

**MINUTES**  
**South Carolina Board of Cosmetology**  
**Board Meeting**  
**10:00 A.M., Monday, November 13, 2006**  
**Synergy Business Park**  
**Kingstree Building**  
**110 Centerview Drive, Conference Room 108**  
**Columbia, South Carolina**

**Meeting Called to Order**

Mrs. 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.

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; Kristy McMillan, of Summerville; Ruth Settles, of Greenville; and Katherine Webb, of Easley.

Staff members participating in the meeting included: George Barr, Inspector; Sharon Dantzler, Deputy General Counsel; Sandra Dickert, Administrative Assistant; Larry Hall, Inspector; Eddie Jones, Administrator; Mark Sanders, Inspector; and Shirley Wider, Program Assistant.

Members of the public attending the meeting included: Pat Adams, Donald Burnette, Stephen Burnette, Hung Cao, Barbara Doss, Deborah Emory, Tim Hamilton, Tonya Johnson, Mike Kelly, Jay Lacy, Allison Lane, Bob MacElhiney, Dorothy McMillan, Chesley Phillips, Nancy Poole, Phillip Robinson, Ken Shuler, Hayley Sims, William Sims and Catherine Stabler.

**Pledge of Allegiance**

All present recited the Pledge of Allegiance.

**Rules of the Meeting Read by the Chairman**

Mrs. Kinley read the rules of the meeting.

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

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

**Approval of the September 11, 2006 Meeting Minutes**

**MOTION**

Mrs. Gilmer moved to approve the minutes of the September 11, 2006 meeting. Mrs. Webb seconded the motion, which carried with a majority vote. Mrs. Thompson abstained from voting as she was absent during the September 11, 2006 meeting.

## **Approval of Agenda**

### **MOTION**

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

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

Mrs. Kinley stated she attended an esthetics continuing education course on October 29, 2006 given by Palmetto Professionals at the Institute for Cosmetic Arts. She noted the course was outstanding.

Mrs. Kinley stated the Board has been meeting with the industry in regard to the proposed regulation changes.

Mrs. Kinley congratulated Governor Sanford on his re-election.

Mrs. Kinley stated the Board met on Saturday, November 11, 2006 to review the 2007 CEU courses and then met with the providers on Sunday, November 12, 2006 to discuss the 2007 continuing education courses. She stated as soon as the Board finalizes the dates and staff has reduced the dates to paper, staff would mail the information via certified mail to all providers. She went on to say that the providers would then have ten days to respond to staff noting corrections or to say that the information is correct. She went on to say that should a provider not respond to staff via certified mail or hand delivery noting the corrections or to indicate the information is correct that provider's continuing education courses would not be placed on the Board's web site.

Mrs. Kinley stated *The State* Newspaper ran an article on the front page in regard to Raymond Lee's son, Raymond Lee, Jr., who was injured in Iraq in April 2006. She went on to say he has made a remarkable recovery.

Mrs. Kinley wished everyone Happy Thanksgiving, Merry Christmas and Happy New Year.

## **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 November 13, 2006 meeting.

Mr. Jones stated the renewal information will be mailed to licensees by January 15, 2007. He reminded the members that he presented them with a letter asking for agenda items for the Region Three meeting to be held in Savannah, Georgia and he hoped the members responded with agenda items. He noted that South Carolina is also on the map with the regional meetings. He presented the members with a letter from a licensee as result of a meeting held in Spartanburg. He noted this letter was for the Board's information.

### *Number of Inspections*

Mr. Hall briefed the Board on the inspection report. He noted a total of 2,270 inspections have been conducted since July 2006.

### *Number of Open Complaint Cases*

Mr. Hall stated he is unaware of the number of open complaint cases.

## **Unfinished Business**

### Approval of Reciprocity Application

#### *a. Julia Diane White*

During the July 10, 2006 meeting the Board reviewed Ms. White's application during which time it was noted that her North Carolina license expired in 2004. The Board voted to rescind the original vote of allowing reciprocity and give her the opportunity to produce a current license for reconsideration during the next meeting. Ms. White did not appear during the July 10, 2006 meeting nor did she appear at this meeting.

