

STATE OF MINNESOTA  
COUNTY OF HENNEPIN

DISTRICT COURT  
FOURTH JUDICIAL DISTRICT

Case Type: Other Civil  
[Declaratory Judgment]

Court File No. 05-5467

LILLIAN AWAN ANDERSON,  
SALEEMAH SALAHUD-DIN  
SHABAZZ and EJGAYEHU BEYENE  
ASRES,

Plaintiffs,

vs.

**STIPULATED FINDINGS OF FACT  
AND CONCLUSIONS OF LAW  
AND AGREED ORDER**

MINNESOTA BOARD OF BARBER  
AND COSMETOLOGIST EXAMINERS,  
CALLMIE DENNIS, THERESA ILIFF,  
KENNETH KIRKPATRICK, SUSAN  
SCHAEFER, THOMAS PLASH, DONNA  
RUHLAND and ROBERT  
SALMONSON, in their official capacities  
as Members of the aforesaid Board,  
MAUREEN TIBBETTS, in her capacity as  
Executive Secretary of the aforesaid Board,  
MINNESOTA DEPARTMENT OF  
COMMERCE and GLENN WILSON, in  
his official capacity as Commissioner of  
Commerce of the Minnesota Department of  
Commerce,

Defendants.

**WHEREAS**, Plaintiffs filed and served their Complaint in this matter on April 20, 2005;  
and

**WHEREAS**, Defendants agree that an actual case and controversy exists as to whether it  
is unconstitutional under the Minnesota and U.S. constitutions, as well as contrary to federal law  
and Minnesota public policy, to interpret Minn. Stat. ch. 155A (2004) and Minn. R. ch. 2642

(2003) (“Minnesota Cosmetology Regulations”) as applying to “Hair Braiding” and “Hair Braiding Services” (as hereinafter defined);

**WHEREAS**, in order to ensure that Minnesota Cosmetology Regulations comply with the Minnesota and U.S. constitutions, as well as federal law and Minnesota public policy, and whereas Plaintiffs have provided to Defendants, subsequent to filing the Complaint in this case, additional information identifying the specific activities Plaintiffs include in the definition of “Hair Braiding,” consistent with the definition of that term in this Agreed Order, Defendants Minnesota Department of Commerce and Glenn Wilson have agreed that it is reasonable and necessary to issue a letter retracting the letter dated February 9, 2005, a copy of which is attached to the Plaintiffs’ Complaint as Exhibit A;

**WHEREAS**, in order to ensure Minnesota Cosmetology Regulations comply with the Minnesota and U.S. constitutions, as well as federal law and Minnesota public policy, Defendants Minnesota Board of Barber and Cosmetologist Examiners (the “Board”), Callmie Dennis, Theresa Iliff, Kenneth Kirkpatrick, Thomas Plash, Donna Ruhland, Susan Schaefer, and Robert Salmonson have agreed that it is reasonable and necessary to promulgate appropriate administrative rules clarifying the exemption of “Hair Braiding”, “Hair Braiding Services” and “Hair Braiders,” as defined in this Agreed Order, from Minnesota Cosmetology Regulations, as well as the preemption and public policies underlying the same, in accordance with the rulemaking procedures set forth in Minn. Stat. ch. 14 (2004); and

**NOW, THEREFORE, IT IS HEREBY ORDERED, ADJUDGED, AND DECREED  
AS FOLLOWS:**

I.

**STIPULATED FINDINGS OF FACT**

1. "Hair Braiding" is a natural form of hair manipulation that results in tension on hair strands by beading, braiding, cornrowing, extending, lacing, locking, sewing, twisting, weaving or wrapping human hair, natural fibers, synthetic fibers, and/or hair extensions into a variety of shapes, patterns, and textures (predominately by hand and/or simple braiding device) and maintenance thereof. "Hair Braiding" does not include the use of penetrating chemical hair treatments, chemical hair coloring agents, chemical hair straightening agents, chemical hair joining agents, permanent wave styles or chemical hair bleaching agents applied to growing human hair. "Hair Braiding" includes what is commonly known as "African-style hair braiding" or "natural hair care" but is not limited to any particular cultural, ethnic, racial or religious forms of hair styles.

2. "Hair Braiding Services" means offering to perform or performing "Hair Braiding," as defined above, as a service to members of the public for a fee or other consideration.

3. "Hair Braider" means a person (including business establishments) who offers to perform or performs "Hair Braiding," or "Hair Braiding Services" as defined above.

4. Hair Braiders and Hair Braiding establishments, that furnish solely "Hair Braiding," and no other act defined under the Cosmetology Act as "cosmetology," do not use any device, method or technique that could result in any significant injury to any customer provided that such practitioners and establishments: a) refuse to perform such services for customers suffering from parasites, scalp sores and/or infections; b) practice ordinary personal hygiene; and c) disinfect their implements, towels, headrests and treatment tables, if any are used.

5. The Board has promulgated Minn. R. 2642.0140 (2003) and 2642.0150 (2003) to implement Minn. Stat. § 155A.07 (2004). In relevant part, the Board requires individual applicants for practitioner licenses to “provide documentation of having completed . . . a full course of training in a Minnesota licensed school of cosmetology, as indicated by documentation from the school, of at least 1,550 hours for a cosmetologist.”

