

MINUTES
South Carolina Board of Cosmetology
Board Meeting
10:00 a.m., November 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 Board of Cosmetology to order at 10:16 a.m. Other Board members present for the meeting included: Melanie Thompson, vice chairman, of Myrtle Beach; Michelle Hampton-Furtick, of Columbia; Delores Gilmer, of Charleston; Ruth Settles, of Greenville; and Katherine Webb, of Easley.

Staff members participating in the meeting included: DeLeon Andrews, Investigator; Ronnie Blackmon, Inspector; Sharon Dantzler, Deputy General Counsel; Sandra Dickert, Administrative Assistant; Larry Hall, Inspector; Eddie Jones, Administrator; Raymond Lee, Inspector; and Shirley Wider, Program Assistant.

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 attending the meeting introduced themselves.

Approval of Excused Absences

All members were present.

Approval of the September 8, 2008 Meeting Minutes

Mrs. Settles noted one correction to the minutes on page six. She stated Ruth Ott appeared before the board instead of the ~~school~~.

Mrs. Hampton-Hampton-Furtick asked if the proposed regulations appearing in the October 2008 State Register were correct. Mrs. Dantzler replied affirmatively.

Mrs. Webb recused herself from voting in this matter.

MOTION

Mrs. Hampton-Hampton-Furtick made a motion to approve the meeting minutes as amended. Mrs. Settles seconded the motion, which carried unanimously.

Approval of Agenda

MOTION

Mrs. Thompson made a motion the agenda be approved with any deviations deemed necessary. Mrs. Webb seconded the motion. Mrs. Hampton-Hampton-Furtick asked that moment of silence be held at the next meeting. The motion carried unanimously.

Chairman's Remarks – Rosanne Kinley

Mrs. Kinley stated the Board reviewed 2009 continuing education packages this past Saturday and Sunday. She further stated not all continuing education packages were approved as not all packages met the criteria. She noted during a meeting with the providers on Sunday the Board distributed continuing education policies to the providers and required the providers to sign for the policies.

Mrs. Kinley conducted a final inspection on Virginia College; however, the final inspection has not yet been approved.

Mrs. Kinley stated several Board members recently attended the annual NIC conference in Jackson Hole, Wyoming. She noted Mr. Jones was elected Board Administrator for the NIC Executive Council. She went on to say next year's conference would be held September 25th – 28th at the Hilton Hotel in Myrtle Beach, SC.

Mrs. Kinley stated the proposed regulations should be posted to the Board's web page this week. She noted anyone wishing to make remarks regarding the proposed regulations should address them to Mr. Jones or herself.

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 the legislative update in her report. The proposed regulations may be published in the December 2008 State Register.

Number of Inspections

Mr. Blackmon briefed the Board on the number of inspections conducted since the September 2008 meeting.

Number of Open Complaint Cases

It was noted there are currently 41 open complaint cases.

Unfinished Business

Mrs. Thompson stated it has been brought to her attention wording in the contracts for some of the new schools may not be correct.

MOTION

Mrs. Thompson made a motion the Board direct staff to investigate the wording in the contracts for Paul Mitchell – The School Columbia, Miller Motte Technical College, and Columbia Academy of Cosmetology to clean up the verbiage to meet what the statute states the contracts must contain and report to the Board prior to giving final approval of the contracts. Mrs. Webb seconded the motion, which carried unanimously.

New Business

1. Approval of the October 6, 2008 and the November 3, 2008 DRC Reports

Mr. Blackmon briefed the Board on the October 6, 2008 DRC report and the November 3, 2008 DRC report.

MOTION

Mrs. Hampton-Furtick made a motion the Board approve the October 6, 2008 and the November 3, 2008 DRC reports. Mrs. Thompson seconded the motion, which carried unanimously.

2. Approval of the August 20, 2008 IRC Report and the September 24, 2008 IRC Report

MOTION

Mrs. Thompson made a motion, seconded by Mrs. Webb and unanimously carried, the Board approve the August 20, 2008 IRC report and the September 24, 2008 IRC report.

3. Approval of Consent Agreement – Case #2008-29

Mr. DeLeon Andrews and Mrs. Dantzler discussed the consent agreement regarding case #2008-29 with the Board.

MOTION

Mrs. Thompson made a motion the Board defer this matter to a later time in the meeting. Mrs. Webb seconded the motion, which carried unanimously.

4. Approval of the 2009 Continuing Education Classes *ACSP*

Mrs. Kinley stated the association needs to list the classes on one page and the Board could not approve the DVD as it would not open on any of the computers. She noted the corrections are to be submitted to staff no later than November 14, 2008.

MOTION

Mrs. Thompson made a motion, seconded by Mrs. Gilmer, the Board approve ACSP's continuing education package pending receipt of the corrections.

ACTIVE

Mrs. Kinley listed the association needed an FEC certificate for Alma Owens, which has been received.

MOTION

Mrs. Hampton-Furtick made a motion the Board approve ACTIVE's continuing education package. Mrs. Webb seconded the motion, which carried unanimously.

ACTIVE Teachers' Seminar

All corrections have been made on this 2009 continuing education package.