### **MOTION**

Mrs. Thompson moved the Board approve Ms. White's reciprocity application. Mrs. Hampton-Furtick seconded the motion, which carried unanimously.

### Approval of Examination Application

#### *a. Stephen Burnette*

During the September 11, 2006 meeting the Board reviewed Mr. Burnette's examination application, which revealed he had a history of arrests. The Board determined it would table the decision on Mr. Burnette's application to the November 13, 2006 meeting so the Board may speak with Mr. Burnette's probation/parole officer.

Mrs. Kinley stated the Board had received letters on his behalf.

This proceeding was recorded by a court reporter in order to produce a verbatim transcript if requested in accordance with the law.

### **MOTION**

Mrs. Thompson moved the Board defer this matter to executive session to garner legal advice. Mrs. Hampton-Furtick seconded the motion, which carried unanimously.

## **New Business**

### 1. Approval of DRC Reports – October 2, 2006 and November 6, 2006

Mr. Hall briefed the Board on the DRC Reports of October 2, 2006 and November 6, 2006. The Board discussed the fine reductions from both meetings.

### **MOTION**

Mrs. Hampton-Furtick made a motion, seconded by Mrs. Thompson, that the fines from the October 2, 2006 and the November 6, 2006 DRC meetings be reinstated to their original civil penalty. The motion carried with a majority vote. Mrs. Settles voted nay in this matter.

### 2. Approval of Proposed Consent Order

Mr. Mark Sanders, Inspector, briefed the members on a proposed consent order regarding the Nail Forte Salon. He noted the pedicure stands were closed that day and that he returned the next day and found that the thrones had been properly cleaned. He stated the salon owners have agreed to the consent order.

Mrs. Kinley noted the correct spelling of "staph impetigo" under Findings of Fact.

**MOTION**

Mrs. Thompson moved the Board approve the consent order with the noted correction. Mrs. Gilmer seconded the motion, which carried unanimously.

2. Approval of 2007 Continuing Education Courses

Mrs. Kinley noted there were a few corrections to be made by the providers and brought to the Board. She noted that the South Carolina Association of Cosmetology Schools has made the required change of removing reflexology as it pertains to esthetics and has returned the packet to the Board. She went on to say the Board has asked for copies of licenses of instructors and FEC certification. She continued by saying that the changes are due to the Board in a week.

**MOTION**

Mrs. Thompson made a motion, seconded by Mrs. Hampton-Furtick and unanimously carried, that the Board approve the 2007 continuing education courses pending the Board's receipt of corrections.

Mr. Jay Lacy asked the Board for clarification on the policy for adding a new class utilizing the information already presented to the Board. Mrs. Kinley stated the Board requires that this information be submitted to the Board 45 days in advance of the class.

Ms. Catherine Stabler, of ACHP, stated the Board had requested copies of certificates for the FEC. She went on to say the FEC does not issue certificates in the past. She asked if that was something the Board wanted them to do. Mrs. Kinley replied affirmatively.

Ms. Pat Adams stated FEC sends individuals a letter indicating the individual has passed and is certified. She went on to say individuals are reappointed every year. Mrs. Kinley stated that such a letter would suffice.

Mr. Tim Hamilton, of the SC Esthetics Association, stated a new instructor was submitted with the packets from this association. Mrs. Kinley stated that individual was approved. Mr. Hamilton asked if the monitors are required to be licensed in South Carolina. Mrs. Kinley replied affirmatively.

Mr. Hamilton asked the Board about the student to instructor ratio. He further stated his association has an upcoming class in which over 20 individuals have registered. Mrs. Thompson stated the student to instructor ratio for continuing education courses is one instructor for 100 individuals.

4. Approval of License Applications

a. *Deborah J. Emory*

On October 18, 2006 the Board received an application from PCS for Deborah Jane Emory to take the written and practical cosmetology exams. Ms. Emory answered yes to the question asking, "Have you been found guilty or entered a plea of nolo contendere for any crime in this or any other state?" According to Ms. Emory's SLED Report she was arrested and charged with murder on October 25, 1985. On March 17, 1986 she was convicted of voluntary manslaughter.

This proceeding was recorded by a court reporter in order to produce a verbatim transcript if requested in accordance with the law.

