

AMENDED AGENDA
South Carolina Board of Cosmetology
Board Meeting
9:00 a.m., January 14, 2019
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:

- ❖ Marcia Delaney
- ❖ Patricia Walters
- ❖ Stephanie Nye
- ❖ Eddie Jones

Staff members present included: Mary League, Advice Counsel; Shalon Genwright, Staff; Theresa Brown, Administrator; Priscilla Louis, Staff; Eric Thompson, Office of Inspections; Jennifer Stillwell, Office of Investigations and Enforcement (OIE); Charles S. Gwynne, Jr., Office of Disciplinary Counsel; Rodney Pigford, Office of Investigations and Enforcement (OIE); Garrett Carter, Office of Investigations and Enforcement (OIE); Robert Elam, Office of Advice Counsel

All Other Persons Attending:

Tina Behles, Court Reporter; Loleta Wilkerson; Shannon Manzella; David Haar; Audrey Heisler; Theresa Strong; Gretchen Smith; Marty Smith; Chesley Phillips; Hoai Nguyen; Vinnie Tran; Tamia Pickens; Emma Hanley; Olga Garcia; Steven Dawson; Tamara Palmer; Betty Natzke; Nhi Vo; Gloria Smith; Clarence Davis; Alex Shissias; Jimmy Hardee; Christene Howell; Kathleen McDaniel; Janet Ray; Alan Ray; Erica Horton; Lynn James; Michelle Hampton-Furtick; Lanette Battle; Frances Archer

3. Approval of Excused Absences

Ms. Marcia Delaney made a motion to excuse the absence of Chairperson Melanie Thompson and the motion was seconded by Ms. Patricia Walters and Mr. Eddie Jones. The motion carried.

4. Approval of Agenda

Mr. Jones made a motion to approve the meeting's agenda with any changes that are conducive to the meeting. The motion was seconded by Ms. Delaney. The motion carried.

5. Approval of Meeting Minutes

November 13, 2018

Ms. Delaney made a motion to approve the meeting minutes from the November 13, 2018, board meeting. 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 was reviewed and is for informational purposes only.
- b. **OIE Report** – For Information - Rodney Pigford - This report is for cases received between January 1, 2018, and December 31, 2018. There have been 344 incoming complaints. There are currently 6 active cases and 50 cases have been closed thus far.
- c. **IRC Report** – For Approval - Rodney Pigford – 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 – Charles S. Gwynne, Jr. - The ODC report is for informational purposes only. There are currently 63 open cases.
 - 6 (pending attorney review)
 - 6 (pending CA/MOA drafting)
 - 4 (pending respondent's agreement)
 - 24 (pending drafting of the Formal Complaint)
 - 1 (pending Board action)
 - 12 (pending scheduling for Final Order hearings)
 - 4 (pending board hearings)
 - 4 (pending citation hearings)
 - 2 (pending action from other boards)
 - 3 (closed cases from 11/8/18 to 1/7/19)
- e. **Inspection Report/Citation Report – For Approval** – Eric Thompson - In November, there were 487 salon inspections and 11 school inspections. In December, there were 356 salon inspections and 6 school inspections. As of January 8, 2018, there are a total number of 5,832 active salons. There were 26 citations written for the month of November and 13 written for the month of December. These citations dealt with unlicensed practice, sanitation issues, expired licenses, and unlicensed locations. Unlicensed locations include a combination of nail and hair salons and they include locations with expired licenses. Social media was discussed as well with salons popping up. Complaints must be filed, so that the Office of Investigations and Enforcement may open cases.

A motion was made by Ms. Walters to approve the inspection and citation reports and it was seconded by Ms. Delaney. The motion carried.

- f. **Legislative Updates** – Ms. Katie Phillips, the agency's new legislative liaison, was supposed to be at the meeting, but was not present at the time.

8. Old Business

- a. **Consideration for Continued Approval as a CE Provider**
 - i. Lennie B & Co. LLC

There was no representative present, so this agenda item was deferred until later in the morning. An e-mail was sent to Ms. Lanette Battle and verbal notification was given on last week. Ms. Delaney made a motion to defer this agenda item to the end of the meeting and it was seconded by Mr. Jones. The motion carried.

Lennie B. & Co. LLC was represented by Ms. Lanette Battle. The Board requested to meet with her in regards to her continued approval as a CE provider as several complaints were received by the board staff.

