

48 **Approval of Agenda**

49

50 **MOTION:**

51 Ms. Curtis made a motion to approve the agenda. Ms. Nye seconded the motion, which carried
52 unanimously.

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54 **Chairman's Remarks – Melanie Thompson – There were none**

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56 **Administrator's Remarks – Tracey McCarley - There were none**

57

58 **Old Business**

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60 **Approval of Dudley Trade Show - Vontae's – Michelle Hampton-Furtick**

61 Ms. Furtick appeared before the Board representing Vontae's, requesting a review of the Dudley Trade
62 Show materials for continuing education (CE) credit approval for 2013. The Board expressed concerns
63 about the content being product specific. Ms. Furtick stated that regarding the hair cutting, coloring and
64 "how-to" classes, she can almost guarantee there will not be any teaching of products. Ms. Furtick stated
65 that the instructors outline the techniques, step-by-step. Ms. Brown stated that her review of the outline
66 revealed that the color theory and concepts class was product driven and mentions the use of Dudley
67 products. However, the safety class had good content. Ms. Furtick stated that the same program was
68 approved for the past three years and the sponsors don't want to lose the relationship. Ms. Curtis pointed
69 out that the information regarding safety and sanitation referred students to the North Carolina Code and
70 must be corrected for South Carolina statutes. Ms. Furtick stated that she will ensure that the North
71 Carolina reference was removed and South Carolina's information would be added. Ms. Furtick stated
72 that as a former Board member, she would not consider submitting any programming that was not
73 quality education. A discussion ensued regarding the coloring, safety and sanitation. Ms. Furtick stated
74 again that she previously submitted the trade show materials, but was not told what was wrong with the
75 program or what to change. This is the same packet submitted three years running. Ms. Rodgers stated
76 that the Board has been cautioned by legal counsel that because things were done in the past does not
77 mean the Board must continue to do the same things incorrectly. On the contrary, moving forward, the
78 Board must start correcting some decisions made in the past. Further discussion ensued.

79

80 **MOTION:**

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

83

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

85

86 **MOTION:**

87 Ms. Brown made a motion to approve the Dudley Trade Show, but to remove the color class as it was
88 too product specific. Ms. Curtis seconded the motion, which carried unanimously.

89

90 **New Business**

91 Mr. Rogers began to inform the Board about case 2012-68 regarding Pedispa & Nails, but Ms.
92 McCartha let him know that the case was not on today's agenda and could not be heard or commented
93 on by the Board. Mr. Rogers moved on to the next case.

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95

96 **Approval of Consent Agreement - 2012-86 - Kim Nails**
97 Mr. Rogers stated that the consent agreement before the Board was signed by the respondent. Ms.
98 McCartha let the Board know that they can either approve the consent agreement, or the case can come
99 back before the Board if they disapprove of the consent agreement. A brief discussion ensued.

100
101 **MOTION:**

102 Ms. Brown made a motion to accept the consent agreement for 2012-86 - Kim Nails. Ms. Curtis
103 seconded the motion, which carried unanimously.

104
105 **Approval of Consent Agreement - 2012-76 - Fancy Nails**
106 Mr. Rogers stated that the consent agreement before the Board was signed by the respondent for
107 unlicensed practice that occurred April 10, 2012. A brief discussion ensued

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109 **MOTION:**

110 Ms. Brown made a motion to accept the consent agreement for 2012-76 – Fancy Nails. Ms. Curtis
111 seconded the motion, which carried unanimously.

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114 **Approval of Consent Agreement - 2012-99 - Lee Nails Salon**
115 Mr. Rogers stated that the consent agreement before the Board was signed by the respondent for two
116 incidents of unlicensed practice with a \$1,000 fine and three hour sanitation course requirement.

117
118 **MOTION:**

119 Ms. Curtis made a motion to accept the consent agreement for 2012-99 – Lee Nails Salon. Ms. Brown
120 seconded the motion, which carried unanimously.

121
122 **Approval of Consent Agreement - 2012-96 - Nail Spa**
123 Mr. Rogers stated that the consent agreement before the Board was signed by the respondent for two
124 incidents of unlicensed practice with a \$1,000 fine and the respondent must take the three hour
125 sanitation course.

126
127 **MOTION:**

128 Ms. Curtis made a motion to accept the consent agreement for 2012-96 – Nail Spa. Ms. Brown
129 seconded the motion, which carried unanimously.