**MOTION**

Mrs. Settles moved the Board discuss this matter in executive session. Mrs. Gilmer seconded the motion, which carried unanimously.

*b. Tonya M. Johnson*

On September 7, 2006 the Board received application from Tonya M. Johnson to take the written and practical cosmetology instructor exams. Ms. Johnson answered yes to the question asking, "Have you been found guilty or entered a plea of nolo contendere for any crime in this or any other state?" According to Ms. Johnson's SLED Report she was arrested and charged with criminal domestic violence on August 5, 1996, of which she was convicted. On April 30, 2005 Ms. Johnson was arrested and charged with simple assault and battery. There has not yet been a court date on this matter.

This proceeding was recorded by a court reporter in order to produce a verbatim transcript if requested in accordance with the law.

**MOTION**

Mrs. Hampton-Furtick made a motion, seconded by Mrs. Thompson and unanimously carried, that the Board defer this matter in executive session for legal advice.

**Recess**

The Board recessed at 11:25 a.m. and returned to public session at 11:44 a.m.

**Return to Public Session**

*c. Hung Cao*

On September 7, 2006 the Board received an application from Hung Cao to take the written and practical nail technician exams. Mr. Cao answered yes to the question asking, "Have you been found guilty or entered a plea of nolo contendere for any crime in this or any other state?" According to documentation from New London, Connecticut submitted by Mr. Cao he has plead guilty to illegal possession with intent to administer controlled substances.

This proceeding was recorded by a court reporter in order to produce a verbatim transcript if requested in accordance with the law.

**MOTION**

Mrs. Thompson moved the Board defer this matter to executive session for legal advice. Mrs. Hampton-Furtick seconded the motion, which carried unanimously.

*d. Hayley Sims*

On October 25, 2006 the Board received an application from Hayley Sims to take the written and practical cosmetology exams. Ms. Sims answered yes to the question asking, "Have you been found guilty or entered a plea of nolo contendere for any crime in this or any other state?" According to Ms. Sims' SLED Report she was arrested and charged with reckless homicide on April 7, 2003.

This proceeding was recorded by a court reporter in order to produce a verbatim transcript if requested in accordance with the law.

**MOTION**

Mrs. Settles moved the Board defer this matter to executive session. Mrs. Gilmer seconded the motion, which carried unanimously.

*e. Phillip J. Robinson*

On October 25, 2006 the Board received an application from Phillip Robinson to take the written and practical cosmetology exams. Mr. Robinson answered yes to the question asking, "Have you been found guilty or entered a plea of nolo contendere for any crime in this or any other state?" On June 18, 2004 Mr. Robinson was charged with a federal chartered financial institution crime and was convicted of forgery on July 14, 2005.

This proceeding was recorded by a court reporter in order to produce a verbatim transcript if requested in accordance with the law.

**MOTION**

Mrs. Thompson made a motion, seconded by Mrs. Gilmer and unanimously carried, that the Board defer this matter to executive session for legal advice.

*f. Allison R. Lane*

On October 25, 2006 the Board received an application from Allison Lane to take the written and practical nail technician exams. Ms. Lane answered yes to the question asking, "Have you been found guilty or entered a plea of nolo contendere for any crime in this or any other state?" On June 25, 2004 Ms. Lane was arrested and charged with shoplifting.

This proceeding was recorded by a court reporter in order to produce a verbatim transcript if requested in accordance with the law.

**MOTION**

Mrs. Thompson moved the Board defer this matter to executive session for legal advice. Mrs. Hampton-Furtick seconded the motion, which carried unanimously.

5. Approval of CEU Instructors - SCACS

*a. Jimmy E. Hardee*

*b. Brandy K. Shelley*

On September 21, 2006 the Board received a request from Jacqueline Browder, on behalf of SCACS, seeking the Board's approval of Jimmy E. Hardee and Brandy K. Shelley as continuing education instructors.

Mrs. Wider noted that Mr. Hardee and Ms. Shelley are currently licensed instructors.

**MOTION**

Mrs. Thompson made a motion, seconded by Mrs. Webb and unanimously carried, that the Board approve Mr. Hardee and Ms. Shelley as continuing education instructors.

