

Minnesota Attorney General: Administrative Rules Proceedings

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Version 3
August 20, 2018

Our File # 600

Permanent Rule X

Temporary Rule _____

RULES REVIEW CHECKLIST

DATE RULES RECEIVED 5/9 DUE DATE 5/29-7/24

Resubmitted and Received 7/14 - 7

a. Returned to Agency w/o Filing w/Secretary of State _____
b. Approved _____ Date Sent Back to Agency 5/27

- -

1. Rules as Adopted ✓
2. Rules as Proposed ✓
3. Certificate of Board's Authorizing Resolution, where applicable ✓
4. Order for Hearing ✓
5. Notice of Hearing ✓ 2.8.80
   Sufficiency ✓
6. Secretary of State's List ✓ (one copy only)
7. Certificate of Acquisition of Secretary of State's List ✓
8. Secretary of State's Certification of Delivery of Secretary of State's List to Agency not submitted but there is copy of list for our file
9. Affidavit of Mailing ✓
   At least 30 days prior to hearing ✓
10. Publication in State Register ✓ copy not submitted but see HE report, page 2.
    At least 30 days prior to hearing ✓
11. Statement of Need and Evidence ✓
12. Hearing Examiner's Report ✓
13. Agency's Findings of Fact ✓ incorporated in #15 - Order Adopting
14. Certificate of Board's Resolution Adopting Rules, where applicable ✓
15. Order Adopting ✓
16. Report of Chief Hearing Examiner ✓
17. Order Approving Incorporation by Reference, where applicable N/A
18. Certificate of Compliance with Rulemaking Procedures ✓
19. Copy of Notice of Intent to Solicit Outside Opinion, where applicable N/A
20. Petition by Public, where applicable N/A

STATE OF MINNESOTA
DEPARTMENT OF COMMERCE
BOARD OF COSMETOLOGY

In the Matter of the Proposed Rules Relating to Continuing Education for Licensed Instructors	CERTIFICATE OF BOARD'S ADOPTION OF RULES AND RESOLUTION

I, Mary Lou Sinnen do hereby certify that I am Secretary of the Minnesota State Board of Cosmetology, a Board duly authorized under the laws of the State of Minnesota, and that the following is a true, complete and correct copy of a resolution adopted at a meeting of the Board of Cosmetology duly and properly called and held on the 30th day of June, 1980; that a quorum was present at said meeting; that a majority of those present voted for the resolution; that said resolution is set forth in the minutes of said meeting and has not been rescinded or modified:

Resolved that the previously adopted rules relating to continuing education for licensed instructors are hereby withdrawn, and that the proposed rules are hereby approved and adopted as amended according to the recommendations of the Attorney General of May 27, 1980 and the Report of the Hearing Examiner dated March 17, 1980, which are hereby also adopted as this Board's Findings of Fact in this matter, pursuant to the authority vested in us by Minn. Stat. §§ 214.12 and 155.06, subd. 2 (1978); and that Cynthia DeSonpere, President of the Board of Cosmetology be and hereby is authorized to sign an Order adopting those rules.

Dated: June 30, 1980

Mary Lou Sinnen
MARY LOU SINNEN, Secretary
State Board of Cosmetology

ATTESTED TO BY: Cynthia DeSonpere
CYNTHIA DeSONPERE, President
State Board of Cosmetology

ADMIN 1000 (Rev. 1/78)
SF-00006-01

STATE OF MINNESOTA

Office Memorandum

DEPARTMENT ATTORNEY GENERAL - Bremer Tower

TO : JERRY S. ANDERSON
Special Assistant
Attorney General

DATE: July 11, 1980

FROM : GREGORY P. HUWE GPH
Special Assistant
Attorney General

PHONE: 9412

SUBJECT: Adopted Rules Relating to Continuing Education for Licensed Instructors - Your File #600

Enclosed herewith and submitted for your review are the originals and two copies of the following documents:

1. Order of Chief Hearing Examiner
2. Order Adopting Rules
3. Certificate of Board's Adoption of Rules and Resolution
4. Adopted Rules

The Adopted Rules incorporate the changes suggested in your memorandum of May 27, 1980 to Cynthia DeSonpere. There are no other substantive changes to the previous rules as adopted.

Please contact me if you have any questions.

GPH:sab
Encs.

RECEIVED
JUL 14 1980
ATTORNEY GENERAL
ADMINISTRATIVE AGENCIES

STATE OF MINNESOTA
OFFICE OF HEARING EXAMINERS

FOR THE STATE BOARD OF COSMETOLOGY

IN THE MATTER OF PROPOSED RULES)
RELATING TO CONTINUING EDUCATION)
FOR LICENSED SENIOR INSTRUCTORS)

ORDER OF THE
CHIEF HEARING EXAMINER

WHEREAS, the above-entitled rules were previously submitted to and reviewed by the Chief Hearing Examiner, following which an Order dated May 6, 1980, was issued; and

WHEREAS, after submitting the rules to the Attorney General for review as to form and legality, the rules were returned to the agency as having not been approved by memorandum dated May 27, 1980, wherein the Attorney General required that certain changes be made to the rules for purposes of form and legality; and

WHEREAS, on July 2, 1980, the Board of Cosmetology resubmitted the rules, with the changes as required by the Attorney General, to the Chief Hearing Examiner for review of those changes; and

WHEREAS, the Chief Hearing Examiner, having reviewed the changes, finds that the changes in the rules, after considering the elements contained in Rule 9 MCAR § 2.111, are not substantially different from the rules as proposed.

NOW, THEREFORE, upon receipt of this Order, the Board of Cosmetology has the responsibility of submitting the complete hearing record and the rules as adopted by the Board to the Attorney General, notifying all persons who requested to be informed that the hearing record has been submitted to the Attorney General, and publishing in the State Register, all pursuant to Minn. Stat. § 15.0412, subd. 4.

Dated this 8th day
of July, 1980.

DUANE R. HARVES
Chief Hearing Examiner

ADMIN 1000 (Rev. 1/78)
SF-00006-01

Our File #600

STATE OF [redacted]NESOTA

DEPARTMENT ATTORNEY GENERAL

Office Memorandum

TO : CYNTHIA DeSONPERE, President
State Board of Cosmotology

DATE: May 27, 1980

Attn: GREGORY HUWE

FROM : JERRY S. ANDERSON
Special Assistant
Attorney General

PHONE: 296-1288

SUBJECT: In the Matter of the Proposed Rules Relating to Continuing Education for Licensed Senior Instructors

The rules in the above-referenced matter have not been approved by this office and are being returned to you for the following reasons.

1. In a number of instances, set forth below, the rules apparently attempt to grant to the Board discretion in making a particular decision by stating that the Board "may" permit a course of action or grant a waiver. The use of such phraseology, however, suggests that in some instances the Board "may not" permit the act or grant the waiver, without stating the basis, in the rules, for a denial. This situation results in one in which the agency is permitted to act in an ad hoc manner without stated criteria for its decisions.

Pursuant to Minn. Stat. sec. 15.0411-.0412, every agency statement of general applicability and future effect is subject to the rulemaking procedure. Certainly, the criteria for an agency decision must be considered to fit the definition of a rule and therefore must be set forth in these rules. While this office understands the need for agency discretion, that discretion must come through the establishment, by rulemaking, of specified criteria for agency action, so that individuals faced with agency action may know the reasons on which the agency will make its decisions. Therefore, the following sections must be amended to provide for certainty of action based on stated criteria:

A. Section 10.0834 A, paragraph 2, provides that if an applicant is unable to demonstrate financial ability to sponsor a program, the Board "may" permit the sponsorship if the applicant agrees to escrow the tuition funds. If all such applicants agree to escrow the funds, is there any other reason why some of them might not receive approval? If there is, those reasons should be stated as criteria to be met; if not, the "may" in the phrase "the Board may permit the applicant" could be changed to a "shall."

B. Section 10.087 provides for the granting of waivers for fulfilling the continuing education requirements in cases involving physical disability or illness. While there are three instances of the use of the word "may" in this section, only the first is necessarily defective, as that sentence provides for the grant or denial of a waiver on an individual basis without any established criteria. Thus, disabled or ill individuals who make the proper application could be denied a waiver without knowing in what manner they failed to comply with Board requirements for a waiver. Criteria for distinguishing decisions must be developed or the sentence rewritten to provide for the waiver for all ill or disabled persons.

C. Section 10.088 again provides for a waiver of compliance with these rules without stating any criteria for the Board's decision to grant or deny a requested waiver. It would seem that if a licensee fits within this section and agrees with the requirement provided therein the waiver should be granted. If this is the intent of the rule, changing the "may" to "shall" would satisfy the concern of this office.

2. Section 10.081 F.: "neans" should be "means."

3. Section 10.089 B.1.: "Bboad" should be "Bboard."

4. Section 10.084 A. and B. contains a number of improper hypenations of "Bboard" at the end of lines. These should be corrected.

Upon consideration of the concerns raised in this memo and Board action, if any, these rules may be resubmitted to this office for approval. At the time of resubmittal to this office, please ensure that the original and at least two copies of the Order Adopting and the Rules as Adopted are submitted as they are required for filing with the Secretary of State.

Please be advised that the Chief Hearing Examiner requests that any changes other than those that are merely typographical or those that go only to form that are made subsequent to his review be resubmitted to that office. Therefore, this office suggests that you contact the Chief Hearing Examiner regarding any changes made pursuant to paragraph 1 above.

If you have any questions regarding the issues discussed herein, please do not hesitate to contact me.

JSA/bw
Encl.

~~OSR-100~~
Being sent Jues.
Dec. 18

STATE OF MINNESOTA
STATE BOARD OF COSMETOLOGY

IN THE MATTER OF PROPOSED RULES)
RELATING TO CONTINUING EDUCATION)
FOR LICENSED SENIOR INSTRUCTORS)

NOTICE OF HEARING

Notice is hereby given that a public hearing in the above-entitled matter will be held pursuant to Minn. Stat. § 15.0412, subd. 4 (1978) in the Hearing Room, Minnesota Department of Commerce, 500 Metro Square Building, Seventh and Robert Streets, St. Paul, Minnesota, on Friday, February 8, 1980, commencing at 9:30 a.m.

All interested or affected persons will have an opportunity to participate concerning the adoption of the proposed rules relating to continuing education for licensed senior instructors captioned above. Statements may be made orally and written material may be submitted at the hearing. In addition, whether or not an appearance is made at the hearing, written statements or material may be submitted by mail to Jon L. Lunde, Hearing Examiner, at Room 300, 1745 University Avenue, St. Paul, Minnesota 55104, telephone (612) 296-5938, either before the hearing or within five (5) working days after the close of the hearing. If ordered by the Hearing Examiner, the hearing record may remain open and such materials may be submitted for a period longer than five (5) working days but not exceeding twenty (20) calendar days after the close of the hearing. All such statements and materials will be entered into and become part of the record.

RECEIVED
DEC 31 1979
MINN. STATE BOARD
OF COSMETOLOGY

The proposed rules are subject to change as a result of the rule hearing process. The Cosmetology Board therefore strongly urges those who are potentially affected by these proposed rules to participate in the rule hearing process.

The proposed rules if adopted would require persons licensed as cosmetology senior instructors in the State of Minnesota to complete a minimum of fifteen continuing education hours approved by the Board during each license year. Copies of the proposed rules are now available and one free copy may be obtained by writing to the Minnesota State Board of Cosmetology, 500 Metro Square Building, Seventh and Robert Streets, St. Paul, Minnesota 55101. Additional copies will be available at the door on the date of the hearing.

Notice is hereby given that twenty-five (25) days prior to the hearing, a Statement of Need and Reasonableness will be available for review at the agency and at the Office of Hearing Examiners. This Statement of Need and Reasonableness will include a summary of all of the evidence which will be presented by the agency at the hearing justifying both the need for and the reasonableness of the proposed rule/rules. Copies of the Statement of Need and Reasonableness may be obtained from the Office of Hearing Examiners at a minimal charge. The statutory authority of the Board of Cosmetology to promulgate and adopt these rules is contained in Minn. Stat. § 214.12 (1978).

Any person may request notification of the date on which the Hearing Examiner's Report will be available, after which date the agency may not take any final action on the rules for a period of five (5) working days. Any person may request notification of the date on which the hearing record has been submitted (or resubmitted) to the Attorney General by the agency. If you desire to be so notified, you may so indicate at the hearing. After the hearing, you may request notification by sending a written request to the Hearing Examiner (in the case of the Hearing Examiner's Report) or to the agency (in the case of the Agency's submission or resubmission to the Attorney General).

The Board expects that 50 to 100 persons may attend the hearing and it estimates that two to three hours will be necessary for the Board to present its evidence at the hearing.

It is not anticipated that adoption of the proposed rules will result in the expenditure of public monies by local bodies.

In addition, please be advised that Minn. Stat. ch. 10A requires each lobbyist to register with the State Ethical Practices Board within five days after he commences lobbying. As defined by Minn. Stat. § 10A.01, subd. 11 "lobbyist" means any individual:

> (a) Engaged for pay or other consideration, or authorized by another individual or association to spend money, who spends more than five hours in any month or more than $250, not including his own travel expenses and membership dues, in any year, for the purpose of attempting to influence legislative or administrative action by communicating or urging others to communicate with public officials; or

(b) Who spends more than $250, not including his own traveling expenses and membership dues, in any year for the purpose of attempting to influence legislative or administrative action by communicating or urging others to communicate with public officials.

"Lobbyist" does not include any:

(a) Public official or employee of the state or any of its political subdivisions or public bodies acting in his official capacity;

(b) Party or his representative appearing in a proceeding before a state board, commission or agency of the executive branch unless the board, commission or agency is taking administrative action;

(c) Individual while engaged in selling goods or services to be paid for by public funds;

(d) News media or their employees or agents while engaged in the publishing or broadcasting of news items, editorial comments or paid advertisements which directly or indirectly urge official action;

(e) Paid expert witness whose testimony is requested by the body before which he is appearing, but only to the extent of preparing or delivering testimony; or

(f) Stockholder of a family farm corporation as defined in section 500.24, subdivision 1, who does not spend over $250, excluding his own travel expenses, in any year in communicating with public officials.

Questions concerning lobbyist registration should be directed to the State Ethical Practices Board, 41 State Office Building, St. Paul, Minnesota 55155, telephone (612) 296-5148.

