

South Carolina Board of Cosmetology
Board Meeting
9:00 a.m., November 14, 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, Kingtree 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

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:

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

LLR staff present included: Mary League, Advice Counsel; Theresa Brown, Administrator; Robynn Devine, Patrice Deas; Jennifer Stillwell, OIE; James Kemfort, OIE; Sheila Hawkins, OIE; Erin Baldwin, ODC; and Sara Morris, ODC.

Others in attendance: Cara-Leigh Richardson, Court Reporter; Brenda Harper, Comelita Harriot, DeQuena Niles, Hai Dao, Joni Floyd, Lynn Martin, Manh Nguyen, SaRanda Price, Vinh Nguyen, Phuong V. Nguyen, Kimberly Williams, and Michael Bui.

3. Approval of Excused Absences

Ms. Patricia Walters made a motion to approve the absence of Melanie Thompson from the meeting. 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 necessary. Ms. Ashley Tucker Johnson seconded the motion and it carried.

5. Approval of Meeting Minutes

September 12, 2022

Ms. Ashley Tucker Johnson made a motion to approve the minutes for the September 12, 2022 Board meeting. Ms. Patricia Walters seconded the motion and it carried.

6. Vice Chair Remarks – Laquita Clark Horton

There were no remarks.

7. Administrator’s Remarks – Theresa Brown

- a. **Budget/Drawdowns** – For Information
- b. **OIE Report** – For Information – James Kemfort- This report was for information purposes only and was given by James Kemfort. The OIE report shows since the beginning of the year, there were 104 complaints received; 35 active investigations and 56 closed cases.
- c. **IRC Report** – For Approval – James Kemfort- This report was for approval and was given by James Kemfort. The IRC met on October 31, 2022 and the member in attendance was Ms. Nancy Poole. 20 total

cases were submitted and the committee recommended 14 cases for dismissal, 2 cease and desist, 3 letters of cautions, and 1 formal complaint.

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

- d. **ODC Report – For Information – Erin Baldwin & Sara Morris-** Ms. Erin Baldwin announced that there is a new Office of Disciplinary Counsel attorney then introduced Ms. Sara Morris as the new ODC attorney. Ms. Morris gave the report. There are currently 23 open cases and 11 cases pending. Since the last report 4 cases have been closed and since January 2022, 25 cases have been closed.
- e. **Inspection Report/Citation Report – For Approval – Jennifer Stillwell-** For the month of September, 766 inspections were completed and 4 of those were schools. In October, a total of 765 inspections were completed and 1 of those were schools with a year to date of 7,669 inspections to date and 55 of those are schools.

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

8. New Business

- a. **Consideration of New School**
 - i. **3D Nail Academy LLC**

Ms. DeQuena Niles appeared before the board representing 3D Nail Academy LLC to request to open as a new school. Ms. Niles was sworn in by the court reporter. Ms. Niles explained her reasoning for wanting to open a school then discussion ensued.

Ms. Ashley Tucker Johnson made a motion to approve the new school pending corrections, preliminary and final inspections. Ms. Patricia Walters seconded the motion and it carried.

- ii. **Beauty After Esthetics Institute**

Ms. Joni Floyd appeared before the board representing Beauty After Esthetics Institute to request to open as a new school. Ms. Floyd was sworn in by the court reporter. Ms. Floyd explained her reasoning for wanting to open a school then discussion ensued.

Ms. Patricia Walters made a motion to approve the new school pending revision of the bond and pending preliminary and final inspections. Ms. Ashley Tucker Johnson seconded the motion and it carried.

- b. **Consideration for School Changes**
 - i. **Upstate College of Cosmetology Easley (Name change)**

Ms. Theresa Brown requested that the approval be delegated to her so that the Board can still have a quorum and she can bring it back to the Board for ratification or be approved by Ms. Brown with the Board's input.

Ms. Patricia Walters made a motion to approve Ms. Theresa Brown to handle Upstate College of Cosmetology Easley. Ms. Ashley Tucker Johnson seconded the motion and it carried.

- ii. **The Academy of Beauty (Expanding Existing School)**

Ms. Saranda Prince appeared before the board representing The Academy of Beauty to request to expand their existing school. Ms. Prince was sworn in by the court reporter. Ms. Prince explained her reasoning for wanting to expand their existing school then discussion ensued.

Ms. Patricia Walters made a motion to approve the expansion of the existing school pending preliminary and final inspections. Ms. Ashley Tucker Johnson seconded the motion and it carried.

iii. Charleston Cosmetology (Reduce Hours)

Ms. Carmelita Harriot appeared before the board representing Charleston Cosmetology to request to reduce hours for their nail technology program. Ms. Harriot was sworn in by the court reporter. Ms. Harriot explained her reasoning for wanting to reduce hours then discussion ensued.

