

**South Carolina Board of Cosmetology
Board Meeting
10:00 a.m., July 14, 2014
Synergy Business Park
Kingstree Building
110 Centerview Drive, Conference Room 105
Columbia, South Carolina 29211**

Meeting Called to Order

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.

Pledge of Allegiance

Rules of the Meeting Read by the Chairman

Introduction of Board Members:

Chairperson Melanie Thompson called the regular meeting of the Board of Cosmetology to order. Other Board members in attendance included, Eddie Jones, Janice Curtis, Cindy Rodgers, Patricia Walters, and Selena M. Brown.

Staff Members Participating in the Meeting:

Mary League, Advice Counsel; Theresa Richardson, Administrator; Roz Bailey-Glover, Matteah Taylor, Staff; Yolanda Rodgers, OIE, Andrew Rogers, ODC, Robbie Boland, OIE, and Cecelia P. Englert, Court Reporter.

All Other Persons Attending:

Chesley Phillips, Kimberly Sims, Mai Quach, Robyn Sims, Phyllis Bellamy, Cheryl Swinton, Jennifer Fillers, Nancy, Poole, Chanda Howard, Patrea Bennett, Nannette Saheb, Marilyn Montgomery, Elena Hair, Bahiyah Ladson, Amanda Eaton, Beatriz Hernandez, Gloria Smith, Vi Luu, Brooke Houser, Colleen Large, Lynn Walker, Shawonda Thomas, Linda Green, Patricia Oberhausen, Moses Graves, Karen Stacks, and Christene Howell.

Approval of Excused Absences: no absences

Approval of the Minutes:

MOTION:

Janice Curtis made a motion to approve the minutes for May 12, 2014 with corrections. Eddie Jones seconded the motion which carried unanimously.

MOTION:

Cindy Rodgers made a motion to approve the minutes for May 13, 2014 with corrections. Janice Curtis seconded the motion which carried unanimously.

Approval of the Agenda:

MOTION:

Janice Curtis made a motion to approve the agenda with any deviations necessary. Eddie Jones seconded the motion which carried unanimously.

Administrator's remarks – Theresa Richardson:

A request was made to vote on an additional IRC member. This member will not replace the current IRC member but instead be a back up if there is a conflict with a pending case with the current IRC member. It was requested for the hearing officer to be made official. Eddie Jones was originally designated as the hearing officer and Mr. Jones accepted the position. Ms. Thompson stated being the Chair of the Board she should remain as a back up since she does not have a vote. In the event that Mr. Jones or Ms. Thompson has a scheduling conflict Stephanie Nye agreed she would be an alternate.

MOTION:

Cindy Rodgers made a motion to approve Eddie Jones and Melanie Thompson as the hearing officers and Stephanie Nye as the alternate. Selena Brown seconded the motion which carried unanimously.

Ms. Richardson asked the Board for permission to update the continuing education submission materials that are currently in place. Ms. Richardson and Ms. League will work together to update the CE information. October 1st was selected as the deadline for the CE submission deadline and the Board decided to leave it as October 1st.

MOTION:

Cindy Rodgers made a motion for Ms. Richardson and Ms. League to update the CE information and Janice Curtis was delegated to review all updates. Eddie Jones seconded the motion which carried unanimously.

Budget:

Additional information was previously requested and the Board asked if that information had been received. Ms. Richardson explained the financial director asked to have any questions pertaining to the budget in writing sent to her via e-mail and she would respond. Ms. Richardson expressed the questions could be sent to her and she would do what she could to find the answers.

OIE Report - Office of Investigations and Enforcement – Yolanda Rodgers:

The cases received from January 1, 2014 through July 7, 2014 were a total of 16 active investigations, 2 cases were closed, 20 cases were do not open, 22 were pending Board action, and 11 pending IRC for a total of 71 cases. There were a total of 19 cases through July 7, 2014. As of July 7, 2014 there were a total of 164 cases that were closed and 21 do not open cases which was a total of 185 cases.

