

**AMENDED AGENDA**  
**South Carolina Board of Cosmetology**  
**Board Meeting**  
**9:00 a.m., March 22, 2016**  
**Synergy Business Park**  
**Kingstree Building**  
**110 Centerview Drive, Conference Room 108**  
**Columbia, South Carolina 29210**

**1. Meeting Called to Order**

- a. 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.
- b. Rules of the Meeting Read by the Chairman
- c. Pledge of Allegiance

**2. Introduction of Board Members and All Other Persons Attending**

Vice Chairman Laquita Clark-Horton called the meeting of the S.C. Board of Cosmetology to order. Other Board members participating in the meeting included:

- ❖ Eddie Jones
- ❖ Patricia Walters
- ❖ Selena Brown
- ❖ Stephanie Nye (arrived later)

Staff members present included: Mary League, Advice Counsel; Shalon Genwright, Staff; Theresa Richardson, Administrator; Bridget Richardson, Staff; Sharon Wolfe, Office of Investigation (OIE); Kyle Tennis, Office of Disciplinary Counsel (ODC); Erin Baldwin, Office of Disciplinary Counsel (ODC)

**All Other Persons Attending:**

Tina Behles, Court Reporter (Capital City Reporting); Carla Young; Dana Spotto; Shanell Simmons; Arkeem Greene; Steven Dawson; Colleen Large; Phuongyen Truong; Gloria Smith; Bethany Haile; Terri James; Thuy Le; Nhut Nguyen; Erica Horton; Joe Grimaud; Lorraine Ebron; Linda L. Green; Angie Shuler; Wynetta Thomas; Kate Shelton; Chesley Phillips; Raymond Lee

**3. Approval of Excused Absences**

Mr. Eddie Jones made a motion to excuse Chairperson Melanie Thompson. Ms. Patricia Walters seconded the motion. The motion carried unanimously.

Ms. Theresa Richardson stated that Ms. Stephanie Nye would be here later and to defer her arrival.

**4. Approval of Agenda**

Mr. Jones made a motion to approve the agenda. Ms. Walters seconded the motion. The motion carried unanimously.

**5. Approval of Meeting Minutes**

January 11-12, 2016

Mr. Jones had a few corrections that included the following:

- Line 23 – Melanie is misspelled. (January 12, 2016)
- Line 57 – It states 'Ms.' Jones, instead of 'Mr.' (January 11, 2016)
- Line 63 – It should be 'they may have'. (January 11, 2016)

Mr. Jones made a motion to approve the meeting minutes with the corrections given for January 11<sup>th</sup> and 12<sup>th</sup>, 2016. Ms. Walters seconded the motion. The motion carried unanimously.

**6. Chairman’s Remarks – Melanie Thompson – N/A**  
 Vice Chair Laquita Clark-Horton is sitting in for Ms. Thompson.

**7. Administrator’s Remarks – Theresa Richardson**

Ms. Richardson introduced Ms. Shalon Genwright, her new Administrative Coordinator and Ms. Bridget Richardson as her new Licensing and Compliance Supervisor.

- a. Budget** – For Information
- b. OIE Report** – For Information - Sharon Wolfe
  - 45 (Complaints received)
  - 4 (Closed)
  - 6 (Active investigations)
  - 29 (Closed throughout the year)
  - 2 (IRC)
  - 9 (Do not open)
- c. IRC Report** – For Approval - Sharon Wolfe  
 Ms. Selena Brown made a motion to approve the IRC report that was given. Mr. Jones seconded the motion. The motion carried unanimously.
- d. ODC Report** – For Information - Kyle Tennis
  - 40 (Current Cosmetology cases)
  - 0 (Pending Citations)
  - 1 (Pending CA draft)
  - 1 (Pending draft for Formal Complaint)
  - 16 (Attorney Review)
  - 3 (Pending Board Action)
  - 5 (Set for Hearings)
  - 7 (Final Order Hearings – today)
  - 1 (Appeal Court)
  - 4 (Set for Rescheduling)
  - 2 (Pending IRC)
  - 11 (January 6, 2016 until present – Closed Cases)
- e. Inspection Report** – For Approval - Robbie Boland

Ms. Sharon Wolfe filled in for Mr. Boland.

Inspections given with salons/schools:

	<b>SALONS</b>	<b>SCHOOLS</b>
<b>July 2015</b>	288	2
<b>August 2015</b>	303	2
<b>September 2015</b>	467	10
<b>October 2015</b>	443	20
<b>November 2015</b>	429	6
<b>December 2015</b>	361	7
<b>January 2016</b>	573	15
<b>February 2016</b>	417	18

**YTD:** 3,361 Inspections

There are currently 6,329 active salons as of March 3, 2016.

