be eligible for all pay increases and achievement awards for the next year.”*

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

- *Zoia Chamata*
  - **NOTE:** This request was originally heard at the March 23, 2023, Board Meeting. The Board tabled this request until the June 12, 2023, Board meeting pending the outcome of [Hair Tech Bill SF1259/HF1481](#), which would allow for a hair technician license. The bill passed and was signed into law in May, enabling the Board to issue Hair Tech Licenses as of July 1, 2024.
  - The Board also directed staff to research other solutions to licensure, including financial aid and sponsorship for cosmetology training, that would allow Zoia to work as a hairdresser. A summary of these outreach efforts is contained in the Board Packet.
  - **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 - Deny the request and direct Zoia to follow the normal statutory procedures for [Hair Technician] licensure that will be effective July 1, 2024. **Seconded** by Marcie Smith-Fields.
  - **Decision:** On a vote of 7 ayes and 0 nays, the waiver request was denied.
    - **Ayes:** Chelsey Anderson, Mahogany Plautz, Rhonda Besel, Donna Dungy, Jodi Friendshuh, Marcie Smith-Fields, Carol Logan
    - **Nays:** None
  
- *Ollie Clements*
  - **Request:** Ollie Clements is requesting a waiver of [Minnesota Rule 2105.0215.2.A.](#) and [Minnesota Rule 2105.0215.2.B.](#), which require individuals with a salon manager license that is more than three years expired to submit original passing test results from the Salon Manager Exam and Written Practical Exam, respectively, with their renewal application. Ollie is requesting the Board waive the exam requirements so that she may renew her cosmetologist salon manager license. This request is based on hardship.
  - **Motion:** Rhonda Besel – Deny the request based on the extended amount of time the license has been expired, and, because of that extended time, the Board does not have confidence that the requestor would have the updated information she would need to be successful in her career with her license. **Seconded** by Marcie Smith-Fields.
  - **Discussion:** Ollie stated she has been working at Ulta and in a salon as a receptionist since her license expired, and she inquired why other licensees who were licensed at the same time or before she was licensed are not required to retake the exams as rules change. Rhonda Besel said the Board must assure it is maintaining a minimum level of standards, and that from 2013 until now, many of the rules have changed. Besel said the Board must ensure Ollie is meeting the minimum standards of knowledge needed to be successful in a career in cosmetology in the state of Minnesota. Board Chair Chelsey Anderson added that because Ollie has not renewed her license since 2013, she also has not had any of the continuing education that her colleagues who have renewed would have been required to take. Taking the exams will allow Ollie to get back into the career.

- **Decision:** On a vote of 7 ayes and 0 nays, the waiver request was denied.
  - 1) **Ayes:** Chelsey Anderson, Mahogany Plautz, Rhonda Besel, Donna Dungy, Jodi Friendshuh, Marcie Smith-Fields, Carol Logan
  - 2) **Nays:** None
  
- *Jodi Heim*
  - **Request:** Jodi Heim is requesting to waive [2105.0200.2a.B](#), which allows an instructor to use qualifying credits from completed classes on teaching methods or clinical practice from the MnSCU system schools, the University of Minnesota, or other postsecondary schools licensed by the Office of Higher Education but not licensed by the board to renew their license. Jodi is asking the Board to allow a religious class taken at an out of state college to count as qualifying credits toward her instructor renewal. This request was submitted based on financial hardship.
    - 1) **Motion:** Marcie Smith-Fields – Approve the request. The waiver allows Jodi to use the 3-credit course taken out-of-state to satisfy the 30 hours of Teaching Methodology required for renewal, subject to Board staff verification that she has met all other renewal requirements. **Seconded** by Donna Dungy.
  - **Decision:** On a vote of 6 ayes and 0 nays, the waiver request was approved.
    - 1) **Ayes:** Chelsey Anderson, Mahogany Plautz, Donna Dungy, Jodi Friendshuh, Marcie Smith-Fields, Carol Logan. **Rhonda Besel abstained.**
    - 2) **Nays:** None
  
- *Leah Sams, Independent School District 742, Request #1 of 3*
  - **Request:** Leah Sams, on behalf of Independent School District (ISD) 742, is requesting a waiver of MN Rule [2110.0630 \(A\)](#), which requires a minimum of two licensed instructors to be on the school premises whenever students are present. The request is submitted based on financial hardship and applies to the 2023-24 school year from September 5, 2023, to June 5, 2024.
  - **Motion:** Rhonda Besel – Approve the request subject to the stipulation that the school must maintain a minimum ratio of one instructor for each 1 to 20 students present. The timeframe for this waiver is from September 5, 2023, to June 5, 2024. The school must continue to report the use of substitutes or instructor ratio failures to the Board in accordance with Rule 2110.0630. **Seconded** by Mahogany Plautz.
  - **Decision:** On a vote of 7 ayes and 0 nays, the waiver request was approved.
    - 1) **Ayes:** Chelsey Anderson, Mahogany Plautz, Donna Dungy, Jodi Friendshuh, Marcie Smith-Fields, Carol Logan, Rhonda Besel.
    - 2) **Nays:** None
  
