

MINUTES

South Carolina Board of Cosmetology

10:00 A.M., May 17, 2004

Board Meeting

Synergy Business Park, Kingstree Building

110 Centerview Drive, Conference Room 108

Columbia, South Carolina

Pat Adams, Chairman, of North, called the meeting to order at 10:00 a.m. Other Board members attending the meeting included: Melanie Thompson, Vice Chairman, of Myrtle Beach; Katherine Busby, of West Columbia; Delores Gilmer, of Charleston; Rosanne Kinley, of Anderson; and Ruth Settles, of Greenville.

Staff members participating at various times during the meeting included: Ronnie Blackmon, Inspector; Sandra Dickert, Administrative Assistant; Eddie Jones, Administrator and Raymond Lee, Inspector.

Members of the public included: David Bagwell, Melinda Bolin, Ernie Buck, Elizabeth Camp, Andy Cao, Sheila Chismar, Rebecca Johnson, Jay Lacy, Adam McCarthy, Susan Mole, Kelly Moore, Pat Oberhausen, Chesley Phillips, Nancy Poole, Diane Rudge and Carol Toney.

Meeting Called to Order

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

Pledge of Allegiance

All present recited the Pledge of Allegiance.

Rules of the Meeting Read by the Chairman

Ms. Adams read the Rules of the Meeting for all those in attendance.

Introduction of Board Members and All Other Persons Attending

The Board members, staff and all persons attending the meeting introduced themselves for the record.

Approval of the March 8, 2004 Meeting Minutes

MOTION

Ms. Thompson moved the Board approve the minutes from the March 8, 2004 meeting. Ms. Kinley seconded the motion. Ms. Gilmer noted that staff's remarks regarding election of officers should be included in the minutes. The motion carried unanimously and included the advisory committee minutes as well as the executive session minutes.

Approval of Agenda

MOTION

Ms. Settles moved the agenda be approved. The motion was seconded by Ms. Gilmer and unanimously carried.

Chairman's Remarks - Pat Adams

Ms. Adams stated she attended another Senate subcommittee meeting in regard to hair braiding. She went on to say that the committee came up with 300 hours or a grandfather clause. She indicated Ms. Phillips and Mr. Lacy also attended the meeting. Senator Moore, Chairman of the subcommittee, asked that another compromise be offered. She noted that Oklahoma requires 600 hours, Florida requires 16 hours, Michigan required 400 hours and Tennessee requires 300 hours of training.

Ms. Adams stated she attended the NIC Region One meeting. She went on to say that Ms. Kinley, Region One Director, did an excellent job. She noted that the Region Two Director was unable to attend the meeting. She went on to say it was an excellent conference and 20 Boards were represented.

Ms. Adams stated that PCS is now the practical testing provider and should begin testing July 1, 2004. She noted that Mr. Jones is currently working on finalizing the contract. She continued by saying that two members voted for PCS, two members voted for CTP and that one member abstained from voting. She indicated that the member who had abstained indicated she had been contacted by individuals who asked her to vote for PCS and by individuals asking for her to vote for CTP. She then stated that since she is a member of an association, which has ownership in CTP, she was uncomfortable in voting on this issue. She went on to say that she referred the matter to a committee comprised of two members from different Boards and one staff member from another area within the Department of LLR, who are familiar with exam providers. The committee heard presentations from both CTP and PCS after which they voted in favor of PCS becoming the practical exam provider.

Administrator's Remarks, For Information - Eddie Jones

Advisory Opinions, If Needed, Office of General Counsel

No advisory opinions were given during the May 17, 2004 meeting.

Legislative Update, If Needed, Legislative Liaison Office

Mr. Jones stated he is attempting to stay abreast of the braiding issue, which Ms. Adams discussed in her remarks.

Mr. Jones stated he also attended the Region One meeting and found it very informative.

Ms. Kinley questioned Mr. Jones regarding a bill concerning the sunset of Boards. Mr. Jones stated he had seen the bill and consulted other persons regarding the bill.