IRC Report – Yolanda Rodgers:

Yolanda reported on June 17, 2014 the investigative review committee met and heard 28 cases. There were 11 cases recommended for dismissal, 6 of those cases were to be dismissed with a

cease and desist, 2 of those cases were to be formal complaints with citations, and 9 cases were formal complaints. The Board was concerned with the cease and desists with unlicensed practices and with the investigative unit doing follow-ups on those cease and desist. Concern was raised that not doing a follow-up could shed negative light on the Board's responsibility to protect the public. Ms. Rodgers explained that a follow-up investigation was not performed by the investigation's department.

MOTION:

Cindy Rodgers made a motion to accept the IRC Report. Janice Curtis seconded the motion which carried unanimously.

ODC Report- Andrew Rogers:

Mr. Rogers explained there are 179 open cases with the Office of Disciplinary Counsel. On or after March 16, 2014, 124 cases were closed. There were 22 cases for appeal and out of those; 3 cases were with the Administrative Law Court and 19 were citations. Within the 179 cases, 2 were pending citations, 1 was pending CA draft, 13 were pending FC draft, 80 were pending Atty Review, 7 were pending CA/MOA, 9 were pending Board Action, 18 were pending hearings, 9 pending Final Order Hearings, 11 pending Final Orders/Closures, 22 Appeals, 3 were rescheduled, 1 was pending IRC and 3 were ODC Actions.

Inspection Report - Robbie Boland:

In April 2014 a total 433 salons and 12 schools were inspected. In May 2014 there were 368 salons and 13 schools inspected. For the year there were a total of 4,279 salons and 95 schools inspected. There are currently 6,397 opened salons.

Citation Report - Robbie Boland:

For May there were 35 citations issued, 2 were for sanitation, 1 was a combination of sanitation and unlicensed practice, and 33 were unlicensed practices.

MOTION:

Cindy Rodgers made a motion for a break. Janice Curtis seconded the motion which carried unanimously.

MOTION:

Ms. Thompson called the meeting back to order.

Old Business: There was no old business.

New Business:

Review for Consideration of New School Opening:

William Outlaw and Cheryl Swinton appeared before the Board as representatives for Wando High School. Mr. Outlaw and Ms. Swinton appeared before the Board seeking approval to implement a Cosmetology program as well as many others in Wando High School. It is proposed that there will be 20 students in the morning program and 20 students for the afternoon program.

Mr. Outlaw and Ms. Swinton were directed to make sure the instructor can see all of the students during class assignment time.

MOTION:

Cindy Rodgers made a motion to approve the Cosmetology program at Wando High School with the preliminary inspection. Selena Brown seconded the motion which carried unanimously.

Review for Consideration of Name Change and Adding a New Program:

Institute of Nail Artistry & Esthetics - Ms. Beatriz Hernandez appeared before the Board seeking to change the name of her school and to add a Cosmetology program.

MOTION:

Selena Brown made a motion to approve the preliminary inspection of Institute of Beauty Artistry for the Cosmetology program. Eddie Jones seconded the motion which carried unanimously.

MOTION:

Cindy Rodgers made a motion to approve the name change of Institute of Nail Artistry & Esthetics to Institute of Beauty Artistry. Selena Brown seconded the motion which carried unanimously.

Review for Consideration of Contract Addendum:

Cosmetic Art Institute - Nanette Saheb appeared before the Board seeking approval of an addendum to her school contract. The accrediting agency requested an addendum to the student contract for the refund policy.

MOTION:

Cindy Rodgers made a motion to approve the addendum to the student contract. Selena Brown seconded the motion which carried unanimously.

Review for Consideration of Continuing Education:

Southern Spa and Salon Conference – Hickory Mart Show

Joan Branham submitted the packet for the show to be held October 2014.

MOTION:

Selena Brown made a motion to approve the Hickory Mart Show with the exception of Aging Gracefully, Precise Peeling, and Express Services Lead to Big Business because the classes are either product specific or too broad and those were denied. A letter of caution should be sent to remind Southern Spa and Salon Conference that products cannot be mentioned in these classes: Facelift without Surgery, Esthetics A to Success, Introduction to Bajos Yoni Herbals Spa Steam, Holistic Aroma Therapy, Essential Oil Safety for use of the Skin, Trends in Hair Color Part I & Part II, Skin Analysis, Understanding & Applying Superficial Peels, Inflammation & Aging, The Next Generation of Peptide Technology. Eddie Jones seconded the motion which carried unanimously.