Ms. Walters made a motion to approve the citations given and Ms. Brown seconded the motion. It carried unanimously.

**f. Administrator Approvals**

Since January of this year:

- *S.C. Professional Barber and Cosmetology Association* – Change # 1 was requested and received on January 10, 2016. The approved date change is from March 27, 2016 to April 3, 2016.
- *Vontae’s Advanced Training* – Change # 1 was requested and received on January 21, 2016. There was an approved addition of a 6 hour cosmetology class for May 3, 2016.
- *Association of Cosmetology Salon Professionals* – Change # 1 was requested and received on January 27, 2016. A date change was approved for a 6 hour cosmetology class for November 12, 2016.
- *Southeastern Esthetics Institute* – There were 2 changes. A request was received on February 4, 2016, for an addition of a 2-day retreat on June 11<sup>th</sup> and 12<sup>th</sup>, esthetics classes. It was approved.
- *The Original International Spa Institute* – This is change # 1. A request was received on February 9, 2016. It was approved for a location change on April 21, 2016, for a reflexology class.
- *S.C. Esthetics Association* – This is change # 1. A request received on February 9, 2016, for a date change. It was approved to change from April 25, 2016, to August 15, 2016. This is for an esthetics class.
- *Institute of Beauty Artistry* – This is change # 1 that was requested and received on March 4, 2016. It was approved for an addition of a 6 hour cosmetology class for March 6, 2016.

**8. Old Business**

**a. Consideration of Audio Content for Online CE Classes**

**i. PCES**

This is a continuation from the last hearing.

Joe Grimaud is the managing partner with PCES. He and Ms. Lorraine Ebron were present, along with their attorney, Ms. Kathleen McDaniel.

The clips were provided to the Board prior to the Board meeting. Ms. Brown stated that the material was general information and that it was fairly slow, dragging as it went on. Mr. Grimaud stated that it was adjusted purposely to make the length for a 3 hour timeframe.

Ms. Brown made a motion for the audio clips to be approved. Ms. Walters seconded the motion and it carried unanimously.

**b. Consideration to Continue Practicing as a CE Provider**

**i. Nails Skin & Hair of America LLC**

**ii. N2Skin Education, LLC**

Ms. Richardson did not see representation when this item was approached. Ms. Chesley Phillips was notified in writing and verbally. The Board Order was given to the Board members. This is a continuation. Ms. Erica Horton and Kate Shelton of the University of South Carolina were witnesses for this continuation. Ms. Richardson then received word that Ms. Phillips was running a little late.

Ms. Brown made a motion to defer the continuation until after letter ‘g’ of ‘New Business’ on the agenda. Mr. Jones seconded the motion. The motion carried unanimously.

This hearing was called to order prior to Ms. Phillips’ arrival. Ms. Brown made a motion to go into a closed session due to federal and state law. Mr. Jones seconded the motion and the motion carried.

Mr. Jones made a motion to withdraw approval of the association of Nails, Skin & Hair of America and N2Skin for the remainder of 2016. Ms. Phillips must appear before the Board in September for approval for 2017. She must also abide by the conditions set forth in the order from January

28, 2016. Ms. Phillips must also show a resolution to USC for all dates needed. Ms. Walters seconded the motion. The motion carried unanimously.

If Ms. Phillips does not receive the Board Order, she needs to contact LLR immediately. If she wishes to appeal, she may do so with the ALC. The motion is only limited to Nails, Skin & Hair of America and N2Skin. According to Ms. Phillips, this extreme punishment seems very harsh and she will appeal this with the ALC.

## **9. New Business**

### **a. Consideration of Reinstatement Applications with Continuing Education Issues**

Mr. Jones made a motion to defer this consideration until after '8. b.' on the agenda was discussed. Ms. Walters seconded the motion. The motion carried.

With the return to this agenda item, since issues have been happening with CE providers, an affidavit has been created where participants may get the form notarized to send to USC. Some individuals are in a quandary and asking for leniency. They will have to provide receipts and/or credit card statements. There may be instances where they may not be able to provide those things and providing false information could be subject to discipline.

Mr. Jones made a motion that we adopt the form drafted for the licensees, specifically for Nails, Skin & Hair of America and N2Skin Education class attendees. Ms. Brown seconded the motion. The motion carried unanimously.

### **b. S.C. Esthetics Association**

#### **i. Addition of Out-of-State Instructor**

Ms. Colleen Large represented the association.

Ms. Richardson stated that the out-of-state instructor's (Ms. Lakena Marsh of North Carolina) license and résumé checked out with no disciplinary action. Ms. Large stated that Ms. Marsh will be an alternate and will not become full-time until next year. She wants her as an apprentice for one year and has worked with her for years. She believes that she will be an outstanding instructor and a great asset to the association.

