

Board Meeting Minutes January 11, 2021

The Kansas Board of Cosmetology held a videoconference and teleconference Board meeting on Monday, January 11, 2021, 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
Dave Tucker, Member
Kelly Robbins, Member
Kimberley Mancuso, Member
Mary Blubaugh, Member

Staff Present:

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

Board Legal Counsel Present:

Fran Oleen, General Counsel
Jane Weiler, Litigation Counsel
Sarah Shipman, 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 9:40am

Dave Tucker, Board Member, requested the following additions to the agenda: Body Art Practical Exam and Body Art Temporary Permits.

Motion and second to approve the agenda with additions made by Tucker and Burgardt, respectively. Motion carried.

Approval of Minutes

Motion to approve minutes for December 14, 2020 made by Burgardt and Mancuso respectively. Motion carried.

Board Elections

Kimberley Mancuso, Board Member, nominated David Yocum for Board Chair.

Ashley Rangel, Board Member, nominated Nichole Hines for Vice Chair.

A roll call vote was held to approve nominations and passed by majority.

Authority to Delegate

Mr. Yocum presented the following annual delegation motions to the Board:

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 Blubaugh, 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 Rangel 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 Burgardt 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 Hines, 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 Hines, 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 2021 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 Rangel, 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 2021 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 Mancuso, respectively. Motion carried.

Laura Gloeckner, Executive Director, requested an additional motion be drafted to address emergency authorizations. Mr. Yocum requested the item be tabled for the February 08, 2021 meeting.

The Board welcomed Fran Oleen, as General Counsel from the Kansas Attorney General's office. The Board members welcomed and introduced themselves to Ms. Oleen.

KDHE Hair Braiding Brochure

Ms. Gloeckner requested the Board's approval of the provided brochure to present to KDHE.

Motion and second to approve the KDHE Hair Braiding Brochure as presented made by Rangel and Mancuso, respectively. Motion carried.

Director's Report

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

Body Art Practical Exam

Mr. Tucker requested the Board discuss changing the Body Art Practical Exam to a Written Practical Exam.

Mr. Yocum requested the item be tabled for further discussion during the February 08, 2021 meeting.

Body Art Temporary Permit

Mr. Tucker requested an explanation of the time allowed for exams on a Body Art Temporary Permit. Michaela Ewing, Licensing Director, provided an explanation that permits are currently issued based on scheduled exam dates.

The Board discussed possible solutions for keeping Body Art Temporary Permits active during the time applicants are waiting for available exam times.

Executive Session

Christine Burgardt, Board Member, made the following motion, “In order to protect a matter protected by the attorney-client privilege pursuant to K.S.A. 75-4319(b)(2), I move that the Board recess into executive session for consultation with our legal counsel, Fran Oleen, Assistant Attorney General, and litigation counsel, Jane Weiler, Assistant Attorney General, to seek legal advice on Shawnee County District Court Case No. 20-CV-0595. In addition, I move that Laura Gloeckner, Executive Director, Angela Stockdale Board Secretary, and Aubrie Pryer, Assistant 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 10:55 a.m. via video conference and telephone conference call.” The motion was seconded by Dave Tucker, Board Member, and was carried unanimously.

Call to Order

Mr. Yocum called the meeting back to order at 10:55 a.m. Mr. Yocum confirmed all parties present by roll call.

Ergometrics Reports: November 2020

For Informational Purposes Only.

KBOC Cash Balance Reports: November 2020

For Informational Purposes Only.

Adjournment

Motion and second to adjourn the meeting at 10:59 a.m. made by Robbins and Rangel, respectively. Motion carried.