

MINUTES
South Carolina Board of Cosmetology
Board Meeting
10:00 a.m., July 13, 2009
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 10:00 a.m. Other Board members present for the meeting included: Delores Gilmer, of Charleston; Michelle Hampton-Furtick, of Columbia; 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; Eddie Jones, Administrator; Tracey McCarley, Education Coordinator; Angela Scott, Administrative Assistant; and Shirley Wider, Program Assistant.

Mrs. Kinley announced that public notice of this meeting was properly posted at the SC 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

Mrs. Kinley stated Melanie Thompson, vice chairman, of Myrtle Beach, was granted an excused absence for this meeting.

Approval of the May 4, 2009 Meeting Minutes

Mrs. Kinley noted the May 4, 2009 minutes reflect that she seconded one motion and made another motion, which she is unable to do. However, the motions Mrs. Kinley referred to were motions made during the portion of the meeting in which Mrs. Thompson was chairing the meeting.

Mrs. Webb asked the status of the re-issuing of licenses discussed during the last meeting. Mr. Jones stated they are still going out with Mr. Christian's signature.

Mrs. Kinley asked staff to contact Mr. Christian and have him attend this meeting. Staff informed Mrs. Kinley he was not in the office and she asked that staff have him call her.

MOTION

Mrs. Webb made a motion the Board approve the minutes of the May 4, 2009 meeting. Mrs. Gilmer seconded the motion, which carried unanimously.

Approval of Agenda

MOTION

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

Chairman's Remarks – Rosanne Kinley

Mrs. Kinley noted the passing of Mrs. Aurie Gosnell who was heavily involved with NIC. She noted Mrs. Gosnell was appointed to the Board in 1946 and served on the Board for 35 years.

Mrs. Kinley stated PCS conducted a school overview in June 2009. She noted only 16 schools attended the overview.

Mrs. Kinley stated the national conference would be in Myrtle Beach September 24-27, 2009. She further stated the school owners are willing to sponsorship one of the events.

Administrator's Remarks – Eddie Jones

Mr. Jones stated Ms. Nancy Poole is making a strong sponsorship toward the national conference.

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*

Mrs. Dantzler stated a hearing before the Administrative Law Court in regard to the proposed regulations would not be required as the one organization which made comments has worked with the Board on those issues.

Inspector's Report

a. *Number of Inspections*

Mr. Blackmon briefed the Board members on the number of inspections completed since the May 4, 2009 meeting.

b. Number of Open Complaint Cases

Mr. Deleon Andrews stated there are currently 149 open complaint cases. He noted the IRC has not met since prior to the May 2009 meeting.

Old Business

1. Board Determination Regarding PCS Decision – Candice Ray

On April 8, 2009 the Board received a letter from PCS in response to a complaint from Candice Ray. The Board discussed the response during the May 4, 2009 meeting. 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. The Board voted to deny Ms. Ray's request to retest. Ms. Ray contacted staff stating she had not been informed the Board would be discussing the matter during the May Board meeting and asked that the matter be brought before the Board again and that she be present for the meeting.

Candice Ray stated she passed the first part and in scheduling the second part of the exam was told everything was in order. She passed the second part and was informed she would receive a notice of completion. She did receive a notice of completion but never received the certificate. When she contacted PCS she was told her scores had fallen through the cracks at PCS and that one year had already passed. She failed the exam in June 2006 and failed the practical exam in 2007. She failed the theory exam in January 2009. She was not notified that she would need to obtain an additional 50 hours since she had failed the exam.

Mrs. Kinley stated the issue is that the statute states individuals must retake the exam within one year. She noted the Board may get PCS to waive the fee.

MOTION

Mrs. Hampton-Furtick made a motion the Board allow Ms. Ray take the practical exam with the fees waived by PCS. Mrs. Webb seconded the motion, which carried unanimously.

2. 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. Dubois 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.

The Board discussed this issue during the May 4, 2009 meeting at which time it deferred the matter to this meeting and asked staff to contact the school to have a representative present to discuss the matter.

Mr. Roveri of F. E. Dubois Career School stated due to funding for the program and scheduling require students to take two level one courses. He was not at the school when the program was approved and that he is entering his second year at the school. His question is if the students in their junior year could take lab courses during the summer to earn enough credits to work toward the 190 hour shortage. The technical college will be offering a ten week course during the summer. He stated the 190 hour shortage will be an ongoing problem. Students would have to pay \$100 per credit hour. He noted all of the students will require the 190 hour training to complete their high school graduation. The students in the junior year attend only one semester.

