

**South Carolina Board of Cosmetology  
Board Meeting  
9:00 a.m., March 13, 2017  
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 Read by the Chairman
- c. Pledge of Allegiance

**2. Introduction of Board Members and All Other Persons Attending**

Chairperson Melanie Thompson 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
- ❖ Stephanie Nye
- ❖ Laquita Clark-Horton

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

**All Other Persons Attending:**

Gary Haygood, Court Reporter; Alexis Venesky; Kiersten Honaker; Steven Dawson; Ervin Smith; Sally Ann McGlade; Amber Johnson; Brana Myers; Gloria Smith; Samuel Days; Meosha Miller; Varnetta Singletary; Mindy Aytes; Ashley Fitts; Samantha Coles; Jayson Lacy; Amber Lacy; Shannon McCravy; Josephine Pearson; Erica Horton; Kate Shelton; Chesley Phillips; Debbie Stabler; Shawonda Thomas

**3. Approval of Excused Absences**

N/A

**4. Approval of Agenda**

Ms. Selena Brown made a motion to approve the agenda for March 13, 2017. The motion was seconded by Ms. Laquita Clark-Horton and Ms. Marcia Delaney and it carried.

**5. Approval of Meeting Minutes**

November 28, 2016

Mr. Eddie Jones made a motion to approve the meeting minutes for November 28, 2016, and it was seconded by Ms. Clark-Horton. The motion carried.

January 9, 2017

Chairperson Thompson had the following concerns:

- 'On' needs to be stricken under the Chairman's remarks.
- 'With conditions' is seen multiple times when motions were made and it does not specify what the motions were. Ms. Mary League stated that if it has an order, it will be posted on the website. The minutes are intended to be more of a summary and the Board Order is available to the public online. It was taken out to clean the minutes up.
- 'No motions were made or votes taken during the executive session' needs to be added after each executive session.

A motion was made by Ms. Delaney to approve the minutes from January 9, 2017, with the deviations as specified. The motion was seconded by Ms. Clark-Horton and it carried.

## 6. Chair Remarks – Melanie Thompson

Ms. Thompson asked Ms. Richardson about reaching out to AEQUO. Vendors cannot make presentations, as it has to go through the procurement process to be vetted appropriately. AEQUO will have to submit documentation in writing and Ms. Thompson asked if they could be contacted to submit a proposal in writing for handling all documentation coming in for licensure (specifically endorsement). They are already approved for foreign documents.

Welcome to renewal!

Staff at LLR has been inundated at the very last second with the renewal process. Lots of people are having trouble renewing with over 10,000 people calling in one day. A conference call was held with the Board. Phone calls were increased in the queue, along with many other changes. Over half of the licensees have not renewed. Staff was thanked for their quick action and recognizing the importance of the struggle of the licensees and doing everything in their power to get it fixed. According to Ms. Richardson, as of 8:45 a.m., there are approximately 11,715 licensees who still haven't renewed their license. Essentially, the Board decided to extend the deadline for the renewal, so that licensees were not penalized, which is only a one-time deal. The extended deadline is March 24, 2017. The issues were not necessarily the licensees' fault and the Board always errs on the side of the licensee. The extension was very generous of the Board.

## 7. Administrator's Remarks – Theresa Richardson

- a. **Budget**– For Informational purposes only – Drawdowns for fines quarterly are completed quarterly, at the end of each quarter.
- b. **OIE Report** – For Information - Sharon Wolfe – There have been a total of 63 incoming complaints thus far in 2017. 21 of those cases are currently active. 35 cases have been closed so far this year.
- c. **IRC Report** – For Approval - Sharon Wolfe – Chairperson Thompson had the following concerns:
  - i. Case 2016-244 should state 'working on the public'.
  - ii. Case 2016-266 should say 'student clock hours'.
  - iii. For case 2016-19, under the complaint, it should say 'sanitation/disinfecting'.
  - iv. It was asked about the logic for two (2) cases for reconsideration as they are closed. Mr. Kyle Tennis stated that there aren't any current licenses for both complaints and they were sent back to the IRC for dismissal. The students involved from the closed school are taken care of and no complaints have been given in reference to students not receiving their transcripts.
  - v. For case 2016-212, we do not govern braiding. Mr. Tennis stated that there were some shampoo bowls and cosmetology items at the location. They were only doing hair braiding and were not licensed as a salon.

