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**VIRTUAL/TELECONFERENCE  
COSMETOLOGY EXAMINING BOARD  
Virtual, 4822 Madison Yards Way, Madison  
Contact: Valerie Payne (608) 266-2112  
November 2, 2020**

*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 of August 17, 2020 (4-6)**

**C. Introductions, Announcements and Recognition**

- 1) Charity Faith Fazel, Cosmetologist Member (Nominated, Will Replace: McNally) – 7/1/2024

**D. Conflicts of Interest**

**E. Administrative Matters – Discussion and Consideration**

- 1) Department, Staff, and Board Updates
- 2) Board Members – Term Expiration Dates

**F. Legislative and Policy Matters – Discussion and Consideration**

**G. Administrative Rule Matters – Discussion and Consideration (7)**

- 1) Update on Final Rule Draft: Cos 1-11, Relating to Cosmetology Licensure and Practice Outside of a Licensed Establishment
- 2) Update on Scope: Cos 2, 3, 5, and 8, Relating to Scope to Practice, Mobile Establishments, and Distance Learning
- 3) Administrative Rules Reporting Requirements Under 2017 Wisconsin Act 108 **(8-11)**
- 4) Pending and Possible Rulemaking Projects

**H. COVID-19 – Discussion and Consideration**

**I. Deliberation on Items Added After Preparation of Agenda**

- 1) Introductions, Announcements and Recognition
- 2) Election of Officers, Appointment of Liaison(s), Delegation of Authorities
- 3) Administrative Matters
- 4) Education and Examination Matters
- 5) Credentialing Matters

- 6) Practice Matters
- 7) Legislative and Policy Matters
- 8) Administrative Rule Matters
- 9) Liaison Reports
- 10) Board Liaison Training and Appointment of Mentors
- 11) Informational Items
- 12) Division of Legal Services and Compliance (DLSC) Matters
- 13) Presentations of Petitions for Summary Suspension
- 14) Petitions for Designation of Hearing Examiner
- 15) Presentation of Stipulations, Final Decisions and Orders
- 16) Presentation of Stipulations and Interim Orders
- 17) Presentation of Proposed Final Decision and Orders
- 18) Presentation of Interim Orders
- 19) Petitions for Re-Hearing
- 20) Petitions for Assessments
- 21) Petitions to Vacate Orders
- 22) Requests for Disciplinary Proceeding Presentations
- 23) Motions
- 24) Petitions
- 25) Appearances from Requests Received or Renewed
- 26) Speaking Engagement(s), Travel, or Public Relation Request(s)

J. 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.).**

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

- 1) **Stipulations, Final Decisions and Orders**
  - a) 18 BAC 006 – Ly Ly Nails & Spa **(12-18)**
- 2) **Case Closings**
  - a) 18 BAC 072 – D.H.S., M.B. **(19-22)**
  - b) 18 BAC 092 – K.R., T.M.D., F.N. **(23-27)**
  - c) 18 BAC 094 – G.B., G.B. **(28-33)**
  - d) 19 BAC 016 – T.T.P., H.N.S. **(34-39)**

L. Deliberation of Items Added After Preparation of the Agenda

- 1) Education and Examination Matters
- 2) Credentialing Matters
- 3) DLSC 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) Proposed Interim Orders
- 10) Administrative Warnings
- 11) Review of Administrative Warnings
- 12) Proposed Final Decisions and Orders
- 13) Orders Fixing Costs/Matters Related to Costs

- 14) Case Closings
- 15) Board Liaison Training
- 16) Petitions for Assessments and Evaluations
- 17) Petitions to Vacate Orders
- 18) Remedial Education Cases
- 19) Motions
- 20) Petitions for Re-hearings
- 21) Appearances from Requests Received or Renewed

M. Consulting with Legal Counsel

**RECONVENE TO OPEN SESSION IMMEDIATELY FOLLOWING CLOSED SESSION**

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

O. Open Session Items Noticed Above Not Completed in the Initial Open Session

**ADJOURNMENT**

**NEXT MEETING: TBD**

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MEETINGS AND HEARINGS ARE OPEN TO THE PUBLIC, AND MAY BE CANCELLED WITHOUT NOTICE.