Ratification of Mail-In Ballots

a. Ballot 1 - School Preliminary Inspection, Love You Too Nail Academy (Approved)

On March 4, 2004 the Board received an application for a new nail technician school to be

located in Mullins. The school would be known as the Love You Too Nail Academy and owned by Nanette T. Battle. Since the application was received too late to be placed on the agenda for the March 8, 2004 meeting, the members were mailed a ballot, along with the pertinent information regarding this matter, and were asked to cast their vote in approval or disapproval of conducting an initial inspection on the school. The members were also informed that the ballot would be ratified during the May 17, 2004 meeting. The Board approved conducting an initial inspection of the school by a unanimous vote.

MOTION

Ms. Gilmer moved the Board ratify mail ballot one. The motion was seconded by Ms. Busby and unanimously carried.

b. Ballot 2 - Betty Stevens Cosmetology Institute Student Contract (Approved)

On February 26, 2004 staff received a proposed student contract from Ernie Buck, the new owner of the Betty Stevens Cosmetology Institute for the Board's review and approval. The Board members were mailed a ballot, with the pertinent information relating to this matter, and were asked to cast their approval or disapproval in regard to the student contract. The members were also informed that the ballot would be ratified during the May 17, 2004 meeting. The members approved the student contract by a majority vote.

MOTION

Ms. Thompson made a motion, seconded by Ms. Settles and unanimously carried, that the Board ratify mail ballot two.

c. Ballot 3 - Platinum Shear School of Cosmetology Student Contract (Approved)

On March 8, 2004 the Board received a proposed revised student contract from the Platinum School of Cosmetology for their review and approval. Since the Board had just met and would not meet again until May 17, 2004 the members were mailed a ballot, along with the pertinent information and asked to cast their vote in approval or disapproval of the proposed revised contract. The Board members were also informed that the ballot would be ratified during the May 17, 2004 meeting. The Board voted to approve the contract by a unanimous decision.

MOTION

Ms. Settles made a motion, seconded by Mr. Thompson and unanimously carried, that the Board ratify mail ballot three.

d. Ballot 4 - April 2004 DRC Reports (Approved)

The DRC met on April 5, 2004 and approved the DRC Report, the Complaints Approval Report, the Case Disposition Report and the Disciplinary Report. Since the Board would not be meeting until May 17, 2004 the Board members were mailed a ballot, with the pertinent information, and were asked to cast their approval or disapproval on the reports. The members were also informed that the ballot would be ratified during the May 17, 2004 meeting. The members approved the reports by a unanimous decision.

MOTION

Ms. Gilmer moved the Board ratify mail ballot four. The motion was seconded by Ms. Busby and unanimously carried.

Unfinished Business

There was no unfinished business to be discussed during the May 17, 2004 meeting.

New Business

1. Approval of Application - Andy Huu Cao

On July 2, 2001 staff received a nail technician application from Andy Cao. After reviewing the application, staff found it could not approve the application and brought the application before the Board during the September 10, 2001 Board meeting. During the meeting the Board was informed that the shop where Mr. Cao was engaged in unlicensed practice was cited three (3) times for employing unlicensed personnel before the license was revoked. Ms. Kathy Stephens, staff inspector, had observed Mr. Cao engaging in unlicensed activity during a routine inspection of a salon on August 10, 2001. The Board voted unanimously to deny Mr. Cao's application. On September 21, 2001, Ms. Adams signed an order denying Mr. Cao's application for a license to practice as a nail technician. In accordance with Section 40-13-250(C) Mr. Cao must first successfully pass the nail technician's examination prior to his license being reinstated.

Mr. Cao appeared before the Board at this time and answered several questions from the Board members.

MOTION

Ms. Settles moved the Board grant Mr. Cao a license. Ms. Gilmer seconded the motion. Ms. Kinley amended the motion to have Mr. Cao serve a three-year probation. The amendment was seconded by Ms. Busby and carried unanimously. The original motion carried unanimously.

Ms. Adams informed Mr. Cao that if he is caught with unlicensed individuals in his salon or if he is caught working unlicensed, his license would be permanently revoked.

2. Approval of Reciprocity Application - Diane Marie Byrd Rudge

Ms. Rudge is applying for licensure as a cosmetologist by reciprocity. She was previously licensed in South Carolina (1984). However, she has not been able to provide proof that she is currently licensed.

