

AMENDED AGENDA
South Carolina Board of Cosmetology
Board Meeting
9:00 a.m., May 8, 2017
Synergy Business Park
Kingstree Building
110 Centerview Drive, Conference Room 108
Columbia, South Carolina 29210

1. Meeting Called to Order

- a. Public notice of this meeting was properly posted at the S. C. Board of Cosmetology office, Synergy Business Park, Kingstree Building and provided to all requesting persons, organizations, and news media in compliance with Section 30-4-80 of the South Carolina Freedom of Information Act.
- b. Rules of the Meeting Read by the Chairman
- c. Pledge of Allegiance

2. Introduction of Board Members and All Other Persons Attending

Chairperson Melanie Thompson called the meeting of the S.C. Board of Cosmetology to order. Other Board members participating in the meeting included:

- ❖ Eddie Jones
- ❖ Patricia Walters
- ❖ Selena Brown
- ❖ Marcia Delaney

Staff members present included: Mary League, Advice Counsel; Shalon Genwright, Staff; Theresa Richardson, Administrator; Kyle Tennis, Office of Disciplinary Counsel (ODC); Sharon Wolfe, Office of Investigations and Enforcement; Robbie Boland, Office of Board Services; Jennifer Stillwell, Office of Investigations and Enforcement (OIE); Eric Thompson, Office of Investigations and Enforcement

All Other Persons Attending:

Tina Behles, Court Reporter; Lynn James; Courtney Pleasant; Kimberly Sharpe; Darryl Floyd; Steven Sharpe; Ervin Smith; Meagan Pelfrey; Steven Dawson; Shermica Fabers; Angela Morrison; Trina Greenwood; Alexis Venesky; Kiersten Honaker; J.F. Lucas; Gloria Smith; Tony Tran; Lakisha Doctor; Qweshanda Mauney; Jayson Lacy; Jimmy Hardee; Karen Stacks; Angie Shuler; Josephine Pearson; Erica Horton; Chesley Phillips; Annette Pelfrey; Lisa Burser

3. Approval of Excused Absences

Ms. Stephanie Nye was not in attendance for the meeting. Ms. Marcia Delaney made a motion to excuse Ms. Nye's absence and the motion was seconded by Mr. Eddie Jones. The motion carried.

Ms. Laquita Clark-Horton will arrive later in the meeting.

4. Approval of Agenda

Mr. Jones made a motion to approve the meeting agenda with the deviations deemed necessary. The motion was seconded by Ms. Delaney and it carried.

5. Approval of Meeting Minutes

March 7, 2017

A motion was made by Ms. Selena Brown to approve the meeting minutes from March 7, 2017. The motion was seconded by Ms. Delaney and it carried.

March 13, 2017

A motion was made by Ms. Delaney to approve the meeting minutes from March 13, 2017. The motion was seconded by Mr. Jones and it carried.

6. Chair Remarks – Melanie Thompson

On April 10, 2017, Chairperson Thompson monitored the CE course for N2 Skin where the instructor was Chesley Phillips. There were two participants that attended the course. It was a course that was specifically on microdermabrasion. With it being a smaller course, the participants were able to share a lot of information with each other.

Chairperson Thompson also attended subcommittee and full committee meetings in Columbia regarding regulations. She has been working with a national organization on deregulations and trying to standardize hours. The national organization and Ms. Thompson do not support or endorse the number of hours that are being pushed out.

