

DRAFT MINUTES
South Carolina Board of Cosmetology
Board Meeting
10:00 a.m., November 5, 2013
Synergy Business Park
Kingtree Building
110 Centerview Drive, Conference Room 105
Columbia, South Carolina 29210

Meeting Called to Order

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.

Pledge of Allegiance

Rules of the Meeting Read by the Chairman

Introduction of Board Members:

Vice Chairperson Cindy Rodgers called the regular meeting of the Board of Cosmetology to order. Other Board members present for the meeting included, Janice Curtis, Cindy Rodgers, Selena M. Brown, and Stephanie Nye.

Staff Members Participating in the Meeting:

Mary League, Advice Counsel; Darra Coleman, Advice Counsel; Tracey McCarley, Administrator; Laura Pace, Finance Department; Raymond Lee, Investigations; Matteah Taylor, Roz Bailey-Glover, Administrative Staff; Cecelia P. Englert, Court Reporter.

All Other Persons Attending:

Chesley Phillips, Betty Daniels-Peterson, Colleen Large, Steven Dawson, Hieu Vu, Tiffany Mitchell, Zarena P. Flemmings, Mary Rock, Tracy Jones, Anh Nguyen, Deion Lloyd-Mitchell, Jerry R. Strickland, Van Tran, Thienson Tran, Martha Landao Tran, Gloria Smith, Edith Boulware, Pat Oberhausen, Don Oberhausen.

Approval of Excused Absences: Melanie C. Thompson

MOTION:

Ms. Curtis made a motion to approve the absence of Ms. Melanie C. Thompson. Ms. Nye seconded the motion, which carried unanimously.

Approval of Agenda

MOTION:

Ms. Curtis made a motion to approve the agenda with any deviations necessary. Ms. Nye seconded the motion, which carried unanimously.

Vice Chairman's Remarks – Cindy Rodgers

Ms. Rodgers had no comments and turned the meeting over to Ms. McCarley.

Administrator's Remarks – Tracey McCarley

Ms. McCarley let the Board know that she is resigning her position as Board Administrator and that December 20, 2013 would be her last day. Ms. Rodgers and the Board members thanked Ms. McCarley for her contributions and service to the Board.

OLD BUSINESS**Review for Approval of Adding a Program: Greenville Technical College – Mary Rock**

On October 8, 2013, Ms. Rock submitted a request to LLR staff to appear before the Board seeking approval for instructors for their business classes. The Board reviewed the information submitted and discussed the proposal.

MOTION:

Ms. Curtis made a motion to approve the instructors. Ms. Brown seconded the motion, which carried unanimously.

NEW BUSINESS**Review for Approval of the Examination – Invalid Hours After Twenty-Four (24) Months - Edith Boulware**

Ms. Boulware requested an appearance before the Board seeking approval of her school hours after 24 months. Ms. Boulware stated she graduated in 2006 and due to personal hardships she was unable to take the examinations. In 2011 she reapplied for her examinations and was denied.

MOTION:

Ms. Curtis made a motion to go into executive session for legal advice and the Board would also break for lunch. Ms. Nye seconded the motion, which carried unanimously.

MOTION:

Ms. Curtis made a motion to return to public session. Ms. Brown seconded the motion, which carried unanimously.

Ms. Rodgers stated that during executive session no motions were made or votes taken.

MOTION:

Ms. Curtis made a motion to deny the school hours after 24 months and that Ms. Boulware would be required to complete 450 hours of training to take her examinations. Ms. Brown seconded the motion, which carried unanimously.

Ms. Boulware stated that she already paid the \$165 to the testing service and was unable to take her examination. Ms. McCarley stated that LLR staff member, Ms. Deas will contact the testing service and request the \$165 refund.

Review for Approval of Adding a Program: Dillon County Technology Center – Jerry Strickland

Mr. Strickland requested an appearance before the Board seeking approval for his application to add a new Nail Technician course to Dillon County Technology Center's existing curriculum. The school will try to also provide transportation for the students and payment for their examinations. Their current cosmetology program has a 100% pass rate and is a strong program. Mr. Strickland has instructors for the program.

MOTION:

Ms. Brown made a motion to approve the Nail Technician program. Ms. Curtis seconded the motion, which carried unanimously.

Review for Approval of Background Checks: Tiffany Mitchell

Ms. Mitchell appeared before the Board seeking a license approval by examination with a background check. Ms. Mitchell stated that her problems stemmed from having bad relationships and doing things totally out of character. She completed one year of a five year probationary period. The Board reviewed her SLED report.

