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APPROVED MINUTES
South Carolina Board of Cosmetology
Board Meeting
10:00 a.m., July 16, 2013
Synergy Business Park
Kingstree Building
110 Centerview Drive, Conference Room 105
Columbia, South Carolina 29210

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 C. Thompson called the regular meeting of the Board of Cosmetology to order. Other Board members present for the meeting included, Janice Curtis, Cindy Rodgers, Selena M. Brown, and Stephanie Nye.

Staff Members Participating in the Meeting:

Sara McCartha, Advice Counsel; Sheridan Spoon, Advice Counsel; Tracey McCarley, Administrator; Matteah Taylor, Roz Bailey-Glover, Administrative Staff; Cecelia P. Englert, Court Reporter.

All Other Persons Attending:

Stacey Carroll, Carrie Jo Waddell, Melody Chambers, Chesley Phillips, Lisa Phillips, Kristin Joyce, Kiklawn Anderson, Allyson Ackert, Veronica Washington, Tho Nguyen, Colleen Large, Sarah Farley, Gloria Smith, Kianna Guess, Delayne Sadler, Loavina Cole, Shelba Green, Emily McWilliam, Meagan Taylor, Rosanne Kinley.

Approval of Excused Absences – There were none.

Approval of Agenda

MOTION:

Ms. Curtis made a motion to approve the agenda with any deviations necessary. Ms. Rodgers seconded the motion, which carried unanimously.

Chairman's Remarks – Melaine Thompson

Ms. Thompson stated that the PCS Examination Training dates are scheduled for July 27-29, 2013, at the Holiday Inn on Two Notch Road in Columbia, SC. Also, the Nail Technician Survey is on LLR's website and on the PCS website at: NICtesting.org. The NIC will need at least 600 -700 responses. The website survey will shut down on September 30, 2013. The Orlando Show in Florida was very good. Students competed in a fantasy hair competition. It was an amazing show of artistry and several schools from South Carolina participated and won awards. The NIC Conference being held in Denver, Colorado will be attended by Melanie Thompson and Cindy Rodgers.

52 The legislative update will be covered later during the meeting.

53

54 **Administrator’s Remarks – Tracey McCarley**

55

56 **Recognition of Service – Kathy Webb**

57 Ms. McCarley stated that Ms. Kathy Webb could not attend today’s meeting to receive her service award.
58 She will contact her for the next Board meeting.

59

60 **2014 Board Meeting Dates**

61 Ms. McCarley provided the Board with the Board meeting schedule for 2014. All meeting will be held at
62 10:00 a.m. Meeting dates do not include continuing education program reviews.

63

January 13 & 14, 2014	Room 105
March 17 & 18, 2014	Room 108
May 12 & 13, 2014	Room 105
July 14 & 15, 2014	Room 108
September 8 & 9, 2014	Room 108
November 17 & 18, 2014	Room 108

64

65 **MOTION:**

66 Ms. Curtis made a motion to approve the 2014 meeting dates. Ms. Brown seconded the motion, which
67 carried unanimously.

68

69 **OLD BUSINESS**

70 **Review for Approval of Invalid hours after twenty-four (24) months – reconsideration for**
71 **Veronica Dease-Washington**

72

73 Ms. Washington appeared before the Board to discuss her eligibility to re-take the Cosmetology Board
74 examinations after graduating from Kenneth Shuler School of Cosmetology in South Carolina in 1998
75 with 1,500 hours of training. Ms. Washington stated she passed the examinations, but changed careers.
76 She contacted the Board in 2010 and asked about the procedure to get her license. Ms. Washington stated
77 she was told it was okay to take the examination over. At the time, PCS allowed her to take the
78 examination a few times, because she did not pass the theory examination. A brief discussion ensued. The
79 Board requested LLR Staff to obtain the school information from PCS regarding the date of graduation.
80 The examination application was previously denied by the Board. Ms. Washington took the examination
81 on November 2, 2012.

