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APPROVED MINUTES
South Carolina Board of Cosmetology
10:00 a.m., January 9, 2012
Synergy Business Park
Kingstree Building, Conference Room 108
110 Centerview Drive, Columbia, SC 29210

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Video of this meeting can be viewed at the state’s public website:

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www.llr.state.sc.us/POL/Cosmetology, On the Board’s home page click “Board Information” and follow the link to the video.

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These minutes are a record of the motions/ official actions taken by the Board, and a brief summary of the meeting. A transcript of this meeting providing more detail will be available on the Board’s website – www.llr.state.sc.us/pol/

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Meeting Called to Order

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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 Pledge of Allegiance was recited by all present. The rules of the meeting were read by the Chairperson.

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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.

Pledge of Allegiance

Rules of the Meeting Read by the Chairman

Chairperson Kinley asked the Board Administrator, Byron Ray to include the rules of the meeting in the next board meeting packet.

Introduction of Board Members and All Other Persons Attending

Rosanne H. Kinley, Chairperson, of Anderson, called the regular meeting of the Board of Cosmetology to order. Other Board members present for the meeting included: Melanie C. Thompson, Vice Chairperson, of Myrtle Beach; Katherine T. Webb, of Easley, Delores J. Gilmer of Charleston and Selena M. Brown of Columbia.

Staff Members Participating in the Meeting

Andrew Rogers, General Counsel; Dean Grigg, Advice Counsel; Byron Ray, Administrator, Roz Bailey-Glover, Matteah Taylor, Administrative Staff, and Cecelia P. Englert, Court Reporter. Investigators: Raymond Lee, Ronnie Black, Gregory Barr, Ken Kits, Roger Beaver, Jimmy Knotts, Jim, Kyzer, Wayne Brown, and Larry Hall.

All Other Persons Attending:

Janice Curtis, Tamy Nguyen, Jay Lacy, Shawn Mayeis, Drucilla Perry, Paige Bellamy, Colleen Large, Janet Cipriani, Buuchi Nguyen, Kate Shelton, Chesley Phillips, Gloria Smith, Kieu Nhan, George Robinson, Douglas Harley, Hoa Duong, Kim Duong, Kathryn Holmes-Daniels, Son T. Nguyen, Kristen Baxley, Doug Robinson, Fran Bellamy, Samesha Singleton, Quadaisha Westonn, Ayana Gillard, Jasmine Weathers, Jasmine Middleton, J. Todd Jamison, Hoaug Le Vu, Amy Lee Thompson, Tuyen Truong, David E. Belding, Long Phi Pham, Karl Fisher.

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Approval of Excused Absences

Cynthia T. Rodgers of Lancaster was excused for her absent.

Approval of the November 12, 13 & 14, 2011 Minutes

MOTION:

Ms. Thompson made a motion to approve the November 12-14, 2011 minutes with corrections. Ms. Webb seconded the motion, which was carried unanimously.

Approval of November 28, 2011 Minutes

MOTION:

Ms. Thompson made a motion to approve the November 28, 2011 minutes as presented. Ms. Webb seconded the motion, which was carried unanimously.

Approval of the December 5, 2011 Minutes

MOTION:

Ms. Thompson made a motion to approve the minutes with corrections. Ms. Gilmer seconded the motion, which was carried unanimously.

Approval of the December 7, 2011 Teleconference Minutes

MOTION:

Ms. Thompson made a motion to approve the minutes as presented. Ms. Webb seconded the motion, which was carried unanimously.

See a copy of transcript on the Board's website for detailed changes requested to the minutes.

Approval of Agenda

MOTION:

Ms. Thompson made a motion to approve the agenda with any deviations deemed necessary. Ms. Brown seconded the motion, which was carried unanimously.

