

MINUTES
South Carolina Board of Cosmetology
Board Meeting
10:00 a.m., May 4, 2009
Synergy Business Park
Kingstree Building
110 Centerview Drive, Conference Room 105
Columbia, South Carolina

1. Meeting Called to Order

Rosanne Kinley, chairman, of Anderson, called the regular meeting of the 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; Delores Gilmer, of Charleston; 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; Eddie Jones, Administrator; Tracey McCarley; 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.

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

Mrs. Kinley stated Michelle Hampton-Furtick, of Columbia and Ruth Settles, of Greenville, were granted excused absences.

4. Approval of the March 9, 2009 Meeting Minutes

Mrs. Thompson noted she had recused herself from the vote in the matter regarding Sabrina Huggins found on page nine.

MOTION

Mrs. Thompson made a motion the Board approve the minutes of the March 9, 2009 meeting as amended. Mrs. Webb seconded the motion, which carried unanimously.

5. Approval of Agenda

MOTION

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

6. Chairman's Remarks – Rosanne Kinley

Mrs. Kinley reminded everyone of the NIC national conference scheduled for September 25-27, 2009 in Myrtle Beach. She asked that associations which would like to help sponsor an event during the conference to contact her.

Mrs. Kinley stated that on April 6, 2009 Mr. Eddie Jones was inducted to the Hall of Fame along with Ms. Aurie Gosnell.

Mrs. Kinley stated PCS would be holding an examination overview and examiner training overview on June 6, 2009 at the Radisson Hotel.

Mrs. Kinley stated she had prefaced a flu pandemic a couple of years ago after attending a CLEAR conference. She hopes all school owners have made arrangements for students since there is now a potential pandemic.

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

Mr. Jones attended the Region One and Two meeting in Missouri May 1-3, 2009.

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

There were no advisory opinions given during this meeting.

B. Legislative Update, If Needed, Legislative Liaison Office

The proposed regulations have been submitted and will appear in the May 2009 State Register.

C. David Christian, III, Assistant Deputy Director, Office of Licensure & Compliance

Mr. David Christian, III, Assistant Deputy Director, of the Office of Licensure & Compliance introduced himself and members of his senior staff to the Board. Each individual briefly explained his/her duties.

MOTION

Mrs. Webb made a motion the licenses for cosmetology profession be issued or reissued with the chairman's and administrator's signatures. Mrs. Thompson seconded the motion, which carried unanimously.

D. Office of Licensure and Compliance Contact List

Mr. Jones stated the members received a contact list for the Office of Licensure and Compliance in their agenda packages. He further stated the list is for their information.

8. Inspector's Report

A. Number of Inspections

Mr. Blackmon briefed the Board on the number of inspections since the last meeting.

Mrs. Kinley asked Mr. Blackmon how many inspectors are currently conducting inspections. Mr. Blackmon stated currently there are eight inspectors conducting those inspections.

B. Number of Open Complaint Cases

There are approximately 87 open complaint cases.

9. Unfinished Business

There was no unfinished business for discussion during this meeting,

10. New Business

A. Approval of the April 6, 2009 and May 4, 2009 DRC Reports

Mr. Blackmon discussed the April 6, 2009 and the May 4, 2009 DRC reports with the Board.

MOTION

Mrs. Thompson made a motion the Board approve the April 6, 2009 and the May 4, 2009 DRC reports with the exception of case #62-4915, which the fine must be returned to the original fine imposed. Mrs. Webb seconded the motion, which carried unanimously.

B. Approval of the March 24, 2009 IRC Report

Mr. DeLeon Andrews discussed case #2008-16 with the Board. He stated no additional documentation has been received from the complainant. The salon passed the inspection with the only violation being a late renewal.

MOTION

Mrs. Thompson made a motion the Board approve the March 24, 2009 IRC report. Mrs. Gilmer seconded the motion, which carried unanimously.

