

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

Chairman 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
- ❖ Laquita Clark-Horton
- ❖ Marcia Delaney
- ❖ Stephanie Nye

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

All Other Persons Attending:

Tina Behles, Court Reporter (Capital City Reporting); Tara Endenfield; Sherry Ryals; Amanda Prior Pennington; Autumn Nesbitt; Brian Keith; Coty Wilson; Angel West; Judy Keenan; Crystal Gibson; Melissa Howard; Rezina Perkins; Milisa Ryles; Kevin Nguyen; Kelly Keith; Tyler Turner; Marilyn Montgomery; Hang Nguyen; Trinh Dang; Nhan Le; Ngoc Nguyen; Thuong Ngo; Tony Phu Nguyen; Ehao Nguyen; Tabitha Brown; Vu Nguyen; Cuong Tran; Thao Tran; Le Thu; Loan Nguyen; Huy Nguyen; Dawn Nguyen; Samantha Leckie; Matteah Taylor; Gloria Smith; Shannon McCravy; Michelle Hampton-Furtick; Kayla Jenkins; Courtney Angeloff; Janay Simpkins; Kate Shelton; Erica Horton; Angie Shuler; Jayson Lacy; Shanavia Pruitt

3. Approval of Excused Absences

None.

4. Approval of Agenda

A motion was made by Ms. Marcia Delaney to approve the agenda with any deviations deemed necessary. The motion was seconded by Mr. Eddie Jones and Ms. Laquita Clark-Horton. The motion carried.

- Board member reports were added as number 10 on the agenda and the remaining agenda items followed suit. A motion was made by Ms. Patti Walters to amend the agenda and it was seconded by Ms. Delaney. The motion carried.
- Agenda item 'G' will be moved to become agenda item 'E'. A motion was made by Ms. Selena Brown to make this change to the agenda and it was seconded by Ms. Walters and Ms. Clark-Horton. The motion carried.

5. Approval of Meeting Minutes

November 7, 2016

Mr. Jones made a motion to approve the meeting minutes as documented from November 7, 2016, and it was seconded by Ms. Clark-Horton. The motion carried.

November 8, 2016

Ms. Clark-Horton made a motion to approve the meeting minutes from November 8, 2016, and it was seconded by Ms. Delaney. The motion carried.

6. Chair Remarks – Melanie Thompson

Chairperson Thompson hopes that everyone had a wonderful holiday season and is glad to be back to her regular schedule. She also congratulated the governor on being appointed by the president-elect and hopes that the new governor's transition goes smoothly.

On December 5, 2016, she monitored CE Vski in Charleston. There were various color technique demonstrations for the 85 attendees, along with 2 monitors.

It is renewal season and all of the providers will be slammed between January and March. All of the providers have not followed through with each step by making their corrections, reviewing their courses, and signing off on their courses to send back to the Department of Labor, Licensing and Regulation (LLR). Those providers' information is not on the LLR website, currently. Those providers include the following:

- 1.) NAILS, SKIN & HAIR OF AMERICA, LLC (LLR has not heard from the owner.)
- 2.) N2 SKIN EDUCATION, LLC (LLR has not heard from the owner.)
- 3.) THE ORIGINAL INTERNATIONAL SPA INSTITUTE, LLC (LLR has not heard from the owner.)
- 4.) LENNIE B & CO. LLC (LLR is unable to access the online content.)
- 5.) PCES (The information is currently on the website, but is predicated based on the virtual request. Instructor in-person courses are needed if they plan on offering instructor online courses.)

Chairperson Thompson asks the Board if they will consider suspending the courses of the providers listed above until all of the information requested is given to complete the final step of the approval process. Once the information is given from those providers, Ms. Theresa Richardson may sign off on it and the suspension may be lifted. A motion is needed to affirm that the approval process has not been completed and that the courses are not deemed approved until all of the steps have been done. Ms. Delaney made a motion to suspend the CE associations until all steps necessary have been followed. The motion was seconded by Mr. Jones and it carried. Ms. Mary League specified that the courses are not being suspended because they have not technically been approved, but that the courses are not deemed eligible to be taken by licensees until the approval process has been completed by the provider. Chairperson Thompson asks that an e-mail be sent to all licensees stating that until further notification, classes offered by those said providers are not approved until they complete the approval process. That declaration should be on the front page of the website, as well. Also, all courses taken should be courses listed on the LLR website under the education link. Those courses are the only ones that are approved, currently. The word needs to be spread to all licensees. If licensees take courses from those providers stated on the record, THEY WILL NOT RECEIVE CREDIT for those courses. Another motion was needed for clarification. Ms. Delaney made a motion that the courses for the providers listed above are not suspended, but the approval process has not been completed for those providers' courses and the courses are not approved until the process is completed. The motion was seconded by Ms. Stephanie Nye and it carried.