Ms. Battle stated that she has been overwhelmed and has some personal issues. Refunds were also given to licensees. She stated that everything is currently up to date and that she turned in all of her packets on this past Friday to the University of South Carolina.

A motion was made by Mr. Jones to accept Lennie B. & Co. LLC to continue as a continuing education provider. The motion was seconded by Ms. Nye and it carried.

ii. Professional Continuing Education Services, LLC (PCES)

Ms. Walters recused herself from the consideration because of personal and business affiliation. PCES is being represented by Attorney Kathleen McDaniel. Mr. Alan Ray and Ms. Janet Ray were also present. They were requested to appear before the Board in regards to continued approval as a continuing education provider as a large amount of complaints were received by the board staff. Attorney McDaniel stated that they were prepared for the meeting, but Mr. Alan Ray was very sick and she was unsure he would make it through the consideration. She also was not sure if she would be able to accurately answer any questions that the Board may have. A packet of information was given to Ms. Theresa Brown, Board Administrator, of the information that had been prepared. Attorney McDaniel requested that they come to the March meeting for the consideration.

Ms. Delaney made a motion to go into an executive session in order to garner legal advice on the consideration and it was seconded by Ms. Nye and Mr. Jones. The motion carried.

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

Ms. Nye made a motion to continue the hearing until the March Board meeting due to Mr. Ray's illness, but if there are any additional complaints, they will be considered at the March meeting as well as it is renewal season and a critical time. Any additional issue should be resolved immediately. The motion was seconded by and it carried.

9. New Business

a. Ratification of Approved Continuing Education Programs

Ms. Delaney made a motion to ratify the continuing education programs and it was seconded by Mr. Jones. The motion carried.

b. Consideration to become a Methods of Teaching Instructor

i. Sandra Bodnar

Ms. Bodnar requested to be placed on the March agenda.

A motion was made by Ms. Clark-Horton to defer this consideration until the March meeting and it was seconded by Ms. Nye. The motion carried.

c. Consideration of New Schools/School Changes

i. Miller-Motte Technical College

Ms. Loleta Wilkerson, Mr. David Haar, and Ms. Shannon Manzella represented Miller-Motte Technical College. They were requesting to teach-out the esthetics program. There hasn't been any recent interest in that program. They are also seeking approval of a proposed revision of their catalog. With the new company that they are under, they are trying to align their policies under the new company. Taking out the information about running background checks for the students was mentioned.

A motion was made by Ms. Delaney to approve the changes for Miller-Motte Technical College and it was approved by Ms. Nye. The motion carried.

ii. Palmetto Beauty School

Mr. Craig Hines represented Palmetto Beauty School as they were seeking approval of their school contract's revisions. After the recertification from NAACS (National Association of Accredited Cosmetology Schools), the school was informed that an update was needed for their

student contract by their consultant. The update was made and they failed to submit the new contract to the Board. Ms. Jennifer Stillwell, Inspector, told them that approval was needed by the Board before it could be implemented.

A motion was made by Ms. Delaney to approve the revisions to the student contract and it was seconded by Mr. Jones and Ms. Walters. The motion carried.

iii. Horry Georgetown Technical College (all locations)

Horry-Georgetown Technical College (HGTC) was represented by Ms. Audrey Heisler and Ms. Theresa Strong who were seeking approval to amend the student contracts for cosmetology and esthetic at all HGTC locations. These changes included policies on attendance and withdrawals, military withdrawals, and background checks.

A motion was made by Ms. Delaney to approve the revisions to the student contract for HGTC and it was seconded by Mr. Jones. The motion carried.

iv. The Esthetic Learning Center

Ms. Tamara Palmer represented The Esthetic Learning Center and is seeking approval to offer a night program for esthetics. There has been some interest in it and it will be offered Monday through Thursdays, from 5:00 p.m. to 9:00 p.m. The instructor will be Shannon Nettles. They will also meet on one Saturday as well for day and night students to make up any hours. They would like to implement this program on February 4th.

Ms. Nye made a motion for the approval of a night program for their esthetics program and it was seconded by Mr. Jones and Ms. Delaney. The motion carried.

d. Application Hearings

i. Shawneen Bentley

Ms. Bentley was present and seeking approval of her endorsement application that was accompanied by a criminal background report.