Vice Chairperson, Ms. Clark-Horton, asked about case 2016-138, as there was insufficient evidence. Mr. Tennis stated that it was on private property (residence) and inspectors cannot go on private property. Mr. Robbie Boland stated that they can only do their best to observe and cannot inspect without a shingle or anything that says that the "business" is open to the public. It may be able to go further on the

investigation side. For case 2016-267, Ms. Delaney asked about an individual practicing esthetics without a South Carolina license. Mr. Tennis stated that the individual was licensed as an instructor in esthetics. At the time of the allegations, she was not licensed. The case was dismissed as she is currently licensed. Ms. Delaney made a motion to accept the IRC report as presented and it was seconded by Ms. Clark-Horton. The motion carried.

**d. ODC Report – For Information - Kyle Tennis – There are 27 cases currently.**

- i. 10 (Pending Mr. Tennis's Review)
- ii. 1 (Pending Response Agreement)
- iii. 2 (Pending Panel Hearings in April)
- iv. 2 (Pending Board Action)
- v. 2 (To Be Scheduled for Final Order Hearings)
- vi. 3 (Pending Final Order Hearings)
- vii. 1 (Pending More Information at IRC)
- viii. 5 (Pending Scheduling)
- ix. 1 (On Hold – Pending a New Case from Investigations)

**e. Inspection Report – For Approval - Robbie Boland – In January 2017, 543 salons and 3 schools were inspected. In February 2017, 537 salons and 9 schools were inspected. Between July 2016 and February 2017, there were 3,912 salons inspected, along with 72 schools. Currently, there are between 108 and 112 active schools. On the citation reports, they covered January and February of 2017. In January, there were 16 citations given, where 10 dealt with sanitation and 8 dealt with unlicensed practice. With citation 1539, it was disposing properly of files and rasps being found. In February, 19 citations were given, where 10 of those citations dealt with sanitation and 15 unlicensed practice. On citation 1544, it should be state 'pedicure bowls or basins'. A motion was made by Ms. Brown to approve the inspection and citation report and it was seconded by Ms. Delaney. The motion carried.**

**f. Administrator Approvals – There were none.**

**8. Old Business**

N/A

**9. New Business**

**a. Consideration of Additional Nail Technician Class and Out-of-State Instructor**

- i. CE Training Courses, Inc.

Mr. Jayson Lacy represented the CE Training Courses, Inc. He would like to add an additional online nail technician course. Ms. Clark-Horton has concerns in reference to discrepancies with the timing given in the paperwork and the timeframe of the actual online video. The submission does not match the video, which makes it problematic. The instructor's license is about to expire as well, so an updated, active license is needed. The online video will be available 24/7.

A motion was made by Ms. Clark-Horton to defer the consideration until the May meeting and it was seconded by Mr. Jones. The motion carried.

**b. Consideration of New School and School Changes**

- i. Enoree Career Center

Ms. Brana Myers represented Enoree Career Center. They are wanting to add additional cosmetology lab space (clinic floor area) by turning a classroom into a lab. The lab will be adjacent to the classroom where there is a hallway that connects the classrooms. There will be two (2) separate classes operating at the same time. The space is ready for inspection. There will be two (2) inspections, preliminary and final. Mr. Jones made a motion to allow the Enoree Career Center to utilize the additional space as classroom space. It was seconded by Ms. Delaney and it carried. Mr. Jones made an additional motion to consider allowing the preliminary and final inspections to be conducted in one inspection, with the final approval being based on that inspection. The motion was seconded by Ms. Delaney and Ms. Brown. The motion carried.

ii. K & K Beauty School

Mr. Edward Johnson represented K & K Beauty School, which is a new cosmetology school that is seeking approval of opening. There were several bullet points that needed clarification or had typos. The *General Terms of Agreement* needs to be resubmitted for review. Ms. Shawonda Thomas will be an instructor for the school. The entire packet/contract needs to be reviewed for corrections before resubmitting. Examples of the corrections needed were given by Chairperson Thompson.

A motion was made by Ms. Delaney for the preliminary inspection and it was seconded by Ms. Clark-Horton and Mr. Jones. The motion carried.

A motion was made by Ms. Delaney for a 10 minute break and it was seconded by Mr. Jones. The motion carried.