Dated: Dec. 17, 1979

Ailie Norlin

AILIE NORLIN
Executive Secretary
Minnesota State Board of Cosmetology

STATE OF MINNESOTA
DEPARTMENT OF COMMERCE
BOARD OF COSMETOLOGY

In the Matter of the Proposed)
Rules Relating to Continuing)
Education for Licensed)
Instructors)

ORDER ADOPTING RULES

The above-entitled proposed rules were published in the State Register, Vol. 4, No. 26, pages 1066-1069, December 31, 1979 (4 S.R. 1066) pursuant to the authority vested in us by Minn. Stat. §§ 214.12 and 155.06, subd. 2 (1978). The proposed rules came on for hearing before Jon L. Lunde, duly appointed Hearing Examiner, on Friday, February 8, 1980, at 9:30 a.m. in the Large Hearing Room, Minnesota Department of Commerce, 500 Metro Square Building, 7th and Robert Streets, St. Paul, Minnesota 55101, after proper Notice of Hearing dated December 17, 1979 was served as required by Minn. Stat. § 15.0412 (1978) upon all persons, associations and other interested groups registered with the Secretary of State for that purpose.

After affording all interested persons an opportunity to present written and oral data, statements and arguments; having heard all of the testimony; having considered all of the evidence adduced; and upon the records, files and proceedings herein; upon applicable statutory standards or criteria; upon the Report of the Hearing Examiner dated March 17, 1980, and the recommendations of the Attorney General of May 27, 1980, which have been adopted by the Board of Cosmetology as its Findings of Fact herein; and having confirmed the need for the above-captioned rules and the reasonableness thereof;

NOW, THEREFORE, IT IS ORDERED that these rules identified as 5 MCAR §§ 10.081-10.090, attached hereto as "Exhibit A", are adopted this 25th day of June, 1980, pursuant to the authority vested in us by Minn. Stat. §§ 214.12 and 155.06, subd. 2 (1978)

Dated: June 30, 1980

STATE OF MINNESOTA
BOARD OF COSMETOLOGY

Cynthia DeSonpere

CYNTHIA DeSONPERE, President
State Board of Cosmetology

SBC-80-001-JL

STATE OF MINNESOTA
OFFICE OF HEARING EXAMINERS

FOR THE STATE BOARD OF COSMETOLOGY

In the Matter of Proposed Rules Relating to Continuing Education for Licensed Senior Instructors.

REPORT OF THE Hearing Examiner

The above-entitled matter came on for hearing before Jon L. Lunde, duly appointed Hearing Examiner, on Friday, February 8, 1980, at 9:30 a.m. in the Large Hearing Room, Minnesota Department of Commerce, 500 Metro Square Building, 7th and Robert Streets, St. Paul, Minnesota, 55101, pursuant to Notice of Hearing dated December 17, 1979.

Gregory P. Huwe, Special Assistant Attorney General, appeared as counsel on behalf of the Minnesota State Board of Cosmetology (hereinafter the "Board"). Cynthia DeSonpere, Mary Lou Sinnen, Dr. James Rehder, and Irene Pappas, members of the Board, and Ailie Norlin, Executive Secretary of the Board, were present at the hearing and responded to questions and statements made by the Public. Besides these Board representatives, 32 persons appeared at the hearing, 23 of whom signed the hearing register. Most of those persons signing the hearing register indicated that they represented beauty schools in the state. The hearing continued until all interested groups and persons had had an opportunity to be heard concerning the adoption of the proposed rules.

This was a rules hearing held pursuant to Minn. Stat. Ch. 15 to determine whether the rules proposed by the Board were authorized, necessary and reasonable and should be adopted.

Pursuant to Minn. Stat. § 15.0412, subd. 4 (1978), this Report shall be available for review to all affected individuals upon request for at least five working days. Thereafter, the Board shall, if it proposes to adopt the rules as originally proposed or amended, submit a copy of the Order Adopting Rules, a copy of any additional agency findings, a copy of the rules as originally proposed, and a copy of the rules as adopted to the Chief Hearing Examiner for review pursuant to Minn. Stat. § 15.052, subd. 4 (1978). The submission to the Chief Hearing Examiner shall precede review by the Attorney General. The Chief Hearing Examiner shall complete his review and submit his report to the Board on the issues of substantial changes in the rule and compliance with Minn. Stat. § 15.0412 (1978) within ten calendar days. The Board will be responsible for filing the rules with the Attorney General and for notifying persons who have indicated that they wish to be notified of such filing.

Based upon all the files, records and proceedings herein, the Examiner makes the following:

FINDINGS OF FACT

Procedural Requirements

1. On November 21, 1979, the Board filed the following documents with the Chief Hearing Examiner:

(a) A copy of the proposed rules.[1]
(b) The Order for Hearing proposed to be issued and a copy of the Board's authorizing resolution.
(c) The Notice of Hearing proposed to be issued.
(d) A Statement of the number of persons expected to attend the hearing and estimated length of the Agency's presentation.w

2. On Monday, December 31, 1979, a Notice of Hearing and a copy of the proposed rules were published at 4 State Register 1066-1069. Because the Notice erroneously stated that the hearing would be held on Monday, February 8, 1980, a correction was published on January 7, 1980, in 4 State Register 1114 correctly stating the hearing date as Friday, February 8, 1980.

3. On January 8, 1980, the Board mailed the Notice of Hearing to all persons and associations who had registered their names with the Secretary of State for the purpose of receiving such notice.

4. On January 14, 1980, 25 days before the scheduled hearing date, the Board filed the following documents:

(a) The Order for Hearing and authorizing resolution.
(b) The Notice of Hearing as mailed.
(c) The Affidavit of Receipt of the Secretary of State's list.
(d) The Affidavit of Mailing the Notice to all persons on the Secretary of State's list.
(e) The Secretary of State's list.
(f) The Statement of Need and Reasonableness.
(g) The names of Board members and personnel who will represent the Board at the hearing together with the names of any other witnesses solicited by it to appear on its behalf.

The Board did not publish a Notice of Intent to Solicit Outside Opinion in the State Register and no public comments were, therefore, submitted to the Hearing Examiner as a result of such a publication. In adopting its proposed rules, however, the Board did consult with its advisory committee.

The documents were available for inspection at the Office of Hearing Examiners from the date of filing to the date of the hearing.

5. The record remained open through February 18, 1980 for the receipt of written comments and statements, the period having been extended by order of the Hearing Examiner to ten calendar days following the hearing.

Statutory Authority

6. In the Notice of Hearing, the Board cited Minn. Stat. § 214.12 (1978) as its specific authority for the adoption of the rules it is proposing. That statute provides for the promulgation of continuing education rules. It reads as follows:

> "The health related and non-health related licensing boards may promulgate by rule requirements for renewal of licenses designed to promote the continuing professional competence of licensees. These requirements of continuing professional education or training shall be designed solely to improve professional skills and shall not exceed an average attendance requirement of 50 clock hours per year."

The Board does have additional rulemaking authority pursuant to Minn. Stat. § 155.06, subd. 2 (1978), which contains the Board's general source of

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[1] The copy of the rules as proposed by the Board which was mailed to interested persons and distributed at the hearing erroneously cited the rules involved at 5 MCAR § 10.80 to § 10.90 instead of citing them as 5 MCAR § 1.080 to § 1.090, and all internal references to the rules also failed to include a zero immediately following the decimal point of the various sections. This mistake did not appear in the rules as they were published in the State Register and this error did not affect anyone's understanding of the rules that were being considered and proposed.

authority to promulgate rules. It provides: "The board shall have power to formulate rules for the proper administration of its business." These provisions authorized the Board to adopt continuing education rules for licensed senior instructors.

Proposed Rules

7. The rules the Board proposes to adopt apply only to the 426 licensed senior instructors in the state of Minnesota. Licensed senior instructors are cosmetologists who have two years of practical experience or one year's experience as a junior instructor and who have passed a senior instructor's examination. Most licensed senior instructors are employed by the 39 approved beauty schools operating in the state and are responsible for preparing students for the basic cosmetology examination given by the Board. The rules were under consideration for approximately one year during which time the Board consulted with its advisory committee and other states who had enacted similar requirements of continuing education for cosmetologists. At this time, approximately 20 other states have similar requirements.

The proposed rules are divided into ten sections codified as 5 MCAR §§ 10.080 through 10.090 and are titled as follows: 10.081. Definitions; 10.082. Continuing Education Requirements; 10.083. Standards for Approval; 10.084. Approval of Sponsors, Programs, and Activities; 10.085. Hearings; 10.086. Attendance Record Report; 10.087. Physical Disability or Illness; 10.088. Exemptions for Inactive Practitioners; 10.089. Reinstatement of Inactive Practitioners; 10.090. Penalties.

8. Proposed § 10.081 defines six terms used throughout the Board's proposed rules. "Board" is defined as the Minnesota State Board of Cosmetology. "Licensee" is limited to those persons licensed by the Board as senior instructors in cosmetology. Of the approximately 27,000 cosmetologists licensed by the Board in the state, only 427 are presently licensed as senior instructors. The proposed rules would not apply to a cosmetologist licensed as an operator, a manager-operator or a junior instructor. While the Board intends to adopt continuing education requirements for other types of cosmetologists, they felt that they should adopt these requirements on a piecemeal basis.

"Continuing Education Hour" is defined as a clock-hour that is spent by a licensee in actual attendance at an approved program or activity. This definition is somewhat ambiguous insofar as it does not specify whether those individuals who actually participate in the approved program or activity are entitled to credit for their participation. In addition, no credit is apparently allowed for the preparation time of participants who must research and plan the approved activity. The Board could clarify the availability of credit for such participation, as opposed to mere attendance, and probably avoid disputes which might arise later. no change

"Approved Program or Activity" is defined through three requirements: (1) that the continuing education program meet the standards set forth in the rules; (2) that the program receive approval by the Board; (3) that it be offered by an accredited sponsor.

"Accredited Sponsor" is one that has been approved by the Board.

"Compliance Period" is that period of time from April 1st of one year to the following March 31st during which the licensee must accumulate 15 clock-hours of continuing education. The compliance period was scheduled to terminate on March 31st in order to give the Board sufficient bookkeeping time to review the licensee's compliance with the rules prior to license renewal which occurs on July 1st.

Each of the six definitions are necessary to an understanding of the rules the Board proposes to adopt and each is a necessary and reasonable exercise of the Board's informed discretion and delegated authority. No one questioned, commented on, or objected to the definitions as proposed by the Board.

9. Proposed § 10.082 outlines the continuing education requirements licensed senior instructors must meet in order to retain their license. As stated by the Board, this section "is the heart of these proposed rules".[2] The necessity for adopting continuing education requirements for licensed senior instructors was clearly stated by the Board in the Statement of Need and Reasonableness (p. 2). It stated:

> At the present time, cosmetology is a rapidly changing profession. With the advent of the so-called unisex hairstyling salon, new hairstyling techniques and chemical preparations are being introduced almost daily, it has become essential that those responsible for teaching cosmetology students become familiar with new styles, techniques and innovations in the profession. It is, therefore, necessary and reasonable to require that those responsible for teaching these skills and techniques update their own knowledge and skills by means of continuing education courses.

While several individuals agreed with the necessity for the continuing education of senior instructors, others did not, and approximately eight individuals opposed adoption of the proposed rules. Grounds for objection included allegations that it was too expensive for unemployed or inactive senior instructors to maintain their licenses if required to take continuing education courses; that continuing education is unnecessary because teachers naturally keep up or are forced by their schools to keep current in their field if they desire to maintain their positions; and that area vo-tech cosmetology instructors are already required to take adequate training by the Department of Education. A Director of the Thief River Falls Area Vocational-Technical Institute, Mr. Arnt M. Aune, made a typical comment. He stated:

> "This is a statement in oppostion to the proposed rules to require 15 continuing education hours approved by the State Board of Cosmetology for renewal of a senior instructor's license.
>
> "At the present time, all vocationally certified cosmetology instructors are required to have 108 clock hours of continuing education for renewal of their five-year certificates. The proposal by the State Board of Cosmetology is an unnecessary duplication of these requirements."

Mr. John Dalton, Lead Instructor of the cosmetology program for the 916 Area Vo-Tech Institute in White Bear Lake, and Mr. Lowell M. Rasmussen, Director, Wadena Area Vocational-Technical Institute, also felt that the proposed rules requiring vo-tech instructors to meet continuing education requirements of the Board were duplicitous of rules of the Department of Education and were, therefore, unnecessary.

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[2] See Statement of Need and Reasonableness at page 5.

Minn. Stat. § 214.112 (1978) is silent on whether an exemption should be provided for those persons regulated by another state body which also requires some form of continuing education. However, it is quite clear that the Board did not abuse its discretion in deciding not to exempt licensees who teach in public schools. The Board and the Department of Education have different goals, concerns and responsibilities, and it is not unreasonable for them to require that every senior instructor maintain professional competence in cosmetology. The only way in which the Board can attain this objective is by reviewing the content of each course for which the licensee desires credit and by requiring accreditation of sponsors and approval of activities according to the Board's own standards and responsibilities instead of blindly adopting another state body's standards for different licenses. The fact that the Board will give credit to appropriate courses vocational instructors are required to take under rules of the Department of Education is a sufficient guarantee that unnecessary courses are not being required.

Subsection A. of proposed § 10.082 designates April 1, 1980 as the beginning of the first compliance period. In response to questions from Ms. Barbara Rau, the Board made it clear that the proposed rules would not affect licenses issued in July of 1980 but would affect licenses issued in July, 1981. Therefore, by March 31, 1981, each licensed senior instructor would be required to obtain 15 clock hours of continuing education in order to qualify for licensed renewal in July, 1981.

The continuing education requirement is 15 clock hours per year. Minn. Stat. § 214.12 (1978) empowers the Board to require an average attendance requirement of not more than 50 clock hours per year. After examining the programs of other states, the Board decided to require only 15 hours which is, in their opinion, the minimum amount of continuing education time necessary to provide meaningful training. The 15 clock-hour requirement is a reasonable figure and does not unduly burden the licensees. Although several persons, including Joanne E. Machula, felt that the rules impose unreasonably burdensome expenditures making license retention too costly for unemployed or inactive senior instructors, the rules do provide several alternative methods whereby inactive senior instructors can later meet the continuing education requirements. These alternatives are discussed in more detail infra. While the Board presented no figures on the cost to licensees of meeting the 15 clock-hour requirement, ordinary experience would indicate that the costs are not oppressive or unreasonable.

