

MINUTES
South Carolina Board of Cosmetology
Board Meeting
10:00 a.m., March 12, 2007
Synergy Business Park
Kingstree Building
110 Centerview Drive, Conference Room 108
Columbia, South Carolina

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.

Rosanne Kinley, Chairman, of Anderson, called the regular meeting of the SC Board of Cosmetology to order at 10:02 a.m. Other board members present included: 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; Ronnie Blackmon, 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: Joie Antley, Erika Buncomb, Fulton Cox, Mary Cox, Darlyn Calden, Tim Hamilton, Myra Jenkins, Charles Johnson, Jay Lacy, Michelle Miller, Bob MacElhiney, Lisa McIntire, Robin Mixon, Kim Morgan, Chesley Phillips, Robert Sharpe, Shakesha Smith, Catherine Stabler, Tammy Stevens, and James Weaver.

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 Excused Absences

Melanie Thompson, vice chairman; of Myrtle Beach, was granted an excused absence.

Approval of the January 8, 2007 Meeting Minutes

MOTION

Mrs. Gilmer moved the Board approve the minutes of the January 8, 2007 meeting. Mrs. Webb seconded the motion. Mrs. Settles noted one correction to the Chairman's Remarks on page two. The motion carried unanimously.

Approval of Agenda

MOTION

Mrs. Hampton-Furtick made a motion, seconded by Mrs. Webb and unanimously carried, that the Board approve the agenda with any deviations deemed necessary.

Chairman's Remarks – Rosanne Kinley

Mrs. Kinley stated she learned that as of Friday, March 9, 2007 over 10,000 licensees had renewed their licenses online. She thanked LLR staff for developing a well organized system to allow online renewals. She also thanked the Board's staff for their hard work during the renewal period.

Mrs. Kinley stated she attended a nail technician continuing education class sponsored by Nails, Skin and Hair of America on January 21, 2007.

Administrator's Remarks, For Information – Eddie Jones

Advisory Opinions, If Needed, Office of General Counsel

There were no advisory opinions to be presented to the Board.

Legislative Update, If Needed, Legislative Liaison Office

Mrs. Dantzer stated there are three bills being discussed at the State House which may impact the Board. She further stated that one bill would strengthen the prohibition of a group of Board members from discussing board business outside of the meeting, one bill would require the Board to state the reason the Board is entering executive session, and the third bill would require that the agenda be posted no later than twenty-four (24) hours prior to the meeting.

Mr. Jones reminded the members of the Regional meeting scheduled to be held May 4-6, 2007 in Savannah, Georgia.

Mr. Jones presented the members with the Statement of Economic Interest Forms. He informed the members the forms must be completed and submitted to the State Ethics Commission no later than Monday, April 16, 2007. He noted that any member not submitting the form in a timely manner would be assessed a penalty beginning at \$100.

Number of Inspections

Mr. Ronnie Blackmon, staff inspector, briefed the Board on the number of inspections conducted since July 1, 2006.

Number of Open Complaint Cases

Mr. Blackmon stated the Board currently has 19 open cases, of which nine cases are active and 10 cases are pending action to be taken by the DRC or the Board.

Unfinished Business

There was no unfinished business to be discussed.

New Business

1. Approval of DRC Report

Mr. Blackmon briefed the Board on the DRC reports from February 5, 2007 and March 5, 2007. He noted Mr. Alan Ray conducted the February 2007 DRC meeting and Mrs. Doris Cubitt, Administrator for the Accountancy Board, conducted the March 2007 DRC meeting. He further stated that the hearing officer now gives an explanation for the reduction of a fine noted on a citation and that the explanation is reflected on the DRC Report.

MOTION

Mrs. Hampton-Furtick moved the Board approve the DRC reports from February 5, 2007 and March 5, 2007. Mrs. Gilmer seconded the motion, which carried unanimously.