C. Approval of Voluntary Surrender of License

a. 2009-6

MOTION

Mrs. Gilmer made a motion the Board approve the voluntary surrender of license in case 2009-6. Mrs. Thompson seconded the motion, which carried unanimously.

D. Approval of Relinquishment of License

a. 2009-12

MOTION

Mrs. Thompson made a motion the Board approve the relinquishment of license in case 2009-12. Mrs. Webb seconded the motion, which carried unanimously.

E. DRC Decision – Action Against Salon License vs. Cosmetologist License – Connie James

Ms. Connie James appeared before the Board to speak to the Board in reference to a case heard by the DRC on March 10, 2008.

Ms. James stated she had appeared before the Board regarding this issue approximately one year ago and was informed she had waited too long to appeal the decision. She contacted Senator Wes Hayes and was asked to contact his staff. She stated she had asked her representative to propose a bill to oppose this action.

Ms. James stated one of the booth renters working in her shop at the time of the inspection failed to renew her license. The inspector fined the unlicensed booth renter as well as her personal license. She feels the fine should have gone against her salon license instead of her personal license. She stated it does not make sense to cite an individual's license for employing an unlicensed person.

Mrs. Dantzler stated she believes this is a matter which should be discussed with the inspectors.

Mrs. Dantzler stated the Board had discussed a bill at one time; however, the bill was not drafted. She further stated the proposed regulations are to be posted in the May 2009 State Register. The earliest date the proposed regulations would be in effect would be March 2010 and the latest effective date would be in June 2010.

F. Approval of Salon Application

a. A New Beginning – Tanya D. James, Salon Owner

On April 3, 2009 the Board received a salon license application from A New Beginning. The application lists Tanya D. James as the salon owner. Ms. James answered yes to the question asking, "Have you been found guilty or entered a plea of nolo contendere to any criminal charge (other than minor traffic offenses) in this or any other state?" In July 1992 Ms. James was convicted of simple possession of marijuana and simple possession of cocaine. She was fined for the marijuana possession and served 18 months of probation for the cocaine possession. She completed her probation in May 1994. Staff notified Ms. James by letter dated April 24, 2009 that the Board would review her application during this meeting and asked that she be present to answer questions from the members.

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

Tanya D. James appeared before the Board and offered testimony.

Ms. James stated she has had no further involvement in drugs since that time.

MOTION

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

G. Approval of Applications

a. Melvina Brown

On February 23, 2009 the Board received a cosmetologist application for examination and licensure from Melvina L. Brown. Ms. Brown 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. Brown's criminal history record notes a felony charge of breach of trust. Staff notified Ms. Brown by letter dated April 24, 2009 that the Board would review her application during this meeting and asked that she be present to answer questions from the members.

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

Melvina Brown appeared before the Board and offered testimony.

Ms. Brown was working with a finance company and was going through a hard time in her personal life. Her drawer showed she was short on cash one day; however, she is unsure how the drawer was short as she did not take the money. She was sentenced to three years probation reduced to one year of probation and paid restitution. She has successfully passed the theory and practical exams.

MOTION

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

b. Natasha D. Hill

On April 10, 2009 the Board received a nail technician application for examination and licensure from Natasha D. Hill. Ms. Hill 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?" The criminal history report notes she was charged with a felony involving abuse of a vulnerable adult. Staff notified Ms. Hill by letter dated April 24, 2009 that the Board would review her application during this meeting and asked that she be present to answer questions from the members.

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

Natasha D. Hill appeared before the Board and offered testimony. While employed at a facility in 2000 she assisted in placing a patient in a bathtub which resulted in burning the patient. She presented documentation showing the charge was a misdemeanor. She has successfully passed both the written and practical examinations.

Mrs. Dantzler stated the Plea Agreement does offer an alternative to the charge; however it is difficult to see what was accepted. The sentencing reflects the plea agreement.

MOTION

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

H. Approval of Endorsement Application

a. Gertrude Louise McCoy

On February 24, 2009 the Board received an endorsement cosmetologist application from Gertrude Louise McCoy. Ms. McCoy's application notes she was disciplined by the Illinois Board of Cosmetology. Staff notified Ms. McCoy by letter dated April 24, 2009 that the Board would review her application during this meeting and asked that she be present to answer questions from the members.

