

MINUTES
South Carolina Board of Cosmetology
Board Meeting
10:00 a.m., November 5, 2007
Synergy Business Park
Kingstree Building
110 Centerview Drive, Conference Room 111
Columbia, South Carolina

Rosanne Kinley, chairman, of Anderson, called the meeting to order at 10:07a.m. Other members present for the meeting included: Melanie Thompson, vice chairman, of Myrtle Beach; Michelle Hampton-Furtick, of Columbia; 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; Susan Johnston, Litigating Attorney; Eddie Jones, Administrator; Mary Ann Miller, Inspector; and Shirley Wider, Program Assistant.

Members of the public attending the meeting included: Linda Beach, Melvin Belk, Aldreannia Belton, Constance Burnett, Darlyn Calden, Tiana Champion, Pearl Clark, Vilma Cobb, Amy Davis, Cassandra Davis, Shennell Dixon, Kayla Estes, Umeko Favor, Brittany Frierson, Jacqueline Golden, Vickie Gregory, Jessica Grubb, Tiffany Henson, Nicole Higgins, Desircie Johnson, Debra LeGrand, Ken Lochridge, Bob McElhiney, Eric McGee, Shemika Mathis, Amanda Moore, Max Nguyen, Pat Oberhausen, Richard Paxton, Sheri Paxton, Na'Chanzay Pickett, Lucretia Rembert, Christine Russell, Beatrice Settles, McArthur Settles, Karen Stacks, Shawonda Thomas, Jena Trimnal, Deva Tucker, Casey Weinel, Russell Windham, and Zoraida Wright-Perry.

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.

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 all present.

Introduction of Board Members and All Other Persons Attending

The Board members, staff and all attending the meeting introduced themselves for the record.

Approval of Excused Absences

Delores Gilmer, of Charleston, was granted excused absence.

Kristy McMillan, of Summerville, was not present for the meeting. This absence is recorded as an unexcused absence.

Approval of the September 10, 2007 Meeting Minutes

Board members noted three corrections to pages four, five and eight of the September 10, 2007 meeting minutes.

MOTION

Ms. Hampton-Furtick moved the minutes of the September 10, 2007 meeting be approved as amended. Mrs. Thompson and Mrs. Webb seconded the motion, which carried unanimously.

Approval of Agenda

MOTION

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

Chairman's Remarks – Rosanne Kinley

Mrs. Kinley stated the Board met in Greenville during the September 2007 meeting. She welcomed the students to the meeting.

Administrator's Remarks, For Information – Eddie Jones

Advisory Opinions, If Needed, Office of General Counsel

There were no advisory opinions requested by the Board.

Legislative Update, If Needed, Legislative Liaison Office

Mrs. Dantzler introduced Susan Johnston, the agency's new litigating attorney. She will handle hearings that come before the Board.

Mrs. Dantzler stated the regulations have been approved and are ready to be submitted. She will be preparing a Notice of Drafting for the December 2008 State Register. She went on to say there will be a 30 day window for any individual to make comments on the draft regulations. If any comments are made the committee will hold a meeting to discuss. The proposed regulations will then be posted to the State Register for another 30 day window for comments.

MOTION

Mrs. Thompson moved the Board authorize staff to publish the proposed regulations to the Board's web page. Mrs. Hampton-Furtick and Mrs. Webb seconded the motion. The motion carried unanimously.

Number of Inspections

Mr. Barr briefed the Board on the number of inspections conducted since July 2007.

Number of Open Complaint Cases

This number was unavailable for this meeting.

Unfinished Business

There was no unfinished business to be discussed during the November 5, 2007 meeting.

New Business

1. Approval of DRC Reports – October 1, 2007 and October 29, 2007

Mr. Larry Hall answered questions from the Board members regarding the October 1, 2007 and October 29, 2007 DRC Reports.

MOTION

Mrs. Hampton-Furtick moved the Board approve the DRC Reports of October 1, 2007 and October 29, 2007. Mrs. Thompson seconded the motion, which carried unanimously.

2. Approval of IRC Report – October 29, 2007

The Board reviewed the October 29, 2007 IRC Report.

MOTION

Mrs. Thompson made a motion, seconded by Mrs. Hampton-Furtick and unanimously carried, that the Board approve the IRC Report.

3. Approval of 2008 Continuing Education Classes

Mrs. Kinley stated the Board met Saturday and Sunday to review the 2008 continuing education courses.

