

**South Carolina Board of Cosmetology  
Board Meeting  
9:00 a.m., July 14, 2015  
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.

**Rules of the Meeting Read by the Chairman**

**Pledge of Allegiance**

**Introduction of Board Members:**

Melanie Thompson, Chairperson called the regular meeting of the Board of Cosmetology to order. Other Board members in attendance included, Janice Curtis, Selena M. Brown, Patricia Walters, Eddie Jones, Stephanie Nye and LaQuita Clark- Horton.

**Staff Members Participating in the Meeting:**

Mary League, Advice Counsel; Theresa Richardson, Administrator; Roz Bailey-Glover, Program Coordinator I; Matteah Taylor, Administrative Coordinator I; and Tina Behles, Court Reporter

**All Other Persons Attending:**

Shawanda Goodwin, Kimberly Hunter, Diana Hayes, Keren Pedraza, Micalla Pedraza, Bethany Haile, T Lynn James, Chonda Harris, Brooke Smith, J F Lucas, Jessica Gibson, Sandy Slen, Tyler Bailey, Chris Dinkins, Brandi Wilson, Lazarus Reid, Charon Gadsden, Michelle Raysor, April Cobb, Louwanna Ball, Christine Pafford, Qweshanda Mauney, Sara Brown, Meredith Kennedy, and Chase McNair.

**Approval of Excused Absences:**

**MOTION:**

Janice Curtis made a motion to defer the excused absences until later in the meeting. Eddie Jones seconded the motion which carried unanimously.

**Approval of Agenda**

**MOTION:**

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

### **Chairman's remarks:**

Ms. Thompson monitored a continuing education class on June 7, 2015. SC Esthetics held this class in Charleston at Vski Cosmetology School. The instructor was Lisa Burson and the monitor was Colleen Large. It was a hands-on hair removal class and it was amazing. The content, participation, and education were phenomenal. Ms. Thompson expressed she left the class feeling like she could do some waxing, but since she is a nail tech she understands that is out of her scope of practice. This type of class is what the Board is looking for and will demand it of all of the continuing education providers.

Ms. Thompson attended the NIC/PCS school overview and examiner trainings in June. There were three updated exams that were launched in February 2015 which are being administered to the examination candidates. Ms. Thompson explained the examiner training was the first two days and she was very pleased with the training. The third day was the school overview. There were 108 schools in South Carolina. All of these schools are invited to the school overview so the new examinations can be introduced to the school owners and/or instructors. The invitations were extended to ensure the students are significantly trained. Out of the 108 schools only 55 were represented and that was extremely disappointing. Ms. Thompson goes to the NIC/PCS school overviews as the president of NIC. For this to be her home State it was very disappointing for only half of schools to be in attendance. The school overview is the school's opportunity to hear the contents of the exams first hand, an opportunity to ask questions pertaining to the changes of the exams, and to find out the logistics of the examinations. Hopefully next year South Carolina schools can set the standard since Ms. Thompson is the president and step it up on their attendance to the school overview. Patricia Walters and Ms. Richardson were in attendance.

Ms. Thompson welcomed LaQuita Clark-Horton and her fresh new ideas.

Ms. Thompson recognized and thanked LLR staff for all of their hard work.

### **Administrator's remarks:**

#### **Consideration for Application Expiration**

Ms. Richardson would like the Board to consider how long an application is kept in the office before it becomes stale. Ms. Richardson's recommendation for an application expiration date is one year from the date the application is received in the office. The reason for the one year expiration date is due to no communication from the applicants pertaining to their missing documents. Some of the applicants have come back maybe two to three years later expecting to use the same application with the same fee. This request is in reference to any of the applications with the exception of the examination applications. Ms. Thompson stated she completely agree with Ms. Richardson.

#### **MOTION:**

Janice Curtis made a motion to approve the one year application expiration date of submission. Patricia Walters seconded the motion which carried unanimously.