Subsection C. of proposed § 10.082 is ambiguous insofar as the identity of the person who is required to report attendance to the Board. Confusion as to the identity of the person required to report attendance was evident at the hearing. In order to eliminate unnecessary confusion in that respect, it is suggested that this subsection be amended to read as follows:

> C. Such attendance must be reported to the Board by the licensee no later than April 15th following the close of each compliance period and on such forms as may be approved by the Board.

complied with, though wording is slightly different. page 2

Subsection D. permits licensees to carry forward as many as 30 clock-hours of credit to subsequent compliance periods. This provision was adopted in order to permit the licensed senior instructor "to adjust his or her schedule

with greater flexibility." However, the Board presented no facts showing that such flexibility is needed by senior instructors given the nature of their positions or the nature of continuing education programs in the field of hairstyling itself. Since "new hairstyling techniques and chemical preparations are being introduced almost daily", the Department's justification for requiring continuing education, in view of the constant changes in the profession, is inconsistent with permitting the licensee to carry forward credits from year to year. Under the rule as proposed, it would be possible for a licensee to accumulate 45 hours of credit during a week-long seminar in April, 1981, and then take no further continuing education courses until April, 1984. If it is true that cosmetology is rapidly changing and that new techniques and products are introduced almost daily, this subsection D. frustrates the basic objective in promoting competence by requiring an updating of skills in a rapidly changing profession. The Hearing Examiner concludes, therefore, that the need and reasonableness of the two-year carry-forward provision has not been established, and it should not be adopted.

complied with page 2

Subsection E. exempts certain newly licensed senior instructors from the continuing education requirements during the first compliance period that they are licensed. However, those exempted must report the courses they did attend. The Board presented no reasons why a licensee exempt from continuing education requirements should report those courses attended and such a requirement is unreasonable because it serves no useful purpose. The only reason why an individual licensee might desire to file an attendance report when exempt from continuing education requirements would be in order to claim credits that individual desired to carry foward to the succeeding year(s). If that was the Board's intention, the last sentence of Subsection E. should be amended to read as follows:

> . . . Such persons must, however, file an attendance report form after the end of the compliance period during which they were first licensed if they attended any approved programs or activities during such period which they intend to carry forward into a subsequent compliance period.

Since "carry forward" provision is struck this amendment is no inserted - Reporting requirement is struck. page 2

10. Proposed § 10.083 contains the standards for approval of continuing education. The continuing education activity must be an organized program of learning which contributes directly to the professional competency of the licensee. Examples of organized program are given: A workshop or a symposium. The requirement of an organized program is both reasonable and necessary as is the requirement that a program contribute directly to the professional competency of the licensee since this requirement mirrors the legislative directive of Minn. Stat. § 214.12 (1978), mandating that the training "be designed solely to improve professional skills. . . .".

Subsection B. requires that the activity consist of at least one hour of learning activity. Since it is difficult to imagine a meaningful program which could be conducted in less than a full hour, and since many hour-long programs can be conducted over a lunch hour when guest speakers with particular expertise can appear, the requirement that a continuing education activity consist of at least one clock hour of instruction is reasonable and necessary.

Subsection C. properly requires that the program deal with subject matters integrally related to the practice of the senior instructor.

Subsection D. regulates the expertise of the individuals conducting the program and requires written material as a part of each program.

Subsection E. requires that the activity be offered by an accredited sponsor. Each of these requirements is reasonable and is necessary for the proper administration of a continuing education program. While the standards for approval are broad and general in nature, the Board did not want to adopt rigid or inflexible rules they might regret at a later date. Dr. Rehder testified that other states which had adopted more detailed rules pertaining to approval standards had regretted that decision at a later time when otherwise desirable programs failed to qualify under those other states' rigid rules. In addition, the Board wanted to encourage potential sponsors of continuing education activities and felt that detailed and inflexible rules would discourage potential sponsorship to the detriment of the licensees and the objectives of the rules. Mr. John Dalton of 916 Area Vo-Tech Institute in White Bear Lake, felt that the proposed criteria for course approval were too vague and that they could be used by the Board to arbitrarily refuse to approve continuing education programs which qualify for approval under the procedures adopted by the Minnesota Department of Education. While the Board was unwilling to make any commitment as to which, if any, of the courses required of teachers and vocational schools would be approved by the Board, it was placed in the uncomfortable position of being asked to assure approval for courses taken by vocational teachers sight unseen. The licensees who teach in vocational schools were left with the fear that "the Board is attempting to create rules that merely provide work for themselves, and put an undue burden on the licensee, manufacturer, distributor and schools, etc."[3] However, the standards proposed by the Board, while general and flexible in nature, are not unreasonably or unnecessarily vague. On the contrary, their very breadth should guarantee to vocational teachers, such as Mr. Dalton, freedom from arbitrary action by this or any subsequent Board. The rules are very liberal in nature insofar as they approve any program which directly contributes to their professional competency and their duties. That is a liberal standard which would apply to a wide variety of courses.

Mr. Lowell M. Rasmussen, Director, Wadena Area Vocational-Technical Institute, felt that the Board's authority to approve continuing education programs was contrary to the present trend in which the individual to be licensed controls his own relicensure process. While there may be trends in that direction, the Board is authorized to approve continuing education programs and its decision to do so for the benefit of the public is not unreasonable.

11. Proposed § 10.084 sets forth the requirements for the accreditation of sponsors and the approval of programs and activities. Subsection A. provides that an organization or person wishing accreditation as a sponsor must apply to the Board. The application must contain the Applicant's teaching history, the names and qualifications of each instructor, the full name of the person or organization desiring accreditation, the names of the owners, partners and/or directors of the organization, the past and current occupations and training of the applicants, and the purposes and activities of applying

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[3] Mr. Dalton's letter to the Hearing Examiner dated February 13, 1980.

organizations. Disclosure of that information would assist the Board in determining if the sponsor applying for accreditation is responsible and financially and educationally sound. The information required would tend to satisfy that objective and would not cause a greater intrusion into the Applicant's background than is reasonably necessary to the program's worth and completion.

However, Subsection A. also requires that the applicant supply the Board with "a complete financial statement, prepared by an independent accountant or C.P.A., showing all the assets and liabilities of the applicant." According to the Board, this requirement is necessary to permit it to ensure that the sponsor will be financially sound and that there will be adequate resources to complete the program as planned.[4] Dr. Rehder testified that other states had experienced defaults by sponsors of such programs for financial reasons and that the Board wanted to avoid such situations in this state. Representatives of the Vera Slater Beauty School objected to the need for a complete financial statement, both at the hearing and in written comments submitted to the Hearing Examiner after the hearing closed but while the record still remained open. In the school's posthearing submittals, Sharon K. Carlson made several specific arguments in opposition to the requirement of a financial statement. She said that the Board had not established the need for and reasonableness of such a submittal because it was unnecessary in view of other information submitted to the Board and that the Board could determine the applicant's financial capability to complete a satisfactory program by comparing the costs of the program and the fees the applicant intended to collect. She also argued that the cost of preparing a detailed accounting statement could deter potential sponsors, especially when prospective students number only 426 statewide. There is merit to her comments; however, the Board would be unable to determine the applicant's financial ability to sponsor programs by merely comparing the costs of a specific program and the fees likely generated from tuition charged because the application for approval as a sponsor does not relate to any particular program that sponsor intends to offer and it usually precedes any course approvals. On the contrary, only one application must be filed by a potential sponsor who, once approved, can sponsor as many programs as it desires. The approval of sponsors and the approval programs are two separate procedures. While sponsors need be approved only once, each course offered must be separately approved by the Board.

Furthermore, at the time courses are submitted for approval, actual attendance will not be known in many cases and the demand for the course and the extent of revenues collected are wholly speculative. In such cases, it is the financial condition of the sponsor itself which must be examined to determine whether it has the wherewithal to proceed with a course which does not generate all the revenues expected.[5] In addition, many sponsors will not be in-

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[4] Ibid. p. 5.

[5] The rules contain no provision for the withdrawal of courses once they are approved. When a course is approved, it is presumably intended by the rules that it be held as scheduled regardless of the number of registrants the sponsor is able to attract.

terested in the financial success of a particular program. Max Factor, for instance, would not likely care whether tuition covered the cost of a particular program as long as its products were displayed and explained to its advantage. Thus, Ms. Carlson's suggestion does not, standing alone, fulfill all the Board's needs.

Mr. John Dalton also objected to the Board's proposed rule requiring the submittal of financial statements by potential sponsors of continuing education programs. He said:

> "Since when we can expect a proven maker of fine products, i.e., Revlon, to submit a financial statement? And who on the Board has the background to evaluate a financial statement of Revlon's complexity?"

Mr. Dalton's comment certainly points out the questionableness of requiring a large international corporation, such as Revlon or Max Factor, to file a "complete" financial statement showing "all" its assets and liabilities or requiring the University of Minnesota, a state vocational-technical institute, or other well-known manufacturer, school, college or university to submit such a financial statement. In those cases, the Board could authorize a waiver of the filing of a financial statement at its discretion. This would negate the need for filing a detailed financial statement where obviously competent sponsors are applying for approval. Such a waiver could also be granted in the case of sponsors who have satisfactorily performed continuing education programs in other states. Furthermore, in lieu of a detailed financial statement showing "all" of the assets and liabilities of the applicant, the Board could permit the applicant to submit other "satisfactory evidence" of its financial ability to sponsor continuing education programs. This does not appear to amount to a substantial change in the rules and it would give the sponsor some flexibility and eliminate the unnecessary expenditure of funds for having a detailed financial statement prepared. If a waiver provision were adopted, of course, criteria for granting the same should be specified in the rules. Such criteria might result in a substantial change in the rules under Minn. Stat. § 15.052, subd. 4 (1978). Therefore, the "satisfactory evidence" option would be preferable.

complied with - page 4

Of course, the average person employed as a salaried teacher or licensed senior instructor, does not normally prepare a financial statement or a balance sheet, as such, and before any such individual would be permitted to sponsor an isolated continuing education program, or appear for a luncheon speech, he or she would be required to hire an accountant to prepare a summary of his or her assets and liabilities. Quite frankly, the submittal of a financial statement in that kind of situation would hardly be necessary to further the purposes of the Board. Again, this and other situations all point to the fact that the Board might want to adopt a "satisfactory evidence" test or a waiver provision.

In instituting a mandatory continuing education program, the Board should, as it does, show a concern that the courses will be worthwhile and will be completed as promised. While these objectives are above reproach, they should be balanced with the potential problems that requirining a financial statement could cause.

At the present, there are only 426 licensed senior instructors who will be affected by the proposed rules. Each of them is required to take only 15 hours

of approved activities for a total of 6,390 hours of instruction. There appears to be some merit to Ms. Carlson's argument that the cost of having an accountant prepare a financial statement for the Board could deter a potential sponsor from applying for accreditation unless it were fairly certain of being chosen for a sufficient amount of the 6,390 hours to cover the costs involved. With the concept of continuing education still in its infancy, the greatest number of sponsors possible should be encouraged to apply for accreditation and the Board's requirement that all potential sponsors file a "complete" financial statement showing "all assets and liabilities" is inconsistent with that policy.

It is possible that some potential sponsors will object to the intrusiveness or the bother of having a financial statement prepared. Again, the Board would be faced with discouraging potential sponsors.

The Board, in its Statement of Need and Reasonableness, did not specify which kind of default it feared. If the Board is concerned with intentional defaults, a financial statement will probably not offer much protection. Financial statements can be tailored to suit the needs of those with intentions of defaulting. If the Board is concerned that a default will occur because of poor business judgment in assessing the fees a sponsor anticipates to collect for a program, a comparison of the projected fees to be charged and the costs involved can provide a check and the Board can protect licensees by evaluating the potential demand for each particular course.

Minn. Stat. § 155.11 (1978) lists the requirements for establishing a hairdressing or beauty culture school. The Applicant must provide the Board with a complete financial statement showing all its assets and liabilities. Becoming an accredited sponsor is only remotely similar to establishing a beauty school, however, and the Board has failed to establish the need for or the reasonableness of requiring a complete financial statement showing all assets and liabilities of an applicant for accreditation under these rules. In lieu thereof, the Board could require "satisfactory evidence" of the proposed sponsor's financial ability to sponsor a continuing program. If it retains the financial statement requirement as written, waivers, at the very least, should be authorized under specified conditions.

Subsection A. of proposed § 10.084 also gives the Board the power to reevaluate an accredited sponsor at any time, and after the evaluation may suspend or revoke the sponsors accreditation if it finds that there is a "basis" to do so. While the Board should retain authority to suspend or revoke the accreditation of a sponsor under specified circumstances, the rule, as written, is wholly unreasonable because it fails to specify those standards or reasons constituting a basis for suspension or revocation of a sponsor's accreditation. As written, the rule is hopelessly vague, indefinite and uncertain and exposes sponsors to suspension or revocation for unknown reasons. Such a result is contrary to law. A statute is void for uncertainty and vagueness if it fails to state grounds for license revocation. See, Reyburn v. Minnesota State Bd. of Optometry, 247 Minn. 520, 78 N.W. 2d 351 (1956) (hereinafter "Reyburn"); State v. Moseng, 254 Minn. 263, 95 N.W.2d 6 (1959). An administrative rule would be invalid on the same grounds. If the Board proposes to retain authority to revoke or suspend licenses, it must set forth the grounds for suspension or revocation in its rules.

Complied with — pages 4-5

Proposed § 10.084 B. provides for the approval of sponsors and the prior approval of courses, programs and other educational activities. If the sponsor has already been accredited, the "sponsor shall submit specific courses, programs or other educational activities to the board for approval at least 60 days in advance of the proposed commencement of the activity." Subsection B. does not indicate how specific the course description must be, and at the hearing, there was an expression of some concern that courses incorporating trends in cosmetology cannot be described in detail so far in advance of the course. As this subsection is now written, however, it gives the sponsor little guidance as to the amount of detail required of a course description. Since any confusion concerning the course description could result in the denial or delay of program approval, and since the Board indicated at the hearing that it desires a detailed description of proposed courses, the rule should be amended to specify that a detailed description is required and that other information the Board needs and mentioned during the hearing. Since the Board may also use a standard form for program approval, that form should be referenced in the proposed rules and the Board should reserve authority to request other additional information when required to make an informed decision on program approval. This would notify prospective sponsors that other information may need to be submitted. In addition, since a paper manual or written outline is required to be handed out to all program participants, pursuant to § 10.083 D., the rule should require that this paper, manual, or written outline be submitted along with the sponsor's application for course approval. In order to further clarify these matters, it is recommended to the Board that the first paragraph of subsection B. be amended to read as follows:

> B. Prior approval of activities. An organization or person which has not been accredited and which desires approval of a course, program or other educational activity, shall apply to the Board[6] for accreditation as a sponsor at least ninety days in advance of the commencement of the activity on a form provided by the Board. A previously accredited sponsor shall submit specific courses, programs or other educational activities to the Board for approval at least sixty days in advance of the proposed commencement of the activity. The application for program approval shall state the dates, subjects offered, total hours of instruction, names and qualifications of speakers, fees to be charged, location, facilities and equipment available, and other pertinent information requested on the application form or by the Board. Such application must be accompanied by the paper, manual or written outline required under § 10.083 D. of these rules, a detailed course description or outline, and a notation whether the proposed course has been approved for credit by any other official body. Application for accreditation of sponsorship and approval of programs may be submitted simultaneously; however, the Board will not approve programs prior to accreditation of the program sponsor. [Underlineation indicates recommended additions to the proposed subsection]

complied with

If the sponsor has not been previously accredited, it must apply for accreditation as a sponsor at least ninety days before the proposed course date. Accreditation as a sponsor is a prerequisite to course approval. The applicant may submit its application for accreditation and for approval at the same

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[6] Throughout the proposed rules, the word "Board" has not been uniformly capitalized. In the final draft, it is suggested that it be capitalized throughout the rules on a uniform and consistent basis.

complied with

time. When the potential sponsor is applying for both accreditation and course approval, it is reasonable and necessary for the Board to require an additional 30 days to consider the applications.

