

(AMENDED)

AGENDA

South Carolina Board of Cosmetology

Board Meeting

9:00 a.m., November 8, 2016

Synergy Business Park

Kingstree Building

110 Centerview Drive, Conference Room 204

Columbia, South Carolina 29210

1. Meeting Called to Order

- a. 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.
- b. Rules of the Meeting Read by the Chairperson
- c. Pledge of Allegiance

2. Introduction of Board Members and All Other Persons Attending

Vice Chairperson Laquita Clark-Horton called the meeting of the S.C. Board of Cosmetology to order. Other Board members participating in the meeting included:

- ❖ Eddie Jones
- ❖ Patricia Walters
- ❖ Selena Brown
- ❖ Marcia Delaney

Staff members present included: Mary League, Advice Counsel; Shalon Genwright, Staff; Theresa Richardson, Administrator; Kyle Tennis, Office of Disciplinary Counsel (ODC); Jennifer Stillwell, Office of Investigations and Enforcement (OIE)

All Other Persons Attending:

Gary Haygood, Court Reporter; Andy Laye; Barbara Gilbert; Brandon Reiter; Terry James; Bethany Haile; Matteah Taylor; Cloie Green; Pearl Brown; Diana Hamlin; Hang Dang; Khoa Dao; Loree Montgomery; Adam Ribock; Hailey Craps; Nancy Poole; Ashley Bonass; Courtney Freeman; Tamara Palmer; Beatriz Hernandez; Terese Swan; Chesley Phillips

3. Approval of Excused Absences

A motion was made by Mr. Eddie Jones to approve the excused absences of Ms. Melanie Thompson and Ms. Stephanie Nye. The motion was seconded by Ms. Marcia Delaney and Ms. Patricia Walters. The motion carried.

4. Approval of Agenda

Ms. Selena Brown made a motion for the approval of the agenda with any necessary changes or deviations. The motion was seconded by Mr. Jones and it carried.

5. Chair Remarks – Melanie Thompson

There were no remarks given.

6. Administrator's Remarks – Theresa Richardson

There were no remarks given.

7. Old Business

There was no old business.

8. New Business

a. Consideration of School Changes

i. Upstate College of Cosmetology (New Program)

Ms. Terry James and Ms. Bethany Haile represented the Upstate College of Cosmetology. UCC would like to add a new program that consists of a 750 hour instructor course. This would be a cosmetology course for current registered cosmetologists with less than two (2) years of providing services and are interested in becoming cosmetology instructors. The Milady Master textbook will be used. UCC will not be teaching the 45 hour Methods of Teaching course. This is no set timeframe as of yet, as far as the period of enrollment. It would be dependent on if the student is part or full time. Night classes will not be offered.

A motion was made by Ms. Walters to approve the 750 hour instructor course and it was seconded by Mr. Jones. The motion carried.

ii. Donaldson Career Center (New Program)

Mr. Andy Laye and Ms. Barbara Gilbert represented the Donaldson Career Center and they are actually wanting approval to add an additional cosmetology class. An additional classroom would be added, along with an additional instructor. They currently have 15 students. Ms. Tanganiko Mckinney is the existing instructor and Ms. Gilbert will be the new instructor for the additional class. The 552 square feet was specifically for adding a classroom. This will make two (2) classrooms and a lab. They will have approximately 35 students with two (2) instructors. With the additional class, 10th graders may now be included in the program.

Ms. Selena Brown made a motion for the approval of the additional classroom for the Donaldson Career Center. The motion was seconded by Ms. Delaney and Ms. Walters and it carried.

iii. Tangulls School of Cosmetology (New School)

Ms. Terese Swan Hutchinson represented the Tangulls School of Cosmetology. Tangulls will be a new cosmetology school, located in Myrtle Beach. It will be cosmetology only, with a maximum of forty (40) students. There will be three (3) instructors, including herself. A motion was made by Ms. Delaney to go into executive session to receive legal advice. The motion was seconded by Mr. Jones and it carried.

A motion was made by Mr. Jones to come out of executive session and it was seconded by Ms. Brown. The motion carried.

Ms. Swan currently owns and operates another school in Charlotte, North Carolina. There are actions pending or citations on the Charlotte school, which opened in April of 2014. Six (6) civil penalties have been issued to the school. Ms. Swan has owned several salons. Expired licenses and fraudulent misrepresentation were a part of those penalties. Ms. Swan was unaware of any outstanding penalties. The penalties were sent from North Carolina on September 22, 2016, to the Board of Cosmetology, here in South Carolina. The school in Charlotte is still open. Ms. Swan states that the citations have been cleared up since then. She will need to clear that up with North Carolina as it is still being shown in their records as pending.

