

**MINUTES**  
**South Carolina Board of Cosmetology**  
**10:00 A.M., November 14, 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 Hampton-Furtick, of Columbia; Delores Gilmer, of Charleston; Ruth Settles, of Greenville; and Katherine Webb, of Easley.

Staff members participating in the meeting included: Shirley Wider, Program Assistant; Mark Sanders, Inspector; Krystal McFadden, Administrative Specialist; Ronnie Blackmon, Inspector; Eddie Jones, Administrator; Sharon Dantzler, Deputy General Counsel, LLR-Office of General Counsel; Donna Barnhardt, Administrative Specialist; Mary Ann Miller, Inspector; George Barr, Inspector; and Connie Huffstetler, Administrative Assistant.

Members of the public attending the meeting included: Chesley Phillips, Nails, Skin and Hair of America; Jay Lacy, PPC; Gloria Smith, SCACS; Angela Morrison; Trina Greenwood, ACTIVE; Diane Cook, NCASC; Brenda Elks; Ruth Ott, Trident Tech; Shirley Long Johnson, Horry-Georgetown Tech; Ken Lochridge, PPC; Barbara Parker, Trident Tech; Jayson Lacy; Leslie Trant, Greenville, Tech; Julie Conlon, Greenville Tech; Debra Legrand, LeGrand Institute of Cosmetology; Cody Lidge, USC; Alan Ray; Robert L. Pearson; Barbara McGill, Florence-Darlington Tech; and Frances Archer, TNC.

**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 September 12, 2005 Meeting Minutes**

Ms. Kinley noted one typographical error to be corrected in the regular meeting minutes from September 12, 2005.

**MOTION**

Ms. Settles moved to approve the minutes of the September 12, 2005 meeting as corrected. Ms. Gilmer seconded the motion, which carried.

**Approval of Agenda**

**MOTION**

Ms. Thompson made a motion to approve the agenda with any changes deemed necessary during the course of the meeting. Ms. Gilmer seconded the motion and it carried.

#### **Chairman's Remarks – Rosanne Kinley**

Ms. Kinley noted that it was Ms. Webb's birthday and offered Happy Birthday wishes.

Ms. Kinley stated that on October 11 she accompanied Mr. Lee on a final inspection of the cosmetology program facilities at Donaldson Career Center in Greenville. She and Mr. Lee also conducted a final inspection of the nail technician program at Greenville Technical College. Ms. Kinley stated that both programs would be wonderful assets to the upstate.

Ms. Kinley advised that on October 23 she monitored Carolina College of Hair Designs in Anderson and observed that it was a very good class with excellent platform artists.

Ms. Kinley thanked the continuing education providers who attended the meeting on Sunday, November 13. She noted that many of the packets were ready for approval and a few were pending changes.

Ms. Kinley expressed concern that a number of problems have come before the Board regarding the use of credo blades. She asked that licensees carry back to their places of business that the Board has a zero tolerance policy for credo blades. She instructed inspectors to confiscate them when they are found during inspections and to issue fines to offenders. Ms. Kinley noted several cases of Hepatitis C in the upstate which doctors have attributed to the use of credo blades.

Ms. Kinley also noted an outbreak of mycobacterium fortuitum in the upstate and stressed the importance of proper sanitation of pedicure thrones. She thanked NCASC for their handout and video on the sanitation process.

Ms. Kinley thanked the Inspections Unit for their hard work and diligence in conducting salon inspections throughout the state. She said after recently learning how few inspectors there are in many other states, she feels very fortunate that the SC Board has such a well-trained staff of inspectors who do an excellent job in our state.

Ms. Kinley advised that she has been asked to update a sanitation handout for inspectors to distribute as needed.

#### **Administrator's Remarks – Eddie Jones**

Mr. Jones presented Ronnie Blackmon of the Inspections Unit at this time. Mr. Blackmon introduced two new staff members to the Board – Krystal McFadden, who serves as administrative specialist for the Inspections Unit, and Mark Sanders, a new inspector.

