

MINUTES
South Carolina Board of Cosmetology
Board Meeting
10:00 a.m., March 10, 2008
Synergy Business Park
Kingstree Building
110 Centerview Drive, Conference Room 108
Columbia, South Carolina

Meeting Called to Order

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 for the meeting included: Melanie Thompson, vice chairman, of Myrtle Beach; Michelle Hampton-Furtick, of Columbia; and Katherine Webb, of Easley.

Staff members participating in the meeting included: George Barr, Inspector; Ronnie Blackmon, Inspector; Sharon Dantzler, Deputy General Counsel, Office of General Counsel; Larry Hall, Inspector; Eddie Jones, Administrator; Lisa Hawsey, Program Assistant; and Shirley Wider, Program Assistant.

Members of the public attending the meeting included: Frances Archer, Michael D. Adams, Diana Anderson, Tabitha Anderson, Brittany Bennett, Shaunsa Booker, Rachel Brown, Travis Causey, Maraline Clark, Nikki Conner, Brittany Cooke, Holly Culp, Ashley Davis, Jessica Drew, Alexxa Forte, Mary Foy, Katie Garner, Jacqueline Golden, Shana Greene, Catherine Hagen, Gina Hewitt, Kaleigh Hill, Shay Jones Howden, Sabrina W. Huggins, Rosa Jackson, Tabitha Johnson, Autumn Jones, Jimmi Lynn Jenerette, Jay Lacy, Bob McElhiney, Deanna Maker, Gayle H., Connie James, Eric McGee, Chesley Phillips, Cara Piver, Journey Queen, Jenn Ritacco, Quatia Robinson, Denise Shaw, Angie Shuler, Kenneth Shuler, Courtney Smith, Gloria Smith, Amanda Soles, Catherine Stabler, Karen Stacks, Vicki Stonczek, Sherrie Todd, Heather Williamson, and Gloria Wilson.

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.

Introduction of Board Members and All Other Persons Attending

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

Approval of Excused Absences

Delores Gilmer, of Charleston, and Ruth Settles, of Greenville were granted excused absences due to illness.

Approval of the January 14, 2008 Meeting Minutes

MOTIOIN

Mrs. Thompson made a motion, seconded by Mrs. Hampton-Furtick that the minutes of the January 14, 2008 meeting be accepted as written. The motion carried unanimously.

Approval of Agenda

MOTION

Mrs. Thompson made a motion to approve the agenda with any deviations deemed necessary. Mrs. Hampton-Furtick seconded the motion, which carried unanimously.

Chairman's Remarks – Rosanne Kinley

Mrs. Kinley stated she attended subcommittee meeting for House Bill 3308, which was a bill submitted by Representative Haley to remove shampooing from the scope of practice of cosmetologists. She further stated she had polled the Board and the majority of the members wanted to oppose the bill, unfortunately they were unsuccessful. The bill has passed the subcommittee, the full committee and the House and will now be introduced in the Senate. She encourages anyone who wants to discuss the bill before the Senate committee to safety. She also attempted to attend a subcommittee hearing, which would allow cosmetologists, nail technicians and estheticians to work in a barber shop. She noted the only change they felt was necessary was for that to be reciprocated, which would allow barbers to work in a salon. She noted the meeting was delayed and she did not attend. She went on to say there is another bill on the website that would put electrology under this Board. She does not know when that bill will be discussed in subcommittee. She attended a continuing education class in Anderson sponsored by Nail, Skin, and Hair of America on February 25, 2008. There were 22 participants in that class and that she felt everyone there enjoyed the class.

Mrs. Kinley asked Mr. Eric McGee, of USC, to research the percentage of individuals attending continuing classes who actually work in the industry. He stated he has kept those records for the past two and one-half years. He stated 78% are actively employed as opposed to 22% who are attending classes to keep their license active. Mr. McGee stated if the form is not marked, USC marks "no" on the form.