6. Approval of CEU Instructor – Sumter Beauty College

a. *Nancy Prosser*

On September 11, 2006 the Board received a request from Faye Smith, Director of Sumter Beauty College, to add Nancy Prosser as a continuing education instructor for 2006.

Mrs. Wider noted that Ms. Prosser is a currently licensed instructor.

**MOTION**

Mrs. Thompson moved the Board approve Nancy Prosser as a continuing education instructor. Mrs. Webb seconded the motion, which carried unanimously.

7. Approval of Examination Application

a. *Valentina Prosvirina Hamilton*

In a letter dated September 21, 2006 Ms. Hamilton is seeking the Board's consideration for licensure. She was unable to obtain a transcript of school grades and hours due to the communist regime, however, she included copies and translated copies of her advanced education training and continuing education in cosmetology.

Valentina Hamilton appeared before the Board at this time. Mrs. Hamilton stated she was finished her cosmetology course in 1985, became licensed and worked as a cosmetologist in Russia. She went on to say she moved to South Carolina from Russia in 2004. She further stated that during her time in Russia she owned her salon and taught apprentices in the salon.

**MOTION**

Mrs. Thompson made a motion, seconded by Mrs. Hampton-Furtick and unanimously carried, the Board approve Mrs. Hamilton's examination application.

**Executive Session**

**MOTION**

Mrs. Thompson moved the Board enter executive session. Mrs. Gilmer seconded the motion, which carried unanimously.

**Return to Public Session**

Mrs. Kinley noted for the record that no motions were offered or made during executive session.

*Stephen Burnette*

**MOTION**

Mrs. Thompson made a motion, seconded by Mrs. Hampton-Furtick and unanimously carried, that the Board allow Mr. Burnette to sit for the exam but that the Board hold his license until January 2008. At that time Mr. Burnette will be off of house arrest for one year. Mr. Burnette can appear before the Board in January 2008 and if he has had a clean criminal record he will be granted licensure.

*Deborah J. Emory*

**MOTION**

Mrs. Gilmer moved the Board approve Ms. Emory's license application. Mrs. Thompson seconded the motion, which carried unanimously.

*Tonya Johnson*  
**MOTION**

Mrs. Hampton-Furtick made a motion, seconded by Mrs. Thompson and unanimously carried that the Board allow Ms. Johnson sit for the instructor's licensure exam.

*Hung Cao*  
**MOTION**

Mrs. Webb moved the Board allow Mr. Cao sit for the exam, however, that the Board hold his license until such time that the Board has received documentation regarding the successful completion of the Salvation Army drug rehabilitation program and a criminal history report from Florida. Mrs. Thompson seconded the motion, which carried unanimously.

*Hayley Sims*  
**MOTION**

Mrs. Thompson made a motion, seconded by Mrs. Hampton-Furtick and unanimously carried, that the Board approve Ms. Sims' application for the exam and licensure.

*Phillip J. Robinson*  
**MOTION**

Mrs. Thompson moved the Board allow him to sit for the exam and to be licensed, contingent upon receipt of a SLED report, at his expense, for the next three renewal periods and that his employer submit quarterly reports for the three renewal periods. Failure to submit the reports will result in the suspension of his license until such time that he appears before the Board. Mrs. Gilmer seconded the motion, which carried unanimously.

*Allison R. Lane*  
**MOTION**

Mrs. McMillan made a motion, seconded by Mrs. Thompson and unanimously carried, that the Board approve Ms. Lane to sit for the exam and for licensure.

#### 8 Requirements to Obtain Her Nail Technician License – Barbara Doss

On October 20, 2006 the Board received a request from Barbara Doss asking the Board how she would acquire her nail technician's license. Ms. Doss currently has a cosmetology license and has been a cosmetology instructor since 1993. She will be moving to the State of Washington, which would not allow her to do artificial nails under the auspices of her cosmetology license.

Barbara Doss appeared before the Board at this time. Ms. Doss stated she is moving to the State of Washington, which requires out of state license candidates to sit for an exam. She further stated she is a licensed cosmetologist and has been a nail instructor for approximately 14 years. She continued by saying that she is unable to do artificial nails as a cosmetologist and is not recognized as a nail technician. She feels she has enough hours to become a nail technician and is requesting the Board's approval as a nail technician. She understands she

may have to sit for the exam. She noted she would retain her South Carolina cosmetologist license for at least another two years.