A motion was made by Ms. Delaney to defer the opening of the school until the North Carolina issues were resolved. The motion was seconded by Mr. Jones and it carried.

Ms. Swan may come before the Board at the next Board meeting in January.

iv. Institute of Beauty Artistry (School Location Change)

Ms. Beatriz Hernandez represented the Institute of Beauty Artistry and was seeking approval for a school location change. The location has moved to 65 Groce Road in Lyman. There are forty (40) students, maximum, with plenty of instructors. The Institute of Beauty Artistry is a nail school and they also offer a 750 hour instructor course as well. The instructor course will teach the basics of teaching. The school bond will not expire until August of 2017.

A motion was made by Ms. Brown to accept the new school location for the Institute of Beauty Artistry for preliminary inspection. The motion was seconded by Ms. Walters and it carried.

v. Southeastern Esthetics Institute (Contract Changes)

Ms. Courtney Freeman represented the Southeastern Esthetics Institute. They would like to update their student contract to have a national standard of 600 hours earned by students. January will be the best time to increase the hours. Students that matriculate through this institute will have to complete the full 600 hours before they are able to sit for the examination and they will be made aware of this prior to enrolling at the institute.

Ms. Delaney made the motion to accept the increased hours of 600 hours from the initial 450 hours. The motion was seconded by Ms. Walters and it carried.

b. Consideration of Continuing Education Exception

i. Kelly M. Henderson (IRC. 34987)

Ms. Henderson was not present, but her mother, Ms. Renee Cash, came on her behalf. Ms. Henderson would like approval to gain all of her CE hours online as she is over 2,000 miles away from South Carolina as a military spouse. Ms. Cash states that her daughter has maintained her license since she has been licensed and is an instructor as well. She is unable to fly to South Carolina prior to the expiration of her license to attend a CE course. Ms. Henderson will be back in the state in December of 2017.

A motion was made by Ms. Delaney to accept the 12 CE hours online for this renewal period. This motion was seconded by Mr. Jones and Ms. Brown. The motion carried.

c. Consideration of Reinstatement with a Criminal Background

i. Loree Montgomery (RC. 73546)

Ms. Montgomery was present. Ms. Brown made a motion to go into a closed session, so that they were in compliance with federal law and the motion was seconded by Mr. Jones. The motion carried.

Mr. Jones made a motion to come out of the closed session and it was seconded by Ms. Walters.

A motion was made by Ms. Walters to approve the reinstatement of Ms. Montgomery's license with conditions. The motion was seconded by Mr. Jones and the motion carried.

ii. Brandon Reiter (RC. 72922)

Mr. Reiter was present and looking for approval to reinstate his cosmetology license with a criminal background. He has been a stylist for over 13 years and been featured on magazines and is a national educator. Cosmetology is his passion and everyone makes mistakes. He still has pending charges and is currently on probation, but that can be paid off.

A motion was made by Mr. Jones to go into executive session for legal advice and it was seconded by Ms. Delaney and Ms. Brown. The motion carried.

Mr. Jones made a motion to come out of executive session and it was seconded by Ms. Brown. The motion carried.

Ms. Delaney made a motion to accept the application for reinstatement for Mr. Reiter and it was seconded by Ms. Brown. The motion carried.

A ten (10) minute comfort break was given.

iii. Hailey E. Craps (RC. 75470)

Ms. Craps was present and seeking reinstatement of her cosmetology license with a criminal background. She does still have charges pending, but getting her license back would be one step forward for her.

A motion was made by Ms. Delaney to go into executive session for legal advice and it was seconded by Mr. Jones. The motion carried.

Mr. Jones made a motion to come out of executive session and it was seconded by Ms. Walters. The motion carried.

Ms. Brown made a motion to approve the acceptance of the reinstatement application for Ms. Craps and it was seconded by Ms. Delaney. The motion carried.

iv. Ashley Bonass (EXAMINATION APPLICANT)

Ms. Bonass was present and requesting approval to take the examination with a criminal background. She would be licensed as an esthetician. Ms. Nancy Poole accompanied her. She was in a bad relationship and the charges have since been dismissed.

