

**South Carolina Board of Cosmetology
Board Meeting
10:00 a.m., May 13, 2014
Synergy Business Park
Kingstree Building
110 Centerview Drive, Conference Room 105
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.

Pledge of Allegiance

Rules of the Meeting Read by the Chairman

Introduction of Board Members:

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

Staff Members Participating in the Meeting:

Mary League, Advice Counsel; Theresa Richardson, Administrator; Roz Bailey-Glover, Matteah Taylor, Bridget Richardson, Staff; and Cecelia P. Englert, Court Reporter.

All Other Persons Attending:

Trenita Gibbs, LaPaula Burgess, Christopher Kilcullen, Brittany Yougne, Barbara Lishka, Wendy Hipp, Van Tran, Colleen Large, Devona Kinlock, Anna McDaniel, Amy Avery, Wendy Pearson, Lisa Smith, Nakashia Eison, Debony Jackson, Shutoya Hidson, Brentin Henderson-King, Robin Burns, Elezabeth Snow, Andrey Breland, Chesley Phillips, Lisa Weatherford, Pat Oberhausen, and Cindy, Collins

Approval of Excused Absences: Stephanie Nye

MOTION:

Ms. Curtis made a motion to approve the absence of Ms. Nye. Mr. Jones seconded the motion, which carried unanimously.

Approval of the agenda:

MOTION:

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

Chairman's remarks – Melanie Thompson:

Ms. Thompson reminded everyone about the PCS training and school overview which is to be held in Columbia June 21st – 23rd. Ms. Thompson encouraged the Board members to attend so they will be familiar with the training of the examinations.

Ms. Thompson also reminded all Board members of the NIC Conference which will be held in August 2014 in Charleston, South Carolina. Ms. Thompson encouraged all Board members to be in attendance. Ms. Richardson asked approval of Mr. Ido for all Board members to be in attendance.

Administrator's Remarks – Theresa Richardson

Ms. Richardson stated at least 3 staff members will be in attendance of the PCS school overview.

NASBA Credential Service – Brentni Henderson-King

Brentni Henderson-King, Manager of NASBA International, explained the translation and evaluation process her staff offers. NASBA currently provides international translations and evaluates documents for the South Carolina Accountancy Board among other states. At one time NASBA outsourced their international translations and evaluations. As of July 1, 2012 they went from working with zero Boards to 46 Boards within a matter of two years. NASBA has provided the professions with knowledge of what has not been recognized before to being clearly understood. Evaluation can be standardized which will protect the Board as well as the candidate. Ms. Henderson-King stated NASBA is looking to protect the clients and the Boards are their clients. The evaluations can come to the Boards via mail or electrically. There is an 18-hour call center which is located in Guam. It takes up to 5-business days for the research to be conducted. The evaluation never goes to the candidate, they are always sent directly to the Boards. NASBA only charges \$125. If the Board ever needs an additional copy of the translation it is no charge. If the candidate requests for any additional copies they can also get a copy at no charge but all the candidate will get is a scanned copy. The other two companies, that are approved by the Board, charge for returning the original documents. NASBA requires candidates to include a self addressed stamped envelope with their request. Fraud identification is a major issue; therefore the seals are verified and identified. Ms. Glover asked if the Ability to Benefit (ATB) test is acceptable. Ms. Thompson explained the ATB test is no longer accepted because the Federal Government does not recognize this test at this time.

MOTION:

Ms. Rodgers made a motion to add NASBA to the credential evaluation list. Ms. Curtis seconded the motion, which carried unanimously.

MOTION:

Ms. Rodgers made a motion to take a break. Ms. Curtis seconded the motion, which carried unanimously.

Ms. Thompson called the meeting back to order.

