# South Carolina Board of Cosmetology Board Meeting 9:00 a.m., September 11, 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.
- 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 9:01 a.m. Other board members participating in the meeting were:

- Laquita Clark-Horton
- Ashley Tucker Johnson

LLR staff present included: Mary League, Advice Counsel; Theresa Brown, Administrator; Robynn Devine, Staff; Patrice Deas, Staff; Jennifer Stillwell, OIE; Robert Dean OIE; Tori Smith, OIE; Byron Ray, OIE; Charles Turkal, OIE; LeAnna McMenamin, ODC; and Erin Baldwin, ODC.

Others in attendance: Diane Hendricks, Court Reporter; Helen Shepherd, Jamie Howard- Monks, Steven Dawson, Jerry Nguyen, Chuck Waters, Nicole Lorentz, Chyet Smalls, Shaneka Hammond Brown, Analia Williams, Kimberly Gibson, Tammie Stevens, Garret Shuler, Allene Chamblin, and Tonda Hall.

### 3. Approval of Excused Absences

Ms. Laquita Clark-Horton made a motion to approve the absence of Patricia Walters from the meeting. Ms. Ashley Tucker Johnson seconded the motion and it carried.

#### 4. Approval of Agenda

Ms. Laquita Clark-Horton 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

### a. Cosmetology Board Meeting - July 10, 2023

Ms. Laquita Clark-Horton made a motion to approve the minutes for the July 10, 2023, Board meeting. Ms. Ashley Tucker Johnson seconded the motion and it carried.

# b. Special Called Meeting - July 11, 2023

Ms. Laquita Clark-Horton made a motion to approve the minutes for the July 11, 2023 Special Called meeting. Ms. Ashley Tucker Johnson seconded the motion and it carried.

### 6. Chair Remarks - Melanie Thompson

Ms. Melanie Thompson stated that we will never forget what today is and at some point today, everyone take a moment to pause and be thankful for the heroes that we lost and those who continue to serve.

#### 7. Administrator's Remarks - Theresa Brown

- a. Budget/Drawdowns For Information
- **b. OIE Report –** For Information Robert Dean This report was for information purposes only and was given by Mr. Robert Dean. Year to date through August 31, 2023. They have received a total of 76 cases; 10 active cases, 16 that have been closed, 32 that are pending board action, 5 pending drafting MOA, 7 pending further information, and 6 that are pending IRC.
- **c. IRC Report –** For Approval Robert Dean There are 32 cases that are being submitted for approval. The committee recommended 24 case for dismissal, 2 dismissals with cease and desist, 4 letter of cautions and 2 formal complaints.

Ms. Ashley Tucker Johnson made a motion to approve the IRC report. Ms. Laquita Clark-Horton seconded the motion and it carried.

- **d. ODC Report –** For Information LeAnna McMenamin This report was for information purposes only and was given by Ms. LeAnna McMenamin. There are 28 open cases, 9 are pending hearings and agreements, and there were 7 cases closed since the last report.
- **e. Inspection Report/Citation Report –** For Approval Jennifer Stillwell- For the month of July, there were a total of 833 inspections and 4 of those were schools. For the month of August, there were a total of 1,126 inspections and 10 of those were schools for a total of the year 7,950 salons and 81 schools.

Ms. Jennifer Stillwell provided the Board in their materials, the citation report for their approval.

Ms. Laquita Clark- Horton made a motion to approve the Inspection and Citation Report. Ms. Ashley Tucker Johnson seconded the motion and it carried.

### 8. New Business

# a. Consideration of Preliminary and Final Inspection Forms

Ms. Jennifer Stillwell stated that there was a lot of confusion from the licensees as well as the inspectors with the forms they had for the school inspections. The form has been separated into four different forms, one for a cosmetology school, one for an esthetics school, one for a nail technician school, and one for a combination school. These forms were made easier for the licensees to review prior to the final inspection. Ms. Stillwell stated the preliminary form has not been updated in several years and it has been updated. Both the original and updated preliminary form was provided to the Board to review. Discussion ensued.

