

SOUTH CAROLINA DEPARTMENT OF LABOR, LICENSING AND
REGULATION

BEFORE THE SOUTH CAROLINA COSMETOLOGY BOARD

MARCH 23, 2012

BOARD MEMBERS:

MELANIE THOMPSON, CHAIRMAN

KATHERINE WEBB

CYNTHIA RODGERS

JANICE CURTIS

STEPHANIE NYE

DEAN GRIGG, ADVICE COUNSEL

SARA MCCARTHA, ADVICE COUNSEL

This meeting held at the South Carolina Department of Labor, Licensing and Regulation, The Kingstree Building, 110 Centerview Drive, Columbia, South Carolina, reported by Cecelia P. Englert, Verbatim Court Reporter and Notary Public in and for the State of South Carolina; said meeting being held on the 23rd day of March, 2012, scheduled for 2:30 p.m. and commencing at

2:34 p.m.

1	CONTENTS:	
2		PAGE
3	Proceedings by Ms. Thompson	3
4	Certificate of Reporter	101
5	Word Index	

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8 EXHIBITS

11 None proffered.

22 Court Reporter's note:

24 -- indicates interruption; incomplete phrases; trailing
25 off; unfinished sentences

1 MS. THOMPSON: I'd like to call this
2 meeting to order. Public notice of this meeting
3 was properly posted at the South Carolina Board of
4 Cosmetology Office, Synergy Business Park,
5 Kingstree Building and provided to all requesting
6 persons, organizations and news media in compliance
7 with Section 30-4-80 of the South Carolina Freedom
8 of Information Act.

9 Rules of the meeting: No outbursts or
10 disruptions will be allowed from anyone during the
11 course of the session. Members of the public
12 audience shall speak no more than twice on the same
13 subject and no more than three minutes each time.
14 The board will entertain business from the public
15 presented 14 days prior to the meeting for
16 additions to the agenda. If a person or persons
17 are disruptive or habitually speaks out of order,
18 they will be asked to leave the room and they may
19 be allowed to return at the appropriate time
20 allotted on the agenda.

21 Introduction of board members and all other
22 persons attending.

23 MR. GRIGG: Start with the people on
24 the phone. Start with yourself, Melanie.

25 MS. THOMPSON: Melanie Thompson,

1 board member.

2 MS. RODGERS: Cindy Rodgers, board
3 member.

4 MS. WEBB: Kathy Webb, board member.

5 MS. NYE: Stephanie Nye, board
6 member.

7 MR. GRIGG: And I believe Rosanne
8 Kinley's on the phone also?

9 MS. KINLEY: Rosanne Kinley,
10 legislative chair.

11 MS. THOMPSON: I didn't hear Janice
12 on the phone.

13 MS. CURTIS: Yes.

14 MR. GRIGG: Janice is here in
15 person.

16 MS. THOMPSON: Oh, okay. I'm sorry.

17 MR. GRIGG: So anybody on the phone
18 that we missed?

19 (NO RESPONSE.)

20 MR. GRIGG: All right. And, Byron,
21 if you want to start, we'll go around the room.

22 MR. RAY: Byron, LLR staff.

23 MR. GRIGG: Dean Grigg, advice
24 counsel.

25 MS. MCCARTHA: Sara McCartha, advice

1 counsel.

2 MR. IDO: Charlie Ido, assistant
3 deputy director, LLR.

4 MS. CUBITT: Doris Cubitt, LLR.

5 MR. DAWSON: Steven Dawson, South
6 Carolina Association of Cosmetology Schools.

7 MS. BAILEY-GLOVER: Roz Bailey-
8 Glover, LLR staff.

9 MS. CURTIS: Janice Curtis, board
10 member.

11 COURT REPORTER: Ciel Englert, court
12 reporter.

13 MR. GRIGG: All right, Melanie.

14 MS. THOMPSON: That's it? Okay.
15 Approval of excused absences. Do I have a motion
16 to approve the absence of Selena Brown?

17 MS. WEBB: I make the motion to
18 approve the absence of Selena Brown.

19 MR. GRIGG: And I'm going to remind
20 y'all, I think she knows most --

21 MS. WEBB: Kathy Webb.

22 MR. GRIGG: -- of the voices, but
23 yeah, thank you. Make sure you say your name.

24 MS. RODGERS: Second, Cindy Rodgers.

25 MS. THOMPSON: I have a motion and a

1 second. Any further discussion?

2 (NO RESPONSE.)

3 MS. THOMPSON: Hearing none, all in
4 favor, signify by saying aye.

5 BOARD MEMBERS: Aye.

6 MS. THOMPSON: Opposed? The motion
7 carries. Approval of the agenda.

8 MS. WEBB: Make a motion to approve
9 the agenda with any deviations deemed necessary.

10 MS. RODGERS: Second the motion,
11 Cindy Rodgers.

12 MS. THOMPSON: I have a motion and a
13 second. Any further discussion?

14 (NO RESPONSE.)

15 MS. THOMPSON: Hearing none, all in
16 favor, signify by saying aye.

17 BOARD MEMBERS: Aye.

18 MS. THOMPSON: Opposed? The motion
19 carries. We don't have any old business as far as
20 I know. Moving onto new business. 3M Subcommittee
21 Requirements.

22 MR. GRIGG: All right. Melanie, can
23 I take the ball for a minute?

24 MS. THOMPSON: Please do.

25 MR. GRIGG: All right. And this

1 will be Stephanie and Janice, for y'all as much as
2 anybody, but to give you a real brief background as
3 to what's going on. Last fall, the current makeup
4 of the board, as it was at that time, undertook
5 proposing changes to their regulations. Janice, I
6 know you were at some of the meetings, so I know
7 you're probably fairly familiar with it.

8 Basically, those were submitted to the
9 legislature and they got assigned to the House 3M
10 Subcommittee. We have had two meetings before
11 them, and at the second meeting, a lady who is a
12 member of the profession and who is also a former
13 board member, Michelle Furtick, was at the second
14 meeting and had some concerns, had some things she
15 wanted considered as far as possible changes that
16 we had either proposed and she didn't like, or that
17 we had not proposed and she wanted that to be
18 considered.

19 So the 3M Subcommittee asked us to meet with
20 her, and over the last couple of weeks, we have
21 done that. The most recent being Monday afternoon
22 with the legislative committee, which had Rosanne
23 there, Melanie there, Sara and myself there, Steven
24 was there and had Heather Smith, who I believe is a
25 consultant to your association, right, Steven?

1 MR. DAWSON: That's right.

2 MR. GRIGG: And Ms. Furtick, and she
3 had a couple of people with her. I don't remember.

4 MS. WEBB: And? And?

5 MR. GRIGG: Kathy. I'm sorry. How
6 could I forget Cacky Wacky; I apologize.

7 MS. WEBB: (Inaudible.)

8 MR. GRIGG: I'm sorry. Anyway, that
9 meeting went a lot better than the first meeting.
10 We had good discussion with her, went over all of
11 the proposed regs. And, basically, the issue
12 before you today is A, the regs that have already
13 been proposed and submitted will continue and go
14 forward or B, you can consider her changes, her
15 proposed change. Those are the only two options.

16 We're not going to have any other possible
17 changes introduced. We're not going to discuss
18 withdrawing anything at this time. It is going to
19 be simply the proposed reg, Document No. 42-18
20 going forward as its current format is before the
21 3M Committee, or are we going to vote to implement
22 some of her proposed changes.

23 Melanie, do you want me to just start in with
24 what those changes are and let's take them one by
25 one?

1 MS. THOMPSON: Yes. After one
2 question. You said are we going to consider
3 implementing some of her changes. If we choose to
4 implement any of her changes, does it have to be as
5 a package? Or can just be one or two?

6 MR. GRIGG: We've got to figure that
7 out. But I think it's going to be a package deal
8 from the -- I just got off the phone before coming
9 up here with Ava Brumfield and Mary Dennis over at
10 the 3M Committee. We're trying to make sure we
11 understand all of it correctly, but my
12 understanding is it will be -- if there are any
13 substantive changes, we will have to withdraw 42-18
14 and resubmit 42-18.

15 So thank you for reminding me of that. That's
16 something everybody needs to think about is we will
17 be backtracking in the process, if there are any
18 changes made. That's not to dissuade you from
19 voting your conscience and doing what you think's
20 best, but that's something for you to realize that
21 we're facing.

22 MS. THOMPSON: One other point of
23 clarity. We had the issue of clerical corrections
24 or changes versus substantive the finger prints or
25 finger stamps. Is that going to be a substantive

1 change? Or is that a clerical change?

2 MR. GRIGG: In my opinion, it's a
3 clerical change. But ultimately, that will be for
4 3M to tell us.

5 MS. THOMPSON: But we won't know
6 that prior to a vote.

7 MR. GRIGG: No. I mean, but y'all
8 are going to have to decide whether to make that
9 change or not, regardless. I think it's a clerical
10 change, but we're going to have -- again, we'll
11 have to submit it as such and see what they tell us
12 probably next Wednesday.

13 MS. THOMPSON: All right. So just
14 to make sure --

15 MR. GRIGG: For those that don't
16 know, the 3M Committee has already set this back on
17 their agenda for next Wednesday morning, the 28th,
18 at 9 a.m., I believe.

19 MR. DAWSON: 9:15.

20 MR. GRIGG: 9:15.

21 MS. THOMPSON: And just to make sure
22 that I am clear, 42-18 is considered a package. So
23 other than clerical changes, if we vote as a board
24 to make any change to any of the other wording at
25 all, unless it's clerical, they will be drawn as a

1 package and have to be resubmitted; is that
2 correct?

3 MR. GRIGG: As is my understanding,
4 yes.

5 MS. THOMPSON: Okay.

6 MR. GRIGG: Which y'all know what
7 that means, it's not worth five cents. But that's
8 my understanding.

9 MS. THOMPSON: Well, it's worth more
10 than mine, so.

11 MR. GRIGG: Let me make one more
12 thing clear too. Ms. Furtick wanted to be here and
13 tried to work her schedule out as best she could.
14 She could not be here today, and I just wanted the
15 board members to know that, to not for a second
16 hold that against her or think she didn't care
17 about this process, because she did want to be
18 here. So just wanted to make y'all aware of that.

19 MS. THOMPSON: Okay. And so at this
20 point, Dean, you can do -- however you would like
21 to go about doing this is fine with me.

22 MR. GRIGG: All right. Well, I'm
23 just going to start in and we'll just see how it
24 goes. The first concern that Ms. Furtick had was
25 -- does everybody have copies? I guess that's the

1 first question. Everybody have the proposed regs
2 in front of them?

3 MS. NYE: It's the Document No. 42-
4 18 --

5 MR. GRIGG: It is.

6 MS. NYE: -- with the stricken
7 matters in there?

8 MR. GRIGG: It is.

9 MS. NYE: Okay. Yes.

10 MR. GRIGG: So the first one that we
11 had was -- and if I miss one, Melanie, please speak
12 up. But the first one that we had, 35-5, Part D,
13 Section D. C was stricken through and D
14 underlined, so it's going to be the new Section D.
15 And if you look on the second line, it says -- pick
16 it up in the middle -- "State Board of Cosmetology
17 testing service, or such other national testing
18 service as selected by the board, for the entire
19 examination." Ms. Furtick has a concern with the
20 word "national," and we'll see that theme in a
21 couple of other sections. But she would like
22 "national" to be taken out. And "national" is not
23 currently in the reg. It is what we are proposing,
24 as you can see by it being underlined, and she
25 wants that taken back out.

1 MS. RODGERS: Reason for that?
2 Cindy Rodgers. Is there a reason for wanting that
3 changed? I mean, I'm not quite clear on that.

4 MR. GRIGG: The long and short of it
5 is she thinks the "national" is too restrictive on
6 maybe some current companies or maybe future
7 companies that would want to test, as I understood
8 her argument Monday when we met, on the same
9 requirements as a more nationalized test, but maybe
10 they're only offering it in South Carolina and they
11 don't care to go offer it in other states, or
12 whatever. So she feels that it's restrictive to
13 the extent of, unless you've gotten some sort of
14 national seal of approval, I guess, for lack of a
15 better term, on your test, you wouldn't be allowed
16 to offer it.

17 MS. THOMPSON: This is Melanie. If
18 I could, Dean, expand a little bit.

19 MR. GRIGG: Please.

20 MS. THOMPSON: We have received
21 clarification from Dr. Shroder as to the definition
22 of "national exam." And one of the criteria is
23 that there has to be a majority of the states
24 participating before it can be considered
25 "national." Michelle, I think what she said was if

1 she had, for example, written an exam and she had
2 gone and presented her exam to all the other states
3 in the United States, but no one decided to take on
4 her exam, would that still make her have a national
5 status, if she had presented it and they had just
6 opted not to buy into it.