MOTION:

Ms. Curtis made a motion to approve the license with a three year probationary period. Ms. Mitchell must submit a current SLED report at the end of each year to the Board, at her own expense. Any new violations will result in an automatic suspension of her license. Ms. Nye seconded the motion, which carried unanimously.

Review for Approval of Background Checks: Zarena Flemmings

Ms. Flemmings appeared before the Board seeking a license approval by examination with a background check. Ms. Flemmings stated she rented a car for someone and returned it late which resulted in charges. Ms. Flemmings explained the other charges and the Board reviewed her SLED report.

MOTION:

Ms. Brown made a motion to approve the license with a two year probationary period. Ms. Flemmings must submit a current SLED report at the end of each year to the Board, at her own expense. Any new violations will result in an automatic suspension of her license. Ms. Curtis seconded the motion, which carried unanimously.

Review for Approval of Background Checks: Tracy Jones

Ms. Jones appeared before the Board seeking a license approval by examination with a background check. Ms. Jones explained that, ten years ago, she worked at a bank and got into trouble for stealing money. Ms. Jones stated she paid restitution and was placed on probation for five years which she has completed. She is now a manager at a major department store where she handles cash daily. The Board reviewed her SLED report for consideration.

MOTION:

Ms. Curtis made a motion to approve the license with a three year probationary period. Ms. Jones must submit a current SLED report at the end of each year to the Board, at her own expense. Any new violations will result in an automatic suspension of her license. Ms. Brown seconded the motion, which carried unanimously.

MOTION:

Ms. Nye made a motion to take a fifteen minute break. Ms. Brown seconded the motion, which carried unanimously.

MOTION:

Ms. Curtis made a motion to reconvene the public meeting. Ms. Nye seconded the motion, which carried unanimously.

Review for Approval of Reinstatements with Background Checks: Betty Daniels- Peterson

Ms. Peterson appeared before the Board seeking to reinstate her cosmetology school license #1129 with a background report. Ms. Peterson stated she took a plea deal on an old case concerning her former tax preparation business. LLR investigator Mr. Raymond Lee was sworn in to testify regarding the case. Mr. Lee stated that the school was inspected five years ago. When he reviewed the school records, Ms. Peterson averaged less than six students per year over a five year period failing to meet the Boards student ratio. Ms. Peterson explained that she does have two to four students at a time and is going through the accreditation process. Ms. Peterson stated that she also runs a barber school and a CNA nursing school out of a building she owns. Ms. Peterson stated that she has fifteen students ready to start her program if the license is reinstated. LLR staff confirmed that Ms. Peterson has a current instructor's license.

MOTION:

Ms. Curtis made a motion to go into executive session for legal advice and lunch. Ms. Nye seconded the motion, which carried unanimously.

MOTION:

Ms. Nye made a motion to return to public session. Ms. Brown seconded the motion, which carried unanimously.

Ms. Rodgers stated that during executive session no motions were made or votes taken.

MOTION:

Ms. Nye made a motion to approve the reinstatement of the school license. Ms. Brown seconded the motion, which carried unanimously.

Review for Approval of Reinstatements with Background Checks: Deion Lloyd- Mitchell

Mr. Mitchell appeared before the Board seeking the reinstatement of his license with a background report. Mr. Mitchell stated that he has not been to court yet, but his attorney explained that the traffic charges would be dismissed. Mr. Mitchell explained the other charges. The Board reviewed his background report.

MOTION:

Ms. Curtis made a motion to go into executive session for legal advice. Ms. Brown seconded the motion, which carried unanimously.

MOTION:

Ms. Curtis made a motion to return to public session. Ms. Brown seconded the motion, which carried unanimously.

Ms. Rodgers stated that during executive session no motions were made or votes taken.

MOTION:

Ms. Curtis made a motion to approve the license reinstatement since there was no conviction to consider. Ms. Brown seconded the motion, which carried unanimously.

Review for Approval of Out-of-State School: Hieu Thoung Vu

Mr. Vu appeared before the Board seeking approval for a license with an out of state school transcript. Mr. Vu stated he attended the Health & Beauty School in Florida. He stated that Florida required 240 hours of training and it took him 3.5 months to complete his training. The Board was not satisfied with Mr. Vu's answers regarding the dates of his class attendance.

MOTION:

Ms. Curtis made a motion to deny the license since it only took Mr. Vu six weeks to complete his training and she was not satisfied with his answers to the Boards questions. The motion failed due to the lack of a second.

Ms. Curtis explained that the enrollment dates are not consistent with the number of hours Mr. Vu completed at school. Mr. Vu stated he completed 240 hours but the transcript shows he has 500 hours completed.

