

55 **Chairperson’s Remarks – Melanie Thompson**

56 Ms. Thompson stated she attended the Professional Credential Services (PCS) school overview on June 2, 2012, and
57 the first day of examiner training on June 3, 2012. PCS had 30 schools present at the overview. On June 18, 2012,
58 she attended Board hearings at LLR. On July 2, 2012, she attended the inspection of the Florence campus for
59 Virginia College with George Barr and Robbie Boland. The Board website is still in need of corrections. It still
60 states that the Board issues the written exam on the 1st and 3rd of the month even though the Board has not done this
61 in years. The Board wants the information corrected on the website. The Board will start the legislation process
62 again on package 4218. Ms. Thompson asked the Board members to go back over the information and bring any
63 additions or changes to her attention. The goal is to have the complete package ready for an early filing.
64

65 Continuing education providers are reminded that they are the keepers of confidential information on licensees, and
66 every measure must be taken to protect their private information. There is a survey on the NIC website for SC
67 licensed estheticians to complete. If you are an esthetician, please visit the NIC website at www.nictesting.org and
68 take a few minutes to complete the job analysis survey. The NIC wants to hear from industry professionals and what
69 they believe is important to include in the entry level licensure exam questions for estheticians.
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71 Ms. Thompson also mentioned that the Board has had a difficult year as a Board and as an industry. There were
72 situations where board members were treated with very little respect. Please be mindful that members work very
73 hard, spending countless hours on board business, and are not paid to sit on the Board. Ms. Thompson asked the
74 public to please conduct themselves in a professional manner as they conduct Board business. If the public feels a
75 board member has not conducted themselves properly, please bring it to their attention.
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77 **Administrator’s Remarks– Byron Ray**

78 Ms. Curtis and Ms. Webb have been approved to attend the National Convention. Mr. Ray reminded the Board that
79 the July 27, 2012, hearing has been changed to August 6, 2012. Mr. Ray stated that there were at least five (5)
80 licensees with medical issues who were unable to take live continuing education classes. Mr. Ray asked the Board to
81 think about any alternative that could be given to these people or maybe an exemption supported by medical
82 documentation, to assist them in keeping a license. It was not clear if the medically challenged licensees had actually
83 taken any online classes.
84

85 **Advisory Opinions, if Needed, Office of General Counsel – There were none.**

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87 **OGC Report – Office of General Counsel**

88 Mr. Rogers provided the board members with an OGC report showing one appeal; however, he mentioned that there
89 are actually two appeals pending. Mr. Rogers is handling the appeal not listed on the report separately. As part of
90 the appeal process, Mr. Rogers is waiting for a ruling from the Administrative Law Judge if he will rule on the first
91 case or hear arguments. The second case in his office, on appeal, the brief process is complete so he’s still waiting
92 for the Administrative Law Judge to rule on the case or hear arguments. A few cases are pending final orders. There
93 are also a few cease & desist orders pending the Board’s signature. There are three (3) hearings pending for the
94 August 6th, 2012, date. The report is for information purposes only.
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96 **Legislative Update, if Needed, Legislative Liaison Office – There was none.**

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98 **OIE Report – Office of Investigations and Enforcement**

99 Mr. DeLeon Andrews reported from January 1, 2012, – July 6, 2012, there are 7 active cases open and 3 closed cases.
100 There are 318 old active cases from 2009 from World Beauty School, which has been assigned to another
101 investigator. 87 cases were closed from January 1, 2012, – July 6, 2012. 6 cases were “do not open” cases, meaning
102 there was no evidence of a violation found. Mr. Andrews further explained how cases are closed. The report was for
103 information purposes only. No vote was required by the Board.
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105 **Inspection Report – Approval of Inspection Violation Report**

106 Mr. Boland provided the Board with a report indicating that year-to-date (July 2011-June 2012) there were 7,516
107 inspections completed. Mr. Boland also provided the Board with a new Cosmetology Inspection Violation Report.
108 The new report provided the inspection file number, inspector name, violation, and recommendation. Mr. Boland
109 pointed out that inspection case #2012-2675 shows a double entry for the same file, meaning there were two
110 individuals caught working without a license at the same shop, so that’s why there is a \$1,000 fine levied instead of a

111 \$500 fine. The Board appreciated the revised report and had no further questions. The report was presented as
112 information only. No vote was required by the Board.

