

**South Carolina Board of Cosmetology
Board Meeting
9:00 a.m., March 9, 2020
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
- 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 at 9:03 a.m. Other board members participating in the meeting were:

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

Staff members present included: Mary League, Advice Counsel; Theresa Brown, Administrator; Shannon Beaudry, Staff; Patrice Deas, Staff; Charlie Gwynne, Office of Disciplinary Counsel; Eric Thompson, Office of Investigations and Enforcement; Rodney Pigford, Office of Investigations and Enforcement; and Holly Beeson, Office of Communications and Governmental Affairs

All Other Persons Attending

Chesley Phillips, Kiley Hengeveld, Brandy Pound, Susan Steiner, Terry Frick, Steven Dawson, Saranda Prince, DeLaine Mann, Victoria Gregory, Lauren Chastain, Michael MacKinnon, Alex Syliphae, Katherine Philavong, Lindsey Farrow, Morgan Queen, Vanessa Euresti, Mary Dwyer, Shannon Manzella, Allene Chamblin, Catherine Stabler, Megan Argoe, Lynn Martin, Darion Brooks, Bethany Haile Weber, Harley Scott, Victoria Caldwell, Lillian Smalls, Jayme Morant, Frances Archer, Nannette Sahebekhtiari, Hassan Saheb, Theodora Leach, Slaviana Golodova, Alex Shissias, Cindy Yang, Xuan Bui

3. Approval of Excused Absences

Mr. Jones made a motion to excuse the absences of LaQuita Clark-Horton and Stephanie Nye. Ms. Walters seconded the motion and it carried.

4. Approval of Agenda

Ms. Delaney made a motion to approve the agenda with any deviations necessary. Ms. Walters seconded the motion and it carried.

5. Approval of Meeting Minutes

January 13, 2020

Ms. Delaney made a motion to approve the minutes for the January 13, 2020 meeting. Mr. Jones seconded the motion and it carried.

January 14, 2020

Ms. Delaney made a motion to approve the minutes for the January 14, 2020 meeting. Ms. Walters seconded the motion and it carried.

February 24, 2020 Task Force

Ms. Walters made a motion to approve the minutes for the February 24, 2020 Task Force meeting. Ms. Delaney seconded the motion and it carried.

6. **Chair Remarks – Melanie Thompson** – There were no remarks for this meeting.

7. **Administrator’s Remarks – Theresa Brown**

a. **Budget/Drawdowns** – For Information – Ms. Thompson stated that she did not see a drawdown for fines. Ms. Brown stated she will look into getting that on a future budget report.

b. **OIE Report** – For Information - Rodney Pigford – The report is dated March 9, 2020. The report shows the total yearly OIE investigations from the past few years; in 2017, there were 330; in 2018, there were 346; and in 2019, there were 448, 22 of which are still active. So far in 2020, there have been 78 investigations, 16 of which are still active.

c. **IRC Report** – For Approval - Rodney Pigford – The report is dated February 27, 2020. Based on this IRC meeting, the committee recommends 10 cases for dismissal and 1 case for formal complaint.

Ms. Walters made a motion to approve the IRC report. Mr. Jones seconded the motion and it carried.

Subsequent to the motion, Mr. Pigford stated that there was an updated report that had not been shared with the board that also shows 4 cases for reconsideration of dismissal. The board then had a chance to review the updated report.

Ms. Delaney made a motion to approve the amended IRC report. Mr. Jones seconded the motion and it carried.

d. **ODC Report** – For Information – Charles S. Gwynne, Jr. – The report is dated as of February 25, 2020. There are currently 46 open cases. There are 7 cases pending attorney review, 2 cases pending Consent Agreement/Memorandum of Agreement, 7 pending Panel Hearing, 20 pending citation hearing, and 4 cases pending IRC. There have been 8 cases closed since the last ODC report.

e. **Inspection Report/Citation Report – For Approval** – Eric Thompson – In January, there were 757 inspections, 2 of which were schools. In February, there were 603 inspections, 2 of which were schools. There were 33 citations issued in January and 27 citations issued in February.

f. **Legislative Updates** – Ms. Holly Beeson, Office of Communications and Governmental Affairs, presented legislative updates to the board. This included House Bill 4666 on continuing education, House Bill 4205 on introducing a hair designer license, and Senate Bill 4545 (SC Career Opportunity and Access for All Act).

8. **Old Business** – There was no old business for this meeting.