82

83 **MOTION:**

84 Ms. Rodgers made a motion to defer the Boards determination until later today when LLR Staff is able to
85 obtain information from PCS. Ms. Brown voted nay. The motion did not carry.

86

87 LLR Staff located the transcript from PCS indicating that Ms. Washington was enrolled in school in
88 1998.

89

90 **MOTION:**

91 Ms. Curtis made a motion to deny the examination due to the 24 month regulation. Ms. Rodgers
92 seconded the motion, which carried unanimously.

93

94

95 Ms. Washington was very upset with the decision to deny. Mr. Thompson let Ms. Washington know that
96 as of June 2010, after twenty-four months, the classroom hours expired. Ms. McCartha explained to Ms.
97 Washington that she had the right to appeal the Board's decision once she receives the Board's Order.
98

99 **Review for Approval of Invalid hours after twenty-four (24) months - Louvinia Cole**

100 Ms. Cole appeared before the Board to obtain approval of invalid hours after twenty-four (24) months.
101 Ms. Cole stated that she was hospitalized four times in 2011 and had to have emergency surgery along
102 with rehabilitation. She had a year after graduation (May, 2010) to take the test but could not due to
103 health issues and other problems. It is now three years after graduation and Ms. Cole is not working.
104

105 **MOTION:**

106 Ms. Brown made a motion to approve. Ms. Nye seconded the motion. Ms. Rodgers and Ms. Curtis voted
107 nay. Ms. Thompson voted nay to break the tie. The motion is denied.
108

109 Ms. Cole objected to the motion and reiterated that she did not take the examination due to illness. The
110 Board took a second vote.
111

112 **MOTION:**

113 Ms. Curtis made a motion to deny. Ms. Rodgers seconded the motion. Ms. Brown and Ms. Nye voted
114 nay. Ms. Thompson voted yea to break the tie. The motion carried.
115

116 **NEW BUSINESS**

117 **Mary League/Sara McCartha - Economic Impact Statement**
118

119 The Small Business Regulatory Review Committee sent a letter asking why 1500 hours of education was
120 required for a cosmetology license. Ms. McCartha prepared a response letter on behalf of the Board and
121 provided copies for the Board to review. Ms. McCartha asked that the letter be signed by all Board
122 members. 1500 hours of education seemed to be the national average however there are differences
123 between the public education and private schools which was addressed in the letter. After signing, the
124 letter will be made public for anyone to read.
125

126 **Regulatory Flexibility Analysis**

127 Ms. McCartha stated that 4336, as it currently stands, is on the website. Effective July 26, 2013, 4336
128 will be published in the next State Registry.
129

130 **Legislative Update**

131 Ms. McCartha will update the Board at the next meeting.
132

133 **Review for Approval of Examination Invalid hours after twenty-four (24) months - Kristin Joyce**

134 Ms. Joyce appeared before the Board to answer questions regarding her invalid hours after twenty-four
135 (24) months. Ms. Joyce stated that she completed her hours as in November 2010. She moved to Georgia
136 and did not test immediately. Ms. Joyce stated she was pregnant at the time and was unaware of the law
137 change. If she had known, she would have taken the test. Ms. Joyce stated she applied to take the test in
138 February, 2013.
139

140 **MOTION:**

141 Ms. Curtis made a motion to deny. Ms. Rodgers seconded the motion. Ms. Brown and Ms. Nye voted
142 nay. Ms. Thompson voted yea to break the tie. The motion carried.
143

144 **Review for Approval of Renewals with Background Reports - Michelle Harrison**

145 Ms. Harrison was notified to appear before the Board, but did not show up.

146

147 **MOTION:**

148 Ms. Rodgers made a motion to deny. Ms. Curtis seconded the motion, which carried unanimously.

149

150 Advice Counsel, Mr. Sheridan Spoon briefly sat in for Ms. McCartha.

151

152 **Review for Approval of Renewals with Background Reports - Sarah Farley**

153 Ms. Farley appeared before the Board to answer questions about her background report. Ms. Farley was
154 arrested, but the arrest was ex-sponged from her record in May, 2011.

