

AMENDED AGENDA
South Carolina Board of Cosmetology
Board Meeting
9:00 a.m., March 12, 2018
Synergy Business Park
Kingstree Building
110 Centerview Drive, Conference Room 108
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
- 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
- ❖ Stephanie Nye
- ❖ Marcia Delaney

Staff members present included: Mary League, Advice Counsel; Shalon Genwright, Staff; Theresa Brown, Administrator; Eric Thompson, Office of Inspections; Jennifer Stillwell, Office of Investigations and Enforcement (OIE); Micah Hurtt, Staff; Kyle Tennis, Office of Disciplinary Counsel; Jamel Fields, Human Resources; Sharon Wolfe, Office of Investigations and Enforcement (OIE)

All Other Persons Attending:

Gary Haygood, Court Reporter; Loleta Wilkerson; Steven Dawson; Andrea Snow; Johnathan Tyler; Chi Le; Bernadette Starks; Jayme Morant; Hung Nguyen; Kimberly Gibson; Debra LeGrand; Nancy Poole; Qweshanda Mauney; Frances Archer; Michelle Hampton-Furtick

3. Approval of Excused Absences

Mr. Eddie Jones made a motion to approve the absence of Chairperson Melanie Thompson as she was out of the state. Ms. Marcia Delaney seconded that motion and it carried.

It was stated that Ms. Selena Brown has resigned from the South Carolina Board of Cosmetology.

4. Approval of Agenda

Ms. Patricia Walters made a motion to approve the agenda for the meeting with any deviations necessary and it was seconded by Ms. Delaney. The motion carried.

5. Approval of Meeting Minutes

January 8, 2018

Ms. Delaney made a motion to approve the meeting minutes from January 8, 2018. The motion was seconded by Mr. Jones and it carried.

6. Chair Remarks – Melanie Thompson – N/A

7. Administrator's Remarks – Theresa Brown

- a. **Budget/Drawdowns** – For Information – The budget is for informational purposes only.
- b. **OIE Report** – For Information - Sharon Wolfe – The OIE report was given by Ms. Theresa Brown. So far this year through March 6, 2018, a total of cases have been received. 51 cases have been closed.
- c. **IRC Report** – For Approval - Sharon Wolfe – Ms. Delaney inquired about what it meant when a case is listed as 'no jurisdiction'. Mr. Kyle Tennis explained that it was actually a barber case, so their jurisdiction applied in that case. Ms. Delaney made a motion to accept the IRC report and it was seconded by Ms. Stephanie Nye, Mr. Jones, and Ms. Walters.
- d. **ODC Report** – For Information - Kyle Tennis – There are currently 53 cases.
 - 22 (pending attorney review)
 - 1 (pending consent or memorandum of agreement drafting)
 - 7 (pending respondent's agreement)
 - 4 (pending drafting of formal complaint)
 - 7 (pending panel hearings)
 - 2 (pending board action)
 - 1 (scheduled for a final order hearing at the next board meeting)
 - 2 (scheduled for final order hearings)
 - 1 (pending scheduling)
 - 4 (pending citation appeal hearings)
 - 2 (pending action from another board)

Since January, there have been 12 cases closed. There are no panel hearings scheduled for March, but April and May dates have been filled and we are now scheduling for June hearings.

e. **Inspection Report/Citation Report – For Approval** – Eric Thompson

For the month of January, there were 397 salon inspections with 13 of them being school inspections. There were 16 citations written that ranged from unlicensed practice, expired licenses, and sanitation issues.

For the month of February, there were 492 salon inspections with 14 of them being school inspections. There were 13 citations written that ranged from unlicensed practice, expired licenses, and sanitation issues.

In the past fiscal year, there have been 4,446 salon inspections with 78 of them being school inspections. There are currently 6,291 active salons.

Ms. Walters made a motion to accept the inspection and citation reports. The motion was seconded by Ms. Nye and it carried.

8. Old Business

a. **Consideration of CE Packet Corrections**

i. Hair Heirs, LLC

There were no representatives present for Hair Heirs as they were seeking approval of the corrections to their continuing education packet. They were notified and had asked that the board proceed with the review of their corrections. Additional content was needed on their instructor course.

Ms. Walters made a motion for the approval of the corrections for Hair Heirs, LLC and it was seconded by Ms. Delaney. The motion carried.

ii. Hands On Beauty Association LLC

Ms. Bernadette Starks represented Hands on Beauty to seek approval of the corrections to her association's continuing education packet. Additional content was needed on the pedicure and wet hair designs segments.

Chairperson Melanie Thompson sent notes and stated that the pedicure segment is still too basic. The wet hair designs is still too basic as well as it is seen as a basic roller set. Ms. Starks stated that there were several dynamics that takes place with the methods of the basic content and she would answer any additional questions the board had. She went into some details of it, but none of what was stated was indicated in the continuing education submission. She will need to take the enthusiasm that she has and put it into writing of what will actually be done in the classroom.

