

## **MINUTES**

South Carolina Board of Cosmetology

10:00 A.M., May 8, 2006

### **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 10:20 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: George Barr, Inspector; Ronnie Blackmon, Inspector; Sharon Dantzler, Deputy General Counsel; Sandra Dickert, Administrative Assistant; Eddie Jones, Administrator; Mark Sanders, Inspector; and Shirley Wider, Program Assistant.

Members of the public attending the meeting included: Bill Bradberry, Linda Beach, Darlyn Caldon, Pearl Clark, Mary Cox, Steve Dawson, Cathy Hagen, Tim Hamilton, Mike Kelly, Barbara Knight, Cody Lidge, David Nguyen, Pat Oberhausen, Benny Phan, Chesley Phillips, Nannie Rogers, Catherine Stabler, Coretta Washington, and Joan Wilkes.

### **Meeting Called to Order**

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

### **Introduction of Board Members and All Other Persons Attending**

The Board members, staff and members of the public introduced themselves.

### **Approval of the March 13, 2006 Meeting Minutes**

#### **MOTION**

Ms. Gilmer moved the Board approve the minutes of the March 13, 2006 meeting. Ms. Settles seconded the motion, which carried unanimously. Ms. Thompson abstained from voting due to her absence from the March 2006 meeting.

### **Approval of Agenda**

#### **MOTION**

Ms. Thompson made a motion, seconded by Ms. Webb and unanimously carried, that the Board approve the agenda with any deviations deemed necessary.

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

Ms. Kinley stated as President of NIC she attended the Region III and IV meeting in Idaho the first part of April. She indicated there were ten states in attendance at that meeting. At the end of April she, along with the rest of the Board members, attended the Region I and II meeting in Wilmington, NC. She noted the Board met with the massage therapy industry and physicians to discuss provisions in regard to estheticians on Sunday, May 7, 2006. She noted during the meeting it was decided to begin research and development of a master esthetician license, however, it would take three to five years for the passage of a law in regard to estheticians. She indicated Utah pioneered this effort approximately three years ago and that Virginia just passed a similar law, which takes effect in 2007.

Ms. Kinley stated the best issue the Board came away with during the Region I and II meeting was the distribution of disciplinary actions to the media. She noted that Doug Van Essen, Administrator for the North Carolina Board of Cosmetology, provides a list of disciplinary actions to the local media.

Ms. Kinley stated PCS took over the processing of examination applications for the written exam effective May 1, 2006.

Ms. Kinley stated the son of staff inspector Raymond Lee was critically injured in Baghdad, Iraq during the first week of April 2006. She further stated he has been receiving treatment at Walter Reed Hospital in Washington, DC and would soon be transferred to a facility in Tampa, Florida for intensive rehabilitation. She noted that the Board may develop a fundraiser for the Lee family at a later date to assist with expenses while he is in Tampa.

### **Administrator's Remarks, For Information – Eddie Jones**

*Advisory Opinions, If Needed, Office of General Counsel*

*Legislative Update, If Needed, Legislative Liaison Office*

There were no advisory opinions or legislative update given during the May 8, 2006 meeting.

Mr. Jones stated end of year travel is due to staff no later than July 3, 2006.

Mr. Jones stated the transition of the written and practical examinations to PCS is going smoothly.

Mr. Jones stated approximately 300 salons and booth renters have renewed registrations online.

### Number of Inspections

Mr. Blackmon stated staff conducted 745 inspections during March 2006 and 549 inspections during April 2006. He noted staff has conducted 5,300 inspections since July 1, 2005.

### **Unfinished Business**

There was no unfinished business to be discussed during the May 8, 2006 meeting.

### **New Business**

#### Approval of IRC Report – February 13, 2006

Mr. Blackwell briefed the Board on the cases handled by the IRC during the February 13, 2006 IRC meeting. He noted that there were three cases the IRC is recommending dismissal.

### **MOTION**

Ms. Thompson made a motion the Board approve the February 13, 2006 IRC Report in regard to the following cases. Ms. Webb seconded the motion, which carried unanimously.

2005-41

2005-42

2005-43

Approval of DRC Reports – April 3, 2006 and May 1, 2006

The Board reviewed the DRC Reports from April 3, 2006 and May 1, 2006.

**MOTION**

Ms. Thompson made a motion, seconded by Ms. Gilmer and unanimously carried, the Board approve the April 3, 2006 and the May 1, 2006 DRC Reports.

Approval of School Application

a. *World Beauty School – David Nguyen*

On February 16, 2006 the Board received a school application from David Nguyen. Mr. Nguyen would like to open World Beauty School in Greenville, SC. The application was presented to the Board for approval during the March 13, 2006 meeting; however, the application was incomplete resulting in the Board not taking action at that time. (The World Beauty School application is herewith attached and becomes a permanent part of the record retained at the Board's office.)