9. **New Business**

a. **Consideration of Licensure**

i. **Megan Turner Argoe**

Megan Turner Argoe was representing herself and was asked to appear before the board in reference to the criminal background report that accompanied her reinstatement application.

Ms. Argoe gave some information on her criminal background and answered the board's questions.

Ms. Walters made a motion to go into executive session. Ms. Delaney seconded the motion and it carried.

Ms. Delaney made a motion to leave executive session. Ms. Walters seconded the motion and the motion carried. No motions were made or votes taken during executive session.

Ms. Walters made a motion to approve licensure for Megan Turner Argoe; the license will be on a 3-year probation, and Ms. Argoe must provide a legible SLED report at the end of each year at her own expense. The SLED report should show no new offenses. Ms. Delaney seconded the motion and it carried.

ii. Rachel Mackinnon-Chastain

Rachel Mackinnon-Chastain was asked to appear before the board in reference to the criminal background report that accompanied her reinstatement application.

Ms. Delaney made a motion to go into closed session in compliance with state and federal law. Mr. Jones seconded the motion and it carried.

Ms. Walters made a motion to reinstate Rachel Mackinnon-Chastain's license on a 3-year probationary period. She must provide a legible SLED report at the end of each year; the SLED report should show no new offenses. Ms. Delaney and Mr. Jones seconded the motion and it carried.

iii. Victoria Symone Caldwell

The board remained in closed session for this appearance in compliance with state and federal law. Victoria Symone Caldwell appeared before the board in reference to the criminal background report that accompanied her reinstatement application.

Ms. Walters made a motion to approve the reinstatement on a 3-year probationary period. Ms. Caldwell must provide a legible SLED report at the end of each year for 3 years, and the SLED report must show no new offenses. Ms. Delaney seconded the motion and it carried.

Ms. Delaney made a motion to come out of closed session and take a break. Mr. Jones seconded the motion and it carried.

b. Consideration of School Changes/New Schools

i. Coastal Advance Esthetic Education

Ms. Lillian Smalls appeared before the board representing Coastal Advance Esthetic Education to request the addition of a night program and changes to their contract.

Ms. Delaney made a motion to approve the new program and contract changes for Coastal Advance Esthetic Education. Mr. Jones seconded the motion and it carried.

ii. Kenneth Shuler School of Cosmetology – All Locations

Mr. Steven Dawson appeared before the board representing Kenneth Shuler School of Cosmetology – All Locations to request approval to update their catalog. The board discussed whether catalog changes need to be approved by the board. The board decided that they do not need to review catalog changes in the future unless the changes affect the school's contracts.

Ms. Delaney made a motion to approve the catalog changes for Kenneth Shuler School of Cosmetology – All Locations. Mr. Jones and Ms. Walters seconded the motion and it carried.

iii. The Academy of Beauty

Ms. Saranda Prince appeared before the board representing The Academy of Beauty in reference to their request to open as a new cosmetology school. Ms. Prince stated that the floorplan presented to the board will need to be altered because the electrician did not approve the original dryer placement.

Ms. Delaney made a motion to approve The Academy of Beauty pending inspection and the updated floorplan. Ms. Walters seconded the motion and the motion carried.

iv. By Claudia Esthetics Institute

Ms. Allene Chamblin appeared before the board representing By Claudia Esthetics Institute in reference to their request to open a new esthetics school.

Ms. Delaney made a motion to approve By Claudia Esthetics Institute as an esthetics school pending inspection. Mr. Jones seconded the motion and it carried.

v. Miller-Motte College

Ms. Mary Dwyer and Ms. Shannon Manzella appeared before the board representing Miller-Motte Technical College in reference to their request to change their name from “Miller-Motte Technical College” to “Miller-Motte College.”

Ms. Walters made a motion to accept the school’s name change to Miller-Motte College. Ms. Delaney and Mr. Jones seconded the motion and it carried.

vi. Aesthetics Academy of Lexington LLC

Mr. Richard Paxton and Ms. Victoria Gregory appeared before the board representing Aesthetics Academy of Lexington LLC in reference to their request to open as a new school.

Ms. Delaney made a motion to approve Aesthetics Academy of Lexington LLC as a new school pending inspection. Mr. Jones seconded the motion and it carried.

c. Consideration to Teach Specialized Hours

i. Brandon Sykes/ Southeastern Esthetics Institute

Mr. Sykes requested that his appearance be deferred until a later meeting.

