

1  
2  
3  
4  
5  
6  
7  
8  
9  
10  
11  
12  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25  
26  
27  
28  
29  
30  
31  
32  
33  
34  
35  
36  
37  
38  
39  
40  
41  
42  
43  
44  
45  
46  
47  
48  
49  
50

**MINUTES**  
**South Carolina Board of Cosmetology**  
**Telephone Conference Meeting**  
**10:30 a.m., December 5, 2011**  
**Synergy Business Park**  
**Kingstree Building, Conference Room 108**  
**110 Centerview Drive, Columbia, SC 29210**

**Meeting Called to Order**

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.

Rules of the Meeting Read by the Chairman

**Introduction of Board Members**

Rosanne H. Kinley, Chairperson, of Anderson, called the telephone conference meeting of the Board of Cosmetology to order. Other Board members present on the telephone conference for the meeting included: Melanie C. Thompson, Vice Chairperson, of Myrtle Beach; Cynthia T. Rodgers of Lancaster, Delores J. Gilmer of Charleston and Selena M. Brown of Columbia.

**Other Persons Attending**

Chesley Phillips and Elizabeth Siegling

**Staff Members Participating in the Meeting**

Melina Mann, General Counsel; Dean Grigg, Advice Counsel; Byron Ray, Administrator; Shirley Wider, Program Assistant; Roz Bailey-Glover, Administrative Assistant; Cecelia P. Englert, Court Reporter

**Approval of Excused Absences**

Board member Katherine T. Webb, of Easley was not available for the telephone conference call.

**Approval of Agenda**

**MOTION:**

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

**Chairman's Remarks – Rosanne Kinley - None**

**Administrator's Remarks, for Information – Byron Ray - None**

**Old Business - None**

**New Business**

**Discussion on Consideration of Fingerprint Issue**

General Counsel, Ms. Mann, asked the Board members, where exactly will the fingerprints be stored? Chairperson, Ms. Kinley stated that the fingerprints will be stored in a double fire wall computer data

51 bank in Charlotte NC. No copies will be filed at LLR although LLR will have access to the stored  
52 fingerprints.

53  
54 Mr. Grigg addressed the Board and stated the regulation changes have been sent in already. However,  
55 LLR has received feedback from various conversations with members of the Senate and that the Board  
56 may want to reconsider the English speaking requirement. An identical draft has been completed without  
57 the English language verbiage requirement and the test being taken in English. Section 35-5, the first  
58 item, is where the English language requirement appears. LLR Director, Ms. Katherine Templeton has  
59 asked that Mr. Grigg discuss this change with the Board, and if the Board would be willing to submit a  
60 parallel draft with changes. The Board will not withdraw what was already sent in as everything else  
61 remains the same. The parallel changes would not take out the fingerprint process, or anything else the  
62 Board put in already.

63  
64 Ms. Gilmer asked that if two of the bills are passed, what happens to the rest of the changes the Board  
65 submitted? Ms. Thompson also stated that, all of the changes should have been clarified before today's  
66 hearing was called. Ms. Mann, Mr. Ray and Mr. Grigg left the room to obtain clarification on the  
67 changes from Advice Counsel, Ms. Holly Gillespie and LLR Director, Ms. Templeton. Board members  
68 were confused and were not pleased with the way the hearing was being handled and wanted to go on  
69 record that the Board is not happy.

70  
71 Ms. Mann returned and addressed the Board. Ms. Mann stated that Ms. Templeton commented that it is  
72 her feeling, after speaking with several people that a lot of the regulations may not pass. The sentiment  
73 right now is that the Senate does not want any more regulations. Ms. Templeton suggested that if the  
74 Board wanted to, they can pick out what is important. So, if the Board is passionate about the fingerprint  
75 issue, the Board can submit a separate regulation just addressing fingerprints. The citation issue can be  
76 submitted as a separate regulation as well.

77  
78 Ms. Thompson pointed out that the schools asked for regulations to be put back in that's why the Board  
79 made the changes. Mr. Grigg reiterated that the Board will not be retracting the version that was already  
80 submitted. What Ms. Templeton is asking is to have a separate proposed regulation for each one so that  
81 they get through the General Assembly. Pick out what's important, so that in the very least something is  
82 accomplished.

83  
84 Chairperson Ms. Kinley stated, for the record, that this does not reflect on LLR, but it reflects on the  
85 Board not being prepared for a meeting. She was not happy that the attorneys had conflicting information  
86 and wanted that information noted for the record. Ms. Mann stated that the Board would leave the  
87 regulations already submitted. Nothing new is being added to what was already sent in. The Board would  
88 just be taking out the citations and fingerprints making them their own separate proposals. She stress that  
89 this is only a suggestion, and the final decision was up to the Board. Ms. Mann also stated that Ms.  
90 Templeton wanted the Board to know that there is no legislation drafted to repeal the Cosmetology Board.

91  
92 Mr. Grigg explained to the Board that legislation is assigned a number and they consider the regulations  
93 in order. One cannot be placed in front of the other. Chairperson Ms. Kinley clarified to the Board and for  
94 the record that what is being suggested is the full regulations are at the state house with a number  
95 assigned to it ready to go forward. Mr. Grigg stated that the regulations are in the 30 day public comment  
96 period and has been published in the state register. The second item is, does the Board want a separate  
97 regulation regarding fingerprinting and a separate regulation change in regards to citations only. The  
98 preference is that the English language verbiage be removed. Chairperson Ms. Kinley wanted to see the  
99 verbiage, in writing, what legal is asking the Board to do, so Board members can understand it. A  
100 discussion ensued regarding the removal of the English language verbiage. The Board wanted to know

101 why the English language verbiage must be removed. Ms. Mann explained that other Boards don't have  
102 the English language requirement.