Mrs. Thompson stated she has spoken with Ms. Doss on this matter. She went on to say Ms. Doss expressed she has no interest in doing hair or esthetics.

**MOTION**

Mrs. Thompson moved the Board allow Ms. Doss to sit for the nail technician written and practical examinations. Mrs. Webb seconded the motion, which carried unanimously.

9. Approval of Proposed Regulations

Mrs. Kinley stated a question had arisen during the last meeting in reference to USC continuing as the continuing education certifying agency and that the technical college system had approached them about certifying their own courses. She further stated the Board feels it is in the best interest that USC remain the only certifying agency for the continuing education courses.

Mr. MacElhiney stated there is no requirement in the regulations regarding the number of continuing education for instructors. Mrs. Kinley stated the discussion had been to require 12 hours of continuing education for instructors.

Mr. MacElhiney stated equipment should be added to Regulation 35-24.

The Board discussed the need for contracts and student enrollment forms. The Board determined student enrollment forms should be forwarded to the Board for entering on the computer and that the schools would be responsible for maintaining the hard copies.

10. Approval of 2007 Meeting Dates

The Board reviewed the following proposed meeting dates for 2007:

January 8, 2007  
July 9, 2007

March 12, 2007  
September 10, 2007

May 14, 2007  
November 5, 2007

**MOTION**

Mrs. Gilmer made a motion, seconded by Mrs. Hampton-Furtick and unanimously carried, that the Board approve the proposed meeting dates for 2007.

11. University of South Carolina Holidays – Eric McGee

Mike Kelly of USC stated the University would be closed Thanksgiving Day as well as the day after. He went on to say the winter holidays would begin on December 21, 2006 and would return on January 2, 2007. He went on to say a letter is being mailed to the Board members and providers indicating continuing education packets should be submitted to USC by Friday, December 15, 2006. He noted an individual needing a replacement certificate can be referred to the university's web page.

**Board Member Reports**

Delores Gilmer

Mrs. Gilmer attended the October 9, 2006 and October 30, 2006 draft regulation meetings.

*Reciprocity Report*

During September 2006 the Board licensed 38 cosmetologists, five estheticians, and two nail technicians.

During October 2006 the Board licensed 56 cosmetologists and ten estheticians.

Kristy McMillan

Mrs. McMillan attended the October 9, 2006 and October 30, 2006 regulation meetings.

Ruth Settles

Mrs. Settles attended the three draft regulations meetings and the meetings in regard to the 2007 continuing education meetings.

Melanie Thompson

Mrs. Thompson attended the October 9, 2006 draft regulation meeting. She monitored an instructor continuing education class sponsored by Nail, Skin and Hair on October 15-16, 2006. She attended the October 30, 2006 draft regulation meeting.

Michelle Hampton-Furtick

Mrs. Hampton-Furtick attended the September 25, 2006, October, 9, 2006 and October 30, 2006 draft regulation meetings. She also attended the two day 2007 continuing education meetings.

Kathy Webb

Mrs. Webb attended the September 25, 2006, October, 9, 2006 and October 30, 2006 draft regulation meetings. She also attended the two day 2007 continuing education meetings. She monitored a continuing education class on September 17, 2006 at Greenville Technical College.

**Public Comments**

Chesley Phillips asked the Board if the nail salon referenced in the consent order agreed to additional testing for diseases other than mycobacterium. Mrs. Kinley stated she did not know if there were other tests performed. Ms. Phillips further stated several individuals have questioned her if they could participate in DHEC testing before the Board inspectors visit their salons. Mrs. Kinley stated DHEC probably would perform the testing for a fee.

Mrs. Thompson stated that Mr. Hamilton had questioned instructor student ratio for the esthetics continuing education courses. She noted that ratio for the esthetics classes should be one instructor to 50 students.

**Adjournment**

**MOTION**

There being no further business Mrs. Gilmer moved the meeting be adjourned. Mrs. Thompson seconded the motion, which carried unanimously.

The November 13, 2006 meeting of the SC Board of Cosmetology adjourned at 2:08 p.m.