

**Minnesota Board of Cosmetology**  
**February 8, 2021 Board Meeting Minutes**

10:08 AM to 1:06 PM

WebEx Meeting/Board of Cosmetology Conference Room  
1000 University Avenue West Suite 100, St. Paul, MN 55104

**Present at Meeting:**

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Rhonda Besel, Chair	Gina Fast, Executive Director
Chelsey Anderson, Vice Chair	Jill Freudenwald, Chief of Staff
Jodi Friendshuh, Member	Diane DelaBarre, Senior Manager of Operations
Mahogany Plautz, Member	Jenna Bohl, Licensing Division Manager
Donna Dungy, Member	Lene Kiser, Compliance Division Manager
Marcie Smith-Fields, Member	Jacqueline VanOverbeke, Inspections Division Manager
Carol Logan, Member	Andrew Reding, Inspections Division Manager
	Allen Barr, Assistant Attorney General
	Missy Riste, Licensing Team Lead
	Tami Thein, Executive Assistant

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**I. Call to Order**

- Meeting called to order at 10:08 AM by Rhonda Besel

**II. Housekeeping**

- Rhonda Besel performed roll call to verify which members were present. Rhonda Besel spoke about the WebEx meeting process.

**III. Approval of Proposed Agenda**

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

**IV. Approval of Meeting Minutes**

- **Motion:** Marcie Smith-Fields – Approve meeting minutes from December 7, 2020 meeting.
- **Seconded** by Mahogany Plautz; 7 ayes, 0 nays; **Motion Carried.**
  - *Ayes:* Rhonda Besel, Chelsey Anderson, Jodi Friendshuh, Mahogany Plautz, Marcie Smith-Fields, Donna Dungy, Carol Logan
  - *Nays:* None

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

- *Jennifer Walther*
  - **Request:** Jennifer Walther is requesting a waiver of 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 hardship.
  - **Motion:** Chelsey Anderson – The Board moves to grant, with conditions, Jennifer Walther’s request to waive MN 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, with

the condition that the licensing requirements and application be submitted within 6 months from today's meeting date. This request 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, Jodi Friendshuh, Mahogany Plautz, Marcie Smith-Fields, Donna Dungy, Carol Logan
  - **Nays:** None
  
- *Sabiha Amini*
  - **Request:** Waiver of MN Rule 2105.0145 Sub. 4 D., which requires an applicant submit an original course completion certificate of a Board-approved instructor course on teaching methodology not more than one year old, and MN Rule 2105.0145 Subp. 4.E, which requires an applicant to submit original passing instructor tests 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:** Marcie Smith-Fields – The Board moves to grant, with conditions, the rule waiver of MN Rule 2105.0145 Sub. 4 D. which requires an applicant submit an original course completion certificate of a Board-approved instructor course on teaching methodology that is not more than one year old and MN Rule 2105.0145 Subp. 4.E, which requires an applicant to submit original passing instructor tests 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 with the condition that the application is submitted by 8/31/2021. **Seconded** by Mahogany Plautz.
  - **Decision:** On a vote of 7 ayes and 0 nays, the waiver request was granted.
    - **Ayes:** Rhonda Besel, Chelsey Anderson, Jodi Friendshuh, Marcie Smith-Fields, Donna Dungy, Mahogany Plautz, Carol Logan
    - **Nays:** None

## VI. New Business: In-House Request

- *Continuing Credit for Instructor Continuing Education Courses*
  - **Background:** Instructors must take 45 hours of Board-approved instructor continuing education courses – 30 hours of teaching methods and 15 hours of clinical practice – in order to renew their license every three years. Board staff have seen instructors take the same course twice in an attempt to renew their license with credit from the course then counted twice. The rules do not say whether this is allowed or prohibited. Board staff request that the Board make an interpretation.
  - **Motion:** Marcie Smith Fields – Regarding MN Rule 2105.0200 Subpart 2a (A), the Board moves to interpret that an instructor continuing education course **cannot** be counted more than once for credit toward license renewal. **Seconded** by Carol Logan.
  - **Decision:** On a vote of 7 ayes and 0 nays, the motion was passed.
    - **Ayes:** Rhonda Besel, Chelsey Anderson, Jodi Friendshuh, Marcie Smith-Fields, Donna Dungy, Mahogany Plautz, Carol Logan
    - **Nays:** None

## VII. New Business: Division Reports –

### *Administrative Division*

- Social Media Rollout and Presence
- Public Official Annual Certification

### *Compliance Division*

- **Staff Update** Rin Fowler accepted a position with a different state agency, and as of January 5, 2021 no longer works for the Board of Cosmetology. Rachael Bower will be on a leave beginning approximately February 23, 2021 for about 12 weeks.