2. Approval of Final Inspection(s)

a. *F. E. Dubose Career Center*

On January 10, 2007 Mrs. Kristy McMillan, Board member, Mr. George Barr and Mr. Mark Sanders, staff inspectors, conducted a final inspection on the F. E. Dubose Career Center.

MOTION

Mrs. Gilmer made a motion, seconded by Mrs. Webb and unanimously carried, that the Board approve the final inspection of the F.E. Dubose Career Center.

3. Approval of Continuing Education Class

a. *Strand College of Hair Design*

On March 2, 2007 the Board received a letter from Nancy Poole, President of Strand College of Hair Design. Mrs. Poole's letter asks for the Board's approval of an additional continuing education class for cosmetology instructors to be held on April 20 and 21, 2007. Mrs. Poole included the instructor's name and a syllabus for both days.

The Board received this request within the required 45 day time frame prior to the requested dates of the class.

MOTION

Mrs. Hampton-Furtick moved the Board approve Mrs. Poole's request for the additional continuing education class. Mrs. Webb seconded the motion, which carried unanimously.

4. Approval of Premier Beauty Show

a. *Nails, Skin & Hair of America*

On March 5, 2007 the Board received a request from Nails, Skin & Hair of America for the Board's approval of continuing education credit hours for classes taken at the Premier Beauty Show in Orlando, Florida on June 10 and 11, 2007.

The Board received this request within the required 45 day time frame prior to the requested dates of the class.

Mrs. Kinley stated the Board would need a list of additional monitors and a schedule of the classes. She went on to state the Board would not allow credit hours for the courses in Section

5 relating to barbering, for the course on page #33 (relating to massage therapy), #145 section 4 (the first one taught by NSI is on the trade floor), or on page #137 (nail stage education). These courses are scheduled to take place on the floor.

Mrs. Settles asked Mrs. Phillips if she requested a space from Premier Beauty. Mrs. Phillips stated Premier would allow her association a booth at the front of the main entrance for registration.

MOTION

Mrs. Hampton-Furtick made a motion, seconded by Mrs. Webb and unanimously carried, that the Board delay its decision on this matter until later in the meeting.

5. Review/Approval of Esthetics Practice via Class Work Documentation

a. *Charles Johnson*

On February 20, 2007 the Board received a letter from Charles Johnson seeking the Board's approval for licensure as an esthetician in South Carolina. Mr. Johnson included class work documentation and a copy of his curriculum vitae of supplemental work for the Board's consideration.

Charles Johnson stated he is a fourth year medical student and he plans to open an esthetics practice in South Carolina. He further stated he would offer laser hair removal and veins as part of his services. He went on to say the physician he has been working with suggested he obtain an esthetics license.

Mrs. Kinley informed Mr. Johnson laser treatment is not permitted in South Carolina under the esthetics scope of practice. She further stated if he obtained an esthetics license the Board would inform him he could not perform laser treatment of any type under the esthetics scope of practice.

Mr. Johnson then provided the Board with a transcript regarding skin care.

MOTION

Mrs. Hampton-Furtick made a motion, seconded by Mrs. Webb and unanimously carried, to defer this matter to executive session for legal advice.

6. Approval of Methods of Teaching Course, Cosmetology Program/Nail Tech Program

a. *Miller-Motte Technical College*

On February 15, 2007 the Board received a letter from James Weaver, Campus Director of Miller-Motte Technical College, seeking the Board's approval of a Methods of Teaching course. Mr. Weaver included a syllabus and the names of two proposed instructors, Karen Durand and Lisa McIntire. He also provided documentation for the Board's approval of a cosmetology program as well as a nail technician program.