#### *Legislative Update*

Mr. Jones noted that the members were presented with proposed cosmetology regulations. Ms. Dantzer asked that the Chairman reconvene the committee to consult with her on the regulations.

#### *Advisory Opinions*

There were no advisory opinions for the November 14, 2005 meeting.

Mr. Jones reminded the members of the transition to on-line renewals that the agency is making. He also noted that on-line verification of licensure is now available for a fee of \$20.00. Written requests will still be honored as necessary, also for a fee of \$20.00.

**Ratification of Mail-In Ballots**

*Ballot 1 – Request for Waiver of Exam Requirement for Rebecca L. Dixon*

This ballot was not approved by the members. The vote was 5-0 against approval.

**MOTION**

Ms. Thompson moved to ratify the mail ballot in regards to Rebecca L. Dixon. Ms. Gilmer seconded the motion and it carried.

**Old Business**

*Administration of Exam by PCS*

**MOTION**

Ms. Webb moved to discuss this item in Executive Session, as it involves contractual matters. Ms. Thompson seconded the motion, which carried.

**New Business**

*DRC Reports for October 3 and November 7, 2005*

Alan Ray, Disciplinary Review Chairman, presented the DRC reports for October 3 and November 7. He echoed the concerns expressed earlier by Ms. Kinley regarding proper sanitation, noting several cases that have been heard by the DRC involving sanitation violations. Ms. Kinley agreed that it is a very serious situation. Chesley Phillips advised the members that she has done extensive research on micro bacterium and would be glad to share it with the Board. Ms. Webb stated that she intended to include sanitation in the upcoming newsletter.

Mr. Ray also noted problems with duplicating of licenses and stated that, from his personal observation, the problems seem to occur almost exclusively among nail technicians.

After reviewing the DRC reports, the members had several questions. Ms. Webb asked if it was not policy for someone to be automatically fined for working with an expired license. Ms. Kinley stated that it was Board policy. Ms. Gilmer asked Mr. Ray to explain what a dishonorable act would be. Mr. Ray stated that as he recalled it was a situation of the inspector being given false or misleading information.

Ms. Kinley noted several cases on the October DRC report in which the charge was unlicensed practice where the penalties were dismissed and others where the fines were assessed. Mr. Ray explained that he did not conduct the October DRC hearing and would not be able to respond to specific questions about those cases. Ms. Kinley then asked about cases in November in which the penalties were dismissed for licenses expired for more than 90 days. Mr. Ray responded that he generally upholds the fine as assessed by the inspector, except in cases where the respondent appears at the DRC hearing, at which time he will take into consideration special circumstances or requests of the respondent to reduce the fine. He noted one case in which the licensee had practiced for 31 years without any previous violations and he felt that it was warranted to dismiss the fine. Ms. Kinley remarked that on the other hand, someone who had been practicing for 31 years should be well aware of when the license expired.

Ms. Hampton-Furtick asked in what circumstances a cease and desist order would be issued. Mr. Ray answered that a cease and desist order is issued by an inspector on some occasions when a violation is found to instruct the respondent to discontinue whatever he was doing at the time of the violation. Ms. Dantzler stated that, legally, a cease and desist order is a directive to someone who is unlicensed, while a citation may be issued to a licensed individual.

Ms. Thompson stated that in order to receive clarification on several cases, she would like to defer the DRC report until later on the agenda and ask Mr. Blackmon to return to the meeting with the case files.

### *CEU Compliance Recommendations*

Mr. Ray presented recommendations to the members regarding approval of new continuing education classes after the initial approval of classes for the calendar year.

Mr. Ray made a recommendation to the Board regarding disciplinary action against Nails, Skin and Hair of America as a result of a continuing education class held in Florida. Ms. Gilmer asked Ms. Dantzler's opinion in the matter. Ms. Dantzler stated that she has no problem with the recommendations set forth by Mr. Ray, the other option being to take action against the an individual license.

