

**South Carolina Board of Cosmetology
Board Meeting
9:00 a.m., July 11, 2016
Synergy Business Park
Kingstree Building
110 Centerview Drive, Conference Room 105
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
- ❖ Selena Brown
- ❖ Laquita Clark-Horton
- ❖ Stephanie Nye
- ❖ Marcia Delaney

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

All Other Persons Attending:

Tina Behles, Court Reporter (Capital City Reporting); Gloria Smith; Amy Hagner; Thomas Ray; Tarrah Lee, Chesley Phillips; James Broderick; Charles Gibbons; Andrea Snow; Vivian Hall; Beatriz Hernandez; Jamie Treadaway; Annie Wilson; Debora Geigher; Jayson Lacy; Michelle Hampton-Furtick; Queshanda Mauney

3. Approval of Excused Absences

A motion was made by Mr. Eddie Jones to excuse the absence of Ms. Patricia Walters. The motion was seconded by Ms. Laquita Clark-Horton and it carried unanimously.

4. Approval of Agenda

A motion was made by Ms. Selena Brown to approve the agenda with deviations necessary. It was seconded by Ms. Clark-Horton. The motion carried.

5. Approval of Meeting Minutes

May 23, 2016

- The correct spelling is needed for an attendee: Robert MacElhiney
- Page 5, 9a – "...examiners will be trained..."
- Page 6, *Consideration to Use Mannequins...* - Take out the "...or the mannequin." There is no option.
- Page 6, d – In the 3rd section down, clock hours should be added, instead of credit hours.
- Page 6, f – Chairman Thompson would like it to be written verbatim with all of her points given.

A motion was made by Mr. Eddie Jones, pending the corrections noted by Chairman Thompson, to approve the minutes from the May 23, 2016, board meeting. It was seconded by Ms. Clark-Horton and Ms. Selena Brown. The motion carried.

May 24, 2016

There were no remarks.

A motion was made by Ms. Brown to approve the minutes from May 24, 2016, and seconded by Mr. Jones. The motion carried.

6. Chair Remarks – Melanie Thompson

Chairman Thompson is sure that almost everyone at the meeting was disturbed by the recent events across the country with the violence, protests, and loss of lives. It is very important that no matter what political party you stand for, this is a nation of diversity. Looking around the room, no two people have the same haircut or hair color. With members of the Board, two people do not have the same haircut or hair color, even the same skin color. The African Americans of the Board don't even have the same skin color and the Caucasian members do not have the same skin color, but we all bleed red. Diversity is what makes up this nation and it just saddens her that her children are growing up in a place where they have to be afraid. She understands the "Black Lives Matter" movement, but quite frankly, she believes that it should say "All Lives Matter". Every life, not just Black, White, or Asian, all lives matter. There are bad cops out there, but there are also bad nail techs, teachers, plumbers, and hair stylists. It is unfortunate that we have to have bad in anything, but we do. We should do our part to preach the message that all lives matter. Minnesota bound together with this industry to face deregulation, along with Louisiana. Louisiana also sent resources to Myrtle Beach when it came to Hurricane Hugo. When it comes to times of tragedy, we are all united. When it comes to stuff like this, it is almost like it is divide and conquer and it solves nothing.

On June 25th and 26th of 2016, Chairman Thompson attended the examiner training for initial licensees. There were 32 examiners and South Carolina was one of the larger states with the largest number of examiners. Chairman Thompson was quite impressed with the group. The first day was a little rocky, but by the second date, they got it. She was very pleased to see many of the Board members take time out of their weekend to come, which meant a lot. On the school overview date, thanks to the Administrator, Ms. Theresa Richardson, there were more barbers present than ever before and it was strictly thanks to Ms. Richardson. Both Boards fight the same battle to make sure licensees do not harm the public. It is important their licensees are as qualified as our licensees. Ms. Richardson literally pounded the pavement of her own doing and there were 61 barbers represented at the school overview, which was unprecedented for South Carolina. There were 98 cosmetology school related representatives present. That does not reflect the number of schools. We were over half, but still not as much as needed to be seen, especially with the cosmetology exam being updated. On August 1, 2016, when the new exam launches, their students may be at a disadvantage. The Board members were able to be recognized. This is the licensees' board. The Board members' presence was appreciated and it was very important.