7. Administrator's Remarks – Theresa Richardson

- a. **Budget**– For Information – Chairperson Thompson requested a detailed report of all expenditures for each board.
- b. **OIE Report** – For Information - Sharon Wolfe – The information given is through May 2, 2017. There were 94 incoming complaints, whereas 23 of those reports are still active. 73 cases have been closed so far this year through May 2, 2017. The 'Pending Board Action' cases will be seen at this Board meeting. The 'Pending IRC' cases have been kicked over to a pending status after the deadline of sending them to the IRC meeting.
- c. **IRC Report** – For Approval - Sharon Wolfe – For the cases listed with insufficient evidence, there were pictures that were not good and no doctor visits. For case 2016-230, the respondent was never able to be located in the salon and there was no proof that they worked there. For case 2017-44, the complainant was anonymous and there was no evidence that microblading was actually being done. For case 2017-51, the salon license is now active. As far as sending letters to persons to cease and desist services, follow-ups are being done to ensure the order has been honored. Appropriate steps are taken to ensure that the paperwork is being served. Mr. Jones made a motion to approve the IRC report and it was seconded by Ms. Brown. The motion carried.
- d. **ODC Report** – For Information - Kyle Tennis – There are currently 32 open cases.
 - 12 (Pending Approval)
 - 1 (Pending Response Agreement)
 - 1 (Pending Draft of Formal Complaint)
 - 1 (Pending Panel Hearing)
 - 1 (Pending Board Action)
 - 2 (Pending Scheduling for the July meeting)
 - 2 (Pending Final Order Hearings)
 - 3 (Pending IRC)
 - 1 (Advice Action)
 - 5 (Pending Scheduling)
 - 3 (Citation Hearings)
 - 13 (Closed)
- e. **Inspection Report** – For Approval - Robbie Boland – Mr. Boland is now the Assistant Deputy Director for the Office of Board Services. Mr. Eric Thompson has replaced him with the inspections department. There have been 4,426 salons inspected. 91 schools have been inspected. Currently, there are 108 active schools. The numbers are from July 2016 through March 2017. Ms. Jennifer Stillwell and Mr. Raymond Lee will have inspected each school by July. There are currently 5,964 active salons.

There were twelve citations written for the month of March. They dealt with unlicensed practice and sanitation.

A motion was made by Ms. Brown to approve the inspection report and it was seconded by Ms. Delaney. The motion carried.

8. Old Business

There was no old business.

9. New Business

a. Consideration of Additional Nail Technician Class

i. CE Training Courses, Inc.

A motion was made by Ms. Delaney to defer the agenda item for CE Training Courses until later in the meeting. The motion was seconded by Mr. Jones and it carried.

Mr. Jayson Lacy represented CE Training Courses, Incorporated. The association would like to add a continuing education course for nail technicians. It will be an online course. Ms. Patricia Walters stated that on the gel extensions video, there is a segment where double voices could be heard. This begins around the timestamp of one hour and six seconds and continues on throughout the video. The other videos are fine. Mr. Lacy stated that the voice could easily be removed. The timing was fine overall. This online course has been broken down into three hour segments. No products will be mentioned in the videos.

A motion was made by Mr. Jones to approve the additional online course, pending receipt of the updated video to the Board Administrator. The video must have the corrections that Ms. Walters mentioned. The motion was seconded by Ms. Delaney and it carried.

b. Consideration of Licensure

i. Thitiya Sribanjong (DACA)

The attorney was not available and asked for continuance on this consideration, so that it would be placed on the agenda for the next Board meeting.

A motion was made by Mr. Jones that this item be continued until the July meeting. The motion was seconded by Ms. Brown and Ms. Delaney and it carried.

ii. Lakisha Doctor (EXAMINATION APPLICANT)

Ms. Doctor is seeking consideration of initial licensure with a criminal background. She went over all arrests as seen on her SLED report and provided information to the board members. Her cosmetology teacher will help her find work in the industry once properly licensed. Ms. Doctor apologized for her past behavior and would like this chance. She is also working on gaining her driver's license back. If she does time served, she will be off of probation.

Ms. Walters made a motion to go into an executive session to garner legal advice and it was seconded by Mr. Jones and Ms. Delaney. The motion carried.

Ms. Laquita Clark-Horton came into the meeting during the executive session, but will not be able to vote as she did not hear the details of the case.

Mr. Jones made a motion to come out of executive session and it was seconded by Ms. Delaney. The motion carried.

There were no motions made or votes taken during the executive session.