155

156 **MOTION:**

157 Ms. Curtis made a motion to approve. Ms. Rodgers seconded the motion, which carried unanimously.

158

159 **Review for Approval of Renewals with Background Reports - Shelba Green**

160 Ms. Green appeared before the board to request approval to reinstate her license with a background
161 report. Ms. Green appeared before the Board on May 4, 2012 and November 5, 2012. During the Board
162 meeting, Ms. Green failed to inform the Board of her previous arrest on drug charges. Per the order dated
163 February 25, 2013, her license could have been reinstated in March without any new charges on the
164 background report. Ms. Green stated she did not tell the Board she had new charges since the arresting
165 officer told her the charges would be dropped. Ms. Green stated that she has attended Alcoholics
166 Anonymous meetings and goes to church now. The background report shows that the new charges were
167 dropped.

168

169 **MOTION:**

170 Ms. Curtis made a motion to go into executive session for legal advice. Ms. Rodgers seconded the
171 motion, which carried unanimously.

172

173 **The Board returned from executive session where no votes were taken or motions made.**

174

175 **MOTION:**

176 Ms. Brown made a motion to reinstate the license with the following conditions. The license will be
177 placed on indefinite probation. Ms. Green must provide the Board with evidence of sobriety and submit a
178 SLED report at her own expense every six (6) months. Ms. Nye seconded the motion, which carried
179 unanimously.

180

181 **Review for Approval of Renewals with Background Reports - Carrie Waddell**

182 Ms. Waddell explained she completed a nine (9) month treatment program and is now participating in a
183 new treatment program. She explained the charges were from August 17, 2012 and October 4, 2012 and
184 that she was going to court next week. Ms. Waddell stated that she was not working and had an addiction.
185 Ms. Waddell stated that she has not gone to court yet so she cannot answer the Board's questions. Ms.
186 McCartha stated that Ms. Waddell could answer the questions if she wanted to. Ms. Waddell stated that
187 she is at a halfway house now which allows her to live sober. She cannot go home yet.

188

189 **MOTION:**

190 Ms. Rodgers made a motion to go into executive session for legal advice. Ms. Brown seconded the
191 motion, which carried unanimously.

192

193 **The Board returned from executive session where no votes were taken or motions made.**

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MOTION:

Ms. Rodgers made a motion to defer Ms. Waddell’s request until she has more information or until the next Board meeting. Ms. Curtis seconded the motion, which carried unanimously.

Ms. McCartha explained to Ms. Waddell that the Board did not want to deny her request, but rather once the charges are disposed of, she can come back to the Board for a decision.

Review for Approval of License with Background Reports - Tho Nguyen

Mr. Nguyen appeared before the Board and explained he was visiting a friend when a home invasion occurred and he had to defend himself. The situation occurred in North Carolina where he could not plead self defense. There were also fire arms in the home and drugs so he was taken to jail where he served seven years. There was a shooting involved. Mr. Nguyen stated he was injured during the home invasion. His co-defendant fled but was recently captured. Mr. Nguyen stated he is trying to get his life back in order and works at a restaurant and runs errands at his sister’s salon. He has two years left on his probation. He has a job pending with his sister’s shop which is on the boarder of North and South Carolina.

MOTION:

Ms. Brown made a motion to approve the license. There was no second. The motion was amended.

MOTION:

Ms. Brown amended her motion to approve the license with a two year probationary period and the submission of a SLED report submitted to the Board at the end of each year at Mr. Nguyen’s expense. Ms. Nye seconded the motion, which carried unanimously.

Review for Approval of License with Background Reports - Delayne Sadler

Mr. Sadler appeared before the Board and stated that the 2007 charges went to court in 2008 on conspiracy to commit armed robbery. He received three (3) years in jail, but served ten (10) months with probation. Mr. Sadler stated his probation ended in 2010, and there are no additional charges pending.