New Business

Consideration of MOA

Ms. Van Tran of Angel Nails salon (case numbers 2012-124 and 2013-27) agreed to the facts and the violation. This case was presented to the Hearing Officer, on April 28, 2014. Ms. Tran has agreed to waive her 30-day notice. Ms. Tran sold her salon to her sister-in-law January 2013 but Ms. Tran is owner in name only, she has no other dealings with the salon. Ms. Tran and her sister-in-law have not changed the ownership because Ms. Tran wants the disciplinary actions straightened out before the ownership is changed. During the inspections on about May 3, 2012, the inspector found sleeping quarters, used buffers and nail files that were not properly discarded, a wax room that appeared to have been used recently, but there were no employees licensed to perform waxing. On June 27, 2012 a follow up inspection was conducted where the inspector found a wax canister was plugged in but hidden- no employees there were licensed to wax. There were used buffers that were not properly disposed of and towels were not properly stored. On August 24, 2012 another inspection was conducted. The inspector found dirty filters in the pedicure chairs and towels were not properly stored. The sleeping quarters were still being used by an employee. On November 9, 2012 a fourth and final inspection was conducted and there were used graters, used buffers and files that were not properly discarded. The sofa/sleeping quarters had not been removed. Ms. Tran admitted that violations have been made from South Carolina Code of Laws Section 40-13-110 (A) (1), Regulation 35-20 (D) (1), Regulation 35-20 (H) (1), Regulation 35-20 (M) (1 & 2), South Carolina Code of Laws section 40-13-22 (A), Regulation 35-20 (C), and South Carolina Code of Laws section 40-13-110 (A) (8). Ms. Tran stated she spoke with her sister-in-law about the waxing and she was informed the canister was only brought in by her sister-in-law to use on herself because they are aware that there is no one in the salon that is licensed to wax. Ms. Tran stated she has been licensed for 17 years and she has never violated any of the laws because she never wanted to be in trouble. Ms. Tran expressed that no one sleeps on the sofa overnight. During a break the employees sometimes lay on the sofa between clients but no one sleeps overnight. Ms. Tran stated when she was in the salon she cleaned the pedicure chairs after every client and again every night once the salon had closed.

MOTION:

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

MOTION:

Ms. Curtis made a motion to come back from executive session. Ms. Brown seconded the motion, which carried unanimously.

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

MOTION:

Mr. Jones made a motion to accept the MOA along with the following sanctions: A public reprimand; the salon is placed on a 3-year probation; a fine of \$9,300 to be paid within 120-days of the Board's order. The \$9,300 fine consists of (2 violations of 40-13-110 (A)(1) with a fine of \$500 each; 6 violations of 35-20 (D)(1) with a fine of \$500 each; 12 violations of 35-20 (H)(1) with a fine of \$100 each; 3 violations of 35-20 (M) (1 & 2) with a fine of \$200 each; 2 violations of 40-13-22 (A) with a fine of \$500 each; 3 violations of 35-20 (C) with a fine of \$500 each; and 2 violations of 40-13-110 (A)(8) with a fine of \$500 each. If any other violations are found the

salon license will be immediately and temporarily suspended until the salon owner can appear before the Board. Ms. Curtis seconded the motion, which carried unanimously.

MOTION:

Ms. Curtis made a motion for a break. Mr. Jones seconded the motion, which carried unanimously.

Review for Consideration Reinstatement with Background Checks

Wendy Hipp

Ms. Hipp appeared before the Board because she answered yes to the conviction question on her reinstatement application. Ms. Hipp explained she has pending charges due to giving a friend a ride to a house he was kicked out of and since he entered the house unauthorized Ms. Hipp made a plea bargain to burglary in November 2013. Ms. Hipp's court date is scheduled for 2015. Ms. Hipp is not currently on probation.

MOTION:

Ms. Curtis made a motion to approve Ms. Hipp for reinstatement. A disposition of the pending case is required. Ms. Hipp will be placed on 1-year probationary period. Ms. Hipp is responsible for submitting a clean SLED report at the end of the 1 year probation at her own expense. Ms. Walters seconded the motion, which carried unanimously.