Administrator's Remarks, For Information – Eddie Jones

Mr. Jones stated Governor Sanford issued an Executive Order to establish a spending transparency in state government to create a greater opportunity for tax payers to increase competition among state contactors on August 30, 2007. As a result of that, the Governor also directed the Comptroller General's office to develop a searchable website for the public to learn how the state funds are expended by state agencies and the website provides every agency's travels by individuals. He further stated It includes the hotels, airlines, meal expenses, office supply purchases greater than \$100.00 and contractual expenses costing \$100.00 or more. He set a deadline of March 1 for the website to be online and the agency has been notified the website has been launched. He understands that monies collected by the boards are not reported as tax dollars, since the monies collected are for license applications and renewal fees.

Advisory Opinions, If Needed, Office of General Counsel

There were no advisory opinions given during this meeting.

Legislative Update, If Needed, Legislative Liaison Office

Mr. Jones stated legislative update was already given by Mrs. Kinley.

Number of Inspections

Mr. Barr briefed the Board on the number of inspections conducted since July 2007. Five hundred eighty-four inspections were conducted in January 2008 and 556 inspections were conducted in February 2008, which brings the total inspections conducted since July 1, 2007 to 4,059. One final school inspection was conducted in January 2008 and one final school inspection was conducted in February 2008, bringing that total to two.

Number of Open Complaint Cases

Mr. Barr stated there are currently 22 open cases for the Board of Cosmetology.

Unfinished Business

There was no unfinished business for discussion during this meeting.

New Business

1. Approval of DRC Reports – February 4, 2008 and March 3, 2008

Mr. Barr and Mr. Hall briefed the Board on the February 4, 2008 DRC Report and the March 3, 2008 DRC Report.

MOTION

Mrs. Thompson made a motion to approve the February 4, 2008 and the March 3, 2008 DRC reports. Mrs. Webb seconded the motion. Mrs. Thompson amended the motion to reinstate the original fine for case #62-4574 (from the February 2008 DRC Report) since the appointed DRC officer was not present for the meeting. The motion carried with a majority vote. Mrs. Hampton-Furtick voted nay.

Discussion then began on the discrepancy of people assigned to the classes when they are in violation. Mr. Hall stated they try to get those especially in violation of sanitation issues to attend the classes. Mrs. Kinley recommended that they should put that on the violation. Mr. Blackmon stated most of the sanitation violations are told to take the sanitation classes. Those individuals in violation of unlicensed practice are not required to take the sanitation classes. Mrs. Thompson stated those persons should take the rules and regulations class. Mrs. Kinley stated she would like the classes to be utilized as much as possible.

Approval of Consent Agreement

a. *Case #2007-023*

Mrs. Thompson stated this is the case where they adopted the classes and that they are given six months to complete the class. People with much less of a violation are given thirty days to take the class. She believes this item should be reversed and that the respondent should be required to take the class in thirty days, not six months.

MOTION

Mrs. Thompson made a motion, seconded by Mrs. Webb and unanimously carried, that the Board approve the consent order, with the exception that the respondent complete the class in thirty days instead of six months.

2. Approval of Final Inspections
a. Miller Motte Technical School

On February 12, 2008 Mr. Barr and Mrs. Gilmer conducted and approved a final inspection on Miller Motte Technical School.

MOTION

Mrs. Webb made a motion to approve the final inspection report. Mrs. Thompson seconded the motion, which carried unanimously.

b. Lee Central High School

On February 14, 2008 Mrs. Hampton-Furtick and Mr. Barr conducted and approved a final inspection of Lee Central High School.

Mrs. Webb stated the second page to the application was not included with the Board packets during the January 2008 meeting.

MOTION

Mrs. Webb moved the Board approve the final inspection on Lee Central High School. Mrs. seconded the motion, which carried unanimously.

3. Report on Substitute Teachers in Schools – Eddie Jones and George Barr

Mr. Jones stated he and Mr. Barr had discussed the issue of substitute teachers in cosmetology schools and recommended the following resolution for the 30 day substitute teach approval.

1. That the process would involve 30 business days.
2. That the information would be emailed to the Administrator or designee
3. That the Administrator would be responsible for the approval.
4. The information would be available for the Board upon request, if needed.