The subsection B. gives the Board 60 days to approve or deny an application for either accreditation of sponsors or approval of courses. In essence, giving the Board 60 days to decide on an application means the sponsors must apply well in advance of the 60 days because they must have the Board's decision before they can advertise the course added to that registrants. The Board did not specify specifically why it adopted the 90-day and 60-day time periods other than to note in the Statement of Need and Reasonableness that these time limits were necessary "to provide the Board and the sponsor ample time to plan and evaluate the activity." No one at the hearing objected to the time limits or considered them unreasonable and the Hearing Examiner concludes that they are reasonable and necessary periods for a proper evaluation of proposed sponsors and proposed educational programs.

The last paragraph of subsection B. is ambiguous insofar as the words "complete in writing" are concerned. It could be read to say that the Board shall approve, in writing, only complete programs or it could be read to say that the Board shall approve only complete written programs within the time limits specified. Since § 10.085 permits appeals from denials after written notice of the denial, it is clear that the notice of denial must be in writing. In order to clarify the intent of this paragraph, it should be redrafted. If the Board intends to approve programs within 60 days after receipt of all necessary information, the following amended paragraph is suggested:

> The Board shall approve or deny applications for accreditation of sponsors and programs in writing no later than 60 days after receipt of complete applications and all other requested information.

complied with page 6

Section 10.084 C. contains the Board's intention not to give continuing education credit for activities held in Minnesota for which prior approval and prior accreditation were not obtained. In other words, no post approval of activities will be given if the activity was conducted in Minnesota. It is both reasonable and necessary to require sponsors to obtain accreditation and approval before conducting a course in the state to insure that registrants will not be spending their time and money on courses that would not be approved. The Board's rationale was as follows:

> The Board believes that it is extremely important that it review and evaluate programs being offered in this State before such programs are conducted in order to ensure that they fulfill the purposes of the continuing education requirement. However, the Board also feels that there may be worthy programs conducted outside the State for which continuing education hours could well be granted without such prior approval. While it is reasonable to expect that sponsors offering programs in Minnesota would be willing and able to comply with a prior approval requirement, this would not always be the case with out-of-state programs, particularly those tailored to comply with some other state's continuing education rules. Therefore, the Board felt that an exception to the "prior approval only" rules should be made for such programs on a discretionary basis."[7]

gram." Since the Board does not intend to penalize licensees for variances in

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[7] Statement of Need and Reasonableness, page 5-6.

Subsection D. authorizes the Board to monitor or review approved programs and to withdraw approval of a program previously given. At the hearing, the Board stated, however, that it did not intend to deprive a licensee of credit for an approved course after the licensee had attended the course even though that is precisely what subsection D. permits. Dr. Rehder stated that a significant variation between the program presented and the program approved would only jeopardize the sponsor for the future. Subsection D. states that the Board "may disapprove all or any part of the approved hours granted the program presentation, and since it seems unfair to penalize licensees rather than the sponsor responsible for the variance, it is recommended that this subsection be eliminated. If the Board adds proper standards to § 10.084 A., it would have a means of disciplining sponsors in this kind of situation.

Section deleted page 6

Proposed § 10.085 provides for hearings upon the request of applicants whose applications for accreditation or approval have been denied. Under the rule as drafted, hearings are limited to the "denial" of applications for accreditation or course approval and no provision is made for appeals from the revocation or suspension of a sponsor's accreditation. Since a revocation of accreditation of a sponsor is as equally severe as the denial of accreditation, if not more severe, and since suspensions involve similar issues, the revocation or suspension of accreditation should also be appealable. Courts have imposed the same hearing requirements in cases of refusals of licenses as they have in cases of revocation, and due process requires a trial-type hearing when important interests, such as the accreditation involved here, are involved. See 1 K. Davis, Administrative Law Treatise, § 7.18-7.19 (1958) and Reyburn, supra.

complied with page 6

Proposed § 10.086 provides for written attendance records to be submitted by each program sponsor by April 15th following the close of the compliance period for which attendance is reported. This requirement provides the Board with a cross-check on each licensee's attendance reports and is a necessary and reasonable provision.

12. Proposed § 10.087 permits the Board to grant waivers or extensions of time to licensees with physical disabilities or illnesses. Application for waiver must be signed by the licensee and a licensed physician. Waivers can be granted for no more than one compliance period. However, the licensee may reapply for an extension of the waiver in the event it is necessary to do so. Under the rule, it is possible that the licensee will not be required to make up the waived education requirements. This waiver provision is a necessary and reasonable exercise of the Board's informed discretion.

13. Proposed § 10.088 provides for an exemption from continuing education during the time in which a licensee is not practicing as a senior instructor in Minnesota. The applicant must state that he or she will not resume practice as a senior instructor without complying with the requirements of proposed § 10.089. This section is a reasonable and necessary method of dealing with unemployed and inactive senior instructors.

14. Proposed § 10.089 provides for the reinstatement of inactive practitioners who have been granted a waiver of compliance. To be reinstated, an inactive practitioner must apply in writing and must demonstrate one of three things: (1) that he or she has practiced full time in another state or in the District of Columbia and that he or she has completed substantially equivalent

continuing education for each year of inactive status; (2) that he or she has made up continuing education requirements previously missed; or (3) that he or she has successfully completed the Minnesota State License Examination for a senior instructor within one year immediately prior to the submission of the application for reinstatement. Because the inactive practitioner has the option of retaking the license exam, those who cannot secure post approval for courses in other states and those who have been inactive or unemployed for a long period of time without taking continuing education courses should not suffer undue hardship. The rule is thus necessary and reasonable in that it provides for the assurance of competence of licensees re-entering the profession and provides the option of retaking the licensing examination.

14. Proposed § 10.090 provides that the Board may refuse to renew the license of anyone who has failed to complete or report completion of the requirements of the continuing education rules.

Based on the foregoing Findings of Fact, the Hearing Examiner makes the following:

CONCLUSIONS

1. The Department gave due, timely and adequate legal notice of the hearing.

2. Pursuant to Minn. Stat. § 15.052, subd. 3 (1978), it is the duty of the Hearing Examiner to: ". . . (4) make a report on each proposed agency action . . . taking notice of the degree to which the agency has (i) documented its statutory authority to take the proposed action; (ii) fulfilled all relevant, substantive and procedural requirements of law or rule, and (iii) demonstrated the need for and reasonableness of its proposed action with an affirmative presentation of facts".

3. The Department has documented its statutory authority to promulgate the proposed rules.

4. The Department has fulfilled all relevant, substantive and procedural requirements of law or rule except as noted in the Findings pertaining to the absence of standards for revocation of accreditation under § 10.084 A. and the lack of a hearing prior to revocation or suspension of accreditation under § 10.085.

5. With the exceptions noted in the Findings, the Department has demonstrated the need for and reasonableness of the proposed rules.

Based upon the foregoing Conclusions, the Hearing Examiner makes the following:

RECOMMENDATION

That the proposed rules be modified as suggested in the Findings and that as so modified, they be adopted.

Dated this 17th day of March, 1980.

Jon L. Lunde

JON L. LUNDE
Hearing Examiner

Original

STATE OF MINNESOTA
DEPARTMENT OF COMMERCE
BOARD OF COSMETOLOGY

In the Matter of the Proposed)
Rules Relating to Continuing)
Education for Licensed)
Instructors

ORDER ADOPTING RULES

The above-entitled proposed rules were published in the State Register, Vol. 4, No. 26, pages 1066-1069, December 31, 1979 (4 S.R. 1066) pursuant to the authority vested in us by Minn. Stat. §§ 214.12 and 155.06, subd. 2 (1978). The proposed rules came on for hearing before Jon L. Lunde, duly appointed Hearing Examiner, on Friday, February 8, 1980, at 9:30 a.m. in the Large Hearing Room, Minnesota Department of Commerce, 500 Metro Square Building, 7th and Robert Streets, St. Paul, Minnesota 55101, after proper Notice of Hearing dated December 17, 1979 was served as required by Minn. Stat. § 15.0412 (1978) upon all persons, associations and other interested groups registered with the Secretary of State for that purpose.

After affording all interested persons an opportunity to present written and oral data, statements and arguments; having heard all of the testimony; having considered all of the evidence adduced; and upon the records, files and proceedings herein; upon applicable statutory standards or criteria; upon the Report of the Hearing Examiner dated March 17, 1980, which has been adopted by the Board of Cosmetology as its Findings of Fact herein; and having confirmed the need for the above-captioned rules and the reasonableness thereof;

NOW, THEREFORE, IT IS ORDERED that these rules identified as 5 MCAR §§ 10.081-10.090, attached hereto as "Exhibit A", are adopted this 30th day of April, 1980, pursuant to the authority vested in us by Minn. Stat. §§ 214.12 and 155.06, subd. 2 (1978).

Dated: April 30, 1980

STATE OF MINNESOTA
BOARD OF COSMETOLOGY

Cynthia DeSonpere

CYNTHIA DeSONPERE, President
State Board of Cosmetology

Board of Cosmetology

Adopted Rules Relating to Continuing Education for Licensed Instructors

The rules proposed and published at State Register, Volume 4, Number 26 pp. 1066-1069, December 31, 1979 (4 S.R. 1066) are adopted with the following amendments:

Chapter Five: 5 MCAR § 10.081 - 10.090. Continuing Education

§ 10.081. Definitions. For the purpose of Chapter five, the following definitions shall apply:

A. "Board" means the Minnesota State Board of Cosmetology.

B. "Licensee" means any person licensed as a senior instructor in the state of Minnesota.

C. "Continuing Education Hour" means a clock-hour spent by a licensee in actual attendance at an approved program or activity.

D. "Approved program or activity" means a continuing education program which meets the standards set forth in these rules, which has received approval by the Bboard pursuant to these rules and which is offered by an accredited sponsor.

E. "Accredited sponsor" means a person or an organization sponsoring continuing education activities which has been approved by the Bboard as a sponsor pursuant to these rules.

F. "Compliance period" means that period of time extending from April 1, to the following March 31.

§ 10.082. Continuing Education Requirements.

A. Beginning April 1, 1980, each licensee shall complete during each compliance period a minimum of 15 continuing education hours approved by the Bboard. Compliance with the requirements of continuing education is a prerequisite for license renewal for the license year beginning July 1 following the end of each compliance period.

B. Continuing education hours may be obtained by attending or participating in an approved program or activity offered by an accredited sponsor.

C. Such attendance must be reported to the Bboard by the licensee on such forms as may be approved by the board no later than April 15 following the close of the compliance period for which attendance is to be reported.

D. ~~A licensee who completes more than 15 hours of approved programs or activities during a single compliance period may apply excess credits, up to a maximum of 30 additional hours, to the succeeding one or two compliance periods, by reporting the carryover credits at the time of filing the annual report to the board for the period during which the credits were earned.~~

D. E. Persons who first become licensed as senior instructors between September 30 and the following April 1, need not obtain as a prerequisite for license renewal 15 hours of continuing education until the end of the compliance period following that during which they were first licensed. ~~Such persons must, however, file an attendance report form after the~~

~~end-of-the-compliance-period-during-which-they-were-first licensed-if-they-attended-any-approved-programs-or-activities during-such-period.~~

§ 10.083. Standards for approval. A continuing education activity shall be qualified for approval if the Bboard determines that:

A. It constitutes an organized program of learning (including a workshop or symposium) which contributes directly to the professional competency of the licensee; and

B. It consists of at least one clock hour of learning activity; and

C. It deals with subject matters which integrally relate to the practice of a senior instructor; and

D. It is conducted by individuals who have special education, training or experience concerning the subject matter of the program, and is accompanied by a paper, a manual or a written outline which relates to the subject matter of the program.

E. It is offered by an accredited sponsor.

§ 10.084. Approval of sponsors, programs, and activities.

A. Accreditation of sponsors. An organization or person which desires accreditation as a sponsor of courses, programs, or other continuing education activities, shall apply for accreditation to the Bboard.

The application shall state the applicant's teaching history, if any, for the preceding two years, including dates of programs, subjects offered, total hours of instruction presented, and the names and qualifications of each instructor. The application for accreditation shall also state the full name of the person or organization desiring accreditation, including the names of the owners, partners and/or directors of the organization; the past and current occupations and training of such persons making application, ~~and~~ the purposes and activities of applying organizations; and a complete financial statement prepared by an independent accountant or C.P.A., showing all the assets and liabilities of the applicant~~.~~, or other satisfactory evidence of its financial ability to sponsor continuing education programs. If the applicant is unable to demonstrate by its financial statement or other satisfactory evidence that it is financially able to sponsor continuing education programs, the Board shall permit the applicant to sponsor such programs upon agreement by the applicant to escrow all tuition funds, or such portion thereof as may be agreeable to the Board, received by the applicant until five days after the program for which the tuition has been received is conducted or until release of the funds by the Board or its representative, whichever is earlier.

By January 31 of each year, commencing January 31, 1981, all accredited sponsors shall provide a written report to the Bboard stating the education programs conducted during the preceding calendar year on a form approved by the Bboard.

The Bboard may at any time reevaluate an accreditated sponsor. If ~~after~~ such reevaluation~~,-the-board-finds-there-is-a-basis-for-consideration-of-revocation-of-the-accreditation-of-an-accredited-sponsor,~~ indicates that there is a substantial difference between the sponsor's programs as approved by the Board and as actually conducted, such that the Board would not have approved the programs as conducted, or would have approved them for fewer continuing education hours; or that the sponsor is no longer financially able to sponsor continuing education programs, the Bboard may suspend or revoke the accreditation of the sponsor.

B. Prior approval of activities. An organization or person which has not been accredited and which desires approval of a course, program or other educational activity, shall apply to the Bboard for accreditation as a sponsor at least ninety days in advance of the commencement of the activity on a form provided by the Bboard. A previously accredited sponsor shall submit specific courses, programs or other educational activities to the Board for approval at least sixty days in advance of the proposed commencement of the activity. The application for program approval shall state the dates, subjects offered, total hours of instruction, names and qualifications of speakers, fees to be charged, location, facilities and equipment available, and other pertinent information~~.~~ requested on the application form or by the Board. Such application must be accompanied by the paper, manual or written outline required under § 10.083 D. of the

rules, a detailed course description or outline, and a notation whether the proposed course has been approved for credit by any other official body. Application for accreditation of sponsorship and approval of programs may be submitted simultaneously; however, the Bboard will not approve programs prior to accreditation of the program sponsor.