Times listed for meeting items are approximate and depend on the length of discussion and voting. All meetings are held at 4822 Madison Yards Way, Madison, Wisconsin, unless otherwise noted. In order to confirm a meeting or to request a complete copy of the board's agenda, please call the listed contact person. The board may also consider materials or items filed after the transmission of this notice. Times listed for the commencement of disciplinary hearings may be changed by the examiner for the convenience of the parties. Requests for interpreters for the deaf or hard of hearing, or other accommodations, are considered upon request by contacting the Affirmative Action Officer, 608-266-2112, or the Meeting Staff at 608-266-5439.

**TELECONFERENCE/VIRTUAL  
COSMETOLOGY EXAMINING BOARD  
MEETING MINUTES  
AUGUST 17, 2020**

**PRESENT:** Kayla Cwojdinski, Georgiana Halverson, Ann Hoepfner, Megan Jackson (*excused at 11:28 a.m.*), Kristin Lee, Vicky McNally

**EXCUSED:** Daisy Quintal

**STAFF:** Christian Albouras, Executive Director; Jameson Whitney, Legal Counsel; Jon Derenne, Rules Coordinator; Megan Glaeser, Bureau Assistant; and other Department staff.

**CALL TO ORDER**

Vicky McNally, Chair, called the meeting to order at 9:35 a.m. A quorum of six (6) members was confirmed.

**ADOPTION OF AGENDA**

**MOTION:** Georgiana Halverson moved, seconded by Kayla Cwojdinski, to adopt the agenda as published. Motion carried unanimously.

**APPROVAL OF MINUTES OF JUNE 15, 2020**

**MOTION:** Georgiana Halverson moved, seconded by Megan Jackson, to approve the minutes of June 15, 2020 as published. Motion carried unanimously.

**ADMINISTRATIVE MATTERS**

**Delegation of Authorities**

**MOTION:** Vicky McNally moved, seconded by Georgiana Halverson, to authorize and delegate to DSPS Attorneys and paralegals to make decisions regarding reviews approving credentials according to Wis. Stat. § 454.06(1)(b) and predeterminations pursuant to Wis. Stat. § 111.335 (4)(f). Motion carried unanimously.

**ADMINISTRATIVE RULE MATTERS**

**Cos 1 to 11 Relating to Cosmetology Licensure and Practice Outside of a Licensed Establishment**

**MOTION:** Ann Hoepfner moved, seconded by Georgiana Halverson, to reject Clearinghouse comment number(s) 1. b., 5. a. and 5. b., and to accept all remaining Clearinghouse comments for Clearinghouse Rule CR 20-025, relating to licensure and practice outside of a licensed establishment. Motion carried unanimously.

**MOTION:** Georgiana Halverson moved, seconded by Megan Jackson, to authorize the Chairperson to approve the Legislative Report and Draft for Clearinghouse Rule CR 20-025, relating to cosmetology licensure and practice outside of a licensed establishment, for submission to the Governor's Office and Legislature. Motion carried unanimously.

**Discussion of a Scope Statement for a Possible Rule Project Relating to Scope of Practice, Mobile Establishment Licensure, and Distance Learning**

**MOTION:** Vicky McNally moved, seconded by Ann Hoepfner, to delegate to the Chairperson the authority to approve the Scope Statement revising Cos 2, 3, 5, and 8, relating to scope of practice, mobile establishments, and remote learning, for submission to the Department of Administration and Governor's Office and for publication. Additionally, the Board authorizes the Chairperson to approve the Scope Statement for implementation no less than 10 days after publication. If the Board is directed to hold a preliminary public hearing on the Scope Statement, the Chairperson is authorized to approve the required notice of hearing. Motion carried unanimously.

*(Megan Jackson was excused at 11:28 a.m.)*

**CLOSED SESSION**

**MOTION:** Vicky McNally moved, seconded by Kayla Cwojdzinski, 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.). The Chairperson read the language of the motion. The vote of each member was ascertained by voice vote. Roll Call Vote: Kayla Cwojdzinski-yes; Georgiana Halverson-yes; Ann Hoepfner-yes; Kristin Lee-yes; and Vicky McNally-yes. Motion carried unanimously.

The Board convened into Closed Session at 11:38 a.m.

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

***18 BAC 016 – F.N.S.***

**MOTION:** Ann Hoepfner moved, seconded by Georgiana Halverson, to close DLSC Case Number 18 BAC 016, against F.N.S. for Prosecutorial Discretion (P2). Motion carried unanimously.