7 And we discussed that back and forth, and I'm
8 not really certain if she or we came to the same
9 understanding of that. But that is one of the
10 criteria, and that is one of the benefits of
11 "national" is that there are lots of states doing
12 it helps with endorsement from state to state.

13 MS. CURTIS: I would like to ask a
14 question. How many are currently doing national
15 testing? How many companies --

16 MR. GRIGG: Oh, companies? or
17 states? Companies?

18 MS. CURTIS: Offering -- offering
19 the national testing. This is Janice; I'm sorry.

20 MR. GRIGG: I have the state
21 information. Does anyone have the company
22 information?

23 MS. KINLEY: Well, what is the state
24 -- give her the state ratio.

25 MR. GRIGG: Thirty-eight --

1 MS. THOMPSON: Thirty-eight

2 states --

3 MS. CURTIS: I have the 38.

4 MR. GRIGG: And she has that. Yeah,
5 that was Rosanne that asked and Melanie said 38.

6 MS. CURTIS: I do have that.

7 MS. THOMPSON: But there are -- to
8 the best of my recollection, there are four or five
9 national companies that can offer an exam. And
10 Rosanne may be able to speak more on that, because
11 she has more involvement in the national
12 organization. She's had more experience with
13 presentations from all the other companies.
14 Rosanne, could you help us here?

15 MS. KINLEY: Yeah, I'll be glad to.
16 Obviously, NIC being the stakeholder on the
17 majority of the states was having upwards of 38
18 states. So that only leaves 12 other states. Of
19 those 12 other states, you have Pearson Vue and
20 Prometric that divvy up probably eight of those
21 states. You have states like Florida and New York
22 that do a homegrown examination, which is why no
23 one accepts their -- their license on endorsements
24 or mobility. So the short answer is probably about
25 three.

1 MS. CURTIS: So there's three
2 companies that currently offer the national exam
3 that's reference to this.

4 MS. KINLEY: Yes.

5 MS. CURTIS: Okay.

6 MS. KINLEY: Just for a point of
7 clarity, when you say "the national exam," they
8 offer an examination that is used in more than one
9 state. They do not use the NIC examination.

10 MS. CURTIS: Okay. South Carolina
11 only uses the NIC examination right now?

12 MS. KINLEY: Yes. They have always
13 used the theory examination since the conception
14 back in the late '60s, early '70s. The practical
15 exam was developed in the late '90s and they used
16 it, they left for a short period of time and did a
17 state-developed examination, which no other state
18 would, therefore, allow endorsement from South
19 Carolina. And in 2006, they converted back to
20 using the NIC practical exam.

21 MS. CURTIS: Okay. Thank you.

22 MR. GRIGG: Melanie, any further
23 discussion? Anything?

24 MS. THOMPSON: Not from me. Not
25 that I know of.

1 MS. KINLEY: Could I make one more
2 statement, Melanie?

3 MS. THOMPSON: Sure.

4 MS. KINLEY: Just on this same topic
5 that we discussed with Michelle on Monday when it
6 was decided whether it would come back to the
7 board, it was pointed out that this particular
8 language benefitted South Carolina licensees and
9 gave them mobility into the majority of 50 states.
10 Just because a state such as Florida does not use
11 an NIC exam doesn't mean that they don't give
12 automatic endorsement to a state using the NIC
13 exam. It doesn't have to be license for license.
14 So South Carolina could endorse into Florida, but
15 Florida could not endorse back into South Carolina.
16 But if you restricted the licensees and did them a
17 homegrown examination, then anywhere that they move
18 to, they would have to reexamine.

19 MS. CURTIS: In the history, have
20 you seen any problems with reciprocity going over
21 to some of these states that do not do the national
22 testing?

23 MS. KINLEY: No. Like I said, if
24 you're using the national test, even those states
25 that don't use it see the benefits of it and would

1 allow endorsement in. But it would not go the
2 other route

3 MS. CURTIS: Okay.

4 MS. WEBB: Kathy Webb here. Thanks
5 for that clarity, Rosanne.

6 MR. GRIGG: And Melanie, if you
7 would -- if you would allow him, Steven would like
8 to comment.

9 MR. DAWSON: Speaking on behalf of
10 the association, we are for the national testing
11 because of the endorsement into other states. And
12 that's particularly useful for like what Rosanne
13 was pointing out and I wanted to point out. That
14 Florida will accept our licensees for endorsement
15 because we are using the national exam. And we
16 have some of our students that move up to New York,
17 for instance, who will accept it. So it's
18 important that we use a national exam just for our
19 students.

20 MS. CURTIS: I think I need to make
21 a statement right now. I'm a new board member, and
22 with that being said, I know that there was several
23 months of back and forth and everything as far as
24 the drafting process goes. And out of respect and
25 deference to the outgoing chair, I stayed on the

1 outskirts of everything. I didn't want to be
2 presumptuous and come in and give my two cents
3 worth. So that's where a lot of these questions
4 are now coming from, no other reason, so, okay?

5 MS. THOMPSON: Sure.

6 MS. CURTIS: All right. Just for
7 clarity.

8 MR. GRIGG: Sure. Melanie?

9 MS. THOMPSON: Yes.

10 MR. GRIGG: I think, unless there's
11 any further discussion, think you're ready.

12 MS. THOMPSON: Okay. I'm sorry, are
13 we going to do these individually? Or we just --

14 MR. GRIGG: We're going to do the
15 voting individually.

16 MS. THOMPSON: -- okay. So is there
17 any other discussion about Regulation 35-5?

18 (NO RESPONSE.)

19 MS. THOMPSON: Okay. Do I have a
20 motion in regard to 35-5?

21 MR. GRIGG: 5(d) specifically.

22 MS. THOMPSON: I'm sorry. Did you
23 say d as in dog? --

24 MR. GRIGG: 35-5(d).

25 MS. CURTIS: But there's a part

1 there that says "the entire exam."

2 MS. RODGERS: B as in boy.

3 MR. GRIGG: I'm sorry. D as in dog;
4 I'm sorry.

5 MS. THOMPSON: Okay. That's where
6 I'm confused.

7 MR. GRIGG: I'm sorry. D as in dog.

8 MS. THOMPSON: Okay.

9 MR. GRIGG: And we did have one
10 other question. I'm sorry, I cut her off.

11 MS. CURTIS: Yeah. It also says
12 that the theory portion is stricken, and then it's
13 got "entire" underlined.

14 MR. GRIGG: She didn't question
15 that.

16 MS. CURTIS: She didn't?

17 MR. GRIGG: She didn't question that
18 part, so it's just the national testing part.

19 MS. CURTIS: Okay. All right.

20 MS. RODGERS: Can I make a motion?

21 MS. THOMPSON: Yes.

22 MR. GRIGG: State who you are.

23 MS. RODGERS: Cindy Rodgers. I make
24 a motion for the regs to stay as is. I think it's
25 very important that we have a national testing

1 being in this industry as long as I have. I see
2 the importance of it. So I'm making a motion that
3 they stay as they are. We've been working on these
4 things for two years. There's no need to backtrack
5 now.

6 MS. THOMPSON: I have a motion to
7 leave 35-5 as previously written. Do I have a
8 second?

9 MS. WEBB: Kathy Webb, second.

10 MS. THOMPSON: I have a motion and a
11 second. Do I have any further discussion?

12 (NO RESPONSE.)

13 MS. THOMPSON: Hearing none, all in
14 favor, signify by saying aye.

15 BOARD MEMBERS: Aye.

16 MS. THOMPSON: Opposed? Motion
17 carries.

18 MR. GRIGG: And y'all, just for
19 point of clarification, do you need them to vote
20 individually? Are you good? Okay. All right.

21 COURT REPORTER: I'll go with just
22 "board members," unless we have a nay. If we have
23 a "nay," I need to know who it is.

24 MR. GRIGG: Okay. All right.
25 Melanie, do you want me to go to the next one?

1 MS. THOMPSON: Sure.

2 MR. GRIGG: All right. 35-5,
3 Section I. "An applicant shall submit to the board
4 fingerprint and photographic identification with
5 initial application for licensure." We have two
6 issues on this. First of all, we used the wrong
7 term when we said "fingerprint." It more
8 accurately is "finger scan." Rosanne, I'd ask if
9 you would verify that. Have you had a chance to do
10 that?

11 MS. KINLEY: I have. And I've
12 spoken with Sean Colton this morning. I've made
13 him aware of the subcommittee meeting scheduled for
14 Wednesday, so he is moving heaven and earth to try
15 to get here from Florida for that meeting. In the
16 meantime, he is changing all of the Power Point
17 presentations to reflect the word "finger
18 scanning."

19 MR. GRIGG: And this is what Melanie
20 was asking about earlier, whether this would be
21 considered substantive or clerical. I think this
22 is just clerical. I don't think we'll have a
23 problem with that. But I would ask for y'all to
24 have a vote on changing that before we go to the
25 next part.

1 MS. KINLEY: One more quick thing, so
2 just for y'all's information. Sean is changing
3 those. He is going to send it. Soon as I get it,
4 I'll send it out to all board members, so they can
5 review it. And then it will be sent to the
6 subcommittee members, so they can review it ahead
7 of time.

8 MS. RODGERS: Okay. You got a
9 motion on the board. This is Cindy Rodgers. I
10 make a motion for the clerical wording to be
11 changed from "fingerprinting" to "scanning."

12 MS. THOMPSON: I have a motion. Do
13 I have a second?

14 MS. NYE: (Inaudible.)

15 MS. THOMPSON: I'm sorry, was that a
16 second?

17 MS. NYE: This is Stephanie Nye. I
18 second.

19 MS. THOMPSON: I have a motion and a
20 second. Is there any further discussion?

21 (NO RESPONSE.)

22 MS. WEBB: Kathy Webb. Let me ask
23 this. Does that need to be "finger scan"? Or
24 "scanning"?

25 MR. GRIGG: I think since it's

1 "finger scan identification," I think just
2 singular, I think just "scan" is appropriate."

3 MS. WEBB: Okay. I'm sorry. I just
4 wanted to be sure that both words were in there.
5 Okay. Thank you.

6 MS. THOMPSON: Is there any further
7 discussion?

8 (NO RESPONSE.)

9 MS. THOMPSON: Hearing none, all in
10 favor, signify by saying aye.

11 BOARD MEMBERS: Aye.

12 MS. THOMPSON: Opposed? Motion
13 carries.

14 MR. GRIGG: All right. And then in
15 the same section, 35-5(I), Ms. Furtick had a
16 problem -- well, she had a problem with the
17 fingerprinting and the photographic. She was
18 trying to get, if I remember -- and again, is it
19 Sean Colton, Rosanne?

20 MS. KINLEY: Yes.

21 MR. GRIGG: All right. She was
22 trying to get a time to speak with him, so she
23 could understand the finger scan process better.
24 My understanding is she has not done that yet. As
25 Rosanne just mentioned, the 3M Committee also asked

1 that this gentleman be present at the next meeting
2 to educate them a little bit on what this means,
3 and he's trying to do that. But Ms. Furtick did
4 not like that we were requiring -- she didn't like
5 the requiring finger scan, and she didn't like the
6 requiring finger scan and photographic
7 identification.

8 MS. THOMPSON: Dean if I could just
9 -- and maybe Steven or Kathy can help. But
10 according to my notes, I think that the consensus
11 after the meeting on Monday was that she was okay
12 with the photograph, even though she didn't love
13 it. But she still challenges the fingerprint.

14 MR. DAWSON: Yes.

15 MR. GRIGG: That was going to be the
16 next thing I said. So yes.

17 MS. THOMPSON: I'm sorry.

18 MR. GRIGG: No, you're fine. Beat
19 me to it as much as you can.

20 MS. RODGERS: Can I say something?
21 This is Cindy. I was at the NIC conference and saw
22 this firsthand and it is extremely important, this
23 is just my opinion, but it is extremely important.
24 This can stop a lot of this human trafficking that
25 we're coming up against. It will -- it is for

1 identification and nothing other than that. But if
2 they have a problem with that, then I'm feeling
3 there may be some problems with the ones that are
4 having the finger scan and the identification
5 photos. So to me, I think we need to -- that's
6 very important and we need to keep that going as
7 quick as we can, especially when I see in this
8 business anyway.

9 MR. GRIGG: And as Melanie was
10 alluding to, Ms. Furtick did say that she would --
11 my understanding, was would withhold her final
12 decision on this until she spoke with Mr. Colton.
13 But like we said, she actually hasn't done that.
14 So we were hoping that maybe this would have been
15 resolved after she had that conversation. But I
16 guess without that having been done, we have to go
17 on the assumption she's still opposed to it, so --
18 and I'm sorry. I think Doris Cubitt would like to
19 say something, if she can.

