



COSMETOLOGY EXAMINING BOARD
Room 121A, 1400 East Washington Avenue, Madison
Contact: Brittany Lewin (608) 266-2112
June 23, 2016

The following agenda describes the issues that the Board plans to consider at the meeting. At the time of the meeting, items may be removed from the agenda. Please consult the meeting minutes for a record of the actions of the Board.

AGENDA

9:30 AM

OPEN SESSION – CALL TO ORDER – ROLL CALL

- A. Adoption of Agenda (1-3)**
- B. Approval of Minutes:**
 - 1. April 4, 2016 **(4-6)**
- C. Administrative Matters**
 - 1. Board and Staff Updates
- D. Legislative and Administrative Rule Matters – Discussion and Consideration**
 - 1. Legislative Liaison Report
 - 2. Presentation on behalf of Representative Joel Kleefisch **(7-10)**
 - 3. Update on Legislation and Pending and Possible Rulemaking Projects
- E. Office of Education and Examinations Update**
 - 1. Examination Vendor
- F. Speaking Engagements, Travel, or Public Relation Requests**
 - 1. National-Interstate Council of State Boards of Cosmetology (NIC) Annual Conference on October 1-3, 2016 in Tampa, FL **(11-12)**
- G. Deliberation on Items Added After Preparation of Agenda:**
 - 1. Introductions, Announcements and Recognition
 - 2. Election of Board Officers
 - 3. Appointment of Board Liaison(s)
 - 4. Administrative Matters
 - 5. Education and Examination Matters
 - 6. Credentialing Matters
 - 7. Practice Matters
 - 8. Legislation/Administrative Rule Matters
 - 9. Liaison Reports
 - 10. Informational Items
 - 11. Disciplinary Matters

12. Presentations of Petitions for Summary Suspension
13. Petitions for Designation of Hearing Examiner
14. Presentation of Proposed Stipulations, Final Decisions and Orders
15. Presentation of Proposed Final Decision and Orders
16. Presentation of Interim Orders
17. Petitions for Re-Hearing
18. Petitions for Assessments
19. Petitions to Vacate Orders
20. Request for Disciplinary Proceeding Presentations
21. Motions
22. Petitions
23. Appearances from Requests Received or Renewed
24. Speaking Engagements, Travel, or Public Relation Requests

H. Public Comments

CONVENE TO CLOSED SESSION to deliberate on cases following hearing (s. 19.85(1)(a), Stats.); to consider licensure or certification of individuals (s. 19.85(1)(b), Stats.); to consider closing disciplinary investigations with administrative warnings (ss. 19.85 (1)(b), and 440.205, Stats.); to consider individual histories or disciplinary data (s. 19.85 (1)(f), Stats.); and to confer with legal counsel (s. 19.85(1)(g), Stats.).

I. Deliberation on Division of Legal Services and Compliance (DLSC) Matters

1. **Administrative Warnings**
 - a) 15 BAC 074 – D.E.N. & H.G. **(13-14)**
2. **Proposed Stipulations, Final Decisions and Orders**
 - a) 14 BAC 069 – Cori L. Harris **(15-21)**
 - b) 14 BAC 071 – Autumn R. Leibbrandt **(22-27)**
 - c) 14 BAC 071 – Cassie L. Cordy **(28-33)**
 - d) 14 BAC 074 – Brittany Treml **(34-39)**
 - e) 15 BAC 047 – Aileen X. Nguyen **(40-46)**
 - f) 15 BAC 047 – Bich T. Kim **(47-53)**
 - g) 15 BAC 047 – Elite Nails of Appleton, LLC **(54-59)**
3. **Case Closures**
 - a) 14 BAC 071 **(60-65)**
 - b) 14 BAC 074 **(66-71)**
 - c) 15 BAC 016 **(72-77)**
 - d) 15 BAC 030 **(78-81)**
 - e) 15 BAC 061 **(82-84)**
 - f) 15 BAC 095 **(85-88)**
 - g) 15 BAC 122 **(89-92)**
 - h) 16 BAC 006 **(93-95)**
 - i) 16 BAC 039 **(96-98)**