MOTION:

Ms. Curtis made a motion to approve the license with a two year probationary period and a SLED report submitted to the Board at the end of each year. Ms. Brown seconded the motion, which carried unanimously.

Review for Approval of License with Background Reports - Kianna Guess

Ms. Guess appeared before the Board to answer questions about her background charge. Ms. Guess stated that the charges were for shoplifting on August 2012 and February 2013. Ms. Sarah Parker, her step-mother, testified that she set Ms. Guess up for the PTI program, paid her fines and submitted the \$250 fee for the charges to be ex-sponged. Ms. Guess’ sentence was to turn herself in. Ms. McCartha stated that the SLED report did not show the charges were ex-sponged. Ms. Guess stated that she did not know why she shoplifted the items. She has completed her cosmetology training, and has a job lined up. Ms. Guess is currently in therapy. Ms. McCartha let Ms. Guess know that she may want to look into why neither case has a final disposition.

MOTION:

Ms. Curtis made a motion to deny at this time until Ms. Guess can get rid of the charges on her record. Ms. Rodgers seconded the motion. Ms. Nye and Ms. Brown were opposed. Ms. Curtis withdrew her motion.

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MOTION:

Ms. Brown made a motion to go into executive session for legal advice. Ms. Nye seconded the motion, which carried unanimously.

MOTION:

Ms. Brown made a motion to return to public session. Ms. Curtis seconded the motion, which carried unanimously.

During executive session no motions were made or votes taken.

MOTION:

Ms. Rodgers made a motion to defer the application until the September meeting. Ms. Guess must obtain letters from the court on the final disposition of each case. Ms. Brown seconded the motion. Ms. Curtis voted nay. The motion carried.

Review for Approval of License with Background Reports - Sara Meadows

Ms. Meadows called to state she could not attend as her husband was deployed to Spain.

MOTION:

Ms. Rodgers made a motion to defer the matter until the September 2013 meeting. Ms. Brown seconded the motion, which carried unanimously.

Review for Approval of License with Background Reports - Allyson Ackert

Ms. Ackert appeared before the Board to answer questions about her background report. Ms. Ackert explained that on March 27, 1999 she stole some items and was convicted in 2002. She completed a two year probationary period along with community service. She also paid restitution. This was her only charge.

MOTION:

Ms. Rodgers made a motion to approve the license. Ms. Brown seconded the motion, which carried unanimously.

Review for Approval of License with Background Reports - Jazzla Rucker

Ms. Rucker was notified by letter on June 20, 2013 to appear before the Board. Ms. Rucker was absent.

MOTION:

Ms. Rodgers made a motion to deny. Ms. Brown seconded the motion, which carried unanimously.

Review for Approval of License with Background Reports - Kiklawn Anderson

Ms. Anderson stated that she worked for Exxon in 2005-2006 where she resigned. Stated she was later picked up and charged with embezzlement of \$200. Ms. Anderson stated that she could not afford to travel back and forth to the courts and pay a lawyer so she decided to plead guilty to the charge as it was cheaper to do that then to fight the charges. There were some disorderly charges on her record too. In addition there were checks written in small amounts that were resolved. Ms. Anderson stated the initial and a current SLED report was provided to the testing service, PCS. Apparently the current SLED report was not sent to LLR with her application for review and Ms. Anderson did not bring her copy to the meeting. Ms. McCartha confirmed that the fraudulent check charges were dismissed. Ms. Anderson stated that she paid the restitution, and did not serve any jail time. Ms. Anderson stated she lives in a rural area and the police harassed her one evening during a stop. She was arrested, assaulted and received thirteen citations. Her children were in the car and witnessed the situation. Ms. Anderson's daughter Ms.