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131
132 **Approval of Consent Agreement - 2012-83 - Angel Nails**
133 Mr. Rogers stated that the consent agreement before the Board was signed by the respondent admitting
134 to reusing nail files left on work stations and one instance of unlicensed practice. Respondent agrees to
135 pay a \$1,000 fine, complete a three hour disciplinary course in the laws governing cosmetology and a
136 sanitation course. A brief discussion ensued.

137
138 **MOTION:**

139 Ms. Curtis made a motion to accept the consent agreement for 2012-83 – Angel Nails. Ms. Brown
140 seconded the motion which carried. Ms. Nye opposed the motion.

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142

143 **Approval of Consent Agreement - 2012-130 - Attractive Hair Studio & Spa**
144 Mr. Rogers stated there were two inspections done at Hair Studio & Spa. The salon was found operating
145 without a license, and the owner was working on customers without a license. Respondent agrees to pay
146 a \$500 fine, complete a three hour disciplinary course in the laws governing cosmetology and a
147 sanitation course. A brief discussion ensued.

148
149 **MOTION:**

150 Ms. Curtis made a motion to reject the consent agreement for 2012-130 – Attractive Hair Studio & Spa.
151 Ms. Brown seconded the motion, which carried unanimously.

152
153
154 **Approval of Consent Agreement - 2012-105 - Crystal Nail Spa**

155 Mr. Rogers stated that an inspection was done and found an employee working without a license and a
156 waxing station when no one in the salon was a licensed operator for waxing services. There were also
157 sanitation violations found. Respondent agrees to pay a \$2,000 fine, complete a three hour disciplinary
158 course in the laws governing cosmetology and a sanitation course. A brief discussion ensued.

159
160 **MOTION:**

161 Ms. Curtis made a motion to reject the consent agreement for 2012-105 – Crystal Nail Spa. Ms. Brown
162 seconded the motion, which carried unanimously.

163
164 **Approval of Consent Agreement - 2012-153 - Ya Dreamz**

165 Mr. Rogers stated that an inspection was done and found the salon operating at a new address without a
166 license. In addition, the co-owner, Ms. Jacqueline Earle, a licensed hair braider, was found working
167 outside of her scope of practice; however, the Barber Board will address her license situation.
168 Respondent agrees to pay a \$500 fine, complete a three hour disciplinary course in the laws governing
169 cosmetology. A brief discussion ensued.

170
171 **MOTION:**

172 Ms. Curtis made a motion to accept the consent agreement for 2012-153 – Ya Dreamz. Ms. Brown seconded
173 the motion, which carried unanimously.

174
175 **Approval of Consent Agreement - 2012-148 - Glamour Nail**

176 Mr. Rogers stated that an inspection was done and found a warm waxing container in a waxing station
177 when no one in the salon was a licensed operator for waxing services. There were also used foam
178 buffers at five nail stations. Upon a second inspection, sanitation issues were found and the waxing
179 station was still present. Respondent agrees to pay a \$1,100 fine, complete a three hour disciplinary
180 course in the laws governing cosmetology and a sanitation course. A brief discussion ensued.

181
182 **MOTION:**

183 Ms. Curtis made a motion to reject the consent agreement for 2012-148 – Glamour Nail. Ms. Brown
184 seconded the motion, which carried unanimously.

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186 **The Board took a five minute recess.**
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191 **Formal Complaint - Hearing - 2012-46 - Beyond Measure Beauty**

192 Mr. Rogers stated that the respondent Ms. Gail Love, cosmetology license 21551 was not present to
193 answer questions. Mr. Rogers provided the Board with a letter to show Ms. Love was properly notified
194 to attend today's hearing and provided the Board with a copy of the certified mail receipt from February
195 5, 2013. Mr. Rogers stated he spoke with Ms. Love and she is aware that the case would go forward
196 today.

197
198 **MOTION:**

199 Ms. Curtis made a motion to proceed with Ms. Love's case in her absence to hear the formal complaint.
200 Ms. Nye seconded the motion, which carried unanimously.