J. Proposed Final Decisions and Orders In the Matter of Disciplinary Proceedings Against:

1. Terrance S. Byrd, and Fashion Impressions, Respondents, DHA Case No. SPS-16-0012/DLSC Case No. 13 BAC 152 **(99-107)**
2. Steve D. Duong, Respondent, DHA Case No. SPS-16-0006/DLSC Case No. 15 BAC 019 **(108-117)**
3. Patricia Helt, Respondent, DHA Case No. SPS-16-0007/DLSC Case No. 15 BAC 041 **(118-123)**

- K.** Deliberation of Items Added After Preparation of the Agenda
1. Education and Examination Matters
 2. Credentialing Matters
 3. Disciplinary Matters
 4. Monitoring Matters
 5. Professional Assistance Procedure (PAP) Matters
 6. Petitions for Summary Suspension
 7. Petitions for Designation of Hearing Examiner
 8. Proposed Stipulations, Final Decision(s) and Order(s)
 9. Administrative Warnings
 10. Review of Administrative Warnings
 11. Proposed Final Decisions and Orders
 12. Orders Fixing Costs/Matters Related to Costs
 13. Case Closings
 14. Proposed Interim Orders
 15. Petitions for Assessments and Evaluations
 16. Petitions to Vacate Orders
 17. Remedial Education Cases
 18. Motions
 19. Petitions for Re-hearings
 20. Appearances from Requests Received or Renewed

- L.** Consulting with Legal Counsel

RECONVENE TO OPEN SESSION IMMEDIATELY FOLLOWING CLOSED SESSION

Vote on Items Considered or Deliberated Upon in Closed Session, if Voting is Appropriate

ADJOURNMENT

NEXT MEETING: SEPTEMBER 19, 2016

**COSMETOLOGY EXAMINING BOARD
MEETING MINUTES
April 4, 2016**

PRESENT: Kristin Allison (*via GoToMeeting*), Vicky McNally (*via GoToMeeting*), Suresh Misra, Lori Paul, Gail Sengbusch, Denise Trokan (*arrived at 9:36*), Dianna Wachter

STAFF: Brittany Lewin, Executive Director; Nifty Lynn Dio, Bureau Assistant; and other Department staff

CALL TO ORDER

Vicky McNally, Chair, called the meeting to order at 9:30 a.m. A quorum of six (6) members was confirmed.

ADOPTION OF AGENDA

MOTION: Suresh Misra moved, seconded by Gail Sengbusch, to adopt the agenda as published. Motion carried unanimously.

APPROVAL OF MINUTES

MOTION: Lori Paul moved, seconded by Suresh Misra, to approve the minutes of February 1, 2016 as published. Motion carried unanimously.

LEGISLATIVE AND ADMINISTRATIVE RULE MATTERS

MOTION: Lori Paul moved, seconded by Suresh Misra, to authorize Gail Sengbusch to speak with legislators on behalf of the Board regarding a statutory change addressing establishment licenses and practice outside of licensed establishments, and report back to the Board. Motion carried unanimously.

CLOSED SESSION

MOTION: Suresh Misra moved, seconded by Gail Sengbusch, to convene to closed session to deliberate on cases following hearing (s. 19.85(1)(a), Stats.); to consider licensure or certification of individuals (s. 19.85 (1)(b), Stats.); to consider closing disciplinary investigation with administrative warning (ss.19.85(1)(b), Stats. and 440.205, Stats.); to consider individual histories or disciplinary data (s. 19.85 (1)(f), Stats.); and, to confer with legal counsel (s.19.85(1)(g), Stats.). Vicky McNally read the language of the motion. The vote of each member was ascertained by voice vote. Roll Call Vote: Kristin Allison – yes; Vicky McNally – yes; Suresh Misra – yes; Lori Paul – yes; Gail Sengbusch – yes; Denise Trokan – yes; Dianna Wachter – yes. Motion carried unanimously.