20 MS. CUBITT: I just wanted to say
21 that this process is done by the accounting
22 profession for the CPAs that are taking the exam.
23 We've been doing it for a number of years. It does
24 work very, very well and it is impressive. And you
25 know that they come -- there are four parts to that

1 exam, and so they're coming back numerous times.
2 And you know that the same person comes back and
3 tests every time.

4 MR. GRIGG: And there are -- and we
5 have submitted it to the 3M Subcommittee. There
6 are 12 or so boards and state agencies that have
7 some form of fingerprint or finger scanning.
8 Lawyers have to do it. A lot of organizations have
9 to do it. So it's not --

10 MS. RODGERS: That was my next
11 question too, Dean.

12 MS. THOMPSON: If I could just
13 interrupt for a second. Janice and Stephanie, I
14 think, are the only two that are participating
15 currently right now that did not attend that
16 meeting when Sean Colton came and did the
17 presentation. And we had school representatives
18 from every school in the state. We had LLR staff
19 in and out of there all day. And I think the
20 consensus of everyone that attended was "Yes, that
21 this is very important." It was not going to be a
22 financial burden on any one particular group or
23 school. And so that -- we didn't really understand
24 the problem at all to begin with.

25 So at the last board meeting, the applicant

1 came with his attorney and the attorney actually
2 made the argument for us. Even from our LLR
3 website. There was no way for him to know who
4 Melanie Thompson was, you know, what she looked
5 like, was she female or was she male, because there
6 was no picture there with the license number. And
7 he was alluding that that could have possibly
8 prevented his client from being in the situation he
9 was in.

10 MS. RODGERS: Melanie, this is
11 Cindy. Didn't he also say the same thing that Dean
12 said, that the attorneys do that now? I know some
13 of the physicians are doing are doing it and
14 they're getting a lot better result in identifying
15 patients, as well as the attorney process. So I
16 don't see why we should not adopt the same thing.

17 MS. THOMPSON: Right. Well, I think
18 we've already a motion and a vote taken for the
19 fingerprint changing to finger scan. So now, Dean,
20 do we need a second motion as to whether or not
21 we're going to keep it as written including the
22 photograph?

23 MR. GRIGG: To keep it as "finger
24 scan" and "photograph," or to make --

25 MS. THOMPSON: Right.

1 MR. GRIGG: -- the change -- well,
2 the change she requested was to take it out, so --
3 to take the finger scan part out.

4 MS. THOMPSON: Well, we've
5 already made a motion to change the wording so now
6 it's just a motion of whether we're keeping it or
7 throwing it out.

8 MR. GRIGG: Right.

9 MS. RODGERS: This is Cindy Rodgers.
10 I'll make a motion that we keep it. I think it is
11 vital.

12 MS. WEBB: Second.

13 MS. THOMPSON: Have a motion and a
14 second. Any further discussion?

15 MS. CURTIS: Yes, I have some.

16 MS. THOMPSON: Okay.

17 MS. CURTIS: I have some. Okay. As
18 far as the fingerprinting goes, you're right. I
19 wasn't there. And that is a big concern of mine,
20 because I know that as far as different license and
21 passports and all that, no one requires
22 fingerprinting. So, I mean, I have real trouble
23 with that. So I'm going to vote "no" for this one.
24 And I just want you to know my rationale behind it.

25 MS. THOMPSON: All right. And

1 that's fine. We have a motion and a second. Any
2 further discussion?

3 (NO RESPONSE.)

4 MS. THOMPSON: Hearing none, all in
5 favor, leaving the reg as is, with the exception of
6 changing the word to "finger scan," signify by
7 saying aye.

8 BOARD MEMBERS: Aye.

9 MS. THOMPSON: Opposed?

10 MS. CURTIS: No.

11 MS. THOMPSON: All right. Because
12 I'm having difficulty and a delay, could we have a
13 call of the vote, please? Would you identify your
14 name and tell us if you're voting in favor or
15 opposed to the motion.

16 MS. WEBB: Kathy Webb, in favor.

17 MS. NYE: Stephanie Nye, in favor.

18 MR. GRIGG: Cindy?

19 MS. RODGERS: Yes, I said in favor.

20 MR. GRIGG: Okay. I'm sorry. We
21 didn't hear you. And then Janice.

22 MS. CURTIS: Janice, no.

23 MS. THOMPSON: Three in favor. We
24 have three for the motion and one opposed to the
25 motion.

1 MS. CURTIS: Correct.

2 MS. THOMPSON: The motion carries.

3 MR. GRIGG: All right.

4 MS. THOMPSON: Motion carries.

5 Moving on.

6 MR. GRIGG: 35-8, instructor
7 endorsement. You'll see Section 2, the last
8 sentence is underlined. That's the part we added,
9 "Every applicant is required to pass a nationally-
10 endorsed examinations, regardless of the number of
11 years the applicant has been licensed."

12 Ms. Furtick originally, same as up above, had
13 a problem with the word "nationally-endorsed." We
14 discussed that with her at some length. She wanted
15 that taken out, but I believe at some point at
16 least somewhat of a compromise may have been
17 discussed. And when I say that, I mean it was
18 discussed. I'm not saying everybody at the table
19 was in favor of it. But it was discussed that
20 after the words "nationally-endorsed examination,"
21 take out the remainder of that and change it to
22 "with a minimum of two years licensure as an
23 instructor and must," and then it goes into Section
24 3.

25 So that was the proposal that was put out

1 there as of Monday, was to change that language.
2 And I'll read it one more time for you, 35-8,
3 Subsection 2 would end "Every applicant is required
4 to have passed the nationally-endorsed examination
5 with a minimum of two years licensure as an
6 instructor and must" -- Number 3 -- "successfully
7 complete a 45 hour Methods of Teaching class.
8 I believe Ms. Furtick indicated that she would be
9 okay with that as the change. So unless somebody
10 has something different on that --

11 MS. THOMPSON: But didn't you say,
12 though, that if we were to at this point -- yes,
13 you're correct, that that was a possible compromise
14 presented Monday. But am I understanding you to
15 say today that if we go the route of implementing
16 that compromise, then this package gets thrown out
17 and we start over?

18 MR. GRIGG: Yes. Let me clarify
19 that for a second. There are several ways it can
20 go and it depends on the 3M Committee. If the 3M
21 Committee were to write us a letter and ask us to
22 withdraw 42-18 and state in it "Send it back to us.
23 Resubmit it with" -- and it lists our changes or
24 suggests these changes, then we don't have to go as
25 far back in the process as starting from scratch.

1 I'm going under the presumption, though, that
2 they're not going to do that. If we're going to --
3 if we're going through all the steps we're doing --
4 it's going to be withdrawn one way or the other.
5 If they don't specifically ask for the change, then
6 we start from scratch with the 30-day comment, 30-
7 day public notice, redrafting, resubmitting, all of
8 that.

9 If they specifically ask in a letter of
10 withdrawal to resubmit with certain changes, then
11 we would skip that step of it. So, again, it
12 depends on how they decide to handle it come
13 Wednesday, Melanie, to answer your question. But I
14 think they would have already done that and we
15 wouldn't be doing it quite the way we're handling
16 it, if that's the route they're going.

17 So what I told everybody on Monday was plan
18 for and expect the long road, which is yeah, we
19 would withdraw it and have to go back to scratch if
20 we change anything substantive. Certainly, I think
21 changing this would be something substantive.

22 MS. THOMPSON: That would be
23 considered substantive, yes. And just for
24 clarification for everyone who wasn't there Monday,
25 I know that -- I know your intention was not to

1 make it sound this way, and maybe I'm the only one
2 that interpreted it this way, but when Dean said
3 that there was an agreement made on Monday, it was
4 a matter of hashing out what Ms. Furtick would be
5 happy with and what she wouldn't be happy with,
6 which potentially meant "what is she going to
7 continue to fight or not." And this seemed to be
8 the only thing that she was willing to agree not to
9 fight. It didn't necessarily mean that the people
10 there, other than Ms. Furtick, felt that it was a
11 good idea. So I don't want anyone to be misled
12 and think that --

13 MR. GRIGG: And that's correct. I
14 thought I said that; I'm sorry. I thought I said
15 that it didn't mean everybody agreed. It's just
16 that there was a proposed compromise on the table.

17 MS. THOMPSON: Right.

18 MR. GRIGG: But that's correct,
19 Melanie.

20 MS. WEBB: Madam Chair. Kathy Webb.
21 The thing that I don't understand with the change,
22 if someone is going to instruct, when it says "has
23 been licensed," I had much rather prefer someone to
24 have been practicing for at least two years if
25 they're going to instruct.

1 MS. THOMPSON: Well, I mean, I think
2 in this industry, when you're doing hair, you've
3 been practicing. But I don't necessarily know that
4 a teacher in the public school or in cosmetology
5 school consider that practicing. They consider how
6 long they've been licensed.

7 Now, I know that Rosanne brought up a good
8 point Monday in the meeting, if I am a licensed
9 instructor and I have been licensed for many, many,
10 many years, but I don't actively teach in the
11 classroom. So, you know, there's a difference
12 there, although I think that might be -- I would
13 not think it's the majority.

14 However, in my opinion, if an instructor can
15 pass the national exam, then they are qualified for
16 licensure, and it's a matter of the school to
17 determine that's going to hire them if they're
18 competent to teach for them in their school. I
19 think the fact that they've been licensed at one
20 point or another and have passed the national exam
21 should speak for something.

22 But I do think there's a difference in
23 terminology as far as I'm a practicing nail tech,
24 but I'm a licensed instructor. So I think, you
25 know, the difference between the actual word --

1 MR. GRIGG: I think Steven has
2 something he'd like to say.

3 MR. DAWSON: South Carolina
4 Association of Cosmetology Schools sent this
5 information out to all the members, they all agreed
6 that it needs to remain as is, as a nationally-
7 endorsed examination.

8 MR. GRIGG: Okay. Melanie, any
9 other discussion?

10 MS. THOMPSON: Not from me. Any
11 other board members?

12 MS. RODGERS: I want to make a
13 motion for it to stay as is. Cindy Rodgers.

14 MS. WEBB: Second. Kathy Webb.

15 MS. THOMPSON: I have a motion and a
16 second. Is there any further discussion?

17 (NO RESPONSE.)

18 MS. THOMPSON: Hearing none, all in
19 favor, signify by saying aye.

20 BOARD MEMBERS: Aye.

21 MS. THOMPSON: Opposed? Motion
22 carries.

23 MR. GRIGG: All right. I believe,
24 Melanie, the next one is 35-10(b)(1)©). And,
25 again, it's the same issue, "the school shall

1 finger" -- it will become "scan," if y'all vote to
2 do that. "The school shall finger scan and
3 photograph each student upon enrollment for
4 identification purposes only."

5 I believe -- again, my notes indicate --
6 correct me if I'm wrong, Melanie -- my notes
7 indicate that after discussing, Ms. Furtick said
8 depending on her conversation with Mr. Colton, she
9 may be okay with this. But, again, that
10 conversation didn't happen. So I guess we're at
11 the point of her still having some concern with it.

12 MS. THOMPSON: Right. And with all
13 due respect, at this particular point, it's
14 really more about the board members understanding
15 what they're voting on and what these regs should
16 be. And, honestly, I don't mean to sound
17 disrespectful --

18 MR. GRIGG: She wanted it --

19 MS. THOMPSON: -- but does it really
20 matter what -- I mean, does it really need to be on
21 the record during this as to what Michelle's wishes
22 were?

23 MR. GRIGG: Absolutely it does,
24 because the only reason we're doing this is the 3M
25 Committee told us to.

1 MS. RODGERS: Okay. Can I ask a
2 question, Dean?

3 MR. GRIGG: Yes.

4 MS. RODGERS: This is Cindy Rodgers.
5 And this is no disrespect to anyone whatsoever, but
6 this is just my thoughts. If we keep coming back
7 and trying to rehash things that we have been going
8 through year after year, over and over, and trying
9 to accommodate 33,000 licensees, we're never going
10 to do that and we're never going to go forward.

11 MR. GRIGG: Okay. Y'all have got to
12 understand something. This wasn't anybody's call
13 in this room; it was the 3M Committee. They have
14 all the power. None of this goes through unless
15 they're happy. So, yes, I don't necessarily
16 disagree with you. I don't know that there's
17 anybody in this room that will disagree with you.
18 But when they demand that we do something and say
19 that they're not going to let your regs go through
20 until something's done, they kind of control the
21 way it goes. So --

22 MS. RODGERS: So if we're voting on
23 this --

24 MR. GRIGG: -- it doesn't do us any
25 good to argue that out anymore because it's got to

1 happen, whether we like it or not.

2 MS. RODGERS: This is my question
3 that I was asking: So if we're doing this once
4 again and we vote on this and it goes back to them
5 and nothing's really been changed, are we going to
6 be voted down? Are they going to consider it?
7 What are our -- what's going to happen from here?
8 Do you know?