A motion was made by Ms. Delaney to go into an executive session to garner legal advice on this application hearing and it was seconded by Ms. Nye, Mr. Jones, and Ms. Walters. The motion carried.

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

Several questions were asked of Ms. Bentley in regards to her criminal background report.

A motion was made by Ms. Nye to approve Ms. Shawneen Bentley for licensure. Her motion was seconded by Ms. Delaney and it carried. This approval consists of two (2) years of probation. Ms. Bentley must also submit a SLED report annually to LLR at her own expense and the report should show no additional infractions. If there are any additional infractions, she must come before the Board.

ii. Lamekia Hinton

Ms. Lamekia Hinton was not present for the hearing, but had been noticed for the hearing. The Board chose to proceed with the hearing in her absence. Ms. Hinton was seeking approval of her examination application that was accompanied by a criminal background report.

Ms. Delaney made a motion to approve Ms. Lamekia Hinton for licensure and it was seconded by Mr. Jones. Ms. Nye was in opposition of the motion. The motion carried. This approval consists of two (2) years of probation. Ms. Hinton must also submit a SLED report annually to LLR at her own expense and the report should show no additional infractions. If there are any additional infractions, she must come before the Board.

iii. Anitra Fullenkamp

Ms. Anitra Fullenkamp was present at the meeting. She was requested to attend the meeting in reference to the criminal background report that accompanied her examination application.

Ms. Fullenkamp gave some background information on her criminal background report.

A motion was made by Ms. Nye to approve Ms. Anitra Fullenkamp's application for licensure and it was seconded by Mr. Jones. The motion carried.

iv. Mon'Dieu Williams

Ms. Mon'Dieu Williams was not present for the meeting. The Board decided to move forward with the hearing as Ms. Williams was properly noticed. She was requested to meet with the Board in regards to the criminal background report that accompanied her examination application.

A motion was made by Ms. Walters to approve Ms. Mon'Dieu Williams for licensure and it was seconded by Mr. Jones. Ms. Nye was in opposition of the motion. The motion carried. This approval consists of two (2) years of probation. Ms. Williams must also submit a SLED report annually to LLR at her own expense and the report should show no additional infractions. If there are any additional infractions, she must come before the Board.

v. Tamia Pickens

Ms. Tamia Pickens was present for the hearing. She was requested to meet with the Board in regards to her criminal background that accompanied her examination application.

Ms. Pickens went over her charges and answered all questions from the Board members.

Mr. Jones made a motion to approve Ms. Tamia Pickens for licensure and it was seconded by Ms. Delaney. The motion carried.

vi. Gretchen Smith (Closed Session)

Ms. Gretchen Smith was present for the hearing. She was requested to meet with the Board in regards to her criminal background that accompanied her examination application. Her father, Mr. Marty Smith, and the school owner of the cosmetology school that he attended, Ms. Lynn James, sat in for the hearing.

A motion was made by Ms. Delaney to go into a closed session to be in compliance with state and federal confidentiality laws. The motion was seconded by Ms. Nye and it carried.

A motion was made Ms. Nye to approve Ms. Gretchen Smith for licensure. The motion was seconded by Mr. Jones, Ms. Walters, and Ms. Delaney and it carried.

vii. Emma Hanley (Closed Session)

Ms. Emma Hanley was present for the hearing. She was requested to meet with the Board in regards to her criminal background report that accompanied her examination application.

A motion was made by Ms. Delaney to go into a closed session to be in compliance with state and federal confidentiality laws. The motion was seconded by Ms. Nye and Ms. Walters. The motion carried.

Ms. Delaney made a motion to approve Ms. Emma Hanley for licensure and it was seconded by Mr. Jones. The motion carried. This approval consists of probation with the Board to run concurrent with her probation. Ms. Hanley must also submit a SLED report annually to LLR at her own expense and the report should show no additional infractions. If there are any additional infractions, she must come before the Board.

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

e. Early Testing and the Validation of Test Scores

According to the Board Administrator, Ms. Theresa Brown, it has been longstanding that applicants and candidates are able to take the initial examination early. Individuals in the high school programs are testing early, but they are not finishing the program. The examination scores are then deemed invalid as they have to now attend a private school to complete the program. This information is not in writing and has only been implied. Ms. Walters feels that there is no benefit in students testing early. If the students are not finishing the high school program, then the high school is at fault. Ms. Brown is looking for something to be stated on the record from the Board. An extensive discussion went on and public comments were also taken on this topic from Mr. Steven Dawson, Ms. Frances Archer, and Ms. Lynn James.