A motion was made by Ms. Delaney to go into an executive session to garner legal advice on this matter. It was seconded by Mr. Jones. The motion carried.

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

There were no motions made or votes taken during the executive session.

Ms. Nye stated that more detail is needed as far as what is given to the board members. The time of the segments and of the classes are needed and more content is needed. Learning objectives are also needed on what the class will accomplish to convey what makes the class unique. The courses should be broken down into segments. Ms. Starks stated that she has taught under another association and she is anxious to get started on her own. She has always had great participation.

Ms. Delaney made a motion to accept the corrections of Hands on Beauty Association LLC contingent upon resubmitting the corrections based on what was conveyed to her and what she has told the board verbally, being written on pages. The motion was seconded by Ms. Nye and it carried. The updated content may be sent to the Board Administrator for approval.

iii. Joyful Expressions, LLC

Ms. Jayme Morant represented Joyful Expressions LLC and was seeking approval of the corrections to her continuing education packet. More content was requested for each agenda submitted.

The term 'students' must be changed to 'licensees'. The survey cannot be included in the course timeframe as 30 minutes. There are several typos. Ms. Morant stated that the cuticle clean up brush could be disinfected. She also discussed nail art. The actual provider name must be seen on the paperwork as well.

Ms. Delaney made a motion to accept the corrections for Joyful Expressions, LLC contingent upon the changes being made and sent to the Board Administrator. The motion was seconded by Ms. Nye and it carried.

iv. Southern Cosmetology Association of Licensed Professionals, LLC (SCALP)

Ms. Nancy Poole represented Southern Cosmetology Association of Licensed Professionals, LLC (SCALP) and was seeking approval of the corrections to her continuing education packet. Their domestic violence segment will only be for 30 minutes. The Board inquired about the wraps and whether they were relevant on today. Ms. Poole stated that it was the educator's lesson plan and that she could not answer that question. The Board also inquired about the cuticle impressions segment length of time being one hour long with it being an elementary segment. The modern bob course date needs to be changed to 2018 instead of 2017. The Milady textbook and Nail Pro magazine is referenced for the course materials.

A motion was made by Mr. Jones to approve Southern Cosmetology Association of Licensed Professionals, LLC (SCALP) with the necessary corrections being made. The modern bob course must be updated to 2018, instead of 2017 and sent to the Board Administrator. The motion was seconded by Ms. Delaney and Ms. Walters.

9. New Business

a. Consideration of School Changes

i. Miller-Motte Technical College

Ms. Loleta Wilkerson and Ms. Andrea Snow represented Miller-Motte Technical College in regards to a school ownership change, along with the reimplementing of their esthetics program.

A motion was made by Ms. Walters to accept the change of ownership, along with the esthetics program. The motion was seconded by Mr. Jones and it carried.

b. Application Hearings

i. Johnathan Tyler

Mr. Tyler attended the board meeting to seek approval of gaining licensure as a Registered Cosmetologist with a criminal background record that accompanied his PCS application. The record dates back from 14 years ago and probation ended in 2015. Since then, it has been his business to let people know that they do not have to stay in the past or where they came from. He does have a job lined up.

A motion was made by Ms. Delaney to recommend licensure for Mr. Johnathan Tyler as a Registered Cosmetologist. The motion was seconded by Ms. Walters and it carried.

c. Consideration of Cosmetology Inspection Form

This form was updated by the Chief Inspector and his staff and presented to the Board for approval. It was recommended that the salon be noted as a full service salon or nail or esthetics only. This would be for classification purposes only.

Ms. Delaney made a motion to accept the inspection form with the update of classifying the type of salon. The motion was seconded by Mr. Jones and it carried.

d. Discussion Regarding In-Salon Disciplinary Classes

i. Michelle Hampton-Furtick

This is a great idea, although it will not ensure that the offense will not be repeated. Ms. Hampton-Furtick will store the recordings. This may give the Board a more comfortable feel when it comes to revoking licenses. She plans on doing the courses in the disciplined licensee's place of work. They will sign off on a summary plan as well. This will give them a demonstration on how to do things the proper way when it comes to disinfecting. This will be beneficial, especially with the language barrier of some of the licensees.

Ms. Delaney made a motion to accept the onsite disciplinary courses and it was seconded by Ms. Nye. The motion carried.

e. Legislative Updates

This update references Bill H. 5002, which will allow barbers to work in a salon. The bill is pretty broad and does not provide any direction and a number of licensing and enforcement issues. The Board cannot take a position on the legislation. There are a lot of similarities between the Board of Barber Examiners and the Board of Cosmetology, but there are also several differences. The Board of Cosmetology has citation abilities.

