

**MINUTES**  
**South Carolina Board of Cosmetology**  
**Board Meeting**  
**10:00 a.m., January 12, 2009**  
**Synergy Business Park**  
**Kingstree Building**  
**110 Centerview Drive, Conference Room 108**  
**Columbia, South Carolina**

**1. Meeting Called to Order**

Melanie Thompson, vice chairman, of Myrtle Beach, called the regular meeting of the Board of Cosmetology to order at 10:05 a.m. Other Board members present for the meeting included: 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, OIE; George Barr, Inspector; Kristy Bell, Administrative Assistant; Ronnie Blackmon, Inspector; Sharon Dantzler, Deputy General Counsel; Sandra Dickert, Administrative Assistant; Larry Hall, Inspector; Eddie Jones, Administrator; Raymond Lee, Inspector; Tracey McCarley; Mary Ann Miller, Inspector; Ernest Spong, Litigating Attorney; and Shirley Wider, Program Assistant.

Mrs. Thompson 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.

**B. Pledge of Allegiance**

All present recited the Pledge of Allegiance.

All present paused for a moment of silence.

**C. Rules of the Meeting Read by the Chairman**

Mrs. Thompson read the rules of the meeting.

**2. Introduction of Board Members and All Other Persons Attending**

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

**3. Approval of Excused Absences**

Rosanne Kinley, chairman, of Anderson, was granted an excused absence.

**4. Approval of the November 10, 2008 Meeting Minutes**

**MOTION**

Mrs. Webb made a motion the Board approve the minutes of the November 10, 2008 meeting. Mrs. Gilmer seconded the motion.

Mrs. Thompson noted three corrections to the agenda.

**MOTION**

Mrs. Hampton-Furtick made a motion the Board approve the minutes of the November 10, 2008 meeting as amended. Mrs. Webb seconded the motion, which carried unanimously.

**5. Approval of Agenda**

**MOTION**

Mrs. Webb made a motion the Board approve the agenda with any changes deemed necessary. Mrs. Gilmer seconded the motion, which carried unanimously.

**6. Chairman's Remarks – Melanie Thompson**

Mrs. Thompson conducted an inspection on the nail program being added to Jolei's Hair Institute on November 18, 2008. She has been on numerous conference calls with Mrs. Kinley and staff regarding the proposed regulations. She noted the proposed regulations are currently on the Board's web page and asked that everyone review the regulations. On November 24, 2008 she conducted an inspection on the room change for the nail technician program at Horry-Georgetown Technical College. On January 9, 2009 she visited the Hilton in Myrtle Beach which is the site for the 2009 NIC conference. She believes the facility will accommodate the attendees. She asked that any provider wishing to sponsor any event contact her. Mrs. Thompson stated she has reviewed and approved the DVD submitted by ACSP. She noted that the DVD could not be approved during the November 2008 meeting as no one could open the DVD on their laptops.

**7. Administrator's Remarks, For Information – Eddie Jones**

*A. Advisory Opinions, If Needed, Office of General Counsel*

*B. Legislative Update, If Needed, Legislative Liaison Office*

There were no advisory opinions given during this meeting. Mrs. Thompson gave the legislative update during her report.

*C. Number of Inspections*

Mr. Blackmon briefed the Board on the inspection report.

*D. Number of Open Complaint Cases*

This report was not given during this meeting.

**8. Old Business**

**E. Approval of Work Experience**

*a. Bonny Herrling*

On August 4, 2008 the Board received a reciprocity application from Bonny Herrling. Ms. Herrling is requesting a waiver of required work experience. Bonny Herrling appeared before the Board during the November 2008 meeting. 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 expiration of her New Hampshire license. She is now attempting to obtain licensure in South Carolina. The Board voted to deny the request during the November 2008 meeting.

On December 17, 2008 the Board received a letter from Ms. Herrling which included letters from Joyce Goulet, Kathleen Cook, and Lisa Festa attesting to having worked with Ms. Herrling for a number of years. The letter also included a copy of the Articles of Incorporation for Merrimack Hair Design, Inc. which lists Ms. Herrling as an incorporator. Staff notified Ms. Herrling by letter

dated January 5, 2009 that the Board would review the additional information during this meeting and asked that she be present to answer any questions from the Board members.

**MOTION**

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

*b. Tammie 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 during the November 2008 meeting. 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 and 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. During the November 2008 meeting the Board voted to deny her request.

