

1 **APPROVED MINUTES**

2 **AGENDA**

3 **South Carolina Board of Cosmetology**

4 **Telephone Conference Meeting**

5 **March 23, 2012, 2:30 p.m.**

6 **Synergy Business Park**

7 **Kingstree Building, Conference Room 202-02**

8 **110 Centerview Drive, Columbia, SC 29210**

9 **Meeting Called to Order**

10 Public notice of this meeting was properly posted at the S. C. Board of Cosmetology office, Synergy  
11 Business Park, Kingstree Building, and provided to all requesting persons, organizations, and news media  
12 in compliance with Section 30-4-80 of the South Carolina Freedom of Information Act. The Pledge of  
13 Allegiance was recited by all present. The rules of the meeting were read by the Chairperson.

14  
15 Public notice of this meeting was properly posted at the S. C. Board of Cosmetology office, Synergy  
16 Business Park, Kingstree Building and provided to all requesting persons, organizations, and news media  
17 in compliance with Section 30-4-80 of the South Carolina Freedom of Information Act.

18  
19 **Pledge of Allegiance**

20  
21 **Rules of the Meeting Read by the Vice Chairman**

22 **Introduction of Board Members and All Other Persons Attending**

23 Melanie C. Thompson, Vice Chairperson, called the conference call meeting of the Board of Cosmetology  
24 to order. Other Board members present for the meeting included: Katherine T. Webb; Cynthia T. Rodgers;  
25 Stephanie Nye; and Janice Curtis.

26 **Staff Members Participating in the Meeting**

27 Dean Grigg, Advice Counsel, Sara McCartha, Advice Counsel, Charlie J. Ido, Assistant Deputy Director,  
28 Doris Cubitt & Byron Ray, Administrators, Roz Bailey-Glover, Matteah Taylor, Administrative Assistants,  
29 Shirley Wider, Program Assistant, Cecelia P. Englert, Court Reporter.

30 **All Other Persons Attending:**

31 Steven Dawson, Rosanne H. Kinley (on phone),

32 **Approval of Excused Absences**

33  
34 **MOTION:**

35 Ms. Webb made a motion to excuse Selena M. Brown from the conference call meeting. Ms.  
36 Rodgers seconded the motion, which was carried unanimously.

37 **Approval of Agenda**

38 **MOTION:**

39 Ms. Webb made a motion to approve the agenda with any deviations deemed necessary. Ms.  
40 Rodgers seconded the motion, which was carried unanimously.

41 **Chairperson’s Remarks – There were none.**

42

43 **Administrator’s Remarks – There were none.**

44 **Old Business – There was none.**

45

46 **New Business**

47 **a. 3M Subcommittee Requirements**

48

49 Dean Grigg summarized for the board members the information regarding the regulations that would be  
50 covered during the meeting. Mr. Grigg stated that Michelle Furtick had concerns about some of the  
51 regulation changes so legal met with the Legislative Committee to discuss their concerns. Mr. Grigg stated  
52 that the changes would be a package change.

53 The fingerprinting would be a clerical change. Mr. Grigg also stated that the 3M Subcommittee meeting  
54 was scheduled for Wednesday, March 28, 2012 at 9:15 a.m. Mr. Grigg stated that there were concerns  
55 regarding **section 35-5(D) which states: “The Board may subscribe to the National Interstate Council  
56 of State Boards of Cosmetology Testing Service (NIC) or such other national testing service as selected  
57 by the board for the entire examination”**. The subcommittee wants the word “national” taken out since  
58 they feel the language is restrictive. Ms. Rosanne H. Kinley pointed out a few facts indicating that 38  
59 states offer the NIC examinations, which makes the NIC examination the majority. There are three  
60 companies that offer the NIC examination, PearsonVue, Thompson Prometrics, and Professional  
61 Credential Services. SC started using the NIC written examination in the 1960’s. By 2006 SC went back  
62 to the NIC examination. The language in the regulations benefit SC licensees when it comes to  
63 endorsements. For example, someone from SC could endorse into Florida with the national exam, but  
64 someone from Florida could not endorse into SC without the national exams. So, even states that don’t  
65 use the national examination and have state developed examination, see the benefits of the national  
66 examination and allow those who have taken the national examination to endorse into their state. Mr.  
67 Steven Dawson, spoke on behalf of the Cosmetology Association, and commented that the Association is  
68 for the national examinations because of the endorsement benefit to licensees.

69

70 **MOTION:**

71 Ms. Rodgers made a motion regarding regulation **35-5(D)** to allow the regulation to remain as  
72 previously written. Ms. Webb seconded the motion, which was carried unanimously.

73 The Board reviewed **section 35(5) (I) as read by Mr. Grigg; “An applicant shall submit to the board  
74 fingerprint and photographic identification with initial application for licensure”**. Mr. Grigg stated that  
75 the wrong term was used. Instead of fingerprint it should be finger scan. This is only a clerical change.

