

South Carolina Board of Cosmetology
Board Meeting
10:00 a.m., February 7, 2022
Via WebEx

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. 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

Chairperson Melanie Thompson called the meeting of the S.C. Board of Cosmetology to order at 10:00 a.m. Other board members participating in the meeting were:

- ❖ Laquita Clark-Horton
- ❖ Ashley Tucker Johnson
- ❖ Patricia Walters

Staff members present included: Mary League, Advice Counsel; Theresa Brown, Administrator; Kimberly Brooks, Staff; Patrice Deas, Staff; Charles Gwynne, Staff; Jennifer Stillwell, Staff; Doc Smith, Staff; Katie Phillips, Staff

Sean Carry, Court Reporter; Chesley Phillips, Gina Shelley, Gloria Smith, Loretta Riffey, Lynn Martin, Marilyn Montgomery, Erica Horton, Sheila Hawkins, Taylor Bell, Sherrie Todd, Dana Williams, John Ray, Terry Frick, Debbie Stabler, Amy Davis, Allene Chamblin

3. Approval of Excused Absences

Ms. Laquita Clark- Horton made a motion to approve the absence of Ms. Stephanie Nye. The motion was seconded by Patricia Walters and it carried.

4. Approval of Agenda

Ms. Laquita Clark-Horton made a motion to approve the agenda with any deviations deemed necessary. Ms. Patricia Walters seconded the motion and it carried.

5. Approval of Meeting Minutes
Board Meeting- November 8, 2021

Ms. Laquita Clark-Horton made a motion to approve the minutes for the November 8, 2021 board meeting. Ms. Patricia Walter seconded the motion and it carried.

6. Chair Remarks – Melanie Thompson

No remarks given at this time.

7. Administrator's Remarks – Theresa Brown

- a. **Budget/Drawdowns** – For Information
- b. **OIE Report** – For Information – Doc Smith-This report was for information purposes only and was given by Rodney Pigford. The OIE report was dated for January 24, 2022. 492 complaints received 1/1/2021-12/31/2021; 14 active investigations and 147 closed cases. 19 complaints received 1/1/2022-1/24/2022; 3 currently active and 0 closed.

- c. **IRC Report** – For Approval – Doc Smith-This report was for approval and was given by Doc Smith. The IRC report is from the January 5, 2022 IRC meeting. Based on this IRC meeting, the committee recommends 20 cases for dismissal, 2 letters of cautions, and 0 formal complaints. A total of 22 cases for approval.

Ms. Melanie Thompson expressed concerns for the 20 dismissal cases. She stated that the Board has zero tolerance for unlicensed practice. Ms. Thompson asked for a more detailed report stating why the cases were dismissed.

Ms. Mary League stated that the Board does not have jurisdiction to cite an unlicensed individual.

Ms. Laquita Clark- Horton made a motion to go into executive session for legal advice. The motion was seconded by Ashley Tucker Johnson and it carried.

Ms. Laquita Clark- Horton made a motion to come out of executive session. Ms. Ashley Tucker Johnson seconded the motion and it carried. No motions were made or votes taken during executive session.

Ms. Laquita Clark- Horton made a motion to approve the IRC report with more information on the following cases listed below. The motion was seconded by Patricia Walters and it carried.

2021-399
2021-409
2021-391
2021-426
2021-374
2021-356
2021-425

- d. **ODC Report** – For Information – Charles S. Gwynne, Jr. The report is for informational purposes only. The ODC report was dated for January 27, 2022. There are currently 31 open cases. There are 29 cases pending hearing and agreements, 0 cases pending closure, 4 closed cases, and 0 appeal cases. A total of 4 cases were closed since the last report.
- e. **Inspection Report/Citation Report** – For Approval – Jennifer Stillwell- In November of 2021, there were 673 inspections, 16 were schools. In December, there were 603 inspections, 11 were schools. In 2021, a total of 7,841 salons were inspected, 80 were schools.

Ms. Laquita Clark-Horton made a motion to approve the Inspection Report and the Citation Report. Ms. Patricia Walters seconded the motion and it carried.

f. **SC State Ethics Commission Financial Reports**

Ms. Theresa Brown stated to the Board that the State Ethics financial statements are due by March 30, 2022.

g. **Legislative Updates-** Katie Phillips

Ms. Phillips stated that the regulations for the Emergency Temporary Work Permits have both been heard by the House and the Senate subcommittees. She also stated that a date has not been provided as of yet. Ms. Phillips stated that Bill 4082 (Hair Design Bill) will create a hair design stand-alone license. She stated that Bill 4082 was heard in the subcommittee last week and will be moved to the House committee tomorrow. Ms. Phillips discussed with the Board Bill 4519, this Bill will allow barbers to work in a cosmetology salon. Bill 4082 has not been scheduled for a subcommittee meeting as of today.