## **OLD BUSINESS**

### **Review for Consideration of Minor Modification of the Delivery of Course Content**

#### *Virginia College*

Louwanna Ball appeared before the Board as a representative of Virginia College. The discussion included but was not limited to a minor modification of the delivery of the course content. Virginia College is interested in changing the way the course modules are taught. There are 12 modules and they are broken down into 125 hours each. The pre-requisite and advanced contents were removed from the cosmetology basic standards. Basic content would include the foundational content of cosmetology. The first three classes of the first module must be taken consecutively before the students can successfully complete it and before the students can interact with clients on the clinic floor. If the student does not successfully complete the first course they will have to drop from the program and return once the course is being offered again.

#### **MOTION:**

Eddie Jones made a motion to approve the minor modification of the delivery of the course contents for Virginia College. LaQuita Clark- Horton seconded the motion which carried unanimously.

### **Consideration for Approval of Continuing Education Provider Association**

*SCPBCA* – deferred from Monday, July 13, 2015

Ms. Richardson explained Erica Horton from USC was contacted and questioned about SCPBCA's online submissions. Per an e-mail from Ms. Horton on May 21, SCPBCA had an online NT course and submitted no evaluations. An email was sent to Jacqueline Golden informing her that USC could not accept this course because it was not a complete packet. A complete packet must consist of monitor sheets, evaluations and an electronic spreadsheet with credit card information on file. Ms. Golden was asked to resubmit her packet with corrections. This year Ms. Golden has submitted packets two other times without evaluations and those packets were processed because USC did not want to hold up the participant from getting credit. However, after the second time Ms. Golden was informed that USC would no longer accept a packet without evaluations.

#### **MOTION:**

Janice Curtis made a motion to accept SCPBCA as a continuing education association pending the correction of the online submissions including the evaluations and all other required documentations. Staff should notify Ms. Golden that this correction must be corrected immediately within seven business days. Eddie Jones seconded the motion which carried unanimously.

Ms. Thompson expressed if Ms. Golden is not in compliance with the motion it could affect her association for 2016.

## **NEW BUSINESS**

## **Consideration of New Location for Practical Examination**

### *Brookland Educational Center*

Ms. Thompson explained the South Carolina Chief Examiner expressed the only board member she has seen at the examination site was Eddie Jones. Ms. Thompson thanked Mr. Jones for monitoring the practical examination. Ms. Thompson reminded the board members that it is important that they monitor the practical examination as they were scheduled because it is the Board's responsibility to make sure PCS is doing what they are required to do. It is incredibly important that board assignments are completed and if a board member is not able to complete their assignment Ms. Thompson needs to be made aware of it.

The facility that the examinations are being held is not in the best conditions. The facility has a standing contract with PSC but there have been times when the facility overbooked and PSC has gotten the short end of the stick. The current facility is not best place for the exams. Several years ago the exam was held at Brookland Baptist Church. The exam was not held in the actual sanctuary but in the educational center. There were issues because the facility was a church which is why PCS searched other options. Since that time the church has been gifted an educational building which is totally detached from the church. The contractual agreement with Brookland Educational Center is contingent upon PCS' decision of making this the examination facility to administer the practical examination.

### **MOTION:**

Janice Curtis made a motion to approve Brookland Educational Center if PCS decides this facility is suitable for the practical examination site. Selena Brown seconded the motion which carried unanimously.

## **Consideration of Hearing Officer**

### *Cynthia Rodgers*

Ms. Thompson explained she would like to have an alternate hearing officer to assist with hearings. The best prospect would be a former board member. Cynthia Rodgers has been contacted and has accepted the offer of being one of the hearing officers. Eddie Jones is the hearing officer along with Ms. Thompson and Stephanie Nye. Ms. Thompson would like to have a rotation of the hearings between Mr. Jones and Ms. Rodgers. If they have a conflict with their schedules Ms. Thompson would be the back-up hearing officer for that particular date. The full board would still hear the hearing officer's recommendation at the final order hearings.