Chairman's Remarks – Rosanne Kinley

Chairperson Kinley recapped the past year and acknowledged the board meetings were lengthy, but stated that the Board will make future meetings two days or have monthly meetings to shorten the process. She reminded the public that the board positions are voluntary and that the members are devoted to their profession. Chairperson Kinley thanked the audience for their participation and dedication to the lengthy meetings. Chairperson Kinley also stated that on November 29, 2011 she completed the final inspection for the Institute of Nail Artistry in Greenville, SC. Chairperson Kinley wished the school success. Chairperson Kinley stated that on November 18, 2011, Director Templeton met with the LCI Subcommittee and had an initial discussion about the privatization and deregulation of the Cosmetology industry which the Board is against. Because of this information the All Industry Council held a meeting in Anderson, SC and another meeting was held on December 21, 2011 to discuss the issue. Chairperson Kinley stated that LLR has proposed the deregulation of a number of professions.

101 Chairperson Kinley then spoke of Mr. David E. Bagwell, a former member of the Board who has been a
102 cosmetologist for fifty (50) years. Mr. David E. Bagwell wrote a letter addressed to Governor Haley and
103 Director Templeton which he sent to Chairperson Kinley, and asked that she read it into the record.

104
105 *These minutes are a record of the motions/ official actions taken by the Board, and a brief summary of*
106 *the meeting. A transcript of this meeting providing more detail regarding the letter will be available on*
107 *the Board's website – www.llr.state.sc.us/pol/*
108

109 **Administrator's Remarks, for Information – Byron Ray**

110 Mr. Byron Ray stated that the Ethics Committee documents for 2012 Economic Interest filings were due
111 by 4/15/12 from the Board members and must be done electronically. There is a financial penalty
112 assessed per day if the documents are submitted after 4/15/12. Mr. Ray also stated that staff members
113 Shirley Wider and Jessica DeBenedetto were out of the office due to deaths in their family.

114
115 **Advisory Opinions, if Needed, Office of General Counsel: There were none.**

116
117 **Legislative Update, If Needed, Legislative Liaison Office**

118 Mr. Dean Grigg, Advice Counsel stated that the regulations are in the public notice period and should be
119 concluding. The revised regulations will then be sent to the legislators for review.

120
121 **OIE Report – Office of Investigations and Enforcement**

122 Mr. DeLeon Andrews reported to the Board that there are currently 93 open investigations and that they
123 have closed 12 cases since the last board meeting.

124
125 **OGC Report – Office of General Counsel**

126 Mr. Andrews reported that there were 28 open cases, 15 pending action and 1 pending hearing to-date.
127 The Board also received data indicating that in 2010 there were \$38,000 in civil penalties issued and in
128 2011 there were \$19,000 in civil penalties issued.

129
130 Chairperson Kinley recognized the inspectors attending the Board meeting for the fine job they do for the
131 SC Board of Cosmetology.

132
133 **Inspector's Report**

134 Mr. Ray read the Inspection Report to the Board: July 736, August 720, September 539, October 734,
135 November 596 and December there were 450 inspections for a year to date total of 3,775.

136
137 **Old Business: There was none.**

138
139 **New Business**

140
141 **Approval of IRC Report: No report given.**

142
143 Chairperson Kinley recognized board member Ms. Webb who had questions regarding SLED reports.
144 Ms. Webb stated that the Board needed to know if the applicants and licensees they have asked to submit
145 SLED reports have been received, and wanted to know the staff's process for collecting SLED reports.
146 Mr. Ray stated that an order is sent out from the legal department. He recognized that some orders were
147 not being forwarded to the Board staff. Once the order is received, the compliance officer, Ms. Jessica
148 DeBenedetto places the information into the database. The Board wanted to know how the staff follow-
149 up. Mr. Ray stated that the database is flagged. Once the order is satisfied the flag is removed. Ms. Webb
150 stated that the Board members needed to see something from staff to know that the SLED reports were

151 being received. The Board will submit to Mr. Ray, the names of those who should have submitted a
152 SLED report to ensure they were received.

153

154 An addition to the agenda was made by Ms. Thompson to add the disciplinary hearing to today's agenda
155 for Son T. Nguyen.

