

**South Carolina Board of Cosmetology**  
**Board Meeting**  
**9:00 a.m., July 10, 2023**  
**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](mailto: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 9:14 a.m. Other board members participating in the meeting were:

- ❖ Ashley Tucker Johnson
- ❖ Patricia Walters

LLR staff present included: Mary League, Advice Counsel; Theresa Brown, Administrator; Robynn Devine, Staff; Patrice Deas, Staff; Jennifer Stillwell, OIE; James Kemfort, OIE; Sheila Hawkins, OIE; Tori Smith, OIE; Byron Ray, OIE; Rosa McKoy, OIE; Donnell Jennings, Assistant Deputy Director; LeAnna McMenamin, ODC; and Erin Baldwin, ODC.

Others in attendance: Cindy Patterson, Court Reporter; Alicia Thomas, Christine Howell, Krystal Jackson, Debbie Stabler, Thang Nguyen, Xuan Tran, Robin Fuewell, Tammy Taylor, USC, Brian Reynolds, Brand Sykes, Scott Bills, Shannon Herrschaft, Gloria Snith, Krysti Hammon, Steven Dawson, Duane Sells, Ross DuRant, Nancy Poole, and Chesley Phillips.

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

**5. Approval of Meeting Minutes**

**a. Cosmetology Board Meeting – May 8, 2023**

Ms. Ashley Tucker Johnson made a motion to approve the minutes for the May 8, 2023, 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 is as of July 10, 2023. They have received a total of 223 total complaints; 31 active complaints with the average age of 96 days and 15 complaints were closed.

- c. **IRC Report** – For Approval – James Kemfort – The IRC met on June 20, 2023 with the professional member in attendance being Gloria Lee Smith. The IRC reviewed a total of 5 cases and the committee recommended 1 case for dismissal, 2 letter of cautions, and 2 formal complaints.

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- Ms. Erin Baldwin stated that there is a new attorney assigned to the Cosmetology Board and her name is LeAnna McMenamini and she is from the Lexington County Solicitor's office. Ms. Baldwin stated that Ms. McMenamini knows the importance of this Board and is enthusiastic about moving cases along. Ms. McMenamini introduced herself to the Board and stated that she is looking forward working with them. Ms. Baldwin stated that the Board members will still have herself and Prentiss Shealey as they serve as backups. Ms. Baldwin stated that she is finishing a few active hearings that are set and Ms. McMenamini will join her for each case. There is a transition planned and a transition period that will occur. If there are any problems, the Board is encouraged to reach out to advice council, Mary League, and administrator, Theresa Brown. Ms. Baldwin stated that there are a number of cases set for today's agenda as well as for the next few hearing officer settings. They have been working with the new hearing officer in training, Sankinah Merriweather, and current hearing officer, Ms. Janice Smith Curtis.
- e. **Inspection Report/Citation Report** – For Approval – Jennifer Stillwell- For the month of May, there were 997 inspections completed and 30 of those were schools. For the month of June, a total of 1,141 inspections were completed and 2 of those were schools.

For the Board's approval, is the citation report for the month of May and June.

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

## 8. New Business

### a. OIE Reorganization

Mr. Donnell Jennings announced that the agency has restructured OIE. OIE is now part of the Division of Legal Services and Enforcement and they are now under the same umbrella as ODC and Advice Council. Mr. Jennings stated instead of having 5 Chiefs, they now have 10 Lead Investigators and the Lead Investigator for the Cosmetology Board is Mr. Robby Dean. Mr. Dean has been with the agency previously. Mr. Dean's team consists of Byron Ray, Rosa McKoy, and Tori Smith. Mr. Jennings stated that they are now in a transition from Mr. James Kemfort to Mr. Robby Dean but they do not anticipate any delay in investigations. They will work closely with Jennifer Stillwell and her team and any questions will go to Ms. Theresa Brown, Ms. Patrice Deas, or Advice Council, Mary League. Mr. Jennings stated that he is providing these updates for every board.

### b. Legislative Update

#### i. H. 3605

Ms. Mary League stated the engine act was amended by the legislature this past session impacting a few things including the complaint process and the anonymity of an individual as well as how criminal convictions are to be considered.

Ms. Ashley Tucker Johnson made a motion to go into Executive Session. 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 taken during the executive session.

Ms. Mary League stated that the legislation does require, in the complaint process, that the name of the complainant be released to the licensee or the respondent before the formal complaint can be issued. Unless the complainant provides a reason or good cause why their name should not be released. That determination is for the Board and LLR is asking for the Board to designate one

of the Board members to be the point of contact to make the determination as to whether or not the reason for good cause to not release the name is sufficient to meet the process requirements and standards within this legislation.