MOTION

Mrs. Thompson made a motion the Board approve the ACTIVE Teachers' Seminar. Mrs. Gilmer seconded the motion, which carried unanimously.

AVALON Salon

Mrs. Kinley stated this package was denied it did not meet the qualifications set forth by the Board to be a recognized group or statewide association to teach continuing education within this state.

MOTION

Mrs. Thompson made a motion the Board deny this 2009 continuing education package. Mrs. Hampton-Furtick seconded the motion, which carried unanimously.

Bronner Brothers

Mrs. Kinley stated this package was denied as it did not meet the qualifications set forth by the Board to be a recognized group or statewide association to teach continuing education within this state.

MOTION

Mrs. Gilmer made a motion the Board deny this continuing education package. Mrs. Hampton-Furtick seconded the motion, which carried unanimously.

Center for European Advanced Esthetics

Mrs. Kinley stated this package was denied as it did not meet the qualifications set forth by the Board to be a recognized group or statewide association to teach continuing education within this state.

MOTION

Mrs. Gilmer made a motion the Board deny this 2009 continuing education package. Mrs. Settles seconded the motion, which carried unanimously

E-Nails

Mrs. Kinley stated no representative for E-Nails was present for the November 10, 2008 provider meeting. She noted that in order for the Board to approve the following documentation must be submitted by Friday, November 14, 2009: a valid lesson plan for the nail and esthetics classes, copies of any charts or DVD presentations, the Board had questions on agendas as why two hours is being allowed for discussion on trends, reconfigure last hour on agenda, and a valid agenda for the nail and esthetic classes. E-Nails submitted a membership roster with the package; however, since the roster was submitted in 2007 it does not need to be submitted again.

MOTION

Mrs. Thompson made a motion the Board approve E-Nails 2009 continuing education packet pending receipt of documented corrections by November 14, 2008. Mrs. Gilmer seconded the motion, which carried unanimously.

G.A.T.E.

Mrs. Kinley stated the name of Keratin Complex has to be covered, the association needs to submit additional contact phone numbers, the DVD mentioned in the package must be submitted for approval, the association needs to submit a list of registration individuals, the Board needs verification on an individual's county address, and the association needs to submit copies of instructors' registration certificates. She noted the corrections are to be submitted no later than November 14, 2008.

MOTION

Mrs. Thompson made a motion the Board approve the GATE 2009 continuing education package pending receipt of corrections. Mrs. Gilmer seconded the motion, which carried unanimously.

Gray & Associates

Mrs. Kinley the association needs to submit an explanation on the one and one-half hour discussion on new hair cutting tools, the hand-outs mentioned in the packages must be submitted for approval, the master list of instructors was missing, the Board needs copies of the SC licenses for the instructors, as well as resumes for out of state instructors. She noted the corrections are to be submitted to staff no later than November 14, 2008.

MOTION

Mrs. Thompson made a motion the Board approve the Grey & Association 2009 continuing education package pending receipt of the corrections. Mrs. Settles seconded the motion, which carried unanimously.

Jenna Ngo

Mrs. Kinley stated the Board denied this package as it did not meet the qualifications set forth by the Board to be a recognized group or statewide association to teach continuing education within this state.

MOTION

Mrs. Gilmer made a motion the Board deny this continuing education package. Mrs. Thompson seconded the motion, which carried unanimously.

Nails, Skin, and Hair of America

Mrs. Kinley stated the association needs to submit a master list of all of the class dates, copies of the instructor's licenses for Amy Davis, Renee Bell, Joyce Boland, Carolyn Calvary, Helen Edwards, Hope Germaine, and John McDonald, the number per classes allowed, a notation was made that the lunch break needed to be increased if the class has over 50 participants, and the agenda did not include enough details. She further stated the Board placed this association on probation for 2009.

The probation policy states the probation will run from January 1, 2009 through December 31, 2009. If the Board attends any of the Nails, Skin, and Hair of America classes and finds a violation of the policies, the Board will cancel all remaining classes and, it will be the responsibility of Nails, Skin, and Hair of America to obtain placement within another association for any licensee who has pre-registered for said classes.

Mrs. Kinley noted the association has brought a packet of the corrections to today's meeting; however, the Board has not had the opportunity to review the corrections.

MOTION

Mrs. Hampton-Furtick made a motion the Board defer this matter to executive session. Mrs. Gilmer seconded the motion, which carried unanimously.

Palmetto Professionals of Cosmetology

Mrs. Kinley stated the association needs to reconfigure the instructor's classes as they are in ten minute segments as per the continuing education policy. The association needs to submit an FEC certificate on Alma Owens. She further stated Ms. Owens has been removed as an instructor at the request of Palmetto Professionals of Cosmetology. She noted the corrections

are to be submitted to staff no later than November 14, 2008. She further stated the Board placed this association on probation for 2009.

The probation policy states the probation will run from January 1, 2009 through December 31, 2009. If the Board attends any of the Palmetto Professionals of Cosmetology classes and finds a violation of the policies, the Board will cancel all remaining classes and, it will be the responsibility of Palmetto Professionals of Cosmetology to obtain placement within another association for any licensee who has pre-registered for said classes.