Ms. Laquita Clark-Horton made a motion to accept the preliminary and final inspection forms. Ms. Ashley Tucker Johnson seconded the motion and it carried.

# b. Consideration for Licensure

#### i. Nicole Lorentz

Ms. Nicole Lorentz appeared before the board representing herself in regards to renewing her license with a criminal background. Ms. Lorentz is currently on house arrest. Ms. Lorentz was

sworn in by the court reporter. Ms. Lorentz explained her reasoning for why she should be approved to renew her license then discussion ensued.

Ms. Laquita Clark-Horton made a motion to go into Executive Session to garner legal advice. Ms. Ashley Tucker Johnson seconded the motion and it carried.

Ms. Laquita Clark-Horton made a motion to come out of Executive Session. Ms. Ashely Tucker Johnson seconded the motion and it carried. There were no motions made nor votes taken during the executive session.

Ms. Ashley Tucker Johnson made a motion to approve renewal of licensure based on the information provided. Ms. Laquita Clark-Horton seconded the motion and it carried.

#### ii. Jaime Danielle Howard-Monks

Ms. Jaime Danielle Howard-Monks appeared before the board representing herself in regards to her request to meet with the board in regards to licensure via endorsement. Ms. Howard-Monks has not taken the NIC exam. Ms. Howard-Monks was sworn in by the court reporter. Ms. Howard-Monks explained her reasoning for why she should be approved for licensure via endorsement then discussion ensued.

Ms. Theresa Brown stated that she will reach out to PSI during this meeting to let them know that Ms. Howard-Monks can take the examination and there should not be an issue as to why she cannot.

Ms. Melanie Thompson stated that the Board expects Ms. Howard-Monks to be scheduled immediately. PSI has not, at any point of time, been asked or approved to speak on behalf of this Board and what the requirements are for licensure. PSI should not be giving that information. There is a website, staff, and regulations that explains licensure information.

Ms. Thompson informed Ms. Howard-Monks that she has everything that the State requires for her to sit for the examination. The approval was granted through LLR and staff sent the information to PSI. Ms Theresa Brown, the board executive, will reach out to PSI and inform them that Ms. Howard-Monks is approved and she should be getting scheduled to take the exams. If there has not been any communication within the next 7 business days, Ms. Howard-Monks should reach out to the office.

# c. Consideration for Method of Teaching Instructor

#### i. Tammie Stevens

Ms. Theresa Brown stated that Ms. Tammie Stevens would like to be a Methods of Teaching instructor and is here to answer any questions the Board may have. Ms. Stevens was sworn in by the court reporter. Ms. Stevens explained her reasoning for why she should be approved to become a Method of Teaching instructor then discussion ensued.

Ms. Laquita Clark-Horton made a motion to approve Tammie Stevens as a Method of Teaching Instructor. Ms. Ashley Tucker Johnson seconded the motion and it carried.

### d. Consideration for School Changes

### i. LeGrand Institute of Cosmetology, Inc. (Updated Contract)

Ms. Kimberly Gibson appeared before the board representing LeGrand Institute of Cosmetology, Inc. in regards to updating their contract. Ms. Gibson was sworn in by the court reporter. Ms. Gibson explained her reasoning for wanting to update their school contract then discussion ensued.

Ms. Laquita Clark-Horton made a motion to approve LeGrand Institute of Cosmetology, Inc. to update their contract. Ms. Ashley Tucker Johnson seconded the motion and it carried.

# ii. By Claudia Esthetics Institute Corp (Updated Floor Plan)

Ms. Analia Williams and Allene Chamblin appeared before the board representing By Claudia Esthetics Institute Corp in regards to updating their school floor plan. Ms. Williams and Ms. Chamblin were sworn in by the court reporter. Williams and Chamblin explained their reasoning for updating their school floor plan then discussion ensued.

Ms. Williams stated that the floor plan was changed this past Friday (September 8, 2023) and she emailed it. Ms. Melanie Thompson stated that the Board cannot look at the new floor plan because all information for the Board meeting must be submitted 2 weeks prior to the meeting for the Board members to consider it.