- **Complaint Committee Meetings** - For the fourth quarter of 2020, the Complaint Committee met twice. The meetings were held on October 26<sup>th</sup> and December 16<sup>th</sup>.
  - During the October meeting, a total of 103 complaints were heard. The categories of complaints heard during that meeting were as follows:
    - Licensing – 35 complaints
    - Infection Control – 9 complaints
    - Licensing and Infection Control – 39 complaints
    - Non-jurisdictional – 8 complaints
    - Declined Release, Doesn't Warrant Resources, and/or other – 12 complaints
  - During the December meeting, a total of 4 complaints were heard.
    - The complaints heard during this meeting were against licensed cosmetology schools and each complaint included multiple allegations.
  - The next Complaint Committee meeting is scheduled for February 22, 2021.
- **New Complaint Breakdown**- In the fourth quarter of 2020, a total of 47 new complaints were filed with the Board. Board staff currently have 93 open complaints and are tracking 333 closed complaints by waiting for either completion of infection control course or payment of civil penalties.

### **Inspections Division**

- **Fourth Quarter Report for Inspections conducted October 1, 2020 – December 31, 2020**
  - 1069 Salons inspected and 43 schools inspected – 1117 total inspections.
- **News and Updates:**
  - Due to COVID-19, many Field Inspectors were redeployed to other agencies to support pandemic mitigation efforts. In Q4, one Field Inspector remains deployed. The division also experienced turnover of one Field Inspector opening a vacant position to be filled in the upcoming quarter. The current team operates with five full-time field inspectors.
  - Q4 2020 also began the transition and reintroduction of the Inspections Division Manager from an extended leave.
- **Statewide Completion Statistics as of 1/7/2021:**
  - 55% (3,005 salons) inspected within the past one year
  - 45% (2,420 salons) inspected between one and two years ago
  - 0% (0 salon) inspected over two years ago

### **Licensing Division**

- In the fourth quarter of 2020, we maintained an average processing time of about 10 business days. There was an average of 55 licenses issued per day and 277 licenses issued per week.
- **Division Updates:**
  - *Staffing*- Fralinda Zazay was promoted from the Board's Admin Specialist to our newest Licensing Specialist. She began in this new role on January 20, 2021.
  - *Testing IDs* -We recently directed PSI, our testing vendor, to begin accepting Consular IDs as a primary form of identification. It was brought to our attention by the Minnesota Council on Latino Affairs that these could be accepted to reduce barriers to licensure. We determined through research that other government entities accept these as well.

### **Policy and Rulemaking Division**

#### **Legislative Update**

- **Committee Hearings**
  - On January 13, Executive Director, Gina Fast, spoke before the Senate State Government Finance and Policy and Elections Committee. She gave a brief overview of the Board and its mission. On January 26, Executive Director Fast testified before the House State Government Finance and Elections Committee regarding technology projects that are being implemented at the Board.

- **Governor's Budget Recommendations**
  - On January 26, the Governor released his two-year budget recommendations. The Governor recommended a budget increase of \$46,000 in fiscal year 2022 and a \$93,000 in fiscal year 2023 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 FY2022-2023 budget.
- **Bills that have been introduced**
  - The Board is tracking current bills being introduced. There are thousands of bills that are introduced, but few make it to the Governor's office. You may start to hear from national or local associations and trade groups regarding upcoming bills. If you have questions, please call our office so we can assist.

#### **Rulemaking Update (Rule Docket 4456)**

- **Advisory Committee**
  - Board staff continue to work on revising Minnesota Rules, Chapter 2110 regarding schools. The Advisory Committee on School Rules met on January 13 to review the rule draft and SONAR (Statement of Need and Reasonableness). Discussion focused around instructor ratios and student records. The next meeting of the Advisory Committee will be on February 24.
- **Rules Committee**
  - The Board's Rules Committee met on February 3 to discuss a rule draft regarding school curricula.

#### **School Update**

- Cosmetology schools are continuing to explore the option of online theory instruction. In 2020, nearly one third of all cosmetology schools licensed in Minnesota requested permanent approval for online theory in one or more of their training programs.
  - 22 cosmetology schools submitted curriculum approval requests for 51 different training programs
  - Of these, 12 cosmetology schools sought approval to make online theory a permanent part of their curricula for a total of 29 programs (57% of curriculum applications received)
  - 45 training programs received curricular approval in 2020 and 1 application was withdrawn
  - Review of 5 training programs has carried over into 2021
  - 2 closure notifications from schools, and closed the active licenses.

#### **VIII: Performance Review (Closed Session)**

- Closing session pursuant to Minnesota Statutes Chapter 13D.05 Sub 3. for the purpose of an employee performance evaluation of the Executive Director, Gina Fast.

#### **IX: Reopen session at 11:31 by Rhonda Besel**

- The Board has determined that the performance is excellent for Gina Fast and that she may be eligible for all pay increases and achievement awards for the next year.
- Public thank you from Board to Gina for her leadership over the past difficult year.

#### **X: Adjournment**

- Meeting was adjourned at 11:32 PM by Rhonda Besel.