The Bboard shall approve or deny applications for accreditation of sponsors or approval of programs ~~complete~~ in writing within sixty days of receipt of complete applications~~.~~ and all other requested information.

C. Post approval of activities. The Board will not recognize continuing education hours for attendance and participation in an educational activity in the state of Minnesota which was not conducted by an accredited sponsor or which was not approved by the Bboard prior to its offering. Licensees seeking continuing education hours for participation in programs outside Minnesota and not approved and conducted by an accredited sponsor shall submit to the Bboard a request for credit, including a brief resume of the activity, its dates, subjects, instructors and their qualifications and the number of credit hours requested. Within ninety days after receipt of such application the Bboard shall advise the licensee in writing by mail whether the activity is approved and the number of hours allowed. A licensee not complying with the requirements of this paragraph shall be denied credit for such activity.

~~D.--Review-of-programs.--The-board-may-monitor-or-review~~

~~any-continuing-education-program-already-approved-by-the-board, and-upon-evidence-of-significant-variation-in-the-program presented-from-the-program-approved-may-disapprove-all-or-any part-of-the-approved-hours-granted-the-program.~~

§ 10.085. Hearings. In the event of denial, in whole or in part, of any application for accreditation of a sponsor or for approval of a continuing education program, or in the event of suspension or revocation of the accreditation of a sponsor, the applicant or sponsor shall have the right, within twenty days after the sending of the notification of the denial, suspension or revocation by mail, to request a hearing which shall be held within sixty days after receipt by the board of the request for hearing. The hearing shall be conducted by a hearing officer from the Minnesota Office of Hearing Examiners pursuant to Minn. Stat. ch. 15. Post approval of activities shall be entirely within the discretion of the Bboard.

§ 10.086. Attendance record report. The person or organization sponsoring approved programs or activities shall make a written record of the Minnesota licensees in attendance at such activities during each compliance period and shall send a signed copy of the attendance record to the executive secretary of the Bboard upon completion of the education activity, but in no case later than April 15 following the close of the compliance period for which such attendance is being reported. The report shall be sent to the Minnesota State Board of Cosmetology, 500 Metro Square Building, St. Paul, Minnesota 55101.

§ 10.087. Physical disability or illness. The Bboard ~~may~~ shall in individual cases involving physical disability or illness, grant waivers of the education requirments or extensions of time within which to fulfill the education requirements or make the required reports. No waiver or extension of time shall be granted unless written application is made on forms provided by the Bboard and signed by the licensee and a licensed physician. Waivers of the educational requirements may be granted by the Bboard for any period of time not to exceed one compliance period. In the event that the physical disability or illness upon which a waiver has been granted continues beyond the period of the waiver, the licensee must reapply for an extension of the waiver. The Bboard may, as a condition of any waiver granted, require the applicant to make up a certain portion or all of the minimum educational requirements waived by methods as may be prescribed by the Bboard.

§ 10.088. Exemptions for inactive practitioners. A licensee who is not engaged in practice in the state of Minnesota who resides within or without the state of Minnesota ~~may~~ shall be granted a waiver of compliance and obtain a certificate of exemption upon written application to the Bboard. The application shall contain a statement that the applicant will not practice as a senior instructor in Minnesota without first complying with all ~~regulations~~ rules governing reinstatement after exemption. The application for a certificate of exemption shall be submitted upon the form provided by the Bboard.

§ 10.089. Reinstatement of inactive practitioners. Inactive practitioners who have been granted a waiver of compliance with these ~~regulations~~ rules and obtained a certificate of exemption shall, prior to practicing as a senior instructor in the state of Minneosta satisfy the following requirements for reinstatement:

A. Submit written application for reinstatement to the Bboard upon forms provided by the Bboard; and

B. Furnish in the application evidence of one of the following:

1. The full-time practice of beauty culture in another of the United States or the District of Columbia and completion of continuing education for each year of inactive status substantially equivalent in the opinion of the Bboard to that required under these rules; or

2. Completion of a total number of hours of accredited continuing education computed by multiplying 15 by the number of years a certificate of exemption shall have been in effect for such applicant; or

3. Successful completion of the Minnesota state license examination conducted within one year immediately prior to the submission of the application for reinstatement.

§ 10.090. Penalties. The Bboard may refuse to renew the license of any licensee who has failed to complete or timely report the continuing education hours required by this chapter. In the event of such refusal to renew a license, the licensee shall have the right within 20 days, after the mailing of a notification of

the refusal to renew to his last known address, to request a hearing, which shall be held within 45 days after receipt by the Bboard of the request for hearing. The hearing shall be conducted according to the procedures set forth in Minn. Stat. ch. 15 by a hearing examiner from the Minnesota Office of Hearing Examiners.

APPROVED AS TO FORM AND LEGALITY

JUL 14 1980

_____ 19____

WARREN SPANNAUS, ATTORNEY GENERAL

BY _____

SPECIAL ASSISTANT ATTORNEY GENERAL

STATE OF MINNESOTA
DEPARTMENT OF STATE
FILED
JUL 15 1980

Joan Anderson Growe
Secretary of State

9:30 AM

HE report.

STATE OF MINNESOTA)
(ss.
COUNTY OF RAMSEY)

AFFIDAVIT OF SERVICE

Eileen A. Gaiovnik, being first duly sworn, deposes and says that on the 17th day of March, 1980, at the City of St. Paul, County of Ramsey, State of Minnesota, she served the attached Report of the Hearing Examiner, SBC-80-001-JL

unstamped, by placing in the designated tray to be collected by messenger for delivery to the central mailing station as required by Minn. Stat. § 16.54 (1974), a true and correct copy thereof on the individual named below.

Eileen A. Gaiovnik

Subscribed and sworn to before me this

_____ day of _____, 1980.

Susan C. Wojcik

SUSAN C. WOJCIK
NOTARY PUBLIC-MINNESOTA
RAMSEY COUNTY
My Commission Expires April 26, 1986

Mr. Gregory P. Huwe
Special Assistant Attorney Gen.
11th Floor, Bremer Tower
7th Place & Minnesota STreet
St. Paul, Minnesota - 55101

STATE OF MINNESOTA

BOARD OF COSMETOLOGY

RECEIVED
JAN 14 1980
OFFICE OF HEARING EXAMINERS

IN THE MATTER OF THE PROPOSED ADOPTION OF RULES OF THE STATE BOARD OF COSMETOLOGY

CERTIFICATE OF BOARD'S AUTHORIZING RESOLUTION

I do hereby certify that I am Executive Secretary of the State Board of Cosmetology, a board duly authorized under the laws of the State of Minnesota, and that the following is a true, complete and correct copy of a resolution adopted at a meeting of the Board of Cosmetology duly and properly called and held on the 20th day of November, 1979; that a quorum was present at the meeting; that a majority of those present voted for the resolution; that the resolution is set forth in the minutes of the meeting and has not been rescinded or modified.

"RESOLVED, that Ailie Norlin, Executive Secretary of the State Board of Cosmetology, be and is hereby granted the authority to take all action necessary to add to and amend the Board's existing administrative rules."

IN WITNESS WHEREOF, I have subscribed my name this 20th day of November, 1979.

Ailie Norlin
Ailie Norlin, Executive Secretary
State Board of Cosmetology

ATTESTED:

Cynthia DeSonpere
Cynthia DeSonpere
Chairperson
State Board of Cosmetology

Board Exhibit No. 4
File No. SBC-80-001-JL
Date 2-8-80

STATE OF MINNESOTA
DEPARTMENT OF COMMERCE
BOARD OF COSMETOLOGY

In the Matter of the Proposed) Rules Relating to Continuing) Education for Licensed) Instructors)	CERTIFICATE OF BOARD'S ADOPTION OF RULES AND RESOLUTION

I, Mary Lou Sinnen do hereby certify that I am Secretary of the Minnesota State Board of Cosmetology, a Board duly authorized under the laws of the State of Minnesota, and that the following is a true, complete and correct copy of a resolution adopted at a meeting of the Board of Cosmetology duly and properly called and held on the 30th day of April, 1980; that a quorum was present at said meeting; that a majority of those present voted for the resolution; that said resolution is set forth in the minutes of said meeting and has not been rescinded or modified:

Resolved that the proposed rules relating to continuing education for licensed instructors be and hereby are approved and adopted as amended according to the recommendations of the Report of the Hearing Examiner dated March 17, 1980, which is hereby also adopted as this Board's Findings of Fact in this matter, pursuant to the authority vested in us by Minn. Stat. §§ 214.12 and 155.06, subd. 2 (1978); and that Cynthia DeSonpere, President of the Board of Cosmetology be and hereby is authorized to sign an Order adopting those rules.

Dated: April 30, 1980

Mary Lou Sinnen
MARY LOU SINNEN, Secretary
State Board of Cosmetology

ATTESTED TO BY: Cynthia DeSonpere
CYNTHIA DeSONPERE, President
State Board of Cosmetology

RECEIVED
JAN 14 1980
OFFICE OF HEARING EXAMINERS

STATE OF MINNESOTA
STATE BOARD OF COSMETOLOGY

In the Matter of Proposed Rules
Relating to Continuing Education
for Licensed Senior Instructors

STATEMENT OF NEED
AND REASONABLENESS

The Minnesota State Board of Cosmetology is specifically authorized to promulgate rules relating to continuing education for licensed cosmetologists by Minn. Stat. § 214.12 (1978), which states that "The health-related and nonhealth-related licensing boards may promulgate by rule requirements for renewal of licenses designed to promote the continuing professional competence of licensees. These requirements of continuing professional education or training shall be designed solely to improve professional skills and shall not exceed an average attendance requirement of 50 clock hours per year. . . ."

The Minnesota State Board of Cosmetology licenses approximately 27,000 cosmetologists in the State of Minnesota pursuant to the provisions of Minn. Stat. ch. 155 (1978). A cosmetologist may be licensed as an operator, a manager-operator, a junior instructor or a senior instructor. There are 426 licensed senior instructors in the State of Minnesota. In order to become a licensed cosmetolgist, an applicant must receive 1,500 hours of instruction and pass a theoretical and practical examination given by the Board of Cosmetology. At the present time senior instructors in cosmetology are not required to receive any additional formal training. One achieves the senior instructor's license by acquiring two years practical experience or one year's experience as a junior instructor and by passing a senior instructor's examination. Most licensed senior instructors are employed by the 39 approved beauty schools operating in Minnesota. Minn. Stat. § 155.11 subd. 7 (1978) requires that approved beauty schools maintain upon their staffs at least one full-time qualified senior

Board Exhibit No. 7
File No. SBC-80-001-JL
Date 2-8-80

instructor for each 20 students. It is the senior instructors who are primarily responsible for the 1,500 hours of training and instruction provided by the schools to students who hope to qualify for the cosmetology examination. The rules currently being proposed for adoption by the Minnesota State Board of Cosmetology would require continuing education for licensed senior instructors, but not for other persons licensed as cosmetologists by the Board of Cosmetology. The Board has contemplated requiring continuing education for all licensed cosmetologists in the State of Minnesota. However, the Board feels that in view of the large number of licensed cosmetologists and in view of the nature of the senior instructor's professional activities, it would be appropriate to require continuing education for senior instructors before extending such a requirement to the rest of the profession.

At the present time, cosmetology is a rapidly changing profession. With the advent of the so-called unisex hairstyling salon, new hairstyling techniques and chemical preparations are being introduced almost daily, it has become essential that those responsible for teaching cosmetology students become familiar with new styles, techniques and innovations in the profession. It is therefore necessary and reasonable to require that those responsible for teaching these skills and techniques update their own knowledge and skills by means of continuing education courses. Briefly, the proposed rules would require each licensed senior instructor to complete during each licensing year a minimum of 15 continuing education hours, approved by the Board of Cosmetology.

Turning now to the specific rules themselves, the proposed rules relating to continuing education for licensed instructors would be codified as 5 MCAR §§ 10.080 to 10.090. Section 10.081 defines terms which are used throughout the rules and is necessary for an understanding of the rules. These definitions define the terms "Board," "Licensee," "Continuing Education Hour,"

"Approved Program or Activity," "Accredited Sponsor," and "Compliance Period."

It is apparent from these definitions that the Board has decided to couch its continuing education requirements in terms of clock hours spent by the senior instructor in actual attendance. This is the usual method of determining continuing education requirements and it is the simplest and most efficient means of stating these requirements.

The definitions also indicate that the Board will review and approve both programs and activities and sponsors of those continuing education activities. This is because the Board believes it is necessary both to review the educational content of the program itself as well as the qualifications and experience of the sponsor of that program.

Finally, the Board has determined to use the period from April 1, to March 31, as the compliance period for continuing education requirements. This is because the current licensing year used by the Board of Cosmetology begins on July 1. Thus it was felt that a deadline of April 1 for completing the required continuing education hours would give the Board's licensing staff ample time to do the necessary bookkeeping and determine whether each licensee has met the continuing education license requirements before renewing the license on July 1.

Section 10.082 sets forth the continuing education requirements, and it is therefore the heart of these proposed rules. The rules simply provide that each "licensee," defined as a licensed senior instructor for purposes of these rules, shall complete during each compliance period--that is from April 1 to the following March 31 of each year--a minimum of 15 continuing education hours which have been approved by the Board of Cosmetology. The rules provide that these hours may be obtained by attending approved programs offered by sponsors who have been accredited by the Board and by reporting to the Board such attendance on approved forms no later than April 15 following the close of the compliance period.

This rule also provides that up to 30 hours in addition to the 15 required hours may be carried over to the succeeding one or two compliance periods by reporting the carry-over credits at the time of filing the annual report of hours attended. This carry-over provision will, of course, permit the senior instructor to adjust his or her schedule with greater flexibility in meeting the continuing education requirements.

Finally, this section provides that persons who first attain their senior instructor's license between September 30 and the following April 1, need not acquire 15 hours of continuing education until the end of the compliance period following that during which they were first licensed. This means that, for example, a senior instructor who was first licensed on October 1, 1980, would not have to complete the 15 hours of continuing education until April 1, 1982. However, any continuing education hours earned during the first compliance period during which such a person was licensed would have to be reported at the end of that compliance period. This rule was felt to be a reasonable accommodation to those persons who might not have sufficient time to complete the normal 15 hours of continuing education before their first license is up for renewal. Since the senior instructor examination is given frequently throughout the year and a person may become licensed as a senior instructor at almost any time, this rule is especially necessary.

The next section, section 10.083, sets forth those standards which the Board would use to determine whether or not to approve a particular continuing education program or activity. Its provisions are self-explanatory and are felt by the Board to set forth the minimum requirements which would ensure that a program would be educationally worthwhile and fulfill the purposes of continuing education, namely, furthering the professional competency and skill of the senior instructor.