Ms. Ashley Tucker Johnson made a motion to designate Ms. Laquita Clark Horton to be the designee. Ms. Patricia Walters seconded the motion and it carried.

**c. Consideration of School Changes**

**i. Aiken School of Cosmetology & Barbering (Ownership and Location Changes)**

Ms. Shannon Herrschaft, Mr. Duane Sells, and Mr. Brian Reynolds appeared before the board representing Aiken School of Cosmetology & Barbering in regards to changing ownership and location. Mr. Sells, Mr. Reynolds, and Ms. Herrschaft all were sworn in by the court reporter. Ms. Herrschaft explained their reasoning for wanting to change ownership and location then discussion ensued.

Ms. Patricia Walters made a motion to approve Aiken School of Cosmetology pending the preliminary and final inspections as well as sending in the revised enrollment contract. Ms. Ashley Tucker Johnson seconded the motion and it carried.

**ii. Carolina School of Esthetics LLC (Adding Esthetics Program and Instruction's Training)**

Ms. Krystal Jackson appeared before the board representing Carolina School of Esthetics LLC in regards to adding an esthetics program and an instructor training program. Ms. Jackson was sworn in by the court reporter. Ms. Jackson explained her reasoning for wanting to add an esthetics program and an instructor training program then discussion ensued.

Ms. Ashley Tucker Johnson made a motion to approve Carolina School of Esthetics LLC for the addition of the esthetics program and instructor training program pending preliminary and final inspection. Ms. Patricia Walters seconded the motion and it carried.

**iii. Paul Mitchell the School Greenville (Adding Esthetics Program)**

Mr. Scott Bills appeared before the board representing Paul Mitchell the School Greenville in regards to adding an esthetics program. Mr. Bills was sworn in by the court reporter. Mr. Bills explained his reasoning for wanting to add an esthetics program then discussion ensued.

Ms. Ashley Tucker Johnson made a motion to approve Paul Mitchell the School Greenville to add an esthetics program pending a preliminary and final inspections. Ms. Patricia Walters seconded the motion and it carried.

**iv. Virtuous School of Nails and Esthetics (Updated School Floor Plan)**

Ms. Alicia Thomas appeared before the board representing Virtuous School of Nails and Esthetics in regards to updating their floor plan. Ms. Thomas was sworn in by the court reporter. Ms. Thomas explained her reasoning for updating the school's floor plan then discussion ensued.

Ms. Patricia Walters made a motion to approve Virtuous School of Nails and Esthetics to update the school's floor plan pending preliminary and final inspections. Ms. Ashley Tucker Johnson seconded the motion and it carried.

**v. Southeastern Esthetics Institute (Reduction in Hours for Nail Technician Program)**

Mr. Brandon Sykes appeared before the board representing Southeastern Esthetics Institute in regards to reducing their nail technology program hours from 600 to 300 hours. Mr. Sykes was sworn in by the court reporter. Mr. Sykes explained his reasoning for reducing their nail technology program hours then discussion ensued.

Ms. Patricia Walters made a motion to approve the reduction of hours, from 600 to 300, for Southeastern Esthetics Institute. Ms. Ashley Tucker Johnson seconded the motion and it carried.

**d. Consideration of Nail Technician Textbook/Program**

**i. Tammy Taylor Nails**

Ms. Theresa Brown stated that a school and Ms. Krysti Hammon reached out to her regarding utilizing Tammy Taylor Nails as an approved training program. Ms. Hammon along with Ms. Tammy Taylor herself, are here to present their program and textbook. They are requesting approval for schools within South Carolina to utilize their program as a primary resource for students in preparation for the NIC examination.

Ms. Krysti Hammon and Ms. Tammy Taylor presented their program and textbook. Both Ms. Hammon and Ms. Taylor informed the Board that they have a textbook and program that is NIC approved and it has been approved for over a year. The textbook and program are currently being used in many schools across the country successfully with students being able to pass State Boards. Ms. Hammon and Ms. Taylor provided the Board a copy of the program, reference letters, copy of the CIB (Candidate Information Bulletin) from NIC showing that they are an approved reference to be used in schools, and SC Board of Cosmetology Chapter 35 regulations requirements for nail technology. Ms. Hammon stated that they went through the regulations and posted where the Board can find all of the requirements within their program.