Ms. Thompson noted that the Board has not been made aware of the specific charges or violations that occurred and that she does not feel comfortable in taking action until she understands what took place. Ms. Kinley asked Ms. Phillips if she would like to make a statement. Ms. Phillips said that she did not intentionally break any rules and that the class was held only after receiving approval of the Board. Ms. Kinley said that it was her understanding that the disciplinary action was not being recommended as a result of the class being held out of state, but as a result of irregularities that occurred at the class. Ms. Phillips responded that she was not aware of any charges other than the class being held out of state. Ms. Dantzler advised that it would be appropriate for Mr. Ray to advise the members of the nature of the complaint. Mr. Ray explained that the investigation was conducted as a result of a written complaint, and evidence was found to support the complaint that improper registration procedures were followed and that product endorsements occurred during classes. Ms. Phillips stated that efforts were made at the class to insure proper sign-in and other procedures were followed.

Ms. Thompson asked Ms. Phillips if she would prefer to agree to the recommendations presented by Mr. Ray or to have the investigation for forth with possible sanctions against her individual license. Ms. Phillips said that she would leave it up to the Board but that she was willing to agree to the consent order.

Ms. Thompson stated that she felt it extremely important not to single out Ms. Phillips but to be consistent in all cases where violations have occurred regarding continuing education classes. She mentioned that there had been at least one other case brought to the Board's attention in which no action had been taken. Ms. Dantzler explained that the other situation could be addressed later on the agenda.

### **MOTION**

Ms. Thompson moved to accept the recommendations presented by Mr. Ray regarding approval of additional continuing education classes and disciplinary action in the case against Nails, Skin and Hair of America. Ms. Gilmer seconded the motion, which carried, with Ms. Settles opposing.

Ms. Kinley added that any requests for additional classes for which agendas were already approved by the Board, should be submitted at least 45 days prior to the date of the class.

### **Recess**

The Board took a brief recess at this time.

### *DRC Report*

Mr. Blackmon returned to the meeting to assist Mr. Ray in answering questions about the DRC report. Mr. Ray explained to the members that in many of the cases in question, he had taken into consideration pleas by the respondents to reduce or dismiss fines, which would have caused a hardship on the respondent. He offered to answer questions regarding specific cases that the Board might have. Ms. Kinley noted a case in which a salon owner was charged for allowing two unlicensed booth renters. Mr. Blackmon stated that the owner had been in practice for many years with not previous violations.

Ms. Kinley emphasized the Board's desire for consistency and a zero tolerance policy regarding unlicensed practice. Mr. Ray assured Ms. Kinley that he and the staff would work to comply with the Board's wishes regarding the DRC.

**MOTION**

Ms. Thompson made a motion to approve the DRC Reports for October and November, 2005. The motion was seconded by Ms. Gilmer and carried.

Ms. Kinley asked why the board no longer receives a case disposition report. Mr. Blackmon explained that since complaints are now handled by the Office of Investigations and Enforcement, he is no longer able to provide that information. Ms. Dantzler noted that a similar report is available through the Relaeas system. Ms. Kinley asked that such information be included in the Board packets for future meetings.

*Request for Licensure via Reciprocity - Brenda M. Elks*

Ms. Elks appeared before the Board in the matter of her application for licensure via reciprocity from North Carolina, where she has been licensed for 25 years. She currently lives in South Carolina and plans to open a shop at her home in the future. She is unable to obtain records of her high school attendance due the school was merged with other schools and the records cannot be located

**MOTION**

Ms. Thompson moved to approve Ms. Elks application for licensure via reciprocity based on her 25 years of experience as a licensed cosmetologist in North Carolina. Ms. Settles seconded the motion, which carried.

*SC Cosmetology Teachers Association – Bob Pearson*

Mr. Pearson appeared before the Board to seek approval for a new professional association, the SC Cosmetology Teachers Association. After reviewing the membership list, Ms. Kinley noted that it should include the county of residence of the members. Mr. Pearson said that he would continue to work on the list and submit updates to Mr. Jones.