Mrs. Kinley noted the association has brought a packet of the corrections to today's meeting; however, the Board has not had the opportunity to review the corrections.

MOTION

Mrs. Thompson made a motion the Board approve Palmetto Professionals of Cosmetology's 2009 continuing education package pending receipt of the corrections. Mrs. Webb seconded the motion. Following a brief discussion Mrs. Thompson withdrew the motion.

MOTION

Mrs. Thompson made a motion the Board defer this matter to executive session. Mrs. Hampton-Furtick seconded the motion, which carried unanimously.

Power Alliance

Mrs. Kinley stated the association must number the pages in the package, Mr. Pernell has been advised that additional contact numbers are needed as there has been an issue with being unable to contact him. The association must submit a master list of instructors, submit a copy of Tarsha Pooler's instructor's license, and the lesson plan needs to be redone on several classes. She noted the corrections are to be submitted to staff no later than November 14, 2008.

MOTION

Mrs. Thompson made a motion the Board approve the Power Alliance 2009 continuing education package pending receipt of the corrections. Mrs. Webb seconded the motion, which carried unanimously.

Progressive

Mrs. Kinley stated the Board needed additional phone numbers for Bernice Settles. She noted the corrections are to be submitted to staff no later than November 14, 2008.

MOTION

Mrs. Thompson made a motion the Board approve the Progressive 2009 continuing education package pending receipt of additional phone numbers. Mrs. Gilmer seconded the motion, which carried unanimously.

SCACS

Mrs. Kinley stated the Board did not approve the video on health and safety in the salon from 2003. She further stated the Board did approve the association's ability to submit a video of the schools prior to, during break and after class. She went on to say the Board had licenses for Lauren Brock, Jimmy Hardy, and Frances K. Leek, however, these individuals were not on the association's master list of instructors. She said the Board does not need resumes or other information regarding monitors or for individuals handling registration. She stated several hand out documents were too dark to read and asked that those be resubmitted. She further stated there are several classes listing 250 individuals could participate, which would require five

instructors. She noted the corrections are to be submitted to staff no later than November 14, 2008.

A SCACS representative stated Lauren Brock, Jimmy Hardy and Frances K. Leek are monitors and that they would not be teaching classes. She also asked that the hand-outs that were too dark be removed from the presentations.

MOTION

Mrs. Thompson made a motion the Board approve the SCACS 2009 continuing education package with changes noted. Mrs. Webb seconded the motion, which carried unanimously.

SC Esthetics Association

Mrs. Kinley stated the association needed to submit a copy of the license, not a website printout and a more detailed agenda combining the agenda with course date, time, and location. She noted the corrections are to be submitted to staff no later than November 14, 2008.

MOTION

Mrs. Thompson made a motion the Board defer this matter to executive session. Mrs. Webb seconded the motion, which carried unanimously.

SC Professional Cosmetology and Barber Association

Mrs. Kinley stated the association needed to adjust the times on certain agenda schedules. She noted the times were correct; however, those times needed to be reflected on the agenda. She further stated on pages 16, 20, and 23 the association was short 15 minutes on the times. She went on to say the association has resubmitted the video (the MiLady Health and Safety in the Salon) which she has reviewed from last year. She said time increments on page 41 should be 15 minutes. She further stated the Board needs licenses for Zirada Wright Perry and Gaynell Terrence. She said the association submitted a resume on Jacqueline Golden, however, the Board needs to know what she will be speaking on. She said the association needs to submit all of the classes on one page. She also said the association does not need to submit the Secretary of State's certification every year. She noted the corrections are to be submitted to staff no later than November 14, 2008.

Ms. Golden asked the Board to strike Ms. Perry and Ms. Terrence as instructors.

MOTION

Mrs. Thompson made a motion the Board approve the SC Professional Cosmetology and Barber Association's 2009 continuing education package pending receipt of the corrections. Mrs. Gilmer seconded the motion, which carried unanimously.

SCSCA

Mrs. Kinley stated the corrections to the SCSCA 2009 continuing education package were submitted on November 9, 2008.

MOTION

Mrs. Thompson made a motion the Board approve the SCSCA 2009 continuing education package. Mrs. Hampton-Furtick seconded the motion, which carried unanimously.

Technical Colleges

Mrs. Thompson stated there were no corrections to the technical colleges' continuing education package, however, the Board did make recommendations.

MOTION

Mrs. Thompson made a motion the Board approve the 2009 continuing education package from the technical colleges. Mrs. Webb seconded the motion, which carried unanimously.

Mrs. Kinley read into record a letter from USC regarding continuing education. The letter states that beginning in January 2009 USC would be recording and reporting cosmetology continuing education participation by the participant's state issued license number. The letter states this action would remove the participant's social security number in data and would provide greater security.

Mr. Jones stated there was one continuing education package staff did not turn over to the Board for approval. He further stated this information would be submitted to the Board for its approval during the January 2009 meeting.

