

Minnesota Board of Cosmetology
February 14, 2022, Board Meeting Minutes

10:20 AM to 1:00 PM

WebEx Meeting

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

Present at Meeting:

Chelsey Anderson, Chair	Gina Fast, Executive Director
Mahogany Plautz, Vice Chair	Jill Freudenwald, Chief of Staff
Rhonda Besel, Member	Diane DeLaBarre, Senior Manager of Operations
Donna Dungy, Member	Josh Luhmann-Woodbury, Inspections Division Manager
Marcie Smith-Fields, Member	Jenna Bohl, Licensing Division Manager
Carol Logan, Member	Lene Kiser, Compliance Division Manager
Jodi Friendshuh, Member	Missy Richert, Licensing Team Lead
	Tami Thein, Executive Assistant
	Jackie VanOverbeke, Business and Communications Analyst
	Allen Barr, Asst. Attorney General

I. Call to Order

- Meeting called to order at 10:20 AM by Chelsey Anderson

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

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

III. Approval of Proposed Agenda

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

IV. Approval of Meeting Minutes

- **Motion:** Marcie Smith-Fields – Approve meeting minutes from December 6, 2021, Board meeting.
- **Seconded** by Rhonda Besel; 7 ayes, 0 nays; **Motion Carried.**
 - *Ayes:* Rhonda Besel, Chelsey Anderson, Mahogany Plautz, Marcie Smith-Fields, Donna Dungy, Carol Logan, Jodi Friendshuh
 - *Nays:* None

V. New Business: Rule Waiver Requests

- *Southwest Metro Intermediate District 288-06*
 - **Request:** David Fuller-Rueschman, Designated School Manager, on behalf of Southwest Metro Intermediate District 288-06, is requesting a waiver of 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 2110.0630 A (1). SW Metro was granted a waiver of these rules at the December 2021 Board meeting for the period of 9/7/2021 through 1/31/2022. The school is requesting to extend this waiver. This request is based on hardship.
 - **Motion:** Marcie Smith-Fields – Grant an extension of the waiver of MN Rule 2110.0630 A and MN Rule 2110.0630 A (1) through 5/30/2022. This is based on hardship. **Seconded** by Donna Dungy.

- **Decision:** On a vote of 7 ayes and 0 nays, the waiver request was granted.
 - *Ayes:* Rhonda Besel, Chelsey Anderson, Mahogany Plautz, Marcie Smith-Fields, Donna Dungy, Carol Logan, Jodi Friendshuh
 - *Nays:* None
- *Mikelle Brown*
 - **Request:** Mikelle Brown is requesting a waiver of the one-year expiration within MN Rule 2105.0145 Subp. 4 D, which requires an applicant to submit an original course completion certificate of a Board-approved instructor course on teaching methodology not more than one year old; and a waiver of the one-year expiration within MN Rule 2105.0145 Subp. 4 E, which requires an applicant to submit original passing instructor test results not more than one year old for the instructor general theory, practical, and laws and rules tests. This request is based on financial hardship.
 - **Motion:** Carol Logan: Grant a waiver of the one-year expiration within MN Rule 2105.0145 Subp. 4 D and a waiver of the one-year expiration within MN Rule 2105.0145 Subp. 4 E with the condition that a completed application must be received in the office within 30 days (March 16, 2022). **Seconded** by Mahogany Plautz.
 - **Decision:** On a vote of 7 ayes and 0 nays, the waiver request was granted.
 - *Ayes:* Rhonda Besel, Chelsey Anderson, Mahogany Plautz, Marcie Smith-Fields, Donna Dungy, Carol Logan, Jodi Friendshuh
 - *Nays:* None
- *Minnesota West Community and Technical College-Pipestone*
 - **Request:** Adrian Ness, Designated School Manager, on behalf of Minnesota West Community and Technical College—Pipestone is requesting a waiver of the requirement to have a minimum of two instructors on the school premises when students are present, within Rule 2110.0630, retroactively for five days when this requirement was not met. Additionally, the school is seeking a waiver of the 30-day limit within Rule 2110.0630 A (1), which states that a school may use unlicensed instructors who hold a salon manager license as substitutes for licensed instructors for no more than 30 full or partial calendar days in 12 consecutive months. These requests are based on hardship.
 - **Motion:** Rhonda Besel: Grant a waiver of the requirement to have a minimum of two instructors on the school premises when students are present, within Rule 2110.0630, retroactively applied for the five days when this requirement was not met (11/8/2022, 11/22/2022, 11/29/2022, 12/7/2022 and 12/8/2022); and waiver of the 30-day limit within Rule 2110.0630 A (1) until 4/30/2022. This is based on hardship. **Seconded** by Carol Logan.
 - **Decision:** On a vote of 7 ayes and 0 nays, the waiver request was granted.
 - *Ayes:* Rhonda Besel, Chelsey Anderson, Mahogany Plautz, Marcie Smith-Fields, Donna Dungy, Carol Logan, Jodi Friendshuh
 - *Nays:* None

VI. New Business: In-House Request – Laminating Licenses

- *Minnesota Board of Cosmetology – Laminating Licenses*
 - **Background:** Practitioners must display their license at each salon where they work. Minnesota Rule 2105.0190 requires that the license posted must be an original, unaltered, and current license. Board staff have received questions asking if it is acceptable to display a license that has been laminated. The rules do not define the word unaltered.
 - **Request:** Staff request that the Board provide direction as to whether a practitioner can post a laminated license and still meet the requirements of rule. There is no way of authenticating a laminated license without the risk of the license being destroyed.