76

77 **MOTION:**

78 Ms. Rodgers made a motion regarding regulation **section 35(5) (I)** to change fingerprint to finger  
79 scan. Ms. Nye seconded the motion, which was carried unanimously.

80 The Board discussed the fingerprints further. Ms. Cubitt also commented that the Accounting Board has  
81 had the same process for a number of years, and that it does work because you know the correct person has  
82 appeared to take their examinations.

83

84

85

86 **MOTION:**

87 Ms. Rodgers made a motion regarding regulation *section 35(5) (I)* to keep the text as it appears  
88 with the exception of changing fingerprint to finger scan. Ms. Webb seconded the motion. Ms. Curtis  
89 voted nay. The motion was taken to a vote. Ms. Webb, Ms. Nye and, Ms. Rodgers voted yes. The  
90 motion carried with three yes' and one nay.

91 The Board briefly discussed regulation **35-8(2) the last sentence**; *“Every applicant is required to have*  
92 *passed a nationally endorsed examination regardless of the number of years the applicant has been*  
93 *licensed”*. The Board discussed changing the sentence to: *“Every applicant is required to have passed a*  
94 *nationally endorsed examination with a minimum of two years as an instructor and; (3) must*  
95 *successfully complete a forty five (45) hour methods of teaching class”* .

96

97 Mr. Grigg clarified for the Board what the 3M Committee has requested. Mr. Steven Dawson, spoke on  
98 behalf of the Cosmetology Association, and stated the Association wants the language to remain as the  
99 national examination.

100 **MOTION:**

101 Ms. Rodgers made a motion regarding regulation **35-8(2) the last sentence** to remain as  
102 previously written. Ms. Webb seconded the motion, which was carried unanimously.

103 The Board briefly discussed regulation 35-10 (B) (1) (c); *“Schools shall fingerprint and photograph*  
104 *each student upon enrollment for identification purposes only”*.

105 **MOTION:**

106 Ms. Webb made a motion regarding regulation 35-10 (B) (1) (c) to change fingerprint to finger  
107 scan and leave the rest of the language as written. Ms. Rodgers seconded the motion. Ms. Curtis voted  
108 nay. A vote was taken. Ms. Webb, Ms. Nye and, Ms. Rodgers voted yes. The motion carried with three  
109 yes' and one nay.

110 The Board briefly discussed regulation 35-10 (B) (4) (a): *“The school will provide the student with a*  
111 *certified transcript of earned hours within thirty (30) calendar”*. The suggestion was to change the text  
112 to 21 calendar days from 30 days. Mr. Grigg stated that any change with a number would be a  
113 substantive change. A brief discussion ensued.

114 **MOTION:**

115 Ms. Webb made a motion regarding regulation 35-10 (B) (4) (a) leave the 30 calendar days in the  
116 text as written. Ms. Rodgers seconded the motion, which carried unanimously.

117

118 The Board briefly discussed regulation section 35-10 (H) (2) and section 35-10 (H) (3).

119 **MOTION:**

120 Ms. Rodgers made a motion regarding regulation 35-10 (H) (2) and section 35-10 (H) (3) remain  
121 as written. Ms. Webb seconded the motion, which carried unanimously.

122

123 The Board briefly discussed regulation section 35-13 (A)

124 **MOTION:**

125 Ms. Rodgers made a motion regarding regulation section 35-13 (A) remain as written. Ms. Webb  
126 seconded the motion, which carried unanimously.

127  
128 The Board briefly discussed regulation **section 35-13 (C) (3)** second sentence: **“Individual licenses shall**  
129 **have a recent picture of the licensee attached; and the licensee shall have two (2) other forms of**  
130 **identification available for review during inspection; of which one (1) shall be a valid government**  
131 **issued photo identification. The license is not valid without a current photo attached”**.

132 **MOTION:**

133 Ms. Rodgers made a motion regarding regulation section **35-13 (C) (3)** remain as written. Ms.  
134 Webb seconded the motion, which carried unanimously.

135  
136 The Board briefly discussed **section 35-15-(H) (1)**: *“If the professional license is lost or stolen one (1)*  
137 *duplicate may be issued. Additional replacements must have board approval”*.

138 **MOTION:**

139 Ms. Rodgers made a motion regarding regulation section **35-15-(H) (1)** to remain as written,  
140 providing one duplicate. Ms. Webb seconded the motion, which carried unanimously.

141  
142 The Board briefly discussed sections: 35-16; 35-20 (A); 35-20 (B) and 35-24 (A) (1) (a) which they  
143 agreed to leave the text as written.

144

145 **MOTION:**

146 Ms. Rodgers made a motion regarding regulation sections 35-16; 35-20 (A); 35-20 (B) and 35-24  
147 (A) (1) (a) to remain as written. Ms. Webb seconded the motion, which carried unanimously.