Chairperson Thompson has a monitoring schedule for the practical examination that will be distributed today. Ms. Richardson wanted the Board members to keep in mind that all Board members need to ensure that they are responding to all correspondence from LLR. The monitoring schedule for the CE courses are needed at this time. They are due by close of business on Friday, January 13, 2017. Each provider has to be monitored at least once.

Ms. Richardson also wanted to make the Board members aware of the Economic Statement of Interest that will need to be filed by March 30, 2017. Ms. Richardson will be sending those statements as well.

7. Administrator's Remarks – Theresa Richardson -

- a. Budget**– For Information – Renewals have opened up, which will help out greatly. There are roughly 36,000 licensees that need to renew their licenses.
- b. OIE Report** – For Information - Sharon Wolfe – Mr. Rodney Pigford sat in for Ms. Wolfe with the OIE report. The number of cases between January 1, 2016 – December 15, 2016 are seen below:
 - 10 (Active)
 - 70 (Closed)
 - 132 (Do Not Open)
 - 18 (Open)
 - 16 (Pending Board Action)
 - 3 (Pending Further Information)
 - 5 (Pending IRC)
 - 5 (Pending ODC Action)

Out of the 288 cases closed within the same timeframe, 139 were 'Do Not Open' cases.

- c. IRC Report** – For Approval - Sharon Wolfe - Mr. Rodney Pigford sat in for Ms. Wolfe with the IRC report.
 - 3 (Cases for Dismissal)
 - 4 (Dismissed (Cease and Desist))
 - 3 (Formal Complaints)
 - 2 (Letters of Caution)
 - 2 (Reconsiderations for Dismissal)

Chairperson Thompson asked about case 2016-227 and its duplicate complaints. Mr. Kyle Tennis stated that it was the same complainant with different respondents, as the respondent was under two different names. She also asked about case 2016-239 and thinks that action should have been taken if it was a licensee. It was stated that the procedures were done under a licensed physician and during a class learning procedure. The complaint that was filed stated that the licensee was practicing outside of their scope of practice. Chairperson Thompson needs more information on the case. The case will be sent back to the IRC.

A motion was made by Ms. Selena Brown to approve the IRC report with the exception of case 2016-239, which will be sent back to the IRC for further consideration. The motion was seconded by Mr. Jones and it carried.

- d. ODC Report** – For Information - Kyle Tennis – The cases are listed below.
 - a.** 27 (Open)
 - b.** 8 (Pending review by Mr. Tennis)
 - c.** 1 (Pending Consent and/or Memorandum Agreement Draft)
 - d.** 2 (Pending Response Agreement)
 - e.** 8 (Pending Hearings)
 - f.** 2 (Pending Board Action)
 - g.** 5 (Pending Scheduling)
 - h.** 1 (Pending New OIE Case)

Since November 1, 2016, 11 cases were closed. For the 2016 calendar year, 71 cases were closed.

- e. Inspection Report** – For Approval - Robbie Boland – The inspections per month are listed below.
 - October 2016 – 519 salons, 15 schools
 - November 2016 – 560 salons, 17 schools
 - December 2016 – 344 salons, 6 schools

From July 2016 to December 2016, there were 2,832 salons inspected, along with 60 schools. Currently, there 5,688 active salons.

Citations:

- October 2016 - 9
- November 2016 - 18
- December 2016 – 14

30 of the citations written dealt with unlicensed practice. 15 of the citations written dealt with sanitation issues and 4 dealt with both unlicensed practice and sanitation issues.

Chairperson Thompson asked that 'not properly cleaning tools' be changed to 'cleaning and disinfecting tools'. The fine for working outside your scope of practice seems small for citation 1537. The new guidelines may not have reached the inspections department, but it will be reviewed and there will be training as well.

A motion was made by Ms. Delaney to approve the inspection report and it was seconded by Ms. Clark-Horton. The motion carried.

