

Board Meeting Minutes January 9, 2023

The Kansas Board of Cosmetology held a videoconference and teleconference Board meeting on Monday, January 9, 2023, at 9:30 a.m. The Board Secretary recorded the minutes.

Board Members Present:

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

Members of the Public:

Staff Present:

Laura Gloeckner, Executive Director
Aubrie Pryer, Assistant Director
Alexis Henderson, Compliance Director
Angela Stockdale, Board Secretary

Board Legal Counsel Present:

Jane Weiler, Litigation Counsel
Charles Macheers, 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 9:30am

Motion and second to approve the agenda as written made by Mancuso and Rangel, respectively. Motion carried.

Approval of Minutes

Motion to approve minutes for December 12, 2022, made by Burgardt and Hines, respectively. Motion carried.

Board Elections

Christine Burgardt and Kelly Robbins, Board Members, nominated David Yocum for Board Chair.

Ashley Rangel and Kimberley Mancuso, Board Members, nominated Nichole Hines for Vice Chair.

A voice vote was held to approve nominations and carried.

Annual Motions

Motion #1

I move that, pursuant to K.S.A. 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 Mancuso, 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 Robbins and Blubaugh, 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. 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. 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 Blubaugh and Burgardt, 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 Hines and Blubaugh, 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. 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 Rangel and Burgardt, 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 2023 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 Tucker and Mancuso, 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 2023 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 Mancuso 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 Hines, respectively. Motion carried.

2022 Calendar Year Reporting

Angela Stockdale, Board Secretary, provided the Board with an overview of Compliance and Licensing statistics completed by KBOC Office Staff during the 2022 calendar year.

002-12 Proposed Policy Updates

Alexis Henderson, Compliance Director, requested the Board approve updates to the Disciplinary Action for Health/Sanitation Violations Policy 002-12 pertaining to conditioned licenses.

Motion and second to approve policy updates made by Mancuso and Burgardt, respectively. Motion carried.

Legislative Updates

Ms. Gloeckner provided the Board with updates regarding current legislation.

Director's Report

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

Ergometrics Reports: November 2022

For Informational Purposes Only.

KBOC Cash Balance Reports: November 2022

For Informational Purposes Only.

Adjournment

Motion and second to adjourn the meeting at 10:45 a.m. made by Mancuso and Rangel, respectively.

Motion passed by roll call vote.