7. Administrator's Remarks – Theresa Richardson

- a. **Budget/Draw-downs** – For Information
- b. **OIE Report** – For Information - Sharon Wolfe – Ms. Kathy Meadows stepped in for Ms. Wolfe. The report showed how many cases that have come in between January 1 and June 28, which is 142. It also shows the breakdown of the cases. Chairman Thompson is still concerned with the 'Do Not Open' cases. Mr. Robbie Boland addressed it by stating that he has seen the number climb up over time. It began when online complaints came aboard. The same person will file a complaint five (5) times. We will only open one (1) case and close the other four (4) cases. Another avenue that is not reflected on the report is unlicensed practice. It may be closed on the investigations side, but referred to OIE. If it continues to be the same salon, then it is referred back to an investigator.
- c. **IRC Report** – For Approval - Sharon Wolfe – Ms. Kathy Meadows stepped in for Ms. Wolfe. The first four (4) of six (6) are companion cases for dismissal. There is nothing going on. A disgruntled employee submitted them. There are two (2) cases that are for dismissal that were issued Cease and Desist notices. There are four (4) cases seeking approval for formal complaints. There is a dismissal with a letter of caution recommendation. The last one is a reconsideration for dismissal. It states that we have no evidence or witnesses to move forward. The witnesses that were available are no longer willing to testify.

A motion was made by Ms. Clark-Horton to approve the IRC report and it was seconded by Mr. Eddie Jones and Marcia Delaney. The motion carried.

- d. **ODC Report** – For Information - Kyle Tennis – Currently, there are 34 open cases:
- 1 (Pending Consent Agreement Draft)
 - 3 (Pending Formal Complaint Drafts)
 - 13 (Pending Attorney Review)
 - 1 (Pending Consent Agreement)
 - 1 (Pending Board Action)
 - 3 (Pending Hearings)
 - 3 (Pending FO Hearings)
 - 1 (Under Review – Court Appeals)
 - 4 (Pending Rescheduling)
 - 1 (Pending more Information for IRC)
 - 1 (Pending Advice Action)
- e. **Inspection Report** – For Approval - Robbie Boland – This is for the past fiscal year. There were 5,645 salon inspections and 110 school inspections. On June 30, 2016, it showed that there were 6,432 active salons.

On the May citation report, there were a total of 17 citations written. 15 of those citations dealt with unlicensed practice and 4 dealt with sanitation. Chairman Thompson asked if inspectors were finding that the unlicensed practices were repeat offenders in the same salons. Mr. Boland stated that the normal procedure is to take it to the IRC if it is repeat offenses. Most of them are not repetitious. With the June citations, there were 21 written. 15 were for unlicensed practice and 9 were from sanitation. Every school has been inspected. When it states 'x2', that means that there were 2 individuals in the salon practicing without a license. When they are practicing without a license, a Cease and Desist order is given to the individual and the licensed responsible party is fined.

Mr. Jones made a motion to approve the Inspection and Citation report for June. It was seconded by Ms. Clark-Horton. The motion carried.

f. **Administrator Approvals**

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Change #1 – A request was received on June 24, 2016, for a date change. It was approved for a 6 hour cosmetology class from September 24th to September 26th.

JKU

Change #1 – A request was received on June 24, 2016, for a location change. It was approved for a 12 hour instructor class on August 7th from Kingstree Senior High School (Cosmetology Department). The location will move from 617 Martin Luther King Avenue in Kingstree to Jus Kuttin Up Beauty Salon on 398 Promisedland Road in Kingstree.

Chairman Thompson would like them advised on being mindful of the change of the ratio when a class is being moved to a salon. It may dramatically impact the number of attendees expected.

SCSCA

Change #1 – A request was received on June 25, 2016, for a location change. It was approved for a 6 hour cosmetology class on August 14th from Clyburn Transportation Center at 129 Harvin Street in Sumter to the Westend Community church at 101 South Salem Avenue in Sumter.

8. Old Business

a. Consideration of Modifications to the Current Admissions Process and Documents

i. Miller-Motte Technical College (MMTC)

Ms. Andrea Snow and Mr. Chuck Gibbons represented MMTC. They would like to modify their current admission requirements. They appeared at the last board meeting and specifics were needed, along with clarity. Chairman Thompson still has some confusion. When MMTC was first approved, it was made clear that anything related to cosmetology had to be strictly cosmetology and not locked into a mass enrollment agreement that pertained to all courses as cosmetology is quite unique. Under the General Admissions Requirement page, 'technology' needs to be removed. On the Enrollment Agreement (Page 2 of 5, 3rd section down), we only work in clock hours, not credit hours. We require that all instructors are licensed, not just qualified. Online classes are not a requirement of this board. In the section that starts with '*The school reserves the right....*,' everything in that entire paragraph requires board approval. Schools are required to give students their transcript for the hours that have been completed and paid for. On the next page, it mentions electronic communication. In the Conditions of Regular Enrollment given, the word 'technology' must be removed. On page 4 of 5, it mentioned cancellations or withdrawals. The example to make that clearer makes it muddier. As stated at the last meeting, it needs to be cosmetology only. A breakdown of the costs of the required tests are needed as well.