Diane Marie Byrd Rudge appeared before the Board at this time. She stated she was a salon owner during the time she lived in Canada and that she sold the business, building and property when she moved to South Carolina. When she transferred to Canada eighteen years ago she was licensed in South Carolina as well as Texas and Florida. She indicated that Canada has annulled the law regarding licensure, which means that she was not required hold a cosmetologist license. However, she was required to hold a Declaration De Raison Sociale. She continued to work through 2002 and moved back to South Carolina to be with family. She has been working in the family retail business and

has not been working as a cosmetologist since moving to South Carolina. She was initially licensed in South Carolina in 1976. She has not taken continuing education in the United States recently. When she was working with Redken International in Canada she was a Rapa, which was a platform educational artist. Her segment involved chemical, perm and color.

MOTION

Ms. Kinley moved to carry this matter to executive session. The motion was seconded by Ms. Busby and unanimously carried.

3. Approval of High School Transcript - Melinda Bolin

Melinda Bolin has submitted a high school transcript from Hunter Huss High School in Gastonia, NC, which indicates she did not obtain a tenth grade education. Ms. Bolin states in her letter that she obtained a high school diploma from Christian Correspondence School and that she will be attending Business Classes at York Technical College this fall.

Melinda Bolin appeared before the Board at this time. She stated she did not attend the last few weeks of school during her sophomore year. She graduated with honors from the cosmetology school and she was a licensed cosmetologist for four months prior to becoming an educator. In October 2004 she will be licensed for two years in the State of North Carolina.

MOTION

Ms. Kinley made a motion, seconded by Ms. Busby and unanimously carried; the Board table this matter to executive session.

4. Approval of CEU Changes - Jay Lacy, Lacy Cosmetology School

On April 13, 2004 staff received an email from Jay Lacy, of Lacy Cosmetology School, is requesting Board approval to allow nail technicians attend cosmetology continuing education classes on April 12, 2004 and September 13, 2004. He is also requesting to add an additional nail technician class to be held on August 15, 2004. (Note: The email was received the day after the request for the April 12, 2004 class. The Board had spoken with Mr. Lacy during a previous meeting in regard to allowing estheticians and nail technicians attend cosmetology continuing education classes.)

Jay Lacy appeared before the Board at this time. He stated the request is for two separate classes, a cosmetology class and a nail technician class, be held on September 13, 2004 and August 15, 2004. He indicated that the request for the April 12, 2004 class had been emailed the previous week.

MOTION

Ms. Gilmer moved the Board approve Mr. Lacy's request. Ms. Busby seconded the motion. Discussion regarding the email ensued. Ms. Kinley amended the motion to be for the September 13, 2004 and August 15, 2004 classes. Ms. Busby seconded the amendment, which carried unanimously. The motion to approve the request carried with a unanimous vote.

5. Approval of Additional CEU Classes - Jay Lacy, Lacy Cosmetology School

Mr. Lacy is requesting Board approval of nine hands-on cosmetology continuing education courses to be held at the school. The dates for the classes are June 7, 2004, June 21, 2004, July 19, 2004, July 26, 2004, August 9, 2004, August 23, 2004, August 30, 2004, September 20, 2004 and October 18, 2004.

MOTION

Ms. Gilmer made a motion, seconded by Ms. Busby and unanimously carried, that the Board approve the request to hold additional classes.

Mr. Jones questioned Ms. Adams what effect would be felt by the participants who attended the April 12, 2004 class in receiving the certificate from USC by the delay in approving that class. Ms. Adams stated it is her opinion that there would be no delay in the issuance of the certificate, however, if the request was submitted to the Board after the fact there would be a reprimand against Mr. Lacy.

6. Approval of Change to a Continuing Education Class - Echo Morris, NCASC

Echo Morris, Chairman of the NCASC/FEC, is requesting the Board's approval to change the continuing education class scheduled for September 19, 2004 in Charleston to September 12, 2004. The class would be held at the same location in Charleston.

MOTION

Ms. Busby moved the Board approve Ms. Morris' request. Ms. Thompson seconded the motion, which carried.