**c. Consideration of Licensure with a Criminal Background**

i. Samantha Jones (EXAMINATION APPLICANT)

The last charge seen was from 2008 and probation has been completed. A motion was made by Ms. Clark-Horton to approve licensure for Ms. Samantha Jones and it was seconded by Mr. Jones and Ms. Brown. The motion carried.

ii. Mindy Aytes (EXAMINATION APPLICANT)

The last charge that Ms. Aytes obtained was in 2002 and probation has been completed. A motion was made by Ms. Delaney to approve licensure for Ms. Mindy Aytes. The motion was seconded by Ms. Patti Walters and Ms. Clark-Horton. The motion carried.

iii. Shannon McCravy (EXAMINATION APPLICANT)

The last charge seen was from 2011. Probation may end in June of 2018 with fees being paid. A motion was made by Mr. Jones to approve licensure with conditions for Ms. Shannon McCravy and it was seconded by Ms. Clark-Horton and Ms. Walters. The motion carried.

Ms. Stephanie Nye left the meeting at 11:00 a.m.

iv. Varnetta Singletary (EXAMINATION APPLICANT)

The last charge seen was in 2013. Time was served and fees were paid. A motion was made by Ms. Brown to approve licensure for Ms. Varnetta Singletary and it was seconded by Mr. Jones. The motion carried.

v. Samuel Days, Jr. (EXAMINATION APPLICANT)

The last charge seen was in 2015 that was dropped. Time was served for a major charge in 2011. There was no probation or parole for that charge. Mr. Days also worked as a barber while incarcerated. A motion was made by Mr. Jones to go into executive session for legal advice pertaining to Mr. Days. The motion was seconded by Ms. Clark-Horton and it carried.

A motion was made to come out of executive session by Mr. Jones. The motion was seconded by Ms. Brown and it carried. There were no motions made or votes taken during executive session.

Ms. Walters made a motion to approve licensure for Mr. Samuel Days, Jr. with conditions. The motion was seconded by Ms. Brown and Mr. Jones and it carried.

vi. Ashley Fitts (EXAMINATION APPLICANT)

Ms. Fitts went to school in South Carolina and wants to be licensed in South Carolina to reciprocate to Georgia. Time has been served, as well as probation.

A motion was made by Ms. Clark-Horton to approve licensure for Ms. Ashley Fitts. The motion was seconded by Ms. Delaney and Ms. Brown. The motion carried.

Ms. Brown made a motion for a 10 minute break and it was seconded by Ms. Walters. The motion carried.

**d. Unreported Continuing Education Classes**

i. University of South Carolina

Ms. Kate Shelton and Ms. Erica Horton represented the University of South Carolina. Ms. Horton reached out to Ms. Richardson in reference to courses that had not been submitted for five (5) different dates as seen below:

1. January 18, 2017
2. January 22, 2017
3. January 29, 2017
4. January 30, 2017
5. February 5-6, 2017

Two (2) of the courses were canceled and the other courses' packets were not completed. One of the providers included in the dates consisted of a brand new provider and they were not aware of the timeline. No licenses are being adversely affected at this time. A motion was made by Ms. Clark-Horton to go into an executive session for legal advice pertaining to the unreported CE courses. The motion was seconded by Mr. Jones and Ms. Brown. The motion carried.

Ms. Delaney made a motion to come out of executive session and it was seconded by Mr. Jones and Ms. Clark-Horton. The motion carried. No votes or motions were made during the executive session.

The unreported CE courses were from Nails, Skin, and Hair of America, LLC (NSHA). It was requested that the University of South Carolina provide monthly (instead of quarterly) reports for CE providers. Ms. Chesley Phillips of NSHA will be hand delivering items to complete the packets. All information posted for providers must be working at all times. Chairperson Thompson does not want to address this issue again.

**e. Discussion of Remedy for Licensees where CE Hours Were Not Reported to USC in Time for Renewal**

There are currently 11,715 licensees in an "Active in Renewal" status. An extension was given for licensees to renew. The new deadline is March 24, 2017.

**f. Update and Discussion Regarding the Status of Licensure Renewal**

This was already covered in the comments earlier.

**g. Discussion Regarding the Scope of Practice for Estheticians**

Estheticians are only allowed to use products or devices that **do not** penetrate beyond the basal layer of the epidermis.

**h. Final Order Hearings**

- i. 2012-91; 2012-122; 2015-41

Mr. Jones was recused from the Final Order hearings as he was the Hearing Officer.

This is in reference to SAL. 88742. The violations are pending beginning from inspections held in April of 2015. The salon had a Memorandum of Agreement that came before the Hearing Officer on January 30, 2017. The salon owner has also changed in the process. The violations for each case consisted of no photos being attached to licenses, dirty chairs, unlicensed practice, uncovered wax containers, unlabeled bottles, and dirty pedicure filters. There have been no sanitation violations post new ownership.