- **Motion:** Rhonda Besel: To make a directive regarding MN Rule 2105.0190 Subp. 4 that Board staff should not cite the lamination of a license as a violation of rule. **Seconded** by Donna Dungy.
- **Decision:** On a vote of 7 ayes and 0 nays, the directive was granted.
 - *Ayes:* Rhonda Besel, Chelsey Anderson, Mahogany Plautz, Marcie Smith-Fields, Donna Dungy, Carol Logan, Jodi Friendshuh
 - *Nays:* None

VII. New Business: Division Reports

- **Compliance Division Report**
 - ***Complaint Committee Meetings***
 - The Complaint Committee met November 8, 2021 and reviewed 32 complaints. The Committee also met prior to the Board meeting on December 6, 2021, to review two complaints that needed to return to the Committee for a decision. The categories of complaints heard during the November 8, 2021, meeting were as follows:
 - Licensing – 21 complaints
 - Infection Control – 1 complaint
 - Licensing and Infection Control – 2 complaints
 - Declined Release, Doesn't Warrant Resources, and/or other – 8 complaints
 - The categories of complaints heard during the December 6, 2021, meeting were as follows:
 - Licensing – 1 complaint
 - Licensing and Infection Control – 1 complaint
 - The Complaint Committee met on January 24, 2022, and the results from that meeting will be reported during the next Board meeting.
 - The next scheduled Complaint Committee meeting will be held on May 9, 2022.
 - ***New Complaint Breakdown***
 - In the fourth quarter of 2021, a total of 20 new complaints were filed with the Board. Board staff currently have 73 open complaints and are tracking 202 closed complaints by waiting for either completion of infection control course or payment of civil penalties.
- **Inspections Division Report**
 - ***Q4 2021 Inspection Summary***
 - 1,646 Salons and 37 Schools – 1,683 Total Inspections
 - ***News and Updates:***
 - Staffing Updates: As of February 1, 2022, the board's inspections division employs six inspectors. The recent vacancy for the Inspection Division Manager has been filled by internal candidate, Josh Luhmann-Woodbury.
 - ***Statewide Completion Statistics as of 01/07/2022:***
 - 75% (4,075 salons) inspected within the last one year
 - 25% (1,359 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 2021, we maintained an average processing time of about 9 business days. There was an average of 56 licenses issued per day and 280 licenses issued per week.
 - ***News and Updates:***
 - Hiring: A new Administrative Assistant, Theresa Dyrdaahl, has been hired to sit at the front desk and provide customer service to licensees, administrative support to the leadership team, and perform other licensing duties. She started February 3, 2022.
- **Policy and Rulemaking Division Report**

- **Legislative Update**
 - The 2022 legislative session began on January 31, 2022. This is the second year of the 2021-2022 legislative session (92nd Legislature). Bills that were introduced in the first year of the session (2021) are still alive. The Legislature may take action in the second year on bills that were not passed in the first year, without having to reintroduce them. Board staff will be closely monitoring any legislative initiatives that may affect the Board of Cosmetology.
- **Campaign Finance Board**
 - All Board members must file a statement of economic interest with the Campaign Finance Board annually. Board members should have received an email regarding this.
- **Board Appointments**
 - There are currently three open Board member positions including:
 - One licensed instructor teaching at a public school
 - One licensed instructor teaching at a private school
 - One licensed esthetician
 - Staff anticipate the Governor's Office will make appointments in May.
- **Schools**
 - There are currently 37 Licensed Schools.

VIII. New Business: Performance Review (Closed Session)

- **Performance Review of Executive Director**
 - Meeting was closed by Chelsey Anderson at 11:39 am 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 Chelsey Anderson at 12:01 pm. The Board determined that the performance of the Executive Director is satisfactory to excellent and may be eligible for all pay increases and achievement awards for the next year.

IX. New Business: Disciplinary Review (Closed Session)

- **Disciplinary Review**
 - Meeting was closed by Mahogany Plautz at 12:01 pm for the purpose of disciplinary proceedings pursuant to Minnesota Statutes Chapter 13D.01 Subd 2(2).
 - Meeting was reopened by Chelsey Anderson at 12:52 pm.

X: Adjournment

- Meeting was adjourned at 1:00 pm by Chelsey Anderson.