

**South Carolina Board of Cosmetology
Board Meeting
9:00 a.m., January 8, 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

Chairperson Melanie Thompson called the meeting of the S.C. Board of Cosmetology to order. Other Board members participating in the meeting included:

- ❖ Stephanie Nye
- ❖ Marcia Delaney
- ❖ Selena Brown
- ❖ Eddie Jones (arrived at 9:30 a.m.)

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

All Other Persons Attending:

Gary Haygood, Court Reporter; Steven Dawson; John T. Elliott; Lynn James; Sherri Dunlap; Frances Archer; Carrie Bolin; Bahiyah Moton; John T. Elliott; Britney Duong; Tia Scott; Laura B. Nobles; Erica Horton; Frederick Golden; Tiesha Brown; Michelle Hampton-Furtick; Felicia Wallace; Chesley Phillips

3. Approval of Excused Absences

Ms. Marcia Delaney made a motion to excuse the absences of Ms. Laquita Clark-Horton and Ms. Patricia Walters. The motion was seconded by Ms. Selena Brown and it carried.

4. Approval of Agenda

Ms. Brown made a motion to approve the meeting's agenda with any necessary deviations. The motion was seconded by Ms. Delaney and it carried.

5. Approval of Meeting Minutes

November 20, 2017

Ms. Delaney made a motion to approve the minutes from the November 20, 2017, board meeting. The motion was seconded by Ms. Brown and it carried.

November 21, 2017

Ms. Brown made a motion to approve the minutes from the November 21, 2017, board meeting. The motion was seconded by Ms. Delaney and it carried.

6. Chair Remarks – Melanie Thompson

Ms. Thompson hoped that everyone had a good holiday season and were safe in the inclement weather, as Myrtle Beach gained some snow and ice.

7. Administrator’s Remarks – Theresa Brown

- a. **Budget/Drawdowns** – For Information – The proviso is an overall mandate to all boards.
- b. **OIE Report** – For Information - Sharon Wolfe – A total of 330 complaints were received on last year, whereas 286 complaint cases have been closed and it has been a very busy year for the cosmetology investigators. With the ‘Do Not Open’ cases, there may have not been enough information to go on to open the case.
- c. **IRC Report** – For Approval - Sharon Wolfe – For case 2017-221, the respondent had already been cautioned and it would have been an unintentional overlap. For case 2017-232, the respondent was cautioned to be more careful about better consultations with clients. They were licensed. Ms. Brown made a motion to approve the IRC report with the information received and it was seconded by Ms. Stephanie Nye. The motion carried.
- d. **ODC Report** – For Information - Kyle Tennis – There are currently 59 open cases.
 - 22 (pending attorney review)
 - 5 (pending consent or memorandum of agreement drafting)
 - 4 (pending respondent’s agreement)
 - 10 (pending drafting of formal complaint)
 - 3 (pending panel hearings)
 - 2 (pending final order hearings)
 - 1 (being taken back to the IRC)
 - 1 (pending scheduling)
 - 10 (pending citation appeal hearings)
 - 1 (pending new OIE case)

From January through December, there have been 59 cases closed. There are 8 hearings scheduled for next week.

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

For the month of November, there were 511 salon inspections and 8 school inspections. There were 19 citations written that ranged from unlicensed practice, expired licenses, and sanitation issues.

For the month of December, there were 342 salon inspections and 3 of them were schools. There were 10 citations written that ranged from unlicensed practice, expired licenses, and sanitation issues.

In the past fiscal year, there have been 3,557 salons and 51 schools inspected. There are currently 6,265 active salons.

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

They proceeded to item 9. f. on the agenda.

8. Old Business

9. New Business

a. Consideration for Examination

i. Tia Scott

This was a closed session to be in compliance with the state and federal confidentiality laws.

Ms. Delaney made a motion to go into a closed session and it was seconded by Ms. Nye. The motion carried.

A motion was made by Mr. Eddie Jones to deny the consideration for Ms. Tia Scott to take the theory and practical examinations based on the regulations and it was seconded by Ms. Delaney. The motion carried.

b. Consideration of Licensure

i. Laura B. Nobles

Ms. Nobles requested consideration to gain licensure through endorsement as a Registered Cosmetologist without completing and passing the NIC practical examination. She was originally licensed in South Carolina, prior to South Carolina offering the NIC practical examination. The Board can only uphold the current regulation at this time and no consideration may be given. Ms. Nobles contacted the governor's office, senators, and representatives of the state as she attended all schooling since high school in South Carolina. She currently has an active license in North Carolina.