156

157 **MOTION:**

158 Ms. Thompson made a motion to add the disciplinary hearing to today's agenda for Son T.
159 Nguyen. Ms. Webb seconded the motion, which was carried unanimously.

160

161 Andrew Rodgers, Office of General Council, asked Mr. Nguyen to come forward regarding OIE case
162 #279-175. Mr. Nguyen waived his right to an attorney. Mr. Rodgers presented the case to the Board and
163 indicated that Mr. Nguyen was sent a notice to appear for today's hearing. The State alleges that Mr.
164 Nguyen used fraudulent information to obtain licensure and has violated 40-1-110-1(C), 40-1-110-1(D),
165 40-1-110-1(F), 40-13-110A (3), and 40-13-110A (4). Investigator Mr. DeLeon Andrews was called to
166 testify for the State, and was cross-examined by Mr. Rodgers. Documents submitted for licensure from
167 Mr. Nguyen were submitted into evidence. Mr. DeLeon stated that he interviewed Mr. Nguyen who stated
168 that he paid World Beauty School to complete an application for him. Mr. Nguyen entered the USA in
169 1999 and was not in the country at the time his documents show he graduated from high school. Mr.
170 Nguyen did not have any questions for the Board or Investigators. The State rested its case. Mr. Nguyen
171 testified on his own behalf. Stated that he obtained his license in SC and later went to Massachusetts for
172 licensing. He has worked in Columbia and in Aiken, SC for Tony Nguyen at Lee Nails Salon in the mall
173 for 10-15 years. Mr. Nguyen stated that he took 400 hours of education in Massachusetts at Cali Nails
174 School and that he did not attend World Beauty School in SC. Mr. Nguyen went to World Beauty and
175 gave them \$2,000 to complete his application. Mr. Nguyen stated that he did not take classes in SC. He
176 did not go to high school in the US, he went to high school in Vietnam where he graduated, but lost his
177 diploma.

178

179 Chairperson Kinley recused herself from the hearing and turned the session over to Vice Chairperson, Ms.
180 Thompson. Mr. Nguyen was asked additional questions. Mr. Nguyen stated that he does not have a SC
181 driver's license. He has a Massachusetts license and that his children lived in Massachusetts. Mr.
182 Rodgers closed for the State and recapped the charges and stated that all sanctions would be left to the
183 Board's discretion.

184

185 **MOTION:**

186 Ms. Webb made a motion to enter Executive Session. Ms. Gilmer seconded the motion, which
187 was carried unanimously.

188

189 **MOTION:**

190 Ms. Brown made a motion to resume the public session. Ms. Gilmer seconded the motion, which
191 was carried unanimously.

192

193 Mr. Rodgers stated that Mr. Bucchi Nguyen would help Mr. Son T. Nguyen with the English translation
194 which was accepted by the Board, however, no additional testimony was taken.

195

196 **MOTION:**

197 Ms. Webb made a motion to revoke the license as Mr. Son T. Nguyen violated the practice act.
198 Ms. Brown seconded the motion, which was carried unanimously.

199

200 The Board let Mr. Nguyen know that a final order will be mailed to him. Ms. Thompson returned the
201 Board meeting back over to Chairperson Kinley.

202 **Approval of License through Endorsement**

203

204 **Janet R. Cipriani**

205 Staff notified **Janet R. Cipriani** by letter to appear before the Board to answer questions members may
206 have concerning the endorsement application. Ms. Cipriani was licensed in NJ and had less than 300
207 hours. Ms. Cipriani submitted work experience for board approval.

208

209 **MOTION:**

210 Ms. Brown made a motion to approve the work experience hours and allow Mr. Cipriani to sit for
211 the examination. Ms. Gilmer seconded the motion, which was carried unanimously.

212

213 **Karl W. Fisher**

214 Staff notified Mr. Fisher by letter to appear before the Board to answer questions members may have
215 concerning the endorsement application. LLR Staff reported that Mr. Fisher would attend the Board
216 meeting around 2:00 p.m. It was later determined that Mr. Fisher did not show up for the Board meeting.