Approval of Consent Agreement – Case #2008-29 (Continued)

Mr. Dwight Hayes, staff attorney with the Office of Licensure and Compliance, briefed the Board on the consent agreement and advised the Board of their options.

MOTION

Mrs. Thompson made a motion the Board defer this matter to executive session. Mrs. Webb seconded the motion, which carried unanimously.

5. **Approval of Change in Continuing Education Class Location**

a. Nails, Skin & Hair of America, LLC

On October 15, 2008 the Board received an email from Chesley Phillips of Nails, Skin & Hair of America seeking the Board's approval to change the location of the December 8, 2008 nail technology continuing education class from World Beauty School to the Embassy Suites in Greenville, SC. Staff notified Ms. Phillips by letter dated November 3, 2008 that the Board would review her request during this meeting and asked that she be present to answer any questions the members may have.

Chesley Phillips appeared before the Board at this time.

MOTION

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

6. **Approval of Continuing Education Location and Time Change**

a. SC Professional Barber and Cosmetology Association

On November 3, 2008 the Board received a letter from Jacqueline Golden of the SC Professional Barber and Cosmetology Association seeking the Board's approval of a location change for the December 29, 2008 continuing education class. She would like to move the class to the Greenville County Library and to change the times of the class to 9:30 a.m. until 4:30 p.m.

Jacqueline Golden appeared before the Board at this time.

The Board informed Ms. Golden she needed to change the time increments from ten minutes to 15 minutes.

MOTION

Mrs. Thompson made a motion the Board approve this request. Mrs. Hampton-Furtick seconded the motion, which carried unanimously.

7. Approval of Exemption of Methods of Teaching Hours

a. *SC Professional Barber and Cosmetology Association*

On November 3, 2008 the Board received a letter from Jacqueline Golden of the SC Professional Barber and Cosmetology Association, Inc. requesting the Board waive the requirement she take the Methods of Teaching course. Her letter states she completed the required 45 hour class at Clemson University in 1985, however, she did not take the required examination at that time.

Jacqueline Golden appeared before the Board at this time. She is requesting a waiver from taking the Methods of Teaching course, not an exemption from the exam.

Mrs. Dantzler stated Ms. Golden would be required to submit evidence she actually took the course in order to be exempt from the class.

MOTION

Mrs. Thompson made a motion the Board deny this request until such time Ms. Golden can provide documentation she attended the class. Mrs. Webb seconded the motion, which carried unanimously.

8. Approval of Final School Inspection

a. *Paul Mitchell – The School Columbia*

Mr. George Barr, staff inspector, and Mrs. Hampton-Furtick conducted a final inspection on Paul Mitchell – The School Columbia on September 10, 2008. The final inspection report reflected two items, which needed to be corrected.

Scott Bills of the Paul Mitchell – The School Columbia and Mr. Raymond Lee appeared before the Board at this time.

Mr. Bills stated he was presented with the information regarding the contract this morning and that he has no problem making the wording change in the contract.

MOTION

Mrs. Thompson made a motion, the Board approve the final inspection pending receipt of the corrected contract. Mrs. Webb seconded the motion, which carried unanimously.

b. *Trident Technical College (night course)*

On October 29, 2008 Mrs. Gilmer and Mr. Raymond Lee, staff inspector, conducted a final inspection on Trident Technical College and found the school was ready to open.

MOTION

Mrs. Gilmer made a motion the Board approve the final inspection on Trident Technical College's night class. Mrs. Thompson seconded the motion, which carried unanimously.

9. Approval of Room Change for Nail Technology and Cosmetology Courses

a. *Horry-Georgetown Technical College*

On September 3, 2008 the Board received a letter from Donna Natblar-Shirley of Horry-Georgetown Technical College seeking the Board's approval of a room change for their nail

technology lab and theory classroom. On October 14, 2008 the Board received a letter from Ms. Natblar-Shirley seeking the Board's approval of an additional theory classroom for their cosmetology program. Both letters included a schematic of the rooms. Staff notified Ms. Natblar-Shirley by letter that the Board would be reviewing the application during this meeting and asked that she be present to answer any questions the members may have.

Mary Cox, of Horry-Georgetown Technical College, appeared before the Board at this time. She stated the room the room to which the college would like move the classes is a larger room than the room currently in use.

MOTION

Mrs. Thompson made a motion the Board approve the request and approval of a final inspection. Mrs. Webb seconded the motion, which carried unanimously.

10. Approval of School Applications
a. *Carolina Skin Care Academy*

On September 9, 2008 the Board received an esthetics school application from Carolina Skin Care Academy. Staff notified Jeanne Marie Healy, school owner, by letter that the Board would be reviewing the application during this meeting and asked that she be present to answer any questions the members may have.

MOTION

Mrs. Thompson made a motion the Board defer this matter until such time Mr. Lee reviews the contract. Mrs. Webb seconded the motion, which carried unanimously.

b. *Jolei's Hair Institute, LLC*

On August 12, 2008 the Board received a cosmetology school application from Jolei's Hair Institute, LLC. The application reflects the owner is Shawonda Thomas. The application also reflects that Ms. Thomas and Elronica Spates will be the instructors. The application included a schematic of the school, a tuition enrollment form, tuition and payment policies, attendance policy, curriculum, and a student application form. Staff notified Ms. Thomas by letter dated August 29, 2008 the Board would be discussing this matter during the September meeting and asked that she appear to answer questions from the Board; however, she did not appear at the September 2008 meeting.