MOTION:

Ms. Curtis made a motion to go into executive session for legal advice. Ms. Nye seconded the motion, which carried unanimously.

MOTION:

Ms. Curtis made a motion to return to public session. Ms. Brown seconded the motion, which carried unanimously.

Ms. Rodgers stated that during executive session no motions were made or votes taken.

MOTION:

Ms. Brown made a motion to deny the license due to the inconsistency of the nail technician training documented hours and Mr. Vu's explanation. Ms. Curtis seconded the motion, which carried unanimously.

Ms. Curtis explained to Mr. Vu he would have to obtain a transcript from the school outlining the classes taken and the dates attended. He can resubmit the data to the Board for reconsideration.

Fee Adjustment Proposal- Holly Pisarik, Darra Coleman

Ms. Darra Coleman appeared before the Board in the absence of Ms. Pisarik. Ms. Coleman let the Board know that a comprehensive financial analysis was conducted on all boards and commissions to determine whether fees charged are sufficient, but not excessive, to cover expenses, including the total of the direct and indirect costs to the State for the operations of each respective board or commission. LLR's review of the fees currently charged by this Board revealed these fees are insufficient to cover expenses. Ms. Coleman pointed out several enhancements were made within the agency for efficiency. In addition, LLR is considering the removal of the Massage Therapy Panel from under the current Administrator, Ms. McCarley to another Board Administrator since she is currently responsible for three boards.

Ms. Coleman stated that the investigation process and quality of investigations are also being changed. LLR will be implementing a new cycle time per Board from the complaint process to the IRC presentation. The goal is for each profession to have a 60 day deadline for completion, although some boards have a longer cycle. If the 60 day cycle time is too long for this Board, please let her know.

Three new investigators will be added which should enhance that service. Investigators will also have to obtain national certification. Training will be provided through the Clear Training program. Investigators will be expected to maintain certification to provide uniformity with the investigations. If the Board would like, the investigators can observe the Board meetings to gain a better understanding of what the Board does.

Ms. Coleman also mentioned the engagement of consulting experts early in an investigation for complex cases so the consultant can help the investigator. In addition, OGC is adding three new positions to help keep pace with the case load for higher quality processing. LLR is also enhancing their IT services starting with the new look of the website. All services should be one click away. Ms. Coleman encouraged the Board members to look at the website changes and provide their feedback.

With the Department of Revenue breach in data security last year, LLR has dual verification and added more protections to prevent a data breach. Some boards now use social media and have a Facebook page to communicate with licensees. The Accountancy Board is the test pilot for Facebook. If this board is interested in having a Facebook page, please let Ms. League know. The Administrators would be charged with updating and maintaining the information on the Facebook page.

Ms. Coleman handed out a copy of the budget and revenue expenses. She read the letter to the Board regarding the financial analysis of the boards which proposed the Cosmetology Board increase their fees by \$22 for each license. Ms. Coleman explained the budget reports and stated that the administrative calculations and direct expenses were from the previous year. The direct expenses cover board staff, and travel. The indirect expenses are more difficult to calculate. OIE and legal expenses represent about 11.38% of reported number of cases they work on for this board verses all open cases in the agency. Going forward, OIE and legal expenses will decrease since old cases like the World Beauty cases represented the large expense for 2012. Also, a proviso regarding the funding and operation of

Immigration and OSHA requires the agency to administer these programs with little funding from the State so the expense of these programs are spread across the boards. There was a correction to this board's budget under the September 2013 heading. There was some discussion about the details of the budget which Ms. Coleman clarified. Ms. Coleman also pointed out that the Board previously generated revenue through citations which was eliminated. Fines can be drawn down to cover expenses to offset the shortfall. Ms. Coleman asked the board members to review agency's recommendations and submit an approval or an alternative recommendation. For some boards, the fee change would require a regulatory or statutory change. The \$22 increase would affect the next renewal cycle in 2015. The Board thanked Ms. Coleman for the information.

Review for Approval of Out-of-State School: Van Tran

Mr. Tran appeared before the Board seeking approval for his license with an out of state school. Mr. Tran stated he attended the Academy of Hair & Beauty and obtained 350 hours of training from Monday-Friday for six hours per day. He stated he attended classes from 9:00 a.m. until 3:00 p.m. daily. He enrolled in the program October, 2010 and completed the program January 2011.

MOTION:

Ms. Curtis made a motion to go into executive session for legal advice. Ms. Brown seconded the motion, which carried unanimously.