103

104 Chairperson Ms. Kinley stated to the Board members that the English language was already removed  
105 from the prior regulations. The Board members felt that they did not have the proper information to make  
106 a motion or take a vote at this time. The Board agreed to have another conference on Wednesday,  
107 12/7/11 at 11:30 a.m.

108

109 **MOTION:**

110 Ms. Thompson made a motion to table the discussion on the fingerprint issue until Wednesday at 11:30 at  
111 a public conference call. Ms. Brown seconded the motion, and it was unanimous.

112

113 **Approval to Reinstate Salon License--The Body Garden, Elizabeth Siegling**

114 Ms. Siegling was called to testify on her behalf. During an inspection it was discovered that the license  
115 lapsed on 6/30/2008. The license was originally approved ten years ago. Ms. Siegling stated she  
116 completely overlooked the renewal. Staff did not verify her license information. Ms. Siegling stated that  
117 2008 was a rough year for her, and that she just forgot. She testified that she did not notice the license was  
118 expired. She also holds a massage therapy license and an esthetics license.

119

120 **MOTION:**

121 Ms. Thompson made a motion to approve the application to reopen the salon license, but there will be  
122 disciplinary actions to follow. Ms. Gilmer seconded the motion, and it was unanimous.

123

124 Chairperson Ms. Kinley let Ms. Siegling know that the case will be turned over to OIE for a disciplinary  
125 hearing.

126

127 **Approval to Allow Administrator to Sign Letters of Caution on Behalf of the Board**

128 The Board did not receive any information from the staff and did not know what a Letter of Caution was  
129 used for. Mr. Ray explained that Mr. Charlie Ido asked all Administrators to discuss this letter with their  
130 Boards and consider the Administrator being able to sign the letter on behalf of the Board. Mr. Grigg  
131 explained the letter of caution is technically a warning. It's a non-disciplinary filing. The filing is private  
132 between the licensee and the Board. The Board stated they had not used letters of caution in the past and  
133 wanted to know why it's being asked for now and where it's kept. Mr. Ray explained that the letter is  
134 filed in LLR's database, RELAES, under the licensee's credential. Mr. Ray will submit a copy of the  
135 Letter of Caution to the Board members for review on Wednesday. Board Chairperson Ms. Kinley stated  
136 that she would feel more comfortable if the Board Chairperson signed the letters as opposed to the  
137 Administrator. Mr. Grigg explained that other Boards use the letters of caution. A discussion ensued.  
138 No motion was made. The Board will wait until Wednesday to review a copy of the letter of caution.

139

140 Chairperson Kinley stated that she wants an answer to a question she has been asking for several years  
141 regarding licensees who receive citations through the IRC be required to take either a sanitation class or a  
142 law class, and they had a timeframe in which to take those classes. Chairperson Ms. Kinley stated that she  
143 previously presented a list of people who were required to take the classes prior to being able to renew  
144 their license. No one has given the Board an answer to-date. Chairperson Ms. Kinley requested that  
145 individuals should be flagged in RELAES to identify that the person is not eligible to renew the license.  
146 She asked that staff research this matter for the Board. Mr. Ray stated that a little bit of work has been  
147 done, but that the information was not being forward to the staff compliance person. Mr. Ray stated that  
148 he has taken action to ensure that she is notified, the information is in the computer system, and the staff  
149 member will flag them moving forward. Chairperson Ms. Kinley asked about all of the others not done  
150 over the past two years. Mr. Ray stated that he can only back track and research it. Chairperson Ms.  
151 Kinley stated that she will submit the names of those people in question to Mr. Ray for research.

152 **Discussion**

153

154 Public Comments: Ms. Chesley Phillips commented that since June 2011 no calls have been received for  
155 the sanitation and law classes. Chairperson Ms. Kinley stated that the classes are still required. On the  
156 IRC list from every meeting show that classes are required. She also stated that she sent Mr. Jay Lacy an  
157 email regarding online classes for 2011. The discipline classes are not allowed to be taken online, but the  
158 classes still appear on Mr. Lacy's website. The Board wants Mr. Lacy to receive a letter from LLR that  
159 no disciplinary classes can be taken on line. Only approved continuing education classes can be taken  
160 online. If he is still caught advertising the disciplinary classes that would be a discipline matter the Board  
161 will address. Mr. Ray will have Ms. Shirley Wider to make contact with Mr. Lacy by letter. Ms. Chesley  
162 Philips wanted to confirm that Beth Cumalander is still her contact person to provide verification of  
163 attendance to. Mr. Ray agreed that Ms. Cumalander works at LLR and is still a good contact person, and  
164 he has informed her.

165

166 **Adjournment**

167

168 **MOTION:**

169

170 Ms. Gilmer made a motion to adjourn the meeting. Ms. Thompson seconded the motion and it was  
171 unanimously.

172

173

174 **The next conference call meeting of the S.C. Board of Cosmetology is scheduled for December 7,**  
175 **2012 at 11:30 a.m.**