The Board engaged in a discussion on what constitutes business days. They all agreed business days should be based on the school's business days (days of operation).

MOTION

Mrs. Thompson made a motion to adopt the above as a policy with the 30 business days to indicate the school's business days. Mrs. Webb seconded the motion, which carried unanimously.

4. Discussion on Academy of Cosmetology and the Closing of Columbia Beauty School
a. Rosa Lee Jackson

On February 26, 2008 the Board received a letter from Rosa Lee Jackson who asked that she be placed on the agenda to discuss the new school application for the Academy of Cosmetology

– Columbia Branch. Mrs. Jackson was notified in writing by letter dated March 3, 2008 that the Board would discuss her concerns during this meeting.

Mrs. Jackson presented documentation to the Board members for their review.

Ms. Jackson stated she is the former owner of Columbia Beauty School. Her concern is in regard to the closing of Columbia Beauty School and the possible opening of another school under the same people who purchased the school from her. She stated that there are major problems with the two men who operated the school. She then turned to Gloria Smith to complete her report.

Ms. Smith stated the two men are owners of the Academy of Cosmetology in Charleston who wish to open another school in Columbia. She stated the men have tax liens against them. The students were not informed when the men were evicted from the school and most of the students forfeited their hours from the school. The students were under the impression they had received financial aid; however, Columbia Beauty School has not had the ability to offer financial aid since 2006. Ms. Smith stated the men were evicted from the building as a result of owing money to Mrs. Jackson and now wish to open a school in Columbia. She went on to say there are four tax liens against the men in the state.

Mr. Shuler stated some of these students have enrolled at his school.

Mr. Jones stated the new school application was denied at staff level.

5. Approval of New School Application

a. *Academy of Cosmetology (Columbia Branch)*

On January 31, 2008 the Board received a new school application for the Academy of Cosmetology – Columbia Branch. The application notes that Sewell Gelberd is the school owner. Staff notified Mr. Gelberd in writing by letter dated February 21, 2008 that the Board would be reviewing the application during this meeting and asked that he appear to answer any questions the Board members may have in regard to the application.

MOTION

Mrs. Thompson made a motion to deny the application for Academy of Cosmetology until the two gentlemen appear before the Board and address the issues listed by Mrs. Jackson and Mrs. Smith. Mrs. Webb seconded the motion, which carried unanimously.

6. Approval of Reciprocity Cosmetologist Application

a. *Lucy D'Amore*

On February 5, 2008 the Board received a letter from Lucy D'Amore. The letter states she is currently licensed as a cosmetologist in New Jersey and is in the process of relocating to South Carolina. She was educated in Cuba and is unable to provide a copy of her high school diploma and proof of her tenth grade education due to the political climate in Cuba. She is asking the Board to grant exception to these documents in her case.

MOTION

Mrs. Thompson made a motion to accept Ms. D'Amore's application for licensure. Mrs. Webb seconded the motion, which carried unanimously.

7. Approval of Continuing Education Class

a. *The Center for Colon Cancer Research at USC*

In a letter to the Board dated December 1, 2007 Anjelica Davis of the USC Center for Colon Cancer Research is seeking the Board's approval of a cosmetology continuing education class. In November 2007 the Center for Colon Cancer Research at USC in conjunction with community partners has received funding for a statewide cosmetology training program by the American Cancer Society. Their aim is to provide a program to educate and promote awareness about colorectal cancer by mobilizing salons statewide. They plan to train salon owners and cosmetologists to become CRC ambassadors and health advocates by hosting five regional training opportunities in each region of the state.

Ms. Davis e-mailed Mr. Jones on March 7, 2008 and informed him she would like to reschedule her appearance for the next meeting. Mrs. Thompson stated she would like to deny the application since she is not an association. She noted the class could be taught under an approved provider.

MOTION

Mrs. Thompson made a motion the Board deny the class due to the fact that the Center for Colon Cancer Research at USC is not an association and that the Board advise Ms. Davis how she can get her message spread throughout the industry. Mrs. Webb seconded the motion, which carried unanimously.