***18 BAC 017 – F.N.S.S.***

**MOTION:** Ann Hoepner moved, seconded by Kayla Cwojdzinski, to close DLSC Case Number 18 BAC 017, against F.N.S.S. for Prosecutorial Discretion (P2). Motion carried unanimously.

**20 BAC 009 – M.C.X.**

**MOTION:** Ann Hoepner moved, seconded by Kayla Cwojdzinski, to close DLSC Case Number 20 BAC 009, against M.C.X. for Insufficient Evidence. Motion carried unanimously.

**RECONVENE TO OPEN SESSION**

**MOTION:** Vicky McNally moved, seconded by Georgianna Halverson, to reconvene into open session. Motion carried unanimously.

The Board reconvened into Open Session at 11:52 a.m.

**VOTING ON ITEMS CONSIDERED OR DELIBERATED ON IN CLOSED SESSION**

**MOTION:** Ann Hoepner moved, seconded by Georgiana Halverson, to affirm all motions made and votes taken in closed session. Motion carried unanimously.

*(Be advised that any recusals or abstentions reflected in the closed session motions stand for the purposes of the affirmation vote.)*

**ADJOURNMENT**

**MOTION:** Vicky McNally moved, seconded by Ann Hoepner, to adjourn the meeting. Motion carried unanimously.

The meeting adjourned at 11:59 a.m.

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

**AGENDA REQUEST FORM**

<b>1) Name and title of person submitting the request:</b> Kevyn Radcliffe Administrative Rule Coordinator		<b>2) Date when request submitted:</b> October 21, 2020 <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>	
<b>3) Name of Board, Committee, Council, Sections:</b> Cosmetology Examining Board			
<b>4) Meeting Date:</b> November 2, 2020	<b>5) Attachments:</b> <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No	<b>6) How should the item be titled on the agenda page?</b> Administrative Rule Matters – Discussion and Consideration 1. Update on Final Rule Draft: Cos 1-11, Relating to cosmetology licensure and practice outside of a licensed establishment 2. Update on Scope: Cos 2, 3, 5, and 8, Relating to scope of practice, mobile establishments, and distance learning 3. Administrative Rules Reporting Requirements under 2017 Wisconsin Act 108 4. Pending and Possible Rulemaking Projects	
<b>7) Place Item in:</b> <input checked="" type="checkbox"/> Open Session <input type="checkbox"/> Closed Session	<b>8) Is an appearance before the Board being scheduled?</b> <i>(If yes, please complete <a href="#">Appearance Request</a> for Non-DSPS Staff)</i> <input type="checkbox"/> Yes <input type="checkbox"/> No	<b>9) Name of Case Advisor(s), if required:</b>	
<b>10) Describe the issue and action that should be addressed:</b>			
<b>11) Authorization</b>			
Signature of person making this request <i>Kevyn Radcliffe</i>		Date <i>October 21, 2020</i>	
Supervisor (if required)		Date	
Executive Director signature (indicates approval to add post agenda deadline item to agenda)    Date			
<b>Directions for including supporting documents:</b> 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.			

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



**2017 Wisconsin Act 108 created the following reporting requirement:**

**227.29 Agency review of rules and enactments. (1)** By March 31 of each odd-numbered year, each agency with any rules published in the code shall submit a report to the joint committee for review of administrative rules listing all of the following rules promulgated or otherwise administered by that agency:

(a) Unauthorized rules, as defined in s. 227.26 (4) (a), together with a description of the legislation that eliminated the agency's authority to promulgate any such rule.

(b) Rules for which the authority to promulgate has been restricted, together with a description of the legislation that restricted that authority.

(c) Rules that are obsolete or that have been rendered unnecessary, together with a description of why those rules are obsolete or have been rendered unnecessary.

(d) Rules that are duplicative of, superseded by, or in conflict with another rule, a state statute, a federal statute or regulation, or a ruling of a court of competent jurisdiction, together with a citation to or the text of any such statute, regulation, or ruling.

(e) Rules that the agency determines are economically burdensome.

**(2)** The report under sub. (1) shall also include all of the following:

(a) A description of the agency's actions, if any, to address each rule listed in the report. If the agency has not taken any action to address a rule listed in the report, the agency shall include an explanation for not taking action.

(b) A description of the status of each rule listed in the previous year's report not otherwise listed.

(c) If the agency determines that there is no rule as described under sub. (1) (a), (b), (c), (d), or (e), a statement of that determination.