217

218 **MOTION:**

219 Ms. Thompson made a motion to deny the application. Ms. Gilmer seconded the motion, which
220 was carried unanimously.

221

222 **Xuan Thi My Nguyen**

223 Staff notified Xuan Thi My Nguyen by letter to appear before the Board to answer questions members
224 may have concerning the endorsement application. LLR Staff stated that this applicant has been
225 rescheduled for later Board meeting date.

226

227 **Buuchi H. Nguyen**

228 Staff notified Buuchi H. Nguyen by letter to appear before the Board to answer questions members may
229 have concerning the endorsement application. Mr. Nguyen testified that he took the NIC examinations.
230 He obtained a license in Florida with 250 hours of education. He moved to Arkansas and was licensed in
231 2008 and his license is still current. Mr. Nguyen stated that he went to school in Kansas for nails in 2005
232 and received a total of 350 hours of training. He endorsed into Arkansas with his Kansas license. From
233 Florida he moved back to Arkansas where he took the NIC exams. He has a Kansas driver's license, but
234 currently lives in SC.

235

236 **MOTION:**

237 Ms. Thompson made a motion to deny the license for endorsement. Ms. Gilmer seconded the
238 motion, which was carried unanimously.

239

240 **Kieu Nguyet Nhan**

241 Staff notified Kieu Nguyet Nhan by letter to appear before the Board to answer questions members may
242 have concerning the endorsement application. Ms. Nhan brought her aunt, Ms. Duong, to translate for
243 her. Ms Nhan's application was complete and she passed the NIC examinations. Ms. Nhan stated that she
244 moved from Vietnam to California and then to South Carolina. She is working at Silver Nails in Mt.
245 Pleasant, SC.

246

247 **MOTION:**

248 Ms. Webb made a motion to approve the endorsement application. Ms. Brown seconded the
249 motion, which was carried unanimously.

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253 **Approval of License With Background Reports**

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255 **Sherraunda D. Brealon**

256 Staff notified Ms. Brealon by letter to appear before the Board to answer questions members may have
257 concerning the application and background report. Ms. Brealon testified that she received probation and
258 completed it for the identity theft charge. She paid her tickets and all matters are cleared.

259

260 **MOTION:**

261 Ms. Webb made a motion to approve the license. Ms. Gilmer seconded the motion, which was
262 carried unanimously.

263

264 **John W. Bowen**

265 Staff notified John W. Bowen by letter to appear before the Board to answer questions members may
266 have concerning the application and background report. Mr. Bowen did not show up for the meeting.

267

268 **MOTION:**

269 Ms. Webb made a motion to deny the application. Ms. Gilmer seconded the motion, which was
270 carried unanimously.

271

272 **Paige C. Bellamy**

273 Staff notified Paige C. Bellamy by letter to appear before the Board to answer questions members may
274 have concerning the application and background report. Ms. Bellamy provided testimony stating she was
275 sentenced to probation and required to pay restitution for the \$4,000 credit card fraud charge. Ms.
276 Bellamy stated she paid restitution in 2007, and is currently working two jobs.

277

278 **MOTION:**

279 Ms. Webb made a motion to approve the license. Ms. Thompson seconded the motion, which was
280 carried unanimously.

281

282 **Drucilla R. Perry**

283 Staff notified Drucilla R. Perry by letter to appear before the Board to answer questions members may
284 have concerning the application and background report. Ms. Perry testified that she used other people's
285 identity information to obtain credit cards and was charged with identity fraud. Ms. Perry also stated that
286 she knowingly wrote check on a closed account. Ms. Perry testified she attended mental health
287 counseling in 2006. The charges from 2010 and 2011 were dropped, but SLED documents still show
288 pending. Ms. Perry stated that she was not working at this time.