Ms. Delaney made a motion to allow licensure with conditions for Ms. Doctor based on her completion of time served (15 days) and pending the receipt of that documentation to the Board Administrator. The motion was seconded by Mr. Jones and it carried.

c. Consideration of School Changes

i. Upstate College of Cosmetology, LLC

Ms. Lynn James served as a representative for the Upstate College of Cosmetology. They would like to remodel the school by taking down two partial walls and moving a classroom further back into the building. They will also be going from 16 to 21 stations. All work being done will be

completed on the weekends. They will also like to move their office and hope to have this all completed by the end of July. Classes may only discontinue for one or two days.

A motion was made by Ms. Selena Brown to approve the remodeling of the school, pending an inspection by one of the school inspectors and the school meeting the guidelines of the requirements. The motion is also authorizing that the Board Administrator has the authority to approve the school's license once the inspection report has been completed and submitted. The motion was seconded by Ms. Clark-Horton and it carried.

ii. Golden Strip Career Center

Mr. J.F. Lucas served as a representative of the Golden Strip Career Center. The career center would like to relocate its classroom and add an exploratory cosmetology and nail technician course. There are fifteen courses that the 9th graders will be allowed to attend. The 9th graders will have the opportunity to choose from six different courses of discipline to sample or get a taste of and will receive 1 high school credit for each course. Each course will be for 30 days and then the students will be rotated out to different disciplines. The students will be made aware of what cosmetology is all about. It will be career exploration courses for cosmetology and nail technology. The students will not be going into the labs, doing any practicums, or earning hours. The exploratory courses will make them aware of the business aspects of cosmetology and nail technology. The courses will be introductory courses taught by a nail instructor and a cosmetology instructor. It is essentially an introductory course, just in case the students want to pursue enrolling in the actual cosmetology or nail technician course. The nail technician classroom will be moved to another classroom where there are male and female restrooms and 470 more square feet. This classroom will be located right in front of the cosmetology classroom. The exploratory students will be totally separate from the students actually earning hours in the program.

A motion was made by Ms. Delaney to approve the relocation of the nail technician classroom based on an inspection meeting all criteria that the changes are approved. A recommendation was made that the exploratory courses be accepted. The motion was approved by Ms. Clark-Horton and it carried.

iii. Kenneth Shuler (Goose Creek Campus)

Mr. Steven Dawson served as a representative of Kenneth Shuler, Goose Creek campus, and he is requesting approval of an instructor training program at that campus. This same instructor program is offered at the other Kenneth Shuler campuses. They are now in their final facility and want to have the option to offer this program. The contract was approved, but also needs to be updated. On page 1 of the contract, item number six (chart with charges by payment period), there needs to be an itemized breakout of the payments, which includes tuition, books, kits, and fees. There also needs to be a note that states that the kits are typically received in the first payment period, being received at the beginning of school. This is being required by the accreditation agency and is the only variance from the previously approved contract. If the Board approves the change, Ms. Richardson will review the other contract changes, if they are similar, for approval. Mr. Dawson states that it is virtually the same contract, except there has to be one for cosmetology and for esthetics, as the charges are different. The charges still need to be itemized. The Kenneth Shuler schools only offer cosmetology, esthetics, and the instructor training program.

A motion was made by Ms. Clark-Horton to approve the clarification in the contract for item number six of all Kenneth Shuler locations. This motion also includes the approval of the instructor training program with the receipt of the amended contract, along with giving authority to Ms. Theresa Richardson to approve the documentation for all contracts. The motion was seconded by Mr. Jones and it carried.