148

149 The Board agreed that section: 35-24 (D) (1) was okay as written.

150

151 The Board briefly discussed section 35-24 (H) stating that Ms. Michelle Furtick wanted to remove the  
152 language as it appeared to benefit the board members.

153

154 **MOTION:**

155 Ms. Rodgers made a motion regarding regulation section 35-24 (H) to remain as written. Ms.  
156 Webb seconded the motion which carried. A vote was taken for the record: Ms. Webb, Ms. Rodgers and  
157 Ms. Nye voted yes. Ms. Curtis voted nay.

158

159 Mr. Grigg stated that concluded the regulation changes. He commented that the applicants for today’s  
160 hearing, Mr. & Mrs. Hayward for Ultra Beauty Salon were present and that the Board may wish to move  
161 the application hearing up on the agenda.

162 In addition, Mr. Grigg stated that one of the conversations he had with the 3M Committee was that they  
163 were not happy that the Board submitted information on a parallel tracks. Item 4218 was sent in as the  
164 entire regulation changes. The Board also resubmitted on a separate track the section regarding the  
165 fingerprints and citations. Mr. Grigg is working with Holly on the problem now and he does not believe  
166 the citation would be a problem because there’s no real difference in the language. The concern was the  
167 fingerprints issue. However, the section of the regulations covering the English language may become an

168 issue again because the Board submitted that information on a parallel track at the recommendation of  
169 counsel. Whatever language the Board wants to pursue will be discussed during Wednesday's meeting.  
170 The meeting will be held a 9:15 a.m. in Blat 27. No vote will be required today on this issue.

171

172 **New Business**

173

174 **b. Approval of Ultra Beauty Reinstatement**

175

176 Chairperson, Ms. Thompson called the hearing to order for the reinstatement of Ultra Beauty Salon  
177 license which expired in 6/30/2008. Mr. & Mrs. Heyward would like to reinstate the salon license  
178 however they submitted an initial salon application instead of a reinstatement application. Mr. Heyward  
179 testified that Mrs. Heyward has been very ill and that he would be testifying for both of them. Mr.  
180 Heyward stated that no one had been working in the salon when it was inspected by Mr. George Barr.  
181 Mr. Barr found that both the salon license #14219 and the cosmetologist license #14567 and license  
182 #14219 were expired and in violation of the statute. The Board members were unsure if the hearing was  
183 for the salon license or for the individual expired licenses as they received an initial license application  
184 for a salon. Mr. Heyward clarified that his cosmetology license is now current and that the salon was  
185 open with expired licenses when Mr. Barr came to inspect the premises but he has since renewed his  
186 license. Mr. Heyward stated that no other employees were in the salon at the time, and that his daughter,  
187 Ms. Stacy R. Heyward, a licensed hair braider was present at the time. Mr. Heyward stated he just  
188 wanted to go back to work.

189

190 **MOTION:**

191 Ms. Rodgers made a motion to go into executive session. Ms. Curtis seconded the motion which  
192 was carried unanimously.

193

194 **MOTION:**

195 Ms. Webb made a motion to return to public. Ms. Rodgers seconded the motion which was  
196 carried unanimously.

197

198 **MOTION:**

199 Ms. Curtis made a motion to deny the initial application and requested that Mr. Heyward complete  
200 a reinstatement application. Ms. Rodgers seconded the motion which was carried unanimously.

201

202 **c. Approval of Panel or Hearing Officers**

203 Mr. Charlie Ido addressed the Board stating that they need to streamline their meetings. He stated that  
204 hearings were discussed with Melina Mann and stated that the Engine Bill authorizes disciplinary  
205 hearings to be done by a panel. Mr. Ido suggested that the Board consider taking a vote to allow for  
206 disciplinary hearings to include a panel or hearing officer. The hearing officer would hear the facts of the  
207 case presented by a litigation council, the same way you would hear a case today. At the end the hearing  
208 the officer would make a recommendation that would be presented to the Board for a final decision at the  
209 next meeting. Board members could accept that recommendation or amend the recommendation as they  
210 deem appropriate. Further discussion ensued.

211

212 **MOTION:**

213 Ms. Curtis made a motion to move the discussion to the next board meeting in May. Ms. Webb  
214 seconded the motion which was carried unanimously.

215  
216 Chairperson, Ms. Thompson asked the Board members to consider names of individuals in their area and  
217 be ready to submit those names at the next Board meeting.

218  
219 **Public Comments – There were none.**

220 **Adjourn**

221 **MOTION:**

222 Ms. Webb made a motion to adjourn the meeting. Ms. Rodgers seconded the motion which was  
223 carried unanimously.

224  
225 The meeting adjourned at 3:35 p.m. The next meeting of the South Carolina Board of Cosmetology is  
226 scheduled for May 14, 2012 and May 15, 2012.