8. Approval of Additional Continuing Education Classes

a. *Buck Management of South Carolina, Inc.*

On January 24, 2008 the Board received a letter from Buck Management of South Carolina, Betty Stevens Cosmetology Institute seeking the Board's approval of an additional (December 7, 2008) continuing education class.

MOTION

Mrs. Webb made a motion to approve the additional continuing education class. Mrs. Thompson seconded the motion, which carried unanimously.

b. *Nails, Skin & Hair of America, LLC*

On February 29, 2008 the Board received a letter from Chesley Phillips of Nails, Skin & Hair of America, LLC seeking the Board's approval of additional continuing education classes to the 2008 schedule.

Chesley Phillips appeared before the Board at this time. Ms. Phillips was informed that the school owners had not been reprimanded by the Board when that was not true. She stated her attorney told her to cut ties with the owners of the school immediately. She is asking the Board to allow her to remove all of the classes scheduled to be held at the Academy of Cosmetology – Columbia Branch and reschedule those classes to be held at other locations. She further stated this request would include the additional classes she is requesting to be added to the schedule.

MOTION

Mrs. Hampton-Furtick made a motion to approve the Charleston, Columbia (Radisson Hotel), Myrtle Beach and Anderson classes for Nails, Skin and Hair of America. Mrs. Webb seconded the motion, which carried unanimously.

9. Approval of Additional Continuing Education Classes and Additional Monitor and Alternate Instructor

a. *Carolina College of Hair Design*

On February 25, 2008 the Board received a letter from Ken Lochridge, President of Carolina College of Hair Design. Mr. Lochridge is seeking the Board's approval to add additional dates (October 26, 2008 and October 27, 2008) for continuing education classes to be held in Anderson. He is also seeking the Board's approval of Cassey Rainey as a monitor and alternate instructor.

Mr. Lochridge notified Mrs. Kinley that he would be unable to attend this meeting.

MOTION

Mrs. Webb made a motion to approve this request. Mrs. Thompson seconded the motion, which carried unanimously.

10. Approval of Additional Continuing Education Classes and Continuing Education Instructor

a. *SC Professional Barber and Cosmetology Association, Inc.*

On March 3, 2008 the Board received a request from Jacqueline Golden of the SC Professional Barber and Cosmetology Association, Inc. to hold additional continuing education classes.

Jacqueline Golden appeared before the Board at this time. She would like to add May 25, 2008 and August 3, 2008 to be held in Piedmont.

MOTION

Mrs. Webb made a motion to approve the additional continuing education classes pending the Chairman's viewing and approval of the sanitation video from Milady. Mrs. Hampton-Furtick seconded the motion, which carried unanimously.

11. Approval of Exemption from Required Hours from the 2008 Vocational Testing Policies and Procedures (Nail Technician and Esthetics)

a. *Anderson Career and Technology Center*

The Board of Cosmetology has received a letter from Casey Todd, Nail Technology/Esthetics Instructor at Anderson I and II Career and Technology Center, asking that the school be exempt from the 2008 vocational testing policies and procedures with regard to the required hours needed before testing as a nail technician or esthetician. The letter states that their students would be approximately 50 hours short on the required 250 hours for nail technology and 400 hours for esthetics on the given test date of April 28, 2008.

MOTION

Mrs. Thompson made a motion the Board approve the Anderson Career and Technology Center request. Mrs. Webb seconded the motion, which carried unanimously.

12. Request for Waiver for Continuing Education Instructor to Student Ratio in Esthetics and Nail Technician

a. *SC Technical College System*

On February 11, 2008 the Board received a letter from Cathy Hagen of Midlands Technical College, SC Technical College Coalition, asking that the ration of one instructor for every fifty participants attending nail technician and esthetics continuing education classes be changes to one instructor for every 100 participants. Ms. Hagen was notified in writing that the Board would discuss this matter during this meeting and invited her to attend the meeting to answer questions from the Board members.

Cathy Hagen appeared before the Board at this time and gave the following testimony.