POLICIES

1. Topics not pre-approved by the Board cannot be discussed during continuing education classes. Should such topics be discussed remaining classes for rest of the year will be cancelled.
2. Classes cannot be cancelled due to low enrollment. Classes can only be cancelled in case of emergency.
3. There will be no early dismissal of continuing education classes.
4. Only individuals who can instruct are 1) South Carolina licensed instructors, 2) FEC in good standing, or 3) Hair Designer Guild member in good standing.
5. If an individual is from out of state the Board will consider the individual with credentials and a resume.
6. After approvals are compiled, staff will document all approved information, which will be mailed to the providers via certified mail. Changes must be submitted by date set forth by staff.
7. Classes held in a salon or spa must be limited to a maximum of 15 licensees.
8. Each year the Board will require documentation showing proof of credentialing and good standing for FEC members and Hair Designer Guild members.
9. All copies of licenses, etc. submitted in continuing education packets for approval by the Board must be legible.
10. Do not submit copies of expired licenses.
11. Licensees participating in continuing education classes must show two forms of identification, of which one **must be a government-issued** photo identification card.
12. Do not submit classes with time increments of five minutes or ten minutes.

Mrs. Kinley stated SC Progressive Association of Cosmetology, Manicurist Association Express, Gray and Associates, Profession Association of Barber and Cosmetology do not meet the guidelines as set forth by the SC Board of Cosmetology. She further stated these packages are denied.

ACSP

The following changes are needed: 1) LLR office telephone number must be removed from mail out. 2) Need to know Carol Paluska's agenda states June 2008; however, it does not list the dates and locations of the classes. 3) FEC certificates of credentialing needed for instructors. 4) In the beginning of the book change the membership from 2/3 to 3/5.

Changes must be submitted within two weeks.

MOTION

Ms. Thompson moved the ACSP 2008 continuing education package pending changes. Mrs. Webb seconded the motion, which carried unanimously.

Mrs. Thompson recommended the providers insert the provider name, class location, address contact name and phone number, and dates on one page.

Mr. Jones stated that additional phone numbers should also be added to that same page.

ACTIVE

The following changes are needed: 1) Photo identification card must be government issued. 2) Need FEC certification.

MOTION

Mrs. Thompson made a motion the Board approve the ACTIVE 2008 continuing education packet pending changes. Mrs. Hampton-Furtick seconded the motion, which carried unanimously.

ACTIVE TEACHERS

The following changes are needed: 1) Photo identification card must be government issued. 2) Work pages were not number. Ms. Kinley asked the work pages be numbers for the 2009 continuing education classes. 3) The classes do not indicate the maximum number of participants.

Mrs. Kinley reminded the providers that the ratio for cosmetology continuing education classes is one instructor per 100 participants. She stated if the maximum number of participants is 500, then five instructors are needed.

MOTION

Mrs. Thompson moved the Board approve the 2008 ACTIVE Teachers continuing classes pending these changes. Mrs. Webb seconded the motion, which carried unanimously.

Hair, Skin and Nails of America

The following changes are needed: 1) Need additional contact number. 2) Designate time by quarter hour. 3) Need copies of all instructors' licenses.

MOTION

Mrs. Thompson made a motion, seconded by Mrs. Webb, that the Board accept the Hair, Skin and Nails of America 2008 continuing education packet pending changes. The motion carried with a majority vote. Mrs. Hampton-Furtick and Mrs. Settles voted nay.

Palmetto Professionals of Cosmetology

1. Need an updated license for Ken Lochridge and Susie Jackson.
2. Change NCASC to PPC on page 71.
3. Need an additional contact number for Ken Gibson, Nancy Poole, and Ken Lochridge.
4. Briley Altman is denied as an instructor. He is not a South Carolina instructor.
5. Need resume for Donna Campbell.
6. Need copies of licenses for Joi Anley, Gina Bryant, and Brenda Cravat.
7. Toni Maiorilello is denied as he is not licensed in South Carolina.
8. FEC certificates needed.
9. Make sure copies are legible.
10. Need agenda for instructors' seminar.

MOTION

Mrs. Thompson moved the Board approve the Palmetto Professionals of Cosmetology 2008 continuing education packet pending changes. Mrs. Webb seconded the motion, which carried with a majority vote. Mrs. Hampton-Furtick voted nay.

Power Alliance

The following changes are needed: 1) Photo identification card must be government issued. 2) Need resume on Patrick Bradley. 3) Pages were not numbered in sequence.