iv. Aiken School of Cosmetology

Ms. Trina Greenwood and Ms. Angela Morrison served as representatives for the Aiken School of Cosmetology. They are seeking approval of changing the school schedule for their day and night programs. For their day program, courses will be held Monday through Friday from 8:30 a.m. to 3:00 p.m. That would be the 30 hour program. The 40 hour program consists of Monday through Friday, 8:30 a.m. to 5:00 p.m., which would be for cosmetology only. The evening program is for cosmetology, nail technology, and esthetics, which will be held Monday through Thursday from 5:00 p.m. to 10:00 p.m. They would also like to add an instructor training program as well. The instructor training program will be held in the evenings, Monday through Thursday, 5:00 p.m. to 10:00 p.m. This will cause the cosmetology program to align with the barbering schedule. The instructor training program will only be offered during the day in the summer, if implemented. Notification is needed to Ms. Theresa Richardson if the instructor program will be offered during the summer, along with the timeframe the program will be offered. There will be 25 hours for lesson planning that will be added to the curriculum, which will make the difference of the 750 total hours.

Ms. Brown made a motion for the approval of the changing of the days and times for the day program and the changing of days and times for the night program. This motion was seconded by Ms. Clark-Horton and Ms. Delaney. The motion carried.

Ms. Brown made another motion to approve the addition of an instructor program, pending the corrected curriculum with the addition of the missing 25 hours. Ms. Richardson will be able to grant approval once the corrected curriculum is received. If they choose to implement a future instructor training program as a summer program, it is a requirement that notification is given to Ms. Theresa Richardson. This motion was seconded by Ms. Clark-Horton and it carried.

v. Southeastern School of Cosmetology

Ms. Karen Stacks served as a representative for the Southeastern School of Cosmetology. She is seeking approval of a change in the school's location. The school's new location will be right across the street from the old location. There are no students currently, as they are still waiting on accreditation. She hopes to have an official start date of July 1st. A preliminary and final inspection will be needed. Everything will remain the same, i.e. the curriculum and contracts.

A motion was made by Ms. Delaney to approve the preliminary and final inspection to occur concurrently, with the ratification being done at the July meeting. The motion was seconded by Mr. Jones and it carried.

d. Consideration of Renewal

i. Meagan N. Pelfrey (RC. 78971)

Ms. Pelfrey is seeking renewal of her cosmetology license with a criminal background. She is currently on probation for twelve months, but her lawyer has put in a motion to get the charge expunged.

A motion was made by Ms. Walters to approve Ms. Meagan Pelfrey with conditions to renew her cosmetology license. The motion was seconded by Ms. Clark-Horton and Mr. Jones. The motion carried.

ii. Courtney Pleasant (RC. 73708)

A motion was made by Ms. Delaney to go into a closed session in order to be in compliance with the federal and state laws. The motion was seconded by Ms. Clark-Horton and it carried.

Ms. Pleasant was present with her mother, Ms. Kimberly Sharpe, and step-father, Mr. Steven Sharpe, who served as witnesses for Ms. Pleasant.

A motion was made by Ms. Walters to approve Ms. Courtney Pleasant with conditions for the renewal of her license. The motion was seconded by Mr. Jones and it carried.

Ms. Clark-Horton made a motion to come out of the closed session and it was seconded by Mr. Jones. The motion carried.

They then went into a five minute break.

e. Consideration of Reinstatement

i. Shermica Fabers

Ms. Fabers is seeking approval of the reinstatement of her cosmetology license without retaking the theory and practical examinations. Her license expired March 10, 2013.

A motion was made by Ms. Clark-Horton to go into a closed session and it was seconded by Mr. Jones. The motion carried.

A motion was made by Mr. Jones to deny licensure for Ms. Shermica Fabers based on the regulations and guidelines that the board is required to follow. The motion was seconded by Ms. Clark-Horton and it carried.

A motion was made by Ms. Clark-Horton to come out of closed session and it was seconded by Mr. Jones. The motion carried.

ii. Chesley Phillips

Ms. Phillips is seeking reinstatement of her instructor licenses as a nail technician and an esthetician with a criminal background. There have been three arrests since her last renewal. There are three different cases with only one of those cases being resolved at this time. She has two upcoming court dates this month. Ms. Phillips also stated that a renewal application was sent prior to the deadline of March 10, 2017.