A motion was made by Mr. Jones to go into an executive session to garner legal advice on this subject and it was seconded by Ms. Nye. The motion carried.

A motion was made by Mr. Jones 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. Clark-Horton stated that in regards to early testing and the validation of test scores, the Board is going to keep it as is as what has been done in the past. This topic will be discussed with the task force. Schools should be made aware that if students' grades and attendance are not up to par, they should not be signing up for early testing at all.

A lunch break was taken for one hour.

LUNCH BREAK

10. Final Order Hearings – Charles S. Gwynne, Jr., Kyle Tennis

i. 2017-103

This hearing was in the matter of Anh Tuan Nguyen, who was represented by Attorney Brian Dumas. Mr. Nguyen was present at the hearing as well. 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.

Ms. Delaney made a motion to accept the Hearing Officer's recommendations, which includes the memorandum of agreement, and it was seconded by Mr. Jones. The motion carried. The recommendations consisted of a public reprimand, a fine of \$1,500 to be paid in full within 60 days of the Final Order of the Board, and a disciplinary sanitation and law courses to be taken within 60 days of the Final Order of the Board.

ii. 2017-254

This hearing was in the matter of Olga Garcia, who was represented by Attorney Alex Shissias. Ms. Garcia was present at the hearing. 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.

Ms. Garcia was heavily questioned by Ms. Delaney.

Ms. Delaney made a motion to accept the Hearing Officer's recommendations for case 2017-254, which includes the memorandum of agreement, and it was seconded by Ms. Nye and Ms. Walters. The motion carried. The recommendations consisted of a public reprimand, a fine of \$1,500 to be paid in full within 90 days of the Final Order of the Board, and a disciplinary law course to be taken within 30 days of the Final Order of the Board.

iii. 2016-197

This hearing was in the matter of King Nails Salon & Spa, who was represented by Attorney Clarence Davis. There was no representative from King Nails Salon & Spa as their attendance was not needed. 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. Ms. Nye recused herself because of personal and/or business affiliation.

Ms. Delaney made a motion to accept the Hearing Officer's recommendations for case 2016-197, which includes the memorandum of agreement, and it was seconded by Ms. Walters. The motion carried. The recommendations consisted of a public reprimand and a fine of \$200 to be paid in full within 60 days of the Final Order of the Board.

iv. 2017-66

This hearing was in the matter of Nhi Vo who was present at the hearing.

Ms. Delaney made a motion to accept the Hearing Officer's recommendations for case 2017-66 and it was seconded by Mr. Jones. The motion carried. The recommendations consisted of a public reprimand and a dismissed violation. It is also included a fine of \$750 to be paid in full within 60 days of the Final Order of the Board, along with a disciplinary law course to be taken within 60 days of the date of the Final Order of the Board.

v. 2017-92

This hearing was in the matter of Hoai Nguyen who was present at the hearing, along with Hai B. Tran who helped her with translation.

Ms. Nguyen was questioned about several issues in her salon.

Ms. Delaney made a motion to accept the Hearing Officer's recommendations for case 2017-92 and it was seconded by Mr. Jones. The motion carried.

Ms. Nguyen asked for leniency to the fees and gave information about scam artists that she had recently dealt with.

Ms. Delaney made a motion to go into an executive session to garner legal advice on case 2017-92. The motion was seconded by Mr. Jones and Ms. Walters and it carried. It was requested that the state's attorney, Mr. Charles Gwynne, Jr. remain present for the executive session, which could not be done. A motion was then made to come out of the brief executive session and it was seconded by Mr. Jones. The motion carried. There were no motions made or votes taken

during the executive session. Attorney Gwynne was asked if he had any information on the scam and he stated that this was the first time that he had heard of the scam from the respondents.

A motion was made by Ms. Delaney to go into an executive session to garner legal advice on case 2017-92 and it was seconded by Ms. Walters. The motion carried.

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

Ms. Delaney made a motion to amend the previous motion given and to accept the Hearing Officer's Recommendations for case 2017-92 with a lowered fine. The motion was seconded by Mr. Jones. The recommendations consisted of a public reprimand, a fine of \$2,450 to be paid in full within 90 days of the Final Order of the Board, and a disciplinary sanitation and law courses to be taken within 60 days of the date of the Final Order of the Board.