8. Old Business

None.

9. New Business

a. Ratification of School Licensure

- i. Cosmetic Arts Institute II - A motion was made by Ms. Clark-Horton to approve the final inspection of Cosmetic Arts Institute II and it was seconded by Mr. Jones. The motion carried.
- ii. Institute of Beauty Artistry – A motion was made by Mr. Jones to approve the final inspection of the Institute of Beauty Artistry and it was seconded by Ms. Delaney. The motion carried.

b. Consideration of Licensure with a Criminal Background

- i. Samantha Leckie (EXAMINATION APPLICANT)

Ms. Leckie is an endorsement applicant. A motion was made by Ms. Delaney to go into a closed session and it was seconded by Mr. Jones. The motion carried.

A motion was made by Ms. Stephanie Nye to grant Ms. Leckie's licensure with conditions. The motion was seconded by Ms. Clark-Horton. The motion carried.

The license will be issued by the end of the week.

A motion was made by Ms. Delaney to come out of closed session and it was seconded by Ms. Clark-Horton. The motion carried.

- ii. Milisa Ryles (EXAMINATION APPLICANT)

A motion was made by Ms. Delaney to go into a closed session and it was seconded by Ms. Clark-Horton. The motion carried.

A motion was made by Ms. Delaney to grant Ms. Ryles's licensure with conditions. The motion was seconded by Ms. Clark-Horton and Ms. Walters. The motion carried.

The license will be issued by the end of the week.

A motion was made by Mr. Jones to come out of closed session and it was seconded by Ms. Clark-Horton. The motion carried.

- iii. Hang Thuy Nguyen (ENDORSEMENT APPLICANT)

Ms. Nguyen was convicted of money laundering in 2012 and will be on supervised provision until the year of 2020. She has taken both parts of the NIC examination and has a current North Carolina license. Ms. Nguyen also has a job lined up already.

A motion was made by Ms. Walters to grant Ms. Hang Thuy Nguyen's licensure with conditions. The motion was seconded by Ms. Clark-Horton and it carried.

A motion was made by Ms. Clark-Horton to take a ten minute comfort break and it was seconded by Ms. Brown. The motion carried.

c. Consideration of Licensure through Endorsement

i. Kelly Keith

Attorney Tyler Turner represented Ms. Kelly Keith. Ms. Keith is currently licensed in Georgia and has also been licensed in Florida. Attorney Tyler stated that in the Code of Laws (section 40-13-270) and Code of Regulations (35-13), it does not specifically state that both parts of the national examination has to be taken. The Board has interpreted that the examination has two parts and if you are licensed in South Carolina, you have to take both parts. There are also no reciprocity agreements, only endorsement.

A motion was made by Mr. Jones to not license Ms. Keith based on her status and it was seconded by Ms. Clark-Horton. The motion carried.

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

i. CE Training Courses

Mr. Jayson Lacy represented CE Training Courses. The out-of-state instructor will be teaching the additional nail technician course. The entire course content will have to be reviewed, along with having the jump drive and printed copies. It was essentially an incomplete submission at the wrong time.

A motion was made by Ms. Clark-Horton to defer this item until the March meeting. The motion was seconded by Ms. Walters and Mr. Jones. The motion carried.

e. Hearing Regarding Continued Approval of CE Provider (Closed Session)

This hearing was in the matter of the Original International Spa Institute (OISI). 'OISI' is an approved continuing education provider and there have been several complaints that hours were not being turned in. Ms. Richardson has called, sent a letter, and e-mailed the owner to inform them of their need to appear before the Board. The owner was notified to rectify the issue before it became a Board issue and was informed, verbally, that their attendance was needed at the Board meeting on today. The owner was not present for the hearing.