### **MOTION:**

Eddie Jones made a motion to approve Cynthia Rodgers as one of the hearing officers. Selena Brown seconded the motion which carried unanimously.

## **Review for Consideration of School Requests**

### *Fairfield Career & Technology Center – Location Change*

J Christopher Dinkins appeared before the board as a representative for Fairfield Career & Technology Center. The discussion included but was not limited to explanation pertaining to the school location change. For 45-years the career & technology center has been in the same location. It has been decided for the career & technology center to build a facility adjacent to the high school. The facility construction is 95% completed. It will be completed in time for the beginning of school.

**MOTION:**

Patricia Walters made a motion to approve the preliminary inspection for Fairfield Career & Technology Center's new facility. Eddie Jones seconded the motion which carried unanimously.

Ms. Thompson asked for the school inspector to contact her so both the preliminary inspection and final inspection can be conducted at the same time.

*Golden Strip Career Center – Adding a Nail Technician Program*

Brook Smith, Executive Director; Shonda Harris, Nail Tech Instructor; and J F Lucas, School Director appeared before the Board as representatives of Golden Strip Career Center. The discussion included but was not limited to explanation pertaining to the addition of a nail technician program. There are currently 14 interested students. The students will be in the program for three class periods for the entire school year.

**MOTION:**

Janice Curtis made a motion to approve the addition of a nail technician program pending the preliminary inspection. Eddie Jones seconded the motion which carried unanimously.

Ms. Thompson reminded the school officials to be mindful of the students that may have a DACA status when enrolling them into the programs. The Board does not have the authority to license the DACA students because it is a federal law and South Carolina has not opted out of this law.

*Upstate College of Cosmetology – Ownership Change*

Bethany Haile and Lynn James appeared before the Board as representatives of Upstate College of Cosmetology. The discussion included but was not limited to explanation pertaining to an ownership change. Upstate College of Cosmetology was purchased from Kathleen Riccetelli by Bethany Haile and Lynn James. Ms. Haile is a registered cosmetologist and Ms. James will be the school's business manager and onsite at all times. The ownership change is scheduled for July 20, 2015. There is an amended contract for the new students but the students currently enrolled will use the contract they signed prior to the ownership change. The school only offers the cosmetology program. There will not be any changes to the facility. Ms. Thompson explained a few of the school rules need to be revised. Rule #16 need to be revised: All absences must be excused or arranged through the office. 24-hour notice of absences is required. If a student is absent 3 or more days without proper notification to the school officer, it ~~will~~ **(may)** be assumed the student no longer wishes to continue his/her education and the student ~~will~~ **(may)** be withdrawn from UCC. Rule # 20 needs to be removed: In the event the Student/Teacher ratio is exceeded, those students who arrive after the ratio has been met, will be asked to leave for the day. No hours of education will be given to those students leaving for the day. The ratio is 20 students to one instructor. More than 20 students should not be enrolled into the program.

**MOTION:**

Janice Curtis made a motion to approve Upstate College of Cosmetology ownership change pending the stated corrections are made. LaQuita Horton-Clark seconded the motion which carried unanimously.

**MOTION:**

Janice Curtis made a motion for a break. Selena Brown seconded the motion which carried unanimously.

Ms. Thompson called the meeting back to order.

**Review for Consideration of Licensure with Background Checks**

*Michelle Raysor*

Michelle Raysor appeared before the Board seeking approval of a registered cosmetology license. The discussion included but was not limited to explanation pertaining to her criminal background history. Ms. Raysor was charged with grand larceny. Ms. Raysor served five months in prison and once released she was on probation which is now completed.

**MOTION:**

Janice Curtis made a motion to approve Michelle Raysor to receive a registered cosmetology license. Eddie Jones seconded the motion which carried unanimously.

*Stephanie Williams*

Stephanie Williams was not able to attend to the board meeting.