Mr. Jones made a motion to grant licensure for Ms. Bonass and it was seconded by Ms. Brown. The motion carried.

d. Consideration of Licensure by Endorsement without Passing the NIC Examinations (Theory and Practical)

i. Cloie Green

Ms. Green was present and accompanied by Ms. Pearl Brown. Ms. Green is looking to endorse into South Carolina from New York. She has taken the NIC practical portion and passed on August 15, 2016, but is not interested in taking

the NIC theory. She feels as though it is not necessary for professionals, only students. Ms. Green was originally licensed in 1992 and tested in New York. The Board members are unable to override the laws, unfortunately.

Mr. Jones made a motion to deny Ms. Green's licensure because of the non-compliance with the rules and regulations of South Carolina. This motion was seconded by Ms. Delaney and it carried.

e. Consideration of Education for Endorsement

i. Khoa Dao

Mr. Khoa Dao was present and accompanied by Ms. Diana Hamlin, an interpreter. Mr. Dao attended a nail school in North Carolina, but upon transferring to South Carolina, proof of 10th grade education or GED was needed. AEQUO sent in information that Mr. Dao's information was detected as fraudulent. Mr. Dao has passed the NIC examination and his license is in good standing in North Carolina.

A motion was made by Ms. Delaney to accept Mr. Dao's credentials from North Carolina and it was seconded by Ms. Walters. The motion carried.

9. Final Order Hearings

ii. 2014-112

Mr. Jones had to recuse himself from all hearings as he was the Hearing Officer.

Mr. John Adam Ribock filled in for Attorney Fred Oliver, who was present during the initial hearing. This hearing was in reference to Nail 2000 in North Myrtle Beach. There was no representative in attendance for Nail 2000. The complainant received a pedicure and manicure at Nail 2000 and realized later that skin was broken on the bottom of their foot, which was raw and oozing. The Hearing Officer recommendation consisted of dismissing the case with prejudice as the state did not prove, with a preponderance of evidence, that the salon had violated any laws and/or policies.

Ms. Walters made a motion to accept the Hearing Officer's recommendations and it was seconded by Ms. Delaney. The motion carried.

iii. 2015-38

This hearing is in the matter of Nail 2000 in North Myrtle Beach as well. The respondent was not present, but was represented by Mr. John Adam Ribock, who was filling in for Attorney Fred Oliver. The complaint was initially made with DHEC. Orangewood sticks were not stored properly and an unidentified bacteria was seen in the chairs. A Memorandum of Agreement (MOA) was initially given.

The Hearing Officer's recommendation consisted of accepting the MOA, publicly reprimanding the respondent, and a civil penalty of \$500 to be paid within sixty (60) days.

A motion was made by Ms. Delaney to accept the Hearing Officer recommendations and it was seconded by Ms. Brown. The motion carried.

iv. 2016-158

This hearing was in the matter of Dao Xuan Nguyen and Lee Nails in Greer, who was not present or represented by legal counsel. They were notified in reference to the hearing. There were several concerns at Lee Nails. Mr. Kevin Eckard and Ms. Jennifer Stillwell, Inspectors of the South Carolina Department of Labor, Licensing and Regulation, inspected Lee Nails in May of 2016 and found used buffers and files with clean instruments, chairs with dirty filters, flip flops being washed and reused, and residue on the foot files. The barbicide also smelled minty as well. The representative from the initial hearing stated that the buffers and files were not being reused, but just improperly disposed of. They also thought that they were able to wash and reuse flip flops. The prior inspection report had not been displayed as well.

The Hearing Officer's recommendation was that a \$2,000 penalty is given, along with a warning. Ms. Nguyen will need to take a disciplinary law course and a disciplinary sanitation course. Ms. Nguyen will also be publicly reprimanded.

A motion was made by Ms. Delaney to go into executive session for legal advice. The motion was seconded by Ms. Brown and it carried.

Ms. Brown made a motion to come out of executive session and it was seconded by Ms. Walters. The motion carried.

A motion was made by Ms. Walters to accept the Hearing Officer's recommendations and it was seconded by Ms. Brown. The motion carried.

10. Discussion

There was no discussion.

11. Board Member Reports

Ms. Delaney mentioned some interesting information that was given at the NIC conference that she attended in Florida. A phone application has been used where consumers may make complaints or address issues or concerns. Photos may be taken that are sent through the application. Consumers may also remain anonymous using the app. The Board members are not against it and feel that it may be noteworthy.

12. Public Comments

There were no public comments.

13. Adjournment

The meeting adjourned at 12:23 p.m.

The next meeting (special called) of the S.C. Board of Cosmetology is scheduled for November 28, 2016.