



---

**COSMETOLOGY EXAMINING BOARD  
TELECONFERENCE/VIRTUAL MEETING  
Room 121A, 1400 East Washington Avenue, Madison  
Contact: Brittany Lewin (608) 266-2112  
March 24, 2017**

*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**

**8:00 AM**

**OPEN SESSION – CALL TO ORDER – ROLL CALL**

- A. Adoption of Agenda (1)**
- B. Approval of Minutes – February 6, 2017 (2-6)**
- C. Administrative Matters**
  - 1. Board and Staff Updates
- D. Legislative and Administrative Rule Matters – Discussion and Consideration (7)**
  - 1. Legislative Liaison Update
  - 2. 2017 Senate Bill 108
  - 3. 2017 Senate Bill 109
  - 4. Update on Legislation and Pending and Possible Rulemaking Projects
- E. Credentialing Matters – Discussion and Consideration**
- F. Informational Items**
- G. Public Comments**

**ADJOURNMENT**

**NEXT MEETING: APRIL 24, 2017**

**COSMETOLOGY EXAMINING BOARD  
MEETING MINUTES  
February 6, 2017**

**PRESENT:** Kristin Allison (*via GoToMeeting*), Vicky McNally, Lori Paul, Gail Sengbusch (*via GoToMeeting*), Denise Trokan

**EXCUSED:** Suresh Misra

**STAFF:** Brittany Lewin, Executive Director; Kimberly Wood, Program Assistant Supervisor; and other department staff.

**CALL TO ORDER**

Vicky McNally, Chair, called the meeting to order at 9:31 a.m. A quorum of five (5) members was confirmed.

**ADOPTION OF AGENDA**

**MOTION:** Lori Paul moved, seconded by Denise Trokan, to adopt the agenda as published. Motion carried unanimously.

**APPROVAL OF MINUTES**

**MOTION:** Gail Sengbusch moved, seconded by Denise Trokan, to approve the minutes of November 16, 2016 as published. Motion carried unanimously.

**ADMINISTRATIVE MATTERS**

**Election of Officers**

**BOARD CHAIR**

**NOMINATION:** Kristin Allison nominated Vicky McNally for the Office of Board Chair.

Brittany Lewin called for nominations three (3) times.

Vicky McNally was elected as Chair by unanimous consent.

**VICE CHAIR**

**NOMINATION:** Gail Sengbusch nominated Kristin Allison for the Office of Vice Chair.

Brittany Lewin called for nominations three (3) times.

Kristin Allison was elected as Vice Chair by unanimous consent.

**SECRETARY**

**NOMINATION:** Lori Paul nominated Gail Sengbusch for the Office of Secretary.

Brittany Lewin called for nominations three (3) times.

Gail Sengbusch was elected as Secretary by unanimous consent.

<b>2017 ELECTION RESULTS</b>	
<b>Board Chair</b>	Vicky McNally
<b>Vice Chair</b>	Kristin Allison
<b>Secretary</b>	Gail Sengbusch

### **LIAISON APPOINTMENTS**

<b>2017 LIAISON APPOINTMENTS</b>	
<b>Credentialing Liaisons</b>	Kristin Allison Alternate – Gail Sengbusch
<b>Monitoring and Professional Assistance Procedure (PAP) Liaison</b>	Gail Sengbusch Alternate – Denise Trokan
<b>Office of Education and Examinations Liaison</b>	Vicky McNally Alternate – Lori Paul
<b>Screening Panel</b>	Vicky McNally, Gail Sengbusch
<b>Legislative Liaison</b>	Vicky McNally Alternate – Lori Paul
<b>Travel Liaison</b>	Vicky McNally Alternate – Kristin Allison

**MOTION:** Lori Paul moved, seconded by Denise Trokan, to affirm the Chair’s appointment of liaisons for 2017. Motion carried unanimously.