- *Leah Sams, Independent School District 742, Request #2 of 3*
  - **Request:** Leah Sams, on behalf of Independent School District (ISD) 742, is requesting a waiver of MN Rule [2110.0710](#), which requires schools to enroll students in no less than a full training program. The school requested the waiver because it is a high school that offers partial training programs. The request applies to the 2023-24 school year from September 5, 2023, to June 5, 2024.
  - **The Board took a five-minute recess from 11:03 AM to 11:08 AM prior to the vote.**
  - **Motion:** Rhonda Besel – Approve the request. The timeframe for this waiver is from September 5, 2023, to June 5, 2024. **Seconded** by Mahogany Plautz.
  - **Decision:** On a vote of 7 ayes and 0 nays, the waiver request was approved.
    - 1) **Ayes:** Chelsey Anderson, Mahogany Plautz, Donna Dungy, Jodi Friendshuh, Marcie Smith-Fields, Carol Logan, Rhonda Besel.
    - 2) **Nays:** None
  
- *Leah Sams, Independent School District 742, Request #3 of 3*
  - **Request:** Leah Sams, on behalf of Independent School District (ISD) 742, is requesting a waiver of MN Rule [2110.0320.13.A](#), which requires instruction to occur within a licensed school building

except as provided in item B and part [2110.0500](#). The school sought a waiver of this rule to allow both of its high school locations to be covered under one school license. This request was submitted based on financial hardship.

- **Motion:** Rhonda Besel – Deny the request to allow both of its high school locations to be covered under one school license based on the requirements within MN Statute [155A.30](#) Schools. (Statutes cannot be waived.) A school license is required for each school location. **Seconded** by Mahogany Plautz.
  - **Decision:** On a vote of 7 ayes and 0 nays, the waiver request was denied.
    - 1) Ayes: Chelsey Anderson, Mahogany Plautz, Donna Dungy, Jodi Friendshuh, Marcie Smith-Fields, Carol Logan, Rhonda Besel.
    - 2) Nays: None
- *Raelynn Depyper*
    - **Request:** Raelynn Depyper, Designated School Manager at St. Paul College - Waseca Federal Correctional Institution (FCI), is requesting a waiver of MN Rule [2110.0630 \(A\)](#), which requires a minimum of two licensed instructors to be on the school premises while students are present and a minimum ratio of one instructor for each 1 to 20 students present each day. The school is asking for the waiver so that it can run with only one licensed instructor when its second instructor is absent. This request is based on financial hardship.
    - **Motion:** Rhonda Besel – Grant a portion of the request. The Board granted the school a waiver of the requirement to have two licensed instructors on the school premises whenever students are present. However, the Board stipulates that the school must maintain a minimum ratio of one instructor for each 1 to 20 students present. The school must continue to report the use of substitutes or instructor ratio failures to the Board in accordance with Rule 2110.0630.
    - **Seconded** by Mahogany Plautz.
    - **Decision:** On a vote of 6 ayes and 0 nays, the waiver request was approved.
      - 1) Ayes: Chelsey Anderson, Mahogany Plautz, Donna Dungy, Jodi Friendshuh, Carol Logan, Rhonda Besel. Marcie Smith-Fields abstained.
      - 2) Nays: None

## VII. New Business: School Rules Report

- **RD 4456**
  - Jenna Bohl, Senior Manager of Policy & Regulation, presented a list of rules in AR4456, dated 6/8/2023, that the Board staff recommends the Board adopt through rulemaking. At the direction of the Rules Committee, Board staff reviewed the Chief Administrative Law Judge’s report in detail with the goal of determining which approved rules are logical to adopt and which are not.
  - **Next steps:**
    - 1) If approved, Board chair signs Resolution Adopting Rules, granting Executive Director authorization to:
      - sign the Order Adopting Rules,
      - modify the rules as needed to obtain the Revisor of Statutes or the Administrative Law Judge’s approval of the rules, and
      - perform other necessary acts to give the rules the force and effect of law.
    - 2) The final draft gets sent to Governor’s Office and Office of Administrative Hearings for final approval.
    - 3) Rules are effective 5 days after posting in State Registrar.
  - **Motion:** Rhonda Besel - Approve and adopt the rules in AR4456, dated 6/8/2023, and to give Gina Fast, the Executive Director of the Board of Cosmetologist Examiners, the authority to do the following: sign the Order Adopting Rules, modify the rules as needed to obtain the Revisor of