Mr. Jones made a motion to approve Ms. Marsh as an instructor to join Ms. Large as an esthetics instructor. Ms. Walters seconded the motion and it carried unanimously.

### **c. BIG Association**

#### **i. Consideration of Additional CE Class**

The materials do not have the actual information on the symposium, but Ms. Karen Stacks (representative of BIG Association) provided 2 copies of booklets to the Board members.

It is an out-of-state convention in the state of Virginia. 150 stylists will take 2 buses there and would like credit for CE classes. Ms. Stacks stated that the convention is not product-based. The classes are 2 hours each and the student receives a stamp after attending the class. Monitors are at each door as well to ensure each student stays in the class. At the end of the day, they use the stamps to confirm that the student took 3 classes. *Influence* sponsors the show. The products are in a different area and on the show floor. Ms. Stacks does not see an issue with any of the classes and has gone to several conventions. They do have hands-on classes.

Board members voiced that they had nothing to go on, except for the booklet and that materials were needed on the classes being structured and/or controlled. Ms. Walters states that the Board usually denies a provider if it is for a certain brand/company and that it comes down to them not being able to monitor the classrooms and not having control over the instructors. Mr. Jones stated to Ms. Stacks that it is up to her to establish how to monitor an out-of-state provider.

Ms. Brown made a motion for denial based upon what has been done in the past with symposiums and event. Ms. Walters seconded the motion and the motion carried. Ms. Mary League added that the denial was made because of it being unable to be regulated

**d. Consideration of Multiple CE Cancellation Dates**

**i. Institute of Beauty Artistry, LLC**

Ms. Beatriz Hernandez could not be here today, as stated by Ms. Richardson.

Mr. Jones made a motion to have a 10 minute break. Ms. Brown seconded the motion and the motion carried. The meeting resumed at 10:47 a.m.

The consideration was heard in her absence.

A letter was received requesting to cancel ALL classes for 2016.

A motion was made for executive session and Mr. Jones seconded the motion. The motion carried.

A motion was made to come out of executive session by Mr. Jones. It was seconded by Ms. Walters. The motion carried.

A motion was made by Ms. Brown to accept the letter of cancellation for the remainder of all 2016 classes. Mr. Jones seconded the motion. The motion carried.

**e. Consideration of NIC Theory and Practical Examination Updates**

Information was given to us from PCS for the new theory/practical examinations. The effective date is May 2016. There is some flexibility. There may be a vote on when PCS will administer the new test. The month of June would give the schools time to become acclimated to the changes. June 27, 2016, is an overview date and it would be better to have it after June, according to Mr. Steven Dawson of Kenneth Shuler. An August date is best for the implementation of the first testing as stated by Angie Shuler, also of Kenneth Shuler.

Mr. Jones made a motion to have the implementation of the cosmetology exam for August 2016. Ms. Brown seconded the motion and the motion carried.

Ms. Richardson will contact PCS to let them know.

Ms. Brown made a motion to go into executive session to receive legal advice regarding legal updates and procedures for handling cosmetology board cases (agenda items 'f' and 'g' of New Business). It was seconded by Mr. Jones. The motion carried unanimously.

The Board meeting will resume at 1:30 p.m.

**f. Legal Updates - Advice Counsel**

**i. Executive Session**

**g. Procedures for Handling Cosmetology Board Cases – Erin Baldwin, Ethics Officer**

**i. Executive Session**

Ms. Brown made a motion to approve dismissals based upon counsel's advice. Ms. Nye seconded the motion. It carried unanimously.

**LUNCH**

#### **h. Reinstatement with Criminal Background**

##### **i. Arkeem Greene (RC 72672)**

Mr. Greene earns his living with cosmetology and hopes to get another chance to practice. He has received criminal charges from 2010 and was convicted in 2011. He has built his clientele base in the Goose Creek area and has a job lined up if approved. The importance of being granted with his cosmetology license is that he will have the freedom to be with his daughters and unlimited potential for income. He has over 100 clients currently.

Mr. Jones made a motion to grant Mr. Greene his cosmetology license with a 2 year probationary period. SLED reports must be sent to the office each reporting period at his expense. With any new convictions, Mr. Greene must appear before the Board. The motion was seconded by Ms. Brown. The motion carried unanimously.

#### **i. Reinstatement with a Board Order**

##### **i. Shanell Simmons (RC 66910)**

Ms. Simmons has 1500 hours of cosmetology school. Currently, she is trying to get back into the field. She graduated in 2008 and was originally licensed on December 9, 2009. Her license expired on March 10, 2013. Her fine of \$500 has been paid. She has a salon to go to and does not own a salon anymore. She has a job lined up with O' Salon.

Ms. Richardson stated that Ms. Simmons is in full compliance with the Board Order.