6. Minn. R. 2644.0510 (2003) sets forth the cosmetology program and curriculum required to be taught to a student of cosmetology to satisfy the statutory minimum of 1,550 hours of training; it includes:

- “1,130 hours” of instruction “in applied science and skills in shampooing, scalp and hair conditioning, hair design and shaping, chemical hair control, hair coloring, hair styling, facials, and makeup, and manicuring and nail care” (the first “240 hours” of which must be “in the sciences of anatomy, dermatology, trichology, manicuring, and chemistry as related to cosmetology; electricity and light; sanitation; safety procedures related to the practice of cosmetology; and Minnesota Statutes and rules which pertain to the regulation of the practice of cosmetology; and elementary service skills”); and
- “420 hours” of “instruction in related theory and sciences.”

7. Minn. R. 2644.0510 (2003) specifically requires the “1,130 hours” of instruction “in applied science” to consist of the following curriculum:

- 300 shampooing exercises in 50 hours of clinical instruction;
- 150 scalp and hair conditioning exercises in 80 hours of clinical instruction;
- 75 hair design shaping exercises in 150 hours of clinical instruction;
- 60 chemical hair control exercises (including 6 chemical relaxing exercises) in 200 hours of clinical instruction;
- 50 hair coloring exercises in 100 hours of clinical instruction;
- 300 hair styling exercises in 200 hours of clinical instruction;
- 60 facials and makeup application exercises in 200 hours of clinical instruction; and

- 
- 50 manicure exercises (including application of artificial nails) in 150 hours of clinical instruction.

8. The cosmetology program and curriculum required to be taught by a Minnesota licensed school of cosmetology pursuant to Minn. R. 2644.0510 (2003) does not include and is not required by the Board to include any course, education or training in Hair Braiding.

9. The 300 shampooing exercises in 50 hours of clinical instruction required by Minn. R. 2644.0510 (2003) does not include and is not required by the Board to include any course, education or training in Hair Braiding.

10. The 150 scalp and hair conditioning exercises in 80 hours of clinical instruction required by Minn. R. 2644.0510 (2003) does not include and is not required by the Board to include any course, education or training in Hair Braiding.

11. The 75 hair design shaping exercises in 150 hours of clinical instruction required by Minn. R. 2644.0510 (2003) does not include and is not required by the Board to include any course, education or training in Hair Braiding.

12. The 60 chemical hair control exercises (including 6 chemical relaxing exercises) in 200 hours of clinical instruction required by Minn. R. 2644.0510 (2003) does not include and is not required by the Board to include any course, education or training in Hair Braiding.

13. The 50 hair coloring exercises in 100 hours of clinical instruction required by Minn. R. 2644.0510 (2003) does not include and is not required by the Board to include any course, education or training in Hair Braiding.

14. The 300 hair styling exercises in 200 hours of clinical instruction required by Minn. R. 2644.0510 (2003) does not include and is not required by the Board to include any course, education or training in Hair Braiding.

15. The 60 facials and makeup application exercises in 200 hours of clinical instruction required by Minn. R. 2644.0510 (2003) does not include and is not required by the Board to include any course, education or training in Hair Braiding.
16. The 50 manicure exercises (including application of artificial nails) in 150 hours of clinical instruction required by Minn. R. 2644.0510 (2003) does not include and is not required by the Board to include any course, education or training in Hair Braiding.
17. The "420 hours" of "instruction in related theory and sciences" required by Minn. R. 2644.0510 (2003) does not include and is not required by the Board to include any course, education or training in Hair Braiding.
18. None of the following cosmetology services bear any relationship to skills used in or knowledge relevant to Hair Braiding: manicuring, makeup, eyebrow arching and hair removal, facials, scalp and hair treatments, haircoloring and bleaching, haircutting, chemical straightening, permanent waving, thermal hair styling, and wet hair styling.
19. Attendance at a Board-approved cosmetology school usually requires at least ten months of full-time study to complete and tuition costs between \$7,000 and \$14,500.
20. To the extent the Minnesota Cosmetology Regulations address how to style textured or African-American hair at all, they address the use of heat or chemicals to relax, straighten, soften, or otherwise alter the hair from its natural, textured state.
21. The practical portion of the cosmetology licensing examination does not test an applicant's proficiency in Hair Braiding methods. Conversely, graduating from a cosmetology school and preparing for the cosmetology examination requires extensive knowledge of practices that are unrelated to the provision of Hair Braiding.

22. In addition to the substantial barrier to entry erected by requiring Hair Braiders to be proficient in an irrelevant curriculum, the licensing scheme imposed by Minn. Stat. ch. 155A (2004) and Minn. R. ch. 2642 (2003) erects an additional barrier to entry by requiring even fully licensed hair braiders to choose between working as employees of licensed salons for over a year, or to hire licensed managers (i.e. licensed cosmetologists with over a year of experience).

23. Minn. Stat. ch. 155A (2004) and Minn. R. ch. 2642 (2003) have the effect of driving Hair Braiding Services "underground," in the form of home businesses or other locations outside the scope of government regulation. Among the many Hair Braiding practitioners and in many American communities, the existence of this underground economy is an "open secret." Operating outside the mainstream economy limits access to capital that is necessary for businesses to expand and flourish.

24. The Plaintiffs are ineligible and cannot become eligible to sit for the cosmetology examination or to obtain an appropriate cosmetology manager's or salon license without obtaining the required training described above, which could destroy their established Hair Braiding businesses because they would be required to abandon their work as well as client and professional relationships for at least ten months in order to study the irrelevant curriculum required by Minnesota law.

