

MINUTES

South Carolina Board of Cosmetology

10:00 A.M., May 9, 2005

Board Meeting

Synergy Business Park

Kingstree Building

110 Centerview Drive, Conference Room 108

Columbia, South Carolina

Rosanne Kinley, Chairman, of Anderson, called the regular meeting of the SC Board of Cosmetology to order at 10:00 am. Other board members present included: Melanie Thompson, Vice Chairman, of Myrtle Beach; Michelle Furtick, of Columbia; Delores Gilmer, of Charleston; Rosanne Kinley, of Anderson; Ruth Settles, of Greenville; and Katherine Webb, of Easley.

Staff members participating in the meeting included: Ronnie Blackmon, Inspector; Raymond Lee, Inspector; Sharon Dantzler, Deputy General Counsel, LLR-Office of General Counsel; Eddie Jones, Administrator; Shirely Wider, Program Assistant; and Connie Huffstetler, Administrative Assistant.

Members of the public attending the meeting included: Ken Lochridge, Carolina College of Hair Design; Linda Simpson, Carolina College of Hair Design; Jayson Lacy, Palmetto Professionals of Cosmetology; Jim Lacy, Lacy Cosmetology; Dianne Oliver; Linda Beach, SC Massage & Esthetics Institute; Cathie Stabler, NCASC; Diane Cook, NCASC; Delores Rush, PCS; Chesley Phillips, Nails & Skin of America; Cody Lidge, USC; Claus Lang, PCS; Pam Czekalski, Lexington Technology Center; and Ken Lake, Lexington Technology Center

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

Pledge of Allegiance

All present recited the Pledge of Allegiance.

Rules of the Meeting Read by the Chairman

Ms. Kinley read the rules of the meeting for all present.

Introduction of Board Members and All Other Persons Attending

All present at the meeting introduced themselves.

Approval of the March 14, 2005 Meeting Minutes

MOTION

Ms. Thompson moved that approval of the minutes be deferred until later in the meeting in order to give members time to review them, as they were received just prior to the meeting. Ms. Gilmer seconded the motion, which carried unanimously.

Approval of Agenda

MOTION

Ms. Gilmer moved to approve the agenda for the May 9, 2005 meeting. The motion was seconded by Ms. Webb and carried unanimously.

Chairman's Remarks - Rosanne Kinley

Ms. Kinley noted that she had received a number of calls regarding cosmetology renewals.

Ms. Kinley reported that she had accompanied Mr. Lee on two school inspections, Carolina College of Hair Design in Anderson and Nail Tech Academy of Easley. Both inspections went very well.

Ms. Kinley advised the Board members that she had followed up with Cody Lidge at USC regarding the revised continuing education evaluation form and that it should be ready for use by July 1, 2005.

Ms. Kinley stated that she had monitored a vocational school exam on April 11, 2005 and observed that it went extremely well.

Ms. Kinley reported that the committee to study the practice of esthetics within a physician's office had its first meeting on Sunday May 8, 2005. She will keep the Board members updated on the work of the committee as it progresses.

Ms. Kinley stated that she had attended the Region I and II meeting in St. Louis, May 1-2, 2005. She noted that it was a very well-planned meeting.

Administrator's Remarks, For Information - Eddie Jones

Mr. Jones remarked that he had also attended the Region I and II meeting and found it to be informative and well organized.

Legislative Update

Mr. Jones gave a brief explanation of H.3781, which is proposed legislation to amend the Engine Act. He noted that the bill would come up during the next legislative session and that the Board, after reviewing the proposed changes, would need to take a position either in support of or in opposition to the bill.

Mr. Jones also advised the Board of H.3318 which would allow for continuing education taken outside the state to be considered for renewal of licenses.

Advisory Opinions, If Needed, Office of General Counsel

Ms. Dantzler noted that, although no formal opinion had been requested by the Board, there was one informal report she would like to present. Ms. Dantzler advised the Board that a complaint had been filed again LLR regarding the mis-interpretation of the regulation prohibiting animals in a salon or school, with the exception of trained dogs accompanying sightless or hearing-impaired persons. She explained that the Americans with Disabilities Act has a much broader interpretation of service animals and it allows disabled individuals to bring their service animals into places of public accommodation. Ms. Dantzler stated that a settlement had been reached in the matter and as part of that settlement, the Cosmetology, Barber and Massage Therapy websites have been required to add a link to the Civil Rights Division of the US Department of Justice and the National Association of Attorneys General's Frequently Asked Questions on Service Animals in Places of Business. A brochure is being passed out to all inspectors and those employees who might have telephone contact regarding the matter. Training will also be provided.

Revision of Agenda

Ms. Thompson noted that after reviewing the agenda, she realized that the Board reports had been omitted from the agenda. She also asked that the DRC Report to be presented by Mr. Blackmon be moved to item one under New Business.