297 Courtney A. Miller was sworn in and confirmed her mother's story. Ms. Miller stated the police pulled
298 her mother over, called her by name, and hand-cuffed her. Her mother was slammed on the car hood
299 which upset the children in the car and all began to cry. Ms. Anderson wound up with stitches to her face
300 and 13 charges. Ms. Anderson did not bring in the new SLED report because she thought that the testing
301 service, PCS, sent it over to LLR.
302

303 **MOTION:**

304 Ms. Brown made a motion to go into executive session for legal advice. Ms. Nye seconded the motion,
305 which carried unanimously.
306

307 **MOTION:**

308 Ms. Rodgers made a motion to return to public session. Ms. Curtis seconded the motion, which carried
309 unanimously.
310

311 **During executive session no motions were made or votes taken.**
312

313 **MOTION:**

314 Ms. Brown made a motion to approve the license with a one year probationary period, upon the condition
315 that the letters to expunge the charges are received by LLR. Once the letters are received by LLR, the
316 Administrator can issue the license. Ms. Curtis seconded the motion, which carried unanimously.
317

318 **Review and Preapproval for Marketing Materials Continuing Education**

319 **Southern Spa & Salon Conference (Hickory Mart Shows); Joan Branham or representative,**
320 **Rosanne Kinley**

321 Ms. Kinley appeared before the Board to answer questions on some of the product classes being offered at
322 the Hickory Mart Show. Ms. Thompson stated that several of the class instructors were also the founders
323 of the product line, and some of the classes appear to be product related. Ms. Kinley stated that the class
324 on Retinoids would be given by Rhonda Allyson who is a national educator. The class with Dr. Mark Lee
325 is an esthetics class for men. These two classes are not product related. The Ultimate Face Professional
326 and Cosmetics class and the Brazilian Blowout class were product related. These are North and South
327 Carolina classes. The Brazilian Blowout would not be approved for South Carolina. Ms. Kinley also
328 stated that the 2013 brochure was not ready yet.
329

330 Ms. Curtis let Ms. Kinley know that students had issues with Ms. Laurie Yesteler methods of teaching
331 since she double dipped during waxing demonstrations without gloves and performed Brazilian waxes
332 without covering the client. Ms. Kinley stated that Brazilian waxes are not taught in schools and
333 professionals are hungry for the training and the sessions are well attended.
334

335 The Board let Ms. Kinley know that Ms. Brahman has been less than cordial with LLR staff. If she wants
336 to play in our sand box she has to abide by the Boards rules. Apparently, Ms. Brahman has appeared
337 belligerent with the staff and it won't be tolerated.
338

339 The Board must ensure there are no product classes approved. A discussion ensued about products versus
340 pushing product in a classroom. Ms. Kinley stated that she will go back to Ms. Brahman with the
341 requirements of the Board. Ms. Kinley stated that there were also questions about the sign-off process of
342 classes to ensure attendees obtain credit for their attendance. USC worked with Hickory to ensure that
343 credit was given to the attendees.
344

345 The Board also clarified for staff that estheticians can do waxing, body wraps and rubs. Nail Technicians
346 service the hands and feet only.
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MOTION:

Ms. Brown made a motion to approve the Hickory Shows cosmetology programs without product mention. Ms. Curtis seconded the motion, which carried unanimously.

Discussion- There was none.

Board Members Reports

Ms. Nye reported that she attended the NIC Practical Examinations at the Holiday Inn on Two Notch Road. The registration for nail technicians, cosmetologists, estheticians and instructors was orderly and the proctors were courteous. Ms. Nye also attended a cosmetology CEU class with the ACE Association on June 10, 2013. Ivan Zoot was the instructor. Approximately eighty (80) people attended. The program started and ended on time. The materials were relevant and the instruction was excellent. The only problem was that the air conditioner was broken and the room was hot. Fans and water were brought in for the attendees. There were not enough seats for the attendees so many sat on the floor for forty minutes. Zoot hair materials were given out and should not have been. Ms. Curtis will look into the matter.