David Nguyen appeared before the Board at this time and answered questions from the Board. Mr. Nguyen stated he has 12 pre-registered students. He further stated he has posted an advertisement for another instructor. He indicated moved from Texas to South Carolina approximately two months ago.

Mr. Jones stated staff has verified that the two instructors are currently licensed.

**MOTION**

Ms. Thompson moved the Board approve the application pending receipt of the changes noted including the change in hours from ten hours to eight hours and the change of the Texas Cosmetology Commission to South Carolina. Ms. Webb seconded the motion, which carried unanimously.

Ms. Kinley asked Mr. Sanders to schedule an inspection with Ms. Webb or herself.

Approval of Reinstatement Application

a. *Belinda Waslien*

On March 20, 2006 the Board received a request from Belinda Waslien seeking the Board's approval to accept the two continuing education classes she took in 2004 so she could return to work. Ms. Waslien's husband became ill in the late 1990's with non-Hodgkin's lymphoma and was sent to Los Angeles, California for treatment. Ms. Waslien had been registered as a nail technician and as an esthetician; however, both licenses had lapsed and she could not work while she was caring for her husband. (Ms. Waslien's letter along with other pertinent information is herewith attached and becomes a permanent part of the record retained at the Board's office.)

**MOTION**

Ms. Thompson moved the Board table this matter to executive session for legal advice. The motion was seconded by Ms. Gilmer and unanimously carried.

b. *Rebecca L. Dixon*

On March 23, 2006 the Board received a letter from Rebecca L. Dixon. Ms. Dixon is currently employed with the Department of Education and recently saw cosmetology instructor job posting with Greenville Technical College. She needed to reinstate her license in order to make application for the job. Ms. Dixon indicated in the letter she had written the Board during 2005 but never received a response. (Ms. Dixon's letter, along with a letter dated September 14, 2005, copies of continuing education certificates, dated January 25, 2004 and February 8, 2004, and her application for a cosmetology license are herewith attached and become a permanent part of the record retained at the Board's office.)

Ms. Dixon did not appear at this meeting.

The Board briefly discussed this matter and felt they had already denied this request. Staff researched the minutes and found that the Board had denied the request by mail ballot vote and had ratified the decision during the November 14, 2005 Board meeting.

**MOTION**

Ms. Thompson moved the Board deny request. Ms. Gilmer seconded the motion, which carried unanimously. Ms. Settles abstained from voting in this matter.

**Approval of Cosmetology Reciprocity Application**

a. *Nannie Kershaw Rogers*

On May 5, 2005 the Board received a reciprocity cosmetology application from Nannie K. Rogers. Ms. Rogers' application included licensure verification from the Georgia Board of Cosmetology indicating her license was in good standing and was current through March 31, 2006. The verification indicated she became licensed in that state by reciprocity. (Ms. Rogers's application is herewith attached and becomes a permanent part of the record retained at the Board's office.)

Nannie Kershaw Rogers appeared before the Board at this time and answered questions from the Board.

It was brought to the Board's attention that Ms. Rogers was unable to provide proof of her high school education, which was why her application was before the Board.

**MOTION**

Ms. Thompson moved the Board approve Ms. Rogers' application. Ms. Hampton-Furtick seconded the motion, which carried unanimously.

**Approval of Continuing Education Program**

a. *Cellulite and Lymphatic Drainage – SC Esthetics Association*

The SC Esthetics Association submitted a program entitled Cellulite and Lymphatic Drainage.

Ms. Kinley stated the Board approved this course during the November 2005 meeting. She stated one portion of program was approved based on the DVD she reviewed and one portion of the program was denied because she was unable to open and view the DVD.

**MOTION**

Ms. Webb made a motion, seconded by Ms. Gilmer, and unanimously carried, that the Board approve the package submitted prior to the November deadline, with the corrections made in December 2005, with the exception of the Cellulite and Lymphatic Drainage DVD.

Approval of Proposal to Award Continuing Education Units for Cosmetology Courses

a. *Bill Bradberry, SC Technical College System*

On April 21, 2006 the Board received a request from Mr. Bill Bradberry, of the SC Technical College System, asking the Board to the appropriate action to allow the South Carolina Technical Colleges to aware continuing education credits for approved cosmetology courses taught at those institution. Mr. Bradberry's letter indicates the state's technical colleges are fully accredited by the Southern Association of Colleges and Schools (SACS), which is the agency that accredits the University of South Carolina.

Bill Bradberry appeared before the Board at this time.

Ms. Dantzler stated she believes the Board would have to change the regulations in order to do what the SC Technical College System is requesting. She indicated the Board would have to vote on whether or not this is something they wish to amend prior to moving through the process. She further stated it is not an unreasonable request to change the regulations. She went on to say the Board would need to submit a Notice of Drafting indicating the Board is considering making such a change in the regulation and ask for comments from the public. She said based on the comments received the Board would then approve and propose a wording change, followed by another Notice of Drafting. She stated that should 25 or more individuals objects to the wording a hearing must be held before an Administrative Law Judge and if the judge rules in the Board's favor the change would go before the legislature. She noted the process could take anywhere from eighteen months to three years, if there is controversy.