Barbara Lishka

Ms. Lishka appeared before the Board because she answered yes to the conviction question on her reinstatement application. Ms. Lishka explained May 2013 she was stopped for speeding and she had a minor cousin with her who had marijuana on him and since he was a minor she was charged with simple possession of marijuana. Ms. Lishka was fined \$300 and she paid the fine in August of 2013. Ms. Lishka was also pulled over in 2010. A police officer checked Ms. Lishka's driver's license and since she had not paid to change her address she was arrested and charged \$10.

MOTION:

Ms. Rodgers made a motion to approve Ms. Lishka for reinstatement . Ms. Curtis seconded the motion, which carried unanimously.

Anna McDaniel

Ms. McDaniel appeared before the Board because she answered yes to the conviction question on her reinstatement application. November 6, 2013 Ms. McDaniel received 2 drug charges. Ms. McDaniel completed a 90-day voluntary inpatient treatment program. Ms. McDaniel also voluntarily moved into a sober living community in Greenville. An intensive outpatient program has been completed. As of May 6, 2014 Ms. McDaniel has been clean of drugs for 6 months.

MOTION:

Ms. Curtis made a motion to approve Ms. McDaniel for the reinstatement of her license with a 3 year probation and to furnish a clean SLED report at the end of each calendar year at Ms. McDaniel's expense. If additional charges appear on the SLED report, Ms. McDaniel's license

will be administratively suspended and Ms. McDaniel's license will not be reinstated until re-appearing before the Board. Mr. Jones seconded the motion, which carried unanimously.

Review for Consideration of Licensure with Background Checks

Lisa Smith

Ms. Smith appeared before the Board because she answered yes to the conviction question on her initial application. Ms. Smith pled guilty to embezzlement charges. Ms. Smith was arrested in October 2011 served 12 months in prison, she was released September 2012. Ms. Smith worked for the company for about 14 years and she was embezzling for about 12 of those years. Ms. Smith is currently on probation until 2017. Ms. Smith has to pay restitution for the rest of her life.

MOTION:

Ms. Rodgers made a motion to approve Ms. Smith for licensure with probation to expire in 2017. At the end of each year Ms. Smith is required to submit a SLED report. If any additional violations the license will be immediately administratively suspended. Mr. Jones seconded the motion, which carried unanimously.

Lisa Weatherford

Ms. Weatherford appeared before the Board because she answered yes to the conviction question on her initial application. Ms. Weatherford worked at a financial institution in Florida and applied for a loan and approved her own loan. Ms. Weatherford pled guilty to the charges and received 5 years probation. Ms. Weatherford was required to pay restitution of the loan. Ms. Weatherford was arrested 6 months after her job loss because she violated her probation due to none payment of the probation fee.

MOTION:

Ms. Rodgers made a motion to approve Ms. Weatherford for licensure with 2 years probation. At the end of each year a SLED report is required to be submitted at Ms. Weatherford's expense. Ms. Curtis seconded the motion, which carried unanimously.

Devona Kinlock

Ms. Kinlock appeared before the Board because she answered yes to the conviction question on her initial application. Ms. Kinlock was arrested for disorderly conduct in 2006. Ms. Kinlock's sister was being arrested and she questioned the police officer as to the arrest. Ms. Kinlock completed 36 hours of community service. Ms. Kinlock was arrested for shoplifting. Ms. Kinlock explained she gave her aunt a ride to the Family Dollar store which her aunt stole some items. Ms. Kinlock was arrested for the shoplifting because the items were in her car.

MOTION:

Mr. Jones made a motion to approve Ms. Kinlock for licensure with 2 years probation. At Ms. Kinlock's expense at the end of each year a SLED report is required to be submitted. If any additional violations appear on the SLED report the license will be immediately administratively suspended. Ms. Curtis seconded the motion, which carried unanimously.

Nakashia Eison

Ms. Eison appeared before the Board because she answered yes to the conviction question on her initial application. In November 2011 Ms. Eison and a friend were in Macy's and were arrested for shoplifting. Ms. Eison had to complete a pre-trial intervention program. Ms. Eison never paid the \$2000 fine. Ms. Eison was sentenced to go through a young arbitration program where she was required to write essays through-out her time in the program which Ms. Eison completed March 2012.