MOTION:

Ms. Brown made a motion to return to public session. Ms. Nye seconded the motion, which carried unanimously.

Ms. Rodgers stated that during executive session no motions were made or votes taken.

MOTION:

Ms. Curtis made a motion to deny the license since the nail technician training hours did not add up. Ms. Brown seconded the motion, which carried unanimously.

Ms. Curtis explained that the Board requires a more detailed transcript covering the courses he took to accommodate South Carolina's hourly requirement. Mr. Tran was instructed to contact LLR staff member, Ms. Taylor with the list of classes and hours for the Boards reconsideration.

Review for Approval of Out-of-State School: Anh Justin Nguyen

Mr. Nguyen appeared before the Board seeking approval of his license with out of state school training. Mr. Nguyen stated he attended the Academy of Health & Beauty from April 30, 2008 to August 21, 2008, but graduated from the school on March 20, 2012. Mr. Nguyen explained he stopped going to school for nail care and attended a different school for interior design. He went back to school to complete the 350 hour requirement. He stated that Florida only required 240 hours of training for a license. Mr. Nguyen passed the NIC examinations.

MOTION:

Ms. Curtis made a motion to go into executive session for legal advice. Ms. Nye seconded the motion, which carried unanimously.

MOTION:

Ms. Curtis made a motion to return to public session. Ms. Nye seconded the motion, which carried unanimously.

Ms. Rodgers stated that during executive session no motions were made or votes taken.

MOTION:

Ms. Curtis made a motion to deny the license. Ms. Brown seconded the motion, which carried unanimously.

Ms. Curtis explained to Mr. Nguyen that the Board was confused by the transcript. The date of enrollment indicated April 30, 2008 – August 21, 2008 with a graduation date of March 20, 2012. Have the school to separate the 2008 class hours from the 2012 class hours on separate transcripts. Mr. Nguyen was directed to send the corrected transcripts to the Board and LLR staff will make the licensing determination.

MOTION:

Ms. Curtis made a motion that once all documents are received by LLR staff, and they are satisfied with the transcript received, the license can be approved at staff level. Ms. Nye seconded the motion, which carried unanimously.

Ms. Rodgers stated that the Board may need to seek further legal council from Mr. Dean Grigg on the previous applications for Van T. Tran, Hieu Troung Vu, Anh Justin Nguyen and Thienson Tran.

Review for Approval of Out-of-State School: Thienson Tran

Mr. Tran appeared before the Board seeking licensing approval with out of state training hours. The Board reviewed the data for consideration.

MOTION:

Ms. Curtis made a motion to go into executive session for legal advice. Ms. Nye seconded the motion, which carried unanimously.

MOTION:

Ms. Curtis made a motion to return to public session. Ms. Nye seconded the motion, which carried unanimously.

Ms. Rodgers stated that during executive session no motions were made or votes taken.

MOTION:

Ms. Nye made a motion to deny the license due to lack of clarity of training hours. Ms. Curtis seconded the motion, which carried unanimously.

Discussion

Ms. Curtis read the letter to the public that the Board received regarding the increase of fees. At this time the Board is not satisfied with the letter. Ms. Curtis stated that there was a huge jump in the Boards debt from 2012-2013. Ms. Curtis suggested the word “Board” be stricken from the letter since LLR writes the checks for expenses and not the Board members. The letter should be rewritten. Ms. League suggested that the letter be discussed when the Board Chairman was available for a conference call. Ms. League clarified that all fees will be increased by \$22 and that there is a time constraint. The Board must make a motion regarding the increase today.

MOTION:

Ms. Curtis made a motion to accept the \$22 increase as set out in the letter with the corrections previously stated. Ms. Brown seconded the motion, which carried unanimously.

Ms. McCarley reminded the Board that probably for the January Board meeting, the packets will be placed online. No paper applications.

Board Members Reports – There were none.

Public Comments

Ms. Pat Oberhausen thanked the Board stating they work hard and are under appreciated.

Mr. Steven Dawson stated that three new investigators are being added and three new attorney's. If the number of cases are decreasing it appears that the Board will be spending more money. Remember that if Facebook is approved, it would have to be managed by someone.

Ms. Colleen Large wanted to know why the Board has to spend more money on attorneys. The Board received some answers about the budget today but no answers on where the money went! She believes it's irresponsible to increase the fee.

Adjournment: 5:14 p.m.

MOTION:

Ms. Brown made a motion to adjourn. Ms. Nye seconded the motion, which carried unanimously.

The next meeting of the SC Board of Cosmetology is scheduled for January 13, 2014