James Weaver stated the school is requesting the Board's approval of two instructors to teach the Methods of Teaching course. He further stated he would like to open dialog in regard to the school offering the Methods of Teaching course as a distance learning course. He briefly explained the platforms for blackboard and distance learning. He went on to say the school would monitor compliance by the student communicating with the instructor via the internet in the platform that is utilized. He said when the student logs in for the course that information is captured. He noted there is a certain amount of time the student has to spend on the course, a

certain amount of required work to be submitted, and their attendance is tracked by the student's login to the program. He noted the student can log in and walk away from the computer; however, if the student does not submit the required work and if the student does not participate in discussion the student cannot pass the class. He said the program does not shut down if there is no response from the student within a certain time frame. He said the instructor would post a discussion question that needs to be answered two times a week and should the student not log in the question would not be answered.

Mrs. Dantzler stated there is nothing in the Board's statute or regulations that strictly forbid distance learning; however, there is a variety of identification and monitoring requirements that may be difficult to meet in a distance learning format. She further stated the Board can approve a distance learning program but it must meet the Board's regulatory requirements for monitoring and quality control.

MOTION

Mrs. Hampton-Furtick moved the Board approve Karen Durand and Lisa McIntire. Mrs. Webb seconded the motion, which carried unanimously.

MOTION

Mrs. Gilmer made a motion, seconded by Mrs. Hampton-Furtick and unanimously carried, that the Board discuss Miller-Motte's request to teach the Methods of Teaching course as a distance learning program in executive session.

Mrs. Hampton-Furtick asked Mr. Weaver how the school would ensure that the student is the actual person and not another individual taking the class. Ms. Lisa McIntire stated each student would be assigned a user name and password. She further stated personal information would be gathered from each student then would be sent to the corporate office for the assignment of a user name and password.

Mrs. Webb asked Ms. McIntire how the school would know if the individual registered with the school asked another individual to take the class for him/her. Mr. Weaver stated they really would not know; however each student would be required to come on-site to submit assignments and to have dialog with the instructor every two weeks. He noted the school is not approved to offer total distance learning.

MOTION

Mrs. Gilmer made a motion, seconded by Mrs. Hampton-Furtick and unanimously carried, that the Board give preliminary approval to Miller-Motte's request for a cosmetology and nail technician program's pending final inspection.

7. Approval of Waiver of Methods of Teaching Course

a. *Michelle Miller*

On February 20, 2007 the Board received a letter from Michelle Miller seeking the Board's approval for exemption from the Methods of Teaching course. Ms. Miller's letter states she had enrolled in a Methods of Teaching course that was cancelled due to low enrollment. When she reviewed the manual she determined her academic background as well as her job skills could justify her reasons for wanting to waive the course. Her education includes a Bachelor of Science Degree in Biology and Chemistry and a Master of Arts Degree in Management and Leadership. She has also received certificates for color classes, new trends, waxing techniques, relaxers, and perms.

Ms. Miller stated after reviewing the manuals for the course she realized she has already been utilizing the information with her current position as a mental health counselor. She further stated the information in the manuals discusses attitudes, personal appearance, and role modeling, which is what she teaches her individuals to move forward.

Mrs. Kinley stated she does not see where Ms. Miller has a degree or experience in teaching or in preparing lesson plans.

MOTION

Mrs. Settles moved the Board deny Ms. Miller's request to waive the Methods of Teaching course. Mrs. Gilmer seconded the motion, which carried unanimously.

8. Approval of 450 Hour Esthetics Course
a. *Aiken School of Cosmetology*

On February 9, 2007 the Board received a letter from Angela Morrison, owner of the Aiken School of Cosmetology, seeking the Board's approval of a 450-hour esthetics program to their curriculum. On February 27, 2007 the Board received the curriculum for the school's esthetics program and a letter informing the Board that Chesley Phillips would be the instructor.

MOTION

Mrs. Webb made a motion, seconded by Mrs. Gilmer and unanimously carried, that the Board approve the Aiken School of Cosmetology request for the 450-hour esthetics course.