Ms. Ashley Tucker Johnson made a motion to approve the utilization of Tammy Taylor Nails textbook and program. Ms. Patricia Walters seconded the motion and it carried.

**e. Final Order Hearings**

**i. 2021-107 and 2021-108**

Ms. Erin Baldwin stated that in the original hearing that appeared before the hearing officer, they heard both 2021-107 and 2021-108 together. The facts are similar, however, there are different issues for the particular respondents. Ms. Baldwin asked the Board and the respondent's council, Mr. Ross DuRant, if they have any objection to having a joint hearing for 2021-107 and 2021-108. Mr. DuRant stated that he has no objection and the Board wished to proceed with a joint hearing.

These cases are in the matter of Xuan Tran and Thang Nguyen. Both Ms. Tran and Mr. Nguyen appeared before the board and was represented by council, Ross DuRant. Ms. Tran and Mr. Nguyen were sworn in by the court reporter. Ms. Erin Baldwin presented the findings for both cases and Mr. DuRant presented his cases.

Ms. Patricia Walters made a motion that in the cases of 2021-107 and 2021-108, to approve the hearing officer's recommendation. Ms. Ashley Tucker Johnson seconded the motion and it carried.

**ii. 2022-467**

This case is in the matter of Tommy Nguyen Tran. Mr. Tran did not appear before the board. Ms. Erin Baldwin stated that respondent did not attend the panel hearing. They did send a reminder email and they did not receive any response back in this matter. The State requested to move forward with the final order hearing. Good cause was shown to proceed in his absence at the panel hearing. Ms. Baldwin stated that they did the same mailing procedures and the same email reminders that they did at the panel hearing. On April 19, 2023, the State submitted the notice of final order hearing and hearing officer's recommendation to separate addresses. One address was his credential address and the second address was a Georgia address that was located through the process of the investigation and a Law Enforcement CLEAR check. Ms. Baldwin stated they are confident that he is at the Georgia address because they were able to reach him at that address previously not with regard to this hearing. A notice and a copy of the hearing officer's recommendations were sent via certified mail, green card sender service. However, the

green card was received back from the Forest Park, Georgia address with no signature and no information as to what happened with it.

Ms. Mary League asked the Vice Chair, Ms. Laquita Clark Horton, based upon the information, does she find that the respondent was timely and appropriately served with notice of this hearing but has not appeared and is the Vice Chair willing to go forward with his absence. Ms. Clark Horton agreed to proceed.

Ms. Erin Baldwin presented the findings of the case.

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

**iii. 2022-320**

This case is in the matter of Mai Thi Tuyet Vo. Ms. Vo did not appear before the board. Ms. Erin Baldwin stated that the notice of hearing was sent on April 19, 2023. The respondent has been interested in following through with her license. She signed a memorandum of agreement but did not appear at the panel hearing. Ms. Baldwin stated that the respondent has indicated that she is willing to comply with the practice act and the Board's recommendation but she does not wish to attend hearings. Ms. Baldwin stated that she has not heard from her for this particular hearing but the information was sent to her regular and certified mail with return receipt requested. The State has not received back the green card and additionally they sent an email reminder to the respondent.

The Board wished to move forward with the case. Ms. Erin Baldwin presented the findings of the case.

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

**9. 2024 Board Meeting Dates**

Ms. Theresa Brown informed the Board of the 2024 Board meeting dates. The dates are January 8<sup>th</sup> and 9<sup>th</sup>, March 11<sup>th</sup> and 12<sup>th</sup>, May 13<sup>th</sup> and 14<sup>th</sup>, July 8<sup>th</sup> and 9<sup>th</sup>, September 9<sup>th</sup> and 10<sup>th</sup>, for the October CE review, October 21<sup>st</sup> and 22<sup>nd</sup>, and the last Board meeting of the year is November 12<sup>th</sup>. Ms. Brown stated if there are any changes, they will be brought to the Board at the next Board meeting.

Ms. Patricia Walters made a motion to approve the Cosmetology Board meeting dates for 2024. Ms. Ashley Tucker Johnson seconded the motion and it carried.

**10. Board Member Reports**

**None at this time.**

Ms. Theresa Brown stated that the renewal process for this year went fairly smoothly. This was the first year that the Board delegated the authority for staff to approve the Continuing Education providers and they have approved more than 50 providers.

**11. Adjournment**

Ms. Ashley Tucker Johnson made a motion to adjourn the meeting at 11:05 a.m. Ms. Patricia Walters seconded the motion and it carried.