Ms. Hagen is the program manager with Midlands Technical College and is also one of the developers of the application for the South Carolina technical colleges that offer continuing education. The colleges are concerned that the cosmetologist continuing education classes have a ratio of 1:100 but that the esthetician and nail technician classes have a 1:50 ratio and feel that a qualified instructor can handle more than 50 students without adding an additional instructor. The colleges have no problems with hiring an assistant; however, an additional instructor would greatly increase the cost of the continuing education class, which in the long run would be passed on to the participants.

Mrs. Kinley stated the ratios were set due to past experiences.

MOTION

Mrs. Hampton-Furtick made a motion to deny Ms. Hagen's request. Mrs. Thompson seconded the motion, which carried unanimously.

13. Approval of Approved Ability to Benefit (ATB) Tests

The US Department of Education has a list of nine approved "Ability to Benefit" (ATB) Tests and Passing Scores.

Mr. Jones stated in the past individuals who could not show proof of tenth grade education by way of a high school diploma or a GED certificate the federal government guidelines allowed those individuals to take an Ability to Benefit (ATB) test. The Board could accept the test provided the individual tested at tenth grade or better. He went on to say the schools are now presenting PCS with an ATB test which does not show a grade point. He is asking the Board to determine which of the tests it would want applicants to take.

MOTION

Mrs. Thompson made a motion to take this up in executive session. Mrs. Webb seconded the motion, which carried unanimously.

14. Approval of Applications for Licensure and Examination
a. Shaunsa Booker

On November 13, 2007 the Board received a cosmetology application for examination and licensure from PCS on behalf of Shaunsa Booker. Ms. Booker's application reflected a 'yes' answer to the question asking if she had ever been arrested or convicted of a crime other than a minor traffic ticket. Ms. Booker submitted a criminal history report from SLED showing an arrest and conviction of contributing to the delinquency of a minor, which occurred in conjunction with a shoplifting charge. Since Ms. Booker's application contained a 'yes' answer and could not be processed by staff she was notified by letter dated February 21, 2008 that the Board would be

reviewing her application during this meeting and asked that she attend the meeting to answer any questions the Board may have in regard to her application.

Shaunsa Booker appeared before the Board at this time and offered the following testimony. Ms. Booker was involved in an automobile and ambulance accident in May 1997, which left her and her daughter with head trauma injuries, which led to her criminal behavior. She is under psychiatric care and taking medication to regulate her behavior. She mailed in a statement from her physician, however, staff has not yet received the document. The Board requested Ms. Booker fax the physician's statement to the office.

Ms. Booker stated she was arrested the first time for allowing her son to take a book bag, which she was informed she told him to take. She stated she did not tell him to take it. The second arrest was for a video left in the buggy when she left the store. Each arrest was minimal things and was an oversight on her part. The 2007 offense, an arrest for music, was dismissed. She noted she does listen to that type of music. She stated she is taking two types of medication. She has passed both portions of the examination.

MOTION

Mrs. Webb made a motion to approve Ms. Booker's application for licensure. Mrs. Thompson seconded the motion. Mrs. Webb amended her motion to approve Ms. Booker's application for licensure with the stipulation that Ms. Booker submit a SLED report at her own expense for the next two years. Mrs. Thompson seconded the amended motion, which carried unanimously.

b. Mary Foy

On December 20, 2007 the Board received a nail technician application for examination and licensure from PCS on behalf of Mary Foy. Ms. Foy's application could not be processed by PCS or at staff level as her criminal history reflects an arrest in September 2004 and conviction in October 2004 of submitting a false application for Medicaid Assistance staff. Staff informed Ms. Foy in a letter dated February 21, 2008 that the Board would be reviewing her application during this meeting and asked that she attend the meeting to answer any questions the Board may have in regard to her application.

Mary Foy appeared before the Board at this time and offered the following testimony. Ms. Foy reported a lower income so she could receive Medicaid for her son who requires a lot of medical attention. She is living with her mother, who is disabled and on a fixed income. She was unaware she did not have enough money in the bank when she wrote a check, which caused the fraudulent check charge. She immediately paid the check with all fees once she was notified and noted it was a mistake on her part. She has passed both the written and practical portions of the exam.