Ms. Dantzler asked Mr. Roveri if he is asking the Board to approve a change in curriculum to include a summer component at a different location. Mr. Roveri stated the summer component would take place at the same location.

Ms. Dantzler stated all student records would have to public records.

MOTION

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

3. Review of New School Application Form

Mrs. Kinley stated the current application contains a question which asks, "Have you ever been arrested?" She thinks this question should be expanded to include anyone connected with school and should also ask if the arrest involved a felony.

Mr. Jones asked the other members to review the school application prior to the end of the meeting.

New Business

1. Approval of the June 1, 2009 and the July 6, 2009 DRC Reports

The Board reviewed the June 1, 2009 and the July 6, 2009 DRC reports.

MOTION

Mrs. Hampton-Furtick made a motion the Board approve the June 1, 2009 and the July 6, 2009 DRC reports. Mrs. Webb seconded the motion, which carried unanimously.

2. Approval of Reinstatement

a. *Amanda Shannon*

Ms. Shannon did not appear during this meeting.

3. Approval of Applications

a. *Wendy Littlejohn*

On January 5, 2009 the Board received a cosmetologist license application from Wendy Littlejohn. Ms. Littlejohn answered 'yes' to the question asking if she had been arrested and included a criminal history report with her application. The criminal history report reflects misdemeanor and felony arrest charges and convictions of forgery and that she was sentenced to probation. Since staff could not approve her application she was notified by letter dated July 6, 2009 that the Board would review her application during this meeting and asked that she be present to answer questions from the Board members.

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

Ms. Littlejohn stated she is currently on probation which ends in November 2009.

MOTION

Mrs. Hampton-Furtick made a motion the Board approve licensure for Ms. Littlejohn following completion of her court probation in November 2009, that the Board require she submit a letter from her probation officer to the Board stating the probation has been completed and prior to renewal of licensure in March 2011 she submit a clean SLED report at her own expense. Mrs. Webb seconded the motion, which carried unanimously.

b. *Turkessa Merriweather*

On June 16, 2009 the Board received a cosmetologist licensure application from Turkessa Merriweather. Ms. Merriweather answered 'yes' to the question asking if she had been arrested and included a criminal history report with her application. Her criminal history report reflects misdemeanor charges and convictions involving contempt of court, malicious injury to personal property, and financial transaction card fraud. Since staff could not approve her application Ms. Merriweather was notified by letter dated July 7, 2009 that the Board would review her application during this meeting and asked that she be present for this meeting.

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

Ms. Merriweather stated the contempt of court was for not showing up for jury duty. She got into an altercation with her ex-husband, which resulted in the malicious injury to personal property charge. The financial identity fraud occurred when she was hanging with a bad crowd. An individual she knew was using someone else's credit card. She completed probation in March 2005. She was arrested for breach of trust in 2003 when she purchased a lottery ticket while working.

MOTION

Mrs. Hampton-Furtick made a motion the Board approve Turkessa Merriweather for licensure and that she submit a clean SLED report prior to renewal in March 2011. Mrs. Settle seconded the motion, which carried unanimously.

c. Adena R. Ray

In April 2009 the Board received a cosmetologist license application from Adena Ray. Ms. Ray answered 'yes' to the question asking if she had been arrested and she included a criminal history report. The criminal history report reflects arrests and convictions involving failure to return rental property, obtaining a controlled substance by fraud, felony grand larceny, financial identity fraud, and financial transaction card theft. Since staff could not approve Ms. Ray's application she was notified by letter dated July 1, 2009 that the Board would review her application during this meeting and asked that she be present to answer questions from the Board members.

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

Ms. Ray stated her ex-husband was diverting funds into an account with her name and she was unaware of what was going on. She is currently serving probation. Her ex-husband was also charged in that matter and was also charged when he used a credit card that did not belong to him. She was charged with financial card transaction fraud because she was with him when the transaction took place. She will be on probation for the next four years and reports to the probation every three months. She has taken and passed both exams and has a job waiting in a salon should she be approved for licensure.