### **DELEGATION MOTIONS**

#### ***Delegated Authority for Urgent Matters***

**MOTION:** Vicky McNally moved, seconded by Lori Paul, that, in order to facilitate the completion of assignments between meetings, the Board delegates its authority by order of succession to the Chair, highest ranking officer, or longest serving member of the Board, to appoint liaisons to the Department to act in urgent matters, make appointments to vacant liaison, panel and committee positions, and to act when knowledge or experience in the profession is required to carry out the duties of the Board in accordance with the law. Motion carried unanimously.

#### ***Delegated Authority for Application Denial Reviews***

**MOTION:** Vicky McNally moved, seconded by Denise Trokan, that the Board counsel or another department attorney is formally authorized to serve as the Board's designee for purposes of Wis. Admin Code § SPS 1.08(1). Motion carried unanimously.

#### ***Document Signature Delegation***

**MOTION:** Lori Paul moved, seconded by Gail Sengbusch, to delegate authority to the Chair or chief presiding officer, or longest serving member of the Board, by order of succession, to sign documents on behalf of the Board. In order to carry out duties of the Board, the Chair, chief presiding officer, or longest serving member of the Board, has the ability to delegate this signature authority for purposes of facilitating the completion of assignments during or between meetings. The Chair, chief presiding officer, or longest serving member of the Board delegates the authority to Executive Director or designee to sign the name of any Board member on documents as necessary and appropriate. Motion carried unanimously.

#### ***Credentialing Authority Delegations***

**MOTION:** Denise Trokan moved, seconded by Vicky McNally, to delegate authority to the Credentialing Liaisons to make all credentialing decisions. Motion carried unanimously.

**MOTION:** Gail Sengbusch moved, seconded by Denise Trokan, to authorize and delegate to DSPS Attorneys and paralegals to make decisions regarding conviction review approving credentials according to Wis. Stats. §454.06. All potential denials will be reviewed by the Credentialing Liaison. Motion carried unanimously.

#### ***Monitoring Delegations***

**MOTION:** Kristin Allison moved, seconded by Gail Sengbusch, to adopt the 'Roles and Authorities Delegated to the Monitoring Liaison and Department Monitor; document as presented. Motion carried unanimously.

#### ***Travel Delegation***

**MOTION:** Lori Paul moved, seconded by Gail Sengbusch, to delegate authority to approve any Board Member travel to the Travel Liaison. Motion carried unanimously.

#### ***Legislative Liaison Delegation***

**MOTION:** Denise Trokan moved, seconded by Kristin Allison, to delegate authority to the Legislative Liaison to speak on behalf of the Board regarding any legislation regarding cosmetology that is drafted or introduced during the 2017 – 2019 Legislative Session. Motion carried unanimously.

## CLOSED SESSION

**MOTION:** Lori Paul moved, seconded by Kristin Allison, 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 Chair 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; Lori Paul – yes; Gail Sengbusch – yes; Denise Trokan - yes. Motion carried unanimously.

The Board convened into closed session at 10:16 a.m.

## RECONVENE TO OPEN SESSION

**MOTION:** Kristin Allison moved, seconded by Lori Paul, to reconvene into open session. Motion carried unanimously.

The Board reconvened into open session at 10:24 a.m.

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

**MOTION:** Vicky McNally moved, seconded by Denise Trokan, to affirm all motions made and votes taken in closed session. Motion carried unanimously.

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

### Proposed Stipulations, Final Decisions and Orders

#### *15 BAC 087 – Wonder Nails*

**MOTION:** Vicky McNally moved, seconded by Lori Paul, to accept the Findings of Fact, Conclusions of Law and Order in the matter of disciplinary proceedings against Wonder Nails, DLSC Case No. 15 BAC 087. Motion carried unanimously.