MOTION

Mrs. Thompson made a motion to approve Ms. Foy's application for licensure. Mrs. Webb seconded the motion, which carried unanimously.

15. Approval of Renewal Application (SLED Report)

a. Michael Duane Adams

Mr. Adams is appearing before the Board due to a criminal history report showing arrests and convictions of domestic violence of a high and aggravated nature since his last renewal. Mr. Adams had submitted a renewal notice which was returned to him with an explanation that a

SLED Report must accompany the renewal notice since he had answered 'yes' to the question asking if he had been arrested or had convictions since his prior renewal Mr. Adams submitted his SLED Report but did not return the renewal notice and fees with the document.

Michael Duane Adams appeared before the Board at this time and offered the following testimony.

Mr. Adams stated he has been licensed since March 1980. He stated he was arrested in May 2006 for a second offense of criminal domestic violence; however, he was not convicted of that offense. He was with a woman who called the police at the time of the arrest and the police took him as well as the woman to the police station. He is not a vicious person and has never had any problems running his business. He had a successful salon for twelve years in Florence, South Carolina, which he sold in September. He pled guilty to the 2005 offense so the firearm charge would be dropped. He stated he did not pull the gun on the woman, although she pulled the gun on him. He stated the woman threw the gun on the floor when the police arrived. The gun belonged to his mother, who is on medication and was threatening to commit suicide. He had taken the gun from his mother and had it in his nightstand. He is no longer with the woman involved in these matters.

MOTION

Mrs. Thompson made a motion to approve his renewal application for licensure. Mrs. Webb seconded the motion, which carried unanimously.

16. Appeal of DRC Decision a. *Connie James*

Mr. Jones stated Ms. James requested to appear before the Board today to appeal a decision made by the DRC and approved by the Board. In researching Ms. James' request staff discovered the violation resulted from an inspection that took place on November 16, 2005. Ms. James appeared before the DRC on January 3, 2006 and the Board approved the report during its January 9, 2006 meeting. Ms. James had 30 days to appeal the decision, which has now passed.

Connie James appeared before the Board at this time. Since the time to appeal the case has passed, the Board did not hear her case.

MOTION

Mrs. Thompson made a motion the Board deny Ms. James' appeal. Mrs. Webb seconded the motion, which carried unanimously.

Discussion Item

1. Discussion on Angie Shuler and Sean Glassberg as Continuing Education Instructors During the October 2008 Charleston Cosmetology Institute Teachers Seminar

On March 3, 2008 the Board received a letter from Jerry Poer of the Charleston Cosmetology Institute asking that he be allowed to appear to discuss the Board's decision regarding Angie Shuler and Sean Glassberg. Mr. Poer stated in his letter that he would not be able to attend the meeting due to prior commitments; however, Gloria Smith would be attending the meeting in his place.

Angie Shuler appeared before the Board at this time. She stated she believes Mr. Poer is referring to SCACS. She stated she has taught instructor continuing education classes for SCACS five times in three locations in 2005 and 2006 with Board approval. She stated the reviews were extraordinarily high based on USC reports. She stated she taught one day of each one of those classes and another instructor taught the second day. She stated she has been selected as the instructor for the Chicago Midwest Hair Show, which has been changed to America's Beauty Show. She also taught during that show in 2005 and 2007. She has been presenting at the CEA Convention for six years and she is currently the co-chair for the CEA committee. She stated she has taught at the Orlando Premier Hair Show in 2004 and she has taught continuing education at the Missouri State Cosmetology Continuing Education at the Ohio State Cosmetology Associations in 2007. She is going to Missouri in April. She is the author of ten to twelve articles which have been published in the Update Magazine. She stated she has a master's degree and has taught in public schools for many years. She has continued to teach on many levels since retiring from the public school.