MOTION

Ms. Thompson made a motion to make changes to the Agenda to add the Board Reports and to move the DRC report to item one under New Business. Ms. Gilmer seconded the motion, which carried unanimously.

Ratification of Mail-In Ballots

Ballot 1 - Approval of Nail Technology Program at Columbia Beauty School

MOTION

Ms. Gilmer moved to ratify mail ballot 1 to give approval for a nail technology program at Columbia School of Beauty. Ms. Thompson seconded the motion, which carried unanimously.

Ballot 2 - Approval of School Application for Carolina College of Hair Design

MOTION

Ms. Thompson moved to ratify mail ballot 2 to give approval for Carolina College of Hair Design. Ms. Settles seconded the motion and it carried unanimously.

Ballot 3 - Approval of Final Inspection for Nail Tech Academy of Easley

Ms. Gilmer moved to ratify the ballot giving approval of the final inspection for Nail Tech Academy of Easley. The motion, seconded by Ms. Webb, carried unanimously.

**Note: All mail ballots were approved by a vote of 5-0

Unfinished Business

Approval of Cosmetology Application for Pamela Reutter Czekalski

Mr. Ken Lake of Lexington Technology Center appeared with Ms. Czekalski to request approval for Ms. Czekalski to take the exam to receive her cosmetology license.

MOTION

Ms. Thompson made a motion to defer the matter to Executive Session in order to obtain legal counsel. The motion was seconded by Ms. Gilmer and carried unanimously.

New Business

DRC Reports for April 2005 and May 2005

Mr. Blackmon presented the DRC reports to the Board members and answered questions regarding several cases.

MOTION

Ms. Gilmer moved to approve the April 2005 and May 2005 DRC reports. Ms. Thompson seconded the motion which carried unanimously.

Claus Lang - Professional Credential Services, Inc.

MOTION

Ms. Thompson moved to hear Mr. Lang's presentation in executive session as it involves contractual matters. Ms. Gilmer seconded the motion, which carried unanimously.

Approval of Tina Hunt as Continuing Education Instructor for Palmetto Professionals of Cosmetology

MOTION

Ms. Thompson made a motion, seconded by Ms. Webb, to approve Ms. Hunt as a continuing education instructor. The motion carried unanimously.

Recess

MOTION

Ms. Thompson made a motion to take a 10 minute recess. The motion was seconded by Ms. Gilmer and carried unanimously.

Approval to Continue Working Until Completion of CEU for Wanda Taylor

Mr. Jones advised the Board that Ms. Taylor still needs 15 CE hours and plans to take the next available class. Ms. Kinley noted that, in her letter, Ms. Taylor stated that she was supposed to take classes on December 5 & 6, 2004 but said the classes were cancelled. Ms. Kinley asked Chesley Phillips if that was correct and Ms. Phillips stated that the classes were not cancelled. It was determined that the next CE classes for instructors are scheduled for November.

MOTION

Ms. Thompson moved to deny Ms. Taylor's request to work pending completion of her continuing education requirements. Ms. Gilmer seconded the motion, which carried unanimously.

Request for Exemption of Practical Exam for Ivey Lillian Means

MOTION

Ms. Webb made a motion, seconded by Ms. Gilmer, to deny Ms. Means' request to exempt the practical exam. The vote carried, with Ms. Settles voting nay.

Approval of Reinstatement of Cosmetology License for Dianne Oliver

Ms. Oliver appeared before the board and stated that she had been told by someone at the Board in 2001 that she could go to an inactive status for five years. She said she was told that all she had to do was take continuing education each year to remain on inactive status. Ms. Wider explained to the members that the procedure for inactive status is to pay a \$20 fee and that the license is placed on inactive status for three years. She stated that Ms. Oliver's license had lapsed and was never placed on inactive status.

MOTION

Ms. Thompson moved to defer the matter of Ms. Oliver's license to executive session in order to garner legal advice from counsel. Ms. Gilmer seconded the motion, which carried unanimously.

Board Member Reports

Kathryn Webb

Ms. Webb reported that on April 2, she and Mr. Lee visited the Enoree Vocational School, which was under renovation. They will return to the school for a final inspection at a later date. She monitored a vocational exam on April 18 and it went very smoothly.

Ms. Hampton-Furtick

Ms. Hampton-Furtick noted that on April 10 she attended a class, which went well with the exception of some attendees arriving late. She pointed this out to the class sponsors. A representative was in attendance at the board meeting and advised the members that late arrivals were required to stay at the end of the day and make up their time to ensure that they completed 6 hours of instruction.

Ms. Hampton-Furtick reported that she monitored a PCS test and observed it to be conducted in a very professional manner.

