

**South Carolina Board of Cosmetology
Board Meeting
10:00 a.m., January 13, 2014
Synergy Business Park
Kingstree Building
110 Centerview Drive, Conference Room 105
Columbia, South Carolina 29211**

Meeting Called to Order

Public notice of this meeting was properly posted at the S. C. Board of Cosmetology office, Synergy Business Park, Kingstree Building and provided to all requesting persons, organizations, and news media in compliance with Section 30-4-80 of the South Carolina Freedom of Information Act.

Pledge of Allegiance

Rules of the Meeting Read by the Chairman

Introduction of Board Members:

Chairperson Melanie Thompson called the regular meeting of the Board of Cosmetology to order. Other Board members on the conference call for the meeting included, Melanie Thompson, Cindy Rodgers, Janice Curtis, Selena M. Brown, and Stephanie Nye.

Staff Members Participating in the Meeting:

Mary League, Advice Counsel; Roz Bailey-Glover, Interim Administrator; Matteah Taylor, Staff; Cecelia P. Englert, Court Reporter.

All Other Persons Attending:

Chesley Phillips, Colleen Large, Sherri Todd, Jayson Lacy, Courtney Freeman, Katie Shelton, Erica Horton, Jay Lacy, Steven Dawson, Comelita Harriot, Gloria Smith, Doug Robinson, Michael Glover, Janet Ray, Alan Ray, Yolanda Rodgers, Eleanor Glover, Jennifer Graffeo, Shannon Felder, Charmine Greene, Robbie Boland and Andrew Rogers.

Approval of Excused Absences: There were none.

Approval of the Minutes for the Following Meeting: November 4, 2013

MOTION:

Ms. Curtis made a motion to approve the minutes for November 4, 2013 with corrections. Ms. Rodgers and Ms. Brown both seconded the motion which carried unanimously.

Approval of the Minutes for the Following Meeting: November 5, 2013

MOTION:

Ms. Rodgers made a motion to approve the minutes for November 5, 2013 with corrections. Ms. Brown seconded the motion which carried unanimously.

Approval of Agenda

MOTION:

Ms. Rodgers made a motion to approve the agenda with any deviations necessary. Ms. Curtis seconded the motion.

Proposed Chapter 10 Fee Placement Options - Mary League

Ms. League explained the Proposed Chapter 10 Fee Replacement Options. The Board considered the proposal. A brief discussion ensued.

MOTION:

Ms. Rodgers made a motion to deny the Proposed Chapter 10 Fee Placement Option and opted to leave the fees out of the regulations and statutes. Ms. Brown seconded the motion which carried unanimously.

Board Response to Regulatory Review Task Force Recommendations

The Board discussed each of the Regulatory Review Task Force Recommendations and made the following determinations:

#7. Board of Cosmetology: S.C. Code Reg. §35-23(A)- Allow for the carryover of continuing education hours to the next renewal cycle, which is a reasonable policy for most continuing education professions.

MOTION:

Ms. Curtis made a motion to accept recommendation number 7, **S.C. Code Reg. §35-23(A)**. Ms. Rodgers seconded the motion which carried unanimously.

#8. Board of Cosmetology: S.C. Code Reg. §35-23(A) - Reduce the amount of continuing education requirements for licensed cosmetologists, nail technicians, and estheticians to less than the current requirement of twelve hours every two years, which will help save the professional time and money and will be more in line with our neighboring states, such as Georgia that requires five hours every two years.

MOTION:

Ms. Curtis made a motion to accept recommendation #8, **S.C. Code Reg. §35-23(A)** reducing the Continuing Education hours but would like to conduct more research. Ms. Brown seconded the motion which carried unanimously.

#9. Board of Cosmetology: S.C. Code Reg. §35-24- Scale back many of the continuing education program requirements that micromanage the programs, including the regulation of

space and chairs, smoking, two forms of identification, and a monitor, all of which are unreasonable and unnecessary.