201
202 Mr. Rogers stated that on February 5, 2013, an additional email was sent to Ms. Love to attend today's
203 meeting, but he has not received any communication from Ms. Love and she did not sign in yet. Mr.
204 Rogers stated an inspection occurred at the respondent's salon on August 24, 2011 and found Ms. Love
205 working on an individual with an expired license. Mr. Jim Kyzer, inspector for LLR appeared before the
206 Board as a witness for the State. Mr. Kyzer reported that on August 24, 2011 he inspected the salon and
207 several people had licenses hanging on the wall but were not present. Mr. Kyzer checked those licenses
208 too. In 2009 and in 2011 there were violations found and reported on this salon for unlicensed booth
209 renters and a copy of those inspection reports were given to Ms. Love. Ms. Love's license was expired
210 at the time, and she still did not reinstate the license until November 2011. Mr. Rogers concluded that
211 the State proved its case against Ms. Love regarding case 21551, salon 7937. Ms. Love renewed her
212 license three months after the inspection and allowed others to work on lapsed licenses in her shop. Mr.
213 Rogers stated that this complaint was only against the salon.

214
215 **MOTION:**

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

218
219 **MOTION:**

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

222
223 **The Board returned from executive session where no motions were made or votes taken.**

224
225 Ms. Curtis stated that the Board feels the State has proven its case against salon 7937.

226
227 **MOTION:**

228 Ms. Curtis made a motion to suspend the salon license 7937 until Ms. Love appears before the Board. The
229 Board further agrees to a total fine of \$1,000 and that Ms. Love complete the three hour disciplinary course
230 in the laws governing cosmetology. Ms. Nye seconded the motion, which carried unanimously.

231
232 **Memorandum of Agreement & Formal Complaint - Hearing - 2012-12 -The Body Garden -**
233 **Elizabeth Siegling**

234 Mr. Rodgers addressed the Board and provided documents for a State formal complaint and a
235 memorandum of agreement against the respondent's esthetics license 1350 and the salon license 3539.
236 Mr. Rogers stated that the respondent agreed to the violations in the formal complaint. Mr. Rogers
237 stated that upon inspection the salon license was expired. Ms. Siegling gave a very emotional testimony

238 stating that she mainly does massages, but admitting she allowed the esthetics license to lapse. She
239 agreed to the State violations. Mr. Rogers let the Board know that the sanctions would be left up to the
240 Board to decide.

241
242 **MOTION:**

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

245
246 **MOTION:**

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

249
250 **The Board returned from executive session where no motions were made or votes taken.**

251
252 **MOTION:**

253 Ms. Nye made a motion to sanction the esthetics license 1350 and the salon license 3539. The State sanctions
254 are: \$500 for the unlicensed practice and Ms. Siegling must complete a three hour disciplinary course in
255 the laws governing cosmetology. In addition, the licenses are on a three year probationary period. Any
256 additional violations will result in immediate license suspension. Ms. Curtis seconded the motion, which
257 carried unanimously.

258
259 **Hearing - 2012-59 - Ultra Beauty of Charleston – Mr. Johnny Hayward**

260 Mr. Rogers submitted an amended formal complaint into evidence for salon 7474 regarding OIE case
261 2012-47. Mr. Rogers stated he spoke with Mr. Hayward earlier and Mr. Hayward does not contest the
262 charges. Mr. Rogers asked the Board to accept Mr. Hayward's stipulation to the facts and violations in
263 this case. Mr. Rogers stated that this hearing now turns into a memorandum of agreement hearing. Mr.
264 Hayward stated he agreed with the charges and was properly notified to appear before the Board today.

265
266 **MOTION:**

267 Ms. Curtis made a motion to proceed with changing this case into a memorandum of agreement. Ms.
268 Brown seconded the motion, which carried unanimously.

269
270 Mr. Rogers went over the facts of the case. On January 10, 2012 an investigation revealed the
271 respondents salon license expired on June 30, 2008. The investigator found Viola Hayward (RC 14567)
272 with an expired license from March 10, 2007. The case today is only against the salon license. Ms.
273 Hayward's case is not before the Board at this time. In addition, Johnny Hayward (RC 14219) was also
274 operating with an expired license from March 10, 2009. The individual license data is included in the
275 packet as information only however, both individuals were operating in the salon at the time of the
276 investigation with expired licenses.

277
278 Mr. Hayward stated he has been in the beauty business for over fifty years without any major violations.
279 It's just over the past six or seven years his wife became ill and he had to handle everything. He is now
280 seventy-three years old and his wife is seventy-two. He overlooked the licenses and blames himself. He
281 recently had surgery and is asking that his wife be given a chance to get her license back without
282 continuing education at her age.