113

114 **Old Business – There was none.**

115

116 **New Business**

117 **Approval of New School**

118 **Southeastern Esthetics Institute – Courtney G. Freeman**

119 Ms. Freeman appeared before the Board to answer questions about her school license application. Ms. Freeman
120 stated she passed the instructor examinations in June, 2012, and is waiting for her license. Ms. Thompson was still
121 concerned with the contract typos. In addition, some policies appeared to contradict each other. The questions on the
122 application regarding an applicant’s health must be verified by Ms. Freeman’s attorney to ensure she can legally ask
123 the questions. Ms. Thompson also pointed out the release form and the application agreement should be further
124 reviewed by Ms. Freeman to correct some of the statements, for example, the refunds and withdrawal information
125 and policies must be consistent. The release form has a typo, showing the words “massage therapy” which must be
126 removed.

127

128 Regarding the make-up course, Ms. Thompson stated the Board does not license make-up artists so students are not
129 obligated to take pro make-up artistry courses as part of the curriculum. Ms. Freeman was also asked to correct the
130 high school information to make the language consistent and correct contradictions. Further discussion ensued. Ms.
131 Thompson let Ms. Freeman know the application can be approved to begin the preliminary inspection process for the
132 school. Before the final school license is approval, Ms. Freeman must meet the requirements of regulation 35-1-(F)
133 (G) where documents, applications, contracts, etc., must be corrected and approved by the Board before a license can
134 be issued.

135

136 **MOTION:**

137 Ms. Webb made a motion to approve the school for a preliminary inspection only. Before the final approval of
138 the school application the contract must be revised by Ms. Freeman and approved by the Board. Ms. Rodgers
139 seconded the motion, which carried unanimously.

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141 **New Continuing Education Provider Approvals**

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143 **A BUTY’FUL U Cosmetology Association LLC – Charmaine Martin Green**

144 Ms. Green appeared before the Board seeking approval of her new association in order to provide continuing
145 education programming. The Board reviewed the application and information submitted. The Board let Ms. Green
146 know that she must correct the typos on a name and locations that appear on the membership list.

147

148 **MOTION:**

149 Ms. Brown made a motion to approve the association to offer continuing education courses. Ms. Rodgers
150 seconded the motion, which carried unanimously.

151

152 **Approval to Teach Continuing Education**

153 **B and T Hair Group “LLC” – Bahiyah Ladson**

154 Ms. Ladson appeared before the Board seeking approval as a continuing education provider. Ms. Ladson provided
155 the Board with the application, certificate of existence for the B and T Hair Group “LLC” and the statewide
156 membership roster. The Board reviewed the information.

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158 **MOTION:**

159 Ms. Webb made a motion to approve the association to offer continuing education courses. Ms. Rodgers
160 seconded the motion, which carried unanimously.

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166 **Approval to Teach Continuing Education for South Carolina State Cosmetologist Association SCSCA – Cindy**
167 **Collins**

168 Ms. Collins appeared before the Board requesting to add three names to their roster of instructors who conduct
169 continuing education classes for SCSCA. The instructors are Johnnie R. Colter, Rolanda Ceasar and Anthony B.
170 Difraia. The Board let Ms. Collins know each instructor will be reviewed individually.

171
172 Ms. Thompson let Ms. Collins know in order to teach continuing education Mr. Johnnie R. Colter must be a SC
173 cosmetology instructor. Mr. Colter does not have an instructor’s license so he will not be eligible to teach.