The Board convened into closed session at 9:36 a.m.

RECONVENE TO OPEN SESSION

MOTION: Gail Sengbusch moved, seconded by Denise Trokan, to reconvene into open session. Motion carried unanimously.

The Board reconvened into open session at 10:29 a.m.

VOTING ON ITEMS CONSIDERED OR DELIBERATED ON IN CLOSED SESSION

MOTION: Lori Paul moved, seconded by Dianna Wachter, to affirm all motions made in closed session. Motion carried unanimously.

DELIBERATION ON DIVISION OF LEGAL SERVICES AND COMPLIANCE (DLSC) MATTERS

Administrative Warnings

MOTION: Suresh Misra moved, seconded by Gail Sengbusch, to issue an Administrative Warning in the DLSC Case Numbers listed below:

1. 15 BAC 053 – N.F.Y.
2. 15 BAC 053 – T.T.N.
3. 15 BAC 054 – R.S.
4. 15 BAC 054 – R.S.B.H.R.
5. 15 BAC 054 – S.K.R.

Motion carried unanimously.

Proposed Stipulations, Final Decisions and Orders

14 BAC 060 – Paul M. Cooper

MOTION: Gail Sengbusch moved, seconded by Dianna Wachter, to adopt the Findings of Fact, Conclusions of Law and Order in the matter of disciplinary proceedings against Paul M. Cooper, DLSC Case No. 14 BAC 060. Motion carried unanimously.

15 BAC 054 – Jennifer L. Ristow

MOTION: Denise Trokan moved, seconded by Suresh Misra, to adopt the Findings of Fact, Conclusions of Law and Order in the matter of disciplinary proceedings against Jennifer L. Ristow, DLSC Case No. 15 BAC 054. Motion carried unanimously.

CASE CLOSINGS

MOTION: Gail Sengbusch moved, seconded by Suresh Misra, to close the following cases according to the recommendations by the Division of Legal Services and Compliance:

1. 14 BAC 073 (A.J. & N.M.) – ***Prosecutorial Discretion (P3)***
2. 14 BAC 073 (V.J.) – ***Prosecutorial Discretion (P2)***
3. 14 BAC 096 (M.N. & T.P.) – ***Prosecutorial Discretion (P3)***
4. 15 BAC 004 (B.M) – ***Insufficient Evidence***
5. 15 BAC 014 (M.A.) – ***Insufficient Evidence***

6. 15 BAC 018 (T.T.) – *Insufficient Evidence*
 7. 15 BAC 023 (D.W.) – *Insufficient Evidence*
 8. 15 BAC 032 (S.J.) – *Insufficient Evidence*
 9. 15 BAC 043 (A.T.) – *Insufficient Evidence*
 10. 15 BAC 057 (W.S. & N B M.) – *Insufficient Evidence*
- Motion carried unanimously.

ADJOURNMENT

MOTION: Gail Sengbusch moved, seconded by Denise Trokan, to adjourn the meeting.
Motion carried unanimously.

The meeting adjourned at 11:00 a.m.