Ms. Walters made a motion to defer this item until a later meeting. Mr. Jones seconded the motion and it carried.

d. Consideration of Emergency Instructor and Teach-out Agreement

i. Upstate College of Cosmetology Easley

Ms. Lynn James and Ms. Bethany Haile appeared before the board representing Upstate College of Cosmetology Easley in reference to their request to use registered cosmetologists as substitute instructors for longer than 30 days. Ms. James and Ms. Haile stated that one of their fulltime instructors left abruptly which is why they are using registered cosmetologists. The registered cosmetologists are finishing up their Methods of Teaching soon and are working on getting instructor exam dates. Each registered cosmetologist who is instructing will be in class with a licensed instructor at all times.

Ms. Walters made a motion to go into executive session. Mr. Jones seconded the motion and it carried.

Ms. Delaney made a motion to leave executive session. Mr. Jones seconded the motion and it carried. There were no motions made or votes taken during executive session.

Ms. Walters made a motion to grant one additional 30-day exception to allow registered cosmetologists as substitute instructors for Upstate College of Cosmetology Easley. The school must supply the board with an updated schedule for April. Ms. Delaney seconded the motion and it carried.

The school also asked a question as to whether students who are enrolled in a high school program could enroll in a private school if they are not going to finish their hours before finishing high school. The board stated that students cannot be enrolled in a high school program and a private school at the same time.

e. Consideration of CE Provider Packets

i. Cosmetic Arts II

Ms. Nannette Sahebkhitiari and Mr. Hassan Saheb appeared before the board representing Cosmetic Arts II to have their CE packet reviewed. The board stated that there is not enough supporting content in the packet to demonstrate what they are teaching.

Ms. Delaney made a motion to defer review of Cosmetic Arts II's CE packet until they present a CE packet that includes the requested supporting content. Ms. Walters seconded the motion and it carried.

ii. The Esthetic Learning Center

Ms. Brandy Pound appeared before the before representing The Esthetic Learning Center to have their CE packet reviewed. The board stated that there is not enough supporting content in the packet to demonstrate what they are teaching. In addition, one of the proposed class dates conflicts with a board meeting and should be changed.

Ms. Delaney made a motion to defer review of The Esthetic Learning Center's CE packet until they present a CE packet that includes the requesting supporting content and change the one conflicting class date. Ms. Walters and Mr. Jones seconded the motion and it carried.

f. Consideration of New NIC Esthetics Examination

Ms. Brown stated that the examination provider is planning to implement changes to the NIC Esthetics exam but that the board must approve the implementation and select an implementation date. She also stated that there are optional additions to the Esthetics exam that the board can choose to adopt: hair removal of the upper lip, eyelash enhancements, and microdermabrasion.

Ms. Delaney made a motion to accept the changes to the NIC Esthetics examination with the addition of hair removal of the upper lip, eyelash enhancements, and particle/non-particle microdermabrasion effective May 1st, 2020. Ms. Walters second and the motion carried.

Ms. Walters made a motion to go into executive session to garner legal advice. Ms. Delaney seconded the motion and the motion carried.

LUNCH BREAK

Ms. Delaney made a motion to come out of executive session. Mr. Jones seconded the motion and it carried. No motions were made or votes taken during executive session.

g. Consideration of Hearing Officer

One of the current hearing officers is stepping down from the role, and the board needs to select a new hearing officer. The names of individuals that the board wants to consider for the new hearing officer are Sankinah Curtis, Doris Cubitt, and Roseanne Kinley. Ms. Brown will reach out to them to see if they are interested.

10. Final Order Hearings – Charles S. Gwynne, Jr.

Chairperson Thompson stated that because she is losing her voice, she has asked Ms. Walters to lead the meeting for the final order hearings.

a. 2018-298

This case was in the matter of Cindy Yang. Mr. Gwynne presented the findings of the case. Ms. Yang appeared before the board and was represented by Attorney Alexander Shissias.

Ms. Walters made a motion to go into executive session to garner legal advice. Mr. Jones seconded the motion and it carried.

Mr. Jones made a motion to come out of executive session. Ms. Walters seconded the motion and it carried. No motions were made or votes taken during executive session.

Ms. Delaney made a motion to accept the Hearing Officer's recommendations. Mr. Jones seconded the motion and it carried. The Hearing Officer's recommendations were: A public reprimand, suspension of the license for one year from the final order date, a total civil penalty of \$3250 to be paid in full prior to reinstatement of the license, completion of disciplinary law and sanitation classes prior to reinstatement; after reinstatement, respondent must appear before the board if she wishes to manage a salon. Respondent's salon must provide the name of a new manager to the board within 15 days of the final order if respondent is still managing the salon.

b. 2019-33

This case was in the matter of Tram Van Nguyen. Respondent did not appear but was properly noticed.