9 MS. THOMPSON: I don't think, Cindy,
10 he can tell you that because essentially it would
11 be trying to predict what the 3M Committee --

12 MS. RODGERS: What they're thinking.

13 MS. THOMPSON: -- is going to do.

14 MR. GRIGG: And that's correct, and
15 I can't. They at some point will make a vote, will
16 take a vote on what to do with it. I can't tell
17 you what that vote will be.

18 MS. THOMPSON: Just my point in that
19 was, do we need to really read everything today --
20 for today? I know we have to go through all this
21 because the 3M has asked us to. But since the
22 board members were all emailed everything, I just
23 didn't know for time sake, because I know people
24 have marked out and they're still working today.
25 If we needed to do this word for word each one like

1 we were doing and include Michelle's wishes --

2 MR. GRIGG: I think anyone that she
3 named a concern with, I think we've got to make it
4 clear to all the board members that weren't part of
5 that meeting. It's easy for me and you to
6 understand what went on because we were in there.
7 But I think for the people that weren't, I think,
8 yeah, I think they need to know exactly what her
9 concern is.

10 MS. THOMPSON: I apologize. I
11 thought they had a copy of what I was looking at.
12 I thought that was in the email.

13 MS. NYE: We did. This is
14 Stephanie. I certainly have a copy and I've gone
15 through it. But this is helpful for me to hear the
16 background and to go through each individual
17 change. I know it's lengthy, but I think for the
18 board members that weren't present, it is helpful.

19 MS. CURTIS: Second.

20 MS. THOMPSON: Did we need to take
21 an additional vote for this scan, since we just
22 previously voted at 35-5? We need to do it for 35-
23 10 as well?

24 MR. GRIGG: Right.

25 MS. THOMPSON: Okay. 35-

1 10(b)(1)©), it would be a motion for changing the
2 word from "fingerprint" to "finger scan" and
3 leaving everything else as written.

4 MS. WEBB: Madam Chair, I make a
5 motion to change "fingerprint" to "finger scan" and
6 leave everything else as written.

7 MS. RODGERS: I second the motion.
8 This is Cindy Rodgers.

9 MS. THOMPSON: I have a motion and a
10 second. Any further discussion?

11 (NO RESPONSE.)

12 MS. THOMPSON: Hearing none, all in
13 favor, signify by saying aye.

14 BOARD MEMBERS: Aye.

15 MS. THOMPSON: Opposed?

16 MS. CURTIS: Nay.

17 MS. THOMPSON: I'm sorry?

18 MR. GRIGG: We had one nay. Janice
19 voted "no."

20 MS. THOMPSON: Okay.

21 MR. GRIGG: So let's take a count.
22 Who voted? Let's see, Cindy?

23 MS. RODGERS: Yes.

24 MR. GRIGG: Kathy?

25 MS. WEBB: Yes.

1 MR. GRIGG: Stephanie?

2 MS. NYE: Yes.

3 MR. GRIGG: And Janice ---

4 MS. CURTIS: No.

5 MR. GRIGG: -- is no. All right.

6 Thank you. All right. What is that? 35-10-

7 (b) (4) (a)?

8 MS. THOMPSON: Yes.

9 MR. GRIGG: The concern here was the
10 30 -- we had proposed changing the ten working days
11 to 30 calendar days. I believe that there was a
12 proposed compromise. And, again, that doesn't mean
13 everybody agreed with it. But a proposed
14 compromise of changing that to 21 calendar days. I
15 know Steven had some input on that, and I know
16 Melanie and Rosanne had some input on that. So I
17 don't know if y'all want to explain why.

18 MS. THOMPSON: I'll be happy to do
19 that. And just for clarification, Dean, if we do
20 decide to change it from anything besides the ten
21 or the 30, that would be a substantive change,
22 correct?

23 MR. GRIGG: Yes.

24 MS. THOMPSON: Okay. The background
25 behind this particular regulation, it previously

1 was ten working days. School owners came to the
2 board and said that it was difficult to do that
3 within that amount of time because of the way that
4 they handled their enrollment and their
5 withdrawals. The Department of Education allows 45
6 days for this exact same information to be moved
7 around.

8 So in an effort to make it easier on the
9 school, it would require less employment -- or less
10 payroll for them because they don't have to pay a
11 person in their school to do this. They can rely
12 on their third-party processors, which they already
13 have, to do this. And also would potentially
14 trickle down and not affect the student's tuition
15 if they aren't having to jump through hoops within
16 a ten-day time frame. It was done to help them.
17 This regulation, we left it up to the people that
18 it affects the most.

19 Michelle really couldn't give us any
20 explanation as to why she felt that this should be
21 back to ten days, other than she was worried about
22 the burden that it would place on a student, the
23 delay that it might cause the student in
24 withdrawing from one school, trying to go to
25 another. But Steven explained himself that that is

1 not a possibility. The student is given their
2 hourly sheets each month, and that they could take
3 that to school. But the school is going to
4 automatically level test them anyway. They could
5 be doing that and going ahead and enrolling while
6 they're waiting on their official paperwork to
7 come. So there is no delay for the student.

8 So this is in an effort to be more in
9 compliance with what the Department of Education
10 requires and allows and make it a little easier on
11 our school owners.

12 MS. RODGERS: This is Cindy Rodgers.
13 So the educational regs are like 45 days, and we're
14 asking for 30, right?

15 MS. THOMPSON: Correct.

16 MS. RODGERS: Am I right?

17 MS. THOMPSON: Correct.

18 MS. RODGERS: Okay. I don't think
19 that would be a holdup either, then, if that's the
20 case.

21 MS. CURTIS: Would that be
22 considered a substantial change as far as the days
23 go?

24 MR. GRIGG: Yeah, because we're
25 changing -- I don't know if y'all heard. Janice

1 was asking if this would be substantive or
2 clerical. And --

3 MS. THOMPSON: It went from -- ten
4 to propose 30 to the compromise of 21? Is that
5 what you're talking about?

6 MR. GRIGG: Well, any of it.
7 Because right now the current reg says ten. So any
8 numerical change in the dates, in my opinion, is
9 substantive, whether it's 30, or whether it's 21,
10 or whatever.

11 MS. THOMPSON: No, our original --
12 the regs that are down there now are change it to
13 30. And Michelle was wanting us to --

14 MR. GRIGG: Right. The current reg,
15 what is in practice --

16 MS. CURTIS: Right.

17 MR. GRIGG: -- says ten. We are
18 proposing a change to 30. The proposed compromise
19 was to 21. My point is whether it's our 30 days,
20 whether it's 21, any number other than ten is a
21 substantive change to this current reg.

22 MS. NYE: But I thought that 30
23 calendar days was what you guys had revised, it was
24 part of the --

25 MR. GRIGG: No. It's what we've

1 proposed, but that is still substantive. So if we
2 change that -- any number that we change is
3 substantive.

4 MS. NYE: Okay.

5 MS. THOMPSON: Dean, I think --
6 maybe I'm the only one confused. But --

7 MS. NYE: No, I'm with you, Melanie.
8 I'm with you, Melanie.

9 MS. WEBB: I am too.

10 MS. THOMPSON: 42-18 that is going
11 before the 3M Committee on Wednesday is for them to
12 look at the current regs which says "ten." And our
13 proposed change that they have right now is to move
14 it to 30. But if we were to now decide to
15 compromise with Michelle and change it to 21, that
16 decision would be considered a substantive change.

17 MS. NYE: Yeah, that's how I read it
18 as well.

19 MS. WEBB: Yeah.

20 MR. GRIGG: And that's what I said.
21 They all would be --

22 MS. CURTIS: That's what he's
23 saying.

24 MR. GRIGG: -- substantive. That's
25 what I'm saying. No matter what the number is, it

1 will be substantive.

2 MS. CURTIS: Yes. That's what you
3 said.

4 MS. WEBB: Well, madam chair, may I
5 make a motion? This is Kathy. But I make a motion
6 to leave as-is, 30 calendar days.

7 MS. RODGERS: That is our proposed
8 change, correct?

9 MS. NYE: Right.

10 MR. GRIGG: And the motion is to
11 keep it the same.

12 MS. NYE: So 30 calendar days.

13 MS. WEBB: Yes.

14 MS. CURTIS: I'll second the motion.

15 COURT REPORTER: Who said "30
16 calendar days"?

17 MR. GRIGG: That was Stephanie
18 asking that.

19 MS. NYE: Yeah.

20 MS. THOMPSON: So I have a motion
21 and a second. Is there any further discussion?

22 (NO RESPONSE.)

23 MS. THOMPSON: Hearing none, all in
24 favor, signify by saying aye.

25 BOARD MEMBERS: Aye.

1 MS. THOMPSON: Opposed? The motion
2 carries.

3 MR. GRIGG: All right. Moving on.
4 Let's see, actually, 35-10(e)(5) looked -- I think
5 everybody was good with that. 35-10(h)(2), good
6 with that. I'm sorry?

7 MS. THOMPSON: That's the one -- she
8 had questions with that one, the 35-10(h)(2).

9 MR. GRIGG: Yeah. And she came back
10 at the end and said "I'm good with that," I
11 thought. That's what I wrote. Because she said
12 she originally had questions with 35-10(h)(2)
13 because she wanted there to be a period after the
14 word "student." She wanted it to read "The school
15 may not operate with an enrollment of less than six
16 active students," and period, which is where it
17 stands now. That's what it currently is. She
18 didn't like our added proposed language adding "at
19 a time without first obtaining the consent of the
20 board." But then she had said, "Let's go through
21 the rest of the regs and come back; she may decide
22 she's okay with that." And I had written a note
23 that she came back and said she's okay with that.
24 If that's not correct, y'all tell me.

25 MS. THOMPSON: Well, I think you're

1 correct. But I think the addition or the end of
2 her statement was, she still didn't like it, but
3 that she didn't want it -- she didn't like the
4 open-endedness of the board's consent. She wanted
5 the guideline of what the consent of the board
6 would be, to which we tried to explain to her you
7 couldn't make a rule without a regulation, or a
8 policy without a regulation. So I think she was
9 still kind of teeter tottering a little bit.

10 MR. GRIGG: If you want to vote on
11 it, vote on it.

12 MS. RODGERS: I vote that it stays
13 the same. Make a motion. Cindy Rodgers.

14 MS. WEBB: Kathy Webb, second.

15 MS. THOMPSON: I have a motion and a
16 second. Any further discussion?

17 (NO RESPONSE.)

18 MS. THOMPSON: Hearing none, all in
19 favor, signify by saying aye.

20 BOARD MEMBERS: Aye.

21 MS. THOMPSON: Opposed? Motion
22 carries.

23 MR. GRIGG: All right. 35-13(a),
24 out of state applicants. We added language after
25 "establishing residency within South Carolina."

1 And she did not like that addition. She doesn't
2 like the -- I think we tried to explain to her what
3 was meant by it, but she does not like what she
4 perceives as a requirement of establishing
5 residency.

6 MS. RODGERS: So she doesn't want
7 you to establish residency?

8 MS. THOMPSON: Well, what we tried
9 to explain to her is that this says "if an
10 applicant for a cosmetology license," blah, blah,
11 blah, which meant -- I tried to illustrate that as
12 a fast-track, if someone did -- they established
13 the residency and they had taken the exam and they
14 had done that, but they just kind of bypassed the
15 whole process, went through the fast-pass lane and
16 got their license.

17 MR. GRIGG: It's not a requirement
18 that you're a resident. But if you are, if you do
19 establish residency, as Melanie said, it speeds up
20 your process.

21 MS. THOMPSON: Otherwise, then, you
22 would have to petition to come before the board
23 and, you know, present your qualifications or
24 whatever your reason why you want to live in
25 another state but work in this state. And then it

1 would be at the board's discretion as to whether or
2 not, based on what they were given, to approve it.
3 But the way that it's written, that if you
4 establish residency just meant that you were on the
5 fast-track lane to get your license. She, I guess,
6 didn't agree with or accept that explanation.

7 MS. RODGERS: Well, when you change
8 or move, even from state to state, or even within
9 the same state, you have to prove residency. So I
10 don't see why we need to change that.

11 MS. THOMPSON: Then it's just a
12 matter of -- if there's no more discussion, if
13 someone is prepared to make a motion.

14 MS. RODGERS: I'll make a motion for
15 it to stay as is.

16 MS. WEBB: Second.

17 MS. THOMPSON: I have a motion and a
18 second. Any further discussion?

19 (NO RESPONSE.)

20 MS. THOMPSON: Hearing none, all in
21 favor, signify by saying aye.

22 BOARD MEMBERS: Aye.

23 MS. THOMPSON: Opposed? Motion
24 carries.

25 MR. GRIGG: All right. Thank you.

1 35-159(c)(3). You can see most of 3 -- I should
2 say all of 3 was proposed new language. If you see
3 on the second line after the semi-colon, "and the
4 licensee shall have two other forms of
5 identification." Ms. Furtick does not think we
6 should require more than one form of
7 identification.

