

South Carolina Board of Cosmetology
Board Meeting
9:00p.m., May 11, 2021.
Via Teleconference

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. In accordance with the Governor's directives regarding social distancing, the meeting will be held virtually. Due to technical constraints, members of the public who wish to attend may do so by telephone. For meeting access information, please email boardinfo@llr.sc.gov.
- b. Rules of the Meeting

2. Introduction of Board Members and All Other Persons Attending

Vice Chairperson Laquita Clark-Horton called the meeting of the S.C. Board of Cosmetology to order at 9:05 a.m. Other board members participating in the meeting were:

- ❖ Patricia Walters
- ❖ Ashley Tucker Johnson

Staff members present included: Mary League, Advice Counsel; Theresa Brown, Administrator; Kimberly Brooks, Staff; Patrice Deas, Staff; Charlie Gwynne, Office of Disciplinary Counsel; Jennifer Stillwell, Office of Investigations and Enforcement; and Rodney Pigford, Office of Investigations and Enforcement; Holly Beeson; Staff; Shayla Hayes; Staff; Nancy Poole; Staff

All Other Persons Attending

Katherine Boone, Court Reporter; Khoa Dang; Diane Camp; Rakiea Mitchell; Audrey Heisler; Keyona Joseph; Audrey Heisler; Sidney Mitchell; Brenda Harper; Christopher Castro; Erica Horton; Southeastern Esthetics; Eleanor Glover Gladden; Farrah Owen; Gloria Smith; Karen Stacks; Kim Mahaffey; Steven Danson; Jennifer McConnell; John Ray; Wes Jackson

3. Approval of Excused Absences

Ms. Patricia Walters made a motion to excuse the absences of Melanie Thompson and Stephanie Nye. Ms. Ashley Tucker Johnson seconded the motion and it carried.

4. Approval of Agenda

Ms. Patricia Walters made a motion to approve the agenda with any deviations deemed necessary. Ms. Ashley Tucker Johnson seconded the motion and it carried.

5. Approval of Meeting Minutes

Ms. Patricia Walters made a motion to approve the meeting minutes from the March 8, 2021 board meeting. Ms. Ashley Tucker Johnson seconded the motion and it carried.

6. Chair Remarks- No remarks given at this time.

7. Administrator's Remarks- Theresa Brown-

- a. **Budgets/ Drawdowns**— For Information – The budget was presented to the board for review.
- b. **OIE Report**- – For Information - Rodney Pigford – The report was for information purposes only and was given by Rodney Pigford. The OIE report was dated for May 11, 2021. 357 complaints received from 1/1/2020-12/31/2020; 4 active investigation and 172 closed cases. There were 145 complaints received from 1/1/2021- 5/4/2021; 17 active investigations and 30 closed cases.
- c. **IRC Report- For Approval – Rodney Pigford**- The IRC report was given by Rodney Pigford. The IRC report is from the April 28, 2021 IRC meeting. Based on this IRC meeting, the committee recommends 30 cases for dismissal, 4 letter of caution cases and 3 formal complaints. A total of 37 complaints.

Ms. Patricia Walters made a motion to approve the IRC Report. Ms. Ashley Tucker Johnson seconded the motion.

- d. **ODC- Report**— For Information – Charles S. Gwynne, Jr. – The report is for informational purposes only. The ODC report was dated for April 29, 2021. There are currently 43 open cases. There are 39 cases pending hearing and agreements, 0 case pending closure, 3 closed cases, and 0 appeal cases.

Ms. Patricia Walters made a motion to approve the ODC Report. Ms. Ashley Tucker Johnson seconded the motion and it carried.

- e. **Inspection Report/Citation Reports**- Jennifer Stillwell -In January, there were 648 inspections, 4 were schools. In February, there were 756 inspections, 7 were schools. In March, there were 680 inspection, 6 were schools. In April, there were 696 inspections, 2 were schools. There was a total of 2,780 salon inspections for the year, 7 were schools. There was a total of 6,351 active salons as of May 5, 2021.