Mrs. Thompson had questioned if Ms. Thomas was opening a new school or if the school was an existing facility and if Ms. Thomas wanted to name the school Jolei's Hair Institute but teach nail technology.

Mrs. Thompson had made a motion to approve the school application, but withdrew the application after a brief discussion.

Shawonda Thomas appeared before the Board at this time. She stated the school is currently a cosmetology school and she wishes to add a nail technology course to the school.

MOTION

Mrs. Thompson made a motion the Board approve the application pending changes to the contract. Mrs. Gilmer seconded the motion, which carried unanimously.

11. Approval of Methods of Teaching Instructor – Sherrie H. Todd

On October 24, 2008 the Board received a letter from Sherrie H. Todd asking the Board to approve her as a master teacher so she could teach the Methods of Teaching courses. She attached a resume with her letter. Staff notified Mrs. Todd that the Board would be reviewing her request during this meeting and asked that she be present to answer any questions the members may have.

Mrs. Thompson recused herself from participating and voting in this matter as Mrs. Todd is her mother-in-law.

MOTION

Mrs. Gilmer made a motion the Board approve Mrs. Todd as a Methods of Teaching instructor. Mrs. Webb seconded the motion, which carried unanimously.

12. Approval of Examination and Licensure Application

a. Stephen B. Burnette

Stephen Burnette submitted a cosmetology application for examination and licensure in 2006; however, since his criminal history report reflected he had been arrested he was notified that he must appear before the Board prior to becoming licensed. Mr. Burnette appeared before the Board during the September 11, 2006 meeting during which time the Board voted to table their decision regarding Mr. Burnette's case until the November 13, 2006 meeting so that he could appear with his probation/parole officer. During the November 13, 2006 meeting the Board voted to allow Mr. Burnette to sit for the exam but that the Board hold his license until January 2008. The Board had determined that by January 2008 Mr. Burnette would be off of house arrest for one year and if he has had a clean criminal record he would be granted licensure. Staff notified Mr. Burnette by letter dated November 3, 2008 that he had been placed on the agenda to appear during this meeting.

Mr. Burnette did not appear during this meeting.

Mrs. Dantzler stated until such time he applies for licensure there is no need for the Board to discuss this matter.

b. Robin Brunson-Davis

On October 15, 2008 the Board received a cosmetologist application for examination and licensure from Robin Brunson-Davis. Ms. Brunson-Davis could not be approved for licensure at staff level because of her criminal history report, which reflects a federal felony arrest and conviction. She was sentenced to five years in prison suspended to two years of probation. Mrs. Brunson-Davis included with her application a letter from her probation and parole agent which states she is currently in good standing with the SC Department of Probation, Parole and Pardon Services. Staff notified Ms. Brunson-Davis by letter dated November 3, 2008 that her application would be reviewed by the Board during this meeting and requested that she appear to answer any questions the Board may have.

Robin Brunson-Davis appeared before the Board at this time. She has completed her cosmetology training, has taken the theory exam, and is scheduled to take the practical exam on Monday, November 17, 2008.

Ms. Brunson-Davis found a \$10,304.00 deposit in her account and the bank informed her they found evidence that she deposited the money into the account. Charges were filed against her one year later and she did not want to sign a confession as she did not deposit the money.

MOTION

Mrs. Thompson made a motion, seconded by Mrs. Settles and unanimously carried, the Board approve Mrs. Brunson-Davis' application for examination and licensure.

c. Mary Johnson

On October 29, 2008 the Board received a cosmetologist application for examination and licensure from Mary Johnson. Ms. Johnson's application could not be approved for licensure at staff level as a result of a conviction of breach of trust with fraudulent intent over \$5,000.00. She has been under the supervision of the SC Department of Probation, Parole and Pardon Services since April 6, 2006. She is currently in good standing with the SC Department of Probation, Parole and Pardon Services and is current with all financial obligations. Her probation is scheduled to end April 5, 2011; however, she may be considered for early termination as soon as all financial obligations have been met. Staff notified Ms. Johnson by letter dated November 3, 2008 that her application would be reviewed by the Board during this meeting and requested that she appear to answer any questions the Board may have.

Mary Johnson appeared before the Board at this time. She has completed her cosmetology training and has taken the theory exam. She is scheduled to take the practical exam on November 17, 2008. She worked for a convenience store office in Greenville when the incidence occurred. She took a company deposit over \$5,000.00 to the bank; however, the bank states the deposit never reached the inside of the box. She remains on probation and is making restitution to the company.

MOTION

Mrs. Gilmer made a motion the Board approve Ms. Johnson for licensure. Mrs. Thompson seconded the motion, which carried unanimously.

d. Anna McDaniel

On October 2, 2008 the Board received a nail technician application for examination and licensure from Anna McDaniel. Ms. McDaniel's application could not be approved at staff level as a result of an felony arrest for lynching and a misdemeanor conviction of simple assault and battery found on her criminal history report. Staff notified Ms. McDaniel by letter dated November 3, 2008 that her application would be reviewed by the Board during this meeting and requested that she appear to answer any questions the Board may have.

