

MINUTES
South Carolina Board of Cosmetology
Board Meeting
10:00 a.m., September 14, 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: Melanie Thompson, vice chairman, of Myrtle Beach; Delores Gilmer, of Charleston; Michelle Hampton-Furtick, of Columbia; and Ruth Settles, of Greenville.

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; 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 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.

The Board observed a moment of silence.

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 persons attending the meeting introduced themselves.

Approval of Excused Absences

Mrs. Kinley stated Mrs. Webb's absence from this meeting was excused.

Approval of the July 13, 2009 Meeting Minutes

MOTION

Mrs. Hampton-Furtick made a motion the Board approve the minutes of the July 13, 2009 meeting. Mrs. Settles seconded the motion, which carried unanimously. Mrs. Thompson abstained from voting due to her absence from the July 13, 2009 meeting.

Approval of Agenda

MOTION

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

Chairman's Remarks – Rosanne Kinley

Mrs. Kinley reminded everyone the 54th conference of the National Interstate Conference (NIC) will be held later this month in Myrtle Beach. She stated the Board extends a big thank you to all of the continuing education providers, associations, and school associations for their contributions to the conference.

Mrs. Kinley reminded all continuing education providers that the Board will approve all 2010 continuing education classes at the November 9, 2009 Board meeting. She also reminded the providers to have all of the continuing education documentation to staff no later than October 15, 2009. She stated the providers are to submit three hard copies and that the Board requires all other copies to be provided on a jump drive or a CD.

Administrator's Remarks, For Information – Eddie Jones

Advisory Opinions, If Needed, Office of General Counsel

There were no advisory opinions given during the September 14, 2009 meeting.

Legislative Update, If Needed, Legislative Liaison Office

Mrs. Dantzler stated the proposed regulations have been submitted to the General Assembly and will be presented when the legislators return in January 2010. She encouraged the Board to be alert to any comments regarding the proposed regulations which may be coming in. She asked the members to notify her of any comments of which they may hear.

Inspector's Report

Number of Inspections

Mr. Blackmon stated staff has completed 552 inspections during July 2009 and 448 in August 2009, for a total of 1,000 inspections conducted during the first two months of the fiscal year.

Number of Open Complaint Cases

Mr. Deleon Andrews reported there are currently 302 open complaints.

Unfinished Business

Ratification of Vote Regarding Southern Spa Show, Hickory, NC

During the July 13, 2009 Board meeting the Board voted to approve the Southern Spa Show in Hickory, North Carolina as a continuing education course. Since the matter was not on the agenda for the July 13, 2009 Board meeting the members must ratify the vote during this meeting.

MOTION

Mrs. Hampton-Furtick made a motion the Board ratify the vote regarding the Southern Spa Show in Hickory, North Carolina. Mrs. Gilmer seconded the motion, which carried unanimously.

Beauty Industry Group Continuing Education Class in Myrtle Beach

Ms. Showanda Thomas appeared before the Board at this time in regard to a class held in Myrtle Beach, which had not been approved by the Board.

Mrs. Kinley stated certain individuals had been asked to attend this meeting to further discuss this matter. She stated the Board had received statements from Robin Harby, Karen Clark, and Stephanie Turbeville who were in that class the day in question.

Mrs. Thompson stated the class was one of the classes Ms. Thomas had submitted for Board approval during the May 2009 meeting. However, since the Board now has a policy limiting

changes to continuing education classes to three changes per year Ms. Thomas had to determine what three changes she would make at that time. The class in question was not approved during the May 4, 2009 meeting.

Mrs. Thompson received a phone call from an individual who was on her way to attend the class at a salon at which time she questioned the individual regarding the class. She went to the salon and questioned Mr. DiFraia regarding the class. The decision was made to allow the class to continue as it was lunch time when she arrived at the class. Now the question is who will be taking the responsibility of allowing the class to occur. She noted there were approximately 20 participants in the class. She further stated the sign in sheet for the class was a sheet of paper passed around on which the participants wrote their name, address, and license number. She stated she and Mr. Jones had requested Mr. DiFraia and Mark Burns from Palmetto Beauty Supply attend today's meeting for this discussion.

Mr. Jones stated Mark Burns informed him he would not be able to attend this meeting. He went on to say Mr. Burns had given him Mr. DiFraia's phone number. He further stated he and Mr. DiFraia had attempted to contact each other and had left voice mails. He said in the letters mailed to Ms. Thomas and Ms. Stacks he had asked that they contact Mr. DiFraia regarding his attendance at this meeting since staff had an out of state address. He stated staff has made a diligent effort in contacting Mr. DiFraia.