Ms. Patricia Walters made a motion to approve the Inspection and citation reports. Ms. Ashley Tucker Johnson seconded the motion and it carried.

- f. **Legislative Updates- Holly Beeson**- Ms. Beeson discussed the Hair Design Bill (H.4082). This bill will amend Section 40-13-230, Section 40-13-110, Section 40-13-110, Section 40-13-240, and Section 40-13-270 relating to licenses issued by the Board, so as to provide for the licensure of Hair Designers. Ms. Beeson recommended to add this to the next agenda. She also discusses Bill 295; this Bill will change the process for licenses with criminal convictions.

Ms. Patricia Walters made motion to move Item 9H up to 8C. Ms. Ashley Tucker Johnson seconded the motion.

8. OLD Business

a. Consideration of Methods of Teaching Through Distance Learning

Ms. Brown requested an approval to consider going back to in-person learning for Methods of Teaching.

Ms. Patricia Walters made a motion to go back to in-person Methods of Teaching classes as of July 1, 2021. Ms. Ashley Tucker Johnson seconded and it carried.

b. Consideration of Distance Learning During a Public Health Emergency

Ms. Brown discussed the distance learning procedure currently in place. Ms. Mary League and Erica Horton provided more information pertaining to distance learning.

Ms. Patricia Walters made a motion to go into an executive session for legal advice. Ms. Ashley Tucker Johnson seconded the motion and it carried. There were no motions made or votes taken while in executive session.

Ms. Patricia Walters made a motion to come out of executive section session. Ms. Ashley Tucker Johnson seconded the motion and it carried.

Ms. Patricia Walters made a motion to approve 6-hour and 12-hour reinstatement classes to only be offered in-person and online, effective July 1, 2021. Live webinars will not be an option for reinstatement classes. The continuing education requirement is still the same in that you may obtain 6 hours online and 6 hours in-person or you may obtain all hours in-person. The 4-hour classes are only for those who have current licenses (3/10/2023 expiration date). The 4-hour classes may be obtained via a live webinar, in-person or online. The hours are not split in half so a licensee may take all four hours online. Ms. Ashley Tucker Johnson seconded the motion and it carried.

Ashley Tucker Johnson made a motion for all public and private schools to convert from virtual learning back to in-person learning. Patricia Walters seconded the motion and it carried.

Patricia Walters seconded the motion and it carried.

c. Consideration of Extension for Secondary Seniors to Earn Cosmetology Hours Beyond Graduation Because Of COVID-19

Ms. Brown stated that the Department of Education reached out with a concern for secondary seniors not being able to complete hours due to pandemic.

Ms. Patricia Walters made a motion to allow secondary seniors to gain cosmetology hours beyond graduation until December 31, 2021. Ms. Ashley Tucker Johnson seconded the motion and it carried.

9. New Business

a. Consideration of Licensure

i. David Walker

Mr. David Walker was represented by his lawyer, Sidney Mitchell. Mr. Walker submitted an application with a criminal background.

Ms. Patricia Walters made a motion to go into executive session for. It was seconded by Ms. Ashley Tucker Johnson and it carried.

Ms. Patricia Walters made a motion to come out of into executive session. It was seconded by Ms. Ashley Tucker Johnson and the motion carried. There were no motions made or votes taken during executive session.

The motion was made by Ms. Patricia Walters that Mr. Walker receive his license with conditions, he will be on probation for a two-year period and must provide at his own expense a SLED report at the end of each year. Ashley Tucker Johnson seconded the motion and it carried.

ii. Holly Geddings

Ms. Holly Geddings represented herself and requested approval for licensure without passing the NIC exam.

Ms. Patricia Walters made a motion to go into executive session for legal advice. Ashley Tucker Johnson seconded the motion and it carried.

Ms. Patricia Walters made a motion to come out of executive session. Ashley Tucker Johnson seconded the motion and it carried. There were no motions made or votes taken in executive session.