Representatives from the University of South Carolina (USC), Ms. Kate Shelton and Ms. Erica Horton, stated that there were several courses where they were unable to contact the provider and never received the course information from the provider. They were also missing fees from the provider as well. Their last correspondence with the owner was in November (in-person) and packets were being dropped off, but proper payment did not accompany the packets. Their last attempt to contact the owner was in December of 2016 and they had no luck. USC has also received complaints. Below is the list of course dates provided where the packets, along with the payments, were not submitted to USC:

- January 21, 2016 (Esthetics, Nail Tech)
- February 18, 2016 (Nail Tech)
- March 24, 2016 (Esthetics, Nail Tech)
- April 21, 2016 (Nail Tech, Esthetics)
- May 25, 2016 (Esthetics, Nail Tech)
- June 23, 2016 (Esthetics, Nail Tech)
- July 21, 2016 (Esthetics, Nail Tech)
- August 25, 2016 (Esthetics, Nail Tech)
- September 22, 2016 (Esthetics, Nail Tech)
- October 13, 2016 (Esthetics, Nail Tech)
- October 30, 2016 (Esthetics, Nail Tech, Cosmetology)
- November 27, 2016 (Esthetics, Nail Tech, Cosmetology)
- December 11, 2016 (Esthetics, Nail Tech, Cosmetology)
- December 18, 2016 (Esthetics, Nail Tech, Cosmetology)
- December 26, 2016 (Esthetics, Nail Tech, Cosmetology)

A motion was made by Ms. Clark-Horton to go into executive session for legal advice pertaining to 'OISI' and it was seconded by Ms. Delaney. The motion carried.

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

Chairperson Thompson stated that Ms. Stephanie Nye had to leave the meeting.

No motions or votes were made or taken during the executive session.

A motion was made by Ms. Delaney to withdraw approval for 'OISI' to provide continuing education because of the potential detriment to South Carolina licensees to continue to practice their businesses within the state. The motion was seconded by Ms. Clark-Horton and it carried.

f. Consideration of Disciplinary Class Providers

i. Hair Heirs

There was no representation for 'Hair Heirs', but the representative asked that the Board proceed with reviewing their material. Chairperson Thompson recused herself from the review due to family relationship and Ms. Clark-Horton sat in as the Board Chair.

A motion was made by Ms. Delaney to approve Hairs Heirs as a disciplinary class provider, pending their submissions of current licenses. The motion was seconded by Mr. Jones and it carried.

ii. Association For Cosmetology Excellence (ACE)

Ms. Marilyn Montgomery represented 'ACE'.

A motion was made by Ms. Walters to approve 'ACE' as a disciplinary class provider (includes sanitation and law) and it was seconded by Mr. Jones. The motion carried.

iii. South Carolina Association of Cosmetology Schools (SCACS)

Ms. Gloria Smith represented 'SCACS'.

A motion was made by Ms. Delaney to approve 'SCACS' as a disciplinary provider and it was seconded by Ms. Clark-Horton. The motion carried.

iv. Vontae's Advance Training

Ms. Michelle Hampton-Furtick represented 'Vontae's'.

The sanitation classes will not focus on just manicures and pedicures. The title should be changed for cosmetologists, estheticians, and nail technicians to be able to take the courses. The location of the courses are needed before the content can be fully approved. Contact information is needed as well. 'MSDS' needs to be changed to 'SDS'.

A motion was made by Mr. Jones to approve 'Vontae's' as a disciplinary provider, pending the corrections that need to be made, and it was seconded by Ms. Clark-Horton. The motion carried.

v. Professional Continuing Education Services (PCES)

'PCES' was represented by Ms. Matteah Taylor. 'PCES' wants to offer virtual disciplinary courses. Licensees would have to come into the office to watch the disciplinary courses. The licensees would be monitored by Ms. Taylor in a separate room. The Board members would like to see the content that will be included in the videos. Ms. Taylor can create a quiz and there will be certificates of completion. 'PCES' can accommodate up to 90 people (80 person maximum for

one room and a 10 person maximum for the other room). A cosmetology instructor needs to be on site for questions as well. The Board members also need to know who is on the videos.

Content, knowing what and who will be on the videos, and a cosmetology instructor on site is needed before a decision may be made.

A motion was made by Mr. Jones to defer the approval of 'PCES' as a disciplinary provider until March, based on the outlying concerns. The motion was seconded by Ms. Brown and it carried.

g. Consideration of Virtual Disciplinary Courses and Virtual CE Classes

- i. Professional Continuing Education Services (PCES)

Please see agenda item 'f', letter 'i', and item '5'.

h. Consideration of Credit for Non-Reported Continuing Education Classes

- i. Amanda Prior
- ii. Rezina Perkins
- iii. Tabitha Brown
- iv. Coty Wilson
- v. Autumn Nesbitt
- vi. Tara Endenfield
- vii. Sherry Ryals

Chairperson Thompson stated that this will be handled in one big bubble as it would all be the same. This was in the matter of all licensees affected who attended courses from a South Carolina approved association, whereas documentation was not provided to the University of South Carolina. Those licensees have not received their verification of attendance or credit for renewal. The purpose of this matter was to determine if the licensees should be granted permission to obtain their continuing education hours/credit.