MOTION:

Ms. Curtis made a motion to accept recommendation 8, S.C. Code Reg. §35-24 reducing the Continuing Education hours but would like to conduct more research. Ms. Brown seconded the motion which carried unanimously.

#10. Board of Cosmetology: S.C. Code Reg. §35-2- Repeal the regulations that micromanage the equipment required at cosmetology schools, such as a teacher's desk, a file, a blackboard, three shampoo bowls, eight hair dryers, etc., which are unreasonable and unnecessary.

MOTION:

Ms. Curtis made a motion to conduct more research for S.C. Code Reg. §35-2 with the Continuing Education Providers. Ms. Brown seconded the motion which carried unanimously.

#11. Board of Cosmetology: S.C. Code Reg. §35-20(G)(1)- Repeal the regulation requiring that cosmetology licensees be "clean and appropriate at all times", which is a matter more appropriately addressed between an employee and employer and ultimately the consumer.

MOTION:

Ms. Curtis made a motion to conduct more research for S.C. Code Reg. §35-20(G)(1). Ms. Brown seconded the motion which carried unanimously.

#12. Board of Cosmetology: S.C. Code Reg. §35-10(H)(1)- Repeal the regulation prohibiting cosmetology schools that operate independently of the Cosmetology Board to change their own rules without Board approval, which will help schools save time on administrative matters.

MOTION:

Ms. Curtis made a motion to conduct more research for S.C. Code Reg. §35-10(H)(1)- Ms. Nye seconded the motion. Ms. Rodgers voted nay. The motion carried.

National Interstate Council Regional Meeting

MOTION:

Ms. Rodgers made a motion for Ms. Nye and Ms. Curtis to attend the regional meeting in Las Vegas. Ms. Brown seconded which carried unanimously.

Administrator's Remarks – Roselind Bailey-Glover

Financial Monthly Report – October-December 2013

Ms. Glover provided the Board with the October-December 2013 monthly report. Let the Board know that if they required data interpretation, she would contact the finance department for the Board. Ms. Thompson commented for the record, that she is very concerned that the bottom number continues to increase. The Board accepted the financial report as information.

OIE Report – Office of Investigations and Enforcement – Sharon Wolfe / Yolanda Rogers

Ms. Rogers appeared before the Board to review the OIE report. At this time there are 3 cases pending from 1/1/2014 – 1/6/2014. There are 286 cases pending for 1/1/2013- 12/31/2013. OIE closed 165 cases between 1/1/2013-12/31/2013. The Board accepted the report as information.

IRC Report – Sharon Wolfe / Yolanda Rogers

No report at this time.

OGC Report – Office of General Counsel – Andrew Rodgers

The Board reviewed the OGC report with the Board. Mr. Rodgers answered a few questions about pending OGC actions. The Board accepted the report as data.

OGC Consent Agreement Approval Process – Andrew Rodgers

Ms. Thompson stated that she was supposed to be on the November 2013 monthly agenda for consent agreement approval since she was given authority by the Board to approve and deny consent agreements. Ms. Thompson stated that she is not comfortable with a yes or no answer for consent agreements and from time to time will need the opinion of the Vice Chair. A brief discussion ensued.

MOTION:

Ms. Curtis made a motion for the Vice Chair, Ms. Rodgers, to assist in the review of any consent agreements that the Chairperson, Ms. Thompson, may not feel comfortable with the final decision. Ms. Brown seconded the motion which carried unanimously.

There was a brief discussion about the drafting of consent agreements since there were 69 pending cases. Mr. Rogers explained that there were both new and old cases included in the 69 cases. Mr. Rogers will double check with Sharon Wolfe regarding the final number and get back to the Board. Mr. Rogers let Mr. Thompson know that on February 3, 2014 he will provide a list of scheduled dates for the signing of consent agreements. He will send the dates to Ms. Thompson via email.