Ms. Patricia Walters made a motion to approve the reduction in hours. Ms. Ashley Tucker Johnson seconded the motion and it carried.

c. Consideration for Licensure

i. Hai Lam Truong Dao

Mr. Hai Lam Truong Dao appeared before the board representing himself and has requested to meet with the board in regards to be considered for licensure. Mr. Dao was sworn in by the court reporter. Mr. Dao explained his reasoning for wanting to be considered for licensure then discussion ensued.

Ms. Patricia Walters made a motion to approve with a 4-year probationary period with supplying a SLED report every year at Mr. Hai Lam Truong Dao's expense. Ms. Ashley Tucker Johnson seconded the motion and it carried.

d. Consideration of CE Provider Content

Ms. Theresa Brown stated that the Board has approved the following CE providers:

- i. Advanced Aesthetics Academy
- ii. Allegiance Cosmetology Association LLC
- iii. Association for Cosmetology Excellence INC. (ACE)
- iv. Association of Cosmetology Teachers in Vocational Education (ACTIVE)
- v. Beautiful U Salon
- vi. Beyond Education Standards
- vii. C. Williams CEU Training Association (Online)
- viii. CE Vski Association
- ix. Heavenly Touched Educational Services
- x. Higher Edge Cosmetology PA
- xi. Iconcepts Cosmetology Association
- xii. Joyful Expressions LLC
- xiii. Lennie B & Co (Online and On-Site)
- xiv. Majestic Molding LLC
- xv. Miracle Cosmetology Association
- xvi. Nail Tech Academy of Easley LLC
- xvii. Natural Beauty Association LLC
- xviii. P. Price Education LLC (Online)
- xix. SHB Cosmetology LLC
- xx. Southern Cosmetology Association of Licensed Professionals LLC (SCALP)
- xxi. The Majors TDH LLC

Patricia Walters made a motion to approve the named associations for their CE Concepts. Ms. Ashley Tucker Johnson seconded the motion and it carried.

Ms. Theresa Brown stated that the following CE providers are needing revisions and corrections:

- i. A Unique Salon: Remove the consultation portion, rework the agenda, and remove the state of Colorado YouTube video.
- ii. Advanced Association of Cosmetology of SC LLC: User ID and password is not working for online revision and unable to check the information.
- iii. Browning Education Standards: No information about safety, sanitation, and infection control.

- iv. C. Howell Beauty's Done: Association offering instructor classes, however, information on classes are not geared toward teaching
- v. Gilt Edge Barber: No agenda for CE Classes
- vi. Healing Hands Hair Restoration Center LLC: Didn't provide corrections
- vii. The Prevalent Institute: Google Classroom login not working, Natasha Goodwine has an expired license, need to rework agenda, need to see how the class is broken down into timeframe (ex: include registration, learning segments, lunch, breaks and evaluation), spreadsheet need to show that the classes are for all professionals including instructors.
- viii. Pampered Beauty: There were no corrections that were permitted

e. Approval of Disciplinary Providers

Ms. Theresa Brown requested that the named disciplinary providers are approved to offer content:

- i. Hair Heirs, LLC
- ii. Upstate Hair Skin and Nails L.P.
- iii. South Carolina Association of Cosmetology Schools
- iv. Chelsey Paige Phillips Productions, LLC
- v. Alpha Cosmetology Associates, LLC

Ms. Ashley Tucker Johnson made a motion to approve the named providers as disciplinary providers. Ms. Patricia Walters seconded the motion and it carried.

9. Final Order Hearings – Erin Baldwin

i. 2021-174

This case is in the matter of Vinh Nguyen. Mr. Nguyen appeared before the board representing himself. Ms. Erin Baldwin presented the findings of the case.

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

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

Ms. Patricia Walters made a motion to approve the hearing officer recommendation. Ms. Ashley Tucker Johnson seconded the motion and it carried.

Ms. Laquita Clark Horton stated that if Mr. Nguyen wishes to appeal, he would need to appeal to the Administrative Law Court within 30 days after receiving the order.

ii. 2021-328

This case is in the matter of Manh Phuc Nguyen. Mr. Nguyen appeared before the board representing himself and his daughter, Emily Nguyen, translated for him. Ms. Erin Baldwin presented the findings of the case.

Ms. Ashley Tucker Johnson made a motion to approve to the hearing officer's recommendation. Ms. Patricia Walters seconded the motion and it carried.

Mr. Manh Phuc Nguyen daughter, Ms. Emily Nguyen, stated that she did not understand what has been decided. Ms. Laquita Clark Horton and Ms. Erin Baldwin explained the hearing officer's recommendation as well as the final notice hearing then discussion ensued.