The next section, section 10.084, sets forth the criteria which would be used by the Board to determine whether to approve the sponsor of continuing education programs or activities. As we have stated, the Board wishes to approve both specific programs and the sponsors of those programs. In other words, no sponsor which had not been accredited could offer a continuing education program or activity. The purpose of this rule is to further assure that the program will be educationally worthwhile as well as to ensure that the sponsor is a responsible person or organization. The Board feels that it is necessary to determine that sponsors are financially, as well as educationally, sound in order to ensure that the program is completed as planned and that adequate resources are available to ensure the program's success. This rule also requires accredited sponsors to provide written reports to the Board by January 31 of each year, stating which educational programs have been conducted during the preceding calendar year by the sponsor. This will provide the Board a means of cross-checking the attendance reports of the licensees as well as reviewing as a whole any particular sponsor's programs with a view to whether its accreditation should be continued or perhaps suspended or revoked.

Part B of this rule provides for prior approval of activities by the Board and sets forth the application procedure for such approval. This is necessary to provide the Board and the sponsor ample time to plan and evaluate the activity.

Part C of this rule provides that the Board will not approve continuing education programs after the program has been given, with the exception that the Board may in its discretion approve continuing education hours for participation in programs outside the State of Minnesota. The Board believes that it is extremely important that it review and evaluate programs being offered in this State before such programs are conducted in order

to ensure that they fulfill the purposes of the continuing education requirement. However, the Board also feels that there may be worthy programs conducted outside the State for which continuing education hours could well be granted without such prior approval. While it is reasonable to expect that sponsors offering programs in Minnesota would be willing and able to comply with a prior approval requirement, this would not always be the case with out-of-state programs, particularly those tailored to comply with some other state's continuing education rules. Therefore, the Board felt that an exception to the "prior approval only" rule should be made for such programs on a discretionary basis.

Finally, Part D of the rule provides that the Board may in its discretion disapprove any or all of the hours granted a program if its review of the program reveals significant variations between the program actually presented and that approved by the Board. This rule is felt necessary to ensure that programs actually given bear a substantial relationship to the program proposed to and reviewed by the Board.

Section 10.085 provides for hearings on refusals of applications for accredititation of sponsors or for approval of continuing education programs.

Section 10.086 provides for attendance record reports to be submitted by the sponsors of approved programs in order to ensure that hours reported by licensees were actually attended.

Section 10.087 provides for waivers or extensions of time to fulfill the continuing education requirements in cases of physical disability or illness. This will permit the licensee whose physical condition temporarily prevents his compliance with these rules to maintain his license and will prevent additional hardship under extenuating circumstances.

Section 10.088 provides an exemption for licensed senior instructors who wish to maintain their license without being actively engaged in the profession. Section 10.089 provides

for the reinstatement of such inactive practitioners upon written application and evidence that such a person has completed continuing education hours substantially equivalent to that which would have been required had the licensee maintained active status. The purpose of these two rules in combination is to permit licensees to temporarily withdraw from the profession while maintaining the license, and at the same time to ensure that upon reentry into the profession the licensee will be qualified and up to date. The advantage to licensees is that they would have the choice, while not engaged in the active practice of teaching cosmetology, of either remaining on active status and fulfilling the 15 hour requirement on an annual basis, or if they prefer, going on inactive status and waiting until a later date to make up the continuing education hours. At the same time, the rule ensures that the purposes of continuing education will be fulfilled by requiring completion of the missed continuing education hours or their substantial equivalent before the instructor returns to the profession. The instructor would also have the third option of simply retaking the examination for senior instructor within one year immediately prior to reinstatement as an active licensee. These options would offer considerable flexibility to senior instructors in planning their careers and personal lives and would also ensure the competence of those returning to the profession after an extended absence.

Finally, Section 10.090 provides that the Board may refuse to renew the license of a person who has failed to complete or timely report the continuing education hours required by these rules. The licensee whose renewal has been refused would, under this rule, have the right to a contested case hearing conducted under the procedures set forth by the administrative procedures act. This rule is, of course, necessary to ensure that the continuing education requirements would be complied with and that the rights of the licensee would be fully recognized.

The Board believes that these rules provide an efficient and relatively simple method of ensuring the continued competence and relevance of the skills possessed by the some 400 licensed senior instructors in the State of Minnesota while fully recognizing the personal rights of those licensees. The Board is prepared to respond to concerns and comments of those who will be affected by these rules and who wish to make their thoughts known either by attending the hearing or by submitting written materials for the record.

STATE OF MINNESOTA
BOARD OF COSMETOLOGY

In the Matter of Proposed Rules
Relating to Continuing Education
for Licensed Senior Instructors

AFFIDAVIT OF MAILING

AILIE NORLIN, being first duly sworn on oath deposes and says that on the 8th day of January, 1980, at the City of St. Paul, County of Ramsey, State of Minnesota, she served the attached Notice of Hearing by depositing in the United States Mail at said City of St. Paul, a true and correct of thereof, properly enveloped with postage prepaid to all persons and associations at the addresses listed on the attached certificate of the Secretary of State.

Ailie Norlin
AILIE NORLIN

Subscribed and sworn to before me
this 11th day of January, 1980.

Norene M Carr
Notary Public

NORENE M. CARR
Notary Public, Ramsey Co. Mn.
MY COMMISSION EXPIRES
Febuary 25, 1981

Board Exhibit No. 6
File No. SBC-80-001-JL
Date 2-8-80

RECEIVED
JAN 14 1980
OFFICE OF HEARING EXAMINERS

STATE OF MINNESOTA
BOARD OF COSMETOLOGY

In the Matter of Proposed Rules
Relating to Continuing Education
for Licensed Senior Instructors

AFFIDAVIT OF RECEIPT
OF THE SECRETARY OF
STATE'S LIST

AILIE NORLIN, being duly sworn on oath deposes and says:

1. That she is the Executive Secretary of the Minnesota State Board of Cosmetology.

2. That on the 28th day of December, 1979, she requested from the Secretary of State's Office for the State of Minnesota a current list of all representatives of associations or other interested groups or persons who had registered their names with the Secretary of State for the purpose of obtaining notices of public hearings relating to the promulgation of rules pursuant to Minn. Stat. § 15.0412.

3. That on the 31st day of December, 1979, in response to the above request, the Secretary of State provided her with such a list, a copy of which is attached hereto and incorporated by reference.

FURTHER AFFIANT SAYETH NOT.

Ailie Norlin
AILIE NORLIN

Subscribed and sworn to before me
this 11th day of January, 1980.

Norene M Carr
Notary Public

NORENE M. CARR
Notary Public, Ramsey Co., Mn.
MY COMMISSION EXPIRES
Febuary 25, 1981

Board Exhibit No. 5
File No. SBC-80-001-JL
Date 2-8-80

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ACKLAND, K. CRIM JUST COUN.
1422 CITY HALL ANNEX
ST. PAUL, MN
55102

ALLERS JOHN
1501 W 80TH ST SUITE210
BLOOMINGTON MN
55431

AMERICAN CAMPING ASSN
4132 88TH LANE
ST PAUL MN
55112

ANDERSEN HERBERT
418 8TH ST. SO.
VIRGINIA MN
55792

ANDERSON JAMES
7704 NORMANDALE RD
MPLS MN
55435

ANDERSON STANFORD
14600 MINNETONKA BLVD
MINNETONKA MN
55343

ANTHONY DICK WDSM RADIO
1105 E. SUPERIOR ST.
DULUTH, MN
55802

ARROWHEAD REG. DEV COMM.
211 W. 2ND ST
DULUTH MN
55802

ARROWHEAD REGIONAL DEV CO
200 ARROWHEAD PLACE
DULUTH MN
55802

ASSOCIATED GEN CONTR.OF MN.
111 E. KELLOGG BLVD.
ST PAUL, MN
55101

ASSN OF MINN COUNTIES
2305 FORD PKWY
ST PAUL MN
55116

BARATTO DIVINE M
1192 BUSH ST
ST PAUL MN
55106

BEGALKA D REV
212 N ELK ST
BELLE PLAINE MN
56011

BEST FLANAGAN ET AL
4040 IDS CENTER
MPLS MN
55402

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115 1ST ST SW
GRAND RAPIDS MN
55744

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457 GOODHUE ST
ST PAUL MN
55102

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BOX 1065
MARSHALL, MN
56258

BOYUM BURDETTE
250 SO 4TH ST
MPLS MN
55415

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807 SELLWOOD BLDG
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BRIGGS & MORGAN LIBRARIAN
W2200 1ST.NATL.BK.BLDG.
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2 BLOOMETRO DR. SUITE 504
BLOOMINGTON MN
55420

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900 MIDLAND BK. BLDG.
MPLS., MN
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MPLS. MN
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BUSCH NOEL
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CITY OF ALBERT LEA
221 E CLARK ST
ALBERT LEA MN
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CITY OF ALEXANDRIA
114 7TH AVE W BOX 231
ALEXANDRIA MN
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CITY OF ANOKA
CITY HALL 2015 1ST AVE
ANOKA MN
55303

CITY OF APPLE VALLEY
14200 CEDAR AVE SO
APPLE VALLEY MN
55124

CITY OF BLAINE
9150 CENTRAL AVE NE
BLAINE MN
55434

CITY OF BRAINERD
CITY HALL
BRAINERD MN
56401

CITY OF BRECKENRIDGE
CITY HALL
BRECKENRIDGE MN
56520

CITY OF BROOKLYN CENTER
6301 SHINGLE CREEK PKWY
BROOKLYN CTR MN
55430

CITY OF BROOKLYN PARK
5800 85TH AVE NO
BROOKLYN PARK MN
55443

CITY OF BURNSVILLE
1313 E HWY 13
BURNSVILLE MN
55337

CITY OF CAMBRIDGE
139 E FIRST AVE
CAMBRIDGE MN
55008

CITY OF CHAMPLIN
12001 HWY 52
CHAMPLIN MN
55316

CITY OF CHANHASSEN
7610 LAREDO
CHANHASSEN MN
55317

CITY OF CHASKA
205 E 4TH ST
CHASKA MN
55318

CITY OF COTTAGE GROVE
7516 80TH ST SO
COTTAGE GROVE MN
55016

CITY OF CRYSTAL
4141 DOUGLAS DRIVE NO
CRYSTAL MN
55422

CITY OF DETROIT LAKES
106 E HOLMES ST
DETROIT LAKES MN
56501

CITY OF DULUTH
CITY HALL
DULUTH MN
55802

CITY OF EAGAN
3795 PILOT KNOB ROAD
EAGAN MN
55122

CITY OF EAST BETHEL
2751 VIKING BLVD NE
WYOMING MN
55092

CITY OF E GRAND FORKS
P O BOX 453
E GRAND FORKS MN
46721

CITY OF EDEN PRAIRIE
8950 EDEN PRAIRIE RD
EDEN PRAIRIE MN
55343

CITY OF EDINA
4801 W 50TH ST
EDINA MN
55424

CITY OF GOLDEN VALLEY
7800 GOLDEN VALLEY RD
GOLDEN VALLEY MN
55427

CITY OF HASTINGS
100 SIBLEY ST
HASTINGS MN
55033

CITY OF HUTCHINSON
37 WASHINGTON AVE WEST
HUTCHINSON MN
55350

CITY OF JORDAN FRANK HOUSER2
10 E 1ST
JORDAN MN
55352

CITY OF LAKE INDEPENDENCE
RT 1 BOX 125A
MAPLE PLAIN MN
55359

CITY OF MAPLE GROVE
9401 FERNBROOK LANE
MAPLE GROVE MN

CITY OF MAPLEWOOD

CITY OF MINNEPOLIS

CITY OF MINNETONKA

CITY OF MORRIS

CITY OF MAPLEWOOD
1380 FROST AVE
MAPLEWOOD MN
55109

CITY OF MOUNDSVIEW
2401 HWY 10
ST PAUL MN
55113

CITY OF ROSEMOUNT
BOX 455
ROSEMOUNT MN
[redacted]068

CITY OF ST PAUL
445 CITY HALL
ST PAUL MN
55102

CITY OF WHITE BEAR LAKE
250 MILLER AVE
WHITE BEAR LK MN
55110

CONCORDIA COLLEGE
[redacted]N
MOORHEAD MN
56560

DAWSON JEAN MN GOV'T REPORT
ROOM B12 CAPITOL
ST PAUL MN
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CITY OF MINNEPOLIS
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BROOKLYN CTR MN
55429