25. Plaintiffs are able to provide Hair Braiding Services, and could provide employment opportunities, and yet compliance with Minn. Stat. ch. 155A (2004) and Minn. R. ch. 2642 (2003) could render the Plaintiffs unable to sustain an honest, independent living in their chosen profession presently and for the foreseeable future.

26. Absent such regulatory barriers to entry into this profession, which do not satisfy the rational basis test, Hair Braiding could provide entrepreneurial, employment, and training opportunities for many economically disadvantaged individuals.

27. It is the intent of both Plaintiffs and Defendants that paragraphs I-1 through I-26 above shall be treated by the Court as having, and shall have, the legal effect of judicial admissions by Defendants Minnesota Board of Barber and Cosmetologist Examiners, Callmie Dennis, Theresa Iliff, Kenneth Kirkpatrick, Thomas Plash, Donna Ruhland, Susan Schaefer, and Robert Salmonson.

## II.

### STIPULATED CONCLUSIONS OF LAW

1. This matter falls under the jurisdiction of this Court as provided by Minn. Stat. § 484.01 (2004). The Plaintiffs' causes of action arise under Minn. Const. art. I, §§ 2, 7; 42 U.S.C. § 1983; and U.S. Const. amend. XIV, § 1. This matter is venued properly under Minn. Stat. §§ 542.03, 542.09 and 542.18 (2004), in that the cause of action arose in this judicial district and some of the parties either reside or have their places of business in this judicial district.

2. To the extent that Minn. Stat. ch. 155A (2004) and Minn. R. ch. 2642 (2003) are construed as classifying Hair Braiding as "cosmetology," as applied to Plaintiffs by Defendants, such construction impairs Plaintiffs' "rights and privileges" (and those of persons similarly situated) to pursue their chosen livelihoods and professions by requiring Hair Braiders to obtain licenses that are unrelated to their profession or business, limiting the Plaintiffs' ability to train and employ Hair Braiders, potentially subjecting one or more of the Plaintiffs to fines, criminal penalties and deportation, and threatening the existence, profitability, and potential of the

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Plaintiffs' businesses without any rational relationship to public health, safety or welfare concerns; thereby depriving the Plaintiffs of their rights and privileges as guaranteed by article 1, section 2 of the Minnesota Constitution.

3. To the extent that Minn. Stat. ch. 155A (2004) and Minn. R. ch. 2642 (2003) are construed as classifying Hair Braiding as "cosmetology" despite the legislative finding in Minn. Stat. § 155A.01 (2004), which states that the licensing of the practice of cosmetology is justified by the practitioner's characteristic use of "chemicals, apparatus, and other appliances," a characteristic not shared by Hair Braiding, such construction does not meet the rational basis test.

4. To the extent that Minn. Stat. ch. 155A (2004) and Minn. R. ch. 2642 (2003) are construed as classifying Hair Braiders such as the Plaintiffs, as general practitioners of cosmetology when Hair Braiders have no more in common with general practitioners of cosmetology than masseuses, morticians, tattoo artists, manicurists and estheticians, who are either exempted from regulation, unregulated or enjoy distinct and substantially less onerous licensing regimes, such construction does not meet the rational basis test.

5. To the extent that Minn. Stat. ch. 155A (2004) and Minn. R. ch. 2642 (2003) are construed as prohibiting trained, knowledgeable Hair Braiders, such as the Plaintiffs, and establishments offering Hair Braiding Services from working in their profession under potential penalty of criminal sanction, while permitting licensed cosmetologists and salons to offer Hair Braiding Services without any training or education in Hair Braiding, such construction does not meet the rational basis test.

6. To the extent that Minn. Stat. ch. 155A (2004) and Minn. R. ch. 2642 (2003) are construed as classifying Hair Braiding as "cosmetology," such construction, as applied to Plaintiffs and those similarly situated, works a particular and unequal hardship upon

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practitioners, establishments and consumers of Hair Braiding Services, including Hair Braiding Services without a rational relationship to any legitimate public purpose.

7. To the extent that Minn. Stat. ch. 155A (2004) and Minn. R. ch. 2642 (2003) are construed as classifying Hair Braiding by Plaintiffs and those similarly situated as “cosmetology,” and including Hair Braiders, such as Plaintiffs, and Hair Braiding establishments as subject to regulation under Minn. Stat. ch. 155A (2004) and Minn. R. ch. 2642 (2003), such construction restricts the fundamental right to pursue one’s chosen livelihood without any rational relationship to public health, safety or welfare concerns, thereby violating the Plaintiffs’ “rights and privileges” to equal protection of the laws as guaranteed by article 1, section 2 of the Minnesota Constitution.

8. To the extent that Minn. Stat. ch. 155A (2004) and Minn. R. ch. 2642 (2003) are construed as classifying Hair Braiding as “cosmetology,” as applied to Plaintiffs by Defendants, such construction restricts Plaintiffs’ fundamental right to pursue their chosen livelihood without any rational relationship to public health, safety or welfare concerns. The diminution of Plaintiffs’ economic liberty by such construction deprives Plaintiffs of their right to due process as guaranteed by article 1, section 7 of the Minnesota Constitution.

9. To the extent that Minn. Stat. ch. 155A (2004) and Minn. R. ch. 2642 (2003) are construed as classifying Hair Braiding as “cosmetology,” as applied to Plaintiffs by Defendants, acting under color of state law, such construction restricts Plaintiffs’ fundamental right to pursue their chosen livelihood without any rational relationship to public health, safety or welfare concerns. The diminution of Plaintiffs’ economic liberty by such construction deprives Plaintiffs of due process of law as guaranteed by the Fourteenth Amendment to the United States Constitution and 42 U.S.C. § 1983.