The violations were against the Code of Laws, 40-13-300 and the Code of Regulations, 35-15-e. The Hearing Officer's recommendations were as follows:

Cases 2012-91 and 2012-122 may be dismissed for the new owner. Case 2015-41 had the violations above and there is a fine of \$500 to be paid within 60 days.

A motion was made by Ms. Clark-Horton to go into executive session to garner legal advice on the cases. The motion was seconded by Ms. Walters and it carried.

Ms. Delaney made a motion to come out of executive session and it was seconded by Ms. Clark-Horton. The motion carried. There were no motions made or votes taken during executive session.

Ms. Delaney made a motion to accept the Hearing Officer's recommendations for cases 2012-91 and 2012-122. In addition, there is a motion to not accept the Hearing Officer's recommendations for case 2015-41 and to send it back to the IRC, as there should be a fine of \$1,500 in total. The motion was seconded by Ms. Clark-Horton and it carried.

**i. National-Interstate Council (NIC)**

- i. Updated Written and Practical Examinations for Instructors

Ms. Delaney and Chairperson Thompson recused themselves from the agenda item. The Board needs to make a motion to accept or not accept the changes made. If accepted, a date of implementation is also needed. There is an updated written and practical examination for instructors. The recommendation is that it is implemented a minimum of 60 days after the instructor/school overview. The review is June 26, 2017.

Mr. Jones made a motion to approve the updated written and practical examination for an implementation examination date of October 1<sup>st</sup> and it was seconded by Ms. Brown and Ms. Walters. The motion carried.

- ii. Examiner Training and Annual School Overview

The training will be held at the Inn at USC at 1619 Pendleton Street, in Columbia. It will be held on June 26, 2017 (Monday).

**j. NIC Annual Meeting**

The meeting will be in Charleston, West Virginia, from August 4-7, 2017.

Chairperson Thompson and Ms. Delaney were excluded from the discussion.

A motion was made by Ms. Brown to approve Ms. Theresa Richardson's attendance to the Administrator's and NIC general conference and for Ms. Clark-Horton to attend the NIC general conference. The motion was seconded by Ms. Walters and it carried.

## 10. Board Member Reports

Mr. Jones monitored the practical examination on February 20, 2017. There were 89 applicants and the whole process took between 5 ½ and 6 hours. He also attended a subcommittee meeting on March 9, 2017, where the sanitation/safety has passed the full House committee.

Ms. Clark-Horton monitored Hair Matters on January 29<sup>th</sup>, where there were 20 attendees. Identification was not checked after lunch. On January 22<sup>nd</sup>, Ms. Clark-Horton monitored the JKU course. There were 14 attendees and marketing strategies were discussed. On February 19<sup>th</sup>, she monitored the Fabulous Hair course and was sent to a different location. Products were mentioned and DVDs were being sold at lunch. They also did not stick to the agenda. The licensees were restless, worried, and mad. They were worried about not receiving credit for the course as products were mentioned.

Ms. Delaney monitored a Keep Calm and Renew course. It was held in a nice facility and there were 13 participants and 2 instructors. The instructor admitted that they did not know anything about skin, but would try to do their best. They were licensed as an instructor for registered cosmetology.

Ms. Walters monitored a Q&A course on February 6<sup>th</sup>, which was very good. There were 30 attendees and a threading segment. On March 5<sup>th</sup>, she monitored a course for the BIG association. An iPhone was being used for the camera. An agenda was posted, but no one was signing out for their breaks. On March 6<sup>th</sup>, Ms. Walters monitored a course for Allegiance. There were 50 licensees in attendance. Products were also being used in a display where the branding was seen.

## 11. Discussion

Regarding the CE Provider renewal application, Ms. Richardson inquired with Chairperson Thompson about an extension being granted as there was one for cosmetology licensees. None of the issues that warranted the extension for cosmetology licensees affected the renewal of CE providers. If the renewal application had not been received by the due date, it will be presumed that the provider is not seeking approval in October. After March 10<sup>th</sup>, that is it. There are eight (8) providers who have not submitted paperwork and one provider that submitted an incomplete packet.

Ms. Walters got clarification on licensees and their licenses being shown when taking CE courses. Licensees must show a government issued identification with a photo and their wallet card or actual license. The license has to be in-hand.

Board members may provide advice at CE courses when monitoring the courses, but they are not enforcers.

## 12. Public Comments

None.

## 13. Adjournment

A motion to adjourn the meeting was made by Ms. Clark-Horton. It was seconded by Mr. Jones and Ms. Walters. The motion carried.

The meeting adjourned at 2:12 p.m.

**The next meeting of the S.C. Board of Cosmetology is scheduled for May 8-9, 2017.**