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

Gertrude Louise McCoy appeared before the Board and offered testimony. Her license was placed on inactive status following surgery. She then went into corporate work. She was fined for a violation for working in her home without an active license and entered a consent agreement in June 2002. She is currently licensed in Illinois.

MOTION

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

I. Approval of Final Inspection – Marlboro County High School

Mrs. Thompson chaired this agenda item. She stated there were several matters going on during the inspection.

MOTION

Mrs. Gilmer made a motion the Board approve the final inspection report on Marlboro County High School. Mrs. Kinley seconded the motion, which carried unanimously.

Mrs. Thompson stated the question before the Board today would be the number of hours the students have acquired and the number of hours for which the students would receive credit.

Mr. Kenneth Bowen, principal of the Marlboro County High School, appeared before the Board. He stated this year was the school's goal to have the cosmetology program in place and the school has spent over \$60,000 to implement the program. He further stated most of his communication has been with the SC Department of Education and his actions have been based on the information from that agency. There are currently 42 students currently enrolled in the program, of which five are sophomores and the rest of the students are juniors and seniors. He noted that less than ten students are seniors. He said the students have agreed to attend summer school to complete any necessary hours.

MOTION

Mrs. Kinley made a motion the Board take this matter into executive session. Mrs. Gilmer seconded the motion, which carried unanimously.

- J. Approval of Continuing Education Instructors (The Beauty Industry Group)
 - a. Anthony B. DiFraia
- K. Approval of Changes in 2009 Continuing Education Classes and Additional Instructor – The Beauty Industry Group
 - a. Kimberly Foster-Lockridge

On April 22, 2009 the Board received documentation from The Beauty Industry Group requesting the Board's approval on additional continuing education classes as well as the approval of Anthony B. DiFraia and Kimberly Foster-Lockridge as continuing education instructors.

Showanda Thomas appeared before the Board.

Ms. Thomas stated the association is adding additional dates and instructors. The Board informed Ms. Thomas of the policy which allows only three changes per year regarding continuing education classes and asked the association to choose the three additional changes.

- L. Approval of Symposium as Continuing Education Class – Lisa S. Pack

On February 21, 2009 the Board received a letter from Lisa S. Pack seeking the Board's approval of a symposium she attended on January 19-20, 2009 in Las Vegas, Nevada as continuing education credit.

Mrs. Thompson stated pertinent documentation, such as sign in sheets and USC verification forms were not included with the documentation.

Mrs. Kinley stated the Board has been mandated by the state legislature to approve trade shows as continuing education. She further stated the Board has developed a policy that documentation for trade shows must be submitted for approval by the October 15th deadline just as other continuing education classes.

MOTION

Mrs. Thompson made a motion the Board deny Ms. Pack's request to receive continuing education from the symposium. Mrs. Gilmer seconded the motion, which carried unanimously.

- M. Board Determination Regarding PCS Decision

Mr. Jones stated Ms. Ray took the practical exam in 2006 and explained to the members the circumstances surrounding this matter. The law states that the examinee must re-test on a failed portion within one year.

MOTION

Mrs. Thompson made a motion the Board deny Ms. Ray's request to retest. Mrs. Webb seconded the motion, which carried unanimously.

N. Recognition of National Coalition of Estheticians, Manufacturers/Distributors & Associations (NCEA)

Mrs. Kinley stated Suzanne Warfield has developed core items for estheticians to certify themselves as advanced estheticians. She further stated if South Carolina passes a law creating an advanced tier of esthetics an esthetician who has taken the core items and passes the exam comes to this state would not have to take the exam again.

MOTION

Mrs. Thompson made a motion the Board deny the recognition of the National Coalition of Estheticians, Manufacturers/Distributors & Associations. Mrs. Gilmer seconded the motion, which carried unanimously.

