

**South Carolina Board of Cosmetology
Board Meeting
10:00 a.m., September 9, 2014
Synergy Business Park
Kingstree Building
110 Centerview Drive, Conference Room 108
Columbia, South Carolina 29211**

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

Pledge of Allegiance

Introduction of Board Members:

Chairperson Cindy Rodgers called the regular meeting of the Board of Cosmetology to order. Other Board members in attendance included, Eddie Jones, Janice Curtis, Patricia Walters, Selena M. Brown, and Stephanie Nye.

Staff Members Participating in the Meeting:

Mary League, Advice Counsel; Theresa Richardson, Administrator; Matteah Taylor, Staff; and Cecelia P. Englert, Court Reporter.

All Other Persons Attending:

Beatriz Desouza, Bernice Settles, Amy Davis, Misty Lugos Aguilar, Abigail Diaz, Valentina Sanchez, Steven Dawson, Colleen Large, Keyla Mendez, Lourdes Aguilar, Carlos Sanchez Montane, Elizabeth Rivera, Amdrgia Sato, Potinoio Sauehy, Shanita Brown, and Pamela Tidewell

Approval of Excused Absences: Melanie Thompson

MOTION:

Janice Curtis made a motion to approve Melanie Thompson's absence. Stephanie Nye seconded the motion which carried unanimously.

Approval of the agenda:

MOTION:

Janice Curtis made a motion to approve the agenda with any deviations necessary. Eddie Jones seconded the motion which carried unanimously.

Vice Chairman's remarks – Cindy Rodgers:

Ms. Rodgers mentioned she was unable to attend the National Interstate Council (NIC) conference but she is interested to hear all about it.

Administrator's Remarks – Theresa Richardson:

Ms. Richardson thanked the Board members for allowing her to attend the NIC conference, it was very educational. There were about 18 Board Administrators present and all have decided to work together on specific matters to maintain consistency. The Administrators that were present have agreed on a set certification letter to prove license history and endorsement purposes.

OLD BUSINESS

MOTION:

NEW BUSINESS

Review for Consideration of Continuing Education Changes

Bernice Settles appeared before the Board representing SC Progressive Association, is seeking approval to add a continuing education class for November 24, 2014.

MOTION:

Janice Curtis made a motion to approve the November 24, 2014 class for SC Progressive Association. Selena Brown seconded the motion which carried unanimously.

Review for Consideration of Licensure with DACA

Abigail Illescas Diaz appeared before the Board seeking approval of her licensure and to answer any questions the Board may have pertaining to her DACA status. Elizabeth Rivera a friend of the Diaz family spoke on behalf of Abigail. Ms. Rivera explained she has known Abigail since she was 5 years old. Abigail was a very good student. At a very young age Abigail was diagnosed with cancer and she survived it. Abigail is passionate about cosmetology, she ranked high in her graduating class from Newberry High School, and has been hired part-time by the Newberry School District as a tutor. While in school Abigail worked part-time to pay her DACA dues and for her cosmetology examinations.

MOTION:

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

MOTION:

Janice Curtis made a motion to come back to public session. Eddie Jones seconded the motion which carried unanimously.

During executive session there were no motions made and no votes were taken.

Janice Curtis explained the decisions made are not made lightly; however, the Board is mandated by the Federal Laws and have no authority to override these laws. Based on the Federal statutes

the Board of Cosmetology does not have the authority to issue a professional license to DACA individuals. The Board applauds your dedication and your hard work.

MOTION:

Janice Curtis made a motion to deny the issuance of the Cosmetology license to Abigail Illescas Diaz based on the Federal statutes. Eddie Jones seconded the motion which carried unanimously.

Beatriz Pimassoni Desouza appeared before the Board seeking approval of licensure and to answer any questions the Board may have pertaining to her DACA status.

MOTION:

Janice Curtis made a motion to deny the issuance of the Cosmetology license to Beatriz Pimassoni Desouza based on the Federal statutes. Stephanie Nye seconded the motion which carried unanimously.