Anna McDaniel appeared before the Board at this time. She has completed her training and completed both of her examinations. She passed the practical exam in October 2008. She was with a group of individuals returning clothes to an individual when another individual hit her boyfriend with a baseball bat. Another individual attacked and stabbed the individual with the baseball bat. She was arrested for lynching and entered a plea agreement for a lesser charge. She has never served probation for the assault charges. Her arrest record also contains other charges including fraudulent checks and forgery; however, the only conviction on the report was the lesser charge from the lynching incident.

MOTION

Mrs. Thompson made a motion the Board approve Ms. McDaniel's application. Mrs. Webb seconded the motion, which carried unanimously.

13. Approval of Endorsement Cosmetology Application – Cassandra Renate Ste. Marie

On September 11, 2008 the Board received a cosmetologist endorsement application from Cassandra Renate Ste. Marie. Ms. Ste. Marie's application could not be approved at staff level

as she was born and educated in Germany. Staff notified Ms. Ste. Marie by letter dated November 3, 2008 that the Board would review her application during this meeting and requested that she appear to answer any questions the Board may have.

Cassandra Renate Ste. Marie appeared before the Board at this time. She described her examination from Germany and provided proof that she successfully passed the practical examination.

MOTION

Mrs. Thompson made a motion the Board defer this matter to a later time on the agenda to allow Mrs. Kinley time to research this matter. Mrs. Webb seconded the motion, which carried unanimously.

Following a brief recess Mrs. Kinley stated she has spoken with an individual who has information concerning worldwide testing. She further stated European testing concentrates on soft skills, i.e., hair styling and makeup, whereas American testing is concentrated on health and safety. Ms. Ste. Marie's testimony confirmed she was tested in a school.

MOTION

Mrs. Settles made a motion the Board allow Ms. Ste. Marie to sit for the theory and practical exams. The motion died to lack of a second.

MOTION

Mrs. Thompson made a motion, seconded by Mrs. Gilmer, that the Board require Ms. Ste. Marie sit for the practical examination. The motion carried with a majority vote. Mrs. Settles voted nay.

Mrs. Thompson made a correction to the agenda. She stated the Board received information on Tammie McDaniels; however, she was not placed on the agenda.

14. Approval of Education Requirement Waiver – Bonny S. Herrling

On August 4, 2008 the Board received a reciprocity application from Bonny Herrling. Ms. Herrling is requesting a waiver of providing proof of tenth grade education.

Bonny Herrling appeared before the Board at this time. She attended cosmetology school in 1977 in Massachusetts, which required a high school diploma. Her parents were living in Korea at that time and sent her high school diploma to her in order for her to attend cosmetology school. She practiced cosmetology in Massachusetts for one year and moved to New Hampshire, where she practiced for thirty years. She owned a salon in New Hampshire for 25 years, retired, and then returned to the profession. Her application for licensure in South Carolina was submitted prior to the New Hampshire license expired. She is now attempting to obtain licensure in South Carolina.

MOTION

Mrs. Webb made a motion the Board approve this request. Mrs. Gilmer seconded the motion. Mrs. Thompson questioned why the documentation received indicates only one year of work experience. Discussion ensued. Mrs. Thompson, Mrs. Hampton-Furtick, and Mrs. Webb voted nay. Mrs. Herrling's application was denied.

15. Approval of Work Experience

a. *Tammie G. McDaniels*

On August 19, 2008 the Board received an application from Tammie McDaniels. Ms. McDaniels is requesting a waiver of the required work experience.

Tammie McDaniels appeared before the Board at this time. She is currently licensed in Florida where she worked in a salon from approximately 1986 to 1992. When she initially submitted her application, she had already contacted the Florida Board of Cosmetology to request that Board submit her transcript and certification of licensure. She then received a letter from the SC Board of Cosmetology stating she did not submit the transcript and certification. She again contacted the Florida Board of Cosmetology and learned that Board had not mailed the information. She noted Florida has now mailed the information. The Internal Revenue Service can only provide documentation for the past eight years. The salon where she was employed is no longer in business. She is now enrolled in an esthetics program at Horry-Georgetown Technical College.

On October 7, 2008 the Board received information from Florida stating she has received 1,200 hours of education.

MOTION

Mrs. Thompson made a motion the Board deny the waiver of work experience. Mrs. Hampton-Furtick seconded the motion, which carried unanimously.

16. Approval of Use of Attendance History Report in Lieu of Monthly Record
a. *Steven Dawson, Kenneth Shuler Schools*

On September 9, 2008 the Board received a letter from Steven Dawson of Kenneth Shuler Schools seeking the Board's approval to use the school's attendance history report in lieu of the monthly record form as provided on the Board's website.

Angie Shuler appeared before the Board at this time. Ms. Shuler stated the school is changing programs and is requesting the Board allow them to use the document in the students' files.