Ms. Ashley Tucker Johnson made a motion to deny Ms. Geddings' request for licensure without passing the NIC exam. The Board is bound to the regulations, which requires successfully passing the (NIC) exam (theory and practical).Ms Patricia Walters seconded the motion and it carried.

iii. Connie Evans

Ms. Connie Evans requested to appear at the next Board meeting in July.

Ms. Patricia Walters made a motion to move Ms. Connie Evans to the next board meeting. Ms. Ashley Tucker Johnson seconded the motion and it carried.

Ms. Patricia Walters made a motion to go into a closed session. Ms. Ashley Tucker Johnson seconded the motion and it carried.

iv. Rakeia Mitchell

Ms. Rakeia Mitchell is here representing herself. Ms. Mitchell submitted an application with a criminal background.

Ms. Patricia Walters requested to go into executive session for legal advice. Ms. Ashley Tucker Johnson seconded the motion and it carried.

Ms. Patricia Walters requested to come out of executive session back to closed session. Ms. Ashley Tucker Johnson seconded the motion and it carried. No motions were made or votes taken in executive session.

The motion was made by Ms. Ashley Tucker Johnson that Ms. Mitchell receive her license with conditions, she will be on probation for a two-year period and must provide at her own expense a SLED report at the end of each year.

Ashley Tucker Johnson made a motion to return back to the regular session. Patricia Walters seconded the motion and it carried.

b. Consideration of New Schools and School Changes

i. The Skin & Nails Akademy

Ms. Karen Stacks appeared before the board representing The Skin & Nails Akademy in regards to opening a new cosmetology school.

Ms. Walters made a motion to approve The Skin & Nails Akademy pending preliminary and final inspections. Ms. Ashley Tucker Johnson seconded the motion and it carried.

c. Consideration of New Program

i. Pampered Beauty School of Nails

Ms. Keyona Joseph appeared before the Board representing Pampered Beauty School of Nails in regards to their request to add an esthetics program. Ms. Joseph described the program and the reason for adding this program.

Ms. Walters made a motion to approve Pampered Beauty School of Nails pending preliminary and final inspections. Ms. Ashley Tucker Johnson seconded the motion and it carried.

d. Consideration for CE Class

i. Hickory Mart Shows Inc

Ms. Judy Razor appeared before the board representing Hickory Mart Shows Inc. in regards to the 4 hour CE class approval. Ms. Razor described the program and the reason for CE classes.

Ms. Patricia Walters made a motion to approve Hickory Mart Shows Inc to provide 4 hour classes for CE. Ms. Ashley Tucker Johnson seconded the motion and it carried.

e. **Consideration of Board Meeting Dates for 2022**

Ms. Brown presented the dates for the board meetings for 2022. Ms. Brown also discussed the conflicting dates for the CE Overview.

Ms. Patricia Walters made a motion to approve the board meeting dates for 2022. Ms. Ashley Tucker Johnson seconded the motion and it carried.

Ms. Patricia Walters made a motion to approve the CE Overview dates for October 18 and 19 2021 and October 17 and 18 for 2022. Ms. Ashley Tucker Johnson seconded the motion and it carried.

f. **NIC 2021 Conference**

The conference will be in Louisville, KY. The executive directors meeting is September 30 and October 1st and the actual conference begins October 2nd and ends October 4th.

Ms. Patricia Walters approved Theresa Brown and Ashley Tucker Johnson to attend the NIC 2021 Conference. Ashley Tucker Johnson seconded the motion and it carried.

Ms. Patricia Walters made a motion for a 5-minute comfort break. The motion was seconded Ashley Tucker Johnson and it carried.

g. **Appeal of Cease and Desist Order**

i. 2020-276

Ms. Farrah Owens was represented by her lawyer Wes Jackson. Mr. Jackson stated that Ms. Owens was present to get clarity of the rules and regulations for operating a salon.

Vice Chairperson Laquita Clark- Horton stated that she may continue to offer these services as long as she possesses a salon license with licensed nail technicians or cosmetologists.