**MOTION:**

Janice Curtis made a motion to deny Stephanie Williams' licensure request due to Ms. Williams not being in attendance. Eddie Jones seconded the motion which carried unanimously.

*Diana Hayes*

Diana Hayes appeared before the Board seeking approval of a registered cosmetology license. The discussion included but was not limited to explanation pertaining to her criminal background history. Ms. Hayes stated she had a challenge with drugs. During Ms. Hayes' criminal activities she spent 12 months in county jail and 10 months in prison at two different times. Ms. Hayes explained she was supposed to receive over 25 years but instead was given nine months home detention and two years and a half of probation. Ms. Hayes is on home detention which she can leave for work, school, and church only and it is scheduled to be completed within 90-days. She does have a support group that helps her but she does not actively attend support group meetings.

**MOTION:**

Janice Curtis made a motion to approve Diana Hayes to receive a registered cosmetology license with a three year probationary period. A clean SLED report must be furnished at Ms. Hayes' own expense. While on probation if any additional charges occur the license will be immediately administratively suspended.

*Shaquanda Goodwin*

Shaquanda Goodwin appeared before the Board seeking approval of a registered cosmetology license. The discussion included but was not limited to explanation pertaining to her criminal background history. Ms. Goodwin received a burglary charge. Ms. Goodwin was on probation

for 18 months. The probation was scheduled to be completed the end of July 2015. Ms. Goodwin is currently on standard watch probation.

**MOTION:**

Janice Curtis made a motion to approve Shaquanda Goodwin to receive a registered cosmetology license with a one year probationary period. At the end of that year a clean SLED report must be furnished at Ms. Goodwin's own expense. If any additional charges occur the license will be immediately administratively suspended.

**Review for Consideration of Licensure with DACA**

*Keren Pedraza-Garcia*

Keren Pedraza-Garcia appeared before the Board to discuss her citizenship. The discussion included but was not limited to explanation pertaining to seeking approval of a registered cosmetology license. Ms. League was asked to explain why the Board has no option as to the stance they are making. The federal stance expresses that someone with a DACA status is eligible to work in the United States but is not eligible to obtain a professional license. The legal opinion is based upon the Federal statute that denies public benefit to a certain class of immigrants in the United States. Unless a state has affirmatively opted out of the prohibition controls of South Carolina, the demonstration of the legal opinion of the Board/the agency has not affirmatively opted out. In fact eligibility of lawful presence has shown intent to prohibit public benefits including professional licensure provided by Federal statute. Since there has not been a change in the Federal statute or the State's statute that affirmatively allows the State to take a different action than which is a guiding principal for the Board. The Attorney General's opinion was issued in March 2014 with definitive guidance provided to this agency as to how this matter should be handled.

**MOTION:**

Janice Curtis made a motion to deny licensure for Alma Flores Ramirez's because the Board does not have the authority to issue licensure based on the South Carolina's Attorney General's opinion regarding Federal statutes. Eddie Jones seconded the motion which carried unanimously.

*Yadira Rodriguez-Ceja*

Yadira Rodriguez-Ceja was not able to attend to the board meeting.

**MOTION:**

Janice Curtis made a motion to deny licensure for Yadira Rodriguez-Ceja due to her not being in attendance to the board meeting. Eddie Jones seconded the motion which carried unanimously.

**Review for Consideration of Methods of Teaching Instructor**

*Jessica Gibson*

Jessica Gibson appeared before the Board seeking approval to become a methods of teaching instructor. The discussion included but was not limited to explanation pertaining to Ms. Gibson's expertise in teaching others how to teach. Ms. Gibson does not have a master's degree in education but she feels she has the capability to teach others how to teach. Ms. Gibson is the manager of Top of the Line Barber and Beauty salon. Ms. Gibson teaches the barber instructors

at Top of the Line Barber College the different teaching methods so they can reach their students better. Ms. Gibson is a Learning Leader Cutting Specialist and the Final Phase Specialist at Paul Mitchell The School of Charleston.

