

MINUTES
South Carolina Board of Cosmetology
Board Meeting
10:00 a.m., January 11, 2010
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; Ruth Settles, of Greenville; and Kathy Webb, of Easley.

Staff members participating in the meeting included: DeLeon Andrews, Investigator, OIE; George Barr, Inspector; Ronnie Blackmon, Inspector; Sharon Dantzer, Deputy General Counsel; Eddie Jones, Administrator; Angela Scott, Administrative Assistant; and Shirley Wider, Program Assistant.

Others participating in the meeting included: Chesley Phillips; Antoinette Smith Bracey; Dinah Shaw; Catherine Stewart; Pearl Clark; Sabre Bridgers; Tammie Stevens; Linda Green; Colleen Large; Carolyn La-Crockett; Linh My Le; Jacqueline Golden; Patsy Towery; Theodore Nelson; and Gloria Smith.

Public Notice:

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

All paused for a moment of silence.

Rules of the Meeting Read by the Chairman:

Mrs. Thompson read the rules of the meeting.

Introduction of Board Members and All Others Persons Attending:

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

Approval of Excused Absences:

NONE

Approval of the November 9, 2009, Meeting Minutes and the November 16, 2009 call Meeting Minutes:

MOTION:

Mrs. Thompson moved to approve the November 9, 2009 and the November 16, 2009, meeting minutes. Mrs. Hampton-Furtick seconded the motion, which carried unanimously.

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Approval of Agenda

Monday, January 11, 2010

MOTION

Mrs. Thompson moved to approve the Monday, January 11, 2010, agenda as previously noticed. Mrs. Settles seconded the motion, which carried unanimously.

Chairman's Remarks:

Rosanne Kinley, Chairman

Mrs. Kinley noted the passing of Mr. Rufus Gosnell, the spouse of Mrs. Aurie Gosnell who was heavily involved with NIC.

Mrs. Kinley stated that she is looking forward to passage of the Regulations this year. Mrs. Dantzler reported that she would not be able to give the Board much notice as to when the sub-committee meetings are being held but they would be held on Tuesday, Wednesday or Thursdays. Once the meetings are scheduled, she would send out an e-blast to the members. She stressed the importance of the Board members attending the sub-committee hearings.

Administrator's Remarks for Information:

Eddie Jones, Administrator

Mr. Jones reported that the Regional Conference will be held in Las Vegas, March 19 – 21, 2010, and the four regions will be combined. He reported that this is a legislative year and wanted everyone to be on notice.

Inspector's Report:

Mr. Blackmon

Mr. Blackmon briefed the Board on the inspection report.

Mr. Andrews briefed the Board on the number of Complaint Cases.

Unfinished Business:

NONE

New Business:

Approval of the DRC Reports, December 7, 2009 and January 4, 2010:

MOTION:

Mrs. Hampton-Furtick made a motion to approve the December 7, 2009 and January 4, 2010 DRC Reports. Mrs. Thompson seconded the motion, which carried unanimously.

Approval of the IRC Report:

NONE

Approval of Continuing Education:

Hair Matters

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The Board received the 2010 continuing education classes from Hair Matters in November 2009; however, the information presented was received in addition to what was approved at the November 2009 meeting. Mrs. Kinley advised that the policy of the Board is to allow applicants to receive three changes per continuing education year.

MOTION:

Mrs. Thompson made a motion to defer approval of Continuing Education changes for Hair Matters to the March 2010 meeting. Mrs. Gilmer seconded the motion, which carried unanimously.

Approval for Methods of Teaching Instructor:

Danielle Lawson

The Board received a request from Ms. Danielle Lawson on November 25, 2009, seeking the Board's approval to become a Methods of Teaching Instructor. She included a resume with her request.

Mrs. Kinley noted to become a Methods of Teaching Instructor the applicant must possess a Master's Degree in Education or show expertise in a cognitive field.

MOTION:

Mrs. Thompson made a motion to defer all methods of teaching applicants into executive session. Mrs. Gilmer seconded the motion, which carried unanimously.

Approval of Licensure:

Sabre Bridgers

The Board received a cosmetologist licensure application on November 12, 2009, from Ms. Sabre Bridgers. Her application included a criminal history report, which included an arrest and conviction for receiving stolen goods; driving under suspension; and possession of ice/crack cocaine. Since the application could not be approved at staff level, Ms. Bridgers was notified by staff that to appear before the Board to answer questions from the members. Mrs. Sharon Danzler, Esquire, swore in Ms. Bridgers.

Ms. Bridgers appeared before the Board and offered the following testimony. Ms. Bridgers testified that she had a drug addiction in which she has received treatment. She has been sober and has had no criminal activity since 2005. Ms. Bridgers presented the Board with a current copy of her criminal history report showing some of the charges expunged.