Mr. Pearson mentioned that the from CD listing of cosmetology instructors he purchased from the State Board, many of the letters sent out were returned due to incorrect addresses. Ms. Kinley assured him that it was the most current list available according to the licensing database. Mr. Lochridge noted some licensees assume that when they change their address at a CE class, it is given to the Board, but that is used only for CE purposes.

*Approval of 2006 Meeting Dates*

Ms. Kinley expressed that she would like to see the Board meet in Charleston and Greenville during the upcoming year. Mr. Jones said that he would be glad to explore those options for the Board.

**MOTION**

Ms. Thompson moved to accept the proposed meeting dates for 2006. Ms. Gilmer seconded the motion and it carried.

*Use of Mail Ballots*

Ms. Dantzler addressed the members regarding the use of mail ballots. She acknowledged that the Board uses the method to expedite issues in between Board meetings in a good faith effort to give prompt attention to matters brought before the Board. She recommended, however, that the Board limit the use of mail ballots to true emergency situations that can be handled fairly without full discussion by the members, such as approval of an emergency instructor or a change of location for a CE class. The members agreed to take the matter under consideration and place it on the agenda for the next meeting.

Request for Approval of Continuing Education Classes

*SC Esthetics Association*

Ms. Kinley noted that the CE packet had been returned to Mr. Hamilton for changes but had not been resubmitted to the Board. Since no representative was present at the meeting, no action was taken by the Board.

*SC State Cosmetology Association*

**MOTION**

Ms. Thompson moved to approve the 2006 Continuing Education packet as submitted. Ms. Settles seconded the motion and it carried.

*National Cosmetology Association of SC*

A representative from NCASC asked that Katie Langdon and Mark Fullerton be removed from the packet, as no lesson plan had been submitted for them. She also asked to withdraw J. Scott Berry from consideration at this time, since he has not received his current Florida license

**MOTION**

Ms. Thompson moved to approve the 2006 CE Classes submitted by NCASC with the omission of Katie Langdon and Mark Fullerton and pending license verification of J. Scott Berry. Ms. Gilmer seconded the motion, which carried.

*Nails, Skin & Hair of America*

**MOTION**

Ms. Thompson moved to approve the 2006 CE Classes submitted by Nails, Skin and Hair of America with the previously agreed upon stipulation requiring audio and video recording of sign-in procedures to be provided to the Board.

*SC Association of Cosmetology Schools*

The Board noted changes needed in the CE packet for SCACS, but no representative was present at Sunday's meeting. Ms. Kinley noted that several schools must still submit a written policy regarding cancellation of classes.

**MOTION**

Ms. Thompson moved to defer approval of 2006 CE Classes for SCASC until the packet has been resubmitted with the necessary changes. Ms. Gilmer seconded the motion and it carried.

*Association of Cosmetology Teachers in Vocational Education*

**MOTION**

Ms. Gilmer moved to approve the 2006 CE Classes submitted by ACTIVE. Ms. Thompson seconded the motion, which carried.

*Palmetto Professionals of Cosmetology*

Ms. Kinley noted that changes were needed in the packet submitted by PPC, and Mr. Lacy had agreed to send those to her via email on Tuesday, November 15.

Ms. Dantzer read from the minutes of the May 9, 2005 meeting regarding alleged irregularities at classes conducted by PPC in Myrtle Beach. Although Mr. Lacy states that approval for the class was submitted prior to the class being held, receipt of the request cannot be confirmed by staff and was not presented to or approved by the Board prior to the class being held. In addition, Tina Hunt was not approved as an instructor until the May 9 meeting, after the class had been held. Product endorsement was also observed at the meeting.

**MOTION**

Ms. Hampton-Furtick moved to require audio and video recording of registration for classes by PPC.

Mr. Jay Lacy spoke to the Board and accepted full responsibility for any failure in submitting and/or receiving approval prior to the class being held. He asked that other members of the association not be held accountable.

