

AMENDED AGENDA
South Carolina Board of Cosmetology
Board Meeting
9:00 a.m., July 12, 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
- ❖ 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)

All Other Persons Attending:

Tina Behles, Court Reporter (Capital City Reporting); Phuong Pham; Robyn Madden; Gloria Smith

3. Approval of Excused Absences

None.

4. Approval of Agenda

Ms. Selena Brown made a motion to approve the agenda with deviations deemed necessary. Mr. Eddie Jones seconded the motion and the motion carried.

5. Chair Remarks – Melanie Thompson

GO CHANTICLEERS!

6. Administrator's Remarks – Theresa Richardson

None.

7. Old Business

8. New Business

- a. Update on Cease and Desist and License Suspension Protocols

Ms. Mary League stated that we have a couple of new procedures that we are instituting at LLR based on guidance from the Administrative Law Court. With cease and desist orders, they go against unlicensed individuals and it basically tells them to stop doing it without being licensed. In the past, the orders were signed by the Administrator. In the future, they believe that any order that affects the license should come from the Board. In order to avoid everyone having to have a meeting for cease and desist, we are asking the Board to delegate the authority to assign the cease and desist orders to the Board Chair and in the event of a conflict, to the Board Vice Chair. Chairman Thompson added that this is how it used to be

done before we gave the Administrator approval. Ms. League is also asking that the authority to assign a Board order for a suspension be delegated to the Board Chair and the Board Vice Chair, in the event of a conflict. In the event that a board order includes a suspension as a part of the sanctions, i.e. they are to pay a fine by a certain date, their license would be suspended. It used to be a letter from the Administrator. It will now actually be an order suspension from the Board Chair, to avoid calling the whole Board together. In the event where a license has been suspended, but the suspension is stayed, subject to the performance of certain conditions or non-performance of certain actions and that incident occurs and the stay needs to be lifted, the suspension becomes effective. Ms. League is asking for the authority to be delegated to the Board Chair to sign cease and desist orders on behalf of the Board and to sign any suspension order pursuant to any acquired Board order on behalf of the Board. The initial order that determines whether a license shall be suspended upon the failure to perform a condition will still have to come from the Board, initially. This will just be to implement a prior Board order.

Ms. Brown made a motion for the approval of the delegation to the Board Chair or Vice Chair of the duties of signing the cease and desist and suspension orders. It was seconded by Ms. Laquita Clark-Horton. The motion carried.

9. Final Order Hearings – Kyle Tennis

i. 2016-48

The respondent was not present. The respondent, Ms. Maria Granados, came by LLR on last month to make payments on the fines given from the Hearing Officer's recommendations and was very remorseful. She stated that she would not be here on today. The state alleged that Ms. Granados allowed two (2) instances of unlicensed practice at her salon, Peluqueria Latina, in Greenville, South Carolina. Mr. Jim Kyzer (Inspector) went by the salon in October of 2015 and January of 2016, where unlicensed practice was found each time. Ms. Granados was fined a total of \$1,000 and ordered to take a disciplinary law class within ninety (90) days. She prematurely paid the fine. Mr. Tennis asked that the Board accepts the Hearing Officer's recommendations as provided.

Ms. Laquita Clark-Horton made a motion to accept the Hearing Officer's recommendations given. It was seconded by Ms. Walters and the motion carried.

ii. 2015-119

This hearing was held preceding the hearing 2016-48 because of attorney representation. The attorney, Ms. Robyn Madden, represented Ms. Phuong Pham who is the owner and manager of Polished LLC in Columbia, South Carolina. Mr. Jim Kyzer (Inspector for LLR) visited the nail salon on August 28, 2015, and saw that metal rasps were being used. There were also two (2) unlicensed persons in the salon, in which one person was using a copied license with an altered expiration date. In April 2016, a Memorandum of Agreement was given. The state and the respondent agreed to the facts. The respondent agreed to certain violations, but not all. Several violations were made. The Hearing Officer found in favor of the state. The respondent was assessed a civil penalty of \$500 for three (3) cases and was ordered to take a disciplinary law class within ninety (90) days of the Board's final order.

Ms. Madden stated that she agreed with everything that Mr. Tennis stated. Ms. Pham has been licensed in some capacity for twenty (20) years across the states. Ms. Pham acknowledges that she had unlicensed individuals working in her salon and it was with extenuating circumstances. She did not know about the altered license. Ms. Pham has also renovated her entire salon since the initial inspection was done. Ms. Pham is very remorseful. The rasp was requested by a client, but she knows that is a violation and she has to abide by the laws of the state. Ms. Pham realizes that she was wrong and has then made herself a checklist that she looks at every day. To ensure that a license for a future employee is current and valid, she checks their identification and the license. Chairman Thompson recommended that she use the 'Licensee Lookup' on LLR's website to ensure they are licensed. Chairman Thompson also stated that credo blades cannot be used as well. It was asked by both parties that the Hearing Officer's recommendations be adopted.

Ms. Patricia Walters made a motion to accept the Hearing Officer's recommendations and it was seconded by Ms. Brown. The motion carried.

10. Discussion

None.

11. Public Comments

None.

12. Adjournment

Ms. Brown made a motion for adjournment. It was seconded by Ms. Clark-Horton and Ms. Nye. The motion carried.

The meeting adjourned at 9:28 a.m.

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