8. Final Order Hearings – Charles S. Gwynne

i. 2019-174

This case was in matter of Susana Garcia. Ms. Garcia was represented by attorney Taylor Bell. Josh Cooper was also present to translate for Ms. Garcia. Mr. Charles Gwynne presented the findings of the case.

Ms. Laquita Clark-Horton made a motion to go into executive session for legal advice. The motion was seconded by Ms. Ashley Tucker Johnson and it carried.

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

Ms. Laquita Horton made a motion to accept the Hearing Officer's recommendations with modifications. Mrs. Garcia will need to take a disciplinary law class within 60 days of the order. Ms. Garcia's license will be placed on a two year probation period, during this time there should be no new violations. Ms. Patricia Walters seconded the motion and it carried.

Mr. Charlie Gwynne revisited the IRC Report and presented information for each case below.

2021-399- Insufficient evidence to proceed (Never licensed)
2021-409- Insufficient evidence to proceed (Never licensed)
2021-391- Insufficient evidence to proceed (Never licensed)
2021-246- Insufficient evidence to proceed (Hair Braider)
2021-374- Insufficient evidence to proceed (Never licensed)
2021-356- Insufficient evidence to proceed (Never licensed)
2021-425- Insufficient evidence to proceed (Lapsed License)

ii. 2019-450

This case was in matter of Cuc. T. Tat. Ms. Tat was represented by attorney Taylor Bell. Lan Smith was also present to translate for Ms. Tat. Mr. Charles Gwynne presented the findings of the case.

Ms. Laquita Clark Horton made a motion to approve the Hearing Officer's recommendations. Ms. Patricia Walters seconded the motion and it carried.

9. New Business

a. Clarification Regarding CE Changes from 12 Hours to 4 Hours

i. AOPCES

Mr. John Ray discussed with the Board discontinuing 12 hour CE classes and virtual classes beyond the March 10, 2021 deadline. Mr. Ray stated that all licensees are now required to take four hours of continuing education biennially. If a licensee for some reason did not obtain it's six or twelve hours during the previous licensing cycle, they now have to obtain those hours from the current law of "Four Hours". Mr. Ray stated to the board that if any licensees that needs to reinstate, should have to take three four hour CE courses, instead of the two 6 hours CE courses that are currently required. He stated that live webinar classes should only be offered by CE providers who were approved by the board to offer online classes.

Ms. Thompson provided an explanation regarding why the 6 and 12 hours classes continue to be offered. It was explained that these classes will remain available until March 2024. It was further explained that the regulations allow for "online and in-person" classes, but there are no restrictions or limitations on the Board's interpretation of what online means. All internet or web-based exchanges are considered to be online. It is well within the Board's right to approve and allow live stream or interactive classes as well as self-guided online classes.

Ms. Thompson stated the regulation was adopted June 26, 2020 but did not take effect until March 11, 2021. Per the regulations, a licensee can renew by paying the fee and taking CE classes up to three years.

Ms. Thompson stated that she appreciated the recommendation but it's not within the Board's decision to make changes to the regulations. Ms. Thompson stated that it does not matter how many licensees need to reinstate, they are all important South Carolina licensees.

Ms. Mary League stated that it might not be numerous individuals who need to reinstate their license but the reinstatement requirements for CE need to be met during the time of the lapsed license. That is, the 12 hours of content including client safety and sanitation. She stated that it is not just the hours to consider but the content. Ms. League stated that the Board does not have the ability to change the regulations.

Ms. Mary League stated that the Board will revisit distance learning during the pandemic at the March Board meeting.

Mr. John Ray requested to appear at the March Board meeting.

b. Consideration of Licensure

i. Loretta Riffey

Ms. Loretta Riffey represented herself and was requested to meet with the Board in regards to her endorsement application. Ms. Riffey's SC cosmetology license lapsed on 3/10/2021. Ms. Riffey did not take the NIC exam. Ms. Riffey answered the board's questions and gave background information on her application. Ms. Riffey stated that she should be granted a license based upon her years of service in the industry.

Ms. Melanie Thompson stated to Ms. Riffey that the regulations have changed since she first became licensed in 1989. Ms. Thompson stated that a national examination is required to endorse back to South Carolina. Ms. Thompson explained to Ms. Riffey that she can reinstate the license by completing 12 hours of continuing education (for each missed renewal cycle) through a South Carolina CE provider and submit a reinstatement application.