MOTION:

Janice Curtis made a motion to break for lunch. Cindy Rodgers seconded the motion which carried unanimously.

Ms. Thompson called the meeting back to order.

Review for Consideration of Continuing Education Changes:

SC Technical College submitted an updated monitor list.

MOTION:

Selena Brown made a motion to approve SC Technical College for the monitor updates. Janice Curtis seconded the motion which carried unanimously.

SCACS appeared before the Board seeking approval to add a new instructor for October 11, 2014 and October 12, 2014 classes. The lesson plans and agendas previously submitted will be used.

MOTION:

Eddie Jones made a motion to approve the new instructor for the October 11, 2014 and October 12, 2014 classes. Patricia Walters seconded the motion which carried unanimously.

Active Teachers, Patricia Oberhausen, appeared before the Board seeking approval of a new guest speaker, Jamie Jones for the Teacher's seminar scheduled for September 20, 2014 and September 21, 2014. The agenda will not be changing.

MOTION:

Selena Brown made a motion to approve Jami Jones as the Teacher's seminar guest speaker for September 20, 2014 and September 21, 2014. Eddie Jones seconded the motion which carried unanimously.

Advanced Association of Cosmetology, Lynn Walker-Jones, appeared before the Board for a location and date change for August 4, 2014 from the Donaldson Career Center to August 11, 2014 to 70 Orchard Park Drive, Marriott Courtyard in Greenville. Ms. Walker-Jones asked for the instructor's classes scheduled for June 15, 2014 and June 16, 2014 to be cancelled.

MOTION:

Janice Curtis made a motion to approve the location and date changes for Advance Association for August 11, 2014 at Marriott Courtyard 70 Orchard Park Dr., Greenville, SC. Selena Brown seconded the motion which carried unanimously.

BIG Association, Karen Stacks, appeared before the Board seeking approval to add a class on December 1, 2014 at the Marriott on Assembly Street in Columbia.

MOTION:

Janice Curtis made a motion to approve the location and date for BIG to have a class on December 1, 2014 at the Marriott on Assembly St in Columbia which will make BIG's 5 changes. Stephanie Nye seconded the motion which carried unanimously.

B & T Association, Bahiyah Ladson, appeared before the Board seeking approval for five location changes of her classes due to a scheduling conflict.

MOTION:

Cindy Rodgers made a motion to enter into executive session for legal advice. Eddie Jones seconded the motion which carried unanimously.

MOTION:

Cindy Rodgers made a motion to come out of executive session. Eddie Jones seconded the motion which carried unanimously.

During executive session no motions were made and no votes were taken.

MOTION:

Selena Brown made a motion to approve the location changes; however, Ms. Ladson must choose 5 of the 7 classes for the location changes. If classes are going to be submitted for 2015 the selected locations must be verified. Cindy Rodgers seconded the motion which carried unanimously.

Jolei's, Shawonda Thomas, appeared before the Board seeking approval for location change from Florence to Summerville for the class to be held on November 3, 2014.

MOTION:

Janice Curtis made a motion to approve the location change for Jolei's on November 3, 2014 from Florence to Summerville. This is change number 4 for Jolei's. Stephanie Nye seconded motion which carried unanimously.

Review for Consideration of Licensure with Background Check

Jennifer Fillers appeared before the Board seeking approval of licensure with issues found on her background history. Ms. Fillers stated her criminal background history started about 2009 and went through August of 2012 with 3 different arrest dates. In 2009 Ms. Fillers was seeing 2 different doctors which were writing her prescriptions for the same medicine and she was filling prescriptions from both doctors. Ms. Fillers was arrested and she voluntarily elected to go to rehab where she stayed for 1 year. In 2012 Ms. Fillers was incarcerated and additional charges were added from previous incidents. In 2009 Ms. Fillers was working as a medical assistant and was able to write prescriptions which she was writing for herself for pain medications. Ms. Fillers is not currently on medication. After Ms. Fillers was released from jail she went through a drug program for 11 months with drug court. Ms. Fillers completed drug court in November 2013. She has attended counseling and learned to live life without drugs. Ms. Fillers is not currently on probation.