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175 **MOTION:**

176 Ms. Webb made a motion to deny Mr. Colter’s request to teach continuing education courses for SCSCA as
177 he is not a licensed SC instructor. Ms. Rodgers seconded the motion, which carried unanimously.

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179 The Board reviewed the documents for Ms. Rolanda Ceasar who is a current licensed SC instructor.

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181 **MOTION:**

182 Ms. Rodgers made a motion to approve Ms. Ceasar’s request to teach continuing education courses for
183 SCSCA. Ms. Brown seconded the motion, which carried unanimously.

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185 This will be three of five changes recognized for the SCSCA Association.

186
187 Ms. Thompson recused herself from the proceedings regarding Mr. Difraia and turned the meeting over to Vice
188 Chairperson, Ms. Webb. Ms. Webb had concerns about Mr. Anthony B. Difraia, who is not a licensed cosmetologist
189 in SC and owns a beauty supply company in Florence, SC. Ms. Collins stated that she does not know Mr. Difraia, and
190 it is her understanding that he does not live in SC. Ms. Collins stated that she submitted the documents for Mr.
191 Difraia that she received from the Association. Ms. Collins did not have enough information on Mr. Difraia to answer
192 the Boards questions.

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194 **MOTION:**

195 Ms. Rodgers made a motion to go into executive session. Ms. Curtis seconded the motion, which carried
196 unanimously.

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198 **MOTION:**

199 Ms. Curtis made a motion to go back into public session. Ms. Rodgers seconded the motion, which carried
200 unanimously.

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202 **Board members returned from executive session where no motions were made and no votes were taken.**

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204 **MOTION:**

205 Ms. Rodgers made a motion to defer the decision on Mr. Difraia to become an instructor with SCSCA until
206 the next Board meeting due to the lack of information provided. Ms. Curtis seconded the motion, which carried
207 unanimously.

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209 **MOTION:**

210 Ms. Webb made a motion for Ms. Thompson resumed her position as Chairperson. Ms. Rodgers seconded the
211 motion, which carried unanimously.

212
213 **Approval of CEUs from Professional Growth Seminars**

214 **Virginia College – LeToya Robinson**

215 Ms. Robinson appeared before the Board requesting approval for two of their training programs to be considered
216 eligible for continuing education credit. The two programs are: a 5-day (40 hours) Pivot Point Seminar, which is a
217 product specific program, and a 3-day (24 hours) Hair Cutting Seminar. Virginia College requires these courses for
218 their instructors in order to comply with the accreditation requirements from the Accrediting Council of Independent
219 Colleges & Schools (ACICS). The Board informed Ms. Robinson that you must be an approved association in order
220 to provide continuing education courses. Virginia College is not an association. Continuing education courses must

221 be generic in nature, cannot be marketing or product based. This training is Pivot Point structured and product
222 specific. The Board cannot approve this to count as continuing education for the instructors.

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224 **MOTION:**

225 Ms. Rodgers made a motion to deny the request for approval of the two training programs as CEUs. Ms.
226 Webb seconded the motion, which carried unanimously.

227

228 **Approval to Teach Nail Technology**

229 **Miller-Motte Technical College – Merredith F. Kennedy**

230 Ms. Kennedy appeared before the Board requesting approval for Miller-Motte Technical College to offer a nail
231 technology program. Ms. Kennedy stated the floor plan does not show where the classes will be held but that the
232 classroom 126 will hold the nail technology classes. Ms. Kennedy stated that there is an existing clinical area in room
233 145. The Board let Ms. Kennedy know that the curriculum for nail technology must match the minimum regulation
234 requirements found under section 35 (3) (b) and that the hours of training must be measured in clock hours. In
235 addition, the Board must have a student handbook and policies, and procedures. There were also some concerns on
236 the contract and the refund policy on page 2. The Board was also concerned about the seven (7) day withdrawal /
237 drop and add period, which must be clarified for the Board. The total credits can be listed, but the clock hours must
238 be specified and spelled out. In addition, the English and math courses are not required by the Board for a license,
239 but the school can require the classes. Cosmetology students do not have to take English and math to qualify for a
240 licensure. There are currently two cosmetology instructors already on staff. The curriculum must be corrected before
241 the Board could approve the classes. Ms. Robinson stated she would email the information to the Board staff.