9. Approval of Examination without Education
a. *Myra Jenkins*

On February 13, 2007 the Board received a letter from Frances Leet of Buck Management of South Carolina, Betty Stevens Cosmetology Institute stating Myra Jenkins had been previously licensed as a cosmetologist many years ago. The Department of LLR could not access Mrs. Jenkins' files to verify her eligibility to take the exam for reinstatement of her license. Mrs. Jenkins then enrolled in the cosmetology program at Buck Management. Ms. Leet feels Mrs. Jenkins is capable and knowledgeable and feels she could take the exam without moving through the entire cosmetology program.

On March 5, 2007 the Board received Mrs. Jenkins's high school transcript from Florence Public School District One reflecting her completion of the cosmetology program.

Myra Jenkins stated she initially became licensed in 1976 and that she allowed her license to lapse in the early 1980s. She stated she has accumulated 960 hours in the cosmetology program at the Betty Stevens Cosmetology Institute.

MOTION

Mrs. Webb moved the Board allow Mrs. Jenkins sit for the theory and practical exams. Mrs. McMillan seconded the motion, which carried unanimously.

10. Approval of Reciprocity Applications (No tenth grade education)
a. *Klongjit Mobley*

On December 18, 2007 the Board received a cosmetology endorsement application from Klongjit Mobley. Mrs. Mobley is currently licensed as a cosmetologist in the Commonwealth of Virginia where she became licensed on November 19, 1986 by examination. The

Commonwealth of Virginia has certified that Mrs. Mobley is currently licensed and in good standing and that her license is good through November 30, 2008. The certification indicates she obtained 1,500 hours from a board approved school of cosmetology and a passing score of 75% in both the written and practical examinations. Staff could not approve Mrs. Mobley's application as she is unable to provide proof of a tenth grade education as required by law.

Staff informed Mrs. Mobley by letter dated February 28, 2007 that the Board would review her application during this meeting and requested her appearance should the Board have any questions regarding her application. Mrs. Mobley contacted staff by phone prior to the meeting indicating she would be unable to attend today's meeting.

MOTION

Following the Board's review of Mrs. Mobley's application Mrs. Hampton-Furtick made a motion, seconded by Mrs. Webb and unanimously carried, that the Board approve Mrs. Mobley's endorsement application.

b. Edith E. McCutchen

On January 10, 2007 the Board received a cosmetology endorsement application from Edith E. McCutchen. Mrs. McCutchen is currently licensed as a cosmetologist in the State of Georgia where she became licensed on March 18, 1991 by reciprocity. The State of Georgia has certified that Mrs. McCutchen is currently licensed through March 31, 2008 and is good standing with the Board. The State of Georgia also certifies that Mrs. McCutchen has met the required minimum of 1,500 credit hours, has passed the written and practical examinations, and that she has a ninth grade education. Staff could not approve Mrs. McCutchen's application as she is unable to provide proof of a tenth grade education as required by law.

Staff informed Mrs. McCutchen by letter dated February 28, 2007 that the Board would review her application during this meeting and requested her appearance should the Board have any questions regarding her application. Mrs. McCutchen contacted staff by phone prior to the meeting indicating she would not be able to attend this meeting.

MOTION

Following the Board's review of Mrs. McCutchen's application, Mrs. Gilmer moved the Board approve Mrs. McCutchen's endorsement application. Mrs. Settles seconded the motion, which carried unanimously.

11. Approval of Applications

a. Erika Buncomb

On June 20, 2006 the Board received a cosmetology examination application from PCS in regard to Erika C. Buncomb. Ms. Buncomb's application indicated she had been arrested after which she was notified by staff that she must obtain a criminal history report from SLED for the Board's review. Ms. Buncomb's criminal history report reflects she had been arrested for financial transaction card fraud. Since staff could not approve Ms. Buncomb's application, she was notified by letter dated February 28, 2007 that she must appear before the Board to answer questions from the members in regard to her application.