Mr. Ray stated that he did not feel that the circumstances surrounding the events that occurred in Myrtle Beach warranted recording of registration procedures. Mr. Lochridge advised the members that he was present at the class and was not aware of any problems with registration. He noted again that as soon as he became aware of product endorsement, the representatives responsible were instructed to cease immediately.

Ms. Kinley noted that a motion had been made, but in the absence of a second, the motion failed. Ms. Dantzler suggested that the Board address the matter during a conference call after all the necessary information has been received from PPC.

*Midlands Technical College, Horry-Georgetown Technical College, Trident Technical College, and Greenville Technical College*

A representative of the SC Technical Colleges presented to the members a copy of the requested changes to the packet submitted for the schools. Ms. Kinley asked that she be allowed to review for final approval the portion of the waxing video regarding sanitary and safety practices.

**MOTION**

Ms. Gilmer moved to approve the 2006 CE Classes for the SC Technical Colleges pending final approval of the edited version of the waxing video. Ms. Webb seconded the motion, which carried.

Ms. Phillips asked when the CE providers could send out schedules of their 2006 classes. Ms. Kinley stated that could be done after approval is received in writing and asked Mr. Jones when letters of approval could be sent out to the providers. He responded that the letters could be sent out within the week.

**Recess**

Ms. Thompson requested the Board take a brief recess at this time.

**Board Member Reports**

Ms. Gilmer presented the Reciprocity reports for September and October, 2005. In September, cosmetologists, estheticians and nail techs were licensed by reciprocity. In October, 45 cosmetologists, 2 estheticians and 2 nail technicians were licensed by reciprocity.

Ms. Thompson reported on several continuing education classes. On October 25, she monitored an NCASC cosmetology class and attended a nail class, which were very well presented. On October 16-17, she monitored, as well as attended, classes presented by Nails, Skin and Hair of America at Myrtle Beach, and found them to be excellent. She also monitored a cosmetology class by Palmetto Professionals of Cosmetology on November 6 at Strand College of Hair Design and was very impressed with the instructor, Suzanne Jackson.

Ms. Hampton-Furtick advised that she attended the ACTIVE meeting and introduced herself to the group. She accompanied Mr. Barr and Mr. Sanders for a school inspection on November 8.

Ms. Settles noted that she monitored a NCASC class on September 18 at the Palmetto Expo Center and found it to be a great location. She enjoyed the class very much and found everything to be in order.

Ms. Webb reported that she monitored the practical exam in September and found everything to run very smoothly. She noted that all of the examiners were very professional in their dress and the manner in which the exam was administered. Ms. Webb also asked that items for the newsletter be submitted to her by December 1.

**Discussion Items**

Ms. Kinley suggested that the members begin to consider developing policies regarding qualifications for practice of eyelash extensions, endermology and airbrush tanning as a component of cosmetology or esthetics. Ms. Dantzler reminded the Board that policies speak to licensed individuals and statutes speak to unlicensed individual. She recommended that the members also spend some time considering proposed statutes to address those practices.

The members discussed various aspects of the procedures and Ms. Kinley offered to bring to the members a written policy for their consideration. Ms. Dantzler noted that policy should be backed up by statute.

**Public Comments**

There were no public comments during the November 9, 2005 meeting.

**Executive Session**

Ms. Thompson moved that the Board enter Executive Session. Ms. Settles seconded the motion.

**Return to Public Session to Report on Executive Session**

The Board returned to Public Session and Ms. Kinley noted for the record that no motions were made and no votes taken during Executive Session.

At this time, Ms. Kinley recused herself and turned the gavel over to Ms. Thompson.

**MOTION**

Ms. Hampton-Furtick moved to go forward with the administration of the exam by PCS. Ms. Webb seconded the motion and it carried. Ms. Kinley did not vote in the matter.

**Adjournment**

**MOTION**

Ms. Thompson moved to adjourn the meeting. Ms. Settles seconded the motion and it carried.