Ms. Nobles requests the Board considers that when applicants that went to a South Carolina board approved school and was licensed in this state, that amendments are made to the law in their favor. She thinks that schools should also offer refresher courses. She has already signed up to take the examination.

A motion was made by Ms. Delaney to deny licensure and it was seconded by Ms. Nye. The motion carried.

ii. Tiesha Brown

Ms. Theresa Brown, Board Administrator, went on record to validate Tiesha Brown's identity as she did not have a driver's license.

A criminal background report accompanied her PCS application and approval was needed to become licensed. Ms. Brown feels as though she deserves her license, so that she can become a productive member of society. She has paid her debt to society and there have been no charges since.

Ms. Delaney made a motion to approve Ms. Tiesha Brown for licensure and it was seconded by Ms. Brown. The motion carried.

c. Consideration of School Changes

i. Miller-Motte Technical College

There was no representative present.

A motion was made by Ms. Delaney to defer the consideration pending the answers to the inquiries given and where a representative may be present to answer the inquiries. The motion was seconded by Ms. Nye and it carried.

ii. Floyd D. Johnson Technology Center

Ms. Carrie Bolin represented Floyd D. Johnson Technology Center and was requesting consideration of using registered cosmetologists to teach over thirty (30) days. She just wanted to be proactive as instructor was ill since December. That instructor is now back at the school. The substitute instructors were unavailable the week before the holidays, but they are currently seeking additional instructors as well.

The Board advised Ms. Bolin that the registered cosmetologists are limited to the thirty (30) days and that the school should heavily pursue another instructor.

d. Consideration of CE Changes

i. South Carolina Professional Barber and Cosmetology Association (SCPBCA)

SCPBCA was represented by Mr. Frederick Golden and was seeking approval of changing the name of the continuing education association. The new name would be Premier Online Education. They have the new certificate of existence. They still plan on doing on-site courses and Mr. Golden does not think that this will deceive licensees. This will be the association's first change for the new year.

Everything will stay exactly the same for the courses being offered.

Mr. Jones made a motion to approve the name change for SCPBCA and it was seconded by Ms. Nye. The motion carried.

e. Consideration of Disciplinary Class Providers

i. Upstate Hair Skin and Nails L.P.

Ms. Sherri Dunlap and Ms. Lynn James represented Upstate Hairs, Skin, and Nails L.P. and were seeking permission to offer sanitation courses for 2018. The courses will be offered at night. The location of the course will be in Easley and they will only be offering sanitation courses. The content needs to be proofread for typos.

Mr. Jones made a motion to approve Upstate Hair, Skin, and Nails L.P. to provide sanitation courses for 2018. The motion was seconded by Ms. Delaney and Ms. Brown and it carried.

Ms. Nye made a motion for a ten minute comfort break and it was seconded by Ms. Delaney. The motion carried.

ii. Hair Heirs

Chairperson Thompson recused herself from this consideration as there is a familial relationship. Ms. Delaney served as the chairperson for this consideration.

There were no representatives from Hair Heirs present at the meeting, but they requested that the Board move forward with their packet to offer disciplinary law and sanitation courses for 2018.

Ms. Brown made a motion to approve Hair Heirs to offer disciplinary law and sanitation courses for 2018 and it was seconded by Mr. Jones. The motion carried.

iii. Vontae's Advance Training

Ms. Michelle Hampton-Furtick represented Vontae's Advance Training and was seeking approval to offer disciplinary law and sanitation courses for 2018.

Ms. Delaney made a motion to approve Vontae's Advance Training to offer disciplinary law and sanitation courses for 2018. The motion was seconded by Mr. Jones and it carried.

Ms. Hampton-Furtick made a comment that it would be great if providers were able to go into salons to let licensees know what they are doing wrong as far as cleanliness and sanitizing. IT is more beneficial when being done inside of the salon. It was requested that Ms. Hampton-Furtick come before the March meeting with a proposed plan to legally take action on it.

iv. South Carolina Vision Association of Cosmetology

Mr. John T. Elliott represented South Carolina Vision Association of Cosmetology and was seeking approval to offer disciplinary law and sanitation courses for 2018.