Ms. Buncomb stated at the time she was arrested she worked as a secretary for American Express. She had been given an expense card which she used for personal expenses and she had also written company checks to herself. She was placed on five years probation and ordered to pay restitution in the amount of \$6,000 to the bank which had paid American

Express. She has successfully passed the written and practical exams. She said the 2005 conviction noted on the criminal report stemmed from the original conviction. She went on to say she was removed from probation for one year because she was attending school and the probation began again for the second offense. She has made full restitution to the bank.

MOTION

Mrs. Settles made a motion, seconded by Mrs. Webb, that the board approve Ms. Buncomb's application. Mrs. Hampton-Furtick amended the motion to include a two year probation on her license. Following a brief discussion Mrs. Settles withdrew her motion.

MOTION

Mrs. Hampton-Furtick moved the Board grant Ms. Buncomb licensure, that the license be placed on probation for two years with a yearly submittal of a SLED report at her own expense prior to the renewal period. Mrs. Settles seconded the motion, which carried unanimously.

b. Shakesha Smith

On December 21, 2006 the Board received a cosmetology examination application from PCS in regard to Shakesha L. Smith. Ms. Smith's application indicated she had been arrested after which she was notified by staff that she must obtain a criminal history report from SLED for the Board's review. Ms. Smith's criminal history report reflects she had been arrested for financial transaction card fraud. Since staff could not approve Ms. Smith's application, she was notified by letter dated February 28, 2007 that she must appear before the Board to answer questions from the Board members in regard to her application.

Ms. Smith appeared before the Board and offered the following testimony.

In 2002 Ms. Smith worked at a convenience store in her area when she discovered that she could obtain the numbers from the credit or debit cards from customers who had to obtain gas receipts inside the store because the receipt did not print at the pump. She was 19 years old at the time and going through a rough financial period. Her boyfriend sold drugs and was arrested, which resulted in the bulk of the financial responsibilities falling to her. She eventually took a card number from a gas receipt and put in for a money order at the convenience store to pay the rent and to buy groceries. Her supervisor called her into the store on her day off, informed her the store had learned what happened, and contacted the police. She was taken to the police station and charged with transaction card fraud since it was over \$500. She remained in jail for approximately six days until bond was paid. She was ordered to pay restitution to the card holder and placed on probation for one year. She was previously charged with shoplifting as a result of an individual she with whom she was shopping shoplifted a baby stroller.

MOTION

Mrs. Hampton-Furtick made a motion, seconded by Mrs. McMillan and unanimously carried, that the Board grant licensure to Ms. Smith.

Discussion Item(s)

1. Questions Regarding Guidelines for Approved Out of State Courses by Board Approved Instructors at venues such as Trade Shows – Colleen S. Large, SC Esthetics Association

Mr. Tim Hamilton, of the SC Esthetics Association, stated he would like to discuss three issues pertaining to continuing education.

Mr. Hamilton stated one issue pertains to pre-approved courses offered out of state by pre-approved instructors. He is seeking clarification on if and how this could be done. Mrs. Kinley stated it would be the decision of the other state's Board as to whether or not an instructor could teach in that state. Mr. Hamilton stated the association is planning a trade show this summer and would like to offer continuing education at the show. He further stated he would like to offer the Board approved continuing education courses in the trade show across the state line. Mrs. Kinley stated the association would be required to submit the required information, such as a list of monitors and instructors, sign in sheets, verification of attendance, and a course outline at a minimum of 45 days prior to the show.

Mr. Hamilton stated another issue relates to the clarification of the number of hours for a continuing education course in a trade show setting. Mrs. Kinley stated USC's computer system will only document .6 or .12 hours and would not document any other number of hours. She further stated he must retain the documents until the individual has accumulated the .6 or .12 hours. She noted if he offers a two hour continuing education course, the individual must take three classes to obtain the .6 hours.

Mr. Hamilton stated the third issue relates to distance learning and asked the Board to research this possibility. He said it is the future way of continuing education. He knows of five states that have approved distance learning education. Mrs. Kinley stated this issue is not before the Board at this time and the proposed regulations just submitted does not address this issue.