MOTION

Mrs. Thompson made the motion, seconded by Mrs. Webb and unanimously carried, that the Board approve the Power Alliance 2008 continuing education packet pending changes.

SCACS

The following changes are needed.

1. One class plan indicates movie or video clips, which the Board must view to approve.
2. Instructor seminar totaled 16 hours. Board only requires 15 hours, but glad doing 16 hours.
3. Agenda does not include scheduled break times; however, lesson plans state four hour segment with break to follow. Agenda and lesson plans need to coincide.
4. Need additional telephone numbers for several contacts.
5. Need FEC certificates on those indicated FEC.
5. Need to know where Ken Washburn is from.
6. Angie Shuler is denied as she is not a South Carolina approved continuing education instructor.
7. Need a copy of license for Denise Jamison.
8. Need to know what Dr. Boreiaus is going to teach.
9. Need a copy of Dan Sayles license.
10. Where are Vic Piccaldo and Stephen Janssen from?

11. Denied Linda Beach, Ken Rieley, Shawn Blassburg as instructors because they are not licensed as South Carolina instructors.
12. Need info on Davey Jones.
13. Three Ken Shuler classes in December 2008 at Radisson with 1,000 people. The Radisson indicates the rooms will only hold 740 people.

MOTION

Mrs. Thompson moved the Board approve the SCACS 2008 continuing education classes pending all changes and implementing a cap of 200 participants for the class proposing the large classes. Mrs. Webb seconded the motion. Discussion ensued on the motion. The motion carried unanimously.

SC Esthetics Association

The following changes are needed.

1. Remove fluids that did not apply to universal free caution on page 40.
2. An eye lash extension course listed on page 68 states that participants would receive special certification to perform eye lash extension. The Board does not recognize certification that any licensed cosmetologist or licensed esthetician is allowed under the law to do eyelash extension. The certification is not required by the Board.
3. The Board had mentioned during the provider meeting on November 4, 2007 that salon settings were not acceptable; however, the Board has not determined the salon setting is acceptable. The maximum number of participants is capped at 15.

MOTION

Mrs. Thompson made a motion, seconded by Mrs. Webb, that the Board approve the SC Esthetics Association 2008 continuing education packet pending those changes. Discussion on the motion ensued. The motion carried unanimously.

SCSCA

MOTION

Mrs. Thompson moved the Board approve SCSCA's 2008 continuing education packet as submitted. Mrs. Webb seconded the motion, which carried unanimously.

Technical Schools Esthetics Classes

The following changes are needed:

1. Last year's packet for one of the technical schools stated an advance payment or at the door fee. It has been brought to the Board's attention that a participant paid in advance and received a receipt with notice that a \$5.00 enrollment fee was needed. The Board did not approve the \$5.00 enrollment as it was not included in the approval packet. No additional costs may be added to classes.
2. Esthetics class ratio is 1 to 50. Need additional instructors for classes that will have 200 participants.

MOTION

Mrs. Thompson made a motion, seconded by Mrs. Hampton-Furtick, that the Board approve the Technical Schools Esthetics Classes pending those changes. Mrs. Thompson amended the motion to include the chairman's view and approval of the compact disc. Mrs. Hampton-Furtick seconded the amended motion, which carried unanimously.

Technical Schools - Nail Technology Classes

The following changes are needed.

1. The teacher student ratio is 1 to 50.
2. The Board needs to know the size of each class in order to determine the amount of instructors for each class.
3. The Board needs additional telephone numbers for contacts.

MOTION

Mrs. Thompson moved the Board approve the Technical Schools nail technology classes pending those changes. Mrs. Hampton-Furtick seconded the motion, which carried unanimously.

Technical Schools – Cosmetology Classes

The following changes are needed.

1. The teacher-student ratio is 1 to 100, which requires an additional instructor for each class submitted.

MOTION

Mrs. Thompson made a motion, seconded by Mrs. Webb and unanimously carried, that the Board approve the Technical Schools cosmetology classes pending those changes.

MOTION

Mrs. Thompson moved that if the Board has determined that a provider has exceeded the approved number of participants or use an unapproved instructor for the approved 2008 continuing education classes, the Board will require that provider refund the money for each participant, yet give credit for each participant attending the class. Mrs. Webb seconded the motion, which carried with a majority vote. Mrs. Settles voted nay.