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243 **MOTION:**

244 Ms. Brown made a motion to deny the application until all corrections are made. Ms. Curtis seconded the
245 motion, which carried unanimously.

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247 **Approval to Teach Methods of Teaching – Mary Muckenfuss**

248 Ms. Muckenfuss appeared before the Board to request approval to become a methods of teaching instructor. Ms.
249 Muckenfuss provided information that she has a master's degree in public administration with a specialization in
250 economic development and education from Walden University and a bachelor's degree from Wingate University. She
251 stated that she is a licensed instructor in NC and SC, and she has been in the industry for twenty-five years. The
252 Board let Ms. Muckenfuss know that the Board requires a master's degree in education or an expertise in a board
253 approved related field. The Board has defined the experience as "teaching others how to teach." Ms. Muckenfuss
254 expressed that she has experience in teaching others how to teach based on her psychology classes and her student
255 teaching done through Walden University. The Board reviewed the transcript and documents provided.

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257 **MOTION:**

258 Ms. Rodgers made a motion to deny the request to become a methods of teaching instructor due to the lack of
259 a masters degree in education or a transcript showing classes taken on how to teach others to teach. Ms. Curtis
260 seconded the motion, which carried unanimously.

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262 **Approval to Extend School Hours**

263 **Trident Technical College – Ms. Ruth Ott**

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265 Ms. Ott appeared before the Board on behalf of Trident Technical College requesting to extend their cosmetology
266 program hours for their school located in Summerville, which currently holds classes at night. They would like to
267 extend the cosmetology program to include weekdays with possible hours from 8:00 a.m. to 5:00 p.m., not to exceed
268 8 hours of student training each day. The school will retain the night classes. Nothing will change in the program
269 except to include the daytime hours. The school would like to start their program on August 20, 2012. The Board
270 reviewed the information and determined that Ms. Ott must submit the new total hours of operation for the school, a
271 list of instructors responsible for the day, and evening classes and a master list of all instructors. The school currently
272 has eleven (11) instructors.

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274 **MOTION:**

275 Ms. Curtis made a motion to approve the extended school hours pending the additional information required
276 by the Board. Ms. Webb seconded the motion, which carried unanimously.

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MOTION:

Ms. Nye made a motion to break for lunch. Ms. Curtis seconded the motion, which carried unanimously.

The Board returned from lunch to resume the public meeting.

Approval of Salon License

L'Amour Nails – Nhan Trong Do (new owner) and Duy Thanh Nguyen (manager)

The salon was previously named “Glamour Nails” and was originally licensed on 8/16/1996. Starting 6/14/ 2010 several inspections revealed sanitation issues and multiple counts of unlicensed practice. The license under the name “Glamour Nails” was voluntarily surrendered by the former owner on 6/28/2011. The salon name was changed from Glamour Nails to L’Amour Nails. The inspection problems with L’Amour Nails continued which resulted in the previous manager having his license revoked by the Board. Mr. Do appeared before the Board along with his attorney, Mr. David Belding seeking approval of his application as the new owner of L’Amour Nails. Mr. Do stated that he owned Perfect Nails Salon with his wife and wants to now own L’Amour Nails. Mr. Do stated that he once worked for the former Glamour Nail from 2000-2002 and knows the former owner. From 2002-2006 he went to work for Hot Nails. Mr. Do stated he had a sanitation problem in his salon two years ago which was resolved. He has not had any problems since. LLR staff verified his salon, Perfect Nails, and the inspection reports. Mr. Do stated that if he is allowed to open he would have two people working in the new salon with the new manager Mr. Duy Thanh Nguyen. Mr. Belding complained to the Board that LLR failed to place his client on the May 2012, Board meeting agenda so they had to wait until the July meeting. Mr. Belding stated that the previous owner and manager of L’Amour Nails would not be involved with the salon. L’Amour Nails has been closed since December 2011. Further discussion ensued.