On December 5, 2008 the Board received an e-mail from Ms. McDaniels which included a letter from Barbara Da Costa stating she had worked with Ms. McDaniels from 1986 to 1992. Staff notified Ms. McDaniels by letter dated January 5, 2009 that the Board would review the additional information during this meeting and asked that she be present to answer any questions from the Board members.

**MOTION**

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

**9. New Business**

**F. Approval of DRC Report, December 1, 2008 and January 5, 2009**

Mr. Blackmon and Mr. Larry Hall briefed the Board on the DRC reports from December 1, 2008 and January 5, 2009.

**MOTION**

Mrs. Hampton-Furtick made a motion to approve the December 1, 2008 DRC report and the January 5, 2009 DRC report. Mrs. Webb seconded the motion, which carried unanimously.

**G. Approval of School Application**

*c. Regency Beauty Institute*

On December 8, 2008 the Board received a new school application from Regency Beauty Institute.

**MOTION**

Mrs. Webb made a motion the Board approve the application pending final inspection. Mrs. Gilmer seconded the motion, which carried unanimously.

H. Review of Transfer of Hours from Massage Therapy Curriculum to Esthetics Course - Tameka M. Lee

On November 13, 2008 the Board received a letter from Tameka M. Lee. Ms. Lee is a licensed massage therapist and is requesting the Board's review of her massage therapy transcript to see if any of the hours would transfer to an esthetics course in which she is enrolled. Staff notified Ms. Lee by letter dated January 5, 2009 that the Board would review the information during this meeting and asked that she be present to answer any questions from the Board members.

Ms. Lee did not appear at this meeting,

Mrs. Thompson stated Mrs. Kinley sent her an e-mail stating Ms. Lee could receive 70 hours in anatomy and physiology, six hours in Swedish Health and Hygiene, five hours in business and three hours in HIV.

Mr. Jones stated he received an e-mail from Ms. Lee that she would not be able to attend today's meeting.

**MOTION**

Mrs. Gilmer made a motion to approve the transfer of 84 hours from the massage therapy classes to the esthetics course. Mrs. Settles seconded the motion, which carried unanimously.

I. Approval of Temporary Excuse from Attending Continuing Education Classes – Debra Watson

A letter dated December 17, 2008 Dr. Phillip J. Michels, a Clinical Psychologist with USC's School of Medicine, Department of Family and Preventive Medicine, states that Debra Watson has developed a case of agoraphobia with panic attacks which has gotten progressively severe over the past 15 months. He is requesting the Board to grant Ms. Watson a temporary excuse from attending the 12 hours of continuing education at this time. Staff notified Dr. Michels by letter dated January 5, 2009 that the Board would review the information during this meeting and asked that he be present to answer any questions from the Board members.

Dr. Michels nor Ms. Watson were present for this meeting.

Mrs. Thompson stated she had reviewed the statute and could not locate a provision which would allow the Board to grant this request.

**MOTION**

Mrs. Webb made a motion the Board deny this request. Mrs. Gilmer seconded the motion, which carried unanimously.

J. Approval of Cosmetology License

d. *Quoc T. Doan*

On July 22, 2008 the Board received a nail technician license application from Quoc Doan. Mr. Doan answered yes to the question asking, "Have you been found guilty or entered a plea of nolo contendere for any crime in this or any other state?" Mr. Doan's criminal history report from North Carolina reflects a felony arrest and conviction of larceny of a motor vehicle, an arrest for assault with a deadly weapon and possession of a weapon on educational grounds. A letter dated April 14, 2008 Clifton Johnson, II, a U.S. Probation Officer in North Carolina, states Mr. Doan was convicted of possession of a firearm by a convicted felon and was sentenced in

July 2006 to 30 months of imprisonment followed by two years of supervised release. The letter also states that Mr. Doan was released from prison on December 7, 2007 and that his probation will expire on December 6, 2009. The letter states Mr. Doan is in complete compliance with his probation. Staff notified Mr. Doan by letter dated January 5, 2009 that the Board would review his application during this meeting and asked that he be present to answer any questions from the Board members.

Mr. Doan appeared before the Board at this time and offered the following testimony.

Mr. Doan has passed both the written and practical exams. He was arrested while attending school for assault with a deadly weapon when another student came toward him with a weapon; however, the charges were dropped. He was also arrested for trespassing because he attended school even though he had been suspended. He served time in prison for possession of a firearm and he is currently on probation until December 31, 2009.

**MOTION**

Mrs. Webb made a motion Mr. Doan complete his probation and that he appear before the Board during the January 2011 meeting with an updated criminal history report showing a clean criminal history for one year. The motion died due to lack of a second.

