

MINUTES
South Carolina Board of Cosmetology
Board Meeting
10:00 a.m., May 14, 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 10:05 a.m. 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: Sandra Dickert, Administrative Assistant; Larry Hall, Inspector; Eddie Jones, Administrator; Lynne Rogers, General Counsel; Mark Sanders, Inspector; and Shirley Wider; Program Assistant.

Members of the public attending the meeting included: Elizabeth Bolen, Jen Calaman, Pearl Clark, Diane Cook, Suzanne Dailey, Olean Davis, Lisa Ham, Kimberly King, Debra LeGrand, Eric McGee, Oanh Mai, Adrienne Mauldin MacLeod, Robin Mixon, Pat Oberhausen, Sherry Rivers, Bernice Settles, McArthur Settles, Faye Smith, Catherine Stabler, Tammie Stevens and Rebecca Pinckney-Thomas.

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 for those persons attending the meeting.

Introduction of Board Members and All Other Persons Attending

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

Approval of the March 12, 2007 Meeting Minutes

MOTION

Mrs. Hampton-Furtick moved the minutes of the March 12, 2007 meeting be approved. Mrs. Gilmer seconded the motion, which carried. Mrs. Thompson abstained from voting in this matter as she was not present for the meeting.

Approval of Agenda

MOTION

Mrs. Thompson 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 the Board members attended the Region meeting in Savannah, Georgia on May 4-6, 2007. She further stated the meeting was well attended and had representation from Minnesota, Alabama, Louisiana, Georgia, North Carolina, South Carolina, Pennsylvania, and Missouri. She appreciates the Board's attendance.

Mrs. Kinley stated she attended the Senate Subcommittee meeting in regard to H3334 in April 2007. She noted the subcommittee did not move the bill.

Mrs. Kinley stated the national conference will be held August 25–27, 2007 in Rapid City, South Dakota. She asked that the Board use last year's ad with any necessary corrections for this year's bulletin.

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 given during this meeting.

Mrs. Kinley gave a legislative update during her remarks.

Mr. Jones made no remarks at this time.

Number of Inspections

Mr. Mark Sanders, staff inspector, briefed the Board on the number of inspections since the March 2007 meeting. He noted 921 inspections were conducted in March 2007 and 557 inspections were conducted in April 2007.

Number of Open Complaint Cases

Mr. Sanders noted there are currently 16 total cases in the Office of Investigations. He stated four cases are pending Board action, seven cases are in the inspection unit and five cases are active.

Unfinished Business

There was unfinished business for discussion during this meeting.

New Business

HEARING

a. *Oanh Mai, Nail Technician*

This matter was recorded by a certified court reporter in order to have an official transcript should one be necessary.

MOTION

Mrs. Thompson moved the Board suspend Ms. Mai's license for twelve (12) months and that the license, when issued on May 14, 2008, be placed on probation for twelve (12) months. Mrs. Gilmer seconded the motion, which carried with a majority vote. Mrs. Settles voted nay.

Approval of DRC Reports

- a. April 2, 2007
- b. May 7, 2007

Mr. Mark Sanders briefed the Board on the DRC Reports of April 2, 2007 and May 7, 2007.

MOTION

Mrs. Hampton-Furtick made a motion, seconded by Mrs. Thompson and unanimously carried, that the Board approve the April 2, 2007 DRC Report and the May 7, 2007 DRC Report.

Approval of IRC Report

- a. March 21, 2007

MOTION

Mrs. Gilmer moved the Board approve the March 21, 2007 IRC Report in regard to the cases as listed below. Mrs. Hampton-Furtick seconded the motion, which carried unanimously.

Dismissals

2006-25 2006-37 2006-38

Formal Complaints

2006-24 2006-28 2006-29 2006-36

Approval of Final Inspection

- a. *Lacy Cosmetology School, Goose Creek, SC*

On March 22, 2007 Mrs. Gilmer and Mr. George Barr, staff inspector, conducted a final inspection of the Lacy Cosmetology School located in Goose Creek. Mrs. Gilmer and Mr. Barr found the school to be satisfactory for opening.