MOTION:

Ms. Curtis made a motion to go into executive session. Ms. Nye seconded the motion, which carried unanimously.

MOTION:

Ms. Brown made a motion to go back into public session. Ms. Nye seconded the motion, which carried unanimously.

Board members returned from executive session where no motions were made and no votes were taken.

Mr. Belding called upon Board Administrator, Mr. Byron Ray, to testify. Mr. Ray testified that he did not know whether or not L’Amour Nails was recently inspected and did not know anything about Mr. Do.

MOTION:

Ms. Webb made a motion to approve the salon license for L’Amour Nails. Ms. Brown seconded the motion. Ms. Rodgers and Ms. Curtis voted nay. The motion carried.

Approval of Licenses with Education Concerns

Samantha Claire Mann

Ms. Mann appeared before the Board seeking approval of her cosmetology license with a home school high school diploma from Homeward Education Association, issued May 15,2009. The Department of Education does acknowledge home schools as well as colleges, but they do not regulate the home schools.

MOTION:

Ms. Webb made a motion to approve the license with the home school diploma. Ms. Brown seconded the motion, which carried unanimously.

Tam Thi Le

Ms. Le appeared before the Board seeking approval of her nail technician license. Ms. Le attended the QH Beauty School in Orlando, Florida. Her high school documents do not clearly indicate that she has a 10th grade or higher equivalent education. Ms. Le previously appeared before the Board and received an Order of denial on March 19, 2012. Ms. Le stated she was a resident of SC in 2011 but went to Florida for school only. While attending school she

333 lived with her friend in Florida. Ms. Le brought in a copy of her Florida license. The Board review the documents
334 submitted. Ms. Thompson asked LLR staff to clarify item #6 on the Order. No clarification was given. Mr. Ray
335 stated that the Order was written by the legal department.

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337 **MOTION:**

338 Ms. Rodgers made a motion to go into executive session. Ms. Webb seconded the motion, which carried
339 unanimously.

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341 **MOTION:**

342 Ms. Rodgers made a motion to go back into public session. Ms. Webb seconded the motion, which carried
343 unanimously.

344
345 **Board members returned from executive session where no motions were made and no votes were taken.**

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347 **MOTION:**

348 Ms. Curtis made a motion to deny the license based on unreliable school information and testing in Florida. Ms.
349 Rodgers seconded the motion, which carried unanimously.

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351 **Approval of License with Education Concerns and Background Report**
352 **Renee Suzanne Pursel**

353 Ms. Pursel requested a Board appearance as she could not provide staff with a school transcript to show the number
354 of classroom hours completed since she completed her training under an apprenticeship with the Hair & Nails
355 Gallery/ Shear Preference in Maryland. Ms. Pursel explained to the Board that the instructor was a licensed
356 cosmetologist and that they learned out of a textbook. The Board had issues with the two state license verifications
357 submitted by the Maryland Board with different examination information. The Board reviewed all documents
358 submitted and informed Ms. Pursel that the cosmetology training must be done in a school classroom with an
359 instructor.

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361 **MOTION:**

362 Ms. Curtis made a motion to deny the license based on conflicting paperwork. Ms. Rodgers seconded the motion,
363 which carried unanimously.

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365 Ms. Curtis amended her previous motion as follows:

366
367 **MOTION:**

368 Ms. Curtis amended her previous motion to state, the license is denied based on conflicting paperwork, and that
369 apprenticeships are not accepted in SC. Ms. Rodgers seconded the motion, which carried unanimously.