MOTION

Mrs. Webb made a motion the Board approve Adena Ray for licensure, that the license be placed on probation to run concurrently with the court probation through March 2013, that she provide SLED reports prior to renewal and that her employer send employment verifications on a yearly basis. Mrs. Hampton-Furtick seconded the motion, which carried unanimously.

d. Kravonda Simmons

On May 1, 2009 the Board received an esthetics licensure application from Kravonda Simmons. Ms. Simmons answered 'yes' to the question asking if she had been arrested. Ms. Simmons' criminal history report reflects a misdemeanor arrest and convictions for drawing a weapon in affray. A certified disposition reflects she was fined and paid a \$1,120.13. Since staff could not approve her application Ms. Simmons was notified by letter dated July 1, 2009 that the Board would review her application during this meeting and asked that she be present to answer questions from the Board members.

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

Kravonda Simmons stated she was convicted for drawing a weapon and paid a fine of \$1,100.00. She was not in trouble prior to the incident and has not been in trouble since.

MOTION

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

4. Approval of Reciprocity Instructor Application/Waiver of Proof of Methods of Teaching Course
 - a. *Harriett Ward*

On June 4, 2009 the Board received a reciprocity instructor licensure application from Harriett Ward. Ms. Ward's application reflects she is licensed as a cosmetology instructor in Pennsylvania through January 31, 2010 and that her license is in good standing. However, she is unable to provide information regarding the number of hours of experience as required in the cosmetology statute. Since Ms. Ward was unable to provide the information regarding her experience she was notified by letter dated July 1, 2009 that the Board would review her application during this meeting and asked that she be present to answer questions from the Board members.

Harriett Ward stated she has been licensed as an instructor in Pennsylvania since 1983. The Pennsylvania Board of Cosmetology does not keep the break down of hours once an individual becomes licensed and the school she attended is no longer in existence.

MOTION

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

5. Approval of Cosmetology School Applications
 - a. *Regency Beauty Institute*

On June 29, 2009 the Board received a cosmetology school application from Regency Beauty Institute. The application reflects the school will be located in Spartanburg and that Hayes Batson is the owner. The application contains the names of two full-time instructors and contained a layout of the school and all other pertinent documentation. The school was notified by letter dated July 1, 2009 that the Board would review the application during this meeting and asked that a representative of the school be present to answer questions from the Board members.

Eric Wuotila appeared on behalf of Regency Beauty Institute.

MOTION

Mrs. Webb made a motion the Board approve Regency Beauty Institute for final inspection. Mrs. Gilmer seconded the motion, which carried unanimously.

- b. *Virginia College*

On June 24, 2009 the Board received a cosmetology school licensure application from Virginia College. The application reflects the school will be located in North Charleston and contains the name of one full-time instructor. The application contains all pertinent documentation. Staff notified the school by letter dated July 1, 2009 that the Board would review the application and asked that a representative be present to answer questions from the Board members.

Tim Bush appeared before the Board as a representative of the school.

MOTION

Mrs. Gilmer made a motion the Board approve Virginia College for final inspection. Mrs. Webb seconded the motion, which carried unanimously.

6. **Approval to Teach the 45 hour Methods of Teaching Course**

a. Chesley Phillips

On June 22, 2009 the Board received a request from Chesley Phillips of Nails, Skin & Hair of America seeking the Board's approval to become a methods of teaching instructor. Her letter outlined her experience as an instructor. Staff notified Ms. Phillips by letter dated July 1, 2009 that the Board would review her request during this meeting and asked that she be present to answer questions from the Board members.

MOTION

Mrs. Webb made a motion the Board approve Ms. Phillips as a methods of teaching instructor. Mrs. Gilmer seconded the motion, which carried unanimously.

b. Gerlyn K. Vereen

On June 15, 2009 the Board received an e-mail from Nancy Poole of Strand College of Hair Design seeking the Board's approval of Gerlyn Vereen as a methods of teaching instructor. Ms. Poole included a cover letter and Ms. Vereen's resume as attachments to the e-mail. Staff notified Ms. Vereen by letter dated July 1, 2009 that the Board would review her resume and Ms. Poole's request during this meeting and asked that she be present to answer questions from the Board members.

Nancy Poole was present during the meeting and stated Ms. Vereen was teaching due to an instructor shortage.

MOTION

Mrs. Settles made a motion the Board approve Ms. Vereen as a methods of teaching instructor. Mrs. Gilmer seconded the motion. The motion was denied with a majority vote.

Petra Wright

On June 17, 2009 the Board received a letter from Petra Wright seeking the Board's approval to become a methods of teaching instructor. Her letter states she became a licensed cosmetologist in 1987, earned a Bachelor of Arts Degree in Sociology in 1991, and then opened her own salon. She now teaches cosmetology at Kingstree Senior High School. Staff notified Ms. Wright by letter dated July 1, 2009 that the Board would review her request during this meeting and asked that she be present to answer questions from the members.