- Statutes or the Administrative Law Judge’s approval of the rules, and perform other necessary acts to give the rules the force and effect of law. **Seconded** by Mahogany Plautz.
- **Decision:** On a vote of 7 ayes and 0 nays, the motion was granted.
  - Ayes: Chelsey Anderson, Mahogany Plautz, Rhonda Besel, Donna Dungy, Jodi Friendshuh, Marcie Smith-Fields, Carol Logan
  - Nays: None
- **Motion:** Rhonda Besel - Approve the Notice of Withdrawn Rules, dated 6/12/2023, for submission to the Office of Administrative Hearings so we may undo rule amendments. **Seconded** by Mahogany Plautz.
- **Decision:** On a vote of 7 ayes and 0 nays, the motion was granted.
- Ayes: Chelsey Anderson, Mahogany Plautz, Rhonda Besel, Donna Dungy, Jodi Friendshuh, Marcie Smith-Fields, Carol Logan
- Nays: None

### VIII. New Business: Division Reports

- Reports from the Compliance Division, Inspections Division, Licensing Division and Policy & Rulemaking Division are included in the packet for Board review and comment. Following is a summary of the reports.
- **Compliance Division Report**
  - **Complaint Committee Meetings**
    - The Complaint Committee met on February 27, 2023, and reviewed 27 complaints. The categories of complaints heard during the meeting were as follows:
      - Licensing – 17 complaints
      - Infection Control – 4 complaints
      - Licensing and Infection Control – 2 complaints
      - Declined Release, Non-jurisdictional, or Doesn’t Warrant Resources- 4 complaints
    - The Committee recently met on May 15, 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 September 18, 2023.
  - **New Complaint Breakdown**
    - In the 1st quarter of 2023, a total of 27 new complaints were opened. Board staff currently have 59 open complaints and are tracking 178 closed complaints by waiting for either completion of infection control course or payment of civil penalties.
- **Inspections Division Report**
  - **Q1 2023 Inspection Summary**
    - 1020 Salons and 9 Schools – 1,029 Total Inspections
  - **News and Updates:**
    - Staffing Updates: As of April 10, 2023, the board’s inspections division employs six inspectors.
  - **Statewide Completion Statistics as of 4/10/2023:**
    - 49% (2,633 salons) inspected within the past one year
    - 51% (2,788 salons) inspected between one and two years ago.
    - 0% (0 salons) inspected over two years ago.
- **Licensing Division Report**
  - **Licensing Activity Q4**
    - In the first quarter of 2023, we maintained an average processing time of about 2 business days. There were an average of 56 licenses issued per day and 281 licenses issued per week.
  - **Hiring**
    - Interviewing is underway for a new Licensing Division Manager.

- **Policy and Rulemaking Division Report**

- **Legislative Update**

- **Board's Budget:** The Governor signed the legislative agreement for the State Government omnibus budget bill. The bill an increase to the Board's budget to sustain current operational levels.
- **Hair Technician Licensing:** A new license type has been created through legislation and is to be implemented July 1, 2024 – a *hair technician* license. Individuals will have the option to pursue this license to perform hair care services only; rather than pursuing a cosmetology license, which includes the additional practices of skin care and nail care services.
  - A *hair technician* is defined as “any person who, for compensation, performs personal services for the cosmetic care of the hair on the scalp. Hair technician services include cutting the hair and the application of dyes, bleach, reactive chemicals, keratin, or other preparations to color or alter the structure of the hair. A person who only performs hairstyling as defined by subdivision 19, is not a hair technician.”
  - To obtain a hair technician license, an individual will need to complete 900 hours of training at a Minnesota licensed cosmetology school. The new law has laid out what the 900 hours of training must consist of; there will not be rules written regarding curriculum as it is all contained within the law. You can find the new law regarding hair technician licensing on the following pages.
  - Board staff will work to inform schools of this new license and training program, approve curriculum, and create the hair technician license types in our licensing database to implement this new license by July 1, 2024.

**IX: New Business: Public Comments**

- There were no public comments.

**X: Adjournment**

- **Outgoing Board Members.** Time was provided to thank outgoing Public Board Member Carol Logan and outgoing Nail Technician Member Jodi Friendshuh for their service on the Board. Applications for appointments are being considered through June 30, 2023.
- **Board Chair** Chelsey Anderson adjourned the meeting at 11:45 AM.