MOTION:

Mrs. Webb made a motion to approve Ms. Bridgers Cosmetologist licensure application. Mrs. Gilmer seconded the motion, which carried unanimously.

Approval of CEU Course (NC):

Frances Swinney

The Board received a request from Ms. Swinney on December 14, 2009, seeking the Board's approval of her out of State continuing education credit hours. Ms. Swinney was

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not present. Mr. Jones reported that he did not request Ms. Swinney to be present. Ms. Swinney is license in South Carolina.

MOTION:

Mrs. Thompson made a motion to defer Ms. Swinney's request into executive session. Mrs. Gilmer seconded the motion, which carried unanimously.

Temporary Work Permit:

Antoinette Smith Bracey

The Board received a request from Mrs. Antoinette Smith Bracey on January 4, 2010, seeking the Board's approval of reinstatement of her license by reciprocity. Mrs. Sharon Danzler, Esquire, swore in Mrs. Bracey.

Mrs. Bracey appeared before the Board and offered the following testimony. Mrs. Bracey testified that she held a South Carolina license in 2004. She relocated to California where she taught cosmetology, which does not require an Instructor's license. She stated that she received her teaching credentials and completed her teaching training classes.

MOTION:

Mrs. Settles made a motion to grant the approval of Ms. Smith's cosmetology license by reciprocity. Mrs. Settle's motion did not carry. There were three nay votes.

MOTION:

Mrs. Thompson made a motion to defer Mrs. Bracey's request into executive session. Mrs. Webb seconded the motion, which carried with one nay vote.

Approval of Third Copy of License:

Linh My Le

The Board received a request from Ms. Linh My Le seeking the Board's approval for a third copy of her license. Ms. Le was sworn in by Mrs. Sharon Danzler, Esquire.

Ms. Le appeared before the Board and offered the following testimony. Ms. Le testified that she did receive either the first or the second copy of her license and she verified her address with the Board.

MOTION:

Mrs. Thompson made a motion to deny Ms. Le's request for a third copy of her license. Mrs. Webb seconded, the motion, which carried with one nay vote.

Mrs. Kinley reported that it is the Board's policy to issue an applicant only one duplicate license. She instructed Ms. Le to verify with the postal service that she does not have any return mail.

Approval of CEU Provider:

Creative Works CEU Association

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The Board received a request from Creative Works appealing the Board's decision rendered at November 9, 2009, meeting denying them as an Association. The Board denied the request because the membership roster did not meet the Board of Cosmetology Regulations. The regulations state that an applicant must show membership in three-fifths of the counties to become an association. In addition, the flash drive was incomplete. Since that time, the applicant was advised that she may appear before the Board at any time with the completed information. The applicant must be an approved association one year prior to submitting application to become a continuing education instructor. All continuing education packages must be received by October 15, 2010 to be approved for 2011.

Ms. La-Crockett appeared and offered the following testimony. Ms. La-Crockett testified that she reviewed the minutes from previous meetings and there were several Associations approved pending corrections. The denial of her application was not fare because she was not giving the opportunity to make corrections as the other associations.

Mrs. Thompson reported that the Board has set forth guidelines and standards for continuing education applicants and asked that the checklist be followed verbatim. The Associations that were approved pending corrections were pre-established prior to the November 2009, meeting. Those application packages contained minor errors such as typographical, grammatical or problems with the agenda.

MOTION:

Mrs. Webb made a motion to defer Creative Works request to executive session. Mrs. Thompson seconded the motion, which carried unanimously.

Approval of School Contract:

Necie's School of Beauty and Hair Design

The Board received a copy of Necie's School of Beauty and Hair Design School Contract for the Board's approval. Necie's School of Beauty appeared before the Board at the November 2009, meeting and was asked to correct the student contract and resubmit. The Board reviewed the application of *Necie's School of Beauty and Hair Design*.

MOTION:

Mrs. Thompson made a motion to table *Necie's School of Beauty and Hair Design* request until they submit a revised copy of the student contract making all necessary changes and/or corrections. Mrs. Webb seconded the motion, which carried unanimously.

Discussion:

Midlands Technical College – Airport Campus

Mrs. Hampton-Furtick reported that on December 13, 2009, she monitored a continuing education class at Midlands Technical College – Airport Campus. She asked whether a

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Board member had the authority to place an instructor on probation if infractions were found while attending the CEU class.

Mrs. Kinley reported at the November 2009, meeting the Board decided they would compile all reports received from USC regarding infractions occurred at CEU classes. They would notify the provider of the infraction and placed them on probation; and if a Board member attended a CEU, class and infraction occurred they had the authority to place them on probation effective January 1, 2010.