**MOTION:**

Janice Curtis made a motion to deny Jessica Gibson as a method of teaching instructor because there was no evidence proven that Ms. Gibson has the ability to teach others how to teach. Eddie Jones seconded the motion which carried unanimously.

Stephanie Nye arrived at the meeting at 11:15 am.

**MOTION:**

Janice Curtis made a motion for a break. Selena Brown seconded the motion which carried unanimously.

Patricia Walters is no longer in attendance. Ms. Walters left the meeting at 12:30pm.

**Review Final Order Hearings**

Ms. Thompson moved cases iv, v, and vi to the top of the list. Eddie Jones recused himself from hearing cases iv, v, and vi due to being the Hearing Officer for these cases.

*Case 2012-44*

Mr. Rogers explained the Hearing Officer's recommendation was to dismiss case 2012-44.

**MOTION:**

Janice Curtis made a motion to accept the Hearing Officer's recommendation for case 2012-44. Selena Brown seconded the motion which carried unanimously.

*Case 2012-48*

Mr. Rogers explained the Hearing Officer's recommendation of case 2012-48 was to issue a public reprimand and a civil penalty of \$1500.00 to be paid within 90-days of the date of the Final Order.

**MOTION:**

Janice Curtis made a motion to enter executive session for legal advice. Stephanie Nye seconded the motion which carried unanimously.

**MOTION:**

Janice Curtis made a motion to come back to regular session. LaQuita Clark- Horton seconded the motion which carried unanimously.

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

**MOTION:**



Janice Curtis made a motion to accept the Hearing Officer's recommendation for case 2012-48. Stephanie Nye seconded the motion which carried unanimously.

*Case 2012-58*

Mr. Rogers explained the Hearing Officer's recommendations of case 2012-58 was to issue a public reprimand, a civil penalty of \$300.00 to be paid within 90-days of the date of the Final Order, and a 3-hour disciplinary law class.

**MOTION:**

Janice Curtis made a motion to accept the Hearing Officer's recommendation for case 2012-58. Stephanie Nye seconded the motion which carried unanimously.

Eddie Jones returned to the Board meeting. Stephanie Nye recused herself from hearing cases i, ii, iii, vii, viii, ix, and x due to being the Hearing Officer for these cases.

*Case 2011-252*

Mr. Rogers explained the Hearing Officer's recommendation for case 2011-252 was to issue a public reprimand, a civil penalty of \$500.00 to be paid within 60-days of the date of the Final Order.

**MOTION:**

Janice Curtis made a motion to accept the Hearing Officer's recommendation for case 2011-252. Eddie Jones seconded the motion which carried unanimously.

*Case 2011-271*

Mr. Rogers explained the Hearing Officer's recommendation for the formal complaint was to dismiss case 2011-271 and to issue a letter of caution.

**MOTION:**

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

**MOTION:**

Janice Curtis made a motion to come back to regular session. Eddie Jones seconded the motion which carried unanimously.

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

**MOTION:**

Janice Curtis made a motion to accept the Hearing Officer's recommendation for case 2011-271. LaQuita Clark- Horton seconded the motion which carried unanimously.

*Case 2011-274*

Mr. Rogers explained the Hearing Officer's recommendation for case 2011-274 is to permanently revoke the license.

**MOTION:**

Janice Curtis made a motion to accept the Hearing Officer's recommendation for case 2011-274. LaQuita Clark- Horton seconded the motion which carried unanimously.

*Case 2012-68, 2013-106 and 2013-123*

Mr. Rogers explained the Hearing Officer's recommendations for cases 2012-68, 2013-106 and 2013-123 is to issue a public reprimand, a civil penalty of \$500 to be paid within 60-days of the date of the Final Order, and a three hour disciplinary class within 90-days.