O. Kenneth Shuler School of Cosmetology – Satellite School in North Augusta

Mr. Stephen Dawson of Kenneth Shuler Schools appeared before the Board. He stated Kenneth Shuler Cosmetology School has secured a location in North Augusta, SC to hold theory classes only. He noted the location is a former school and would be used for students to obtain 300 hours of theory. He further stated the students would then attend a separate location to learn practical skills.

MOTION

Mrs. Thompson made a motion the Board approve the satellite school in North Augusta. Mrs. Webb seconded the motion, which carried unanimously.

11. Discussion Items

A. Power Alliance Continuing Education Program

Staff notified Mr. Jerrold Purnell of Power Alliance by letter dated April 3, 2009 that the Board requested he attend this meeting to discuss issues pertaining to the association's continuing education program.

Jerrold Purnell appeared before the Board at this time.

Mrs. Kinley stated the Board has received information from USC regarding more than one insufficient fund checks from Power Alliance.

Mrs. Kinley asked Mr. Mike McGee of USC if payment had been received for the last check written by the association. Mr. McGee answered affirmatively and stated the check was received on Friday, May 1, 2009. He noted the check received was for a December 2008 class. He further stated it took approximately two to four months to get the insufficient fund checks resolved.

Mrs. Kinley asked Mr. McGee the approximate number of participants in the classes. Mr. McGee stated there were approximately 50 to 110 students in each class. Mrs. Kinley then

asked Mr. McGee if USC mailed the continuing education certificates to the participants. Mr. McGee replied affirmatively.

Mrs. Kinley stated the Board has received several evaluation forms with portions of the forms have the same signature on the forms. Mr. Purnell stated he has the instructors complete the portion of the form which asks for the instructor name prior to the start of the class.

Mr. Purnell stated due to his schedule he is out of town a good bit and he was unaware of the misappropriation problem. He further stated he had not been paying attention.

Mrs. Kinley stated there had been a problem with duplicate participant records were included with the documentation sent to USC. Mr. McGee stated two separate verification forms were received with the same person's name on both forms. Mr. Purnell stated the association's employees working the registration table could not locate the form on the individual attending the class and completed another registration form as he knew the individual had attended the class.

MOTION

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

B. Services Covered Under Salon License – Ulta Beauty

The Board has received a letter dated March 5, 2009 from Carolyn Robackouski of Ulta Beauty Salon. Ulta Beauty Salon is a currently licensed salon in South Carolina. Ms. Robackouski's letter asks the Board if the salon is able to implement a brow bar and a skin care boutique for services to be completed by a licensed esthetician under the salon license.

MOTION

Mrs. Webb made a motion the Board approve the services under Ulta Beauty's salon license. Mrs. Thompson seconded the motion, which carried unanimously.

C. Online Continuing Education – 360 Training.Com, Clyde Seepersad

On April 14, 2009 the Board received an email from Clyde Seepersad of 360training.com seeking the Board's approval to become an online continuing education provider in South Carolina.

Wes Alsop of 360 Training appeared before the Board and gave the members an overview of the course.

Mrs. Kinley stated at this time the Board cannot approve online education; however, once the new regulations have been approved and take effect the Board could then discuss this matter. She asked that the company appear before the Board with a PowerPoint presentation after the proposed regulations take effect.

D. High School Cosmetology Students Earning Hours at Technical School During Summer School Prior to High School Graduation

On April 24, 2009 the Board received an email from John J. Roveri of F. E. DuBose Career Center asking if high school cosmetology students earning their cosmetology hours prior to high school education would be able to obtain hours by attending summer classes at Central Carolina Technical College.

Mrs. Dantzler stated she does not know if this would be a Board issue.

Mrs. Wider stated some of the students would not have some of their hours to complete their cosmetology program. She further stated the school is asking if the students could attend a class during the summer at a technical college to make up hours.

The Board asked that staff notify the school to attend the next meeting.