A motion was made by Ms. Clark-Horton to go into closed session to be in compliance with federal and state laws, as medical issues were mentioned in reference to her plight. The motion was seconded by Mr. Jones and it carried.

A motion was made by Ms. Delaney for a five minute recess and it was seconded by Mr. Jones and Ms. Clark-Horton. The motion carried.

Ms. Delaney made a motion to come back into the closed session and it was seconded by Ms. Clark-Horton and Mr. Jones.

Ms. Clark-Horton made a motion to go into executive session to garner legal advice. This motion was seconded by Mr. Jones and it carried.

A motion was made by Ms. Clark-Horton to come out of executive session and it was seconded by Ms. Delaney. The motion carried.

There were no motions made or votes taken during the executive session.

Ms. Delaney made a motion that Ms. Mary League, Advice Counsel, read the motion in regards to the disposition of the matter. It will be seconded once read.

The motion read was to defer this matter until the board's July meeting. In the interim, Ms. Phillips needs to submit complete applications for her instructor licensure with fees and a SLED

check. Because there is no proof at this time of timely renewal, the license is deemed lapsed. At the next board meeting, Ms. Phillips is asked to provide proof of timely renewal, which includes the green card showing the submission of the application and that it was signed for by an LLR employee, the check number, and a copy of the check registry with all other information redacted, showing that the check was written. If this is submitted to the satisfaction of the board and the other requirements are met for licensure, the license will renew back to the time of expiration, so that there is no lapse. This motion was seconded by Ms. Clark-Horton and it carried.

Chairperson Thompson reiterated the motion to ensure that it was understood.

The applications are needed as soon as possible with a new check. Ms. Phillips should make a copy of the check. She stated that she will hand deliver the check as well. Any other proof of timely renewal may be brought to the next board meeting.

f. Consideration of CE Provider Changes and Licensee CE Hours

- i. Nails, Skin & Hair of America, LLC
- ii. N2 Skin Education, LLC

The closed session continued with this agenda item.

Ms. Phillips is seeking approval of corrections to her 2017 continuing education courses for both associations listed.

A motion was made by Ms. Clark-Horton to approve the CE provider changes pending receipt of an e-mail to Ms. Theresa Richardson detailing the new locations for Rock Hill, Charleston, and Batesburg with the dates of the courses. The contracts/agreements are also needed with the new locations that show the dates that the courses will be held. This is due by close of business, Friday, May 12, 2017. Approval was also given to staff to approve the e-mail in Ms. Richardson's absence. The motion was seconded by Mr. Jones and it carried.

g. Consideration of CE Hours for Renewal

- i. Chesley Phillips

The closed session continued with this agenda item.

A motion was made by Ms. Delaney to come out of closed session and it was seconded by Mr. Jones. The motion carried.

h. Final Order Hearings

- i. 2015-167

This hearing was in the matter of Aiquyen Thi Tiet. At the February 28, 2017, panel hearing, a memorandum of agreement was completed. There had been two prior citations that dealt with unlicensed practice at the Aqua Day Spa in Charleston. There was an esthetician with an expired license and a massage student who was conducting services in the salon. Those persons had been working in the salon before Ms. Tiet became the manager, so she assumed that they were licensed. The following laws/regulations were violated:

- 40-13-110 (A)(2)
- 40-1-110 (1)(C)
- 40-1-110-(1)(F)

The Hearing Officer's recommendations consisted of a fine of \$1,000, along with the taking of a disciplinary law class to be taken within 90 days. Public reprimand was also given. Ms. Tiet stated that the "unlicensed" persons were licensed, but from a salon that was two blocks up. She also stated that an esthetician never performed massages. The massage student no longer works at the salon. She is now asking for proof of South Carolina licensure from the employees. Ms. Tiet never wants to risk her license for someone's interest. She is sorry for the oversight.