Mrs. Hampton-Furtick noted that the instructor allowed her sit in the class without signing in or out for one hour and thirty minutes. The instructor demonstrated a haircut while a DVD was playing demonstrating a haircut. The instructor went on an on-line site and allowed the class to view a haircut demonstration; and at the end of class, the monitor asked for the evaluation and verification forms.

Ms. Pasty Towery, Director of Special Programs and Community Education, reported that she was not present at the class but had spoken to the instructor. The instructor informed her that the verification of attendance forms were suppose to be given out at the end but prior to leaving the second monitor inadvertently picked up the forms. Therefore, the forms were not distributed. When informed of the problem, she immediately notified USC and Mr. Eddie Jones. Since that time, everyone in attendance received an e-mail; telephone call; and a letter with stamped self-addressed envelope, instructing them to complete the verification form and return. They compared the verification forms and the sign in rooster and only one person did not return the form. Therefore, she did not receive credit for the course. There was one person in which they could not contact because she either changed her address and telephone number. Ms. Towery reported that Midlands Technical College has taken the necessary precautions and she can assure this would not happen again.

Ms. Kinley reported that Midlands Technical College would receive a word of caution to assure they follow all policies.

S.C. Esthetics Association, LLC

Mrs. Hampton-Furtick reported that she monitored a continuing education class on December 14, 2009. After entering into the class, she asked for a registration package and noticed that the instructor deviated from the agenda; and the class location was changed. The instructor informed her that because the class was extremely large she allowed them to take an early lunch. Mrs. Hampton-Futrick reported that the sign-in sheet showed the applicant's social security number.

Ms. Colleen Large, South Esthetics Association, LLC reported that she was not aware of the verification forms being completed prior to the class ending. The owner of the salon was assisting the instructor and she inadvertently put the forms in the package. The CEU class was held at a Salon located in a strip mall. The owner of the salon did not notify the instructor that she had moved two doors down from the original location until the day of the class. That was the instructors first time teaching in South Carolina at

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was not aware of the policies and procedures. Since that time, she has spoken with the association and reiterated the policies and procedures of the Board.

Nails, Skin and Hair of America

The Board received a letter from Catherine Stewart requesting the Board to approve continuing educations credits due to her for classes in which she completed on October 18-19, 2009, at the Hilton located in Myrtle Beach, South Carolina.

Ms. Chesley Phillips of Nails, Skin and Hair of America, reported that three people did not receive certificates from that class; Ms. Catherine Stewart; Diane Brown; and Karen Lee. Ms. Stewart is not license in South Carolina but she is license is North Carolina therefore; her information cannot be submitted to USC for a continuation certificate. On October 19, 2009, Ms. Stewart submitted her information to North Carolina. On November 19, 2009, Ms. Stewart contacted her office stating that she was having a problem getting her continuing education classes approved by North Carolina. She informed Ms. Stewart that she would be in contact with the Ms. Maureen Mack, North Carolina Board. Ms. Stewart's paperwork was submitted and she notified by the Ms. Maureen Mack that they would not approve the cellulite portion of the class because that is something they normally do not approve. Ms. Phillips reported that she has done everything she possibly can to assist Ms. Stewart.

Mrs. Thompson reported that she works with Ms. Karen Lee whom is duly licensed in South Carolina and North Carolina and she is having the same problem. She has personally spoken with the Ms. Maureen Mack, North Carolina Board and Ms. Mack addressed several issues with Ms. Phillips submissions. One of the issues was that Ms. Phillips home base address was Aiken, South Carolina yet the class was held in Myrtle Beach, South Carolina. She explained that the Associations teach all over the State, therefore their business address would be different from the class location. In addition, she addressed typographical errors within the package. Mrs. Thompson reported that she monitored the cellulite portion of the class. North Carolina does not want to approve the very small portion of the class pertaining to cellulite.

Ms. Stewart stated that the agenda was not explanatory and Ms. Mack stated that she needed a systematic lesson plan. She contacted Ms. Phillips asking for the license plan and has not received a response.

Mrs. Thompson asked Ms. Phillips to contact Ms. Mack to see whether she could witness that, she was present at that cellulite portion of the class.

Mrs. Kinley reported that this is a North Carolina Board issue and this matter has to be resolved in North Carolina. Mrs. Kinley asked Ms. Phillips to work with the North Carolina Board to help Ms. Stewart and the other two applicants receive their continue education credits.

Board Member Reports

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Mrs. Hampton-Furtick reported that she monitored the continuing education class given by the Beauty Industry Group on December 6, 2009, and lunch was provided on-site. The instructor provided information regarding her association and the benefits for joining the association. She monitored the continuing education class given by SCSCA on December 13, 2009, they provided lunch on-site and there were questions regarding the revised agenda. Mrs. Hampton-Furtick monitored Barnwell Technical School on November 15, 2009, and everything was in order.