Mr. Lee stated one correction needed to be made to the attendance history report.

MOTION

Mrs. Hampton-Furtick made a motion the Board approve Mr. Dawson's request with the amendment to the school's attendance history report. Mrs. Gilmer seconded the motion, which carried unanimously.

17. Approval of New Esthetic Practical Exam – "Hard Wax-Optional" Service

Mrs. Kinley stated there is a new practical esthetics exam which begins in January 2009. She further stated the esthetics program requires an upper lip wax using a mock brush. She went to say that procedure has been eliminated and students are being taught true hard wax on the upper lip. She is asking the Board to vote on accept this option. She noted the examinees still use a live model in the examination, which would put liability on the Board if the model was injured. She said an option would be to implement the use of mannequin to perform the hard wax option.

Discussion on this matter ensued and included, but was not limited to, the matter being on the theory exam and the importance of this service on the practical exam.

MOTION

Mrs. Hampton-Furtick made a motion the Board deny the implementation of the hard wax optional service on the new esthetic practical exam. Mrs. Thompson seconded the motion, which carried unanimously.

Discussion Topics

18. Virginia College Cosmetology Inspection – Interpretation of Enrollment and Tuition Agreement

On October 9, 2008 the Board received a letter from Paul Wright of Virginia College which expressed concern over the Board's interpretation of paragraph seven of the Enrollment and Tuition Agreement. The paragraph in question has a phrase that states "all financial and contractual obligations".

Mrs. Kinley stated she conducted an inspection on Virginia College with Mr. Lee. She further stated there is concern over wording in the contract. She asked Mr. Lee if he had discussed the wording with Mrs. Brightharp. Mr. Lee answered affirmatively.

Mrs. Brightharp of Virginia College appeared before the Board at this time. Mrs. Brightharp asked if the campus catalog could state that the students would receive an official transcript at the end of each quarter. Mrs. Kinley replied negatively and stated the wording must be contained in the contract.

19. C. E. Exemption for Estheticians and Nail Technicians

Mrs. Thompson stated the wording for the age exemption for continuing education should be clarified to include dually licensed individuals, such as an individual who is licensed as a nail technician and an esthetician or as a cosmetologist and a cosmetologist instructor. For example, if an individual has been licensed as a cosmetologist for 30 years and licensed as an instructor for five years, the individual would be exempt from the cosmetologist continuing education courses, but not from the instructor continuing education courses. She believes the Board needs to adopt a policy on this matter.

MOTION

Mrs. Thompson made a motion the Board direct the staff to post on the Board's web page in a prominent place the Board's interpretation of the statute which is the exemption is to be license specific. Mrs. Gilmer seconded the motion, which carried unanimously.

20. The Use of the Word College in the School Name

Mrs. Hampton-Furtick stated Mrs. Kinley has stated the word college could not be used in a school name. She asked if there was something wrong in using college in a school name.

Mrs. Kinley stated the SC Department of Higher Education mandated the word college could not be used in a name and noted that it not only pertains to cosmetology but to all professions with non-degree programs.

Mrs. Dantzler stated the statute for the SC Department of Higher Education states that any college or university must be accredited by that agency. She further stated other entities that approve post high school education not to use that term unless that school be accredited by that agency.

Discussion on this matter ensued.

Board Member Reports

Delores Gilmer

Mrs. Gilmer monitored the practical exam on October 20, 2008 and conducted a final inspection on Trident Technical College on October 20, 2008.

Kathy Webb

Mrs. Webb attended the national conference in Jackson Hole, Wyoming October 23-28, 2008. She noted the conference was excellent.

Melanie Thompson

Mrs. Thompson monitored a continuing education course sponsored by ACSP at the Crown Reef on September 21, 2008. She noted there were several problems with the class although overall the class was good. She does not know the number of individuals attending the class. She asked the providers not to announce during the continuing education classes that a member of the Board is monitoring that class. On October 5, 2008 she monitored a nail technician's continuing education course at Horry-Georgetown Technical College. She monitored a continuing education class sponsored by the SC Massage and Esthetics Institute. On October 19-20, 2008 she attended a continuing education nail instructor's class sponsored by Nails, Skin and Hair of America and stated this was not a good class. She attended the national conference in Jackson Hole, Wyoming from October 23 – 28, 2008. She had been invited to participate in a Breast Cancer Awareness Walk with Strand College of Hair Design; however, she was unable to participate as she was attending the national conference. She went on to say Nancy Poole became very active in this fund raiser during October and made it a competition between the students. She went on to say Ms. Poole rewarded the student who raised the most money during the fund raiser a new pair of sheers and a new razor. She noted the winning student was Dana Wells who raised \$330. She said Ms. Poole donated all of the money she collected in her clinic on October 24, 2008 to the cancer foundation. She noted Strand College of Hair Design donated \$1,300 to the cancer foundation. She stated Ms. Poole had Sabrina Johnson, a breast health nurse, teach her students the importance of a breast exam, how to perform a proper breast exam, and how to talk with future clients and family about breast exams.

Ruth Settles

Mrs. Settles conducted a final inspection on Virginia College on October 4, 2008.