Ms. Brown stated that she also attended the NIC Practical Examinations at the Holiday Inn on Two Notch Road. She attended the morning session and observed the examinations for the cosmetologist, estheticians and instructors. There were two monitors in the room and nine examiners. The examination process was excellent and organized. There was a table set-up to check identification and there were sixty (60) people scheduled for the morning examinations and sixty (60) scheduled for the evening. For the estheticians there were fifteen (15) scheduled for the morning examinations. Ms. Brown audited the instructor examinations with ten (10) individuals being tested. She received an excellent review on nail disorders with great visuals. The relaxer application was also delivered very well and the materials were excellent. Ms. Brown also watched the facial masks with the esthetician examination. The candidates were tested and monitored. Everything was well done.

Ms. Rodgers reported she attended a course with G.A.T.E. at the Hilton in Charlotte, NC. The program was videotaped and there were approximately three-hundred (300) people in attendance, 170 from South Carolina and 140 from North Carolina. Some extension techniques were demonstrated, and there were four (4) instructors and three (3) monitors present.

Ms. Curtis reported she attended a class with Nails, Skin & Hair of America on June 24, 2013 in Anderson, SC with Chesley Phillips, from 8:30 a.m. until 2:30 p.m. There were no breaks. The course and the instructor's delivery were good. Ms. Phillips passed out a list containing LLR's address, staff and generally good information for the attendees.

Public Comments

Ms. Chesley Phillips stated that she appreciates LLR Staff. She also commented about the Hickory event and was very adamant that the process of getting credit in South Carolina for attending classes at the Hickory event was flawed. Ms. Phillips also had comments about licensees being upset about instructors not using gloves. Ms. Phillips believes that gloves should be used and that the lack of draping is an ethics issue.

Ms. Kinley stated that the renewal season was trying, at best. Online classes were a problem. It was difficult to determine if you took three (3) hours of a class, and there was a lot of confusion. The Board should look into the matter. It was explained that the problem was widespread and the charge for online classes was for the three (3) hours of education. There were separate charges for each part of the class which should have been one charge for six (6) hours. Now to obtain the other three (3) hours, they have to

399 pay for the three (3) hours. Ms. Kinley suggest one price be given for online programs for the six (6)
400 hours. Ms. Thompson stated that maybe a notice should be given to the providers and let them address the
401 problems. Licensees should be able to pay for the class in full, and take the class. A discussion ensued.
402

403 Ms. Phillips commented that providers are working out the online kinks. There should be guidelines from
404 the Board for providers. People still have not received their credit because documents required were not
405 received. Email notices are sent to licensees to let them know they completed three (3) hours of the six (6)
406 hour program. Once they passed the class, they submit the paperwork and affidavit at the end. Ms.
407 Phillips stated that the complaints filed against her are from people who did not provide their paperwork.
408

409 Ms. Thompson stated that the Board cannot tell the providers how to run their business. A discussion
410 ensued. The Board does not dictate when documents are submitted to the providers. Those are internal
411 processes and not relevant to the Board. A prolonged discussion ensued.
412

413 Ms. Thompson stated that the review process for classes will be different this year, but the Board will not
414 micromanage the industry.
415

416 Ms. Colleen Large asked for the provider meeting date for October. Ms. McCarley let her know the
417 meetings will be held on October 21 & 22, 2013 in room 108. The October 21st date is reserved for Board
418 work and the 22nd will be a work session for the providers. The Board has requested that there be no
419 classes scheduled for the month of March. Ms. Thompson stated that for the renewal year, on March 10th
420 licenses expire.
421

422 **Adjournment**

423 **MOTION:**

424 Ms. Curtis made a motion to adjourn. Ms. Rodgers seconded the motion, which carried unanimously.
425

426 The meeting adjourned at 3:12 p.m.
427

428 **The next meeting of the SC Board of Cosmetology is scheduled for September 9, 2013**
429