10. To the extent that Minn. Stat. ch. 155A (2004) and Minn. R. ch. 2642 (2003) are construed as classifying Hair Braiding as “cosmetology,” and including Hair Braiders, such as the Plaintiffs, and Hair Braiding establishments, as subject to regulation under Minn. Stat. ch. 155A (2004) and Minn. R. ch. 2642 (2003), as applied to Plaintiffs and those similarly situated by Defendants, acting under color of state law, such construction restricts the fundamental right to pursue one’s chosen livelihood without any rational relationship to public health, safety or welfare concerns, thereby violating the Plaintiffs’ right to equal protection of the laws as guaranteed by the Fourteenth Amendment to the United States Constitution and 42 U.S.C. § 1983.

11. To the extent that Minn. Stat. ch. 155A (2004) and Minn. R. ch. 2642 (2003) are construed as classifying Hair Braiding, including Hair Braiding establishments, as “cosmetology,” Minn. Stat. ch. 155A (2004) and Minn. R. ch. 2642 (2003), as applied to Plaintiffs by Defendants, under color of state law, such construction impairs Plaintiffs’ “privileges or immunities” (and that of those similarly situated) to pursue their chosen livelihoods and professions by requiring Hair Braiders and Hair Braiding establishments to obtain licenses that are unrelated to their profession or business, limiting the Plaintiffs’ ability to train and employ Hair Braiders, potentially subjecting one or more of the Plaintiffs to fines, criminal penalties and deportation, and threatening the existence, profitability, and potential of the Plaintiffs’ businesses without any rational relationship to public health, safety or welfare concerns; thereby depriving the Plaintiffs of their “privileges or immunities” as guaranteed by the Fourteenth Amendment to the United States Constitution and 42 U.S.C. § 1983.

12. If Minn. Stat. ch. 155A (2004) and Minn. R. ch. 2642 (2003), were construed to encompass “Hair braiders,” “Hair braiding” and “Hair Braiding Services, as defined in this

Agreed Order," it would violate Minnesota public policy as codified by Minn. Stat. § 214.001.

13. It is the intent of both Plaintiffs and Defendants that paragraphs II-1 through II-12 above shall be treated by the Court as having, and shall have, the legal effect of judicial admissions by Defendants Minnesota Board of Barber and Cosmetologist Examiners, Callmie Dennis, Theresa Iliff, Kenneth Kirkpatrick, Thomas Plash, Donna Ruhland, Susan Schaefer, and Robert Salmonson.

### III.

#### AGREED ORDER

1. Defendants agree to be and are hereby permanently enjoined and restrained from construing the definition of "cosmetology" in Minn. Stat. § 155A.03 (2004) to include Hair Braiding, as defined in this Agreed Order.

2. Defendants agree to be and are hereby permanently enjoined and restrained from construing the definition of "licensed services" in Minn. R. 2642.0010, subp. 16 (2003) as including Hair Braiding Services, as defined in this Agreed Order.

3. Defendants agree to be and are hereby permanently enjoined and restrained from taking any action directly or indirectly to enforce Minn. Stat. ch. 155A (2004) and Minn. R. ch. 2642 (2003) or seek criminal sanctions, including fines, imprisonment, deportation, or otherwise to assist in the prosecution of any criminal case pursuant to Minn. Stat. ch. 155A (2004) and Minn. R. ch. 2642 (2003) against Hair Braiders in Minnesota, including the Plaintiffs and other similarly situated individuals and business establishments, for conduct consisting of performing and/or furnishing "Hair Braiding" and Hair Braiding Services, as defined in this Agreed Order.

4. Defendants Minnesota Department of Commerce and Glenn Wilson agree to be and are hereby affirmatively enjoined to cause the issuance of a letter on or before June 30, 2005 retracting the February 9, 2005 letter attached as Exhibit A to the Plaintiffs' Complaint.

5. Defendants Minnesota Board of Barber and Cosmetologist Examiners, Callmie Dennis, Theresa Iliff, Kenneth Kirkpatrick, Thomas Plash, Donna Ruhland, Susan Schaefer, and Robert Salmonson, and their successors herewith agree that the exercise of their regulatory authority is governed by the public policy that "no regulation shall be imposed upon any occupation unless required for the safety and well being of the citizens of the state," as set forth in Minn. Stat. § 214.001 (2004).

6. Defendants Minnesota Board of Barber and Cosmetologist Examiners, Callmie Dennis, Theresa Iliff, Kenneth Kirkpatrick, Thomas Plash, Donna Ruhland, Susan Schaefer, and Robert Salmonson, and their successors herewith agree and are permanently enjoined to periodically review existing barber and cosmetology rules and determine whether to exercise the Board's regulatory authority, in the Board's sole discretion, to reduce barriers-to-entry for those who wish to enter the barber or cosmetology occupations (a) unless required for the safety and well being of the citizens of the State of Minnesota and (b) without regard to the interests of incumbent barbers or cosmetologists.