Ms. Williams asked what can she do and what is the procedure. Ms. Thompson informed. Williams and Chamblin that they would have to resubmit their application. Ms. Theresa Brown stated that they will have to come back before the Board during the next Board meeting on November 13, 2023.

Ms. Thompson stated that Ms. Williams and Ms. Chamblin can be in contact with Ms. Jennifer Stillwell so she can do the preliminary inspection just in case if there are any issues or concerns that could possibly delay the process, she can make them aware. During the November meeting, the Board can take a look at everything, get a report from Ms. Stillwell, and then the final inspection can be scheduled.

# iii. SHB International Hair Academy (Increase Esthetics Program hours)

Ms. Shaneka Hammond Brown appeared before the board representing SHB International Hair Academy in regards to increasing their Esthetics program hours from 450 to 600. Ms. Hammond Brown was sworn in by the court reporter. Ms. Hammond Brown explained her reasoning for increasing their esthetics program hours then discussion ensued.

Ms. Laquita Clark-Horton made a motion to approve SHB International Hair Academy to increase their Esthetics program hours. Ms. Ashley Tucker Johnson seconded the motion and it carried.

## e. Final Order Hearings

### 2022-70

This case is in the matter of Chyet Smalls. Ms. Smalls appeared before the board representing herself. Ms. Smalls was sworn in by the court reporter. Ms. Erin Baldwin presented the findings of the case.

Ms. Laquita Clark-Horton made a motion to go into Executive Session to garner legal advice. Ms. Ashley Tucker Johnson seconded the motion 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 votes were taken during Executive Session.

Ms. Ashley Tucker Johnson made a motion that due to the testimony provided, the Board would like to amend the hearing officer's recommendation and have a second hearing. Ms. Laquita Clark-Horton seconded the motion and it carried.

# i. 2022-268, -368

This case is in the matter of Angela Chambers Lee. Ms. Chambers Lee appeared before the board representing herself. Ms. Chambers Lee was sworn in by the court reporter. Ms. Erin Baldwin presented the findings of the case.

Ms. Laquita Clark Horton made a motion to accept the hearing officer's recommendation but in regards to the 30-day payment of the civil penalty – payment is extended to 90-days instead of 30-days. Ms. Ashley Tucker Johnson seconded the motion and it carried.

### ii. 2022-311

This case is in the matter of Jerry Nguyen. Mr. Nguyen appeared before the board representing himself. Mr. Nguyen was sworn in by the court reporter. Ms. Erin Baldwin presented the findings of the case.

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

### iii. 2023-5

This case is in the matter of Helen Shepherd. Ms. Shepherd appeared before the board representing herself. Ms. Shepherd was sworn in by the court reporter. Ms. Erin Baldwin presented the findings of the case.

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

#### f. Issues with PSI

# i. Kenneth Shuler School of Cosmetology

Ms. Theresa Brown stated that over the past few years, the office has had issues with PSI regarding their responsiveness and individuals not receiving their topics timely for the instructor examination. There have been schools. such as Kenneth Shuler, that have reach out to the office regarding issues they have with PSI.

Mr. Steven Dawson spoke on behalf of Kenneth Shuler schools. Mr. Dawson stated that back in April 2023, he sent a letter that was 3 pages long detailing the issues they've experienced with PSI. Since then, the school is still having issues with PSI. Mr. Dawson informed Ms. Theresa Brown that he will send this information to her so that she can have it in writing as well. Mr. Dawson stated that the update from the April test date about the students that were told that they did not take the entire exam, has been remedied and he thanked Ms. Brown for the assistance. The school has been working with the students to get it going in the right direction so that they are testing on the portions that they missed. However, students received two different emails from PSI. The example provided was for one particular student. The first email that was received stated that the sections they would have to take and pass are hair removal on eyebrows; hair remove on the upper lip; manicure and polish application, and nail tip application. Three days later, another email was received stating the student would need to test on basic facial as well as the other 3 sections from the previous email. The concern is that the students are confused and they are unsure of what they are supposed to be testing on and what they are not.