7. Approval of Additional Continuing Education Classes - Nancy Poole, SCACS

Nancy Poole, President of SCACS, is requesting the Board's approval for additional continuing education classes for the Betty Stevens Cosmetology Institute and the Academy of Cosmetology. These classes would be held as follows:

Betty Stevens Cosmetology Institute

Cosmetology Nail Technician

August 23, 2004 December 12, 2004

September 20, 2004

October 4, 2004

November 7, 2004

November 8, 2004

December 6, 2004

Academy of Cosmetology

Cosmetology Esthetics

August 15, 2004 October 10, 2004

September 19, 2004 November 7, 2004

September 27, 2004

October 10, 2004 Nail Technicians

October 18, 2004 August 15, 2004
November 7, 2004 August 30, 2004
November 15, 2004 November 7, 2004
November 15, 2004

MOTION

Ms. Busby moved the Board approve Ms. Poole's request. The motion was seconded by Ms. Gilmer and unanimously carried.

8. Approval of Additional Continuing Education Classes - Elizabeth Camp, ACTIVE
Elizabeth Camp, CEU Coordinator for ACTIVE, is requesting the Board approve two additional classes for nail technicians. The classes would be held October 17, 2004 at Beaufort-Jasper CEC and on November 21, 2004 at the Fred P. Hamilton Career Center.

MOTION

Ms. Busby made a motion, seconded by Ms. Gilmer and unanimously carried, to approve this request.

9. Approval of Continuing Education Credit - Kelly Knox Moore
Kelly Knox Moore attended the International Esthetics, Cosmetology and Spa Conference in Las Vegas, NV, May 1-3, 2004. She is requesting the Board's approval for this conference to count as her two continuing education courses needed to renew her license in 2005.

MOTION

Ms. Settles moved the Board not accept Ms. Moore's attendance at the conference as continuing education credit for licensure in 2005. Ms. Busby seconded the motion. Discussion on motion ensued. The motion carried unanimously.

Recess

The Board took a recess at 11:00 a.m. and returned to public session at 11:20 a.m.

Return to Public Session

10. Approval of Apprentice Training for Cosmetology Student - Sheila S. Chismar
Sheila S. Chismar has submitted documentation regarding OJT she received in Maryland to become licensed as a cosmetologist. She is asking that the Board approve this training be applied as credit toward her training at Columbia Beauty School.

Sheila S. Chismar appeared before the Board at this time. She indicated that Columbia Beauty School informed her that apprenticeship is not recognized by South Carolina and that the school has her enrolled in the 1,500-hour course. She has 875 of apprenticeship and 400 hours at Columbia Beauty School. She was paid wages during the hours she worked as an apprentice in Maryland.

MOTION

Ms. Thompson moved the Board deny the request. Ms. Settles seconded the motion,

which carried unanimously.

11. Approval of Instructor - Nannette London Saheb, Cosmetic Arts Institute
Nannette Saheb, of the Cosmetic Arts Institute, is requesting the Board's approval of allowing Dawn Brabham be allowed to teach at the school until such time that she successfully passes the instructor's exam. Ms. Brabham's paperwork is in the process of being scheduled for the written exam. She has indicated she would be taking the LaserGrade exam so that she may take the practical exam in June 2004.

MOTION

Ms. Kinley moved the Board Nannette London Saheb allow Dawn Brabham to teach until such time she obtains her instructor's exam. Ms. Gilmer seconded the motion, which carried unanimously.

12. Approval of Policy Regarding the Cancellation/Rescheduling of Continuing Education Classes due to Inclement Weather

During the March 8, 2004 meeting the Board heard from Tammi Floyd-Fogleman in regard to the cancellation of continuing education classes during inclement weather, such as snow, ice, etc. The Board reviewed the policy developed by staff.

MOTION

Ms. Kinley moved the Board approve the proposed policy. Ms. Gilmer seconded the motion, which carried unanimously.

The policy states:

The South Carolina Board of Cosmetology, recognizing that the safety of its licensees may require that continuing education classes be cancelled or dismissed early due to severe inclement weather, sets the following policy concerning such classes, interpreting SC Reg. 35-24 (F).

(A) If a class must be cancelled because of inclement weather, the provider may reschedule that class at the same site within 60 days of the cancelled class without approval of the Board. The provider shall promptly notify the Board of the cancellation and the rescheduled time. The provider will refund prepaid class fees for persons who cannot attend the rescheduled class.