7. Defendants Minnesota Board of Barber and Cosmetologist Examiners, Callmie Dennis, Theresa Iliff, Kenneth Kirkpatrick, Thomas Plash, Donna Ruhland, Susan Schaefer, and Robert Salmonson, and their successors, herewith agree and are affirmatively enjoined to exercise the Board's rule making authority under Minn. Stat. ch. 154 and 155A (2004), in good faith and as expeditiously as possible, to promulgate an amendment to Minn. R. 2642.0010, substantially equivalent in form and content to the following definitions:

A. **“Hair braiding”** is a natural form of hair manipulation that results in tension on hair strands by beading, braiding, cornrowing, extending, lacing, locking, sewing, twisting, weaving or wrapping human hair, natural fibers, synthetic fibers, and/or hair extensions into a variety of shapes, patterns, and textures (predominately by hand and/or by simple braiding devices), and maintenance thereof.

1. “Hair braiding” includes what is commonly known as “African-style hair braiding” or “natural hair care” but is not limited to any particular cultural, ethnic, racial or religious forms of hair styles.

2. “Hair braiding” includes the making of customized wigs from natural hair, natural fibers, synthetic fibers, and/or hair extensions.

3. “Hair braiding” includes the use of topical agents such as conditioners, gels, moisturizers, oils, pomades and shampoos.

4. “Hair braiding” does not involve the use of penetrating chemical hair treatments, chemical hair coloring agents, chemical hair straightening agents, chemical hair joining agents, permanent wave styles, or chemical hair bleaching agents applied to growing human hair.

B. **“Simple braiding devices”** include clips, combs, curlers, curling irons, hairpins, rollers, scissors, needles and thread.

C. **“Hair braiding services”** means offering to perform or performing “hair braiding,” as defined above, as a service to members of the public for a fee or other consideration.

D. **“Hair braider”** means a person who offers to perform or performs “hair braiding,” or “hair braiding services” as defined above.

8. Defendants Minnesota Board of Barber and Cosmetologist Examiners, Callmie Dennis, Theresa Iliff, Kenneth Kirkpatrick, Thomas Plash, Donna Ruhland, Susan Schaefer, and Robert Salmonson, and their successors, herewith agree and are affirmatively enjoined to exercise the Board’s rule making authority under Minn. Stat. ch. 154 and ch. 155A (2004), in good faith and as expeditiously as possible, to promulgate an amendment to Minn. R. 2642.0010,

substantially equivalent in form and content, to include the following exemptions from Minnesota law and rules, consistent with the terms of this Agreed Order:

- A. Minn. Stat. ch. 154 (2004) and ch. 155A (2004) are to be construed to not prohibit or regulate Hair Braiding, Hair Braiding Services and Hair Braiders.
- B. Hair Braiding, Simple Braiding Devices, Hair Braiding Services and Hair Braiders are to be defined in Minn. R. 2642.0010, and Hair Braiding, Hair Braiding Services, and Hair Braiders are to be construed as exempt from Minn. Rules ch. 2100 (2003), 2642 (2003), and 2644 (2003).
- C. "Hair Braiding" and "Hair Braiding Services" shall be construed as included in the definition of "unregulated services" in Minn. R. 2642.0010, subp. 20 (2003) and 2644.0010, subp. 20 (2003).
- D. Ordinances by local units of government that prohibit or regulate any matter relating to the training, testing or licensing of hair braiders, hair braiding, and hair braiding services are preempted by this rule.

9. The parties herewith agree that the Board's adoption of the rules described herein is subject to the authorization, review and approval of individuals and entities that are not parties to this Agreed Order, and over which Defendants have no control, including the Governor of the State of Minnesota, the Office of the Revisor of the State of Minnesota, the Minnesota Legislature, and the Minnesota Office of Administrative Hearings, and may also be subject to intervening action by the Minnesota Legislature or judicial review. The parties herewith agree that if any of the rules described herein are not adopted by the Board due to any authorization or approval of the rules being withheld or denied by such non-parties, such circumstances will not

constitute a violation of this Agreed Order by Defendants and Defendants will not be subject to any sanctions by the Court.

10. Should any of the circumstances listed in paragraph III-9 above be realized, the parties herewith agree that the stay imposed by this order shall be lifted and the Plaintiffs, or those similarly situated, shall be entitled to immediately proceed with litigation. If Plaintiffs should proceed with litigation pursuant to this paragraph, Plaintiffs shall first request that the Court hold a conference with counsel and issue a scheduling order to govern the continuation of this matter.

11. Defendants Minnesota Board of Barber and Cosmetologist Examiners, Callmie Dennis, Theresa Iliff, Kenneth Kirkpatrick, Thomas Plash, Donna Ruhland, Susan Schaefer, and Robert Salmonson, in their official capacities, and their successors, herewith agree that they will advocate, in good faith, for the adoption of the definitions in paragraph III-7A-7D above and the exemptions in paragraph III-8A-8D above, should the Governor of the State of Minnesota and/or the Minnesota Legislature consider legislative changes to Minn. Stat. ch. 154 and 155A relating to licensing of Hair Braiding, Hair Braiding Services or Hair Braiders as barbers, barber shops, cosmetologists, or cosmetology salons and training related to such licensing. Plaintiffs acknowledge that should the Governor of the State of Minnesota and/or the Minnesota Legislature consider legislation addressing health and/or sanitation standards relating to Hair Braiding, Hair Braiding Services, or Hair Braiders, Defendants Minnesota Board of Barber and Cosmetologist Examiners, Callmie Dennis, Theresa Iliff, Kenneth Kirkpatrick, Thomas Plash, Donna Ruhland, Susan Schaefer, and Robert Salmonson, in their official capacities, and their successors, may advocate, in good faith, in support of the enactment of such health and/or sanitation standards. The parties herewith agree that Defendants' advocacy in support of

enactment of such health and/or sanitation standards by the Minnesota Legislature will not constitute a violation of this Agreed Order and that Defendants will not be subject to any sanctions by the Court.