289

290 **MOTION:**

291 Ms. Gilmer made a motion to deny the license. Ms. Thompson seconded the motion, which was
292 carried unanimously.

293

294 **Kathryn Holmes-Daniels**

295 Staff notified Kathryn Holmes-Daniels by letter to appear before the Board to answer questions members
296 may have concerning the application and background report. Ms. Daniels stated she was arrested for
297 check fraud totaling \$500 in 2009 on a charge from 1995 that went to court in 1996. She did not appear in
298 court in 1996 but moved to Georgia. The Board tabled their decision to allow Ms. Daniels to obtain a
299 current SLED record showing the changes were in error. Ms. Daniels returned with corrected information.

300

301 **MOTION:**

302 Ms. Gilmer made a motion to approve the license. Ms. Brown seconded the motion, which was
303 carried unanimously.

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Latoya L. Weathers

Staff notified Latoya L. Weathers by letter to appear before the Board to answer questions members may have concerning the application and background report. Ms. Weathers testified that she was sentenced to five years of probation in 2005 and paid restitution. He submitted a letter of recommendation from her job and school.

MOTION:

Ms. Thompson made a motion to approve the license. Ms. Gilmer seconded the motion, which was carried unanimously.

Kristen P. Baxley

Staff notified Kristen P. Baxley by letter to appear before the Board to answer questions members may have concerning the application and background report. Ms. Baxley testified she received 6 months probation and paid \$1500 in court cost for restitution.

MOTION:

Ms. Gilmer made a motion to approve the license. Ms. Thompson seconded the motion, which was carried unanimously.

Approval to To Take Examination

Tamy Ngoc Nguyen

Staff notified Tamy Ngoc Nguyen by letter to appear before the Board to answer questions members may have concerning the application for examination. Mr. Nguyen testified that he added a “y” to his first name when he became a US citizen. He took the NIC examinations and said he forgot to add the “y” in his name. All other documents were complete in the application file.

MOTION:

Ms. Thompson made a motion to deny the application for licensure. Ms. Webb seconded the motion. Ms. Brown voted nay.

MOTION:

Ms. Thompson made a motion to break for lunch. Ms. Gilmer seconded the motion, which was unanimous.

Approval of Reinstatements

Thuy T. Nguyen—Nail Technician

Staff notified Thuy T. Nguyen by letter to appear before the Board to answer questions members may have concerning the application for reinstatement. Ms. Nguyen did not show up for the Board meeting.

MOTION:

Ms. Thompson made a motion to deny the reinstatement. Ms. Gilmer seconded the motion, which was carried unanimously.

355 **Approval of License with Identification Questions**

356

357 **Henxins Quang Nguyen**

358 Staff notified Henxin Quang Nguyen by letter to appear before the Board to answer questions members
359 may have concerning the applicants identification provided for licensure. Henxin Q. Nguyen did not show
360 up for the Board meeting.

361

362 **MOTION:**

363 Ms. Thompson made a motion to deny the reinstatement. Ms. Webb seconded the motion, which
364 was carried unanimously.

365

366 **Approval of Salon License**

367

368 **Duy Thanh Nguyen, L'Amour Nails**

369 Staff notified Duy Thanh Nguyen by letter to appear before the Board to answer questions members may
370 have concerning the salon application. Mr. Nguyen is currently in Vietnam for two months and could not
371 appear to testify. However, Mr. Long Phi Pham, manager of L'Amour Nails appeared with his attorney
372 David Belding to testify. The Board clarified that they would not make any determination on the owner,
373 Mr. Truong Tran until a later date. Investigator, Mr. DeLeon Andrews testified for the State and said a
374 cease and desist was issued to the manager and unlicensed workers since the owner was not present on
375 1/14/2011. On May 13, 2011 inspectors found three unlicensed workers in the salon in violation of the
376 initial order. A total of \$3,000 in fines were assessed by the Board, and legal classes were supposed to be
377 taken. A third offense occurred on 6/17/11 when an unlicensed female was using another man's license
378 with her photo attached to the license. It was clarified by Mr. Belding that Mr. Long Phi Pham cannot be
379 the manager because he allowed unlicensed practice in the salon. It was clarified that Mr. Long Phi Phan
380 owned the salon and had two unlicensed people working in the salon at the time it was inspected.
381 Apparently the name of the salon was changed from Glamour Nails to L'Amour Nails. Mr. Pham has not
382 taken the legal classes. The Board tabled their decision until other information could be clarified by LLR
383 staff.