Another issue is that on April 24, 2023, a Florence Esthetics graduate took the practical examination but was informed that they were using a new system and the graduate would not be able to receive the results that day and the results were to be emailed within 24 hours. The graduate was not emailed within 24 hours.

On June 5, 2023, Mr. Dawson requested reports from PSI exams for all of their campuses. They are accredited by the National Accrediting Commission of Career Arts and Sciences (NACCAS) and for licensure, they are required to have proof of licensure for their annual report. This year, their placement is somewhat based on that licensure information. On July 14, 2023, a fourth request was submitted for the same reports because it was not sent to them. On that request, Ms.

Theresa Brown was copied on that email in which they promptly received reports that following Monday.

On July 19, 2023, an email was sent to PSI regarding a Kenneth Shuler student that showed up who took and passed the theory exam; however, the report showed that the student taking and passing the examination twice. Mr. Dawson stated that he responded back to the email asking how does that happen and he has yet to receive a response. Again on July 19, 2023, one of their Florence Esthetics graduates went to the Synergy Business Park, Congaree building in Columbia to test and they were told that someone called in sick and the graduate would not be able to test that day. On that same day, a Florence Cosmetology graduate went to the Myrtle Beach location to test and was told that they didn't have anyone there to give the theory test.

On August 10, 2023, PSI was supposed to send out letters to all schools regarding the online portal that schools can log into to access the reports themselves. However, PSI did not send that information out to the schools. Mr. Conder received an email from Ms. Theresa Brown regarding school portal information. The first request to access to the portal was made on August 10, 2023. The second request was made on August 25, 2023 because they did not receive a response from the first request. About an hour after the second request was made, Mr. Dawson received an email from Mr. Shawn Conder stating he will get it taken care of and there were issues with scores in the system that is being worked on. As of September 11, 2023, Mr. Dawson has not received any response from Mr. Conder.

Mr. Dawson stated that some general concerns that he would like the Board to be aware of is that a graduate has been wanting for months to get their license and was informed that LLR was waiting on the graduate's practical score from PSI. On July 18, 2023, a staff member from Kenneth Shuler contacted PSI about the graduate and was told that the score was submitted to LLR back in April. Two days later, the graduate was issued a license but it took them over three months to get a license.

Lastly, Mr. Dawson stated that he is a little concerned in regards to the scores of their students across the state. What is nice about the PSI exam report is that they do get the state average of the scores. Between June 2020 and October of 2020, the Esthetics average was 76.85. Between the months of October 2020 to October 2022, the average dropped from 76 to 74. As of November 1, 2022 to June 30, 2023, the state average is now 70.7. They have to make a 70 to get licensed. Mr. Dawson stated they are not sure of what is going on but this is the average for all students across the state. However, the Cosmetology side for the same timeframe, went from a 74.6 to 76.1. Since then it has decreased from 76.1 to down to a 68.1.

Ms. Melanie Thompson asked Ms. Theresa Brown if PSI responded to her on any of the issues. Ms. Brown stated that PSI did not respond to her about any of the issues. Ms. Brown stated that her contact has been mainly with Mr. Shawn Conder and as of the April practical examination issue, she was informed by Mr. Shawn Conder in June that all of those individuals who tested at that practical examination on the April 10th and April 17th were all retested. Only to find out the information Mr. Conder provided was incorrect and Ms. Brown only found that out because Mr. Dawson contacted her regarding a couple of his students examination scores. Ms. Brown reached out to PSI and asked more questions about the exam scores and matched- up the information they received from PSI versus what Kenneth Shuler received from PSI. Ms. Brown received a call from Mr. Conder stating that the one individual they were in contact about, has a problem with the individual's theory score and the individual would need to retake the practical examination because they were a part of the April 10th and April 17th examination issue. Ms. Brown informed Mr. Conder that he informed her that everyone retested to which he apologized profusely. Ms. Brown explained to him that this could not continue to happen and she wanted to know if everyone else tested, she requested all official exam scores from April 10th and April 17th. Ms. Brown then received an email approximately 2 weeks ago from Mr. Garrett Shuler to Mr. Conder stating his concern that former students are being contacted by PSI to take the rest of the examination that they missed. Ms. Brown nor the office were not notified by PSI regarding any communication to candidates. Mr. Conder then sent an email back to Mr. Shuler stating that he will give him a call later that day but that a call was never received. Ms. Brown then reached out

to Alon Schwarrtz who is the VP of licensure for PSI, to inform him of everything that is going on, Mr. Schwartz then decided to take over this particular matter regarding the practical exam to ensure that all the individuals affected completed the rest of the examination. Ms. Brown informed Mr. Schwartz that she requested to no longer have contact with Mr. Conder because she did not trust the information he was providing.