MOTION

Mrs. Gilmer made a motion, seconded by Mrs. Thompson and unanimously carried, that the final inspection of the Lacy Cosmetology School in Goose Creek be approved.

- b. *Lake Marion High School and Tech Center, Santee, SC*

On September 13, 2006 Ms. Gilmer, Mr. George Barr and Mr. Mark Sanders, staff inspectors, conducted a final inspection of the Lake Marion High School and Tech Center located in Santee. Mrs. Gilmer, Mr. Barr and Mr. Sanders found the school to be satisfactory for opening.

MOTION

Mrs. Thompson moved the Board approve the final inspection of the Lake Marion High School and Tech Center. Mrs. Hampton-Furtick seconded the motion, which carried unanimously.

Approval of Reciprocity Applications

a. Olean Davis

On March 5, 2007 the Board received a reciprocity cosmetology application from Olean Davis. On March 22, 2007 staff sent a letter to Ms. Davis indicating the Board could not grant her licensure until she provided proof of tenth grade education. As Ms. Davis is unable to provide proof of tenth grade education her application could not be approved at staff. She was notified by letter dated May 3, 2007 that her application would be reviewed by the Board during the May 14, 2007 meeting. The letter requested her presence at the Board meeting to answer any questions the members may have.

Olean Davis appeared before the Board at this time. She noted she has been licensed as a cosmetologist in New York for 20 years.

MOTION

Mrs. Thompson made a motion, seconded by Mrs. Hampton-Furtick and unanimously carried, that the Board grant Mrs. Davis licensure as a cosmetologist.

Mr. Jones stated it appears that on several occasions the reciprocity candidates who cannot provide proof of tenth grade application and appear before the Board have several years of experience. He went on to say he would like to alleviate the Board of that responsibility if the Board would allow him to do so.

MOTION

Mrs. Thompson moved in the future when the Board receives reciprocity applications and the applicant cannot provide proof of a tenth grade application and the applicant has sufficient work experience that the Board authorize Mr. Jones to grant reciprocity to the applicant. Mrs. Gilmer seconded the motion, which carried unanimously.

b. Ines Martinez

On July 26, 2007 the Board received a reciprocity cosmetology application from Ines Martinez. On October 3, 2006 the Board received certification from the Florida Department of Business and Professional Regulation stating Ms. Martinez's license was current and in good standing with that state. On August 4, 2006 staff contacted Ms. Martinez by letter asking for proof of tenth grade education. As Ms. Martinez is unable to provide proof of tenth grade education, her application could not be approved at staff level. Ms. Martinez was notified by letter dated May 3, 2007 that her application would be reviewed by the Board during the May 14, 2007 meeting. The letter requested her presence at the Board meeting to answer any questions the members may have.

Ms. Martinez informed staff prior to the meeting that she would be unable to attend today's meeting.

Mrs. Thompson stated she had several questions regarding Ms. Martinez's application. She went on to say Ms. Martinez's transcript is written in Spanish, which she is unable to read. She further stated Ms. Martinez completed 1,200 hours of training in Florida, but her work experience indicates 25 years of work experience. She noted the Florida certification indicates the status of her license is "Delinquent, Active".

MOTION

Mrs. Hampton-Furtick moved the Board defer this matter until such time as Ms. Martinez appears before the Board. Mrs. Gilmer seconded the motion.

Mr. Jones stated Mrs. Dickert questioned him in regard to the Florida certification of Mrs. Martinez. He further stated this application was in process prior to the expiration of Mrs. Martinez's license in Florida. He does not feel the Board should penalize an individual if the application is in process prior to the expiration of the license. He noted staff has been corresponding with Mrs. Martinez because she had originally mailed an incomplete application.

Mrs. Hampton-Furtick withdrew her motion at this time.

MOTION

Mrs. Gilmer made a motion, seconded by Mrs. Settles and unanimously carried, that the Board approve Mrs. Martinez's reciprocity application.

Approval of Nail Technician Program

a. Heyward Career and Technology Center

On May 3, 2007 the Board received a school application from Heyward Career and Technology Center located in Columbia to begin a nail technology program.