Ms. Thomas stated when the class in question was not approved during the May 2009 meeting she contacted Mr. DiFraia by phone to inform him the class was not approved. However, she did not notify him in writing that the class was not approved. She did not know the class was being held as she was conducting a continuing education class elsewhere. She noted the class was not advertised as SCEU. She went on to say Mr. DiFraia informed her that there were only six participants in the class and that he had informed the participants that the class was not an approved class and offered refunds to the participants. She informed Mr. DiFraia verbally that the class was not approved, but she did not notify him in writing of the decision.

Mrs. Thompson stated during a conference call between Ms. Thomas, Mr. DiFraia and herself Mr. DiFraia stated the opposite of what he had informed her on the day of the class in question. She stated Mr. DiFraia had informed her that the class was coordinated between himself and Mark Burns of Palmetto Beauty Supply. She said Mr. Jones had asked Ms. Thomas, Mr. DiFraia, Mr. Burns and Ms. Turbeville to attend this meeting to discuss this matter. She had Mr. Jones to have these individuals send statements regarding the class in question if they were unable to attend the meeting.

Mrs. Hampton-Furtick asked if the statements submitted to the Board are to be handled as formal complaints. Mrs. Dantzler stated the statements are now formal complaints and should be submitted to the Office of Investigations and Enforcement (OIE) to determine action on this matter. She went on to say the decision to grant the participants credit for this class is different from the decision regarding disciplinary action on the unapproved class. She went on to say an appropriate investigation into the matter would be necessary to issue an appropriate referral to Mr. DiFraia's home state.

Mrs. Dantzler stated a Board member who learns of an unapproved class being held and physically checks the class at the location may tell the participants that she has checked the Board's website and discovered that the class has not been approved by the Board and the Board will not guarantee credit for that class. She hesitates to flatly say, but the Board members have the right, to inform the participants that they may not receive credit. She noted

the participants would not receive a certificate from USC and that the Board could state that the class was a non-disciplinary event.

The Board determined it would turn this matter over to the agency's Office of Investigation and Enforcement for a full investigation.

New Business

Approval of DRC Reports August 3, 2009 and August 31, 2009

Mr. Blackmon briefed the Board on the August 3, 2009 and the August 31, 2009 DRC reports.

MOTION

Mrs. Hampton-Furtick made a motion the Board approve the August 3, 2009 and the August 31, 2009 DRC reports. Mrs. Thompson seconded the motion, which carried unanimously.

Approval of Approval of Reinstatement – Amanda Shannon

Amanda Shannon's esthetician's license lapsed on March 10, 2007. On June 26, 2009 the Board received an email from Shamika Randolph stating Ms. Shannon wanted to reinstate her license. The email also states Ms. Shannon's husband had signed for a letter for her notifying her of a complaint which had been filed against her. Ms. Shannon spoke with an investigator from the Office of Investigations and Enforcement who informed her she would need to appear before the Board prior to reinstatement of her license.

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

A formal complaint was filed against Ms. Shannon for a facial done on a teenage girl. The Office of Investigations and Enforcement made numerous attempts to notify Ms. Shannon by telephone and mail. Letters were sent via standard and certified mail and were never returned.

Ms. Shannon stated the complainant had brought a lawsuit against her and the salon; however, the complainant's attorney later dropped the case indicating there was no case. Ms. Shannon was unable to provide proof during the meeting that the attorney had dropped the case.

Executive Session

MOTION

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

Return to Public Session

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

MOTION

Mrs. Thompson made a motion the Board allow Ms. Shannon's license to be reinstated with a public reprimand and that she be ordered to take a remediation legal class within ninety days. Mrs. Hampton-Furtick seconded the motion, which carried unanimously.

Approval of Licensure Applications

a. Elizabeth 'Renee' Dupont

The Board has received a cosmetologist license application from Elizabeth 'Renee' Dupont. Ms. Dupont's application included a criminal history report which reflects a felony arrest and

conviction for cocaine. Since the application could not be approved at staff level Ms. Dupont was notified by that she must appear before the Board to answer questions from the members.

Ms. Dupont was arrested and convicted for obtaining an illegal drug a friend had asked her to obtain. The friend had been wearing a wire at the time she was asked to obtain the illegal drug. She was fined as a result of the conviction. In 2005 she was arrested and convicted for speeding and having an open container in a vehicle. She has passed both examinations.

MOTION

Mrs. Hampton-Furtick made a motion the Board approve Ms. Dupont for licensure upon receipt of an updated SLED report at Ms. Dupont's expense, that her license be immediately placed on probation until licensure renewal in 2011 and that prior to licensure renewal in 2011 she submit, at her expense, an updated criminal history report.