(B) If inclement weather requires cancellation of a class when there has been less than 65% of the scheduled instruction (for example, four hours of instruction for a six contact hour course), the provider must reschedule the entire class at no additional charge to the participants.

(C) If inclement weather requires cancellation of a class when there has been more than 65% of the scheduled instruction (for example, four hours of instruction for a six-hour course), the provider may verify and report the participants' attendance at the total number of scheduled hours.

13. Board Members Reports

Katherine Busby

Ms. Busby had no report.

Delores Gilmer

Ms. Gilmer stated she attended one day of the NIC Region One meeting and found it to be very informative.

Reciprocity Report

During March 2004, licensure by reciprocity was granted to 32 cosmetologists, five estheticians and one nail technician. During April 2004, 40 cosmetologists, four estheticians and two nail technicians became licensed by reciprocity.

Ruth Settles

Ms. Settles had no report.

Melanie Thompson

Ms. Thompson monitored a continuing education class at Strand College of Hair Design on April 21, 2004. She also attended the NIC Region One meeting. She enjoyed the Round Table discussion.

Rosanne Kinley

Ms. Kinley stated she attended the NIC Region One meeting. She indicated that the Tennessee Trooper conducting the round table discussion is also a U.S. Marshal. She went on to say he had informed the participants that Tennessee is the easiest state to obtain a driver's license. She suggested that Chesley Phillips instruct other providers what she has learned regarding fraudulent documentation.

Ms. Thompson stated that the Board members had received a copy of a letter from Tammi Floyd-Fogleman asking several questions and asked if a response has been mailed. Mr. Jones stated that he had drafted a reply and that Mr. Bryant had rewritten it and forwarded the document to Ms. Dantzler.

Ms. Susan Mole, of USC, stated she received a packet from the Charleston Cosmetology Institute. She indicated that an intoxicated individual Gray Mercer, attended this continuing education on April 18, 2004. She provided the members with copies of the monitor's sheet noting the individual's intoxication, the sign in sheet and his verification of attendance. Discussion on the issue ensued. Mr. Jones stated the providers should ask individuals who are intoxicated to leave the class when they are made aware of the situation and not allow that individual to stay for the entire class.

MOTION

Ms. Kinley moved the Board allow Mr. Mercer obtain his continuing education. Ms. Gilmer seconded the motion, which carried unanimously.

Ms. Mole also provided the members with a letter indicating her resignation from USC, which is effective July 14, 2004.

Recess

The Board recessed at 12:00 p.m. and returned to public session at 12:20 p.m.

Discussion Item(s)

1. Board's Decision Regarding Hair Wrapping - Adam McCarthy

Mr. Adam McCarthy indicated by email that he wished to be placed on the agenda regarding the Board's decision during the July 14, 2003 meeting to reverse the 1998 decision on hair wrapping.

Adam McCarthy appeared before the Board at this time and made a presentation to the Board. The Board then asked several questions of Mr. McCarthy.

MOTION

Ms. Kinley moved the Board discuss this issue in executive session. Ms. Settles seconded the motion. Discussion on this matter ensued. A vote was not taken on this motion.

MOTION

Ms. Settles moved this issue go to the braiding committee for their review. The motion was seconded by Ms. Busby and unanimously carried.

Diane Marie Byrd Rudge

MOTION

Ms. Settles moved the Board grant Ms. Rudge a license by reciprocity. The motion died due to lack of a second.

Ms. Rudge stated she received all of her cosmetology education in Florida. She passed the Texas cosmetology exam and became licensed there. She also passed the South Carolina exam and became licensed here. She was a resident in Canada and employed there and is now back in the United States.

Mr. Wilson stated Section 40-13-270 indicates that an individual must hold a current registration from another state or district to be issued a license by reciprocity.

Ms. Adams stated since Ms. Rudge was previously licensed in South Carolina she could take the written and practical exams and then become licensed.

Mr. Wilson stated there are other Boards that have the authority to accept foreign licensure, especially from Canada. He further stated when the Board revisits the practice act it may wish to see if the legislation would allow them more discretion in accepting foreign applicants.