Michelle Hampton-Furtick

Mrs. Hampton-Furtick conducted a school inspection on Paul Mitchell – The School Columbia on September 10, 2008. She also conducted a school inspection on Jolei's Hair Institute on October 29, 2008. She noted another inspection on Jolei's Hair Institute would be conducted later.

Public Comments

Mr. Lochridge stated any individual who was examined for licensure should be approved for licensure since that exam is difficult.

Mrs. Stabler stated ACSP takes full responsibility for what happened during the continuing education class held in Myrtle Beach. She asked the Board to take into consideration that during the second year prior to renewals there are licensees scrambling to obtain continuing education classes. She said it is almost impossible to maintain an accurate number of participants during registration.

Mr. Lochridge stated if he enrolls five classes approved for 300 individuals and he has 250 individuals pre-registered, he will only accept 50 individuals at the door. He ignores those individuals who are no shows.

Ms. Colleen Large asked the Board if individuals could take the sanitation class without being told by the Board to take it. Mrs. Kinley replied negatively.

Ms. Large asked if the Board is any closer to the two-tier esthetics classes. Mrs. Kinley replied negatively.

Mrs. Pearl Clark asked the Board if a provider has other instructors to join the association, do those instructors have to be approved by the Board. Mrs. Kinley stated the Board will allow three changes to the 2009 continuing education classes.

Ms. Large asked if instructors coming in to teach the trade show should be approved under the SC Esthetics Association. Mrs. Kinley stated it would be easier for the association to submit the instructors and it would be the association's three changes.

Mrs. Brightharp stated she has been to two meetings and has learned a great deal during the meetings. She believes the Board members are phenomenal.

Executive Session

MOTION

Mrs. Thompson made a motion the Board enter executive session to seek legal advice. Mrs. Settles seconded the motion, which carried unanimously.

Return to Public Session

A motion was made, seconded, and unanimously carried to return to public session.

Mrs. Kinley noted for the record that no official action was taken during executive session.

Mrs. Settles left the meeting at 2:45 p.m.

MOTION

Mrs. Thompson made a motion the Board direct staff to set into that policy new schools which make application the Board will only hold their application and application fees for twelve consecutive months. Once the twelve consecutive months have passed, if the school has not moved forward in the approval process the school has lost money and must resubmit a new application. Mrs. Hampton-Furtick seconded the motion, which carried unanimously.

Approval of Consent Agreement – Case #2008-29

MOTION

Mrs. Thompson made a motion the Board reject the current consent order, direct that formal charges be issued against the salon and the salon manager, and that the matter be brought before the Board for a formal hearing during the January 2009 meeting. Mrs. Hampton-Furtick seconded the motion, which carried unanimously.

Virginia College Cosmetology Final Inspection

MOTION

Mrs. Gilmer made a motion the Board approve with the changes made to the transcript regarding the student transcripts. Mrs. Thompson seconded the motion, which carried unanimously.

Mrs. Kinley noted this motion included the cosmetology and esthetics programs.

*Approval of 2009 Continuing Education Classes (continued)
Nails, Skin, & Hair of America*

Mrs. Kinley informed Mrs. Phillips she should remove the monitors and instructors from the agendas. She noted she has blocked herself in and if the monitor and instructor for that agenda are not present during that class she would be in violation of her probation. She further stated Mrs. Phillips should submit a list of instructors and monitors.

Mrs. Thompson asked Mrs. Phillips if she would be speaking about a particular product and would she need two hours regarding a matter on page 51 of her package. Mrs. Phillips replied she would need two hours and that it would be generic in nature.

Mrs. Thompson noted the corrections are due by Friday, November 14, 2008.

MOTION

Mrs. Thompson made a motion the Board approve Nails, Skin, & Hair of America pending receipt of the corrections. Mrs. Gilmer seconded the motion, which carried unanimously.

SC Esthetics Association

MOTION

Mrs. Thompson made a motion the Board approve the 2009 continuing education package for SC Esthetics Association. Mrs. Gilmer seconded the motion, which carried unanimously.

Palmetto Professionals of Cosmetology

MOTION

Mrs. Thompson made a motion the Board approve the Palmetto Professionals of Cosmetology continuing education packet pending receipt of the corrections. She noted the Board has received corrections regarding day one of the instructors' seminar; however, corrections have not been received for day two of the instructors' seminar. She said day two continues to show ten minute increments. She noted the corrections cannot be identical. Mrs. Webb seconded the motion, which carried unanimously.

ACSP

MOTION

Mrs. Thompson made a motion the Board approve ACSP's 2009 continuing education packet with the corrections received. Mrs. Gilmer seconded the motion, which carried unanimously.

Carolina Skin Care Academy School Application

MOTION

Mrs. Thompson made a motion the Board deny the application due to several problems with the contract. Mrs. Gilmer seconded the motion, which carried unanimously.

Mrs. Colleen Large questioned the Board if the association should pick the weekend which does not have a board meeting on the following Monday. Mrs. Kinley replied affirmatively.

Adjournment

MOTION

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

The November 10, 2008 meeting adjourned at 3:45 p.m.