The licensees listed above have provided receipts and supporting documents that they have attended the class. The Board created an affidavit that will need to be notarized and given back to LLR. Once that is received, credit will be given. For any other meeting attendees, the same applies. Payment (payment, canceled check, bank statement, etc.), supporting documents (if applicable), and a notarized affidavit will be needed to obtain credit for classes taken. The affidavits are due by March 1, 2017, to Ms. Theresa Richardson at LLR. They will then be forwarded to the University of South Carolina. This Board has always erred on the side of the licensee, but it still has to be ensured that the course was taken.

A motion was made by Ms. Delaney that licensees who attended 'OISI' courses may receive credit based on them providing the requested information. The motion was seconded by Ms. Clark-Horton and it carried.

Chairperson Thompson asked Ms. Richardson for an e-mail to go out with this explanation. It needs to also be placed on the front of the website. When it comes to prepaid courses, the Board is not able to help at this time. Licensees will have to wait to see if those hours are possibly sent to the University of South Carolina.

A motion was made by Ms. Brown to approve the affidavit form previously with other associations in this predicament used and it was seconded by Ms. Clark-Horton. The motion carried.

10. Board Member Reports

Ms. Brown monitored PCS testing on December 19, 2016. It was a full house. It was clean and orderly and each room had proctors. Sign-in sheets were also being used.

Mr. Jones monitored Legrande in Camden. Everything went smoothly and he was impressed. The instructor was dynamic and each participant was given an agenda. This will be that instructor's last class.

Ms. Clark-Horton monitored JKU on November 20, 2016. There were 22 licensees in attendance. Safety and sanitation was discussed and LLR updates were given. The application of a sew-in was being given, but there was more conversation than learning.

Ms. Clark-Horton also monitored PCES on December 4, 2016, and there were 25 licensees in attendance. The licensees learned about haircuts and a laptop was used to video the class. Lastly, SCACS was monitored on December 5, 2016, and there were 154 licensees in attendance. It was a 2 day class. There was no agenda posted and a lot of time was spent on the LLR website. The products were not viewed as completely generic as they were not covered. Microdermabrasion was also demonstrated.

Ms. Delaney reached out to Florida in reference to their app that was mentioned at a previous meeting and she has not received a response back as of yet.

Ms. Walters monitored the PCS practical examination on November 21, 2016. The venue, Holiday Inn, was much better. There were 80 attendees that morning and 90 attendees in the afternoon. On December 5, 2016, Ms. Walters monitored a Q & A course. There were 6 licensees in attendance and it was a very interesting class.

11. Discussion

AEQUO handles all foreign documents by doing all of the research for all endorsement applications. They do charge for their work. In an effort to protect the consumers, it has to be certain that they have a valid license. It will benefit the Board if they validate all information coming in. From a legal standpoint, it may be an issue that South Carolina requests the validity of a license from another state. The Board is only asking for a presentation from AEQUO at a future Board meeting.

12. Public Comments

There were several comments made by licensees to express their disdain with Ms. Chesley Phillips. Some licensees feel as though she should not be a part of this industry at all and that the Board is also responsible for this happening. If someone paid for several people to attend one of her classes, they may provide a statement on the affidavit to indicate that. Please do not pay for anything without gaining some form of a receipt. Appreciation was given for the Board members taking action on today, but it is feared that Ms. Phillips will just create stories to state differently than what was stated on today. Getting the information out to the licensees is the extent of the Board's reach. CE courses have to be taken between the effective and expiration date of the license. If the hours are not in LLR's system by March 10th, licensees will not be able to renew their license. Renewals are due by March 10, 2017, at 11:59 p.m.

AEQUO is very expensive and takes a very long time to get documentation needed. It is also difficult trying to reach someone with AEQUO. Fraudulent documents happen just as much domestically, as foreign.

13. Adjournment

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

The meeting adjourned at 1:12 p.m.

The next meeting of the S.C. Board of Cosmetology is scheduled for March 13-14, 2017.