**MOTION:**

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

**MOTION:**

Eddie Jones made a motion to come back to regular session. LaQuita Clark- Horton 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 accept the Hearing Officer's recommendation for case 2012-68, 2013-106, and 2013-123 of the issuance of a public reprimand, a civil penalty of \$500 to be paid within 60-days from the day of the Final Order, and a 3-hour disciplinary class to be completed within 90-days of the date of the Final Order, with modifications to reserve findings (d & e) and it is concluded that the State did meet its burden of proving violations of South Carolina Code of Law §40-1-110(1)(f) by the salon and by the respondent.

D) The State did not meet its burden of proof that Respondent's salon violated S.C. Code Ann. § 40-1-110(1)(f) (1976, as amended), as the above facts regarding the March 14, 2012 and April 2, 2013 unlicensed practice do not rise to the level of a dishonorable, unethical or unprofessional act that is likely to deceive, defraud or harm the public, in that Respondent Salon had different owner/managers at the time of the incidents.

E) The State did not meet its burden of proof that Respondent Nguyen violated S.C. Code Ann. § 40-1-110(1)(f) (1976, as amended), as the above facts regarding the April 2, 2013 unlicensed practice do not rise to the level of a dishonorable, unethical or unprofessional act that is likely to deceive, defraud or harm the public, as this incident was a first offense. LaQuita Clark- Horton seconded the motion which carried unanimously.

*Case 2013-34*

Ms. Perlman explained the Hearing Officer recommendation for case 2013-34 is to issue a public reprimand and a civil penalty of \$250 to be paid 30-days of the date of the Final Order.

**MOTION:**

Janice Curtis made a motion to enter into executive session for legal advice. LaQuita Clark- Horton seconded the motion which carried unanimously.

**MOTION:**

Eddie Jones made a motion to come back to regular session. Selena Brown seconded the motion which carried unanimously.

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

**MOTION:**

Janice Curtis made a motion to accept the Hearing Officer's recommendations for case 2013-34. The issuance of a public reprimand and a civil penalty of \$250 to be paid 30-days from the date of the final order with modifications: an additional sanction is imposed of one year probation. If any additional violations occur the school's license will result in an administrative suspension until appearance before the Board. Eddie Jones seconded the motion which carried unanimously.

*Case 2013-269*

Ms. Perlman explained the Hearing Officer's recommendations for case 2013-269 are the issuance of a civil penalty of \$250 to be paid 90-days from the date of the Final Order and a 3-hour disciplinary class to be completed within 90-days from the date of the Final Order.

**MOTION:**

Janice Curtis made a motion to accept the Hearing Officer's recommendation. Eddie Jones seconded the motion which carried unanimously.

*Case 2014-52*

Ms. Perlman explained the Hearing Officer's recommendations for case 2014-52 was the issuance of a public reprimand and a penalty of \$500 for each violation to equal \$1500. The civil penalty of \$1500 should be paid within 60-days from the date of the Final Order. The respondent's license will be suspended for 30-days beginning on the date of the Final Order.

**MOTION:**

Janice Curtis made a motion to enter into executive session. Eddie Jones seconded the motion which carried unanimously.

**MOTION:**

Janice Curtis made a motion to come back to regular session. Eddie Jones seconded the motion which carried unanimously.

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

**MOTION:**

Janice Curtis made a motion to accept the Hearing Officer's recommendations for case 2014-52 with modifications of a civil penalty of \$2,500, the respondent's license will not be suspended, but the salon license will be on probation for one year. If any additional violations occur while on probation the salon license will be immediately administratively suspended. LaQuita Clark-Horton seconded the motion which carried unanimously.

**Discussion:**

There was no discussion.

**Board Member Reports:**

Janice Curtis reported that she monitored a continuing education class on June 14, 2015 for A Better You. There were 22 participants and it was a very good class.

Ms. Curtis welcomed LaQuita Clark- Horton.

**Public Comments:**

There were no public comments.

**Adjournment: 3:40 pm**

**MOTION:**

Selena Brown made a motion to adjourn. Eddie Jones seconded the motion which carried unanimously.