Approval of High School Transcript - Melinda Bolin

MOTION

Ms. Thompson made a motion, seconded by Ms. Kinley and unanimously carried, to approve reciprocity contingent upon verification of current North Carolina license.

Public Comments

Mr. Bagwell stated on April 14, 2004 he wrote Ms. Youmans, director of LLR, requesting the income and expenses for the Board of Cosmetology for 2002-2003. He noted that earlier in the meeting the Board approved the April 2004 DRC reports. He asked if there were public reprimands included in that report. He indicated this information was useful in curtailing violations since individuals did not want their names printed under disciplinary actions listed in the newsletter. He further stated his concern is that since the agency would not allow the Board to mail a newsletter, which included this information, how is the Board posting those public reprimands. He asked if the Board would post this information in the local newspapers. Mr. Wilson stated that the agency does not take out any advertisements to do such a thing as Mr. Bagwell has suggested. However, they would contact the newspapers when there is a disposition on a case that would be of local interest, although the agency could not make the newspaper print the information.

Mr. Bagwell stated his response from Ms. Youmans indicated that the Board's cash on hand as of April 19, 2004 was \$1, 060,000. He wondered with that much cash on hand why a newsletter could not be mailed listing continuing education courses and disciplinary actions. Ms. Adams stated she had asked staff and was informed that it would be placed on the Board's web page.

Mr. Bagwell stated the industry is upset that they have paid \$30 for a two-year license, which is supposed to be used back into the industry for inspections, newsletters, etc. and the services they are paying for are being denied. He went on to say the licensees are expected to find libraries with computers or to buy computers in order to find information they are required to have.

Ms. Settles stated all of the members were not afforded the opportunity to attend the regional conference and yet all of the members are expected to make judgments on different matters brought before this body that only some of the members have been made aware of. Mr. Bagwell stated he was informed that LLR's policy that one Board and one employee may attend regional and national conferences regardless of how much money the Board has on hand. He indicated that the information he received from Ms. Youmans indicates that the Board carried over \$684,000 into the 2003/2004 fiscal year. He indicated the statute indicates that salons are to be inspected on an annual basis; however, his salon has not been inspected in two and one-half years. He recommended the Board submit an article of legislation to the House of Representatives and the Senate to reduce to license fees from \$30 to \$20.

Ms. Kinley asked Mr. Bagwell if Ms. Youmans responded to his letter. Mr. Bagwell stated Ms. Youmans responded to the request for information regarding the Board's income and expenses, however, she did not respond to the rest of his letter. He went on to say he had copied the letter to the chairman of the Board, although Ms. Youmans did not copy

the chairman on her letter to him. He continued by saying he mailed a copy of Ms. Youmans' response to Ms. Adams. He noted that Ms. Youmans did not respond to the rest of his letter.

Mr. Bagwell stated that, in his letter to Mrs. Youmans, he had requested a copy of the engine bill so he could review it to see where the agency has the authority to do what it is doing. He noted that the Governor does not care enough about the Board to allow vacancies remain open for two years or more.

Ms. Poole stated she is concerned with the Board's decision to allow an individual to become licensed with a certificated from a correspondence school. She indicated it could open a bag of worms since the Board issued a license to an individual without a tenth grade education. Ms. Adams stated North Carolina approved the correspondence school and issued a license. Mr. Wilson stated that since she is licensed with North Carolina she is entitled to licensure by reciprocity with South Carolina.

Ms. Poole stated that Ms. Adams send her a letter so she may read the letter at the association's next meeting.

Executive Session

MOTION

Ms. Busby moved the Board enter executive session. The motion was seconded by Ms. Settles and unanimously carried.

Return to Public Session to Report on Executive Session

Ms. Adams noted for the record that no motions were made and no votes were taken during executive session.

DRC Reports

MOTION

Ms. Kinley moved the Board approve the DRC Report, the Complaints Approval Report, the Disposition Report and the Disciplinary Report for May 2004. The motion was seconded by Ms. Thompson and unanimously carried.

Adjournment

Ms. Thompson made a motion, seconded by Ms. Kinley and unanimously carried, that the meeting be adjourned.

The May 17, 2004 meeting of the SC Board of Cosmetology adjourned at 2:07 p.m.