MOTION:

Ms. Curtis made a motion to approve Ms. Eison for licensure with 2 years probation. A clean SLED report is to be submitted at the end of each year. If any additional charges the license will be immediately administratively suspended.

Debony Jackson

Ms. Jackson appeared before the Board because she answered yes to the conviction question on her initial application. Ms. Jackson was in abusive relation. One night Ms. Jackson daughter's father attacked Ms. Jackson; however, Ms. Jackson fought back. The police were called and Ms. Jackson was arrested. Ms. Jackson was offered PTI and she did not finish her classes. Ms. Jackson was not able to finish her PTI classes because there was a fee that should have been paid each week she attended the class and Ms. Jackson could not afford to pay for the classes. Ms. Jackson had to wait an additional 5 years before she was able to pay the required fee. Ms. Jackson was able to get her criminal record expunged as evidenced by the clean background history that she brought with her for Board review.

MOTION:

Ms. Brown made a motion to approve licensure for Ms. Jackson. Ms. Walters seconded the motion, which carried unanimously.

Lapaula Burgess

Ms. Burgess appeared before the Board because she answered yes to the conviction question on her initial application. About 17 years ago Ms. Burgess stated she was an angry teenager. Ms. Burgess was dating a young man who sold drugs. Ms. Burgess' boyfriend was already on probation so Ms. Burgess decided she would take the charges of marijuana possession for him. Years later Ms. Burgess was charged with malicious damage to private property. Ms. Burgess was also charged with lynching.

MOTION:

Ms. Walters made a motion to approve Ms. Burgess for licensure with 1 year probation. Ms. Brown seconded the motion, which carried unanimously.

Shutoya Hudson

Ms. Hudson appeared before the Board because she answered yes to the conviction question on her initial application. In January 2013 Ms. Hudson was charged with disorderly conduct. January 2015 Ms. Hudson will be able to pay a fee of \$600 to have the charges expunged from her record.

MOTION:

Ms. Rodgers made a motion to approve Ms. Hudson for licensure with a 1-year probation period. Ms. Hudson must submit a clean SLED report at the end of that year. Ms. Brown seconded the motion, which carried unanimously.

MOTION:

Ms. Rodgers made a motion to take a break. Ms. Brown seconded the motion, which carried unanimously.

Ms. Thompson called the meeting back to order.

Brittany Yongue

Ms. Yongue appeared before the Board because she answered yes to the conviction question on her initial application. Ms. Yongue explained in 2011 she was charged with a couple of drug charges. Ms. Yongue served a year in prison and was released October 2012. In 2008 Ms. Yongue received a charge for marijuana and methamphetamine. Since the last charge and prison sentence Ms. Yongue stated she has changed her life and does not associate with the same people.

MOTION:

Ms. Curtis made a motion to approve licensure for Ms. Yongue with 2 years probation. At the end of each year a SLED report must be submitted at her own expense. If additional violations the license will be immediately administratively suspended. Ms. Rodgers seconded the motion, which carried unanimously.

Tamarra Anderson

Ms. Anderson appeared before the Board because she answered yes to the conviction question on her initial application. Ms. Anderson stated her last charge was in 2007. Ms. Anderson lost her job and wrote checks from her personal account; although, she did not have the funds to cover the checks.

MOTION:

Ms. Curtis made a motion to approve Ms. Anderson for licensure with 1 year probation. A SLED report is required at the end of that year at her own expense. If additional changes the license will be immediately administratively suspended. Ms. Walters seconded the motion, which carried unanimously.

Emmeica Anderson

Ms. Anderson was not present for the Board meeting.

MOTION:

Ms. Rodgers made a motion to deny due to Ms. Anderson being a no show. Ms. Brown seconded the motion which, carried unanimously.