MOTION

Mrs. Thompson made a motion, seconded by Mrs. Hampton-Furtick and carried with a majority vote, that if the Board has determined that a provider has exceeded the approved number of participants or use an unapproved instructor for the remainder of the 2007 continuing education classes, the Board will require that provider refund the money for each participant, yet give credit for each participant attending the class. Mrs. Settles voted nay.

Recess

MOTION

Mrs. Thompson moved the Board take a ten-minute recess. The Board recessed at 11:27 A.M.

Return to Public Session

The Board returned to public session at 11:40 a.m.

Mrs. Kinley stated the Board is denying PPC's packet on disciplinary mandated classes at this time because the packet did not include information on where the classes are being held, the instructors, or the cost of the classes. She further stated the cost of the class is not the Board's business; however, the industry has the right to know the cost. She noted since these classes are not continuing education classes, the instructors are not required to be South Carolina licensed instructors, however, the Board needs to know the instructor's name and the company represented. She went on to say PPC submitted a six hour class; however, the requirement is two three-hour requirements. She noted the Board must have a break down of topics discussed during the hours.

Mrs. Kinley stated the Board has approved the SC Technical College disciplinary classes at this time. She noted the classes are spread out over the state and are available throughout the year. She went on to state the majority of the classes are from 6:00 p.m. to 9:00 p.m.

Mrs. Kinley stated the Board has determined that when an individual is required to attend this class, that individual must successfully complete the class within one year. She went on to say the Board must receive a form from the provider stating the individual has successfully completed the class.

4. Approval of School Applications

a. Dorchester County Career Center

On September 10, 2007 the Board received a school application from the Dorchester County Career and Technology Center in Summerville. The application reflects the school is adding nail technician classes. The school was properly notified in writing that the application would be discussed by the Board during this meeting.

MOTION

Mrs. Thompson made a motion the Board approve the school application for Dorchester County Career Center. The motion was seconded by Mrs. Webb and carried unanimously.

b. Palmetto Academy of Cosmetology

On October 10, 2007 the Board received a school application from Palmetto Academy of Cosmetology in Lexington. The application reflects the school would teach cosmetology. The school owners were properly notified in writing that the application would be discussed by the Board during this meeting.

MOTION

Mrs. Thompson moved the Board approve Palmetto Academy of Cosmetology application for licensure. Mrs. Webb seconded the motion, which carried unanimously.

5. Approval of Final Inspection Report

a. Dorchester County Career Center

On September 25, 2007 Mrs. Gilmer and Mr. Barr conducted a final inspection on Dorchester County Career Center.

MOTION

Mrs. Thompson made a motion, seconded by Mrs. Webb and unanimously carried, that the Board approve the final inspection report on the Dorchester county Career Center.

6. Approval of Method of Teaching Instructor

a. *Russell P. Windham*

On September 5, 2007 the Board received a letter from Russell P. Windham seeking the Board's approval to become a Methods of Teaching instructor. Mr. Windham was properly notified in writing that the Board would discuss his request during this meeting.

Mr. Windham appeared before the Board and answered questions from the members.

Mr. Windham submitted additional information to the Board. He stated he has only three years of teaching and is short two classes of receiving a bachelor's degree.

MOTION

Mrs. Thompson moved the Board deny Mr. Windham as a Methods of Teaching Instructor. Mrs. Settles seconded the motion, which carried unanimously.

7. Approval of Examination and Licensure Application

a. *Casey Weinel*

On September 26, 2007 the Board received an application for examination and licensure from Casey Weinel. Ms. Weinel answered 'yes' to the question regarding arrests and convictions. Since Ms. Weinel could not be approved for licensure at staff level, she was properly notified in writing that she must appear before the full Board to answer any questions the members may have.

Ms. Weinel appeared before the Board and answered questions from the members in regard to her criminal history report.

MOTION

Mrs. Thompson made a motion, seconded by Mrs. Webb and unanimously carried, that the Board approve Ms. Weinel for licensure.

b. *Shennell P. Dixon*

The Board received an application for examination and licensure from Shennell Dixon. Ms. Dixon answered 'yes' to the question regarding arrests and convictions. Since Ms. Dixon could not be approved for licensure at staff level, she was notified by telephone that she must appear before the full Board to answer any questions the members may have.

Ms. Dixon appeared before the Board and answered questions from the members. She presented documentation from the court system that the 1997 conviction has been expunged and that the 1998 and 2000 charges were noll prossed and would be expunged shortly.