CITY OF NEW HOPE
4401 XYLON AVE NO
NEW HOPE MN
55428

CITY OF ROSEVILLE
2701 NO LEXINGTON AVE
ROSEVILLE MN
55113

CITY OF SHAKOPEE
129 E 1ST AVE
SHAKOPEE MN
55379

CLARKSON J.B.
2350 I.D.S. CENTER
MINNEAPOLIS MN
55402

CONSUMER SERVICES DEPT COMM
5TH FLR METRO SQ BLDG
ST PAUL MN
55101

DAILEY THOMAS ECONOMICS LAB
370 WABASHA ST
ST PAUL MN
55102

DAYTON, HERMAN, ET AL
800 MIDLAND BANK BLDG.
MPLS., MN
55401

ANDERSON JAMES

CITY OF MINNETONKA
74600 MINNETONKA BLVD
MINNETONKA MN
55343

CITY OF ORONO
PO BOX 66
CRYSTAL BAY MN
55323

CITY OF ST CLOUD
CITY HALL
ST CLOUD MN
56301

CITY OF SHOREVIEW
4665 NO VICTORIA ST
SHOREVIEW MN
55112

CLAUSEN PHILLIP
2307 STANDISH ST
ST PAUL MN
55108

COUNTY ATTYS COUNCIL
40 NO MILTON ST STE 106
ST PAUL MN
55104

DAKOTA CO MENTAL HEALTH CTR
744 19THAVE NO
SO ST PAUL MN
55075

DEVELOP DISABILITIES PROG
STATE PLAN 200 CAP SQ.
ST. PAUL, MN
55155

ANDERSON STANFORD

CITY OF MORRIS
CITY HALL
MORRIS MN
56244

CITY OF ROCHESTER
1421 3RD AVE SE
ROCHESTER MN
55901

CITY OF ST LOUIS PARK
5005 MINNETONKA BLVD
ST LOUIS PARK MN
55416

CITY OF WAYZATA
500 RICE STREET
WAYZATA MN
55391

COHEN LAWRENCE
1291 1 APPLETREE SOU
MPLS MN
55420

DANIELSON RODNEY L.
411 MAIN ST. SU 210
ST. PAUL, MN
55102

DICKSON GARY L
4665 NO VICTORIA ST
SHORELVIEW MN
55112

5720 EXCELSIOR BLVD
MPLS MN
55416

25 W. 4TH. ST.
ST PAUL, MN
55102

E CENTRAL REG. DEV. COMM
COURTHOUSE 18 N VINE ST
MORA MN
55051

EBELING EDWARD H.
161 W. MAIN
PERHAM MN
56573

ECKLUND WM EELLHABER-LARSON
W 1080 1ST NATL BANK
ST PAUL MN
55101

EDINA HEALTH DEPT
4801 W 50TH ST
EDINA MN
55424

ELMER EDWIN W
2901 PLEASANT AVE
MPLS MN
55408

ENDERSON WILLIAM
3644 NICOLLET AVE
MINNEAPOLIS MN
55409

ENNIS A F BOISE CASCADE
PO BOX 713
INTL FALLS MN
56649

ERNEST K LEHMANN & ASSOC.
1409 WILLOW ST.
MPLS MN
55403

FARMERS ELEVATOR ASSN
852 GRAIN EXCH BLDG
MPLS MN
55415

FARRELL FRANK BUR NOR
RM 1180 176 E 5TH ST
ST PAUL MN
55101

FARSETH PAUL FOOD STAMPS PRO
WELFARE DEPT 690 N ROBT
ST PAUL MN

FED-ST REPORTS INC.
5203 LEESBURGPIKE S1201
FALLS CHURCH, VA
22041

FELHABER K S
W 1ST NATL BANK BLDG
ST PAUL MN
55101

FITZGERALD DR BOB
3007 LYNDALE AVE SO
MPLS MN
55408

FITZPATRICK LEO
8138 HENSLOWE AVE S
COTTAGE GROVE MN
55016

FORBES GORDON MINN RRS AS
203 HANOVER 430 CEDAR
ST PAUL MN
55101

FORSBERG AUR SERV
518 SUMMIT AVE
NEW ULM MN
56073

FOX W.E. LINDQUIST & VENNUM
4200 IDSCTR 80 S.8TH ST
MINNEAPOLIS MN
55402

FREDIN CONRAD M
811 FIRST NATL BK BLDG
DULUTH MN
55802

FRIESEN MILLER A
RAHR BD 624 13TH ST S
VIRIGINIA MN
55792

FRISON FRANK NECA
RM 305 200 SO ROBERT
ST PAUL MN
55107

FURRY CATHERINE
2174 COMMONWEALTH AVE
ST PAUL MN
55108

GEBERT KENNETH L
300 PUBLIC HEALTH CTR
MPLS MN
55415

GEO A HORMEL & CO LAW DEPT
PO BOX 800
AUSTIN MN
55912

GODIN RALPH J
3824 47TH AVE SO
MPLS MN
55406

GOLDBERG PROF MELVIN
WM MITCHELL COL OF LAW
ST PAUL MN
55105

GRAHAM THOS H.
900 MIDLAND BK. BLDG.
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55401

INGVALSON VERN MN.FARM BU
1976 WOODDALE BOX 43370
ST PAUL MN

INTERSTATE POWER RM STEELE
1000 MAIN ST
DUBUQUE IA

IVERSON DR JOS DEPT ED
ST OLAF COLLEGE

IZAAK WALTON LEAGUE OF AM
111 E FRANKLIN SU 201

INGVALSON VERN MN.FARM BU
1976 WOODDALE BOX 43370
ST PAUL MN
55164

INTERSTATE POWER KW STEELE
1000 MAIN ST
DUBUQUE IA
52001

IVERSON DR JOS DEPT ED
ST OLAF COLLEGE
NORTHFIELD MN
55057

IZAAK WALTON LEAGUE OF AM
111 E FRANKLIN SU 201
MPLS MN
55404

JAIN NIRMAL ENIV PROCESS
1220 GLENWOOD AVE
MPLS MN
55405

JENOS INC
525 LAKE AVE SO
DULUTH MN
55801

JENSEN MRS GAYNOLD
111 WEST 107TH ST
MPLS MN
55420

JOHANSEN BUS SERV INC.
11911 HWY. 52
CHAMPLIN, MN
55316

JOHNSON & SANDERSON
ST MARYS HOSPITAL
ROCHESTER MN
55901

JOHNSON CLARENCE IBEW LU 292
3615 37TH AVE S
MPLS MN
55406

JOHNSON G ROBERT
4344 IDS CENTER
MPLS MN
55402

JOHNSON KEL MACI
HANOVER BLDG
ST PAUL MN
55101

JOHNSON LEROY
1207 98TH LANE NW
COON RAPIDS MN
55433

JOHNSON M.D. FRUNDT & FRUNDT
BLUE EARTH MN
56013

JOHNSON LANCE J
265 S LAFAYETTE RD
ST PAUL MN
55107

KAVANEY RICHARD
1220 NORTHERN FED BLDG
ST PAUL MN
55102

KEENAN RICHARD J
4444 IDS BLDG
MPLS MN
55402

KELLY BARBARA SOLID WASTE
4001 PEBBLEBROOK DR
BLOOMINGTON MN
55437

KERVIK DIANE
302 POWEL HALL U OF M
MPLS MN

KNUDELL DAVID 31
5 PEAVEY BLDG
MPLS MN
55402

KNOPP TIMOTHY
COLLEGE FORESTRY U OF M
ST PAUL MN
55108

KNUTSON R N GRANNIS ETAL
F J SCHULT BLDG
ST ST PAUL MN
55075

KRAMER ERNEST W
717 DELAWARE ST SE
MPLS MN
55440

KRUNLOKKEN J E
10048 NORD RD
BLOOMINGTON MN
55437

LAKE SUPERIOR INDUSTRIAL
828 FIRST AM. BK. BLDG.
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55802

LANGEVIN, DAVID P.
8748 IDEN AVE. SO.
COTTAGE GROVE MN
55016

LEAGUE WOMEN VOTERS OF MINN
555 WABASHA
ST PAUL MN
55102

LEG.REF.LIB-Z. DEWITT
RM 111 STATE CAPITOL
ST PAUL MN
55155

LEG REPORT SERV-P STURDEV
PO BOX 3259
ANNAPOLIS MD
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LEWIS DR.G.M JR.
ABBOTT 110 E 16TH ST
MPLS MN
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LOCH DAVID REG 5 REG DEV COO
11 IOWA AVE
STAPLES MN
56479

LOEFFLER DOROTHY MRS
U OF M 101 EDDY HALL
MPLS MN
55455

LUTH SOC SERVICE OF MN
2414 PARK AVE
MPLS MN
55404

MAHOF RICK CARTER
2850 METRO DR SUITE 431
BLOOMINGTON MN
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1 SO STATE ST
NEW ULM MN
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MANKATO STAT STUDENT SENATE
CENTENNIAL STUDENT UN
MANKATO MN
56001

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MPLS MN
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MARQUARDT PHILIP
RTE 2 BOX 209
JANESVILLE MN
56048

MASTOR & BALE, LTD.
315 PEAVEY BLDG.
MPLS. MN
55402

MAUL WARREN E.
605 4TH. AVE. SO.
MPLS., MN
55415

MCDONALD PHILIP M
2077 SELBY AVE
ST PAUL MN
55104

MCNEILLY GREG MNDSVIEW ED
41 SHERBURNE AVE
ST PAUL MN
55103

MET. WASTE CONTOL COMM.
350 METRO SQ BLG
ST PAUL MN
55101

METROPOLITAN COUNCIL LIBRARY
300 METRO SQUARE
ST PAUL MN
55155

MEYER HERBERT
10824 ZENITH AVE S
BLOOMINGTON MN
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MILLER PAUL J PHARMACY SERV
ST MARYS HOSP
ROCHESTER MN
55901

