

## Board Meeting Minutes January 8, 2024

The Kansas Board of Cosmetology held a teleconference Board meeting on Monday, January 8, 2024, at 9:30 a.m. The Board Secretary recorded the minutes.

### **Board Members Present:**

David Yocum, Chair  
Nichole Hines, Vice Chair  
Christine Burgardt, Member  
Kimberley Mancuso, Member  
Dave Tucker, Member  
Kelly Robbins, Member  
Mary Blubaugh, Member

### **Staff Present:**

Benjamin Foster, Executive Director  
Jesse Adams, Assistant Director  
Alexis Henderson, Compliance Director  
Angela Stockdale, Board Secretary

### **Members of the Public:**

### **Board Legal Counsel Present:**

Jay Rodriguez, General Counsel

### **Public Comment**

No public comment.

### **Call to Order / Approval of Agenda** (Additions/Deletions/Changes)

David Yocum, Board Chair, called the meeting to Order at 9:32am

Mr. Tucker requested the following addition to the agenda: Body Art Written Practical. Motion and second to approve the agenda with additions made by Burgardt and Mancuso, respectively. Motion carried.

### **Approval of Minutes**

Motion to approve minutes for November 13, 2023, made by Burgardt and Mancuso, respectively. Motion carried.

### **Premier Academy of Cosmetology and Esthetics**

Angela Stockdale, Board Secretary, requested the Board approve the new school application for compliance inspection.

Motion and second to approve made by Burgardt and Tucker, respectively. Motion carried.

### **Board Elections**

#### **Chair and Vice Chair**

Christine Burgardt and Kimberley Mancuso, Board Members, nominated David Yocum for Board Chair.

Christine Burgardt, Board Member, nominated Mary Blubaugh for Vice Chair.

Kimberley Mancuso, Board Member, nominated Nichole Hines for Vice Chair.

Mary Blubaugh, Board Member, declined her nomination for Vice Chair.

A voice vote was held to approve nominations and carried.

### **Subcommittees**

#### Employee of the Quarter

Kimberley Mancuso  
Kelly Robbins  
Staff – Jesse Adams

#### Licensing Standards

Christine Burgardt  
Mary Blubaugh  
Nichole Hines

#### Felony Advisory Opinion

Kimberley Mancuso

#### Disciplinary Panel

Dave Tucker  
Kimberley Mancuso  
David Yocum

#### Exam Review

Christine Burgardt  
Dave Tucker  
Alternate – Kimberley Mancuso  
Alternate – Kelly Robbins

#### Cosmetology Curriculum

Nichole Hines  
Christine Burgardt  
Mary Blubaugh  
David Yocum  
Staff – Ben Foster  
Staff – Alexis Henderson

#### Body Art Statutes & Regulations

Christine Burgardt  
Dave Tucker  
Alternate – Kelly Robbins

#### Legislative Response

David Yocum  
Nichole Hines  
Mary Blubaugh  
Kelly Robbins  
Staff – Ben Foster

Motion and second to approve subcommittee assignments made by Mancuso and Burgardt, respectively.  
Motion carried.

### **Annual Motions**

#### **Motion #1**

I move that, pursuant to K.S.A. 2018 Supp. 77-529 of the Kansas Administrative Procedure Act, the Board designate and delegate to the Chairperson and/or the Vice Chairperson its authority as agency head to review, decide, and issue any orders concerning petitions for reconsideration and motions for stay filed with the Board and taking any other action related thereto until further action by the Board.

Motion and second to approve Motion #1 made by Burgardt and Robbins, respectively. Motion carried.

**Motion #2**

I move that the Executive Director shall sign any pleadings on behalf of the Board as directed by the agency head or presiding officer.

Motion and second to approve Motion #2 made by Blubaugh and Burgardt, respectively. Motion carried.

**Motion #3**

I move that the Board designate and delegate to the Board Chairperson the Board's authority to act as Presiding Officer pursuant to K.S.A. 2018 Supp. 77-514(g) and 77-551(a) and (c) and amendments thereto, of the Kansas Administrative Procedures Act, to conduct emergency proceedings and issue an order as required by K.S.A. 2018 Supp. 77-536 on all matters that are being or have been investigated for any alleged violation of or compliance with the Kansas Cosmetology, Tanning, Body Arts Acts or regulations adopted thereunder, unless the Chairperson determines the emergency proceeding should be conducted and decided by the Disciplinary Committee.

Motion and second to approve Motion #3 made by Mancuso and Hines, respectively. Motion carried.

**Motion #4**

Subject to motion number 3 regarding delegation to the Board Chairperson, I move that if the Chairperson is not available to act as described in motion number 3, the Vice Chairperson of the Board is so designated and delegated to act as described in motion number #3.

Motion and second to approve Motion #4 made by Blubaugh and Burgardt, respectively. Motion carried.