Christopher Kilcullen

Mr. Kilcullen appeared before the Board because he answered yes to the conviction question on his initial application. Mr. Kilcullen was a drug addict. Mr. Kilcullen served 8 months in prison and was released December 2011. Mr. Kilcullen voluntarily entered rehab at the Owl's Nest in Florence, SC. In 2012 Mr. Kilcullen was charged with criminal conspiracy and assault and battery. Mr. Kilcullen explained he was being assaulted and he retaliated and did not stop until he was separated from the other person. Mr. Kilcullen stated he does drink occasionally. Mr. Kilcullen does not have an AA sponsor but he has attended AA meetings. July 7, 2013 Mr. Kilcullen was arrested for possession of marijuana. Mr. Kilcullen admitted to having a problem. The Board encouraged him to get some help for his substances abuse.

MOTION:

Ms. Walters 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 come back to public session. Ms. Rodgers seconded the motion, which carried unanimously.

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

MOTION:

Ms. Rodgers made a motion to approve Mr. Kilcullen for licensure with 3 years probation. A clean SLED report must be submitted in 6 months, 12 months, 24 months and again at 36 months. If additional charges the license will be immediately administratively suspended. Mr. Jones seconded the motion, which carried unanimously.

Wendy Pearson

Ms. Pearson appeared before the Board because she answered yes to the conviction question on her initial application. Ms. Pearson received a 3rd DUI and served time in prison in 2009 for 6 months and was released in 2010. Ms. Pearson attends AA meetings 3 times a week. Ms. Pearson is in touch with her AA sponsor twice a week. Ms. Pearson is on probation until June 2015.

MOTION:

Ms. Curtis made a motion to approve Ms. Pearson for licensure with 2 years probation. A clean SLED report is required to be submitted at the end of each year at Ms. Pearson's expense. If additional charges are reflected on the SLED report Ms. Pearson's license will be administratively suspended. Ms. Brown seconded the motion, which carried unanimously.

Trenita Gibbs

Ms. Gibbs appeared before the Board because she answered yes to the conviction question on her initial application. Ms. Gibbs was charged with simple possession. Ms. Gibbs was driving her cousin's car and was pulled over because the window tint was too dark. When stopped, the car was searched and marijuana was found in the center console unbeknownst to Ms. Gibbs. Ms. Gibbs was charged with Breach of trust while working at a cellular kiosk in the mall. The system was down and items were not to be sold when the system was down but there was a

situation that came up and Ms. Gibbs sold a product to a customer. Her manager understood but the owner did not and Ms. Gibbs was arrested and fired.

MOTION:

Ms. Rodgers made a motion to approve Ms. Gibbs for licensure. Ms. Brown seconded the motion, which carried unanimously.

Amy Avery

Ms. Avery appeared before the Board because she answered yes to the conviction question on her initial application. Ms. Avery was in an abusive relationship and she explained the type of abuse that she endured which led to her defending herself and subsequently being arrested for CDV. Ms. Avery completed her CDV requirements. In 1996 Ms. Avery was charged with Breach of Trust because a friend of hers stole merchandise from the store where Ms. Avery was employed. Her brother stole some of her paperwork and Ms. Avery received probation. In 2010 Ms. Avery served time for violating her probation due to being behind on her payments. Ms. Avery used a friend's car and was involved in an accident. The friend reported the car stolen. Once Ms. Avery appeared in court the case was dropped. Ms. Avery was charged with shoplifting. Ms. Avery was charged \$250 for the merchandise she attempted to steal.

MOTION:

Ms. Brown made a motion to approve Ms. Avery for licensure with 2 years probation. A SLED report is required to be submitted at Ms. Avery's expense at the end of each year. If additional charges are reflected on the SLED report, Ms. Avery's license will be administratively suspended. Mr. Jones seconded the motion, which carried unanimously.

Minor deviation on the agenda. The Board received news that Director Pisark approved the full Board and the administrator to attend the NIC Annual conference in August to be held in Charleston, SC.