MILLER THOMAS F
1628 IDS CENTER
MPLS MN
55402

MINN ASPHALT PAVEMENT ASS
555 WABASHA RM 209
ST PAUL MN
55102

MINN ASSN COOPERATIVES
55 SHERBURNE AVE
ST PAUL MN
55103

MINN ASSN VOL SOC SERVICE
1821 UNIV SUITE 389
ST PAUL MN
55114

MINN CHAP ASSOC BLDRS-CONTRS
7204 W 27TH ST
MPLS MN
55426

MINN DEPT HEALTH J C MCKA
717 DELAWARE S E
MPLS MN
55440

MINN HOSPITAL ASSN
2333 UNIV AVE SE
MPLS MN
55414

MINN LP GAS ASSN
7515 WAYZATA BLVD 106
MPLS MN
55426

MINN.MTR.TRANSP. .J.N.D
1821 UNIV.
ST.PAUL MN
55104

MINN NEWSPAPER ASSN
84 S 6TH ST STE 400
MPLS MN
55402

MINN PCA WATER QUALITY
1935 W CO RD B 2
ROSEVILLE MN
55113

MINN PETROLEUM COUNCIL
1020 NORTHERN FED BLDG
ST PAUL MN
55102

MINN POLLUTION CONTROL AG
1935 W CO RD B2
ROSEVILLE MN
55113

MINN RETAIL FEDERATION
180 METRO SQUARE BLDG
ST PAUL MN
55101

MINN RETAIL HARDWARE ASSN
3033 EXCELSIOR BLVD 313
MPLS MN
55416

MINN RURAL ELECTRIC ASSN
4701 W 77TH ST
MPLS MN
55435

MINN. SERV. STA. ASSN.
1115 2ND. AVE. SO.
MPLS., MN
55403

MINN STATE BD PHARMACY
717 DELAWARE ST SE #351
MPLS MN
55414

MINN STATE MEDICAL ASSOC
STE 900 AM NATL BK BLDG
STPAUL MN
55101

MINN TEAMSTERS CREDIT UNION
2021 HENN AVE E
MPLS MN
55413

MINN. TBR. PRODUCERS ASSN
333 W. SUPERIOR ST.
DULUTH, MN
55802

MINN.TURKEY GROWERS ASSN
2383 UNIV AVE
ST PAUL MN
55114

MINN WATER RESOURCES BD
RM 208 555 WABASHA ST
ST PAUL MN
55102

MINN-WISC BOUNDARY AREA COMM
630 2ND ST
HUDSON WI
54016

MINNESOTA AFL-CIO
175 AURORA AVE
ST PAUL MN
55103

MIXA FRANK LK MNTKA CONS DIS
402 E LAKE ST
WAYZATA MN
55391

MN AUTOMOBILE DEALERS ASSN
277 UNIV AVE
ST PAUL MN
55103

MN.BD OF NURSING
717 DELAWARE ST SE
MPLS MN
55414

MN ELECTRICAL ASSN
3100 HUMBOLT SO
MPLS MN
55408

PUB INT RESEARCH GROUP
3036 UNIV AVE SE
MPLS MN
55414

MN REP STATE CENTRAL COMM
555 WABASHA AVE
ST PAUL MN
55102

MN SOC SERV ASS J HOOD
614 PORTLAND
ST PAUL MN
55102

MN ST COUNCIL FOR HANDICA
METRO SQ 7TH & ROBERT
ST PAUL MN
55101

MN ST PHARMACEUTICAL ASSN
2469 UNIVERSITY AVE
ST PAUL MN
55114

MOFFITT R C
RM 301 M MPLS CITYHALL
MPLS MN
55415

MOSS DR JEROME
125 PELK 159 PILLSBURY
MPLS MN
55455

MOSTCA
PO BOX J
PERHAM MN
56573

MOTOR VEHICLE MFRS ASSN
411 MAIN ST (215)
ST PAUL MN
55102

MPLS ASSN RETARDED CITIZENS
2344 NICOLLET AVE. SO.
MPLS., MN
55404

MPLS TRIBUNE CITY DESK
425 PORTLAND AVE
MPLS MN
55415

MT OLIVET ROLLING ACRES
R 1 BOX 576
EXCELSIOR MN
55331

MURPHY PATRICK FSR INC
BOX 986 COURTHOUSE STA
ARLINGTON VA
22216

NATL FAMILY INS CO
2147 UNIV AVE
ST PAUL MN
55114

NCEC INC C/O DR DAHLBERG
CONCORDIA COLLEGE
MOORHEAD MN
56560

NELSON HOWARD I

LINDSROM MN
55045

NEMDA
706 ALWORTH BLDG
DULUTH MN
55802

NOZISKA HOWARD
7851 METRO PKWY S 103
MPLS MN
55420

NURSING HOME ADMRS BD EXA
RM 340 717 DELAWARE SE
MPLS MN
55414

NURSING HOME RES ADV CO.
111 E FRANKLIN S210
MPLS MN
55404

NW BELL TEL CO LEGAL DEPT
224 S 5TH ST RM 2000
MPLS MN
55402

NW COUNTRY ELEVATOR ASSN
P.O.BOX.15004COMM.STAT
MPLS., MN
55415

NW REG. DEV. COMM
425 WOODLAND AVE
CROOKSTON MN
56716

O'BRIEN J.DENNIS
1100 1ST NATL.BANK BLDG
MINNEAPOLIS MN
55402

O'CONNELL RAY
MN GAS CO 733 MARQ AVE
MPLS MN
55402

OFFICE OF THE GOVERNOR
130 STATE CAPITOL
ST PAUL MN
55101

OLOFSON ARTHUR MBD & MAINC
927 SOO LINE BLDG
MPLS MN
55402

OTTER TAIL POWER CO.
215 S. CASCADE ST.
FERGUS FALLS MN
56537

PAYNE COL ALVIN

DEGRAFF MN
56233

PETERSON DOUG AM RED CROSS
[redacted]DELL PLACE
MPLS MN
55403

PETERSON, H. COMM LABOR&IND.
444 LAFAYETTE RD.5TH FL
ST. PAUL, MN
55101

PHAR MFGRS ASSN GROSSMAN S.
1155 15TH. ST. N.W.
WASHINGTON,DC
20005

PHILLIPS LEGISLATIVE SERV
459 RICE ST
ST PAUL MN
55103

PIDGEON, JOHN G. CITY MGR.
BLOOMINGTON CITY HALL
BLOOMINGTON, MN
55431

PINNETTI NICK M HALEY & ASS.
40 CENTRAL PARK S
NEW YORK NY
10019

PLRC HAMLINE U LAW SCHOOL
1536 HEWITT AVE
ST PAUL MN
55104

POPOVICH PETER S
314 MINN BLDG
ST PAUL MN
55101

PORTER DAVID
3002 27 AVE S
MPLS MN
55406

POYZER ROBT
BOX 675
FERGUS FALLS MN
56357

PRAUSE J.C.
1313 COON RAPIDS BLVD.
COON RAPIDS, MN
55433

PRICE WALT C REISS COAL C
1011 SO 8TH ST
SHEBOYGAN WI
53081

RAMSEY CO MEDICAL SOC
908 AM NATL BK BLDG
ST PAUL MN
55101

R[redacted] OWL STORES INC
215 E EXCELSIOR AVE
HOPKINS MN
55343

RIEKE, DAVID
SCORPION IND. INC.
CROSBY, MN
56441

ROYAL ESQUIRE REALTY INC
1612 PIONEER BLDG
ST PAUL MN
55101

SAX DOVE & STENSON
310 ENDICOTT BLDG
ST PAUL MN
55101

SCHNEIDER MAHLON
GREEN GIANT
LESUEUR MN
56058

SHABATURA EUGENE H
2833 LAKE AVE. SO.
DULUTH, MN

RADENHORSTCORP-RONALD G KIRK
7900 XERXES S S-2200
MPLS MN
55431

REGION NINE DEV. COMM.
120 S. BROAD ST.
MANKATO, MN
56001

RITTER, JERRY
1011 NICOLLET MALL
MPLS., MN
55403

SCARBOROUGH WILLIAM
DIV.ED. U.M.
MORRIS MN
56267

SCHULZ LINDA
RM 328 CAPITOL BLDG
ST PAUL MN
55155

SHEEHY LEE E
625 ADMIN BLDG
ST PAUL MN
55155

RADMAN RICHARD-LABOR TEMPLE
411 MAIN STREET
ST. PAUL, MN
55102

REAGAN MICHAEL
% MINN LEARNING CTR
BRAINERD MN
56401

RENNER R.H. ST PAUL AREA CC
300 OSBORN BLDG.
ST PAUL MN
55102

ROSENTHAL ABE MN TRANS SERV
SUITE 310 N 1821 UNIV
ST PAUL MN
55104

SCHAEN ETHEL
1821 UNIV AVE RM 3895
ST PAUL MN
55104

SCHWINN, ROBT. P.
1830 SOO LINE BLDG.
MPLS., MN
55402

SIX EAST REG. DEV. COMM.
311 W 6TH ST
WILLMAR MN
56201

RALPH BURKE ASSOCIATES
5200 W 73RD ST
MPLS MN
55435

REARDON MRS HELEN
1125 S E 6TH ST
WILLMAR MN
56201

RICHARDS MONTGOMERY ET AL
1430 RAND TOWER
MPLS MN
55402

ROSS ALFRED
6356 WARE RD
LINO LAKES MN
55014

SANFORD S M
7000 PORTLAND AVE
RICHFIELD MN
55423

SCHMIDT WARREN WELLCOME M
GARDEN CITY
MN
56034

SE MN REG DEV COMM
301 MARQ BK BLDG
ROCHESTER MN
55901

SMITH BOB III
PIONEER BLDG
ST PAUL MN
55101

SNYDER, R.W. U OF M
RM 248C CLASS OFF BLDG.
ST PAUL MN
55108

ST. PAUL FOOD RETAILERS ASSN
555 WABASHA ST. STE.204
ST. PAUL, MN
55102

STONE JOHN F MOSS FLAHERTY
2350 IDS CENTER
MPLS MN
55402

THORNTON, P.J.
107 SO. 15TH. AVE. W.
VIRGINIA, MN
55792

US DEPT OF AGRICULTURE
252 FEDERAL BLDG
ST PAUL MN
55101

VOS LEROY
2137 BURNS AVE
ST PAUL MN
55119

WAMPLER LINUS DIR USW OF AM
609 PROVIDENCE BLDG
DULUTH MN

WEST CENTRAL REG. DEV.

SODERBERG HAROLD J
1500 MIDWEST PLAZA BLDG
MPLS MN
55402

STATE & FEDERAL AGENCIES
1101-15TH NW
WASHINGTON DC
20005

SULLIVAN J KIRK
P.O. BOX 50
BOISE, IDAHO
83728

TOWNSHIP OF WHITE BEAR
1281 HAMMOND RD
WHITE BEAR LK MN
55110

WASHINGTON COUNTY
14900 61ST ST NO
STILLWATER MN
55082

WHITLOCK A

SOUTHWEST REGIONAL DEV COMM
251H & BROADWAY
SLAYTON MN
56172

STO AM LIFE & ANNUITY CO
3801 W 50TH ST
MPLS MN
55410

SULLIVAN JEANETTE
COLL SW STATE UNIV
MARSHALL MN
56258

TATE VERN 3M CO
3M CENTER 220/6W
ST PAUL MN
55101

VALLY CENTER DRUG
4827 W 124TH ST
SAVAGE MN
55378

WALTERS THOMAS MN MFG HOUSE
4530 W 77TH ST STE 227
MPLS MN
55435

WATERS, DONNA M.
110506 WINDMILL COURT
CHASKA MN
55318

SPRAGUE CHARLOTTE B
AREA HOSPITAL BOX 339
WINDOM MN
56101

STEELWORKERS CREDIT UNION
BOX 250
BABBITT MN
55706

SWANSON DALE
1068 SO LAKE ST
FOREST LAKE MN
55025

TENNESSEN SEN ROBERT J
RM 309 STATE CAPITOL
ST PAUL MN
55165

UNION STOCK YARDS
ATTN PRES
SO ST PAUL MN
55075

VIITALA, W.C. HONEYWELL
HONEYWELL PLAZA
MPLS MN
55408

WALZ SAM CO ADMINISTRATIO
ANOKA CTY COURTHOUSE
ANOKA MN
55303

WELK G V NORTHERN STATES
414 NICOLLET MALL
MPLS MN
55401

WAMPLER LINDS DIR USW UF AM
609 PROVIDENCE BLDG
DULUTH MN

WASHINGTON COUNTY
14900 61ST ST NO
STILLWATER MN
55082

WATERS, DONNA M.
110506 WINDMILL COURT
CHASKA MN
55318

WELK G V NORTHERN STATES
414 NICOLLET MALL
MPLS MN
55401

WEST CENTRAL REG. DEV.
ADM BLDG,COMMUNITY COLL
FERGUS FALLS MN
56537

WHITLOCK A G
ECON LAB OSBORN BLDG
ST PAUL MN
55102

WHITLOCK MARSHALL LCRAR
RM.44 ST. OFF. BLDG.
ST. PAUL, MN
55155

WM. MITCHELL LAW LIB.
875 SUMMIT AVE.
ST. PAUL, MN
55105

WIS FEEDER PIG MARKET CO-OP

FRANCIS CREEK WI

WOZNIAK D D
401 FIRST FED BLDG
ST PAUL MN
55101

WRIGHT CO COMMUNITY SERVICES
7NW 1ST ST
BUFFALO MN
55313

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FFFFFFFFFFFF IIIIIIII II NNN NN RRRRRRRRRRRR 99999999 9999999999 00000000 111
FF II NNNN NN RR RR 99 99 99 99 00 00 1111
FF II NN NN NN RR RR 99 99 99 99 00 00 11
FF II NN NN NN RR RR 99 99 99 99 00 00 11
FFFFFFFF II NN NN NN RRRRRRRRRR 99999999 9999999999 00 00 11
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FF II NN NN NN RR RR 99 99 00 00 11
FF II NN NNNN RR RR 99 99 0000 11

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✓ Heckt, Paul 720 American Center Bldg., St. Paul, Mn. 55101 Hand typed

✓ Hiniker, James Commissioner of Admin. 200 Admin Bldg., St. Paul, Mn.

✓ Leg.Ref.Lib Z. Dewitt, Room 111 State Capitol, St. Paul, Mn.

✓ Met. Waste Control Comm. 350 Metro Sq. Bldg., St. Paul, Mn.

Minn. Pollution Control , Water Quality, 1935 W. Co. Rd. B2, Roseville, Mn.

✓ Minn. Pollution Control Agency, 1935 W. Co. Rd. B2, Roseville, Mn.

✓ Minnesota Water Resources Bd., Rm. 206 555 Wabasha St., St. Paul, Mn.

✓ Minn. State Council for the Handicapped, Metro Sqr. Bldg. 7th & Robert, St. Paul

✓ Office of the Governor, 130 State Capitol, St. Paul, Mn.

✓ Peterson, H. Commissioner of Labor & Industry, 444 Lafayette Rd., St. Paul

✓ Schultz, Linda, Room 328 Capitol Bldg., St. Paul, Mn.

✓ Sheehy, Lee E., 625 Admin. Bldg., St. Paul, Mn.

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✓Miller, David S. 2845 Quebec Avenue So., St. Louis Park, Mn. 55426
✓Miller, Sherman E. RFD 2 Box 28, Wells, Mn. 56097

✓Polt, Thomas M. McCarthy Building, Eyota, Mn. 55934

✓Minnesota Multi Housing Association, 3100 W. Lake St., Mpls 55416

✓Miller, Tom 6921 York Ave. So., Edina 55435

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✓Pappas, Caroline, 625 6th Ave SE, Rochester

✓Pappas, Irene, c/o Irene's Beauty Shop, Mantorville

✓Payant, Elvira, 125 NW 4th St, Faribault 55021

✓Schauer, Mrs. Bernice, 815 Central Ave, Faribault 55021

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OFFICE OF HEARING
EXAMINERS

STATE OF MINNESOTA
STATE BOARD OF COSMETOLOGY

In the Matter of Proposed Rules
Relating to Continuing Education
for Licensed Senior Instructors

At the hearing on the above-referenced proposed rules, the State Board of Cosmetology will be represented by Board Members Cynthia DeSonpere, Mary Lou Sinnen, Dr. James Rehder and Irene Pappas. The Board's attorney, Special Assistant Attorney General Gregory P. Huwe will also be present at the hearing.

Testimony of other persons has not been solicited.

Board Exhibit No. 3
File No. SBC-80-001-JL
Date 2-8-80

RECEIVED
JAN 14 1980
OFFICE OF HEARING
EXAMINERS

STATE OF MINNESOTA
STATE BOARD OF COSMETOLOGY

In the Matter of Proposed Rules
Relating to Continuing Education
for Licensed Senior Instructors

ORDER FOR HEARING

IT IS HEREBY ORDERED that a public hearing on the above-captioned proposed rules be held in the Hearing Room of the Minnesota Department of Commerce, 500 Metro Square Building, Seventh and Robert Streets, St. Paul, Minnesota, on February 8, 1980, commencing at 9:30 a.m. and continuing until all persons have had an opportunity to be heard.

IT IS FURTHER ORDERED that a Notice of Hearing be mailed to all persons or representatives of associations or other interested groups who have registered their names with the Secretary of State for that purpose.

IT IS FURTHER ORDERED that the Notice of Hearing in this matter be published in the State Register.

Dated: 12-14-79

Ailie Norlin

AILIE NORLIN
Executive Secretary
Minnesota State Board of Cosmetology

Board Exhibit No. 2
File No. SBC-80-001-JL
Date 2-8-80

STATE OF MINNESOTA
DEPARTMENT OF COMMERCE
BOARD OF COSMETOLOGY

In the Matter of the Proposed Rules Relating to Continuing Education for Licensed Instructors	STATEMENT OF COMPLIANCE WITH MANUAL OR RULEMAKING PROCEDURES

I, Special Assistant Attorney General, Gregory P. Huwe, do hereby declare that I have examined the proposed rules and all related documents and that based on them and my personal familiarity with the applicable procedures, the manual of rule-making procedures has been followed. Any exceptions are noted below.

Dated: April 30, 1980

Gregory P. Huwe

GREGORY P. HUWE
Special Assistant Attorney General

B-80-001-JL

STATE OF MINNESOTA
OFFICE OF HEARING EXAMINERS

FOR THE STATE BOARD OF COSMETOLOGY

IN THE MATTER OF PROPOSED RULES)
RELATING TO CONTINUING EDUCATION)
FOR LICENSED SENIOR INSTRUCTORS)

ORDER OF THE
CHIEF HEARING EXAMINER

WHEREAS, a hearing was held on February 8, 1980, before Jon L. Lunde, a Hearing Examiner of the State Office of Hearing Examiners, on the above-entitled matter in compliance with Minn. Stat. § 15.0412, subd. 4; and

WHEREAS, the Report of the Hearing Examiner made pursuant to Minn. Stat. § 15.052, subd. 3, was issued to the Board of Cosmetology on March 17, 1980; and

WHEREAS, the Board of Cosmetology has now determined to adopt rules pursuant to Minn. Stat. § 15.0412, subd. 4; and

WHEREAS, the Board of Cosmetology has submitted said rules to the Chief Hearing Examiner for review pursuant to Minn. Stat. § 15.052, subd. 4, and 9 MCAR § 2.110; and

WHEREAS, the Chief Hearing Examiner finds that the final proposed rules are not substantially different from those proposed at the public hearing and that the Board of Cosmetology has met all requirements of Minn. Stat. § 15.0412, subd. 4.

NOW, THEREFORE, upon receipt of this Order, the Board of Cosmetology has the responsibility of submitting the complete hearing record and the rules as adopted by the Board to the Attorney General, notifying all persons who requested to be informed that the hearing record has been submitted to the Attorney General, and publishing in the State Register, all pursuant to Minn. Stat. § 15.0412, subd. 4.

Dated this 6TH day
of May, 1980.

DUANE R. HARVES
Chief Hearing Examiner

By: GEORGE A. BECK
Hearing Examiner

ADMIN 1000 (Rev. 1/78)
SF-00006-01

STATE OF MINNESOTA

DEPARTMENT ATTORNEY GENERAL - Bremer Tower

Office Memorandum

TO : JOANNE E. HINDERAKER
Special Assistant
Attorney General

DATE: May 8, 1980

FROM : GREGORY P. HUWE
Special Assistant
Attorney General

PHONE: 9412

SUBJECT: In the Matter of Proposed Rules Relating to Continuing Education for Licensed Senior Instructor.

Enclosed herewith for your review as required by Minn. Stat. § 15.0412, subd. 4 is the complete record of rule-making hearing including documents required by Attorney General Rule 305 in the above-referenced matter.

GPH:sab
Encs.

PRINTED ON RECYCLED PAPER

ADMIN 1000 (Rev. 1/73)
SF-00006-01

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STATE OF MINNESOTA

DEPARTMENT ATTORNEY GENERAL

Office Memorandum

TO : CYNTHIA DeSONPERE, President
State Board of Cosmotology

DATE: July 16, 1980

Attn: GREGORY HUWE

FROM : JERRY ANDERSON
Special Assistant
Attorney General

PHONE: 296-1288

SUBJECT: Rules as Approved In the Matter of the Proposed Rules Relating to Continuing Education for Licensed Instructors.

Enclosed herewith are the rules you have submitted for approval. These rules have been approved by this office and filed with the Secretary of State. Note that they have NOT been filed with the State Register; this must be done promptly by your agency.

Upon receipt and before transmittal to your agency, however, it is important that you recheck these rules as to:

1. Affixation of the stamps of the Attorney General and Secretary of State to the last page of the rules;

2. Coverage by these stamps of all rules submitted; and

3. Inclusion of all pages of the rules in the approved set.

Directly following the approved rules is a complete set of required documents and transcript which must be retained with the rules by you or your agency.

If you have any questions in this regard, please contact me.

JA/bw
Enclosure

cc: Duane Harves
Susan Robertson