370
371 **Discussion**

372 **Cosmetology Regulations / Federal Requirements – Heather Smith**

373 Ms. Smith appeared along with Steven Dawson to discuss some issues they were having with regulation submission
374 #4218. Within the submission of #4218, there was a section that they will need passed according to the federal
375 requirements, as dictated on October 2010, which has to specify cosmetology schools as post-secondary education.
376 Ms. Smith asked the Board to consider resubmitting the regulation change, as soon as possible, to accommodate the
377 federal requirement under Section 35 (5) (I). Chairperson Thompson stated she is aware of regulation submission
378 #4218 not being passed and that several of the changes were specific to schools. The Board plans to resubmit the
379 regulation changes.

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381 Ms. Smith stated they had several meetings with Ms. Michelle Furtick (SPELLING), and they explained things to
382 her. Ms. Furtick stated if the Board decided to move forward with one large change and separate their federal
383 change, she would be supportive of that decision as long the Chairmen of the appropriate Committees and the House
384 were properly notified and everyone is in agreement that there will be separate submission tracks. Ms. Smith stated
385 they will work with the Boards to make this happen. Ms. Thompson stated the Board was not prepared to make a
386 decision today, but if Ms. Smith is able to arrange a meeting with the “powers that be” the Board will attend so that
387 every receives the same story and the Board could proceed.

388

389 Ms. Smith also needs to know, setting aside the Federal Department of Education, who would be the decision makers
390 either the 3M Committee responsible for creating a separate track for education or if it would be the Commission of
391 Higher Education Committee. Either way, the conflicting information must be resolved. Ms. Smith believes that both
392 should come to the table to resolve the issues. Ms. Thompson stated it must be determined who has the final say in
393 the General Assembly, what's the best path to follow, and how the regulation changes will be packaged, either
394 together or on separate tracks.
395

396 **Board Member Reports**

397 Ms. Curtis stated she attended a class on June 24, 2012, with Nails, Hair & Skin in Anderson, SC. There were 42
398 participants. The session started at 8:30 a.m. and ended at 2:00 p.m. The class was good. She also attended the
399 school overview on June 2, 2012.
400

401 Ms. Rodgers reported that she also attended the school overview on June 2, 2012.
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403 Ms. Webb reported she attended the June 18, 2012, Board Hearing at LLR.
404

405 Ms. Brown did not have a report.
406

407 Ms. Nye reported that she attended the SC Esthetics Association class on June 25, 2012, in Summerville. There were
408 14 participants. The session started at 9:00 a.m. and ended at 4:15 p.m. The materials and instructor were excellent
409 and informative. Ms. Nye also attended the school overview on June 2, 2012.
410

411 **Public Comments**

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413 Ms. Colleen Large commented that she met with Ms. Nye at the class and was happy she attended.
414

415 Mr. Steven Dawson addressed the Board about substitute teachers. In the past his school has sent an email to the
416 Board containing the names and license numbers of substitute teachers. The list does not mean the teachers are
417 substituting but that they would be available to do so. An update was just sent to the Board. They were informed
418 recently that the schools need to send a formal letter to the Board now indicating when they will use that substitute
419 along with the start and end dates. Ms. Thompson clarified the regulation and that the school must furnish to the
420 board a list of all regular and emergency instructors and their respective schedules. The 30 day part only applies if the
421 school is using a cosmetologist and not a teacher/instructor as the substitute. When using a cosmetologist, the Board
422 must be notified of a start date and the end date they will finish substituting.
423

424 Ms. Nancy Poole commented that some schools did not attend the school overview because they attend the premier
425 program in Orlando, Florida. She has been in touch with several people regarding the federal changes and will send
426 any documents she has to Ms. McCartha at LLR. Ms. Poole also mentioned that several schools are being recertified
427 so she will check with the schools in her association.
428

429 **Adjournment**

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431 **MOTION:**

432 Ms. Brown made a motion to adjourn. Ms. Rodgers seconded the motion, which carried unanimously.
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434 The next meeting of the S.C. Board of Cosmetology is scheduled for September 10, 2012.