MOTION:

Janice Curtis made a motion to approve Ms. Fillers for licensure with a 2 year probationary period. A clean SLED report must be submitted at Ms. Fillers' expense, if any additional violations occur; the license will be immediately administratively suspended. Stephanie Nye seconded the motion which carried unanimously.

Chanda Howard appeared before the Board seeking approval of licensure with issues found on her background history. In 2003 Ms. Howard was arrested for forgery. Ms. Howard allowed her ex-boyfriend to use her computer to make fraudulent checks. Ms. Howard was required to pay restitution for 2 of the checks because it was her computer that was used to make the fraudulent checks. Ms. Howard was given probation until she paid the restitution.

MOTION:

Janice Curtis made a motion to approve Ms. Howard for licensure with a 1 year probationary period. A clean SLED report must be submitted at Ms. Howard's expense, and if any additional violations occur the license will be immediately administratively suspended. Stephanie Nye seconded the motion which carried unanimously.

Moses Graves appeared before the Board seeking approval for licensure with issues found on his background report. Mr. Graves was sentenced to 46-years in prison due to possession of drugs that he was selling. Mr. Graves actually served 7 years in prison which he was released in 2011. Mr. Graves was granted probation. January 2012 Mr. Graves was charged with trespassing and drug possession. Mr. Graves only served 8 months for the charges in 2012. Ms. Patreia Bennett is the program director at Remington College where Mr. Graves attended. Ms. Bennett was a mentor to Mr. Graves. Ms. Bennett stated she saw a change in Mr. Graves month by month.

MOTION:

Cindy Rodgers made a motion to go into executive session for legal advice. Janice Curtis seconded the motion which carried unanimously.

MOTION:

Cindy Rodgers made a motion to come out of executive session. Selena Brown seconded the motion which carried unanimously.

During executive session no motion were made and no votes were taken.

MOTION:

Eddie Jones made a motion to approve Mr. Graves for licensure with a 3 year probationary period. A clean SLED report must be submitted at Mr. Graves' expense and if any additional violations occur the license will be immediately administratively suspended. Janice Curtis seconded the motion which carried unanimously.

Review for Consideration of Licensure by Examination of Relinquished License

Mai Quynh Quach appeared before the Board seeking approval to take her examinations after she voluntarily relinquished her Esthetician license. Ms. Quach relinquished her license because

she realized she obtained them fraudulently because she did not attend school for the entire 450 hours of Esthetician training. Ms. Quach was originally licensed in 2007. Ms. Quach is currently licensed as a Nail Technician since 2001. Ms. Quach decided to go back to school to complete the Esthetician hours with the Institute of Nail Artistry & Esthetics where she completed 335 hours. Ms. Quach explained she only completed 335 hours because she was informed since she was currently a Nail Technician she would be granted 115 hours towards the Esthetics license.

MOTION:

Janice Curtis made a motion to approve Ms. Quach to sit for the esthetician examinations because she has completed the esthetics hours. Selena Brown seconded the motion which carried unanimously.

Discussion:

Nails, Skin, & Hair of America

Clarification of Proper Identification

Chesley Phillips stated it appears that her association is not the only association having a difficult time with licensees not wanting to provide their government issued identification and their professional license. Ms. Thompson explained it absolutely has to be government issued photo identification, i.e driver's license, passport or identification card with a photo. The professional license was an additional form of identification, which was a policy the Board set a few years ago. The professional license helps to make sure the licensee is taking the correct class. The Board members all agreed the professional license is necessary and should be the additional form of identification.

Clarification of Class Recordings

Chesley Phillips informed the Board that her registrations are recorded. During the class sessions the recorder is directed to her or the instructor. Ms. Phillips explained that her voice is the only voice during the class; although, there was a lot of discussion. Ms. Phillips asked if she could have more than one camera. Ms. Thompson explained that is totally up to the providers if they would like to have more than one recorder/camera during class.

Public Comments:

Colleen Large commented that she likes the follow up aspect of the IRC reports because it is good for the public to know if a complaint was made against a licensee due to a sanitation issue and that LLR is making a follow up visit to make sure the sanitation issue was corrected.

Adjournment – 4:10pm

MOTION:

Cindy Rodgers made a motion to adjourn. Eddie Jones seconded the motion, which carried unanimously.