8 MS. RODGERS: Could I say something
9 here? Cindy Rodgers. I've been there and watched
10 some of that with showing the two identifications,
11 and I think it's definitely needed because they
12 have found some of the driver's license and things,
13 even with the picture, were a fake, fraud I.D. So
14 I think the second I.D. is very important.

15 MS. THOMPSON: Well, just if I may
16 -- this is Melanie -- Michelle's argument was that
17 she felt like it was too much of an inconvenience
18 and it was unnecessary; it would overkill. And so
19 in our explanation I said to her, "If you're
20 reaching in your wallet to get your driver's
21 license as identification, nine and a half out of
22 ten times, someone's got a debit card, a credit
23 card, a library card, a voter's registration card,
24 a Delta Skymiles card, a power bill, a checkbook.
25 They have something else that has their name on it

1 that wouldn't be anymore difficult for them to grab
2 two pieces of identification rather than just one.
3 I did not understand why this was a problem. But
4 she still insisted it was.

5 MS. RODGERS: Can we make a
6 motion?

7 MS. THOMPSON: Go ahead.

8 MS. RODGERS: I make a motion to
9 keep the two I.D.s. I think it's pretty vital.
10 ???

11 MS. WEBB: Kathy Webb, I definitely
12 second.

13 MS. THOMPSON: Motion and a second.
14 Any further discussion?

15 (NO RESPONSE.)

16 MS. THOMPSON: Hearing none, all in
17 favor, signify by saying aye.

18 BOARD MEMBERS: Aye.

19 MS. THOMPSON: Opposed? The motion
20 carries.

21 MR. GRIGG: All right. 35-15(h)(1),
22 "Lost or stolen license. If the professional
23 license is lost or stolen, one duplicate may be
24 issued. Additional replacements must have board
25 approval." Ms. Furtick does not like that we only

1 allow one duplicate to be issued before it's
2 necessary for board approval. She wants it to be
3 increased to at least two, preferably more.

4 MS. THOMPSON: First of all, fraud.
5 I've been licensed since 1995 and I have never ever
6 had to request a duplicate copy of my license.
7 Ever. You know, at the risk of some sort of
8 accident, fire, something like that, then, yes,
9 absolutely, I think that someone should be given a
10 license. But you don't lose your driver's license
11 that often. You don't lose your voter's
12 registration that often. You don't even -- you
13 don't use it as frequently as you would some of
14 these others. So I really do not see the need to
15 offer more than one.

16 MS. RODGERS: I make a motion --
17 Cindy Rodgers -- for that to say "one duplicate."

18 MS. WEBB: Second. Kathy Webb.

19 MS. THOMPSON: A motion and a
20 second. Any further discussion?

21 (NO RESPONSE.)

22 MS. THOMPSON: Hearing none, all in
23 favor, signify by saying aye.

24 BOARD MEMBERS: Aye.

25 MS. THOMPSON: Opposed? The motion

1 carries.

2 MR. GRIGG: All right. 36-16.
3 Melanie, correct me if I'm wrong. But I had that
4 we were okay with that one.

5 MS. THOMPSON: That's correct,
6 because it's a federal requirement. We can't
7 really do anything about that.

8 MR. GRIGG: 35-20, I had that we had
9 all come to an agreement and we're okay with that
10 one.

11 MS. THOMPSON: That's correct.

12 MR. GRIGG: And let me state, that
13 was 35-20(a). And then 35-20(b), also I believe
14 everybody was okay with that.

15 MS. THOMPSON: Correct.

16 MR. GRIGG: And then 35-22, I had a
17 note that everybody was good with that.

18 MS. THOMPSON: That's correct.

19 MR. GRIGG: 35-24(a)(1)(a), we had
20 stricken the current language. And, honestly, not
21 saying anything different, just making the sentence
22 shorter and easier to understand. We proposed "all
23 classes must be education-based, not product- or
24 system- based," which is exactly what it currently
25 says now, just in a longer sentence.

1 MS. THOMPSON: Well, actually, Dean,
2 it doesn't. Actually says a little something
3 different. It actually allows a little a little
4 more freedom. But we tried to explain that to
5 Michelle and she was not hearing it.

6 The way that it was previously written, "It
7 must be generic in nature, not teach a system, a
8 method or a product." The proposal is "all classes
9 must be education-based, not a product or system."
10 "Method" was removed. For example, Ballion is a
11 method highlighting the hair. It's a method. You
12 can teach that. You just can't teach Goldwell
13 highlighting, because it's product-based. But she
14 did not like that. She wanted it to be removed.
15 She felt like education was education, period,
16 whether it was from a company, a product or not.

17 MR. GRIGG: Well, and I believe she
18 even said she would want a period after the word
19 "based." She just wanted it to say "all classes
20 must be --

21 MS. THOMPSON: Correct.

22 MR. GRIGG: -- education-based,
23 period."

24 MS. THOMPSON: Correct.

25 MR. GRIGG: So I think that was her

1 proposal.

2 MS. THOMPSON: Which would be
3 considered a substantive change.

4 MR. GRIGG: Right.

5 MS. RODGERS: I make a motion --
6 Cindy Rodgers -- that we keep that also the same.

7 MS. WEBB: Kathy Webb, second.

8 MS. THOMPSON: Motion and a second.
9 Any further discussion?

10 (NO RESPONSE.)

11 MS. THOMPSON: Hearing none, all in
12 favor, signify by saying aye.

13 BOARD MEMBERS: Aye.

14 MS. THOMPSON: Opposed? Motion
15 carries.

16 MR. GRIGG: D(1), I believe we were
17 okay with. And then finally, according to my
18 notes, Melanie, 35-24(h), "Board members may submit
19 monitored classes as verification of their own
20 continuing education requirements. Hours must be
21 validated by both instructor and monitor. Hours
22 must be submitted in six-hour increments."

23 That is all proposed new language. Ms.
24 Furtick doesn't think it's fair, thinks it gives
25 special treatment to the board members and wants

1 that taken back out.

2 MS. THOMPSON: And as explained to
3 Michelle, there used to be seven associations.
4 There are now 22. There's no telling how many new
5 associations we will get between now and the
6 September meeting. So there potentially are more.
7 Board members, historically, have gone and
8 monitored, or tried to monitor, at least one class
9 per association, so that you can see everything.
10 Which simply would be 22 hours, really, for each
11 licensee board member.

12 Michelle didn't like it. She said it wasn't
13 fair. She didn't think that a board member should
14 be allowed to, you know, take classes in one or two
15 hour increments because everyone else wasn't. As a
16 possible compromise at the time, Steven Dawson had
17 pointed out, you know, that the videoing that we
18 require, if all the associations videoed their
19 classes as they're supposed to, that that might
20 lessen the load for the board members in their
21 monitoring schedule. And that is something that,
22 yes, very well could if we come to rely on the
23 videos only. But that would, you know, be
24 something else for the board, I guess, to discuss
25 and alter how we handle the monitoring process.

1 MS. RODGERS: Well, can I say
2 something, Melanie? I think --

3 MS. THOMPSON: Sure.

4 MS. RODGERS: -- I was the one --
5 Cindy Rodgers -- I think I was the one that
6 proposed that, because when you monitor the
7 classes, by the end of the year when you've
8 monitored so many, you could end up as much as 20
9 to 30 hours, when it's -- the requirement is only
10 12 every two years or six a year.

11 So I had proposed that. I know that the
12 pharmaceutical -- I mean, the physicians and the
13 Pharmacy Board and stuff had done this and they had
14 piggybacked with another bill and got that changed
15 for them. So I was the one that actually proposed
16 that. So --

17 MS. WEBB: This is Kathy Webb.
18 Actually, I did.

19 MS. RODGERS: Well, I thought --
20 well, I know that I had sent in a request. So I
21 didn't know you did that --

22 MS. WEBB: Right. And the thing is
23 -- I am -- I know y'all think I'm like 40, but I'm
24 not. So I'm past the age of needing this. But the
25 reason even now is for the same reason as Melanie

1 has stated and you yourself as well.

2 MR. GRIGG: Kathy, for the record, I
3 thought 35.

4 MS. WEBB: I love you, man.

5 MS. RODGERS: And I also am past the
6 age. So, you know, I just felt like that was --
7 with us being -- go ahead; I'm sorry.

8 MS. THOMPSON: I said I'm not past
9 the age.

10 MS. WEBB: Exactly.

11 MS. RODGERS: You can't make a
12 motion either, so --

13 MS. THOMPSON: Well, I mean, my
14 opinion is that yes, that would be great. I mean,
15 all the years I've been on the board and I, like
16 you said, gotten 30/40 hours worth of continuing
17 education every year in my monitoring
18 responsibilities. So, yes, I think it was great.
19 But I'm also -- I've already been monitoring so if
20 it doesn't -- if you guys vote to take it out, I'm
21 okay with that too. Either way is fine with me.
22 But, you know, it's up the board; the board votes.

23 MR. GRIGG: Melanie, I think Steven
24 would like to say something.

25 MR. DAWSON: Just for the benefit

1 for the board members who were not there at the
2 meeting, if you as a board member attend a six-hour
3 class, you still have access to every continuing
4 education class that was put on by every
5 association within this state, because we are all
6 required to videotape it. So if any time there is
7 a complaint, an issue, you can require that
8 association to provide you with that video of that
9 continuing ed class for you to review.

10 At that point in time, instead of a board
11 member monitoring 22 hours with of continuing ed,
12 which oh by the way, in most cases from what we
13 have seen, a board member is only there for one or
14 two hours out of the entire six. Instead, the
15 board members could get six hours and be done for
16 the year. Which I don't know -- physically, I
17 don't know if you guys turn in your mileage for
18 monitoring continuing eds --

19 MS. THOMPSON: Steven, hold on one
20 second, if you don't mind. There are lots of
21 housekeeping, cleanup items that either way is
22 going to have to be discussed. But there's an
23 issue of -- yes, you're right. We have asked that
24 every association monitor. But the problem that
25 we're already facing is, some do that, some don't.

1 There's lost videos; there's destroyed videos.
2 There's this, that and the other. So right now
3 it's not entirely foolproof in that. But I agree
4 with you, that that is -- that's the hope; that's
5 what we're working for and toward.

6 And the way it currently is, if a board member
7 is receiving credit at all for a class that they're
8 monitoring, then they do not receive any
9 compensation whatsoever from the state. No
10 mileage, no meals, no per diem, no nothing, and
11 that that would be the change. They would go and
12 monitor the class; they would not get a per diem.
13 They would have to pay the class. They would have
14 to pay for their USC certification. They would
15 have to sign in/sign out, have their hours
16 verified. They would meet the same criteria that
17 every other attendee there would meet. It's just
18 that they would be -- the only benefit they would
19 be given that the other licensees are not is that
20 we would be banking our own hours until we got to
21 six, and we would be taking one to two hour
22 increments at a time, instead of six at a time.
23 That is the only perk, so to speak, that the board
24 member would be getting, opposed to the licensees.

25 MR. DAWSON: Yeah, it's definitely

1 not a perk having to go for 22 hours.

2 MS. RODGERS: Yeah, that's right.

3 No, no.

4 MR. DAWSON: Piecemeal it.

5 MS. RODGERS: And you have to take
6 away time at home or things that you have to do and
7 you have to travel and --

8 MR. DAWSON: Right.

9 MS. RODGERS: -- it really is, it's
10 tough. And I can tell you this -- this is Cindy
11 Rodgers -- from one of the CEU classes that I
12 monitored, it wasn't that he was trying to do
13 anything wrong or not what we have asked, but he
14 was only videoing in one part of the class, and it
15 wasn't at the front. So we didn't really know if
16 they were checking them right or checking the
17 I.D.s, or coming in after lunch and doing the same
18 thing. And we had to ask for them to have their
19 camera up front. So some of those things are still
20 problems that I think the monitoring would be
21 necessary, but that's just my opinion.

22 MS. THOMPSON: At this point, is
23 there a motion one way or the other as to leave
24 this as is in the proposal? Or is there a motion
25 to strike -- which would be a change to our

1 proposal.

2 MS. RODGERS: This is Cindy Rodgers.
3 My motion would be for it to stay as we have
4 presented it, as is.

5 MS. WEBB: Second. Kathy Webb.

6 MS. THOMPSON: I have a motion and a
7 second. Any further discussion?

8 (NO RESPONSE.)