The courses will be held at his salon on Fontaine Road. All materials needed were there.

A motion was made by Ms. Brown to approve South Carolina Vision Association of Cosmetology to offer disciplinary law and sanitation courses for 2018. The motion was seconded by MS. Delaney and it carried.

v. Professional Continuing Education Services, LLC (PCES)

Mr. John Ray represented PCES and was seeking approval to offer disciplinary law and sanitation courses for 2018.

The courses that PCES wants to offer will be online. Disciplinary law and sanitation courses cannot be done online as the courses are not intended for licensees to sit at home and watch a video. Although it is a wonderful aspect, it must only be offered onsite. It is a board policy that the Board, in collaboration with legal counsel came up with. Disciplinary law and sanitation courses are a sanction, not continuing education.

Ms. Delaney made a motion to defer this consideration until a later date and it was seconded by Mr. Jones. The motion carried.

vi. B and T Hair Group

Ms. Bahiyah Moton represented B and T Hair Group and was seeking approval to offer disciplinary law and sanitation courses for 2018.

All materials were there.

Ms. Delaney made a motion to approve B and T Hair Group to offer disciplinary law and sanitation courses for 2018. The motion was seconded by Mr. Jones and it carried.

f. Final Order Hearings

Mr. Eddie Jones had to recuse himself from the hearings as he served as the hearing officer.

i. 2017-12

This hearing was in the matter of Happy Nails. Ms. Britney Duong served as a representative for Happy Nails. The salon has had several violations of sanitation and safety rules over the years, receiving various sanctions.

Ms. Delaney made motion to go into an executive session to garner legal advice on this matter. The motion was seconded by Ms. Nye and the motion carried.

Ms. Brown 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.

A motion was made by Ms. Delaney to accept the findings of the facts, modifying the Hearing Officer's recommendations. The state did prove 40-13-110(a)(7). A recommendation was made to modify what was recommended to include an additional \$500 fine. There are six (6) violations, rather than five (5), which will be \$500 per violation, for a total of \$3,000. It was also recommended to place the salon on probation for a period of one (1) year. Any further violations will require that they appear before this board. The motion was seconded by Ms. Nye and it carried.

ii. 2017-104

This hearing was in the matter of Mr. Than Phan, who is a salon owner and manager. He has had prior disciplinary action against his license, where citations were given. In his most recent inspection, there were several sanitation violations, which included purchasing used paraffin wax.

Ms. Delaney made a motion to go into an executive session to garner legal advice on this matter. The motion was seconded by Ms. Nye and it carried.

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

A motion was made by Ms. Delaney to accept the Hearing Officer's recommendations with the exception of the three (3) hour disciplinary law class. The motion was seconded by Ms. Nye and it carried.

10. Board Member Reports

Ms. Nye monitored the practical examination on December 18th. It was very organized. There were several no shows and persons that were turned away did not have compliant photos, which is a passport photo. One turn away was from excessive tardiness. The examination is close to 5 hours long, which makes it a very long day

when the cosmetology exam is offered in the morning and the afternoon. They are considering just having the cosmetology exam in the morning and possibly add a second day.

Ms. Delaney went to the Hickory Mart trade show and it was very professional, unique, and done well. They were diligent in not stating products. There was an expo as well. She is scheduled to go to a school inspection that has been on hold indefinitely.

11. Discussion

The NIC region is coming up in April. It will be held in Charlotte, North Carolina from the 20th through the 22nd. There are good topics to be discussed.

The Board Administrator, Ms. Theresa Brown, wanted to discuss license revocation and the process of when the individual wants to come back to gain licensure. The Board does not revoke lightly. For someone's license to have been revoked, it says that it has surpassed egregious and has gone to definite danger to the public. If someone does not appreciate their license or respect this industry enough the first time, they do not get their license back. This may be placed on the agenda for the next board meeting.

There is a conflict with the March 13th board meeting date. Plans were made to meet for a one day meeting on Monday, March 12, 2018.

12. Public Comments

N/A

13. Adjournment

Ms. Brown made a motion to adjourn the meeting and it was seconded by Ms. Delaney. The motion carried.

The meeting adjourned at 12:50 p.m.

The next meeting of the S.C. Board of Cosmetology is scheduled for March 12, 2018.