**MOTION**

Mrs. Gilmer made a motion the Board approve Mr. Doan for licensure and that he appear before the Board every three months to show he has a clean criminal record. After a brief discussion, she withdrew her motion.

**MOTION**

Mrs. Hampton Furtick made a motion the Board approve Mr. Doan for licensure, that he be placed on probation, that he appear before the Board in January 2011 with an updated SLED report, at his own expense. Mrs. Settles seconded the motion. The motion carried with a majority vote. Mrs. Thompson and Mrs. Webb voted nay.

e. *O'Kasmar Gathers*

On November 7, 2008 the Board received a cosmetology license application from O'Kasmar Gathers. Ms. Gathers answered yes to the question asking, "Have you been found guilty or entered a plea of nolo contendere for any crime in this or any other state?" Ms. Gathers' criminal history report reflects an arrest and conviction for a fraudulent check, and two arrests, one in 1992 and one in 2005, for simple assault. The criminal history report reflects the 1992 simple assault charge was dismissed; however, the report does not show a disposition on the 2005 charge. Staff notified Ms. Smith by phone that the Board would review her application during this meeting and asked that she be present to answer any questions from the Board members.

O'Kasmar Gathers appeared before the Board at this time and offered the following testimony.

Mrs. Gathers has taken and successfully passed the written and practical exams. She was arrested and charged with simple assault when she entered a physical altercation with an individual she thought was friend.

**MOTION**

Mrs. Webb made a motion the Board approve the application. Mrs. Hampton-Furtick seconded the motion, which carried unanimously.

f. *Erica D. Smith*

On November 19, 2008 the Board received a cosmetology license application from Erica Smith. Ms. Smith Gathers answered yes to the question asking, "Have you been found guilty or entered a plea of nolo contendere for any crime in this or any other state?" Ms. Smith's criminal history report reflects a felony arrest and conviction of shoplifting and a misdemeanor arrest and dismissal of drug charges. Staff notified Ms. Gathers by letter dated January 5, 2009 that the Board would review her application during this meeting and asked that she be present to answer any questions from the Board members.

Erica Smith appeared before the Board at this time and offered the following testimony.

Miss Smith has taken and successfully completed the practical exam and will take the written exam on January 16, 2009. Miss Smith, along with some friends, got into an altercation with other individuals. A purse belonging to an individual involved in the altercation was stolen and she and her friends were arrested. They pleaded guilty to purse snatching and served 11 months in prison.

**MOTION**

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

K. Review of Waiver for Reinstatement of License – Sandra Manolakis

In a letter dated December 11, 2008 Sandra Manolakis is requesting reinstatement of her license, which expired March 10, 2003. She has attended continuing education classes every year but has failed to renew her license since 2003. Staff notified Ms. Manolakis by letter dated November 5, 2009 that the Board would review this request and asked that she be present to answer questions from the Board members.

Mr. Jones stated he has spoken with Ms. Manolakis' son who stated Ms. Manolakis lives out of state and would not be attending this meeting.

Mrs. Thompson asked Mr. Jones if staff could have Ms. Manolakis submit documentation attesting that she had actually attended the continuing education classes. Mr. Jones replied affirmatively.

**MOTION**

Mrs. Hampton-Furtick made a motion the Board defer this matter to the March 2009 meeting. Mrs. Gilmer seconded the motion, which carried unanimously.

L. Approval of 2009 Continuing Education Classes

d. The Beauty Industry Group

The Board received the 2009 continuing education classes from The Beauty Industry Group in October 2008; however, the classes were not reviewed during the November 2008 meeting. Mr. Jones informed the member during the November 2008 meeting that the package had been submitted in a timely manner; but had not been reviewed and stated the continuing education package would be submitted to the Board for its review during the January 12, 2009 meeting. Staff informed the association by letter dated January 5, 2009 that the Board would review this information during this meeting and asked that a representative be present to answer any questions the members may have regarding the classes.

**MOTION**

Mrs. Settles made a motion the Board approve the 2009 continuing education classes. Mrs. Gilmer seconded the motion. Mrs. Settles amended the motion to state that the Board approve the 2009 continuing education classes pending changes to page 16 of the current packet. Mrs. Gilmer seconded the amended motion, which carried unanimously.