Mrs. Settles reported that she had two assignments World Beauty School and Academy of Hair and no one was present.

Mrs. Thompson reported that she monitored the continuing education class given by Palmetto Professionals on November 15, 2009. There were fourteen participants; it was a great class; and lots of positive feedback. She reported that she inspected Kenneth Shuler, Florence South Carolina on December 7, 2009.

Mrs. Gilmer did not have a report.

Mrs. Webb reported that she monitored South Carolina Technical School in Greenville, South Carolina on November 15, 2009. There were approximately 194 participants. The agenda was from 12:00 p.m. to 1:00 p.m., and the instructor sent the participants to lunch at 12:30 p.m. She contacted Mr. Jones the following morning notifying him of the violation. She spoke with the instructor previously about deviating from the agenda. She reported that she monitored Association of Palmetto Professions on November 16, 2009. There were 32 participants and the class was great.

Public Comments:

Mr. Jay Lacy asked whether there has been any change notice sent regarding individuals failing portions of the practical examination.

Mrs. Kinley reported if an applicant fails any portion of the practical examination, the entire examination has to be retaken.

Ms. Gloria Smith reported she was notified that the PCS website has changed and there is not a place to put grades.

Mrs. Kinley reported that she was not aware of the change and asked Ms. Smith to meet with her and Mr. Jones after the meeting.

Ms. Colleen Large reported that the online verification of hours is not working.

Mrs. Kinley thanked Ms. Large for bringing that information to the Board's attention and assured her that staff would look into it.

Mrs. Pearl Clark, SCSCA reported that she was not aware that Ms. Hamlin having her own agenda because she was not present at that class. She reported that she would reiterate to Ms. Hamlin that the agenda submitted to the Board must be followed.

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Ms. Chesley Phillips, Nail. Skin and Hair of America, reported at the December 2009, class a senior citizen provided her a fraudulent driver's license stating she was born in 1973. She reported that she would be filing a complaint. In addition, due to the lack of e-mail and faxing capabilities she was not able to get the sanitation and law classes approved. Ms. Phillips asked what the Board thought about the associations teaching classes to salons that has had violations.

Mrs. Kinley reported that it is very important to request identification and verify that the individuals are whom they say they are.

Mrs. Danzler informed Ms. Phillips to submit the information for review. She reported that the Board has approved the content and location of the course.

Ms. Tammie Stevens, SCACS asked what should the Association do when an individual shows up three hours late for a class and accompanied by an interpreter.

Mrs. Kinley reported that the law states that an individual must be able to read, speak and understand the English language.

Executive Session:

MOTION:

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

Return to Public Session:

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

Approval for Methods of Teaching:

Danielle Lawson

MOTION:

Mrs. Thompson made a motion to deny Ms. Lawson request to become a Methods of Teaching instructor. Mrs. Hampton-Furtick seconded the motion, which carried unanimously.

Tammie Stevens

MOTION:

Mrs. Gilmer made a motion to deny Ms. Stevens request to become a Methods of Teaching instructor. Mrs. Thompson seconded the motion, which carried with one nay vote.

Teleia B. Hamlin

MOTION:

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Mrs. Thompson made a motion to deny Ms. Hamlin request to teach the Methods of Teaching instructor. Mrs. Gilmer seconded the motion, which carried with one nay vote.

Dinah Shaw

MOTION:

Mrs. Thompson made a motion to deny Ms. Shaw request to become a Methods of Teaching Instructor. Mrs. Gilmer seconded the motion, which carried unanimously.

Mrs. Kinley reported that one of the hardest decisions the Board has to make is to determine who is qualified or not to become a Methods of Teaching Instructor. The law states in order to teach methods of teaching an applicant must possess a master's degree in education or show expertise in a cognitive field. Individuals must prove beyond a reasonable doubt that they can teach others how to teach. Any applicant from this point forward must provide information in their schooling transcript that having successfully passed classes that instructs them how to teach.

Approval for CEU Course

Frances Swinney

MOTION:

Mrs. Thompson made a motion to deny Ms. Swinney request for approval of CEU Course. Mrs. Hampton-Furtick seconded the motion, which carried unanimously.

Temporary Work Permit

Antoinette Smith

Mrs. Thompson made a motion to deny Ms. Smith Bracey request for approval of a temporary work permit. Mrs. Gilmer seconded the motion, which carried unanimously.

Approval of CEU Provider:

Creative Works CEU Association

Mrs. Thompson made a motion to deny Creative Works request to become a CEU Association. Mrs. Webb seconded the motion, which carried with one nay vote.

Adjournment:

Mrs. Thompson moved the meeting be adjourned. Mrs. Gilmer seconded the motion, which carried unanimously. The January 11, 2010 meeting of the South Carolina Board of Cosmetology adjourned at 3:33 p.m.