The Board determined it would research this matter and make a decision during the July 10, 2006 meeting.

Approval of Continuing Education Speaker - NCASC

a. *William Gideon Alston, PhD*

In a letter dated March 17, 2006 Diane Cook, President of NCASC, is requesting the Board's approval for William Gideon Alston, PhD, as a speaker for one of the continuing education classes. (Ms. Cook's letter, along with Mr. Alston's biography and a brochure entitled Life Force Corporate Consulting is herewith attached and becomes a permanent part of the record retained at the Board's office.)

**MOTION**

Ms. Thompson moved the Board deny the request due to the irrelevance of the material for a continuing education course. Ms. Gilmer seconded the motion, which carried unanimously. Ms. Hampton-Hampton-Furtick and Ms. Settles abstained from voting.

**Public Comments**

Ms. Pearl Clark stated she had spoken to the Board during the last meeting she attended in regard to testing.

Ms. Thompson stated Ms. Clark presented the matter during public comments during the January 2006 meeting. At that time the Board advised Ms. Clark to submit a letter, via certified mail, to the school and if she could not obtain satisfaction she would need to file a complaint to the Board in regard to the school.

Ms. Linda Beach, of the SC Esthetics and Massage Institute, thanked the Board for the meeting held on Sunday, May 7, 2006. She stated she does not know the associations or whom they represent and finds it disheartening.

### **Executive Session**

#### **MOTION**

Ms. Thompson moved the Board move to executive session. Ms. Gilmer seconded the motion, which carried unanimously.

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

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

*Belinda Waslien*

#### **MOTION**

Ms. Settles moved the Board deny the waiver of the exams due to the length of the expirations and require her to sit for the exams as required by statute prior to reinstating her license. Ms. Gilmer seconded the motion, which carried unanimously.

### **Election of Officers**

Ms. Kinley opened the floor for nominations.

#### **MOTION**

Ms. Thompson moved the slate of officers remain the same. Ms. Webb seconded the motion, which carried unanimously.

Ms. Thompson asked Ms. Stabler to explain the reason for NCASC changing the name to Association of Cosmetology Salon Professionals (ACSP). Ms. Stabler stated the national association has determined to go from a three-tier association to a one-tier association. She noted the officers remain the same.

Ms. Kinley stated Milady has developed a series of DVDs on instructors. She further stated there are 18 modules in regard to instructor training and that the DVDs could be used instead of an approved instructor. She noted the DVD shuts itself off if there is no interaction completed within 15 minutes so the individual must stay with the computer.

### **Board Member Reports**

#### **Delores Gilmer**

Ms. Gilmer stated she attended a NCA national banquet on April 2, 2006 in Myrtle Beach. She also attended the NIC Region I and II conference in Wilmington, NC.

#### *Reciprocity Report*

During March 2006 the Board registered 70 cosmetologists, four estheticians, and one nail technician.

During April 2006 the Board registered 25 cosmetologists and two estheticians.

#### **Ruth Settles**

Ms. Settles asked if a survey could be done to request the number of registered practicing cosmetologists who are 65 years of age or with 30 years of experience. Mr. Jones indicated such a survey could not be conducted, as the Board does not have birthdates. Ms. Settles

stated she attended the Region I and II meeting in Wilmington, NC. She thought the meeting went well and learned a lot. She also attended the meeting held on May 7, 2006.

Katherine Webb

On March 20, 2006 Ms. Webb monitored the practical exam on March 20, 2006. On April 23, 2006 she monitored a continuing education class at the Palmetto Expo in Greenville. She noted she has sent all of the newsletter articles to staff. She attended the NIC Region I and II conference.

Melanie Thompson

On March 27, 2006 Ms. Thompson attended the final inspection of the Academy of Technology and Academics, which is the former The Career Center of Conway and Aynor. She attended the Region I and II meeting in Wilmington, NC. She monitored the first of the continuing education class sponsored by PPC at the Landmark Hotel in Myrtle Beach. She attended the meeting on May 7, 2006.

Michelle Hampton-Furtick

Ms. Hampton-Furtick attended the Region I and II meeting. She feels the Board should follow up with her recommendation that the salons note the recommendations for servicing before and after pedicure and the recommendation that the disciplinary information be shared with the media.

Ms. Kinley asked Ms. Thompson to draft a policy regarding South Carolina Board of Cosmetology recommendations on pedicures and require the policy to be posted in salons.

Ms. Thompson stated she has been in contact with PCS in regard to the practical exam and the percentages noted on the letter sent to candidates who have failed. She asked that this matter be placed on the agenda for the next meeting.

**Adjournment**

**MOTION**

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

The May 8, 2006 meeting of the SC Board of Cosmetology adjourned at 1:02 p.m.