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284

285 **MOTION:**

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

288

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

290

291 **MOTION:**

292 Ms. Curtis made a motion to go back to public session. Ms. Nye seconded the motion, which carried
293 unanimously.

294

295 Mr. Rogers submitted additional documents from the respondents he received during executive session.

296

297 **MOTION:**

298 Ms. Brown made a motion that since the respondents have been in the business for over fifty years, the Board
299 issues a one-year probationary period to the salon. Any further violations would result in an immediate
300 suspension. Ms. Curtis seconded the motion, which carried unanimously.

301

302 **Hearing - 2011-235 and 2011-237 - Pro Nails - Kevin Le**

303 After the State served the initial formal complaint Mr. Rogers spoke with the respondent and discussed
304 the second violation. Mr. Le explained to Mr. Rogers that Mr. Chang obtained licensure prior to the
305 second violation of unlicensed practice being filed. Mr. Rogers followed up and determined that at the
306 time of the second violation, Mr. Chang was licensed in South Carolina. An amended formal complaint
307 was sent to the respondent removing the second violation. The proper charge now is that Mr. Chang
308 failed to properly post his license. So for today's proceedings, there is only one charge of unlicensed
309 practice. Mr. Rogers stated that the case today is against the salon license 90195 and the respondent's
310 license number is RC 68463. This case is 2011-235 and the State has withdrawn case 2011-237. Mr.
311 Rogers stated that in August 2011 an inspection was done and the owner, Mr. Le was charged with one
312 case of unlicensed practice. Mr. Le stated he had a license in Alabama before moving to South Carolina
313 in 2011. His brother had a license in Virginia who came to South Carolina to help him for one day in
314 the new shop. The inspector came in on the same day. However, on September 21, 2012 the license was
315 approved, but was not received yet. The inspectors came over a second time on September 23, 2012 so
316 the license was not on the wall since it was on its way, by mail. Mr. Le stated that "cheese graters" were
317 allowed for use in Alabama and did not know he could not use them in South Carolina. When he was
318 informed that he could not use the grater in South Carolina, he threw them all away. Mr. Ronnie
319 Blackmon appeared before the Board as a witness for the State to answer questions about the inspection
320 report. Mr. Blackmon explained his duties and that he has been an inspector for LLR since 1995. Mr.
321 Blackmon stated that upon inspection, he found Mr. Ngoc Cong Chang performing a pedicure. He let
322 Mr. Blackmon know that he had a license in Virginia and presented different types of identification from
323 his wallet and cooperated. The owner knew that Mr. Chang was not licensed in South Carolina. Mr.
324 Blackmon stated there were other violations observed. There were three "cheese graters" at the pedicure
325 stations and let the owner know he could not use them in South Carolina and marked that on the
326 inspection report. Other violations were noted on the inspection report and brought those to the owner's
327 attention, who understood. The sanitary rules and regulations were not posted so Mr. Blackmon
328 provided one to Mr. Le. Upon the next inspection the sanitation violations were corrected. Mr. Rogers
329 summarized the case and asked the Board to find for the State. Mr. Le stated he was new to South
330 Carolina and stated that once the inspector pointed out the violations, he corrected them immediately.

331

332 **MOTION:**

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

335

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

337

338 **MOTION:**

339 Ms. Curtis made a motion to go back to public session. Ms. Brown seconded the motion, which carried
340 unanimously.

341

342 **MOTION:**

343 Ms. Nye made a motion to sanction Mr. Le's license 68463 and the Pro Nails salon license 90195. The State
344 sanctions are: \$500 for the unlicensed practice, \$100 for the use of rasps, and \$500 for allowing the
345 unlicensed practice as the manager. The Board requires Mr. Le to complete a three hour disciplinary
346 course in the laws governing cosmetology and a sanitation course at his own expense. Ms. Curtis
347 seconded the motion, which carried unanimously.

348

349 **Hearing - 2011-274 Anh T. Vo**

350 Mr. Rogers let the Board know that Ms. Vo is not present today for the hearing and he has not heard
351 from her. In addition, the case cannot go forward in her absence due to a clerical error. Mr. Rogers
352 formally withdrew the case as the thirty day notice was not given to Ms. Vo. This case will return to the
353 Board at a later date.

354

355 **Adjournment**

356

357 **MOTION:**

358 Ms. Curtis made a motion to adjourn the meeting. Ms. Brown seconded the motion, which carried
359 unanimously.