Ms. Hampton-Furtick advised the other members that she had attended the Palmetto Professionals of Cosmetology class in Myrtle Beach on May 1-2. She stated that she liked the way that the classes were set up but had some concerns about no scheduled break times or lunch times and also product sales at the classes. Ms. Hampton-Furtick stated that she did not feel that most of the classes met the requirement for sanitation instruction. She also noted that one of the instructors was Tina Hunt, who was not approved by the Board as an instructor until earlier in the meeting.

At this time, Ms. Kinley noted that the Board had not approved the classes that were held on May 1-2. She asked Jayson Lacy to comment on the concerns of the Board regarding the classes. He stated that Jay Lacy, who was not in attendance at the meeting, could better answer some of the Board's questions. Jayson Lacy did acknowledge that Tina Hunt was an instructor at the class.

Mr. Lochridge spoke to the Board and said that although there were some problems, he felt overall the classes went well. Mr. Lochridge noted that there was some product promotion that occurred, but that as soon as they became aware of it, the presenters were told to stop. The Board expressed concern over the classes not being approved and how the attendees were going to receive CE credit from USC. Jayson Lacy explained that

a database was updated after each class. Mr. Lochridge explained the procedure that was in place to ensure that no one left the class and still got credit for the class.

MOTION

Ms. Settles moved to consider the matter of the classes held on May 1-2 in Executive Session in order to get legal advice concerning possible irregularities. Ms. Thompson seconded the motion and it carried unanimously.

Ms. Thompson

Ms. Thompson advised the Board that since the last meeting she had several phone calls from Horry-Georgetown Tech about the Spa Technician program. She stated that the school has stopped the program and regretted the mistake in starting the class.

Ms. Thompson noted that she had given the Board members and Ms. Dantzler - and would also be giving to Mr. Jones - a copy of the guidelines for school representatives to observe, a policy adopted by PCS. She noted that the staff could use it as a resource to advise when an instructor can and cannot observe a practical exam.

Ms. Thompson remarked that she also attended the meeting in St. Louis and found it to be a very good meeting.

Ms. Thompson suggested that a letter of congratulations be sent to students at the Academy of Hair Technology who placed in a recent competition.

Ms. Settles

Ms. Settles monitored an exam given by PCS on April 18 and advised the Board that it was administered in a very professional manner.

Ms. Gilmer

Ms. Gilmer reported that she attended the Region I and II meeting in St. Louis.

Ms. Gilmer presented the Reciprocity reports for March and April, 2005. In March, there were 28 cosmetologists licensed by reciprocity. In April, there were 33 cosmetologists and 4 estheticians licensed by reciprocity.

Ms. Gilmer stated that she and Mr. Lee visited Miller-Motte Technical College on May 8, 2005. She expects to visit the school two more times before final approval is given for the school but says it is coming along nicely.

Public Comments

Linda Beach requested information on the methods of teaching required by the Board. She also presented a request for an instructor training program and said the school has enrollees for the program at both campuses. She asked that a mail ballot be sent since the matter was not brought before the Board in time to place it on the Agenda for this

meeting.

Executive Session

MOTION

Ms. Gilmer moved to enter Executive Session following a 10-minute recess. Ms. Webb seconded the motion and it carried unanimously.

Return to Public Session

Ms. Kinley noted for the record that no motions were made or votes taken during Executive Session.

Approval of Cosmetology Application for Pamela Reutter Csekalski

MOTION

Ms. Thompson moved to approve the application pending receipt of a transcript for 1500 hours, including the hours approved by the school district for which the district is liable, not the Board. Ms. Gilmer seconded the motion, which carried unanimously.

Approval of Reinstatement of License for Dianne Oliver

MOTION

Ms. Settles moved to deny the request to reinstate Ms. Oliver's license due to the fact that it was never actually placed on inactive status. Ms. Thompson seconded the motion, which carried unanimously.

Professional Credential Services - Claus Lang

Ms. Thompson asked that staff put out Requests for Proposals so that presentations can be heard from other companies as soon as possible, in order that the Board may fully consider going to a computer based test for the theory exam.

Palmetto Professionals of Cosmetology

Ms. Thompson asked that the matter of the May 1-2 classes be turned over to staff for investigation.

Approval of March 14, 2005 Meeting Minutes

MOTION

Ms. Gilmer moved that the minutes be approved with corrections to include Ms. Gilmer's and Ms. Webb's Board Reports. Ms. Thompson seconded the motion and it carried unanimously.

Ms. Thompson noted for the record that there are no Executive Session minutes from the January 10, 2005 meeting due to the fact that the recorder was not turned on at that time.

Adjournment

There being no further business to conduct at this time, Ms. Thompson moved that the meeting be adjourned. Ms. Gilmer seconded the motion, which carried. The May 9, 2005 meeting adjourned at 2:46 p.m.