Inspection Report – Approval of Inspection Report – Robbie Boland

Mr. Boland reviewed the inspections report with the Board and answered a few questions.

MOTION:

Ms. Rodgers made a motion to approve the inspection report. Ms. Curtis seconded the motion which carried unanimously.

MOTION:

Ms. Rodgers made a motion for a 5 minute recess. Ms. Brown seconded the motion which carried unanimously.

The Board returned to public session.

Review for Consideration of the Over-looked Online Courses - SCACS – Gloria Smith, and Comelita Harriot from Charleston College of Cosmetology

Ms. Smith stated that in October, 2013 during the Board's initial review of the online programs, Board members were unable to access the online data for SCACS. SCACS would like the opportunity to offer the classes and correct the online problem. Ms. Smith stated she was able to access the website before she submitted the classes to the Board for approval. Ms. Rodgers stated that she still could not open the web link at her home.

MOTION:

Ms. Rodgers made a motion to deny the online classes because the content still would not open for the Board members to review the data. Ms. Curtis seconded the motion. Ms. Nye voted nay, Ms. Brown voted nay. Ms. Thompson voted nay.

Review for Consideration of the Over-looked Online Courses - Nails, Skin & Hair of America – Chesley Phillips

Ms. Phillips stated that this is the first chance she has been given to come before the Board since she submitted the online classes in October. Ms. Curtis had the original submission. Ms. Phillips had three copies of the corrections. Originally, Ms. Phillips asked for her packet back to make corrections after hearing the Board's decision pertaining to other provider's online submissions.

MOTION:

Ms. Rodgers made a motion to go into executive session for legal advice. Ms. Curtis seconded which carried unanimously.

MOTION:

Ms. Curtis made a motion to return to public session. Ms. Rodgers seconded which carried unanimously.

During executive session, no votes were taken or motions made.

The Board had more questions for Ms. Phillips. Ms. Phillips stated that the packet she is submitting is the same packet she submitted in October. She did not understand the submission changes so in December she withdrew her packet to make those changes. She only remembered the pop-up questions. This time, she did not submit her packet 14 days before the meeting. Ms. Phillips stated that the disciplinary classes were not placed on the agenda. The live classes were approved, but the online classes were left off again. Ms. League wanted to know what's different in the live submission today versus the October 2013 submission. Ms. Phillips stated the pop-up's are the only thing she added.

MOTION:

Ms. Nye made a motion to accept the online packet for review however, the Board will need time to review the data. A conference call will be set up with the proper notifications for a final review. Ms. Rodgers seconded the motion, Ms. Curtis voted nay. The motion carried.

Mr. Thompson stated that a timeframe will be established for the data review via conference call for Monday, February 3, 2014 from 9:15 a.m. – 9:30 a.m.

Ms. Rodgers readdressed SCACS classes with Gloria Smith. Ms. Rodgers explained that the Board discussed conflicts, problems, and difficulties with accessing class information for SCACS' classes. The Board wants to retry and review the online programs for SCACS. The Board will vote on the online classes for SCACS on February 3, 2014. Ms. Rodgers stated that she withdraws her original motion of denial.

MOTION:

Ms. Rodgers made a motion to withdraw her initial denial of SCACS online classes and have the Board to revisit the online classes on February 3, 2014. Ms. Curtis seconded the motion which carried unanimously.

Review for Consideration of the Over-looked Online Courses- ACSP – Doug Robinson

Mr. Robinson stated he made the changes and submitted them in January, 2013. He eliminated the time limits on the videos. Ms. Rachael Gringsley, LLR staff member from the Office of Information Systems appeared before the Board to assist with accessing the online data on LLR's website. She opened the package in Fire Fox to open the website in Internet Explorer. Ms. Gringsley made a folder on Ms. Brown's laptop. Ms. Brown will email the folder to all Board members this evening so that they can review the content.

MOTION:

Ms. Rodgers made a motion to deny the submission because it was a third review. The motion died for lack of a second.