Mr. Gibbons stated that it was an enrollment agreement that has already been approved by the Board. The only changes that were made were the Conditions of Regular Enrollment, which made it specific that the Smarter Measures test had to be taken for esthetic and cosmetology students. The catalog was updated to be specific to esthetics and cosmetology. Cosmetology related courses have to have their own set of documents. It is easier for the Board to monitor and regulate. It appears that a lot of things are still locked in together. The prior approval may have fallen between the cracks and the minutes will need to be researched on when the enrollment agreement was approved. Documentation may say cosmetology, esthetics, and nails as they are governed by the same Board, but the surgical tech enrollment agreement cannot be locked in with the cosmetology and esthetics enrollment agreement.

A motion was made by Ms. Clark-Horton to defer the modifications to the next meeting in September. It was seconded by Ms. Brown. The motion carried.

9. New Business

a. NIC Annual Meeting

This conference will take place from October 1-3, 2016, in Tampa, Florida. The LLR policy is that one board member and one staff member may travel. If more than one Board member would like to attend, expenses will be divided among the attendees. Approval is needed for Ms. Theresa Richardson to attend, which is vital.

Mr. Jones made a motion to approve Ms. Theresa Richardson to attend the NIC conference. It was seconded by Ms. Clark-Horton. The motion carried.

Chairman Thompson will be driving to the conference. A motion was made by Ms. Brown to defer the discussion of which Board member will attend the conference until the end of the meeting. It was seconded by Ms. Clark-Horton and Mr. Jones.

A motion was made by Ms. Stephanie Nye for a ten minute comfort break. It was seconded by Ms. Clark-Horton and the motion carried.

b. Ratification of Final School Inspections

i. Southeastern School of Cosmetology

The issues have been resolved. Kits, books, and a door (dispensary) were needed. Photos were sent to Ms. Jennifer Stillwell on the following day after the inspection. Everything that was needed has been submitted, according to Ms. Stillwell.

A motion was made by Ms. Clark-Horton to approve the ratification of the Southeastern School of Cosmetology. The motion was seconded by Ms. Nye and Ms. Delaney. The motion carried.

ii. Younique Beauty College

Pictures that were needed have been received.

A motion was made by Ms. Brown to approve the ratification of Younique Beauty College. It was seconded by Ms. Nye. The motion carried.

c. CE Provider Requests

i. Hickory Mart Show

Mr. Jamie Treadaway and Ms. Annie Wilson represented the Hickory Mart Show. They came to seek approval to be renewed as a CE provider and for approval of their CE content. To become a provider in this state, they would need to provide classes in the state and not just at the trade show. The Board will just look at the list of classes to approve the content as a part of the trade show. Ms. Clark-Horton was concerned about the instructors and their ties with certain products. She was assured by Mr. Treadaway that the instructors would be using their own products, but not speaking on the products. Ms. Delaney stated that she has attended their classes before and they have never brought up their own products. Attendees have asked about the products that were being used and they would tell them to stop by their booth afterwards, which could also be borderline in promoting their products, according to Chairman Thompson. Products are only approved when they are educational based. The burden of ensuring that none of the classes are product specific and are monitored falls on Hickory Mart. Sign-in sheets will be used to monitor the students and their attendance.

A motion was made by Ms. Delaney to accept the packet as presented. It was seconded by Mr. Jones and Ms. Brown. The motion carried.

Chairman Thompson cautioned that every class should have a person in it, students should get their six (6) hours, and that the classes are not product specific.

ii. CE Training Course, Inc.

Mr. Jayson Lacy came to represent the CE Training Course, Inc. They are seeking approval of additional content for classes that the Board has already approved for October 9th and 10th. A monitor will be in each classroom. The same educators will be used. The burden rests on the association if anything happens.