9 MS. THOMPSON: Hearing none, all in
10 favor, signify by saying aye.

11 BOARD MEMBERS: Aye.

12 MS. THOMPSON: Opposed?

13 MS. CURTIS: Nay.

14 MR. GRIGG: So since we had a nay,
15 let me get -- I believe Janice was the nay. So
16 Cindy?

17 MS. RODGERS: Cindy is a yes.

18 MR. GRIGG: Kathy?

19 MS. WEBB: Uh-huh. Yes.

20 MR. GRIGG: Stephanie?

21 MS. NYE: Yes.

22 MR. GRIGG: Okay. Thank you.

23 MS. THOMPSON: And the motion
24 carries.

25 MR. GRIGG: And I believe as far as

1 the proposed changes and concerns of Ms. Furtick, I
2 believe that's it, unless somebody else has one
3 that I overlooked.

4 MS. THOMPSON: Well, as far as I
5 know, that is everything.

6 MR. GRIGG: Hearing none, I do want
7 to make one comment. And, Melanie, I'm going to
8 ask if you will, there are two other things on
9 y'all's agenda. The applicant -- I'm sorry, I
10 don't know your name.

11 MS. HEYWARD: Oh, Viola Heyward.

12 MR. GRIGG: Heyward?

13 MS. HEYWARD: Yes.

14 MR. GRIGG: With a T-H? Or a D?

15 MS. HEYWARD: H-E-Y-W-A-R-D.

16 MR. GRIGG: D. Heyward, okay.

17 Heyward. -- is present. So I would ask that y'all
18 would maybe consider moving her above B and taking
19 care of that. But before we get to that, I wanted
20 to follow up with one thing as far as these regs
21 go.

22 One of the conversations I was having with Ava
23 and Mary Dennis at the 3M Committee before I walked
24 up here was, apparently, despite information to the
25 contrary that we got last fall when we were writing

1 a lot of this, the 3M Committee is not happy that
2 we sent documents on parallel tracks.

3 If y'all will remember, we sent 42-18 as the
4 entire proposed reg changes. We also resubmitted
5 on its own separate track the section regarding the
6 finger scan and the section regarding the
7 citations. I'm working through that with Holly
8 right now. The citation issue I don't think will
9 be a problem because there's not a difference in
10 the language. We just simply took what we had put
11 in 42-18 and made it -- it's on a separate reg
12 because we wanted to make sure that got pushed
13 through.

14 The concern that they have, and that they
15 passed forward to me, was more the finger scan
16 issue. What is in the 42-18, the full reg
17 proposal, has the English language requirement in
18 there. But if you'll remember, when we separated
19 it out to make sure we got something, we took that
20 portion out of the finger scan part. And I think
21 where this is going to head -- and we don't have to
22 do anything yet; I just want to give y'all a heads-
23 up so you can start thinking about it. I think
24 where this is heading is they're going to tell us
25 probably on Wednesday that we have to pick which

1 way we want it and submit it and go for better or
2 worse. So y'all need to be thinking about -- I
3 guess how worth it is the English language part.

4 MS. THOMPSON: But I thought, Dean,
5 I'm sure you remember, because it was like pulling
6 teeth to get everybody to understand why we were
7 even having to do that. But it was at the strong
8 urging and recommendation of Katherine and Melina
9 that we even do the parallel track. Board members
10 were pretty resistant. If I'm not mistaken,
11 weren't we doing in lieu of the English language
12 requirement, they said that we could require the
13 (inaudible) exam. So it was essentially the same
14 thing, just being called something different.

15 MR. GRIGG: It came from Ms.
16 Templeton. But to be honest with you, I think it
17 even came from higher than her. My understanding
18 was that it was based off of conversations from
19 members of the Senate and the House. However, I
20 wasn't a part of those conversations. Melina
21 wasn't either. What came to us was straight from
22 Ms. Templeton; you are correct, Melanie.

23 MS. THOMPSON: So we did that what
24 they wanted and now it's biting us in the butt.

25 MR. GRIGG: I know. I know. I'm

1 just giving you a heads-up before we walk in there
2 on Wednesday. But that's probably where it's
3 heading.

4 MS. NYE: So we -- I'm sorry this is
5 Stephanie -- that we would need to decide about the
6 English language requirement and choose which one
7 we're willing to support? Is that what you predict
8 may happen?

9 MR. GRIGG: Right, Stephanie.
10 Whatever language we want to pursue, we have to
11 pick it and pursue it and withdraw the other
12 language.

13 MS. NYE: Okay. And it all centers
14 on the English language testing.

15 MR. GRIGG: And I think Melanie's
16 right in how we propose the different language.
17 But point being, we got to pick which language and
18 which wording we want and go with it, is probably
19 what's going to happen on Wednesday.

20 MS. NYE: Okay.

21 MS. THOMPSON: That's an important
22 detail, though, Dean. If what I had said about the
23 (inaudible) is correct, then we can choose the path
24 of the moving the English language, that version of
25 it. If the topel is not going to be required, then

1 that's an entirely different scenario, and that's
2 something that the board needs to be aware of,
3 before they vote one way or the other.

4 MR. GRIGG: Well, and I'm not asking
5 y'all for a vote. There won't be a vote right now.

6 MS. THOMPSON: Right.

7 MR. GRIGG: We're going to have to
8 hear what they tell us on Wednesday, and I'm hoping
9 you're going to be there.

10 MS. THOMPSON: I'm working on --

11 MR. GRIGG: Or somebody's going to
12 be there. I mean, I'll be there. Steven said
13 he'll be there. But we're just going to have to
14 have that conversation with them and see what we
15 can work out.

16 MS. THOMPSON: Okay.

17 MR. GRIGG: Like I said, the
18 citation issue originally was going to be a problem
19 as well. But once I explained to them there is no
20 change in the language, and also explained to them
21 that from a legal standpoint that was probably the
22 most important thing in there, to me, personally, I
23 think we're okay on that one. So I think that's
24 fine.

25 MS. NYE: This is Stephanie. I

1 think the English language requirement is very
2 important consideration. I'm not saying I support
3 that at all, but I think that's a very important --

4 MR. GRIGG: And right, Stephanie.
5 When I say "from a legal standpoint," I mean from
6 in-house, what we have --

7 MS. NYE: Yeah, in-house.

8 MR. GRIGG: -- to deal with as far
9 as --

10 MS. NYE: Okay. And what time is
11 the meeting on Wednesday, before we move on, just
12 so I can calendar that?

13 MR. GRIGG: Nine fifteen, I believe.

14 MS. MCCARTHA: Nine fifteen in
15 Blatt 427.

16 MS. NYE: Blatt 427. Got it.

17 MS. RODGERS: And thank you,
18 Stephanie, for that, because we've been preaching
19 that for many moons, and it is important. So thank
20 you for bringing that to the table. If you stay in
21 a board meeting long enough, you'll see why it's
22 important.

23 MR. GRIGG: All right. Are we ready
24 to move away from the regs and onto other things?

25 MS. NYE: Yes.

1 MS. THOMPSON: I'm not really sure
2 what the other even is. I have two pieces of
3 paper.

4 MR. RAY: I've got approval of panel
5 or hearing officers and approval of Ultra Beauty
6 reinstatement. There are two licensees in the
7 office for the reinstatement, if you wanted to
8 change it around.

9 MS. THOMPSON: Right. Well, I think
10 Dean asked us to do that. I have no problem with
11 that, but what I'm saying is I only have two pieces
12 of paper here, so I really have no idea what we're
13 even doing.

14 MR. RAY: As far as the two people,
15 pieces of paper, is that the salon?

16 MS. THOMPSON: Yes. So far as 6(c).

17 MR. RAY: Yes, ma'am. We should
18 have the reinstatement application. It expired
19 back in 2008. My understanding was that anything
20 past 2008 --

21 MR. GRIGG: Melanie, first of all,
22 if we're going to discuss this, we need to go ahead
23 and call it to order.

24 MS. THOMPSON: Okay. We'll call it
25 to order. That's what I'm saying, I don't know

1 what we're doing. I just simply have approval of
2 the reinstatement and I have one application here.
3 I don't have anything else, so I don't know -- I
4 don't know what this process is, what we're doing.

5 MR. GRIGG: Okay. It's a motion for
6 reinstatement by Ultra Beauty, and you have that
7 application, correct?

8 MS. THOMPSON: Yeah. Yes.

9 MR. GRIGG: So please call that to
10 order, and then we can discuss it.

11 MS. THOMPSON: I'd like to call
12 to order the motion for reinstatement.

13 MR. GRIGG: And if we can go ahead
14 and have -- Ms. Heyward, are you going to speak?
15 Or you're going to speak, sir? Whoever is going to
16 speak, if they'll come and be sworn in. They can
17 sit right here.

18 MS. WEBB: Madam Chair, may I add
19 something first? This is Kathy Webb. May I ask,
20 when did this come about?

21 MR. GRIGG: Okay. Let's get them
22 sworn in and then Byron can start explaining it to
23 you. I'm trying to get y'all there, if y'all just
24 hold on for a minute.

25 MS. WEBB: Okay.

1 (Court reporter checks I.D.s of witness.)

2 MR. GRIGG: Johnny R. Heyward is
3 about to be sworn in.

4 (The witness is sworn in.)

5 MR. GRIGG: And now, Byron, if you
6 can summarize for the board what you're asking them
7 to do.

8 MR. RAY: My understanding from, I
9 believe, Rosanne, is that anything that expired
10 2008 or older had to come before the board for
11 reinstatement. So that's the application we have.

12 George, the inspector, he had gone in. Didn't
13 find anyone actively working, but he saw that the
14 licenses were expired. And so the inspection
15 report came up as a complaint that way. So they
16 have resubmitted a reinstatement application and
17 brought them before the board, since it's been
18 since 2008.

19 MR. GRIGG: And is this their
20 reinstatement application that the board members
21 have before them?

22 MR. RAY: That is correct.

23 MR. GRIGG: It looks like a --

24 MR. RAY: For a salon. For a salon.

25 MR. GRIGG: Don't we actually have

1 an application that's a reinstatement application,
2 though?

3 MS. THOMPSON: This looks like an
4 initial application.

5 MR. GRIGG: I mean, Melanie, does
6 this not look like an initial application?

7 MS. THOMPSON: That's the reason
8 I'm so confused. That's why I keep saying, I have
9 two pieces of paper. I have no idea what we're
10 doing --

11 MR. GRIGG: And I absolutely hear
12 you. But we got to have it called to order before
13 we can discuss it. So that's what I'm trying to
14 find out now.

15 MS. THOMPSON: I'm going to pretend
16 I'm Ciel. If y'all want us to hear what you're
17 saying and want it on the record, you're going to
18 have to speak up.

19 MS. MCCARTHA: We aren't saying
20 anything that's on the record right now. Don't
21 worry.

22 MR. GRIGG: I will say this, while
23 Byron's looking. And I think -- Byron, I think you
24 just handed this to us, so I don't think this was
25 part of the packet; is that correct?

1 MR. RAY: Yeah, George brought that
2 to me before I came in, the package.

3 MR. GRIGG: All right. Well, what
4 I'm referring to, just so y'all know, is it's a
5 Memorandum of Record from George Barr, inspector,
6 LLR, dated January 10, 2012, and it says "On
7 1/10/12 during a routine inspection," and it's
8 routine inspection of Ultra Beauty Salon at 119
9 Springs Street, Suite 3, Charleston, South Carolina
10 29403. "During routine inspection, I found an
11 expired salon license expired 6/30/2008, expired
12 R.C. No. 14219 expired 3/10/09, expired R.C. No.
13 14567 expired 3/10/2007. Owner will close salon
14 until renews licenses. See last inspection and
15 relay second offense. Note: Licensees were not
16 working at time of inspection."

17 And then I also have what was handed to me, an
18 inspection report dated -- maybe not dated. All
19 right. I'm not seeing a date. But Inspection
20 Report No. 0482, salon name Ultra Beauty, License
21 No. 7474; notation: lapsed on 6/30/2008; address,
22 119 Springs Street, Suite 3, Charleston, South
23 Carolina 29403. Owner's name -- and am I saying,
24 Viola? or Viola?

25 MS. HEYWARD: Viola.

1 MR. GRIGG: Viola. Viola Heyward,
2 License No. 14567 expired March 10, 2007. And I
3 can be more brief, but we're waiting for Byron to
4 get us the answer on something anyway. It has
5 "shampoo, bowl and sink, yes; shampoo chair and
6 all-purpose chair, yes; hot and cold running water,
7 yes; hand washing facilities, yes; license is
8 displayed and valid for location, no; last
9 inspection report displayed, yes; sanitizer wet,
10 yes; sanitizer dry, yes; restroom facilities, yes;
11 fire extinguisher and first aid kit; yes; trash
12 containers, yes; connecting door to living
13 quarters, no; animals in salon, no; salon used as
14 sleeping quarters, no. Licensee name: Johnny
15 Ralph Heyward, who I believe is present. IND No.,
16 what's IND stand for? 14219, I guess that's his
17 license number? Violation: Expired 3/10/2009.
18 Owner will close salon until renewed license.
19 Expired salon license on June 30, 2008. I have
20 received a copy of this inspection report. Mr.
21 Heyward, is that your signature?