Also, there is another bill out currently for a Hair Designer license for persons that obtained 1,200 hours. The intent of this bill is to address licensing and reciprocity. This bill would tease out hair design for persons who only want to do hair.

f. Legal Advice Regarding Salon Licensing Enforcement

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

Mr. Jones made a motion to come out of the executive session and it was seconded by Ms. Walters and Ms. Delaney. The motion carried. Ms. Theresa Brown was requested to stay during the executive session. There were no motions made or votes taken during the executive session.

The Board had received questions from the Office of Investigations and Enforcement regarding Booth Renters. Because a Booth Renter is indicative of an economic relationship between the salon owner and/or manager and a licensee, the Board is not going to be making the determination as to whether or not a Booth Renter license is necessary. If the database shows that the operator does have a Booth Renter license, they will need to follow the sanitation rules and license display rules for their station. Additionally, if a violation is confined strictly to the booth renter or their booth renter space, a citation or discipline will be given to the Booth Renter only and not to the salon or salon manager.

A motion was made by Ms. Delaney to approve the Board's guidance as presented and it was seconded by Ms. Walters. The motion carried.

g. NIC Regional Meeting Approval

The meeting will be held in Charlotte, North Carolina from April 21st through April 22nd.

A motion was made by Ms. Delaney that Ms. Theresa Brown, Board Administrator, be approved to attend the NIC Regional meeting. The motion was seconded by Mr. Jones and it carried.

Chairperson Melanie Thompson will be in attendance as well on behalf of NIC.

h. Final Order Hearings – Kyle Tennis

i. 2015-41

Ms. Chi Le represented The Polished Nail & Spa in this matter as she is the manager. This matter was resolved at the hearing officer's level as a memorandum of agreement was signed by the respondent admitting to the facts of the violations that included unlicensed individuals practicing in the salon. The salon has been re-inspected multiple times since March of 2015 with no additional problems being found.

Ms. Delaney made a motion to accept the Hearing Officer's recommendation and it was seconded by Ms. Walters. The motion carried. The recommendations consisted of public reprimand and \$750 to be paid in full within 30 days of the Final Order of the Board.

ii. 2016-203

Mr. Hung Nguyen represented himself. He is a licensed Nail Technician who had unlicensed individuals practicing in his salon during inspections.

The Hearing Officer's recommendations consist of public reprimand, \$500 civil penalty fee, and a suspension of his license for 60 days. He may reinstate his license, once he has complied with the Board's order.

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

10. Board Member Elections

This agenda item will be deferred until the May meeting.

A motion was made by Ms. Delaney to defer the elections until the May Board meeting and it was seconded by Ms. Nye. The motion carried.

11. Board Member Reports

There were no reports.

12. Discussion

Mr. Jones appreciated the moral support given to him in regards to the death of a loved one.

13. Public Comments

Ms. Michelle Hampton-Furtick wanted to speak on the bill regarding barbers and cosmetologists working together. Several years ago, Governor Mark Sanford signed a proviso where barbers and cosmetologists could work together. Provisos are valid for one year which is why salons and barbershops have had licensees of both boards working together. That is why the problem has come forth with the recent enforcement of it. She also wanted the Board to keep the inspectors in mind when citing individuals who are not licensed. She briefly gave input on basic continuing education content as well.

Mr. Steven Dawson mentioned the bill (Senate Bill 1088) of a barbers day each third Wednesday of February, so he is interested in days for those licensed by the Board of Cosmetology. He wanted to give input from the school's side on the Hair Designer license bill. There are currently 9 states with that license and 3 more states have been added on with the former legislation. The coalition, FBIC, have a lot of good things behind them. They want to lower the cosmetology hours to 1,000 nationwide. One of the ways to alleviate that in our state is the creation of a hair designer license. It would get them licensed quicker, which was the intent of the FBIC. He and his association are for the Hair Designer license as they are already teaching it. It won't create problems keeping people separated, as the non-cosmetology services may be taught at the end of the program. They would love to start a nail program, but only if legislation increased the number of hours to 450 hours as students cannot receive Pell grants unless it is a 600 hour program. They have tried to offer a shorter program with cash pay, but it did not work for them, although it works for others.

Ms. Frances Archer stated that her school (Nail Clinic of Manicuring) has a good vehicle and people have been able to survive with what they already have in place.

Ms. Qwshaunda Mauney referred to continuing education content going from basic to advanced and stated that there is a need for the basic information to be taught. They discussed marketing the courses as well.

Ms. Jayme Morant inquired about the Hair Designer license and was told that it is only a proposal currently.

14. Adjournment

A motion was made by Ms. Delaney to adjourn the meeting and it was seconded by Mr. Jones, Ms. Nye, and Ms. Walters. The motion carried.

The meeting adjourned at approximately 11:45 a.m.

The next meeting of the S.C. Board of Cosmetology is scheduled for May 14-15, 2018.