12. Should the Defendants Minnesota Board of Barber and Cosmetologist Examiners, Callmie Dennis, Theresa Iliff, Kenneth Kirkpatrick, Thomas Plash, Donna Ruhland, Susan Schaefer, and Robert Salmonson, in their official capacities, and their successors, advocate in support of the enactment of legislation referred to in Paragraph III-11 above, they agree that their advocacy will, in good faith, be consistent with Minnesota Statute § 214.001 but failure to do so will not constitute a violation of this Agreed Order and will not subject the Defendants to any sanctions by the Court.

13. Defendants acknowledge that should the State of Minnesota enact legislation relating to Hair Braiding, Hair Braiding Services, or Hair Braiders, this Order shall not be construed as a waiver of any objections to the legality or constitutionality of the legislation by the Plaintiffs or those similarly situated.

14. The prosecution and defense of Plaintiffs' pending Complaint in this action, including discovery and motion practice, shall be stayed until April 20, 2006 (the "stay period") without prejudice to any claims or defenses on account of such delay. In consideration of Defendants' agreement to be enjoined as provided above, Plaintiffs hereby expressly and voluntarily waive any and all claims they have, or may assert, against Defendants for attorneys' fees, costs, and expenses related to this action through and including April 20, 2006.

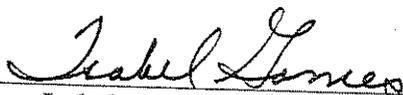
15. If, by April 20, 2006, the amended rules contemplated in paragraphs 7 and 8 of this Agreed Order have been adopted, then Plaintiffs shall voluntarily waive and dismiss with prejudice all claims and/or causes of action of any kind, whether grounded in state or federal law or other statutory or common law, relating to this case and any of the events described in the Complaint which are not determined by this Agreed Order. Otherwise, the Plaintiffs shall be entitled to proceed with their Complaint. If Plaintiffs should proceed with their Complaint pursuant to this paragraph, Plaintiffs shall first request that the Court hold a conference with counsel and issue a scheduling order to govern the continuation of this matter.

16. Jurisdiction of this case is retained for the purpose of enabling any party to this Agreed Order to apply to this Court at any time for such further orders and directions as may be necessary or appropriate for the construction or carrying out of this Agreed Order or for the modification or termination of any provisions thereof and for the purpose of any enforcement of compliance therewith and the punishment of violations thereof.

COURT FILE NO. 05-5467

Let declaratory judgment and judgment for injunctive relief be entered accordingly. There being no just cause for delay, judgment shall be entered immediately.

Dated: 6-10-05

  
\_\_\_\_\_  
Isabel Gomez  
Judge of District Court

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SALEEMAH SALAHUD-DIN  
SHABAZZ and EJGAYEHU BEYENE  
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his official capacity as Commissioner of  
Commerce of the Minnesota Department of  
Commerce,

Defendants.

  
\_\_\_\_\_  
LILLIAN AWAN ANDERSON  
Plaintiff

6-2-05  
\_\_\_\_\_  
Date

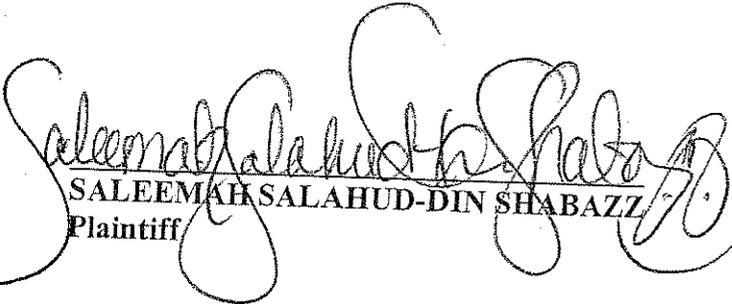
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Commerce,

Defendants.

  
SALEEMAH SALAHUD-DIN SHABAZZ  
Plaintiff

Date

  
June 2, 05

LILLIAN AWAN ANDERSON,  
SALEEMAH SALAHUD-DIN  
SHABAZZ and EJGAYEHU BEYENE  
ASRES,

Plaintiffs,

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SALMONSON, in their official capacities  
as Members of the aforesaid Board,  
MAUREEN TIBBETTS, in her capacity as  
Executive Secretary of the aforesaid Board,  
MINNESOTA DEPARTMENT OF  
COMMERCE and GLENN WILSON, in  
his official capacity as Commissioner of  
Commerce of the Minnesota Department of  
Commerce,

Defendants.

  
EJGAYEHU BEYENE ASRES  
Plaintiff

6/2/05  
Date

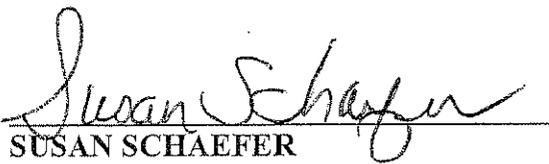
LILLIAN AWAN ANDERSON,  
SALEEMAH SALAHUD-DIN  
SHABAZZ and EJGAYEHU BEYENE  
ASRES,

Plaintiffs,

vs.