Petra Wright stated she does not have a degree in education; however, she has been substitute teaching. She has been a licensed instructor since 2005 and has been teaching on a regular basis since March 2009.

MOTION

Mrs. Webb made a motion the Board deny Ms. Wright's request to become a methods of teaching instructor. Mrs. Hampton-Furtick seconded the motion, which carried unanimously.

c. Jolei's Hair Institute

The Board received a request from Jolei's Hair Institute to teach the methods of teaching course. The request included a syllabus and a resume for Shawonda Thomas.

MOTION

Mrs. Hampton-Furtick made a motion the Board approve Jolei's Hair Institute and Ms. Thomas to teach the methods of teaching course. Mrs. Gilmer seconded the motion, which carried unanimously.

8. Approval of Class for Continuing Education Credit
a. *Color Your Business*

In March 2009 the Board received a request from Nancy Poole of Strand College of Hair Design seeking the Board's approval of a seminar entitled Color Your Business, sponsored by Roy Peter.

Mrs. Poole is asking that this two day class be approved for South Carolina, although the course sponsor is not an approved statewide association.

Mrs. Kinley stated the Board discussed approving such courses on a case by case basis during the May 2009 meeting. She further stated the break down of the hours is not in accordance with state requirements.

MOTION

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

9. Approval of Continuing Education Instructor Change
a. *Palmetto Professionals*

On June 24, 2009 the Board received a request from Palmetto Professionals seeking the Board's approval of an instructor change (Patti Wannamaker) for a continuing education class being held October 24-25, 2009. Staff notified Palmetto Professionals by e-mail that the Board would review the request during this meeting and asked that a representative be present to answer questions from the members.

MOTION

Mrs. Hampton-Furtick made a motion the Board approve the instructor change as long as it is within the three change limit. Mrs. Gilmer seconded the motion, which carried unanimously.

10. Approval of Final Inspection Check Sheet

Staff presented the Board members with a revised final inspection check sheet for their review. The document was revised by Ms. Tracey McCarley.

MOTION

Mrs. Webb made a motion the Board approve the revised final inspection check sheet. Mrs. Hampton-Furtick seconded the motion, which carried unanimously.

11. Approval of Final Inspection – Kenneth Shuler School, Rock Hill

On June 26, 2009 Mr. Barr, Ms. McCarley, and Mrs. Hampton-Furtick conducted a final inspection on the Kenneth Shuler School in Rock Hill and approved the school to open pending approval by the Board.

MOTION

Mrs. Webb made a motion the Board approve the final inspection of the Kenneth Shuler School in Rock Hill. Mrs. Hampton-Furtick seconded the motion, which carried unanimously.

12. Approval of 750 Hour Instructor Training Program

a. *Kenneth Shuler School, Rock Hill*

In a letter dated June 30, 2009 Steven Dawson of Kenneth Shuler's School is seeking the Board's approval to offer the 750 hour instructor training program at the school's Rock Hill location. Staff notified Mr. Dawson by letter dated July 6, 2009 that the Board would be reviewing this matter during the July 13, 2009 meeting and asked that he be present to answer questions from the members.

Mr. Dawson stated this program is currently being offered at other locations of Kenneth Shuler's Schools.

MOTION

Mrs. Webb made a motion the Board approve the Rock Hill location of Kenneth Shuler Schools to teach the 750-hour instructor course. Mrs. Hampton-Furtick seconded the motion, which carried unanimously.

13. Approval to Teach Sanitation Continuing Education Class

a. *Nails, Skin and Hair of America*

On July 3, 2009 the Board received a request from Nails, Skin and Hair of America to teach a sanitation continuing education class. The request included a course syllabus.

MOTION

Mrs. Hampton-Furtick made a motion the Board approve Nails, Skin and Hair of American to teach a sanitation continuing education class. Mrs. Gilmer seconded the motion, which carried unanimously.

14. Approval of Continuing Education Class in Myrtle Beach

a. *Beauty Industry Group*

Mrs. Kinley stated the Beauty Industry Group submitted several changes for approval during the May 2009 meeting. At that time the Board informed the association that only three changes could be approved in one year. Mrs. Thompson learned of a continuing education class scheduled for May 17, 2009 which was not approved and emailed information to Mrs. Kinley.