Mr. Jones made a motion to proceed in the respondent's absence. Ms. Walters seconded the motion and it carried.

Mr. Gwynne presented the findings of the case.

Ms. Delaney made a motion to accept the Hearing Officer's recommendations. Mr. Jones seconded the motion and it carried. The Hearing Officer's recommendations were: Acceptance of the Memorandum of Agreement and a civil penalty of \$500 to be paid within 60 days of the board order.

c. 2018-28

This case was in the matter of Xuan Bui. Mr. Gwynne presented the findings of the case. Ms. Bui appeared before the board and waived her right to counsel.

Ms. Delaney made a motion to accept the Hearing Officer's recommendations. Mr. Jones seconded the motion and it carried. The Hearing Officer's recommendations were: A public reprimand, a civil penalty of \$500 to be paid within 60 days of the final order, and completion of a disciplinary law class within 60 days of the final order.

d. 2019-222

This case was in the matter of Sarah Frances Taylor. Respondent did not appear but was properly noticed. The board decided to proceed with the case in respondent's absence.

Mr. Gwynne presented the findings of the case.

Ms. Delaney made a motion to accept the Hearing Officer's recommendations. Mr. Jones seconded the motion and it carried. The Hearing Officer's recommendations were: A public reprimand, a total civil penalty of \$350 to be paid in full within 60 days of the board order, and a dismissal of the second violation.

e. 2018-251

This case was in the matter of Katherine Philavong. Mr. Gwynne presented the findings of the case. Ms. Philavong appeared before the board and waived her right to counsel.

Ms. Thompson made a motion to accept the Hearing Officer's recommendations with the amendment that Ms. Philavong shall have 120 days to pay the civil penalty. Mr. Jones seconded the motion and the motion carried. The requirements of the order are as such: A public reprimand, a total civil penalty of \$3,000 to be paid within 120 days of the final order, and completion of disciplinary law and disciplinary sanitation classes within 60 days of the final order.

f. 2017-112

This case was in the matter of Nannette Sahebkhitiari. Mr. Gwynne presented the findings of the case. Ms. Sahebkhitiari appeared before the board and waived her right to counsel.

Mr. Jones made a motion to go into executive session to garner legal advice. Ms. Delaney seconded the motion and the motion carried.

Mr. Jones made a motion to come out of executive session. Ms. Delaney seconded the motion and it carried. No motions were made or votes taken during executive session.

Ms. Delaney made a motion to accept the Hearing Officer's recommendations with the amendment that the civil penalty of \$500 be paid within 60 days of the final order. Mr. Jones seconded the motion and it carried. The requirements of the order are as such: A public reprimand and a penalty of \$500 to be paid within 60 days of the final order.

11. Consideration of NIC Spring Symposium

Ms. Brown stated that the board will need to approve her and up to two board members to attend the NIC Spring Symposium.

Ms. Delaney made a motion to approve Theresa Brown to attend the NIC Spring Symposium. Mr. Jones seconded the motion and the motion carried.

Ms. Thompson and Mr. Jones expressed interest in attending the meeting, but Mr. Jones stated he will need to make sure he is available. Ms. Clark-Horton will also attend but registration will be paid by NIC.

Ms. Delaney made a motion to approve Melanie Thompson and Eddie Jones to attend the NIC Spring Symposium. Ms. Walters seconded the motion and the motion carried.

12. Public Comments

Mr. Steven Dawson asked for clarity as to whether it is the board's understanding that catalog changes only need to be presented if they affect the contract. The board stated that changes need to go before the before if they affect the contract.

In reference to the updated NIC esthetics exam, Mr. Dawson asked if the board would consider pushing the exam implementation out further to give schools time to prepare students. The board stated that the schools will have two months to prepare their students.

A representative from Upstate College of Cosmetology Easley asked whether it has changed that applicants only have 24 months after finishing school to pass the exams. The board stated that this requirement has not changed.

13. Adjournment

Ms. Walters and Mr. Jones made a motion to adjourn the meeting at 3:47 p.m. Ms. Delaney seconded the motion and the motion carried.

The next meeting of the S.C. Board of Cosmetology is scheduled for May 12, 2020.