Mrs. Thompson stated Mr. Poer's cover letter stated that Sean Glassberg and Mrs. Shuler were to be guest speakers, not instructors for the class. She also stated Mr. Poer's letter indicated instructors are required to attend a methods class once a year. Mrs. Shuler stated she is not privy to the letter sent to the Board by Mr. Poer. Mrs. Shuler stated what she thinks he means by the methods portion that of the two days that one of them should be a methods of instruction course. Mrs. Shuler stated she would just teach one of the two days. Mrs. Shuler stated she would inform Mr. Poer to contact the Board for clarification I this matter.

2. Continuing Education Audit

Mr. Jones stated as a result of the law passed by Governor Sanford in June 2006 pertaining to the exemption of cosmetologists, estheticians and nail technicians that have been licensed for fifteen (15) consecutive years who have never been disciplined by the Board and age 60 or those have been licensed thirty (30) consecutive years and have never been disciplined by the Board and aged 50, staff was asked to conduct an audit of those persons who renewed online or by renewal notice. Staff mailed 891 or more letters were mailed in regard to the audit.

Mr. Jones stated staff has received responses from 612 of the 891 individuals. Based on the audit those individuals audited for continuing education purposes were asked to provide proof of attendance of having taken the continuing education classes, 401 letters were mailed of which staff received 284 responses. Of the responses received staff found problems with 32 of the responses and found 252 responses with no problems. Mr. Jones stated staff is concerned only with the problem responses. He stated the problem is that either the individual took the class after they stated they took the class or that the individuals took only one class and that staff renewed the licenses. Of the exemption audit for ages 50 & 60, 179 letters were mailed to those aged 50 and 311 letters were mailed to those aged 60. He stated the total of all exemption audits was 490, of which 329 were returned. Staff found with problems with 56 responses and found 273 responses with no problems.

Mr. Jones is asking the Board what action to take against those who were found in violation. Mrs. Kinley asked how many individuals did not respond to the audit. Mr. Jones stated 273 individuals did not respond to the audit. He further stated he would not say all of individuals who were audited are in violation and that approximately two percent of the persons chosen at random should not have received audit letters.

Mrs. Dantzler stated there are a variety of legal options regarding this matter and suggested the Board may wish to discuss this matter in executive session.

Mrs. Kinley stated the Board would defer this matter to executive session.

Board Member Reports

Michelle Hampton-Furtick

Michelle Hampton-Furtick monitored a continuing education class sponsored by Manicure Express last month. She noted the class was very small. She conducted a final inspection on Lee Central High School with Mr. George Barr and found it very professional. There were portable spa baths, which could be taken out to clean. She attempted to monitor a class at Manicure Express on March 9, 2008; however, no one was present for the class.

Melanie Thompson

Mrs. Thompson had no report.

Kathy Webb

Mrs. Webb gave the following reciprocity report:

In the month of January 2008, the Board licensed 32 cosmetologists and 5 estheticians. In February 2008, the Board licensed 39 cosmetologists and 10 estheticians.

Public Comments

There were no public comments made during this meeting.

Executive Session

MOTION

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

Return to Public Session

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

MOTION

Mrs. Thompson made a motion, seconded by Mrs. Hampton-Furtick and unanimously carried, that any Ability to Benefit (ATB) test submitted to our office should indicate the completion of the tenth grade or greater or the application will be denied.

Election of Officers

MOTION

Mrs. Webb moved the current slate of officers remain in place. Mrs. Thompson seconded the motion. Mrs. Hampton-Furtick asked if the election of officers should be postponed to the next meeting and made a motion to delay the election. However, since there was already a motion on the floor, no vote could be taken on Mrs. Hampton-Furtick's motion. Mrs. Webb's motion carried.

Adjournment

MOTION

There being no further business to be brought before the Board at this time, Mrs. Thompson made a motion the meeting be adjourned. Mrs. Webb seconded the motion, which carried unanimously.

The March 10, 2008 meeting of the SC Board of Cosmetology adjourned at 1:40 p.m.

The Advisory Committee was scheduled to meet immediately following the Board meeting; however, the meeting was not held as no committee members were present.