MINNESOTA BOARD OF BARBER  
AND COSMETOLOGIST EXAMINERS,  
CALLMIE DENNIS, THERESA ILIFF,  
KENNETH KIRKPATRICK, SUSAN  
SCHAEFER, THOMAS PLASH, DONNA  
RUHLAND and ROBERT  
SALMONSON, in their official capacities  
as Members of the aforesaid Board,  
MAUREEN TIBBETTS, in her capacity as  
Executive Secretary of the aforesaid Board,  
MINNESOTA DEPARTMENT OF  
COMMERCE and GLENN WILSON, in  
his official capacity as Commissioner of  
Commerce of the Minnesota Department of  
Commerce,

Defendants.

  
SUSAN SCHAEFER

Chair

Minnesota Board of Barber  
and Cosmetologist Examiners

  
Date

LILLIAN AWAN ANDERSON,  
SALEEMAH SALAHUD-DIN  
SHABAZZ and EJGAYEHU BEYENE  
ASRES,

Plaintiffs,

vs.

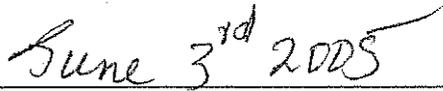
MINNESOTA BOARD OF BARBER  
AND COSMETOLOGIST EXAMINERS,  
CALLMIE DENNIS, THERESA ILIFF,  
KENNETH KIRKPATRICK, SUSAN  
SCHAEFER, THOMAS PLASH, DONNA  
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MAUREEN TIBBETTS, in her capacity as  
Executive Secretary of the aforesaid Board,  
MINNESOTA DEPARTMENT OF  
COMMERCE and GLENN WILSON, in  
his official capacity as Commissioner of  
Commerce of the Minnesota Department of  
Commerce,

Defendants.



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**CALLMIE DENNIS**  
Board Member  
Minnesota Board of Barber  
and Cosmetologist Examiners



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Date

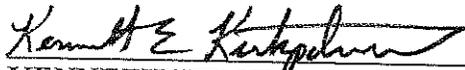
LILLIAN AWAN ANDERSON,  
SALEEMAH SALAHUD-DIN  
SHABAZZ and EJGAYEHU BEYENE  
ASRES,

Plaintiffs,

vs.

MINNESOTA BOARD OF BARBER  
AND COSMETOLOGIST EXAMINERS,  
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SALMONSON, in their official capacities  
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MAUREEN TIBBETTS, in her capacity as  
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MINNESOTA DEPARTMENT OF  
COMMERCE and GLENN WILSON, in  
his official capacity as Commissioner of  
Commerce of the Minnesota Department of  
Commerce,

Defendants.



KENNETH KIRKPATRICK

Board Member

Minnesota Board of Barber  
and Cosmetologist Examiners

6 2 05

Date

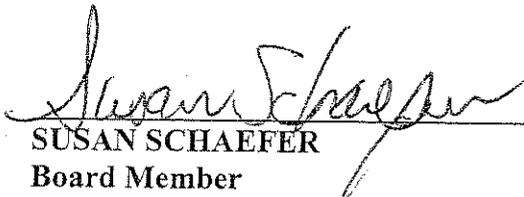
LILLIAN AWAN ANDERSON,  
SALEEMAH SALAHUD-DIN  
SHABAZZ and EJGAYEHU BEYENE  
ASRES,

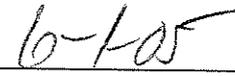
Plaintiffs,

vs.

MINNESOTA BOARD OF BARBER  
AND COSMETOLOGIST EXAMINERS,  
CALLMIE DENNIS, THERESA ILIFF,  
KENNETH KIRKPATRICK, SUSAN  
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MAUREEN TIBBETTS, in her capacity as  
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MINNESOTA DEPARTMENT OF  
COMMERCE and GLENN WILSON, in  
his official capacity as Commissioner of  
Commerce of the Minnesota Department of  
Commerce,

Defendants.

  
\_\_\_\_\_  
SUSAN SCHAEFER  
Board Member  
Minnesota Board of Barber  
and Cosmetologist Examiners

  
\_\_\_\_\_  
Date

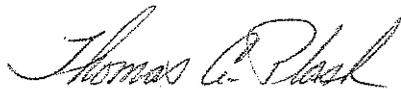
LILLIAN AWAN ANDERSON,  
SALEEMAH SALAHUD-DIN  
SHABAZZ and EJGAYEHU BEYENE  
ASRES,

Plaintiffs,

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MINNESOTA BOARD OF BARBER  
AND COSMETOLOGIST EXAMINERS,  
CALLMIE DENNIS, THERESA ILIFF,  
KENNETH KIRKPATRICK, SUSAN  
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SALMONSON, in their official capacities  
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MAUREEN TIBBETTS, in her capacity as  
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MINNESOTA DEPARTMENT OF  
COMMERCE and GLENN WILSON, in  
his official capacity as Commissioner of  
Commerce of the Minnesota Department of  
Commerce,

Defendants.



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**THOMAS PLASH**  
Board Member  
Minnesota Board of Barber  
and Cosmetologist Examiners

6-2-05

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Date

LILLIAN AWAN ANDERSON,  
SALEEMAH SALAHUD-DIN  
SHABAZZ and EJGAYEHU BEYENE  
ASRES,

Plaintiffs,

vs.