Sheryl Rivers and Rebecca Pinckney-Thomas appeared before the Board at this time. Ms. Rivers stated the program would be for sophomores and juniors and juniors and seniors.

MOTION

Mrs. Webb moved the Board approve the nail technician program at Heyward Career and Technology Center. Mrs. Thompson seconded the motion which carried unanimously.

Approval of Trade Show

a. IECSC – Las Vegas

On April 16, 2007 the Board received electronic mail (e-mail) from Nicole Martin seeking the Board's approval of receiving continuing education credit for attending the International Esthetics, Cosmetic and Supply Conference in Las Vegas. The conference, also known as a trade show, will take place June 2-4, 2007. The e-mail included a list of classes Ms. Martin plans to attend. In a letter dated May 7, 2007 staff informed Ms. Martin her request would be reviewed by the Board during its May 14, 2007 meeting and requested her presence at the meeting should the Board members have questions.

Nicole Martin did not appear at this meeting.

Mrs. Kinley stated the General Assembly passed legislation in June 2006 that allows continuing education to be obtained out of state. She went on to say the Board has had to set criteria for the out of state continuing education courses. She noted that USC's computer program will only allow classes that carry 0.6, 1.2 or 1.5 hours.

MOTION

Mrs. Thompson made a motion, seconded by Mrs. Settles and unanimously carried, that the Board deny approval of this request.

Mrs. Kinley asked that staff send a letter to Ms. Martin explaining the criteria for the trade show.

b. Columbia Beauty Supply

On May 8, 2007 the Board received a request from Columbia Beauty Supply seeking the Board's approval for a continuing education class. The class name is Grund: Fuse with Hands-On Trend Cutting. The request was submitted by the education coordinator, Elizabeth M. Bolen. In a letter dated May 9, 2007 staff informed Ms. Bolen her request would be reviewed by the Board during its May 14, 2007 meeting and requested her presence at the meeting should the Board members have questions.

Elizabeth Bolen and Jen Calaman appeared before the Board at this time.

Mrs. Kinley stated the agenda for the program indicates five minute presentations, which would be difficult for USC to count toward continuing education credit. She further stated lunch and breaks do not count toward the six hour continuing education credit. She noted they could not submit a 4.75 hour class for verification to USC. She said USC would send the verification form back to Columbia Beauty Supply to per her instruction.

Mrs. Kinley stated in-state instructors must have a South Carolina instructor's license and that the Board must verify and approves resumes for out-of-state instructors. She went on to say that Claudia Conrad needs to include the school she obtained esthetics training and Adriane Gilliam needs to obtain an instructor's license.

Mrs. Thompson noted the practice act requires that the continuing education programs be educational based, not product based.

Mrs. Kinley stated the practice act states that continuing education classes must be provided by an association or a state wide group. She advised Mrs. Bolen to submit documentation as an association with verification of statewide membership, to include three-fifths of the counties in South Carolina and must include the three most populous counties in the state, which are Charleston, Columbia, and Greenville.

MOTION

Mrs. Thompson made a motion, seconded by Mrs. Gilmer and unanimously carried, that the Board deny this continuing education class until further documentation is received.

MOTION

Mrs. Thompson moved the Board take a ten-minute break.

Return to Public Session

The Board returned to public session at 11:35 a.m.

Approval of Reinstatement of Lapsed License

a. Alva J. Leviner

Alva Leviner has held a cosmetology license since 1963. She then received her instructor's license in the 1980s and renewed both licenses every year through 2000. The licenses expired in 2001; however, Ms. Leviner thought the licenses were in an inactive status. In a letter dated May 2, 2007 Ms. Leviner stated she was told by staff that she had to take two continuing education classes to renew the licenses. She attended a two-day continuing education class on March 7-8, 2007 and took another class on April 4, 2004, which was after the March 10th

deadline for license renewal. She was unaware of the change to the biennial renewal because she thought her license was in an inactive status. In 2003 Ms. Leviner had health problems and she assisted in the care of her brother who had lung cancer and was unable to take the continuing education classes. In the May 2, 2007 letter she is asking the Board to waive the exam and reinstate her license. In a letter dated May 7, 2007 staff informed Ms. Leviner her request would be reviewed by the Board during its May 14, 2007 meeting and requested her presence at the meeting should the Board members have questions.