A motion was made by Ms. Walters to approve the Hearing Officer's recommendations and it was seconded by Ms. Clark-Horton. The motion carried.

ii. 2016-18

This hearing is in the matter of Diamond Nail and Spa. The respondent was not present, but was duly notified and served with proper notice of the hearing. The notice was sent out on April 7, 2017. There was unlicensed practice seen as the license was lapsed, as well as the driver's license and ReLAES information did not match. It was a female using a male's license. The license was confiscated as it was being fraudulently used. The owner/manager offered no explanation for it. The following laws/regulations were violated:

- 40-13-110 (A)(2)
- 40-1-110-(1)(F)

The Hearing Officer's recommendations consisted of a fine of \$1,000 and public reprimand.

A motion was made by Mr. Jones to approve the Hearing Officer's recommendation and it was seconded by Ms. Clark-Horton. The motion carried.

i. **Proposed Board Meeting Dates for 2018**

- January 8-9, 2018
- March 12-13, 2018
- May 14-15, 2018
- July 9-10, 2018
- September 10-11, 2018
- October 22-23, 2018 (CE Review)
- November 5-6, 2018

Chairperson Thompson inquired about moving the November dates for 2018 back, so that the office had a little more time. Options will be looked at again and it will be placed on the July agenda.

A motion was made by Ms. Clark-Horton to approve the board meeting dates for 2018. The motion was seconded by Mr. Jones and it carried.

10. Board Member Reports

Ms. Clark-Horton monitored the practical examination on March 20th. There were 21 candidates testing to become nail technicians and 61 candidates testing for their esthetics license. Paper forms were used, instead of the tablets. The question was asked if schools still did mock exams as an esthetic candidate was unaware of what soft wax was and a cosmetology candidate did not bring foil, so paper towels were used to show their foil technique. The nail technician candidates were not filing correctly as well. That was a concern for Ms. Clark-Horton.

Ms. Delaney attended the senate subcommittee and full committee meetings. Ms. Clark-Horton attended those meetings as well. On March 27, Ms. Delaney monitored the Pampered Beauty CE course in Rock Hill. There were 11 licensees present. Identification was checked and the agenda was posted. An awesome folder was given out with the Code of Regulations. She did not observe a video recording, but a cell phone may have been used. On April 10, Ms. Delaney also monitored the Southeastern Esthetics CE course. The agenda was clear and concise. Safety and sanitation was addressed. A cell phone recording was also being done. She was also introduced.

Chairperson Thompson asked for a note for the October review for providers to not introduce or recognize board members. There also needs to be clarification with registrars showing up late to classes. Ms. Richardson will place this in the upcoming e-mail to CE providers.

Ms. Clark-Horton had a concern about barbicide wipes. Barbicide wipes cannot be used to sanitize hands. The wipes are disposable items and are not supposed to be reused. The wipes are disinfectants, which should not be used on your skin. She also had a concern in reference to plastic bags being used with the client's name on it. The bags were filled with disposable tools and were told to be used for each visit until they could no longer be used again. This information was given by an instructor to her students. You are not supposed to store anything in plastic or reuse disposable tools.

11. Discussion

Mr. Jones asked about the senate subcommittee and full committee meeting. The meeting was in reference to sanitation and regulations. He did not receive a notice.

12. Public Comments

Ms. Angie Shuler asked the update of the cosmetology schools on the website. Their Goose Creek location has been open for over two years and is not seen on the website. Ms. Richardson stated that it will updated soon.

Mr. Steven Dawson stated that he attended the American Association of Cosmetology Schools Leader Summit this past weekend. The majority of the conversation dealt with what is happening in the cosmetology industry on a national level. Mr. Dawson asks that you keep Texas and Ohio in your thoughts and prayers as they are going over major changes with their hours.

13. Adjournment

Mr. Jones made a motion to adjourn the meeting and it was seconded by Ms. Clark-Horton. The motion carried.

The meeting adjourned at approximately 2:00 p.m.

The next meeting of the S.C. Board of Cosmetology is scheduled for July 10-11, 2017.