Advice and insight was also given to Ms. Nguyen.

vi. 2017-97

This hearing was in the matter of Linh Le, who was not present at the hearing. The Board moved forward with the hearing as the respondent had been properly notified of the hearing. The violations were extensive and included bribery, and false information being given on applications in the state of South Carolina and Virginia. The NIC examinations also were not passed.

Ms. Delaney made a motion to accept the Hearing Officer's recommendations for case 2017-97 and it was seconded by Ms. Nye. The motion carried. The recommendations consisted of the permanent revocation of Linh Le's Registered Cosmetologist license.

vii. 2017-199

This hearing was in the matter of Hang Julie Pham who was not present at the hearing. The Board moved forward with the hearing as the respondent had been properly notified of the hearing.

Mr. Jones made a motion to accept the Hearing Officer's recommendations for case 2017-199, which includes the memorandum of agreement, and it was seconded by Ms. Walters and Ms. Delaney. The motion carried. The recommendations consisted of a public reprimand, a fine of \$500 to be paid in full within 90 days of the Final Order of the Board, and a disciplinary law course to be taken within 60 days of the date of the Final Order of the Board.

viii. 2017-227 and 2017-233

This hearing was in the matter of Ngoc Hong Vo who was not present at the hearing. The Board moved forward with the hearing as the respondent had been properly notified of the hearing.

Ms. Walters made a motion to accept the Hearing Officer's recommendations for cases 2017-227 and 2017-233 and it was seconded by Ms. Delaney. The motion carried. The recommendations consisted of a public reprimand and a dismissed violation. It also included a fine of \$3,000 to be paid in full within 60 days of the Final Order of the Board, along with disciplinary law and sanitation courses to be taken within 60 days of the date of the Final Order of the Board.

ix. 2017-252

This hearing was in the matter of Innovaction and there was no representative present for the hearing. The Board moved forward with the hearing as the respondent had been properly notified of the hearing.

Ms. Delaney made a motion to accept the Hearing Officer's recommendations for case 2017-252 and it was seconded by Ms. Walters and Ms. Nye. The motion carried. The recommendations, which included a memorandum of agreement, consisted of a public reprimand and a fine of \$2,500 to be paid in full within 90 days of the Final Order of the Board.

11. Board Member Reports

Ms. Delaney went on a school inspection with Ms Jennifer Stillwell on November 26, 2018. The school inspected was The Esthetic Learning Center. All requirements had been met and it is a beautiful facility.

Ms. Walters monitored a continuing education course with Q & A. It was one of the best informational courses that she had ever heard. There were only 4 students in attendance.

There was an addition to the ODC report in regards to an appeal to a case with Betty's Career College of Cosmetology. The appeal was given from the Administrative Law Court (ALC) on December 10, 2018. The ALC affirmed on most counts except one based on the fact that there was no evidence that the Appellant had the potential to deceive, defraud or harm the public whereas the \$500 fine for that violation was dismissed.

12. Discussion

A motion was made by Ms. Clark-Horton to go into an executive session to garner legal advice on student enrollment applications and it was seconded by Ms. Nye. The motion carried.

Ms. Walters 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 that the student enrollment forms will no longer be requested and the Board Administrator is directed to send a letter to the schools to make them aware of this. The motion was seconded by Ms. Walters and it carried.

The student enrollment forms contain personal and private information for individuals that are not licensees and the agency is doing a review of forms. This application popped up on their radar. This application is not necessary to be collected and no longer required.

There will be a special called meeting on January 28th at 2:00 p.m. It will be a conference call.

The next Board meeting will be held on March 11th through 12th.

13. Public Comments

Ms. Gloria Smith inquired about the last motion. An e-mail blast will go out in regards to the student enrollment applications.

Mr. Steven Dawson mentioned disciplinary courses and the concern of licensees understanding the English language. He also mentioned the influx of the advanced certification courses and that the public do not understand that gaining certification doesn't suffice in lieu of licensure by the state.

The economic statements of interest are due by March 30th.

14. Adjournment

The meeting adjourned at 3:08 p.m.

The next meeting of the S.C. Board of Cosmetology is scheduled for January 15, 2019.