MOTION

Mrs. Thompson made a motion the Board defer this matter to the July 13, 2009 meeting. Mrs. Webb seconded the motion, which carried unanimously.

E. Review of New School Application Form

Mrs. Kinley stated she had asked that this matter be placed on the agenda. She wants to make sure that there is not a continuation of problems if the school closes and another entity take over.

Mrs. Kinley noted that questions 13 through 18 should also include the instructor. She stated question 16 should include anyone working in the school.

MOTION

Mrs. Thompson made a motion the Board members review the school application and submit any changes to Mr. Jones no later than July 1, 2009 and for the application to be placed on the agenda for the July 13, 2009 meeting. Mrs. Gilmer seconded the motion, which carried unanimously.

12. Board Member Reports

Delores Gilmer monitored a continuing education class sponsored by the South Carolina State Cosmetology Association on April 7, 2009.

Melanie Thompson has been involved with the inspection of Marlboro County High School. She attended the Hall of Fame induction on April 6, 2009. She is diligently working on the NIC annual conference. She asked Mr. McGee to add the type of class to the continuing education evaluation forms.

Kathy Webb monitored a continuing education class sponsored by G.A.T.E. on March 23, 2009. She attended the Hall of Fame induction on April 6, 2009 and monitored a continuing education class sponsored by G.A.T.E. on April 20, 2009.

13. Public Comments

Ms. Chesley Phillips stated it had been brought to her attention earlier in the year participants who had not received credit for classes attended. She had mailed a letter to the Board regarding four individuals who she had not given credit because the individuals did not sign in for the afternoon session of continuing education classes.

Ms. Phillips discussed a pedicure checklist an individual in her association found in regard to sanitation. She wanted to ask the Board if there was a way the Board wanted to include with inspections.

Ms. Phillips stated she received manicures at different salons and not one salon asked her to wash her hands prior to performing a manicure. She further stated she has noticed that the

quick salons are not sanitizing items properly and are placing baskets beside the front door where recycled pedicure slippers are placed.

Mr. Blackmon stated he has not seen these baskets in a salon while conducting an inspection.

A student questioned the Board regarding shadowing hours with a licensed cosmetologist. She stated she wanted to earn extra hours and wanted to shadow a licensed cosmetologist on Saturdays. She noted the statute states a student cannot shadow a licensed cosmetologist unless the instructor is with the student. Mrs. Kinley stated that pertains to trade shows. She went on to say Lacy Cosmetology going into salons with shadowing forms to salons. She went on to say the salon owner denied shadowing.

Mr. McGee stated there have been several questions regarding USC's change in using license numbers instead of using social security numbers. He further stated USC is now tracking participants by last four digits of social security number as well as their license number. He noted there have been some forms that have not included the license number and that field is blank. He went on to say those individuals may not receive credit if that field is left blank.

A brief discussion regarding pre-registration for continuing education classes ensued.

Mr. Blackmon stated the inspectors are noticing salons are folding towels and not placing the towels in cabinets.

14. Executive Session

MOTION

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

15. Return to Public Session

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

Marlboro High School Final Inspection

Mrs. Thompson recused herself from voting in this matter.

MOTION

Mrs. Webb made a motion the Board allow the Marlboro County High School students attend summer school to obtain 300 hours of education. Mrs. Gilmer seconded the motion, which carried.

Power Alliance

MOTION

Mrs. Gilmer made a motion the Board endorse the agreement signed between USC and Power Alliance regarding the payment issues and that the Board place Power Alliance on notice the Board may or may not approve the continuing education classes for 2010. Mrs. Thompson seconded the motion, which carried unanimously.

The Beauty Industry Group

MOTION

Mrs. Thompson made a motion the Board approve the additional dates of June 15, 2009 in Florence, August 17, 2009 in Columbia, and October 25-27 in Myrtle Beach for The Beauty Industry Group. Mrs. Webb seconded the motion, which carried unanimously.

16. Adjournment

MOTION

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

The May 4, 2009 meeting of the S.C. Board of Cosmetology adjourned at 1:45 p.m.