**Motion #5**

Subject to motion number 3 regarding delegation of emergency proceedings, I move that the Board designate and delegate to the Chairperson the authority to select members to: (1) Conduct hearings, enter into settlements, issue decisions, and assess fines regarding an allegation that a person granted a license to practice cosmetology, tanning, or body arts has a violated or not complied with the Kansas Cosmetology, Tanning, Body Arts Acts and or regulations adopted thereunder: (2) Act as Presiding Officer pursuant to K.S.A. 2018 Supp. 77-514(g) and 77-551(a) and (c) and amendments thereto, of the Kansas Administrative Procedures Act, to review, decide and issue any orders on all matters in cases that have been investigated for any alleged violation of or compliance with the Kansas Cosmetology, Tanning, Body Arts Acts or regulations adopted thereunder.

Motion and second to approve Motion #5 made by Burgardt and Mancuso, respectively. Motion carried.

**Motion #6**

I move that the Board designate and delegate to the Chairperson or the Executive Director its authority to provide testimony to the Legislature or answers to Legislators or Legislative Committees, during the 2024 Legislative Session, on policies that have been decided by the Kansas Board of Cosmetology. Further, I move that the Chairperson and Executive Director is required to notify and report to the Board the testimony or answers that were provided at the next meeting.

Motion and second to approve Motion #6 made by Burgardt and Robbins, respectively. Motion carried.

**Motion #7**

I move that the Board designate and delegate to the Chairperson, or the Vice Chairperson in the absence of the Chairperson, its authority to provide testimony or answers to Legislators or Legislative Committees, during the 2024 Legislative Session, on policies that have not been finally determined by the Board but requires an immediate response by the Board to the requestor. Any testimony or answers to Legislators or Legislative Committees from the Chairperson, or the Vice Chairperson as the case may be,

may be conveyed to the requestor through the Executive Director. Further, I move that the Chairperson, or the Vice Chairperson as the case may be, is required to notify and report to the Board the testimony or answers that were provided at the next meeting. If the Board approves of the testimony or answers provided, the Chairperson, or the Vice Chairperson shall obtain ratification by the Board. If the Board disapproves of the testimony or answers provided, the Chairperson, or the Vice Chairperson shall immediately withdraw the prior testimony or answers and shall immediately provide the requestor with the Board's approved policy.

Motion and second to approve Motion #7 made by Burgardt and Robbins, respectively. Motion carried.

### **Motion #8**

I move to authorize the Executive Director of the Kansas Board of Cosmetology or the Board Chair to take action on emergent requests of the Board in the event of any disaster emergency declared by the Governor pursuant to K.S.A. 48-924 or K.S.A. 48-924b in which the Board is unable to meet. A full report of all actions taken by the Chair, or the Executive Director must be provided the Board immediately upon meeting again.

Motion and second to approve Motion #8 made by Burgardt and Robbins, respectively. Motion carried.

### **Tattoo Inquiry & Executive Session**

Dave Tucker, Board Member, made the following motion, "Pursuant to K.S.A. 75-4319(b)(2), I move that the Board recess into executive session for consultation with our legal counsel, Jay Rodriguez, Assistant Attorney General, which is privileged due to an attorney-client relationship. In addition, I move that Ben Foster, Executive Director, Angela Stockdale, Board Secretary, Jesse Adams, Assistant Director, and Alexis Henderson, Compliance Director, who are part of the client circle, be present in the executive session to aid the Board in their discussions. The Board will reconvene the open meeting at 10:35 a.m. via video conference and telephone conference call at the link provided." The motion was seconded by Christine Burgardt, Board Member. Motion carried.

### **Call to Order**

Mr. Yocum called the meeting back to order at 10:37 a.m. and confirmed all members present by roll call.

### **Big Picture Proposal and Maintenance Contract**

Ben Foster, Executive Director, requested the Board review and discuss the proposal.

The Board chair requested the item be tabled for further discussion at the February 2024 meeting.

### **Body Art Written Practical**

Mr. Tucker requested an update on this proposed regulation. Mr. Yocum requested staff schedule a meeting for regulation review.

### **Legislative Updates**

Alexis Henderson, Compliance Director, provided the Board with updates regarding the Cosmetology Curriculum regulation process.

### **Director's Report**

Mr. Foster provided the Board with an overview of agenda items and assignments currently in progress at the Board office.

The Board was notified that Ashley Rangel, Board Member, has officially resigned her appointment to the Board.

**Ergometrics Reports: October 2023 & November 2023**

For Informational Purposes Only.

**KBOC Cash Balance Reports: October 2023 & November 2023**

For Informational Purposes Only.

**Adjournment**

Motion and second to adjourn the meeting at 11:20 a.m. made by Burgardt and Tucker, respectively.

Motion carried.