Ms. Ashley Tucker Johnson made a motion to sustain the cease and desist order. Ms. Patricia Walters seconded the motion and it carried.

h. **Consideration of Extension for Secondary Seniors to Earn Cosmetology Hours Beyond Graduation Because Of COVID-19**

This matter was addressed in section 8c on the agenda.

10. **Final Order Hearings – Charles S Gwynne**

i. 2019-221

This case is in the matter of Luisa Navarro Derosa. Ms. Derosa is represented by her lawyer Christopher Castro. Mr. Charlie Gwynne presented the findings of the case. Ms. Derosa's daughter Angela was present to interpret for Ms. Luisa Navarro Derosa.

Ms. Ashley Tucker Johnson made a motion to go into executive session for legal advice. Ms. Patricia Walters seconded the motion and it carried.

Ms. Ashley Tucker Johnson made a motion to come out of executive session for. Ms Patricia Walters seconded the motion and it carried. No votes were taken in executive session.

Ms. Ashley Tucker Johnson made a motion to accept the Hearing Officer's recommendation with modifications. The suspension will be reduced to a 3-month suspension and a salon manager must be submitted within 30 days. Ms. Patricia Walters seconded the motion and the motion carried.

Motion was made by Patricia Walters to adjourn the board meeting. The meeting will reconvene at 3:30 p.m. with board member Stephanie Nye.

Vice Chair Laquita Clark-Horton called the meeting of the S.C. Board of Cosmetology to order at 3:30 p.m. Other board members participating in the meeting were:

- ❖ Ashley Tucker Johnson
- ❖ Stephanie Nye

ii. 2019-311 & 2020-67

This case was in the matter of Khoa Dang. Mr. Charlie Gwynne presented the findings of the case. Ms. Dang appeared before the board but waived her right to an attorney.

Ms. Stephanie Nye made a motion to go into executive session to garner legal advice. Ms. Ashley Tucker Johnson seconded the motion and it carried.

Ms. Stephanie Nye made a motion to come out of executive session. Ms. Ashley Johnson seconded the motion and it carried. No votes were taken during executive session.

Ms. Ashley Tucker Johnson made a motion to accept the Hearing Officer's recommendations with modifications. The suspension will be reduced to 60 days and a manger must be summitted to the board within 10 days. Ms. Stephanie Nye seconded the motion and it carried.

iii. 2019-314

This case was in the matter of Peluqueria Latina. The respondent did not appear but was properly noticed. Mr. Gwynne and the chair stated they were comfortable moving forward in the respondent's absence.

Ms. Ashley Tucker Johnson made a motion to go into executive session for legal advice. Ms. Stephanie Nye seconded the motion and it carried.

Ms. Ashley Tucker Johnson made a motion to come out of executive session for legal advice. Ms. Stephanie Nye seconded the motion and it carried. No votes were taken.

Ms. Stephanie Nye made a motion to accept the Hearing Officer's recommendations. Ms. Ashley Tucker Johnson seconded the motion and it carried.

iv. 2019-420

This case was in the matter of Samnang Kim. Mr. Charlie Gwynne presented the findings of the case. The respondent did not appear but was properly noticed. Mr. Gwynne and the chair stated they were comfortable moving forward in the respondent's absence.

Ms. Stephanie Nye made a motion to go into executive session for legal advice. Ms. Ashley Tucker Johnson seconded the motion and it carried.

Ms. Stephanie Nye made a motion to come out of executive session. Ms. Ashley Tucker Johnson seconded the motion and it carried. No votes were taken.

Ms. Ashley Tucker Johnson made a motion to accept the Hearing Officer's recommendations. Ms. Stephanie Nye seconded the motion and it carried.

11. Board Member Reports

No reports were provided.

12. Adjournment

Ms. Stephanie Nye made a motion to adjourn the meeting at 4:29p.m. Ms. Ashley Tucker Johnson seconded and the motion carried.

The next meeting of the S.C. Board of Cosmetology is scheduled for July 12, 2021.