Ana Lizeth Sanchez Reyes was sent a letter to appear before the Board to answer any questions the Board may have pertaining to her DACA status. However, Sanchez Reyes did not make it to the meeting.

MOTION:

Janice Curtis made a motion to deny licensure for Ana Lizeth Sanchez Reyes based on the Federal statutes and because she was a no show.

Keyla Josep Mendez Tome appeared before the Board seeking approval of licensure and to answer any questions the Board may have pertaining to her DACA status.

MOTION:

Janice Curtis made a motion to deny the issuance of the Cosmetology license to Keyla Josep Mendez Tome based on the Federal statutes. Eddie Jones seconded the motion which carried unanimously.

Valentina Sanchez appeared before the Board seeking approval of licensure and to answer any questions the Board may have pertaining to her DACA status.

MOTION:

Janice Curtis made a motion to deny the issuance of the Cosmetology license to Valentina Sanchez based on the Federal statutes. Eddie Jones seconded the motion which carried unanimously.

MOTION:

Stephanie Nye made a motion for a break. Janice Curtis seconded the motion which carried unanimously.

Cindy Rodgers called the meeting back to order.

Misty Nidiyare Lugos Aguilar appeared before the Board seeking approval of licensure and to answer any questions the Board may have pertaining to her DACA status.

Ms. League explained an individual brought to the United States as a child did not have rights until an executive order was issued in June 2012. Based on that executive order the deferred action was requested for childhood arrivals. That order did not change the law issued in 1996 passed by Congress. This law denies the public benefit which defines in part as a professional or occupational license being issued to immigrants. Someone brought to the United States as a child does not fall into the 3 categories defined under the public benefits. Deferred action status does not change the law in regards to the ability to issue a professional or occupational license until the executive order was issued to be reviewed and determined. In South Carolina there is a state law that requires eligibility for employment to be determined by the affidavit of eligibility which is in compliance with the law of 1996. It is up to the schools to be current with the laws and to present the laws to their students.

MOTION:

Janice Curtis made a motion to deny the issuance of the Esthetics license to Misty Nidiyare Lugos Aguilar based on the Federal statutes. Eddie Jones seconded the motion which carried unanimously.

Discussion:

Janice Curtis expressed to the DACA candidates that the Board gets no pleasure in denying licensure but the Board is stricken by the Federal laws as well as the State laws. The Board would like for the schools to be educated with the laws as well. Stephanie Nye explained the Board is not supposed to give legal advice but there is a difference between legal advice and legal information, which is laying out the law. Selena Brown asked could the testing service be made aware of the laws because they are allowing the students to take the examinations. Eddie Jones stated that students cannot be denied an education neither the examinations.

MOTION:

Janice Curtis made a motion to post the South Carolina Attorney General's opinion pertaining to the DACA individuals on the Board's website and any other relevant information. Eddie Jones seconded the motion which carried unanimously.

Board Member Reports:

Selena Brown stated this is the first time she attended the National Interstate Council (NIC) conference which was held in Charleston. She learned a lot of information and met Board members from the other states. There were things discussed pertaining to the regulatory reform and it was interesting. The Director from the National Cosmetics Arts was in attendance and there was discussion about examiners. Mr. Pham presented informative information about the Asian salons and about the Asian family culture in the salon business and how it is viewed when they leave their country. The Asian community supplies the family with necessities. At the conference officers were elected and there were 24 states present. Our Chairwoman, Melanie Thompson, was re-elected as President of NIC. Bill Helton was elected as Vice-President from Oklahoma. Lisa McEldrege from Mississippi was elected as Secretary/Treasurer. Sharon Young was Director of Region 1, District of Columbia, Tracey Smith Region D2 from Alabama, and

Dennis Shuler Region 3 from Wyoming. Selena stated the conference was time well spent and she learned a lot. In conclusion Selena stated she feels the South Carolina Board of Cosmetology should stick together as a unit to make sure the continuing education (CE) Providers are doing things right by the licensees and to ensure the safety and wellbeing of the public is being upheld.