Kandy Johnson

On June 16, 2009 the Board received a cosmetologist license application from Kandy Johnson. Ms. Johnson 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. Johnson's criminal history report reflects a felony arrest and conviction for breach of trust. Since the application could not be approved at staff level Ms. Johnson was notified by staff that she must appear before the Board to answer questions from the members.

Kandy Johnson did not appear during this meeting.

MOTION

Mrs. Hampton-Furtick made a motion the Board defer this matter to the November 9, 2009 meeting. Mrs. Gilmer seconded the motion, which carried unanimously.

Abigail L. Rose-Driggers

The Board has received a cosmetologist license application from Abigail L. Rose-Driggers. Ms. Rose-Driggers' application included a criminal history report which reflects an arrest and conviction of petty larceny. Since the application could not be approved at staff level Ms. Rose-Driggers was notified by staff that she must appear before the Board to answer questions from the members.

Abigail Rose-Driggers was not present for this meeting.

MOTION

Mrs. Hampton-Furtick made a motion the Board defer this matter to the November 9, 2009 meeting. Mrs. Thompson seconded the motion, which carried unanimously.

Approval of Cosmetology School Application – Neechie's School of Beauty and Hair Design

On September 8, 2009 the Board received a cosmetology school application from Neechie's School of Beauty and Hair Design. The application reflects the school will be located in Camden. Staff notified Audrey Boykin, owner, that the Board would review the application during this meeting and asked that she be present to answer questions from the members.

No representative from Neechie's School of Beauty and Hair Design was present for this meeting.

MOTION

Mrs. Thompson made a motion the Board table this matter to the November 9, 2009 meeting. Mrs. Hampton-Furtick seconded the motion, which carried unanimously.

Approval of Satellite Classroom – Kenneth Shuler- Rock Hill

Mrs. Angie Shuler stated she was informed the school had not yet been inspected. She further stated Mr. Dawes had asked her to see if the matter would have to go before the Board again following the inspection.

Ms. Tracey McCarley stated she attended the initial inspection of the school. She went on to say she received the letter from Mr. Dawes requesting the additional classroom space the week of September 8-11, 2009.

Mrs. Kinley stated as long as the staff inspector and a Board member have signed the inspection form the school would be okay; however, the final inspection would have to be approved by the Board.

Approval of Revised Student Contract – Palmetto Beauty School

On July 14, 2009 the Board received a letter from Bob Pearson of Palmetto Beauty School seeking the Board's approval of a revised student contract, which was attached to Mr. Pearson's letter. Mr. Pearson was notified by letter stating the Board would review the revised contract during this meeting and asked that he be present to answer questions from the members.

Mrs. Kinley stated she has concerns regarding the kit issued to the students. She noted once the student has paid for the kit, then the kit belongs to the student. Mrs. Thompson stated the contract states if the student withdraws from the school the student must return the kit or pay for the kit in order to keep it. She noted the school is not charging for the kit up front unless the student withdraws from the school.

Mrs. Thompson questioned the hours on the transcript. Mrs. Kinley stated no student should have to pay for the entire 1,500 hours if they have to withdraw from the school.

MOTION

Mrs. Thompson made a motion the Board deny the revised contract. Mrs. Hampton-Furtick seconded the motion, which carried unanimously/

Approval To Teach Methods of Teaching Course – Frances Kaye Leet

On July 21, 2009 the Board received a letter from Rita Buck of the National Cosmetology Association seeking the Board's approval for Frances Kay Leet to teach the Methods of Teaching Course.

Ms. Leet did not appear at this meeting.

MOTION

Mrs. Thompson made a motion the Board approve Mrs. Leet to teach the Methods of Teaching course. Mrs. Hampton-Furtick seconded the motion, which carried unanimously.

Possible Exemption From Methods Course – Queen Dease Funnye

On September 7, 2009 the Board received a letter from Queen Dease Funnye seeking the Board's approval to use her college educational course in lieu of take the methods of teaching

course to become an instructor. Staff notified Ms. Funnys by letter that the Board would discuss her request during this meeting and asked that she be present to answer questions from the members.

Ms. Funnys contacted staff that she was unable to attend the meeting due to a physician's office.

MOTION

Mrs. Hampton-Furtick made a motion the Board deny Ms. Funnys's request to be exempt from the methods course. Mrs. Thompson seconded the motion, which carried unanimously.

Approval of Final Inspection – Hemingway Career and Technology Center

On August 17, 2009 Melanie Thompson and Tracey McCarley conducted a final inspection on the Hemingway Career and Technology Center. The final inspection is before the Board for approval.

MOTION

Mrs. Hampton-Furtick made a motion the Board approve the final inspection of the Hemingway Career and Technology Center. Mrs. Gilmer seconded the motion, which carried unanimously.

