

STATE OF MINNESOTA  
OFFICE OF ADMINISTRATIVE HEARINGS

FOR THE BOARD OF COSMETOLOGIST EXAMINERS

In the Matter of the Proposed Exempt Permanent Rules of the Board of Cosmetology relating to Cosmetology Salons and Cosmetologist Examiners Request for Review and Approval of Good Cause Exempt Rules Under Minnesota Statutes, Section 14.388.

**ORDER ON REVIEW  
OF RULES UNDER  
MINN. STAT. § 14.388  
AND MINN. R. 1400.2400**

This matter came before Administrative Law Judge James E. LaFave upon the application of the Minnesota Board of Cosmetologist Examiners (Board) for a legal review under Minn. Stat. § 14.388 and Minn. R. 1400.2400.

On October 23, 2013, the Board filed documents with the Office of Administrative Hearings seeking review and approval of the above-entitled rules.

Based upon a review of the written submissions by the Department, and for the reasons set out in the Memorandum which follows below,

**IT IS HEREBY ORDERED THAT:**

1. The rules were adopted in compliance with the procedural requirements of Minnesota Statutes, Chapter 14, and Minnesota Rules, Chapter 1400.
2. According to the 2013 Laws of Minnesota, Regular Session, Chapter 85, Article 5, Section 45 the Department has the statutory authority to adopt these proposed rules using the exempt rulemaking process.
3. The adopted rules are **APPROVED**.

Dated: November 6, 2013

s/James E. LaFave  
JAMES E. LAFAVE  
Administrative Law Judge

## MEMORANDUM

Legislation affecting the practice of cosmetology was enacted during the 2013 Minnesota legislative session.<sup>1</sup> The legislation contains changes related to fines for certain violations, continuing education requirements for operators and salon managers, transfer of licenses from other states, and other requirements related to the licensure and practice of cosmetology.<sup>2</sup> The Board has properly invoked the good cause exemption process. Not only was the use of this process expressly authorized in the underlying legislation, the adopted rules incorporate the specific changes set forth in the chapter laws and require no additional interpretation of law.<sup>3</sup>

The appropriate result, therefore, is to approve the adopted rules.

**J. E. L.**

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<sup>1</sup> See, 2013 Minn. Laws, ch. 85, art. 5, §§ 20 through 31.

<sup>2</sup> *Id.*

<sup>3</sup> See, Minn. Stat. § 14.388, subd. 1 (3).