M. Approval of Trade Show, March 23, 2009, October 19, 2009, and November 23, 2009 - G.A.T.E. (Gaining Advancement Through Education)

On December 17, 2009 the Board received documentation regarding a trade show sponsored by G.A.T.E. to be held March 23, 2009, October 19, 2009 and November 23, 2009. Staff informed G.A.T.E. by letter dated January 5, 2009 that the Board would review this information during this meeting and asked that a representative be present to answer any questions the members may have regarding the shows.

Mr. Venesky appeared before the Board and stated he and Tony Maioriello would be the instructors. He noted the show in Charleston is a hands-only program.

**MOTION**

Mrs. Webb made a motion the Board approve the shows. Mrs. Gilmer seconded the motion, which carried unanimously.

**10. Discussion Item**

N. Assignment of School Inspectors – Michelle Hampton-Furtick

Mrs. Hampton-Furtick asked that this matter be deferred to executive session.

O. Discussion Regarding Legal and Safety Continuing Education Classes – Eddie Jones

Mr. Jones stated the Board had approved safety and sanitation classes in 2007. He further stated that individuals pursued those classes but were told that those classes had been cancelled. He noted the Board did not approve any safety and sanitation classes during the November 2008 meeting.

Mrs. Thompson suggested the classes be called discipline classes. She was unaware that those classes had to be approved every year. She also stated those classes fall under the same policy as other continuing education classes and cannot be cancelled due to low enrollment. She informed Ms. Hagan of the Technical College System that the Board does not tell the providers how much they may charge for a class, however, they cannot advertise a class for one price and up the price on the day of the class due to low enrollment.

**11. Board Member Reports**

Ruth Settles had no report

Delores Gilmer monitored the SCSCA continuing education class on November 16, 2008.

Kathy Webb had no report.

Michelle Hampton-Furtick had no report

**12. Public Comments**

Ms. Jacqueline Golden stated she spoke with Ms. Kristy Bell who stated classes are assigned by territory. Ms. Bell stated if the individuals are in Greenville they are instructed to attend a class in that area. Mr. Jones stated the DRC chair attempts to assign classes in his or her area.

Mrs. Thompson stated that is restricting those individuals. She asked that the policy be that the individuals may choose where and when to take the class. She also asked that a list be provided to those individuals.

Ms. Cathy Hagan, of Midlands Technical College and the Technical College System, stated the technical schools had submitted a list of dates. She noted the individuals who attend these classes are given a certificate and that the schools keep an electronic roster of attendees.

Mr. Jones stated the classes would now be called remediation classes.

Ms. Golden asked the Board to clarify the difference between a continuing education class and a trade show. Mrs. Thompson stated the legislature passed a bill requiring the Board approve educational trade shows for credit as continuing education classes. She further stated the Board had to develop policies for the trade shows, such as sign in and out sheets, to be in line with the continuing education classes.

The Board was asked if an individual could use the title of medical esthetician. Mrs. Thompson replied negatively. She went on to say an esthetician in a physician's office was calling herself medical esthetician; however, she was informed that if she used the term 'licensed medical esthetician, it would be the physician's license on the line. She was also informed she could not imply that she was licensed as a medical esthetician by the Board of Cosmetology.

### **13. Hearing**

#### In the Matter of, Nails Plus

This proceeding was recorded by a court reporter in order to produce a verbatim transcript if requested in accordance with the law.

This matter was heard in absentia as Tuan Nguyen, the owner and manager of the facility, did not appear before the Board. The agency submitted evidence attesting to the fact that Mr. Nguyen was notified via certified mail that a hearing regarding the salon would take place during this meeting and that Mr. Nguyen received the complaint and amended hearing notice in a timely manner as required by the Administrative Procedures Act.

### **14, Executive Session**

#### **MOTION**

Mrs. Hampton-Furtick made a motion the Board enter executive session to seek legal advice. Mrs. Gilmer seconded the motion, which carried unanimously.

### **15. Return to Public Session**

#### **MOTION**

Mrs. Hampton-Furtick made a motion the Board return to public session. Mrs. Gilmer seconded the motion, which carried unanimously.

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

Nails Plus

#### **MOTION**

Mrs. Hampton-Furtick made a motion the Board revoke the license of Nails Plus. Mrs. Gilmer seconded the motion, which carried unanimously.

**Executive Session**

**MOTION**

Mrs. Hampton-Furtick made a motion the Board enter executive session. Mrs. Gilmer and Mrs. Webb seconded the motion, which carried unanimously.

**Return to Public Session**

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

**16. Adjournment**

**MOTION**

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

The January 12, 2009 meeting of the SC Board of Cosmetology adjourned at 3:08 p.m.