384

385 **MOTION:**

386 Ms. Thompson made a motion to table the session until State attorney, Ms. Lynn Rogers could
387 attend the Board meeting. Ms. Webb seconded the motion, which was carried unanimously.

388

389 **MOTION:**

390 Ms. Thompson made a motion to go into Executive Session. Ms. Webb seconded the motion,
391 which was carried unanimously.

392

393 The meeting was called back to order. It was determined by the Board that the application for L'Amour
394 Nails be withdrawn and should be resubmitted with the corrected information at a later date. No motion
395 was made.

396

397 **Approval to Reinstate Salon License**

398

399 **J. Todd Jamison, J. Todd Jamison Salon**

400 Staff notified J. Todd Jamison by letter to appear before the Board to answer questions members may
401 have concerning the salon reinstatement application. Board member Ms. Webb recused herself from the
402 discussion. The J. Todd Jamison Salon license lapsed in 2008. Mr. Jamison stated that he's been in the
403 business for 23 years. He stated that his cosmetologist license had also expired, but he reinstated it and
404 admitted to working in the salon without a license.

405

406 **MOTION:**

407 Ms. Thompson made a motion to approve the salon reinstatement. Ms. Gilmer seconded the
408 motion, which was carried unanimously.

409

410 **Approval of License through Endorsement**

411

412 **Amy Lee Thompson**

413 Staff has requested that the Board review the application for endorsement. Ms. Thompson was not
414 notified to appear for questions. Ms. Thompson stated that she has 1,200 hours of education and 300
415 hours in a salon. She took the NIC examinations.

416

417 **MOTION:**

418 Ms. Thompson made a motion to approve the license. Ms. Gilmer seconded the motion, which
419 was carried unanimously.

420

421 **Approval of Licenses with Education Concerns**

422

423 **Oxana Stephens—Esthetician**

424 Staff has requested that the Board review the application with education concerns. Ms. Stephens has 550
425 hours of esthetics education and a current license in Colorado.

426

427 **MOTION:**

428 Ms. Thompson made a motion to approve the license. Ms. Webb seconded the motion, which was
429 carried unanimously.

430

431 **Hoang Le Vu—Nail Technician**

432 Staff has requested that the Board review the application with education concerns. Hoang Le Vu has 400
433 hours of education and a current license in California

434

435 **MOTION:**

436 Ms. Webb made a motion to approve the license. Ms. Brown seconded the motion, which was
437 carried unanimously.

438

439 **Soknear Lim—Nail Technician**

440 Staff has requested that the Board review the application with education concerns. Soknear Lim did not
441 show up for the Board meeting.

442

443 **MOTION:**

444 Ms. Thompson made a motion to deny the license. Ms. Webb seconded the motion, which was
445 carried unanimously.

446

447 **Tuyen Thi Thanh Truong—Nail Technician**

448 Staff has requested that the Board review the application with education concerns. The Board reviewed
449 the documents and found discrepancies in the documentation in that a SC notary seal appeared on the
450 California school documentation. Applicant completed 400 hours of education in California in 2002.

451 The Board decided to receive additional information from the applicant during their January 20th, 2012
452 teleconference call meeting.

453

454 **MOTION:**

455 Ms. Thompson made a motion to deny the application. Ms. Webb seconded the motion, which
456 was carried unanimously.

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Discussion: There was none.

Board Member Reports: Member reports were deferred until Tuesday, 1/10/12 Board meeting.

Public Comments: The Board mentioned that California is now fully an NIC state, offering both examinations.

Adjournment: 5:20 p.m.

MOTION:

Ms. Thompson made a motion to adjourn the meeting. Ms. Gilmer seconded the motion, which was carried unanimously.

The next meeting of the S.C. Board of Cosmetology is scheduled for January 10, 2012.