22 MR. HEYWARD: Yes.

23 MR. GRIGG: Johnny R. Heyward signed
24 that, dated it. Is inspected by George Barr dated
25 1/10/2012 at 12:55 p.m. Knew I'd find the date.

1 Warning issued, yes; citation issued, no; CND
2 issued, no. And then I've already read it three
3 times, so I won't read it again, but notes at the
4 bottom, give you the dates of the expired licensees
5 again.

6 MS. THOMPSON: Dean, if I could just
7 for clarification, is this particular hearing for
8 the salon license? the individual license? or all
9 three?

10 MR. GRIGG: Hold on just a second,
11 Melanie.

12 (Off-the-record discussion.)

13 MR. GRIGG: The application,
14 Melanie, to answer your question, is -- and Byron,
15 did we ever get an answer on reinstatement
16 application or what?

17 MR. RAY: Reinstatement on this
18 runs from 2010 to '12.

19 MR. GRIGG: I don't know what that
20 means. The reinstatement one --

21 MR. RAY: It only runs from 2010 to
22 '12. So I believe staff might have told them. I
23 was trying to find it in the laws, if this was
24 one --

25 MS. MCCARTHA: He's saying that

1 he can only -- if it was lapsed before 2012 --

2 MR. RAY: That's correct.

3 MS. MCCARTHA: -- that you would
4 need --

5 MR. GRIGG: That you would have to
6 do a new license or application.

7 MR. RAY: Correct.

8 MR. GRIGG: So what's before you,
9 Melanie, is an application for salon license for
10 Ultra Beauty. Ultra Beauty, as I just noted from
11 inspection reports, salon license expired on June
12 30th, 2008, some, what? over three-and-a-half
13 years, this June will be four years ago.

14 So from what Byron's telling me is because of
15 how long it's been expired, they had to submit a
16 new licensure application. Is that correct, Byron?

17 MR. RAY: That's correct.

18 MR. GRIGG: So technically, it's not
19 an application for reinstatement. It's an
20 application for licensure.

21 MS. THOMPSON: Okay. But we're also
22 with the situation that the two employees listed
23 that weren't there have expired individual license
24 for even longer than that. So it's a multi-faceted
25 problem. And I realize that we need to consider

1 the salon application because that's what's on our
2 agenda; that's what's before us. However, I think
3 it does play into whatever decision the board may
4 come to, the fact that the two people that worked
5 there have personal license, individual license,
6 one expired longer than the Salon and the other not
7 quite as long, but still two years.

8 MR. GRIGG: Correct.

9 MS. RODGERS: Have they been working
10 all this time that they've had expired license? Or
11 no?

12 MR. GRIGG: They're here for you to
13 ask them questions, or they can speak.

14 MS. MCCARTHA: Mr. Heyward.

15 MR. GRIGG: Yeah, this is Mr.
16 Heyward that's been --

17 MS. MCCARTHA: They are asking --
18 the board chair is asking if you've been working in
19 this salon in this time period. If the listed
20 cosmetologists have been working in this salon in
21 this period where there has been some expiration.

22 MR. HEYWARD: No, not really,
23 because my wife, she has been sick for quite a
24 while. And I didn't really know what was wrong
25 with her and she's been sick for maybe five, six

1 years. And she finally had an operation in 2010
2 for cancer. She had a tumor removed the size of a
3 grapefruit, really. And after the removal of that,
4 I mean, she's been doing okay, but not really
5 working. And I've been, I guess, busy looking
6 after her and my grandkids.

7 MS. RODGERS: My question is -- this
8 is Cindy Rodgers -- has the shop been open and
9 being occupied by cosmetology workers? Or has it
10 been closed all this time and you're asking for a
11 new application?

12 MS. HEYWARD: Mostly closed. I just
13 simply go in and out sometime. But I -- my license
14 itself, I renewed my license. I do have current
15 license.

16 MS. THOMPSON: Okay. I think maybe
17 we're a little confused, because, Cindy, to answer
18 your question, George Barr inspected the salon the
19 beginning of January of this year. The salon was
20 currently open, but according to what Dean reported
21 to us, he didn't actually see anyone working, but
22 the salon was open and to do that inspection.

23 Then, Mr. Heyward, just to be sure that we're
24 understanding, do you have any other employees that
25 work in the salon besides your wife and yourself?

1 MR. HEYWARD: No, ma'am.

2 MS. THOMPSON: So it's just the two
3 of you in the salon, no other employees at all.

4 MR. HEYWARD: My daughter, she comes
5 in sometimes; she's here. But mostly just pick up
6 the grandkids. But we're the only three that ever
7 worked there, my wife, myself and my daughter.

8 MS. THOMPSON: Is the daughter's
9 license current?

10 MS. RODGERS: Yeah.

11 COURT REPORTER: I didn't hear that.

12 Y'all were talking over each other.

13 MS. THOMPSON: This is Melanie. I'm
14 asking if Mr. Heyward's daughter's license or
15 current, or are all three practicing with an
16 expired license.

17 MR. HEYWARD: No. My daughter
18 license is current and my license now is current.

19 MS. THOMPSON: Can we verify that,
20 someone?

21 (Off-the-record discussion.)

22 MR. RAY: His is current.

23 MS. MCCARTHA: Johnny Ralph
24 Heyward's license is current and good, ladies.

25 MS. THOMPSON: Mr. Heyward's license

1 is current. What about his daughter's?

2 (Off-the-record discussion.)

3 MS. CURTIS: Mr. Heyward, how long
4 were your licenses expired before you got them
5 renewed? I didn't catch that.

6 MR. RAY: The daughter's hair
7 braider's license is current as well.

8 MS. CURTIS: Okay.

9 MS. THOMPSON: But she does not have
10 a cosmetology license.

11 MR. HEYWARD: No.

12 MS. THOMPSON: Mr. Heyward, what
13 does your daughter do when she's in your salon
14 working? What does she do?

15 MR. HEYWARD: What does she do. We
16 mostly just come there and clean and wait for the
17 kids to come from school, my grandkids. They both
18 go to school.

19 MS. THOMPSON: Does she do hair at
20 all in the salon?

21 MR. HEYWARD: No, no. No, ma'am.

22 MS. THOMPSON: She does no hair at
23 all.

24 MR. HEYWARD: No, ma'am.

25 MS. THOMPSON: Okay. And so does

1 your wife currently practice? Does she still --

2 MR. HEYWARD: Do my wife do what?

3 MS. THOMPSON: You said your wife
4 had been ill and she had had surgery and then you
5 had been caring for her.

6 MR. HEYWARD: Yes.

7 MS. THOMPSON: Will your wife be
8 working in the salon if we were to grant your
9 approval for application? Or who is going to work
10 in this salon if it's open?

11 MR. HEYWARD: Me. I mean, myself,
12 my daughter and hopefully my wife.

13 MS. MCCARTHA: Who's going to be
14 practicing cosmetology, Mr. Heyward?

15 MR. HEYWARD: Who would be? My wife
16 and I.

17 MS. MCCARTHA: Yeah.

18 MS. RODGERS: I thought it was a
19 cosmetology license; is it not? besides the shop.

20 MS. THOMPSON: I didn't hear you,
21 Cindy; I'm sorry.

22 MS. RODGERS: Are these -- what
23 we're voting on, to my understanding, was the shop
24 license.

25 MR. GRIGG: That's all that's --

1 MS. RODGERS: Now are we --

2 MR. GRIGG: That's all that's before
3 you.

4 MS. THOMPSON: That's all we have.
5 That's all we have. That's all we have before us.
6 The reason for my questioning was just simply to
7 find out just exactly what we were dealing with,
8 just how many people, how many license was expired,
9 for how long, to help in the determination about
10 the actual salon license. But all that we're
11 currently handling today is the salon license.

12 MS. RODGERS: Okay. That was the
13 question I had.

14 MS. THOMPSON: Are there any other
15 questions from the board members for Mr. or Mrs.
16 Heyward?

17 COURT REPORTER: Melanie, hold that
18 thought just a second. I didn't hear you. Can you
19 repeat that, please?

20 MS. THOMPSON: I just asked if there
21 were any other questions from the board members for
22 Mr. or Mrs. Heyward.

23 MR. GRIGG: Melanie, hold on a
24 second before y'all do anything else, please.

25 (Off-the-record discussion.)

1 MR. GRIGG: Okay.

2 MS. THOMPSON: Dean, is it possible
3 at this time that I could ask for a motion for
4 executive session?

5 MR. GRIGG: If that's what you would
6 like to do, please.

7 MS. THOMPSON: Do I have a board
8 member who's willing to make a motion for executive
9 session?

10 MS. RODGERS: We'll make a motion
11 for executive session.

12 MS. THOMPSON: I have a motion. Do
13 I have a second.

14 MS. CURTIS: Second.

15 MS. THOMPSON: I have a motion and a
16 second. Is there any further discussion?

17 (NO RESPONSE.)

18 MS. THOMPSON: Hearing none, all in
19 favor, signify by saying aye.

20 BOARD MEMBERS: Aye.

21 MS. THOMPSON: Opposed? The motion
22 carries. If we could clear the room, please, we're
23 going to go into executive session with our legal.

24 MR. GRIGG: Melanie, not only clear
25 the room, but anyone on the phone that's not a

1 member of the board.

2 (Executive Session.)

3 MS. THOMPSON: Do I have a motion to
4 come out of executive session?

5 MS. WEBB: I make a motion to come
6 out of executive session. Kathy Webb.

7 MS. RODGERS: Cindy Rodgers, second.

8 MS. THOMPSON: I have a motion and a
9 second to come out of executive session. Any other
10 discussion?

11 (NO RESPONSE.)

12 MS. THOMPSON: Hearing none, all in
13 favor, signify by saying aye.

14 BOARD MEMBERS: Aye.

15 MS. THOMPSON: Opposed? Motion
16 carries. We're in public session now. And for the
17 record, there were no motions made or votes taken
18 during executive session. Do I have a motion in
19 regard to the application for Ultra Beauty?

20 MS. CURTIS: Madam Chair, I make the
21 recommendation that we deny this initial
22 application for a salon license and request that
23 Mr. Heyward submit a application for reinstatement.

24 MS. RODGERS: Second.

25 MS. THOMPSON: I have a motion and a

1 second. Is there any further discussion?

2 (NO RESPONSE.)

3 MS. THOMPSON: Hearing none, all in
4 favor, signify by saying aye.

5 BOARD MEMBERS: Aye.

6 MS. THOMPSON: Opposed? Motion
7 carries.

8 MR. GRIGG: All right.

9 MS. THOMPSON: Will someone there in
10 the office explain to Mr. Heyward or Mrs. Heyward?

11 MR. GRIGG: Yeah. Someone from Mr.
12 Ray's staff will assist him in understanding what
13 needs to be done.

14 MS. THOMPSON: Okay. So moving on
15 on the agenda, approval of panel or hearing
16 officers.

17 MR. GRIGG: Yeah, I think you're
18 correct, Melanie. That's good.

19 MS. THOMPSON: Am I supposed to tell
20 what little that I know about this?

21 MR. GRIGG: Well, I don't know
22 anything about it, other than it was requested that
23 y'all consider the use of a panel or hearing
24 officer for disciplinary applications, or
25 disciplinary hearings, is the way I understood it.

1 But I don't have much more detail than that on it.

2 MS. MCCARTHA: That's why

3 Charlie's here.

4 MR. GRIGG: Charlie's here for that,
5 actually. He would like to speak on it.

6 MS. THOMPSON: That's what I was
7 going to say -- I had a conversation with Charlie.
8 I don't know what day it was on. Go ahead,
9 Charlie.

10 MR. IDO: I met with Melina Mann,
11 our general counselor, just earlier in the week. I
12 think it was earlier in the week, Monday or last of
13 last week. I think Rosanne happened to be present
14 too. And my concern, of course, is to streamline
15 these meetings so you're not getting a lot of
16 bantor over insignificant things and moving things
17 right along, not quite like today, I hope.

18 And one of the issues that Melina and I talked
19 about were hearings. Right now, you do full board
20 hearings, apparently. Melina suggested that we
21 consider doing panel hearings or hearing officers
22 for your disciplinary hearings. We're talking
23 about disciplinary hearings only.

24 The engine gives us the authority, gives all
25 the boards the authority, to hold their hearings,

1 disciplinary hearings, by panel or by individual
2 hearing officer. So with that in mind, I'm here to
3 encourage y'all to vote in agreement to allow for
4 cosmetology board disciplinary hearings to include
5 either panel or hearing officer means. So if you
6 have questions, I'll be glad to try to answer those
7 questions. But it's not unusual, as all the other
8 boards, probably almost every other board either
9 uses a panel or an individual hearing officer.