MOTION:

Ms. Nye made a motion to approve the online classes since there was nothing else to review. Ms. Rodgers voted nay. The motion died.

The Board members were finally able to pull-up the class data on Ms. Brown's computer. Mr. Robinson provided the password for access to Yorktech.com.

MOTION:

Ms. Curtis made a motion to revisit the online classes for ACSP on February 3, 2014. Ms. Nye seconded the motion which carried unanimously.

New Business

Review for Consideration of Changes/additions to Associations Continuing Education - SCPBCA – Jacqueline Golden

Ms. Golden was sent a letter to appear before the Board to remove Dana Williams and Cathy Logan from their 2014 CE course list as instructors in order to meet the conditions of the Board for class changes. In addition, Ms. Golden wanted to ask approval for the online courses that were originally submitted in the 2014 CE packets. Ms. Golden was not present to answer the Boards questions.

MOTION:

Ms. Brown made a motion to deny the requests. Ms. Nye seconded the motion which carried unanimously.

**Review for Consideration of Changes/additions to Associations Continuing Education
A But'Y'Ful "U" – Charmine Greene, and Shannon Felder**

Ms. Felder stated she wanted to add an instructor for CEU classes from March 1-2, 2014. This changed from March 30, 2014 and March 16 2014, but the location is still the same. The new instructor is Darryl Goodman. The Board deferred their response until Ms. Felder could give a call to Ms. Greene who was not present.

MOTION:

Ms. Brown made a motion to defer the request until Ms. Felder could give Ms. Greene a call to clarify date information. Ms. Curtis seconded the motion which carried unanimously.

Ms. Felder was able to contact Ms. Greene who confirmed that she will be the instructor along with Daniel Brown. The classes will be held at the Embassy Suites, in Charleston, SC. Ms. Greene also confirmed the two changes for March 30, 2014 to March 16, 2014. Ms. Greene asked that staff remove the May 18, 2014 class as she did not ask for a class to be published on that date. Ms. Taylor stated she will check the data originally submitted. The May 18, 2014 class was removed.

MOTION:

Ms. Curtis made a motion to approve changes for A But'Y'Ful "U" for the March 1-2, 2014 instructor's class which will be taught by Ms. Greene and Ms. Danielle Brown at the Embassy Suites in Charleston, SC. The March 30th class for Nail Technician's and Cosmetology classes will change to March 16th and a possible 4th change for the May 18, 2014 class to be cancelled. Ms. Brown seconded the motion which carried unanimously.

MOTION:

Ms. Curtis made a motion to cancel the May 18, 2014 class. This is the 4th change. Ms. Rodgers seconded the motion which carried unanimously.

**Review for Consideration of Changes/additions to Associations Continuing Education -
Greenville Upstate SC CEU – Ms. Sandra Morgan**

Ms. Morgan requested to appear before the board to discuss the January 5, 6 and 11th, 2014 classes and other corrections. Ms. Morgan was not present to answer the Board's questions.

MOTION:

Ms. Curtis made a motion to deny the changes. Ms. Rodgers seconded the motion which carried unanimously.

**Review for Consideration of Changes/additions to Associations Continuing Education -
GATE – Chris Venesky, Jennifer Graffeo**

Ms. Graffeo appeared before the Board on behalf of GATE. GATE would like to change the sequence of events on their class agenda for 2014 classes. No content will change, only the agenda.

MOTION:

Ms. Rodgers made a motion to approve the changes. Ms. Brown seconded the motion which carried unanimously.

Review for Consideration of Changes/additions to Associations Continuing Education - BIG – Karen Stacks

Ms. Stacks stated that she confirmed to appear before the Board today, but she did not know why she was here. No action was taken by the Board.

MOTION:

Ms. Rodgers made a motion that the Board takes no action today as they did not know what Ms. Stacks wanted action on. Ms. Curtis seconded the motion which carried unanimously.