Patricia Walters reported she also attended the NIC conference. Being new on the Board was eye-opening. She received a lot of good information. There were a lot of people that she met from all over the country and she royally enjoyed meeting new people. Patricia got a chance to sit in on 2 break-out sessions; 1 was on legislation updates, and the other was on policy decisions that affect the cosmetology industry and the use of social media to help spread the word.

Janice Curtis reported she inspected 2 schools. The Institute of Beauty Artistry located in Greenville, Beatriz Hernandez is the owner. There was a large retail area in the school which had to be removed. The retail area was about 100 to 150 feet of the school. The inspector went to the school approximately 3 times for the inspection and to ensure the retail area was removed. Wando High School implemented a new cosmetology program. The facility is new. The cosmetology clinic and classrooms are beautiful. The Board had a phone conference July 31, 2014. Ms. Curtis also attended the NIC conference. It was suggested to approach the deregulation as a more intimate situation for example, if a professional in the cosmetology industry notices something going on with a client and recommends that the client seeks medical attention the client could be urged to write a statement pertaining to the assistance that was given by the licensed professional. Ms. Curtis also commented on Mr. Pham's discussion pertaining to the Asian community. In this community corruption is acceptable because it is within their culture. The Asian community has established a relationship with a supplier in the Atlanta, GA area and the Asian salon owners will make a run to Atlanta at least once a month for supplies. This supplier has helped them to establish their business to where it is today. Ms. Curtis had the opportunity to sit in on a break-out session with the Barber Board. Edwin Barnes and Renee Patton were in attendance. In this session it was discussed about the benefits of the Barber and Cosmetology Boards being combined. These benefits would be on a professional level as well as a monetary level. Ms. Brown expressed there are strength in numbers and uniformity in the number of required hours with both Boards.

Cindy Rodgers stated she is sorry she missed out on the conference because there is always good information that is presented. Ms. Rodgers asked if they covered any of the infectious controlled diseases. Stephanie Nye stated the Barbicide representative did not go into great detail about infectious diseases but there was talk about properly disposing of blood spillage. The Barbicide representative made the states that were present aware of terminology language changes. When it is time to update the regulations all of the states should reflect the same information. Ms. Rodgers reported she had the opportunity to inspect Union Career Center and the cosmetology facility is fabulous. Ms. Rodgers expressed she was glad that all of the other Board members were able to attend the NIC conference.

Stephanie Nye reported that she too was a first time member to attend the NIC conference. It was a very well run conference. Getting to know her fellow Board members and staff better was wonderful and meeting Board members from other states was good as well. The presentations were wonderful. The leadership development segment was great especially for business owners.

Ms. Nye enjoyed the presentation from Chris Lavensky. Ms. Nye was involved in the deregulation discussion and how all of the states involved could come together as a unified voice instead of each state being separated. Stephanie and Janice signed up to be on the legislature committee. Melanie was re-elected as the NIC chairperson. We should all be proud of her and all of her hard work. Ms. Nye was grateful to Charleston for allowing the NIC conference to be held in their city.

Eddie Jones reported there was nothing left for him to report because everything was covered; although, he was in attendance of the NIC conference. The conference was enjoyed immensely. Due to South Carolina being the hosting state, Mr. Jones reported he was a part of making sure everything ran smoothly. Mr. Jones was a part of the entertainment. It was reported that he attended the phone conference that was held on July 31, 2014. Mr. Jones thanked Theresa Richardson, Board Administrator, for working hard to make sure all of the Board members were approved to attend the NIC conference.

Janice Curtis thanked everyone for items that were donated to go into the goodie bags. Cindy Rodgers mentioned they would be remissed if they did not thank Melanie Thompson for all of her hard work into putting the conference together and getting participation for the conference.

Public Comments:

Adjournment: 12:00pm

MOTION:

Janice Curtis made a motion to adjourn. Selena Brown seconded the motion which carried unanimously.