10 Now, I would suggest an individual hearing
11 officer for these reasons. Panels are very hard to
12 assemble. If they're board members, then you have
13 to recuse. So you're not doing anybody any good if
14 you're a board member on the panel and you have to
15 recuse. If there's a hearing officer, then --

16 MS. WEBB: Hold on, Charlie. Excuse
17 me. This is Kathy Webb. Would you repeat that
18 again about board members? What did you say?

19 MR. IDO: Well, if the panel for a
20 hearing is comprised of board members, the
21 recommendation of the panel will go to the full
22 board. And if there's board members on the panel,
23 they'd have to recuse. They'd have to step aside
24 and not be a part of the final order. So unless
25 you have a really large board like, golly, building

1 codes has like 18 people on their board. You
2 imagine doing business with them. It's probably
3 not a good idea.

4 In your case, I would recommend, if you decide
5 not to have a full board meeting -- and this
6 doesn't mean do away with full board meetings; you
7 still would be able to pick and choose -- but you
8 would have in your minutes the approval of a
9 hearing officer. That hearing officer would hear
10 the facts of the case presented by litigation
11 counsel, just like you would hear them today.

12 At the end of the day, the hearing officer
13 would make a recommendation. That recommendation
14 would be presented formally to the board at the
15 next board meeting. The board members would have
16 the option to either accept the recommendation or
17 amend that recommendation. If you thought the
18 recommendation was not stiff enough, you can reduce
19 it. If it was too stiff, you could raise it.

20 So the final decision is the board's. The
21 final decision on disciplinary action is solely the
22 board's decision. So I would encourage you just to
23 add that to your toolbox and today just prove that
24 you will entertain the use of a individual hearing
25 officer as you see appropriate.

1 MS. THOMPSON: Now, Charlie, just to
2 follow up on that. I mean, based on the
3 conversation, I think -- Dean, correct me if I'm
4 wrong -- I think Dean and I actually have had a
5 conversation somewhat related to this, and then I
6 had the conversation with Charlie about this. And
7 my concern, as I've stated all along, was the fact
8 that we voted to that, essentially, with IRC. And
9 there was some misunderstanding -- no fault of
10 either one of you gentlemen -- but there was a
11 misunderstanding between what we thought the IRC
12 was going to be and what it has actually had turned
13 out to be.

14 And when I was presented with this idea
15 earlier in the week, I had said, since the board
16 chair doesn't vote, would it be considered -- you
17 know, to be able to keep it within the board's
18 hands still, that the board chair listen to it and
19 then have alternates, an alternate one and
20 alternate two in case the date happened and the
21 date chair, whomever that may be from here on out,
22 we'd have a backup. And I thought that it was
23 agreed that that would be okay.

24 But now what I'm hearing is Charlie
25 recommending it not be board chair, board-related

1 at all, that it be someone else.

2 MR. GRIGG: No. Unless I completely
3 confused everybody, in situations where we're
4 talking about possibly staff being able to
5 communicate with somebody when they have questions
6 about applications and whatnot, what I meant to say
7 was, that would be okay if that were you as board
8 chair. But no, if there's a hearing officer
9 hearing a disciplinary panel or, I mean, a
10 disciplinary matter, then that board member
11 couldn't participate period, whether they vote or
12 not, in the full board meeting.

13 MS. THOMPSON: No, no. No, no. I
14 understand that. That's why my point was, as board
15 chair, since the board chair doesn't vote anyway,
16 it wouldn't be a problem for them recusing
17 themselves from the hearing process when the report
18 is represented to the other board members.

19 MS. MCCARTHA: I think Doris Cubitt,
20 the administrator, has a point.

21 MS. CUBITT: It really works,
22 essentially, just like the DRC was working, where
23 you had appointed somebody to hear the DRC cases
24 and they rule on them using those guidelines that
25 y'all approved.

1 MS. THOMPSON: Right.

2 MS. CUBITT: And if it's a
3 sanitation violation, second offense, it's this
4 much. And they would go by those guidelines. Then
5 the report would come out of the panel hearing just
6 like it did out of the DRC, and --

7 MS. THOMPSON: Right.

8 MS. CUBITT: -- y'all would either
9 approve them or just, you know, do something
10 different --

11 MS. THOMPSON: Right.

12 MS. CUBITT: -- depending on facts
13 and circumstances. So it's very, very similar to
14 what the DRC was.

15 MS. THOMPSON: Right. And that --
16 actually, the DRC, which I know we're not going to
17 call this DRC because that was -- at one time, a
18 board member was a DRC officer. And then there was
19 a formal board member as a DRC officer. And then
20 it ended up being -- I think the last person who
21 was a DRC officer before DRC was done away with was
22 not previous or present board member. It was just
23 someone who considered to be -- or had expertise in
24 the field.

25 MR. IDO: Melanie, this is Charlie.

1 I think you could probably, as a board, elect, you
2 know, any of those options: A former board member,
3 a sitting board member or someone that's never been
4 on the board that had the background and experience
5 in the topic available, a licensee of some sort,
6 someone that has the credentials to do that.

7 I've always, with a small board, I think it's
8 probably -- can become an issue if there is a
9 sitting board member that is going to be the
10 hearing officer. But it's done; it certainly is.
11 So that's really not a negative, except for the
12 size of your board.

13 MR. GRIGG: But another concern with
14 it is, y'all are already down a board member
15 anyway, so you already have six. And then when you
16 have a situation like now, where Selena has been
17 absent for quite a while. And then if we have to
18 recuse one board member, you're already down to
19 four. You have anybody sick or get caught in
20 traffic or anything like that, you've got to cancel
21 the board meeting because you have no quorum.

22 MS. THOMPSON: Is this something
23 that you guys -- are you wanting us to simply make
24 a motion or to vote as to whether or not we will
25 consider this? Or are you wanting us to name a

1 person today?

2 MR. GRIGG: I think Charlie's hoping
3 that would vote whether you want to do this or not.
4 I think the naming of the person maybe could be
5 worked out. But I think he's hoping you'll vote on
6 the --

7 MR. IDO: Spoken very well.

8 MR. GRIGG: -- on the use of it.

9 MR. IDO: What I want you to do
10 today is -- what I'd like you to do today is
11 approve -- that the board approve the use of a
12 hearing officer in appropriate cases when you have
13 a -- when you have a number of cases. I think your
14 litigation counsel has some work forthcoming for
15 hearings. And we would like to be able to deal
16 with those in an expeditious manner.

17 So that would be my recommendation to you, to
18 simply approve the use of a hearing officer. It
19 does not mean that all of a sudden y'all want to
20 sit together as an entire board and hear a case,
21 you certainly have that right in addition, so --

22 MS. THOMPSON: But if we make the
23 motion and we actually just approve the use of a
24 hearing officer, we still have to go through the
25 process of appointing the hearing officer. And I

1 think that each board member, especially since, I
2 think probably I'm the only one that even knew this
3 was being discussed, needs the opportunity to kind
4 of think about who they want. And so the vote
5 wouldn't necessarily that the hearing is going to
6 happen that way before that anyway, so --

7 MR. IDO: Well, you might want to
8 suggest your most recent board members that left.
9 Is it Deloris and Rosanne, you know, come to mind.

10 MS. THOMPSON: I don't know that --
11 Deloris, being a consumer member, would be my only
12 hesitation. She's got many years of experience.
13 But I also, from what I'm understanding, she's
14 looking at relocating to another state.

15 MR. IDO: Okay.

16 MR. GRIGG: Charlie, is it possible
17 -- I know you're wanting an answer. How quickly do
18 you need an answer? Or is it possible the board
19 can consider this and defer to the next meeting?
20 Or what's your time frame?

21 MR. IDO: Well, I was hoping to get
22 an answer today, but I'll defer --

23 MR. GRIGG: The only reason I'm
24 asking that is it sounds like there's a lot of --

25 MS. MCCARTHA: Thought.

1 MR. GRIGG: -- uncomfortableness --

2 MR. IDO: That's fine.

3 MR. GRIGG: -- with this process.

4 MS. MCCARTHA: To give this board
5 some time to consider it.

6 MS. THOMPSON: I don't think there's
7 uncomfortableness with the actual thing. Yeah,
8 we'll consider that. I mean, so if that's what
9 Charlie needs to go forward, then that's great. I
10 mean, I don't think there's an issue there. I do
11 think it's unrealistic to present it and then
12 expect that anybody make a recommendation at this
13 point, which means, essentially, we're not going to
14 implement the officer until we name one. So I
15 don't really understand how, you know, just saying
16 "yes, we'll do it" would help today.

17 MS. CURTIS: Well, I think we need
18 to think it over as a group as to --

19 MS. THOMPSON: I agree.

20 MS. CURTIS: -- if we really
21 want to go in that direction.

22 MS. WEBB: I agree with that as
23 well.

24 MS. NYE: I agree.

25 MS. CURTIS: Madam Chair, I make

1 a motion that we move this to be discussed during
2 our next meeting, please.

3 MS. WEBB: Second, Kathy Webb.

4 MS. THOMPSON: I have a motion and a
5 second. Any further discussion? I actually have
6 further discussion. If you would in the mean time
7 to expedite this when and if we decide to implement
8 it. Give it some serious consideration as to if
9 you know of anyone you would like to recommend for
10 this position, understanding the importance of that
11 position, so that when and if we come to the point
12 where we decide to do that, we will already be one
13 step further into it and can make it happen a
14 little more quickly.

15 MS. CURTIS: Thank you.

16 MS. THOMPSON: Any other discussion.

17 MR. IDO: Melanie, this is Charlie,
18 one more time. Since the hearings would typically
19 be in the Columbia area, if y'all would just
20 consider that as far as whoever you decide in their
21 travel to and their availability.

22 MS. THOMPSON: I think availability
23 is probably more important. You know, I mean, as
24 long as -- pretty much anybody who would agree to
25 do it would need to schedule it in, so we're given

1 enough notice.

2 MS. MCCARTHA: You still need to
3 vote on that motion.

4 MS. THOMPSON: Right. I need to
5 see if there's anymore further discussion.

6 (NO RESPONSE.)

7 MS. THOMPSON: Hearing none, all in
8 favor, signify by saying aye.

9 BOARD MEMBERS: Aye.

10 MS. THOMPSON: Opposed? Motion
11 carries. All right. As far as I know, there is
12 public comment.

13 MR. RAY: Steven has no others.

14 MR. GRIGG: No public comment,
15 Melanie.

16 MS. THOMPSON: Okay. Is there
17 anything else that we've overlooked?

18 MR. GRIGG: I believe that's all.

19 MS. THOMPSON: All right. Then I'll
20 entertain a motion to adjourn.

21 MS. WEBB: I make a motion to
22 adjourn. Kathy Webb.

23 MS. RODGERS: Second. Cindy Rodgers

24 MS. THOMPSON: Motion and a second.

25 Any further discussion?

1 (NO RESPONSE.)

2 MS. THOMPSON: Hearing none, all in
3 favor, signify by saying aye.

4 BOARD MEMBERS: Aye.

5 MS. THOMPSON: Opposed? Motion
6 carries. Meeting is adjourned.

7 *****

8 (Whereupon, the meeting/hearings were
9 adjourned at 4:33 p.m.)

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CERTIFICATE OF REPORTER

I, CECELIA P. ENGLERT, COURT REPORTER AND NOTARY PUBLIC IN AND FOR THE STATE OF SOUTH CAROLINA AT LARGE, HEREBY CERTIFY THAT I RECORDED AND TRANSCRIBED THE SOUTH CAROLINA DEPARTMENT OF LABOR, LICENSING AND REGULATION, COSMETOLOGY BOARD HEARINGS ON THE 23RD DAY OF MARCH, 2012, AND THAT THE FOREGOING 100 PAGES CONSTITUTE A TRUE AND CORRECT TRANSCRIPTION OF THE SAID HEARINGS.

I FURTHER CERTIFY THAT I AM NEITHER ATTORNEY NOR COUNSEL FOR, NOR RELATED TO OR EMPLOYED BY ANY OF THE PARTIES CONNECTED WITH THIS ACTION, NOR AM I FINANCIALLY INTERESTED IN SAID CAUSE.

I FURTHER CERTIFY THAT THE ORIGINAL OF SAID TRANSCRIPT WAS THEREAFTER SEALED BY ME AND DELIVERED TO MALINDA PRESSLEY, SCLLR - COSMETOLOGY BOARD, KINGSTREE BUILDING, 110 CENTERVIEW DRIVE, COLUMBIA, SOUTH CAROLINA, WHO WILL RETAIN THIS SEALED ORIGINAL TRANSCRIPT.

IN WITNESS WHEREOF, I HAVE SET MY HAND AND SEAL THIS 4TH DAY OF APRIL, 2012.

CECELIA P. ENGLERT, COURT REPORTER
MY COMMISSION EXPIRES JUNE 03, 2018