Ms. Brown made a motion for the approval of the training courses for CE. It was seconded by Ms. Clark-Horton. The motion carried.

d. Consideration of Licensure by Endorsement without Passing the NIC Examinations (Theory and Practical)

i. Tarrah Lee

Ms. Tarrah Lee requested to meet with the Board in regards to not taking the NIC examination to endorse into South Carolina. Ms. Lee is currently licensed in Tennessee. She was told that there would be no problem for her to get her South Carolina license through reciprocity or endorsement from Tennessee. It was made clear to her before she actually made the move. That was not true information. Our regulations state that applicants have to have a current valid license and have taken and passed the National Interstate Council examination. We are bound by our regulations. Ms. Lee was under the impression that the Board had the power to grant her licensure for taking a nationally recognized exam. She stated that the exam she took was pretty much the same exam with the exception of the basic facial and manicure. Content alone does not deem an exam as 'nationally recognized'. Ms. Lee took the PSI exam.

Mr. Jones made a motion to go into executive session for legal advice. It was seconded by Ms. Nye. The motion carried.

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

Mr. Jones made a motion to deny the application for South Carolina licensure for Ms. Lee and deferred to Ms. Mary League to expound upon the denial. Ms. League read the motion. The motion was to deny the endorsement application. The Board has determined that the NIC exam is the only nationally recognized exam that meets the requirements of Regulation 35-13. The Tennessee state exam administered by PSI does not meet the requirements. The motion was seconded by Ms. Clark-Horton. The motion carried.

e. Consideration of Licensure with a Criminal Background

i. Tiesha Shante Brown (EXAMINATION APPLICANT)

Ms. Tiesha Brown was not present. Ms. Richardson asked for her to be deferred until the next meeting.

Ms. Brown made a motion to defer Ms. Tiesha Brown until the next meeting. It was seconded by Ms. Nye. The motion carried.

f. Consideration of New School and School Changes

i. Floyd D. Johnson Technology Center

Floyd D. Johnson Technology Center wants to open as a new cosmetology school. Mr. Thomas Ray and Ms. Amy Hagner represented the school. They have applied to open a new school in York County. They are a part of the public school in District 1. They have an instructor that has been verified by the administrative office with LLR. The instructor is Ms. Susann Adams. The back-up instructor is Lisa M. White. Clock hours were reviewed that were standards from the Department of Education. There were discrepancies with the hours needed by students in different areas. The hours were less than what is required. Mr. Ray is the Assistant Director of this program. Chairman Thompson informed Mr. Ray that he needs to become very familiar with what is required. The expected start date is August 15, 2016. Two (2) inspections are required prior to the students hitting the building. Chairman Thompson requested that the documents be corrected, pending the final inspection/approval.

A motion was made by Ms. Brown that we approve the program for the initial inspection, pending the receipt of the corrected documents for the final inspection. It was seconded by Ms. Clark-Horton. The motion carried.

Chairman Thompson informed them to get in touch with Mr. Robbie Boland for their inspections.

ii. Institute of Beauty Artistry

Ms. Beatriz Hernandez represented the institute. Ms. Hernandez requested to meet with the Board to have consideration in changing the school's contracts. The school hours will be changing to only the morning shift of 9:00 a.m. – 3:00 p.m. The layout of the contract was also changed. Instead of three (3) contracts (nails, esthetics, and cosmetology), she combined them all into one (1) contract. The price of the nail program changed as well. She hopes to implement this new contract after this month.

Ms. Delaney made a motion to approve the changes. It was seconded by Ms. Clark-Horton and Ms. Brown. The motion carried.

Ms. Nye made a motion for a ten minute comfort break. It was seconded by Ms. Clark-Horton. The motion carried.

iii. Dorchester County Career and Technology Center

Mr. James Broderick and Ms. Vivian Hall represented the school. They requested to meet with the Board in regards to opening a cosmetology school in a new location. The cosmetology program is moving. The expected opening date is August 1, 2016, and they are ready for the inspection.

Mr. Jones made a motion that the application be approved for a change of location, pending the changes of the necessary documentation prior to by the final inspection. It was seconded by Ms. Clark-Horton. The motion carried.

10. Discussion

It was decided that Ms. Delaney attend the NIC conference in October. Ms. Delaney will need to call and reserve her room. She will be reimbursed for the hotel stay after the conference. LLR will pay for the registration fees.

Ms. Brown made a motion to approve Ms. Marcia Delaney to attend the NIC conference. It was seconded by Ms. Clark-Horton and Mr. Jones. The motion carried.

Board members are not required to meet for the Resolution Guidelines meeting on Tuesday, July 12th.

11. Public Comments

Ms. Gloria Smith stated that the overview meeting for schools was full, which is why some representatives could not be in attendance.

12. Adjournment

Ms. Brown made a motion to adjourn the meeting and it was seconded by Ms. Clark-Horton. The motion carried. The meeting adjourned at 11:56 p.m.

The next meeting of the S.C. Board of Cosmetology is scheduled for September 12-13, 2016.