Alva Leviner was unable to attend this meeting.

Mrs. Leviner has not attempted to take any continuing education classes in the last three years.

MOTION

Mrs. Settles moved the Board deny Mrs. Leviner's request to reinstate her license without taking the exam. Mrs. Thompson seconded the motion, which carried unanimously.

Approval of Waiver of Late Fee

a. Tanisha A. W. Moorer

On May 3, 2007 the Board received a letter from Tanisha Moorer asking for the Board's approval of the waiver or exemption of the \$80 late fee. She was unable to obtain her continuing education class prior to December 31, 2006 due to personal matters. In a letter dated May 7, 2007 staff informed Ms. Moorer her request would be reviewed by the Board during its May 14, 2007 meeting and requested her presence at the meeting should the Board members have questions.

Mrs. Moorer informed staff prior to the meeting that she would be unable to attend today's meeting.

MOTION

Mrs. Webb made a motion, seconded by Mrs. Hampton-Furtick and Mrs. Thompson and unanimously carried, that the Board deny the request for waiver of the late fee.

b. Kimberly King

On April 23, 2007 the Board received a letter from Kimberly King stating she was to obtain her second continuing education class in June 2006, however, her son was killed by a drunk driver while on vacation. In September 2006 she remembered she needed to take a class, however, all of the classes were full. She attended a continuing education class on April 15, 2007. In a letter dated May 7, 2007 staff informed Ms. King her request would be reviewed by the Board during its May 14, 2007 meeting and requested her presence at the meeting should the Board members have questions.

Kimberly King stated her son was killed by a drunk driver while on vacation in 2006. She said she did attempt to attend a class in September 2006 but all of the classes were full.

MOTION

Mrs. Hampton-Furtick moved the Board deny the waiver of the late fee. Mrs. Webb seconded the motion, which carried unanimously.

c. Adrienne Mauldin MacLeod

In a letter dated April 25, 2007 Adrienne Mauldin MacLeod states her brother was killed by a drunk driver while on vacation in June 2006. The letter goes on to say her baby was born one month after her brother was killed. She received her license in August 2005. She attempted to take a class in September 2006; however, all of the classes were full. She attended a continuing education class on April 15, 2007. In a letter dated May 7, 2007 staff informed Ms. Mauldin MacLeod her request would be reviewed by the Board during its May 14, 2007 meeting and requested her presence at the meeting should the Board members have questions.

MOTION

Mrs. Gilmer moved to deny the waiver of the late fee. Mrs. Settles seconded the motion, which carried unanimously.

Mrs. Kinley stated the North Carolina Board required continuing education for licensees with the exception of instructors be completed prior to the end of October 2006. She went on to say as of April 2007 seventy percent (70%) of the licensees had not completed the continuing education requirement. She noted South Carolina providers would see several North Carolina licensees trying to get their continuing education as the North Carolina licensees are allowed to obtain continuing education out of state.

Approval of Waiver of Examination for Reinstatement

a. Carrie L. Dennison

Carrie Dennison has been a licensed cosmetologist since 1960. She moved to Virginia in 2003 and placed her license in an inactive status. In 2006 she contacted staff in regard to reactivating her South Carolina license and was told she would be required to take two continuing education classes. She became ill and was unable to take the classes and has now been informed by staff that she must now take the exam to activate her license. On May 7, 2007 the Board received a letter from Carrie Dennison seeking the Board's approval of allowing her to reinstate her license without taking the exam. In a letter dated May 7, 2007 staff informed Ms. Dennison her request would be reviewed by the Board during its May 14, 2007 meeting and requested her presence at the meeting should the Board members have questions.

Carrie Dennison did not appear at this meeting.

MOTION

Mrs. Thompson moved the Board deny Ms. Dennison's request for waiver of examination for reinstatement. Mrs. Hampton-Furtick seconded the motion, which carried unanimously.

Kristy McMillan left the meeting at this time.