Review for Consideration of Disciplinary Courses for 2014 - Hair Heirs – Sherri Todd

Ms. Thompson recused herself and turned the meeting over to Vice Chairperson, Cindy Rodgers. Ms. Curtis stated that their the agenda was not included for the classes. Ms. Todd asked the Board for guidance on including the safety and sanitation classes. Ms. Todd stated that she sent the information in on time, but was not certain of everything to include.

MOTION:

Ms. Curtis made a motion to go into executive session for legal advice. Ms. Nye seconded the motion which carried unanimously.

MOTION:

Ms. Curtis made a motion to return to public session. Ms. Nye seconded the motion which carried unanimously.

During executive session, no motions were made or votes taken.

MOTION:

Ms. Curtis made a motion to deny the disciplinary courses since there was not enough content. Ms. Taylor will assist Ms. Todd in putting together a complete packet for next year. Ms. Nye seconded the motion which carried unanimously.

Review for Consideration of Disciplinary Courses for 2014 - ACE – Steven Dawson

Mr. Dawson appeared before the Board to answer questions the Board may have about the disciplinary classes. Mr. Dawson will instruct the laws, statutes and regulations and Ms. Marilyn Montgomery will instruct the safety and sanitation classes.

MOTION:

Ms. Curtis made a motion to approve the disciplinary classes for ACE. Ms. Rodgers seconded the motion which carried unanimously.

Review for Consideration of Disciplinary Courses for 2014 – SCACS – Gloria Smith

Ms. Smith stated that the disciplinary classes were submitted on time. The instructors are listed.

MOTION:

Ms. Rodgers made a motion to approve the disciplinary classes for SCACS. Ms. Brown seconded the motion which carried unanimously.

Review for Consideration of Separation from Lacy School - PCES – Joseph Gramaud and Alan Ray

Mr. Ray stated that PCES offered classes through the PPC Association. He and his wife have had major medical problems over the past few months and they could not come before the board. Mr. Ray stated that PCES classes were approved by the Board in October, 2013, however, he would like for the Board to recognize PCES as a separate online course provider. Mr. Ray stated he will separate PCES from PPC. Mr. Ray submitted his documents from the Secretary of State. The Board asked Mr. Ray to provide a membership list. Mr. Ray stated the list was on their website but would submit a copy to LLR staff.

Mr. Jay Lacy asked to be recognized by the Board. He stated that he initiated the online content and had he known that Mr. Ray and his partner would push him out, he would not have agreed to do business with them.

MOTION:

Ms. Curtis made a motion to go into executive session for legal advice. Ms. Rodgers seconded the motion which carried unanimously.

MOTION:

Ms. Curtis made a motion to return to public session. Ms. Rodgers seconded the motion which carried unanimously.

During executive session, no motions were made or votes taken.

MOTION:

Ms. Nye stated that in recognizing Mr. Ray's extraordinary medical situation, she made a motion to approve PCES as a stand-alone provider pending the receipt of the membership list. Ms. Rodgers seconded the motion. Ms. Curtis voted nay. The motion carried.

MOTION:

Ms. Nye made a motion to approve the review of the in-person classes and to vote on these classes during the February 3rd phone conference. Ms. Brown seconded the motion. Ms. Curtis voted nay. The motion carried.

Review for Consideration of License Cosmetologist as Substitute Instructor - Beaufort Jasper Academy Career for Excellence – Dandi Daniels

Ms. Daniels appeared before the Board and stated that the school terminated an instructor last year. The former Director did not make Ms. Daniels aware of the 30-day Board limit on substitute teachers. There have been many personnel changes at the school that Ms. Daniels cannot discuss in a public forum. The substitute teacher, Ms. Malkia Cox, has been a licensed cosmetologist for 17 years, and has been teaching the students from August 2013j- January 16, 2014. Ms. Daniels stated she was not aware of the requirement until she spoke with Ms. Glover

with the Department of Education so she is here today for a determination from the Board. There was some discussion.