Ms. Tonda Hall appeared before the Board on behalf of PSI to address the issues and answer any questions the Board may have. Ms. Hall apologized on behalf of PSI for the mishandling of the examinations. Ms. Hall stated that there are several issues and they are working to make sure those issues are changed and addressed. One of the first things they are working on is that the NIC trained examiners are certified and making sure they are being honest and reporting the issues. The examiners have been through various background checks to ensure the caliber of those individuals and to make sure they have the right people in place. They have directly asked the site to contact and verify that the test was completed for the situation that took place in April. They were informed by the personnel that it was taken care of and the test was complete. The information was then shared with the Cos/Barber director then it was shared with upper management which would be Mr. Alon Schwartz. Ms. Hall stated they had full belief that the information that was shared with them was accurate and truth but regrettably the information was given to them, the team, then to Mr. Schwartz was inaccurate and false. To rectify the issue, they have administered supplemental portions of the test that was needed and there were five portions that were needed. They will be completing the final portions. They have between 5 to 7 candidates that they are waiting for a response back from. Ms. Hall stated they are working with their schedules to get those supplemental portions done to make sure that all the information is accurate on file, the way that it should be and it is valid for the state scoring.

Ms. Melanie Thompson asked Ms. Hall is she saying that NIC did not provide PSI accurate information or is she saying PSI examiners, onsite, didn't relay information to her accurately. Ms. Hall stated that they take full responsibility. The information they received, the test was shared with the personnel onsite. They had to put it together and once it was put together, there were portions that were delayed. When the exam was administered, it was administered with the initial documentation that they received. They found within that same day, that there is another portion of the new examination that must be administered.

Ms. Thompson asked Ms. Hall if the examiners have to piece it all together after every administration therefore that is what caused the issue. Ms. Hall stated that in November, there was a new template for the exam in April. Ms. Ashley Tucker Johnson stated that there were some things that were changed in April; however, the fundamental section did not change, it was verbiage and wordage changed inside the portions they always offered.

Ms. Hall stated when they received the information, they need to make sure the new verbiage was implemented for the added test administration. For some reason there was a drop on their end. The personnel at the site did not administer the full portions of the exam the way they were supposed to. Discussion then ensued.

Ms. Thompson asked does PSI have new staff, new administration, has NIC made changes that they are unaware of. Ms. Hall stated that at the site itself, there is nothing else they can say expect for the personnel there, which has been addressed and there are changes for the personnel, the exam was not administered in its entirety. Even though there was different verbiage, there was no reason for a lapse in communication on their end and the exam should not have been administered without its entirety. They take the responsibility of that and to elevate any fraudulent testing administrations or miscommunications they have taken steps to ensure this does not happen again. PSI is implementing new procedures so that they have a check and balance protocol to confirm the test site administration. To ensure that the tests are completed in their entirety the way NIC as well as the state is requiring to be administered.

More discussion ensued. Ms. Hall stated PSI is at the mercy of other departments and agencies when it comes to sharing information. When information is shared with them, they have to wait for responses containing information like receiving scores from PROV. There were issues they have

found and some of the issues were acknowledged from Mr. Henry Sorensen, who is directly from PROV. On August 25<sup>th</sup> PSI reached out to Mr. Sorensen asking him about scoring accuracy and delays in reporting. They have started receiving the results that were missing and results for subsequent delays were missing. He noticed that in some cases when they received a new file with older results. On August 29<sup>th</sup>, Mr. Sorensen stated that the files that were dated on August 28<sup>th</sup> and that contained results for August 10<sup>th</sup> and also received results from Saturday that was dated on August 24<sup>th</sup> but it contained results from July 31<sup>st</sup>. So there are still records that are not coming in or coming in later than expected. In most cases files received are results for the day before yesterday but sometimes those results go back days or weeks in the two examples. Ms. Hall stated that they put the scores in then upload it to PROV then they wait to hear the back from them.