Approval of Sanitation/Sterilization and Laws/Regulations Classes – SCACS

On August 31, 2009 the Board received an email from SCACS seeking the Board's approval for SCACS continuing education providers to offer the three hour sanitation/sterilization and laws/regulations classes. SCACS included a curriculum and other documentation regarding the two classes for the Board's review.

MOTION

Mrs. Thompson made a motion the Board approve the sanitation/sterilization and laws/regulations classes to be sponsored by SCACS. Mrs. Gilmer seconded the motion, which carried unanimously.

Approval of Continuing Education Class Location – Nails, Skin & Hair of America

The Board has received a request from Nails, Skin & Hair of America seeking approval of a change in location of a continuing education class.

MOTION

Mrs. Thompson made a motion the Board approve the change in location for the continuing education class. Mrs. Hampton-Furtick seconded the motion, which carried unanimously.

Approval of Additional Instructor Continuing Education Class – SCPBCA

On September 4, 2009 the Board received an email from Jacqueline Golden of the SC Professional Barber and Cosmetology Association seeking the Board's approval of an additional instructor's class to be held November 14-15, 2009 at RD Anderson Career Center in Moore, South Carolina.

MOTION

Mrs. Thompson made a motion the Board approve the additional instructor continuing education class to be sponsored by the SC Professional Barber and Cosmetology Association. Mrs. Hampton-Furtick seconded the motion, which carried unanimously.

Approval of Transition Program for Newly Licensees – Lillian Smalls, Miller-Motte Technical College

On September 3, 2009 the Board received a letter from Lillian Smalls of Miller-Motte Technical College seeking the Board's approval of a transition program to further prepare students for work.

Discussion ensued and included topics such the licensees working on soft sell skills and the students being paid per service.

MOTION

Mrs. Thompson made a motion the Board deny the request from Miller-Motte Technical College until such time more information is presented by Ms. Smalls. Mrs. Hampton-Furtick seconded the motion, which carried unanimously.

Approval of Cancellation of Continuing Education Class – Gray & Associates

On September 3, 2009 the Board received a letter from Gray & Associates seeking the Board's approval to cancel a class scheduled for October 19, 2009 at the Embassy Suites in Myrtle Beach.

Elberee Gray was not present for the meeting.

MOTION

Mrs. Hampton-Furtick made a motion the Board approve the cancellation of the continuing education class. Mrs. Thompson seconded the motion, which carried unanimously.

Discussion Item

Discussion of Limiting CBT Testing within SC and Its Borders – Rosanne Kinley

Mrs. Kinley stated PSI is the Board's computer based testing company. She further stated one of the issues that sold the product is that there are 600 testing sites around the country. She went on to say it sounded like a great idea for years, however, it has now been brought to her attention that a gentleman with a Massachusetts address and driver's license went to a PSI testing site and made application with credentials from South Carolina to take his examination. She noted that Massachusetts is not a NIC state. She would like to know if the Board could take action in this matter.

Mrs. Dantzler stated the Board has no evidence that PSI's supervision of its test centers in other states is different from the supervision in the South Carolina centers. She noted there is a constitutional protection across interstate commerce as well as a U.S. constitutional protection of the right to travel which allows individuals to take licensure examinations prior to moving to another state. She noted that until or unless the Board has evidence that PCS is running its exams differently in different states the Board would have issues with equal protection, interstate travel and U.S. commerce with any type of motion pertaining to this matter.

Board Member Reports

Michelle Hampton-Furtick had no report.

Melanie Thompson monitored a continuing education class in Myrtle Beach on May 17, 2009. On May 18, 2009 she monitored the practical exam. She conducted an inspection of the Hemingway Career Center on August 17, 2009. She has been working on the national conference most every day and she has received a great amount of local support from the

different associations. She noted that Tammy Stevens, Nancy Poole and Chesley Phillips have been a tremendous help.

Mr. Jones stated he has been in contact with the SC State Lottery Commission, which may be providing something for the bags.

Mrs. Kinley stated a memorial DVD has been produced of Aurie Gosnell's life which will be placed on sale for \$20.00. She noted the proceeds would go to the scholarship foundation.

Ruth Settles had no report.

Delores Gilmer monitored a continuing education class sponsored by Hair, Skin and Nails on Hilton Head Island on September 13, 2009.

Mr. Jones asked the Board members to stay after adjournment of the meeting. He stated he has information regarding personalized license plates and an announcement regarding Pearl Clark's instructor's class to distribute to the members.

Public Comments

The Board clarified that it would need three flash drives or DVDs and three hard copies of the 2010 continuing education information.

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 September 14, 2009 meeting of the SC Board of Cosmetology Board adjourned at 1:00 p.m.