MOTION:

Ms. Curtis made a motion to accept the hours the students have received from the licensed Registered Cosmetologist, Malkia Cox who was the substitute instructor from August – January 2013. Further, Jasper Academy, the school, will be placed on a one (1) year probationary period. Ms. Rodgers seconded the motion which carried unanimously.

AMENDED MOTION:

Ms. Curtis made an amendment to the previous motion that if during the one (1) year probationary period if any additional violations occur, the program will be immediately administratively suspended until the Director can come back before the Board.

The Board will send the school an official Order.

Review for Consideration for School Location Change - Southeastern Esthetics Institute – Courtney Freeman

Ms. Freeman appeared before the Board stating she is closing the current location and moving to a new location. The Board reviewed the application. Ms. Thompson stated that Mr. Raymond Lee can conduct a preliminary inspection at any time. Ms. Freeman stated that the school will be ready in March, 2014. Ms. Freeman will hear from Mr. Lee within two weeks.

MOTION:

Ms. Brown made a motion to approve the location change of Southeastern Esthetics Institute from Sumter, SC to Columbia, SC. Ms. Nye seconded the motion.

Review for Consideration for School Location Change - Betty Stevens Cosmetology Institute – Rita Buck

Ms. Buck stated that they will move to 500 2nd Loop in Florence, SC. The school is ready for a preliminary inspection. They are only waiting for fixtures. Looking to open by April 7, 2014

MOTION:

Ms. Curtis made a motion to approve the location change which will remain in Florence. Ms. Rodgers seconded the motion.

Review for Consideration of Cosmetology License with Additional Charges on SLED report - Michael Glover

Mr. Glover appeared before the Board to answer questions about the added charges to his SLED report. Mr. Glover stated he was driving in a car with a friend who was an identity thief. Mr. Glover was stopped for speeding and his friend had stolen documents in his back-pack. Mr. Glover stated he was the driver so he was taken to jail, where he spent four month. He is currently on probation. Mr. Glover stated that he is in different place in his life now and no longer associates with bad company.

MOTION:

Ms. Rodgers made a motion to into executive session for legal advice. Ms. Curtis seconded the motion which carried unanimously.

MOTION:

Ms. Rodgers made a motion to return to public session. Ms. Curtis seconded the motion which carried unanimously.

During executive session, no motions were made or votes taken.

MOTION:

Ms. Rodgers made a motion to suspend Mr. Glover's license for one (1) year from January 13, 2014 – January 14, 2014. At the end of that year Mr. Glover must submit a clean SLED report to the Board at his own expense for reinstatement. Ms. Curtis seconded the motion which carried unanimously.

Review for Consideration of Reinstatement

Mr. Hoa was asked to appear before the Board seeking the reinstatement of his license. Mr. Hoa was not present to answer questions.

MOTION:

Ms. Curtis made a motion to deny the reinstatement since Mr. Hoa was absent. Ms. Rodgers seconded the motion which carried unanimously.

Discussion: There was none.

Public Comments:

Ms. Gloria Smith asked the Board to come up with a checklist for online classes and place it on the January 14, 2014 agenda. Ms. Smith stated she would be glad to participate in the committee to help the Board. Ms. Angie Shuler stated that she appreciated the Boards willingness to be fair and reconsider provider programs. Ms. Chesley Phillips stated her disciplinary classes also need to be reviewed by the Board. The Board stated they will let her know. Mr. Jay Lacy stated that associations must go through the proper guidelines. The Board should narrow the gate a little more. There are too many providers who want to be approved but they are not willing to make the programs better and do the work. Mr. Steven Dawson stated that #4335 regarding the professional attire of cosmetologist should be removed. Ms. Colleen Large commented about the Lacy school and PCES. She also stated that she is willing to work with the Board on the continuing education committee.

Adjournment: 3:57

MOTION:

Ms. Curtis made a motion to adjourn. Ms. Rodgers seconded the motion which carried unanimously.