Mrs. Thompson's email reflects she received a phone call from an individual who was on her way to a continuing education in a salon. Mrs. Thompson did not remember the Board approving a continuing education class for that location and asked the individual to obtain more information for her. The individual again contacted Mrs. Thompson and stated the class was being sponsored by B.I.G. Mrs. Thompson went to the location and waited for everyone to return to the class. She noticed there were several products with price tags on the table as if they were being offered for sale. A gentleman approached her and introduced himself as Anthony DiFraia. Mrs. Thompson began questioning Mr. DFraia who stated he was conducting the class on behalf of B.I.G. and that he had conducted a class on a previous occasion and was to conduct several more. No one from B.I.G. was in attendance at the class; however, representatives had been present during the previous class. She questioned Mr. DiFraia regarding verification forms or sign in and out sheets, which he said he had. There were no monitors or any one working the register tables. Mrs. Thompson explained to Mr. DiFraia the many problems and the possibility that the licensees would not receive verification because of the many violations. She suggested he contact someone from B.I.G, after which he attempted to do so but could not reach anyone. All of the classes Mr. DiFraia is scheduled to teach are ones the association decided not to include in their continuing education changes.

Karen Stacks stated the association immediately notified Mr. DiFraia the class was not approved and that the other classes were not approved as well. The association was teaching another class elsewhere and did not endorse this class. She noted the class was held without the association's approval or knowledge. She does not believe the association should be held responsible for his actions.

MOTION

Mrs. Hampton-Furtick made a motion the Board defer this matter to the September meeting to allow all parties involved in this matter to be present. Mrs. Webb seconded the motion, which carried unanimously.

Discussion Items

a NIC Conference

The conference will be held September 24-28, 2009 at the Hilton Resort in Myrtle Beach, SC.

Mrs. Kinley stated the Board would like to have items for the tote bags from South Carolina businesses. She noted a memorial for Mrs. Gosnell will be conducted sometime during the conference.

Board Member Reports

Kathy Webb monitored the practical exam on June 15, 2009. She monitored a continuing education class sponsored by Nails, Skin and Hair in Rock Hill on July 12, 2009. She attended Mrs. Gosnell's funeral.

Michelle Hampton-Furtick monitored the practical exam. She monitored a continuing education class in Aiken sponsored by the South Carolina Progressive Association and conducted a final inspection on the Kenneth Shuler School in North Augusta.

Ruth Settles stated she appreciates all of the acts of kindness during her illness.

Delores Gilmer monitored the G.A.T.E. sponsored continuing education class in North Charleston on May 17, 2009. She attended the June 6, 2009 school overview as well as the PCS training on June 7, 2009.

Approval of Southern Spa Show, Hickory, NC

Mrs. Kinley stated she had reviewed the documentation regarding the Southern Spa Show and has noticed the approval of the show was not listed on the agenda.

Mrs. Dantzer stated the Board could take action on this matter; however, the action must be ratified during the next Board meeting.

MOTION

Mrs. Gilmer made a motion the Board approve the Southern Spa Show pending ratification of the action during the September 2009 Board meeting. Mrs. Hampton-Furtick seconded the motion, which carried unanimously.

Public Comments

Colleen Large of the SC Esthetics Association stated the main sponsor of a trade show in September has backed out. (Carolina Esthetics). Grace Medical Equipment.

Tammie Stevens stated some of her students tested on May 18, 2009 and that the students have been informed they would not receive a license until the end of July. She noted the students are not being notified that documentation is not being received. She noted the problem lies with PCS.

Mrs. Kinley stated the students can work with a letter from PCS stating that the exams have been successfully completed.

Steven Dawson of Kenneth Shuler Schools asked the Board regarding the final inspection on North Augusta school. Mr. Jones stated he would provide a document today.

Palmetto Academy of Cosmetology commented on the PCS testing issue.

Executive Session

MOTION

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

Return to Public Session

MOTION

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

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

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

MOTION

Mrs. Hampton-Furtick made a motion the Board deny F. E. Dubois' request because of the integration of hours between public and private or any other licensed facilities which is not allowed to do under statute. Mrs. Gilmer seconded the motion, which carried unanimously.

Approval of Class for Continuing Education Credit - Color Your Business

MOTION

Mrs. Webb made a motion, after examining the definition of a trade show and with the information given concerning the trade show, the Board will accept Color Your Business as a continuing education class. Mrs. Gilmer seconded the motion, which carried unanimously.

Adjournment

MOTION

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

The July 13, 2009 meeting adjourned at 2:00 p.m.