MINNESOTA BOARD OF BARBER  
AND COSMETOLOGIST EXAMINERS,  
CALLMIE DENNIS, THERESA ILIFF,  
KENNETH KIRKPATRICK, SUSAN  
SCHAEFER, THOMAS PLASH, DONNA  
RUHLAND and ROBERT  
SALMONSON, in their official capacities,  
as Members of the aforesaid Board,  
MAUREEN TIBBETTS, in her capacity as  
Executive Secretary of the aforesaid Board,  
MINNESOTA DEPARTMENT OF  
COMMERCE and GLENN WILSON, in  
his official capacity as Commissioner of  
Commerce of the Minnesota Department of  
Commerce,

Defendants.



**DONNA RUHLAND**  
Board Member  
Minnesota Board of Barber  
and Cosmetologist Examiners

6-1-05  
Date

LILLIAN AWAN ANDERSON,  
SALEEMAH SALAHUD-DIN  
SHABAZZ and EJGAYEHU BEYENE  
ASRES,

Plaintiffs,

vs.

MINNESOTA BOARD OF BARBER  
AND COSMETOLOGIST EXAMINERS,  
CALLMIE DENNIS, THERESA ILIFF,  
KENNETH KIRKPATRICK, SUSAN  
SCHAEFER, THOMAS PLASH, DONNA  
RUHLAND and ROBERT  
SALMONSON, in their official capacities  
as Members of the aforesaid Board,  
MAUREEN TIBBETTS, in her capacity as  
Executive Secretary of the aforesaid Board,  
MINNESOTA DEPARTMENT OF  
COMMERCE and GLENN WILSON, in  
his official capacity as Commissioner of  
Commerce of the Minnesota Department of  
Commerce,

Defendants.

  
ROBERT SALMONSON  
Board Member  
Minnesota Board of Barber  
and Cosmetologist Examiners

JUNE 3, 2005  
Date

LILLIAN AWAN ANDERSON,  
SALEEMAH SALAHUD-DIN  
SHABAZZ and EJGAYEHU BEYENE  
ASRES,

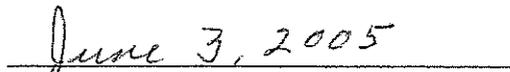
Plaintiffs,

vs.

MINNESOTA BOARD OF BARBER  
AND COSMETOLOGIST EXAMINERS,  
CALLMIE DENNIS, THERESA ILIFF,  
KENNETH KIRKPATRICK, SUSAN  
SCHAEFER, THOMAS PLASH, DONNA  
RUHLAND and ROBERT  
SALMONSON, in their official capacities  
as Members of the aforesaid Board,  
MAUREEN TIBBETTS, in her capacity as  
Executive Secretary of the aforesaid Board,  
MINNESOTA DEPARTMENT OF  
COMMERCE and GLENN WILSON, in  
his official capacity as Commissioner of  
Commerce of the Minnesota Department of  
Commerce,

Defendants.

  
MAUREEN TIBBETTS  
Executive Secretary  
Minnesota Board of Barber  
and Cosmetologist Examiners

  
Date

LILLIAN AWAN ANDERSON,  
SALEEMAH SALAHUD-DIN  
SHABAZZ and EJGAYEHU BEYENE  
ASRES,

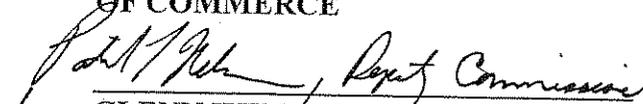
Plaintiffs,

vs.

MINNESOTA BOARD OF BARBER  
AND COSMETOLOGIST EXAMINERS,  
CALLMIE DENNIS, THERESA ILIFF,  
KENNETH KIRKPATRICK, SUSAN  
SCHAEFER, THOMAS PLASH, DONNA  
RUHLAND and ROBERT  
SALMONSON, in their official capacities  
as Members of the aforesaid Board,  
MAUREEN TIBBETTS, in her capacity as  
Executive Secretary of the aforesaid Board,  
MINNESOTA DEPARTMENT OF  
COMMERCE and GLENN WILSON, in  
his official capacity as Commissioner of  
Commerce of the Minnesota Department of  
Commerce,

Defendants.

MINNESOTA DEPARTMENT  
OF COMMERCE

*for*  *Deputy Commissioner*

GLENN WILSON

Commissioner

In his official capacity as Commissioner  
of Commerce and on behalf of the  
Minnesota Department of Commerce

Date

6/3/05

LILLIAN AWAN ANDERSON,  
SALEEMAH SALAHUD-DIN  
SHABAZZ and EJGA YEHU BEYENE  
ASRES,

Plaintiffs,

vs.

MINNESOTA BOARD OF BARBER  
AND COSMETOLOGIST EXAMINERS,  
CALLMIE DENNIS, THERESA ILIFF,  
KENNETH KIRKPATRICK, SUSAN  
SCHAEFER, THOMAS PLASH, DONNA  
RUHLAND and ROBERT  
SALMONSON, in their official capacities  
as Members of the aforesaid Board,  
MAUREEN TIBBETTS, in her capacity as  
Executive Secretary of the aforesaid Board,  
MINNESOTA DEPARTMENT OF  
COMMERCE and GLENN WILSON, in  
his official capacity as Commissioner of  
Commerce of the Minnesota Department of  
Commerce,

Defendants.



**THERESA ILIFF**

**Board Member**

**Minnesota Board of Barber  
and Cosmetologist Examiners**

6/6/05  
Date