Ms. Ashley Tucker Johnson made a motion to go into Executive Session for legal advice on reconsideration of the motion that was previously made. Ms. Patricia Walters seconded the motion and it carried.

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

Ms. Ashley Tucker Johnson made a motion to add to the previous motion. Mr. Nguyen is not allowed to be manager of the salon and has to submit a new manager within 10 days of the final order hearing. Ms. Patricia Walters seconded the motion and it carried.

Ms. Laquita Clark Horton stated that if Mr. Nguyen wishes to appeal, he would need to appeal to the Administrative Law Court within 30 days after receiving the order.

iii. 2021-412

This case is in the matter of Phuong Nguyen. Mr. Nguyen appeared before the board representing herself. Ms. Erin Baldwin presented the findings of the case.

Ms. Patricia Walters made a motion to approve the hearing officer's recommendation. Ms. Ashley Tucker Johnson seconded the motion and it carried.

Ms. Laquita Clark Horton stated that if Mr. Nguyen wishes to appeal, he would need to appeal to the Administrative Law Court within 30 days after receiving the order.

iv. 2021-414

This case is in the matter of Erica Bush. Ms. Bush did not appear before the board. Ms. Erin Baldwin stated that the State was not contesting the dismissal. They notified Ms. Bush that they were not going to contest the dismissal and they believe that Ms. Bush will not attend the hearing on that basis. As the presiding officer, Ms. Laquita Clark Horton, was satisfied that Ms. Bush was properly notified of the hearing and did not appear. The Board members were asked if they were comfortable with proceeding in Ms. Bush's absence and the Board agreed. Ms. Baldwin presented the findings of the case.

Ms. Patricia Walters made a motion to approve the hearing officer's recommendation for dismissal. Ms. Ashley Tucker Johnson seconded the motion and it carried.

Ms. Laquita Clark Horton stated that if Ms. Bush wishes to appeal, she would need to appeal to the Administrative Law Court within 30 days after receiving the order.

v. 2022-24

This case is in the matter Divine Salon and Spa. The respondent did not appear before the board. Ms. Erin Baldwin stated that the respondent received a dismissal with the recommendation and he was informed that he did not have to appear unless he wished to appear. Ms. Baldwin asked that the Board will hear the case without the respondent being present. Ms. Laquita Clark Horton stated that she wished to proceed and asked the Board members do they want to proceed and they agreed. Ms. Baldwin presented the findings of the case.

Ms. Patricia Walters made a motion to approve the hearing officer's recommendation for dismissal. Ms. Ashley Tucker Johnson seconded the motion and it carried.

Ms. Laquita Clark Horton stated that if the respondent wishes to appeal, he would need to appeal to the Administrative Law Court within 30 days after receiving the order.

vi. 2021-292

This case is in the matter of Loan Thi Le. Ms. Le appeared before the board representing herself and her cousin, Michael Bui, translated for her. Ms. Erin Baldwin presented the findings of the case.

Ms. Patricia Walters made a motion to approve to the hearing officer's recommendation to revoke license. Ms. Ashley Tucker Johnson seconded the motion and it carried.

Ms. Laquita Clark Horton stated that if Mr. Nguyen wishes to appeal, he would need to appeal to the Administrative Law Court within 30 days after receiving the order.

10. NIC 2023 Conference and Location

Ms. Theresa Brown stated that the location for the 2023 NIC Conference will be in Greenville, SC. Ms. Brown stated that Ms. Melanie Thompson will reach out to the Board members for help solidifying the hotel site and getting supplies for the conference.

11. Establishing a Task Force for Review/Revising Regulations

Ms. Theresa Brown requested that the same Task Force members, Laquita Clark Horton, Patricia Walters, Melanie Thompson, Nancy Poole, and Scott Bills, are used as well as adding more members if needed.

Ms. Patricia Walters made a motion to maintain the current Task Force. Ms. Ashley Tucker Johnson seconded the motion and it carried.

12. Board Member Officer Elections

Ms. Theresa Brown stated that the first office for election is Board Chair.

Ms. Patricia Walters made a motion to approve Ms. Melanie Thompson as the Chairman of the South Carolina Board of Cosmetology. Ms. Ashley Tucker Johnson seconded the motion and it carried.

Ms. Theresa Brown stated that the next office for election is Vice Chair.

Ms. Ashley Tucker Johnson made a motion to approve Ms. Laquita Clark Horton as the Vice Chair of the South Carolina Board of Cosmetology. Ms. Patricia Walters seconded the motion and it carried.

13. Board Member Reports

No report given at this time.

14. Adjournment

Ms. Ashley Tucker Johnson made a motion to adjourn the meeting at 10:57 a.m. Ms. Patricia Walters seconded the motion and it carried.

The next meeting of the S.C. Board of Cosmetology for CE Review is scheduled for January 9, 2023.