DRAFT

**State of Wisconsin
Department of Safety & Professional Services**

AGENDA REQUEST FORM

1) Name and Title of Person Submitting the Request: Nilajah Hardin, Bureau Assistant on behalf of Brittany Lewin, Executive Director		2) Date When Request Submitted: 06/17/16 <small>Items will be considered late if submitted after 12:00 p.m. on the deadline date which is 8 business days before the meeting</small>	
3) Name of Board, Committee, Council, Sections: Cosmetology Examining Board			
4) Meeting Date: 06/23/16	5) Attachments: <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No	6) How should the item be titled on the agenda page? Legislative and Administrative Rule Matters – Discussion and Consideration	
7) Place Item in: <input checked="" type="checkbox"/> Open Session <input type="checkbox"/> Closed Session	8) Is an appearance before the Board being scheduled? <input type="checkbox"/> Yes (Fill out Board Appearance Request) <input type="checkbox"/> No	9) Name of Case Advisor(s), if required: N/A	
10) Describe the issue and action that should be addressed: Attached is draft legislation from Rep. Joel Kleefisch for the Board's review and discussion. Staff from Rep. Kleefisch's office will attend the meeting to receive input from the Board regarding the draft legislation. .			
11) Authorization			
<i>Nilajah D. Hardin</i>		06/17/16	
Signature of person making this request		Date	
Supervisor (if required)		Date	
Brittany Lewin (via Email)			
Executive Director signature (indicates approval to add post agenda deadline item to agenda)		Date	
Directions for including supporting documents: 1. This form should be attached to any documents submitted to the agenda. 2. Post Agenda Deadline items must be authorized by a Supervisor and the Policy Development Executive Director. 3. If necessary, provide original documents needing Board Chairperson signature to the Bureau Assistant prior to the start of a meeting.			



PRELIMINARY DRAFT - NOT READY FOR INTRODUCTION

1 **AN ACT** *to amend* 454.08 (1) (a), 454.08 (1) (b) and 454.25 (1) (a); and *to create*
2 454.08 (1) (am) of the statutes; **relating to:** practicing barbering and
3 cosmetology outside licensed establishments and granting rule-making
4 authority.

Analysis by the Legislative Reference Bureau

This bill requires the Cosmetology Examining Board and the Department of Safety and Professional Services to promulgate rules permitting the practice of cosmetology, aesthetics, and manicuring, in the case of the board, and barbering, in the case of DSPS, outside licensed establishments. Currently, such practice is authorized only for personal care services provided to persons who are home-bound or in a hospital, nursing home, correctional institution, or other institution. Under the bill, the rules must be consistent with protection of the public health, safety, and welfare.

For further information see the *state* fiscal estimate, which will be printed as an appendix to this bill.

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

5 **SECTION 1.** 454.08 (1) (a) of the statutes is amended to read:

1 454.08 (1) (a) The examining board ~~may~~ shall promulgate rules consistent with
2 protection of the public health, safety, and welfare permitting the provision of
3 personal care cosmetology, aesthetics, electrology, ~~or~~ and manicuring services
4 outside of licensed establishments by cosmetologists, aestheticians, electrologists,
5 and manicurists to persons who are unable to leave their homes because of illness
6 or disability or who are in hospitals, nursing homes, correctional institutions, or
7 other institutions.

8 **SECTION 2.** 454.08 (1) (am) of the statutes is created to read:

9 454.08 (1) (am) The examining board shall promulgate rules consistent with
10 protection of the public health, safety, and welfare permitting the practice of
11 cosmetology, aesthetics, and manicuring outside of licensed establishments by
12 cosmetologists, aestheticians, and manicurists.

13 **SECTION 3.** 454.08 (1) (b) of the statutes is amended to read:

14 454.08 (1) (b) Except as permitted by rule promulgated under par. (a) or (am),
15 no person may practice cosmetology, aesthetics, electrology, or manicuring in an
16 establishment unless the establishment is licensed to provide that practice under
17 sub. (2).

18 **SECTION 4.** 454.25 (1) (a) of the statutes is amended to read:

19 454.25 (1) (a) The department ~~may~~ shall promulgate rules consistent with
20 protection of the public health, safety, and welfare permitting the provision of
21 barbering services by a barber outside of a licensed barbering establishment or a
22 licensed cosmetology establishment ~~by a barber, including rules permitting the~~
23 provision of barbering services to a person who is unable to leave his or her home



NATIONAL-INTERSTATE COUNCIL
OF STATE BOARDS OF COSMETOLOGY, INC.