Ms. Riffey withdrew her endorsement application.

c. Consideration of New Cosmetology School

i. By Claudia Esthetic Institute Corp

Ms. Allene Chamblin is here representing By Claudia Esthetic Institute Corp and was requested to meet with the Board in regards to opening a new esthetics school. Ms. Chamblin stated that she would like to open the new school by April 1st, 2022. The Board members requested that Ms. Chamblin make changes to her packet.

Ms. Laquita Clark- Horton made a motion to approve the new school pending approval passing the preliminary and final inspections. Ms. Patricia Walters seconded the motion and it carried.

Ms. Laquita Clark Horton motion made a motion to delegate the authority to review and approve the requested revision to the Melanie Thompson. Ms. Patricia Walters second the motion and it carried.

ii. Canvas Artistry

Ms. Matika Maple is here representing Canvas Artistry in reference to her request for a new esthetics school. The Board members requested that Ms. Maple make changes to her packet.

Ms. Laquita Clark- Horton made a motion to approve the new school pending the preliminary and final inspection with corrections reviewed by Ms. Melanie Thompson. Ms. Ashley Tucker Johnson seconded the motion and it carried.

Ms. Ashley Tucker Johnson recused herself from the meeting due to her working relationship with school. She was placed in the lobby at this time.

d. Consideration of New Program

i. Upstate College of Cosmetology

Ms. Lynn James is here representing Upstate College of Cosmetology in reference to a new nail technician program for the school.

Ms. Laquita Clark Horton made a motion to accept the new nail tech program pending final inspection. Ms. Patricia Walters seconded the motion and it carried.

e. Consideration of School Contract Changes

i. Upstate College of Cosmetology

Ms. Lynn James is here representing Upstate College of Cosmetology in reference to a new school contract change.

Ms. Patricia Walters made a motion to accept the new school contract changes. Ms. Laquita Clark Horton seconded the motion and it carried.

Ms. Ashley Tucker Johnson rejoined the meeting.

ii. Kenneth Shuler-All locations

Ms. Marilyn Montgomery is here representing Kenneth Shuler in reference to the updates and/or changes made to their student handbook and contracts for all Kenneth Shuler school locations.

Ms. Laquita Clark -Horton made a motion to approve the new school contract change. The motion was seconded by Ms. Patricia Walters and the motion carried.

f. Consideration of New Program and Additional Classroom Space

i. Kenneth Shuler- Greenville

Mr. Marilyn Montgomery is here representing Kenneth Shuler- Greenville in reference to a new program and additional classroom space.

Ms. Laquita Clark- Horton made a motion to approve the new program and additional classroom space pending preliminary and final inspection. The motion was seconded by Ms. Patricia Walters and the motion carried.

g. Consideration of Disciplinary Providers

i. Alpha Cosmetology Associates, LLC

Ms. Laquita Clark- Horton made a motion to approve Alpha Cosmetology Associates, LLC. Ms. Patricia Walters seconded the motion and it carried.

ii. Chesley Paige Phillips Productions, LLC

iii. Ms. Laquita Clark- Horton made a motion to approve Chesley Paige Phillips Productions, LLC. Ms. Patricia Walters seconded the motion and it carried.

Ms. Melanie Thompson recused herself from the meeting. She was placed in the lobby.

iv. Hair Heirs LLC

- i. Ms. Patricia Walters made a motion to approve Hair Heirs LLC. Ms. Ashley Tucker Johnson seconded the motion and it carried.

Ms. Melanie Thompson rejoined the meeting.

ii. SC Association of Cosmetology Schools

Ms. Laquita Clark- Horton made a motion to approve SC Association of Cosmetology Schools. Ms. Patricia Walters seconded the motion and it carried.

Ms. Ashley Tucker Johnson recused herself from the meeting. She was placed in the lobby.

v. Upstate Hair Skin and Nails L.P.

Ms. Laquita Clark- Horton made a motion to approve Upstate Hair Skin and Nails L.P. Ms. Patricia Walters seconded the motion and it carried.

Revisit IRC Report Approval

Ms. Laquita Clark- Horton made a motion to approve the IRC report based upon the additional information received from Charles S. Gwynne. Ms. Patricia Water seconded the motion and it carried.

10. Board Member Reports

No reports given at this time.

11. Adjournment

Ms. Laquita Clark- Horton made a motion to adjourn the meeting at 1:17 p.m. Ms. Patricia Walters seconded the motion and it carried.

The next meeting of the S.C. Board of Cosmetology is scheduled for March 14 & 15, 2022.