## CASE CLOSINGS

**MOTION:** Kristin Allison moved, seconded by Denise Trokan, to close the following cases according to the recommendations by the Division of Legal Services and Compliance:

1. 15 BAC 048 (Z.G.) **Insufficient Evidence (IE)**
2. 15 BAC 049 (N.T.T.L.) **Insufficient Evidence (IE)**
3. 15 BAC 050 (A.K.T.) **Insufficient Evidence (IE)**
4. 15 BAC 087 (D.N. & K.B.) **Prosecutorial Discretion (P7)**

5. 15 BAC 087 (C.N., B.B.D., W.N.#3493-71, USA N., H.V., V.N.&S., V.N., M.N.) **No Violation**
  6. 15 BAC 087 (A.P.) **Lack of Jurisdiction (L2)**
  7. 15 BAC 112 (S.N.) **Prosecutorial Discretion (P3)**
  8. 15 BAC 117 (U.H.I.) **Prosecutorial Discretion (P2)**
  9. 15 BAC 121 (W.H., J.F.L., V.L.) **Prosecutorial Discretion (P2)**
  10. 16 BAC 025 (N.&S., A.H.) **Prosecutorial Discretion (P2)**
  11. 16 BAC 034 (N.D.) **Prosecutorial Discretion (P2)**
  12. 16 BAC 051 (A.H.S., T.C., J.K.) **No Violation**
- Motion carried unanimously.

**PROPOSED FINAL DECISION AND ORDER – IN THE MATTER OF THE  
DISCIPLINARY PROCEEDINGS AGAINST HANH PHAM, RESPONDENT, DHA CASE  
NO. SPS-16-0058/DLSC CASE NO. 15 BAC 058**

**MOTION:** Vicky McNally moved, seconded by Denise Trokan, to delegate to Michael J. Berndt, Department Chief Legal Counsel, the Board's authority to preside over and resolve In the Matter of the Disciplinary Proceedings Against Hanh Pham, Respondents, DHA Case No. SPS-16-0058 DLSC Case No. 15 BAC 058. Motion carried unanimously.

*(Lori Paul recused herself and left the room for deliberation, and voting in the matter of disciplinary proceedings against Hanh Pham, Respondent, DHA Case No. SPS-16-0058/DLSC Case No. 15 BAC 058.)*

**ADJOURNMENT**

**MOTION:** Lori Paul moved, seconded by Denise Trokan, to adjourn the meeting. Motion carried unanimously.

The meeting adjourned at 10:26 a.m.

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

**AGENDA REQUEST FORM**

1) Name and Title of Person Submitting the Request: <b>Brittany Lewin, Executive Director</b>		2) Date When Request Submitted:	
		Items will be considered late if submitted after 4:30 p.m. and less than: <ul style="list-style-type: none"> <li>▪ 10 work days before the meeting for Medical Board</li> <li>▪ 08 work days before the meeting for all others</li> </ul>	
3) Name of Board, Committee, Council, Sections: Cosmetology Examining Board			
4) Meeting Date:  <b>03/24/17</b>	5) Attachments: <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No	6) How should the item be titled on the agenda page? <b>Legislative and Administrative Rule Matters – Discussion and Consideration</b>	
7) Place Item in: <input checked="" type="checkbox"/> Open Session <input type="checkbox"/> Closed Session <input type="checkbox"/> Both	8) Is an appearance before the Board being scheduled? If yes, who is appearing? <input type="checkbox"/> Yes by _____ (name) <input checked="" type="checkbox"/> No	9) Name of Case Advisor(s), if required:	
10) Describe the issue and action that should be addressed:  The Board will be discussing recently introduced legislation linked below:  2017 Senate Bill 108: <a href="http://docs.legis.wisconsin.gov/2017/related/proposals/sb108.pdf">http://docs.legis.wisconsin.gov/2017/related/proposals/sb108.pdf</a>  2017 Senate Bill 109: <a href="http://docs.legis.wisconsin.gov/2017/related/proposals/sb109.pdf">http://docs.legis.wisconsin.gov/2017/related/proposals/sb109.pdf</a>			
11) <span style="float: right;">Authorization</span> <b>Brittany Lewin</b> <hr/> Signature of person making this request <span style="float: right;">Date</span>  <hr/> Supervisor (if required) <span style="float: right;">Date</span>  <hr/> Bureau Director signature (indicates approval to add post agenda deadline item to agenda) <span style="float: right;">Date</span>			
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 Board Services Bureau Director. 3. If necessary, Provide original documents needing Board Chairperson signature to the Bureau Assistant prior to the start of a meeting.			