Ms. Laquita Clark-Horton asked how does PSI receive their information from PROV. Ms. Tonda Hall stated once they manually put the scores in the system and that information goes to PROV which is the testing company that puts the scoring information in the system. Ms. Melanie Thompson asked why some batches are containing information from the day before yesterday and some containing three weeks ago. Ms. Hall stated that Mr. Sorenson further goes on to say in terms of score mismatches, most of those are at the fault of PROV. They have in a few instances exam keys or scaling parameters that are not matching what was provided to them in the score results for the candidates that were tested by PSI. When those were investigated, it was mostly on PROVs end.

Ms. Melanie Thompson stated that someone from PROV must come to the meeting in November to explain why the keys aren't matching. Ms. Hall stated that Mr. Sorensen goes on to say that their process for scoring has been automatic which means the scores from the incoming files that are sent from PSI, they have automatically been publishing them instead of sending the mismatches to their quality control pool to correct those. They are trying to resolve this so that only the results that they have been able to see are the very same. Ms. Thompson asked if Ms. Hall can send that email to Ms. Theresa Brown so that they can have it for the November packet and Ms. Hall stated that she will.

Ms. Melanie Thompson stated it is unacceptable and PSI should have stepped in and said it was unacceptable. Ms. Tonda Hall stated that they have been going back and forth and have been hammering them down but the director was the one that has identified that it was something wrong with the numbers, scores, and averages. It wasn't until August until PROV stepped up and said there was a problem with what they were doing on their end.

Ms. Melanie Thompson stated that NIC may need to come in the meeting in November as well. It shouldn't take 6 months for two major companies to figure out the issue. Ms. Tonda Hall stated that they share the frustration and they are working on ways to improve their communications to make sure they respond to inquiries that are taking place. They are making sure the information is correct before they share it. As far as the customer service, they know that is important. PSI is working on putting in place their own customer service. The test taker response team specialist that will be educated and trained to answer calls related specifically to the Cos/Barber division and any laws of licensure that would relate to the state of South Carolina.

Ms. Melanie Thompson asked when will all of that training and customer service be implemented and to make sure they answer questions specifically about the examination. Ms. Hall stated that she has made note of it and can only speak about the examination and test protocols. They can't fix every issue today but all the issues have been magnified 100 times. Ms. Hall stated that she is infuriated that there was a lapse in the procedure that they needed to administer in their testing exam and that affects the integrity and relationship with the state not to mention the test takers.

Ms. Melanie Thompson asked who will be the contact person for PSI for the Board administrator and schools. Ms. Tonda Hall stated that Mr. Alon Schwartz and she will be the direct contact. Ms. Hall mentioned there would be a school overview and examiner training in October. Ms. Thompson stated that she is a little concerned that an examiner training and a school overview was already scheduled within the next two weeks but the Board administrator, Board members,

nor school owners knew anything about it the training. Ms. Hall stated that she will go back and verify those dates and will be in contact with the Board directly. Ms. Thompson then asked how long it will take to clean out and have the new trainers. Ms. Hall stated that it will take approximately 2 weeks. Ms. Thompson asked who will be overseeing the exam for that 2 week transition time to make sure nothing else happens. Ms. Hall stated that they are sending a colleague directly to the site to oversee the site for 2 weeks and the colleague will be well versed in South Carolina specifics.

Ms. Melanie Thompson opened the floor to Mr. Steven Dawson to give his last remarks.

# 9. Board Member Reports

None at this time.

# 10. Adjournment

Ms. Laquita Clark-Horton made a motion to adjourn the meeting at 11:55 a.m. Ms. Ashley Tucker Johnson seconded the motion and it carried.