MOTION

Mrs. Thompson moved the Board approve Ms. Dixon for licensure. Mrs. Hampton-Furtick seconded the motion, which carried unanimously.

Discussion Items

1. August 12, 2007 Continuing Education Class by Academy of Hair Technology

During the September 10, 2007 Board meeting Mrs. Thompson asked that a representative from the Academy of Hair Technology appear before the Board during this meeting to discuss the August 12, 2007 continuing education class. The Academy of Hair Technology was properly notified in writing that the Board requested a representative be present at this meeting.

Mr. Bob McElhiney appeared before the Board during which time the class evaluation summary was reviewed.

2. Rendering Services to Individuals in Homes – Lucretia T. Rembert

On October 30, 2007 the Board received a letter from Lucretia Rembert asking to appear before the Board to discuss rendering services to individuals in their homes. Ms. Rembert was notified by telephone that the Board would discuss her concerns during this meeting.

Ms. Rembert has been a licensed cosmetologist and a licensed massage therapist for 17 years. She has offered cosmetology services to individuals in their homes and asked why she could not perform these services in South Carolina.

Mrs. Kinley stated these could be offered in South Carolina if the individual is not ambulatory, bed-ridden, or cannot leave his/her home.

Mrs. Dantzler stated section 40-13-110(6) states that a license can be revoked if a licensee practices or attempts to practice cosmetology services in a place other than a licensed salon except in an emergency which includes illness, invalidism or death which would prevent that individual from receiving cosmetology services at the salon by appointment only. She said it does not allow a licensee to set up an unlicensed salon in a nursing home that does not meet the criteria.

Board Member Reports

Ruth Settles

Mrs. Settles did not have a report.

Mrs. Settles gave the reciprocity report as follows. In September 2007 the Board licensed 37 cosmetologists, eight estheticians, and 2 nail technicians. In October 2007 the Board licensed 44 cosmetologists, one nail technician, and 15 estheticians.

Melanie Thompson

On October 31, 2007 Mrs. Thompson attended and monitored a two-day instructor's class sponsored by Hair, Nails and Skin of America. During the second day an issue was brought to her attention regarding a letter sent to licensees reinstating for the first time. During the discussion Mr. Jones stated he would send the letter to the members for review.

Michelle Hampton-Furtick

Mrs. Hampton-Furtick did not have a report.

Katherine Webb

Mrs. Webb attended and monitored a class at Greenville Technical College on October 14, 2007. On October 29, 2007 she attended an advisory committee meeting at Greenville Technical College.

Public Comments

Mr. McElhiney stated since USC verifies a licensee's continuing education why is the Board conducting an audit. Mrs. Kinley stated the industry would be surprised how many individuals checked the box indicating continuing education was received.

Mr. McElhiney stated the LaserGrade exam in Greenville was originally given in two sites that did not provide education. He further stated he has learned that now Greenville Tech is an approved site for testing believes other schools should be given that opportunity. Mrs. Kinley stated Mr. McElhiney should contact LaserGrade in Vancouver, Washington in regard to becoming an approved testing site. She noted there is a lot of security involved in moving through the process. Mr. Lochridge stated the Board has been treating the technical and private schools on the same level in the past.

Mrs. Thompson stated she would like to see the LaserGrade sites on the Board's web page. Mrs. Kinley stated she would have the information sent to staff to be placed on the web page.

Mr. Lochridge stated the Board has been meeting as some of the technical schools and it seems to be a thrust the Board is treating the technical schools different from private schools. Mrs. Kinley stated that is not the case. Mr. Lochridge asked if the Board would consider meeting at his school. Mrs. Kinley asked the private schools had accommodations for the Board meeting. She went on to say the Board has been meeting at Greenville Technical College because that school provide the room free of charge. Mr. Lochridge stated his school as well as Mr. McElhiney's school does have room and that he would not charge the Board for the use of the room.

Mrs. Pat Oberhausen thanked the Board and staff for reviewing the continuing education classes.

Kelly Estes thanked the Board for allowing the students to attend the meeting.

Executive Session

The Board did not enter executive session.

Adjournment

There being no further business to be discussed by the Board at this time Mrs. Settles moved the meeting be adjourned. Mrs. Hampton-Furtick seconded the motion, which carried unanimously.

The November 5, 2007 meeting of the SC Board of Cosmetology adjourned at 12:50 p.m.

ADVISORY COMMITTEE MEETING

NOTE: The Advisory Committee did not meet as no advisory members were present.