Board Member Reports

Kathy Webb

Mrs. Webb attended a continuing education class sponsored by Nails, Skin and Hair of America on January 22, 2007.

Michelle Hampton-Furtick

Mrs. Hampton-Furtick monitored a continuing education class sponsored by ACSP and a continuing education class sponsored by Palmetto Professionals. She also attended a subcommittee hearing on bill H3334, which addresses hair braiding.

Ruth Settles

Mrs. Settles attended a continuing education class sponsored by the Academy of Hair Technology on January 31, 2007. She also attended the subcommittee hearing on bill H3334, which addresses hair braiding.

Kristy McMillan

Mrs. McMillan attended the final inspection of F. E. Dubose Career Center on January 10, 2007. She also attended a continuing education class on January 28, 2007.

Delores Gilmer

Mrs. Gilmer monitored the practical exam at Brookland Baptist Church on January 22, 2007.

Reciprocity Report

January 2007

In January 2007 the Board licensed 180 cosmetologists, 26 estheticians and five nail technicians by endorsement.

February 2007

In February 2007 the Board licensed 39 cosmetologists and five estheticians by endorsement.

Public Comments

Ms. Catherine Stabler asked the Board when the public would be notified of hearing dates for the proposed regulations. Mrs. Dantzler stated there would be publication of the hearing dates in the State Register.

Mr. Bob MacElhiney stated he also attended the subcommittee and committee meetings in regard to the hair braiding bill and was alarmed that the subcommittee chairman informed the committee that both Boards are in favor of the bill. He further stated the committee voted the bill out favorably as a result of the answer given by the subcommittee chairman. He went on to say some members of the committee did not understand braiding. He said some individuals in favor of the bill do not understand why they cannot work with chemicals to relax the hair before braiding. He stated those individuals pushing the bill have a bigger agenda than just braiding.

Ms. Catherine Stabler the industry has many associations representing the industry the Board can use as guidance. She further stated the Board and the associations need to work together on killing the shampoo bill.

Mrs. Kinley stated any licensee or Board member contacting their legislator in regard to the hair braiding bill should reiterate the fact that it is in the interest of public safety that the bill be killed.

Executive Session

MOTION

Mrs. Settles made a motion, seconded by Mrs. Webb and unanimously carried, that the Board enter executive session.

Return to Public Session

Mrs. Kinley stated no motions were offered or made during executive session.

Review/Approval of Esthetics Practice via Class Work Documentation - Charles Johnson

MOTION

Mrs. Hampton-Furtick moved the Board deny Mr. Johnson's request. Mrs. Gilmer seconded the motion, which carried unanimously.

Approval of Premier Beauty Show - Nails, Skin & Hair of America

Mrs. Hampton-Furtick stated page #54, #60, #67-#68, #71-#73, #80, #69, #70, #76, #82, #87-#88, #89, and #116 would not be approved.

MOTION

Mrs. Hampton-Furtick moved the Board approve the Premier Beauty Show as a continuing education course minus the noted pages and pending receipt of the class schedules and the list of additional monitors. Mrs. Gilmer seconded the motion, which carried with a majority vote. Mrs. Settles voted nay.

Approval of Methods of Teaching Course, Cosmetology Program/Nail Tech Program - Miller-Motte Technical College

MOTION

Mrs. Webb made a motion, seconded by Mrs. Hampton-Furtick and unanimously carried, that the Board deny the request for the distance learning Methods of Teaching course at this time.

Election of Officers

MOTION

Mrs. Gilmer moved the Board keep the current slate of officers. Mrs. Webb seconded the motion, which carried unanimously.

Adjournment

There being no further business to be discussed at this time, Mrs. Kinley declared the meeting adjourned.

The March 12, 2007 meeting of the SC Board of Cosmetology adjourned at 1:16 p.m.