**(3)** If an agency identifies an unauthorized rule under sub. (1) (a) and is not otherwise in the process of promulgating a rule that repeals the unauthorized rule, the agency shall, within 30 days after the agency submits the report, submit a petition to the legislative council staff under s. 227.26 (4) (b) 1. to repeal the unauthorized rule if the agency has not previously done so.

Vicky L. McNally  
Chairperson

**COSMETOLOGY  
EXAMINING BOARD**



4822 Madison Yards Way  
PO Box 8366  
Madison WI 53708-8366

Email: [dsp@wisconsin.gov](mailto:dsp@wisconsin.gov)  
Voice: 608-266-2112  
FAX: 608-251-3032

March 19, 2019

Senator Stephen Nass, Senate Co-Chairperson  
Joint Committee for Review of Administrative Rules  
Room 10 South, State Capitol  
Madison, WI 53702

Representative Joan Ballweg, Assembly Co-Chairperson  
Joint Committee for Review of Administrative Rules  
Room 210 North, State Capitol  
Madison, WI 53702

RE: Report Submitted in Compliance with s. 227.29 (1), Stats.

Dear Senator Nass and Representative Ballweg:

This report has been prepared and submitted in compliance with s. 227.29 (1), Stats.

**I. Unauthorized rules, as defined in s. 227.26 (4) (a), Stats.:**

Rules	Description of the legislation that eliminated the authority	Action taken to address or reason for not taking an action
ss. Cos 9.01 (3) and Cos 9.02, and ch. Cos 11	2017 Act 81 repealed the authority to require continuing education for renewal.	The Adoption Order for <a href="#">CHR 18-031</a> , which repeals s. Cos 9.01 (3), amends s. 9.02, and repeals ch. Cos 11 is pending Board approval.

**II. Rules for which the authority to promulgate has been restricted:**

Rule	Description of the legislation that restricted the authority	Action taken to address or reason for not taking an action
ss. Cos 2.045 (1) and Cos 3.01	2017 Act 82 permits the practice outside of a licensed establishment, and requires the Board to promulgate rules in accordance with the statutory change.	In light of both 2017 Acts 81 and 82, <a href="#">SS 022-18</a> was filed to further amend chapters 1 through 11 to ensure compliance and consistency. The Board is presently drafting the rule.

s. Cos 8.02 (1) and (4)	2017 Act 81 amended the requirements for reciprocal licensure.	In light of both 2017 Acts 81 and 82, <u>SS 022-18</u> was filed to further amend chapters 1 through 11 to ensure compliance and consistency. The Board is presently drafting the rule.
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**III. Rules that are obsolete or that have been rendered unnecessary:**

Rule	Description of why the rule is obsolete or has been rendered unnecessary.	Action taken to address or reason for not taking an action
Cos 10, Appendix I – Citation	The Department has relocated to a new office building, and the address needs to be updated.	In light of both 2017 Acts 81 and 82, <u>SS 022-18</u> was filed to further amend chapters 1 through 11 to ensure compliance and consistency. The Board is presently drafting the rule.

**IV. Rules that are duplicative or, superseded by, or in conflict with another rule, a state statute, a federal statute or regulation, or a ruling of a court of competent jurisdiction:**

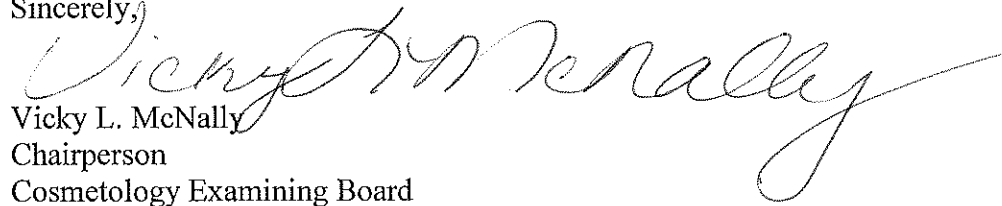
After careful review of the agency’s administrative rules, the agency has determined that no promulgated rules are duplicative or, superseded by, or in conflict with another rule, a state statute, a federal statute or regulation, or a ruling of a court of competent jurisdiction.

**V. Rules that are economically burdensome:**

After careful review of the agency’s administrative rules, the agency has determined that no promulgated rules are economically burdensome.

Thank you.

Sincerely,



Vicky L. McNally  
 Chairperson  
 Cosmetology Examining Board