MOTION:

Ms. Rodgers made a motion to approve the full Board along with Ms. Theresa Richardson, Administrator to be in attendance at the NIC Annual conference. Mr. Jones seconded the motion, which carried unanimously.

Review for Consideration of an Association to Stand Alone

Active Teachers – Patricia Oberhausen

Ms. Oberhausen appeared before the Board to request and to inform the Board that Active Teachers' will no longer come under SCSCA. The Active Teachers' Association held a meeting where the decision was made to be a standalone association. Ms. Oberhausen stated the funds collected in the past will be shared with SCSCA. The name of the association will be changed from Active Teachers/SCSCA to just Active Teachers. Ms. Oberhausen stated she was unaware that SCSCA would be holding their own instructor classes.

MOTION:

Ms. Rodgers made a motion to approve Active Teachers to be a stand-alone association. Ms. Brown seconded the motion, which carried unanimously.

Discussion

Task Force

Ms. League explained she is drafting a letter based on the conference call. If there are any content changes that needs to be corrected, it can be.

Board Member Reports

Mr. Jones reported he was appointed by the Senate on Thursday, May 8, 2014.

Ms. Curtis reported she sat in on several phone conferences pertaining to the Task Force recommendation. On April 17th Ms. Curtis participated in a final inspection with Raymond Lee at the Southeastern Esthetics School which is located in Columbia, SC and the facility is very nice.

Ms. Rodgers reported she monitored several continuing education classes. It appears that everyone is trying very hard to do what is asked of them. The only issue Ms. Rodgers noticed is the video cameras are not being placed back in place after the lunch break. Ms. Rodgers stated being called out in a CE class is a problem. Ms. Rodgers expressed for licensees to contact their Legislators due to any changes they seek to have changed. The Board members neither staff can make the changes. Ms. Rodgers is working diligently with Legislators to get answers as to why booth renters' licenses are looking to be taken away.

Ms. Thompson stated Board members are never to be called out in a continuing education class. One Board member should never have the authority to speak on behalf of the full Board. The Board members are only there to monitor and observe. Generally the Board member will be there to take notes and report back to the Board.

Ms. Walters stated she does not have a report at this time. Except she too was appointed by the Senate Thursday, May 8, 2014.

Ms. Brown reported she participated on several conference calls about the Task Force. Ms. Brown also participated with the online guidelines in March for continuing education.

Public Comments

Ms. Chesley Phillips stated she is grateful that the Board of Cosmetology is now a full Board. Discussion from Ms. Phillips included but was not limited to submissions to USC have to be posted marked by the 14-days of the classes. There was possible fraud in 2 of her classes that were brought to her attention which is why there was more money paid for her classes.

Ms. Patricia Oberhausen thanked the Board for their service. Normally a Board member has been asked to attend the Teacher's Seminar for questions. Ms. Oberhausen stated she would like to give a per diem to the member for coming and speaking at the seminar. Ms. Oberhausen was informed gifts cannot be accepted by a Board member.

Ms. Cindy Collins, president of SCSCA. SCSCA did not have knowledge of the emergency Board meeting held by Active Teachers. Ms. Collins stated as the Association president she

should have known about the meeting. A member of SCSCA works closely with Ms. Oberhausen and was responsible for informing her of the instructors' classes that the association was planning to have. Ms. Collins stated she has been the president for 3 years now and Active Teachers have not been paid any dues for the past 3 years. Ms. Collins stated she is the President but the Board of SCSCA is requesting a financial statement as well as the dues from Active Teachers.

Colleen Large stated that the people who think the Board members make the laws are those that are not in attendance to the Board meetings. Ms. Large just wanted to apologize to Ms. Curtis because the instructor of one of her classes thought Ms. Curtis was being shy and wanted to introduce her as the newest Board member.

Adjournment – 3:40 pm

MOTION:

Ms. Curtis made a motion for adjournment. Ms. Rodgers seconded the motion, which carried unanimously.