Approval of CEU Class

a. CA Bontana International, Inc. – Beverly M. Lindsey

On April 25, 2007 the Board received documentation for the Board's approval of a continuing education class from Beverly M. Lindsey of CA Bontana International, Inc. In a letter dated May 7, 2007 staff informed Ms. Lindsey her request would be reviewed by the Board during its May 14, 2007 meeting and requested her presence at the meeting should the Board members have questions.

Beverly Lindsey did not appear at this meeting.

Mrs. Kinley stated Mrs. Lindsey should be informed in writing of the requirements of a continuing education class to include the class must be primarily generic in nature, that there must be monitors other than herself, and that the class must be six hours. The letter should note the Board must have a South Carolina license and/or a resume for Kirsten Foster.

MOTION

Mrs. Thompson made a motion, seconded by Mrs. Webb and unanimously carried, that the Board deny the CA Bontana International, Inc. as a continuing education class until further information is received.

Board Member Reports

Deloris Gilmer

Mrs. Gilmer conducted a final inspection of the Lacy Cosmetology School in Goose Creek on March 22, 2007. She monitored a continuing education class at the Williamsburg Technical College on April 1, 2007 and attended the Region meeting in Savannah May 4-6, 2007.

Reciprocity Report

During March 2007 the Board licensed 49 cosmetologists, seven estheticians, and two nail technicians. During April 2007 the Board licensed 54 cosmetologists and eight estheticians.

Ruth Settles

Mrs. Settles attended the Region meeting in Savannah May 4-6, 2007.

Melanie Thompson

Mrs. Thompson monitored a continuing education class on January 29, 2007 at the Cura Cosmetology School. On April 15, 2007 she monitored a continuing education class at Horry-Georgetown Technical College. She monitored the practical exam on April 16, 2007 and attended the Region meeting in Savannah May 4-6, 2007.

Michelle Hampton-Furtick

Mrs. Hampton-Furtick monitored a continuing education class on April 15, 2007 in Florence and attended the Region meeting in Savannah May 4-6, 2007.

Katherine Webb

Mrs. Webb attended the Region meeting in Savannah May 4-6, 2007.

Public Comments

Pat Oberhausen stated her sympathy went out to the individual who lost her son last year. She went on to say she has been caring for her mother for the past two and one-half years and that her mother died on March 18, 2007. She appreciated the sympathy cards received from her friends.

Eric McGee of USC asked the Board if the Board would prefer one or two verification attendance forms for instructors for the two day classes. He stated there is confusion in the schools as to whether there should be one or two forms. He stated his preference would be to have one verification form for the two day class.

Mrs. Thompson stated the schools are providing the two forms because there have been situations where the participant will attend the first day but would miss the second day due to a family situation. She further stated during that twenty-four month period the individual has the opportunity to make up the second day, which is why the schools complete the verification attendance forms after each class.

Mr. McGee stated USC has maintained the individual participant evaluation forms and summaries for 2006. He asked the Board if they needed USC to maintain the summaries. Mrs. Kinley stated USC could shred the summaries.

Mrs. Pearl Clark asked the Board what the ratio is for the cosmetologists per instructor in a continuing education class. Mrs. Kinley stated there could be 100 participants per instructor.

Mrs. Clark stated she had the pleasure of attending the North Carolina convention and meeting the director of the Board. She was surprised that the braiders must attend a 300 hour course prior to becoming licensed.

A discussion ensued in regard to using social security numbers during continuing education registration.

Mrs. Kinley stated she would like to see the implementation of an advance practice (AP) esthetics license in addition to the current esthetics license.

Mrs. Kinley stated several nail technicians are performing hair removal by waxing. She went on to say NIC has developed a hair removal wax technician license based on approximately 100 to 150 hour training course. She further stated she is not so sure that it wouldn't be a good idea to develop this license for South Carolina.

Mrs. Settles introduced her relatives who are attending today's meeting. She noted they own the Settles Beauty Supply Store located in Columbia.

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.

Adjournment

The May 14, 2007 meeting of the SC Board of Cosmetology adjourned at 1:25 p.m.