Debra Norton, Conference Coordinator
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TO: ALL NIC MEMBERS
FROM: Debra Norton, Conference Coordinator
DATE: March 28, 2016

The annual conference of the National-Interstate Council of States Boards of Cosmetology (NIC) will be held October 1-3, 2016. Please mark these dates on your calendar and begin making your plans to attend the conference this year.

Our host for the conference is the Florida Board of Cosmetology. We thank the Board for inviting us to hold the conference this year in the great state of Florida.

The conference site is the Renaissance International Plaza Hotel located at 4200 Jim Walter Blvd., Tampa, FL. The guest room rate for single/double accommodations is \$149 a night plus applicable taxes. Reservations must be guaranteed to a major credit card. The cut-off date for making reservations is Friday, September 2nd. To receive the conference rate attendees must reference the group code "COS". For reservations call (888) 236-2427. You may book your reservation on line by clicking on the following link - [Book your group rate for National Interstate Council of State Boards of Cosmetology](#)

President Melanie Thompson appointed Robyn Barineau and Laurel Ritenbaugh to Co-Chair the Education Committee this year. The Committee is planning an outstanding education program. Networking will also be a valuable part of the conference experience as you meet board members and administrators from across the U.S. to share ideas and learn from others' experiences.

To assist you in planning your schedule, a function agenda follows. A registration packet and other pertinent information about the conference will be sent to all state board offices and honorary members by July 15th.

The NIC conference in Florida is the place to be October 1-3, 2016.

**NATIONAL-INTERSTATE COUNCIL OF STATE BOARDS OF COSMETOLOGY
2016 ANNUAL CONFERENCE**

Renaissance International Plaza Hotel - Tampa, FL

THURSDAY – September 29, 2016

8:00 p.m. – 5:00 p.m. BOARD ADMINISTRATORS' MEETING
9:00 a.m. – 5:00 p.m. NATIONAL EXAMINATION COMMITTEE MEETING

FRIDAY – September 30, 2016

8:00 a.m. – 4:00 p.m. BOARD ADMINISTRATORS' MEETING Continued
9:00 a.m. – 4:00 p.m. EXECUTIVE BOARD MEETING
1:00 p.m. – 4:00 p.m. CONFERENCE REGISTRATION
5:00 p.m. – 6:00 p.m. NEW MEMBER ORIENTATION
6:00 p.m. – 8:00 p.m. WELCOME RECEPTION

SATURDAY – October 1, 2016

9:00 a.m. – 10:15 a.m. BREAKFAST - Opening Ceremonies
10:30 a.m. – 11:00 a.m. GENERAL SESSION/Call to order
Roll Call of states
Presentation & Approval of conference rules
Approval of Conference Agenda
Approval of 2015 Conference Minutes
Committee Appointment: Nominating
Presentation of Election Procedures
First Reading of Proposed Bylaw Amendments (TBD)
President's Report
11:00 a.m. – 12:45 p.m. **Education Program**
1:00 p.m. – 2:15 p.m. Lunch
2:30 p.m. – 4:00 p.m. **Education Program**

SUNDAY – October 2, 2016

8:00 a.m. – 9:15 a.m. BREAKFAST
9:30 a.m. – 12:15 p.m. GENERAL SESSION/Call to Order
Roll call of states
Education Program
12:30 p.m. – 1:45 p.m. Lunch
2:00 p.m. – 2:45 p.m. **Education Program**
2:45 p.m. – 4:00 p.m. Committee Reports: Bylaws, Honorary Membership, Conference Site/2018 site selection
Nominating Committee Report

MONDAY – October 3, 2016

8:00 a.m. – 9:00 a.m. BREAKFAST
9:15 a.m. – 11:00 a.m. GENERAL SESSION/Call to order
Roll Call
Education Program
11:15 a.m. – 1:00 p.m. **ELECTION OF OFFICERS**
Unfinished Business
New Business
Resolution
Recess
2:00 p.m. – 4:00 p.m. NEC Meeting
Executive Board Meeting
7:00 p.m. - 9:00 p.m. Banquet & Installation of Officers
Adjourn