A motion was made to issue Ms. Simmons a license with no probation by Mr. Jones. The motion was seconded by Ms. Walters. The motion carried unanimously.

#### **j. Consideration of School Changes**

##### **i. International Spa Institute (Ownership Change)**

Ms. Dana Spotto is here representing the International Spa Institute for an ownership change. She is originally from Georgia and came to South Carolina in July. In 2014, she went back to school for esthetics. The owner of the International Spa Institute has decided to retire and she has the opportunity to own it. She is pretty familiar with their guidelines.

Ms. Walters made a motion to approve the change of ownership. Mr. Jones seconded the motion. The motion carried unanimously.

##### **ii. Upstate College of Cosmetology (Changing School Hours)**

Ms. Terri Lynn James and Ms. Bethany Haile represented UCC. They would like to add evening and Saturday hours. The school is at a point where more students are coming in. 10-20 students a week have inquired about wanting other hours. To offer this to the students would be a great thing. Currently, they are open from 9 a.m. – 5 p.m. (Monday-Friday). The evening hours would be from Monday-Thursday from 5:30 p.m. – 9 p.m. Classes will be all day on Friday and Saturday. It would be no more than 40 hours per week and is just for cosmetology courses.

Ms. Brown made a motion to approve the UCC hour (evening and Saturday) changes. Mr. Jones seconded the motion. The motion carried unanimously.

### **10. Final Order Hearings – Kyle Tennis, Tracey Perlman**

#### **i. 2014-54**

Ms. Phuongyen Truong represented Beautiful Nails in this matter. She stated that it was a mistake for not labeling the bottle. There was a fine for \$250 and she apologized for everything.

The bottle was labeled for cosmetic use. A client's toe was also cut, but it was not from the use of a rasp.

A motion was made to go into executive session to receive legal advice in this matter by Ms. Brown. The motion was seconded by Ms. Stephanie Nye. The motion carried unanimously.

A motion was made to come out of executive session by Ms. Walters and seconded by Ms. Nye. The motion carried unanimously.

Ms. Walters made a motion to carry out the Hearing Officer's recommendations. The motion was seconded by Ms. Nye. The motion carried unanimously.

The Board accepted what the Hearing Officer's recommendations were.

**ii. 2012-158**

The respondent was not present. The Board of Cosmetology sent the notice to Polished @ Greenville on February 5, 2016, to the address on file. This was a Memorandum of Agreement that was presented to Mr. Jones. There was a violation of codes from the salon using substances that were not labeled for cosmetic use.

The Hearing Officer recommended that Polished @ Greenville be issued a public reprimand and Mr. Tennis asks that the Board accept and adopt the Hearing Officer's recommendations. Ms. League mentioned that the salon owner stated that the substances were labeled for professional use and the owner did not know they were in violation of any statutes.

Ms. Brown made a motion to accept the Hearing Officer's recommendations. The motion was seconded by Ms. Nye. The motion carried unanimously.

**iii. 2008-44**

The Respondent was not present and there is no word from his attorney. Mr. Kyle Tennis requested a continuation until his attorney is properly notified.

The continuance was granted per Vice Chair Horton.

**iv. 2011-156; 2012-121; 2013-307**

Ms. Thuy Le and Mr. Nhut Nguyen represented Super Nails 1. Ms. Le had allegations against her for obtaining a license for money, committing fraud. It was stated that she practiced by fraudulent misrepresentation and used forged documents. The state did not prove any allegations with case number 2011-156 (fraudulent application). Case numbers 2012-121 (brought against the salon) and 2013-307, where Ms. Le permitted unlicensed individuals to practice in her salon, share the same facts, where unlicensed activity occurred. They were recommended for dismissal with prejudice. The salon and the owner are viewed as one entity. The Hearing Officer ultimately recommended that for case number 2013-307, the respondent be publicly reprimanded, pay \$500 as a monetary penalty, and complete a 3 hour disciplinary course within 90 days. Ms. Le's license should be administratively suspended if she does not comply with the Board Order. Ms. Le agreed to the Hearing Officer's recommendations. Mr. Tennis recommended that the administrative suspension portion of the Hearing Officer's recommendation be stricken.

A motion was made by Ms. Walters to approve the Hearing Officer's recommendations with the qualifications given. It was seconded by Ms. Nye. The motion carried unanimously.

**v. 2013-225**

The respondents, Ms. Bethany Haile and Ms. Terri Lynn James, were both present. The owner was formerly Ms. Kathy Rizotelli (sp). In July of 2013, the student body went on a field trip and received 8 hours of credit for the trip. There was no educational curriculum associated with the trip. In August of 2013, a complaint was filed with the Board from miscalculation of hours.

The school had one licensed instructor and 4 substitute instructors. The Board was not notified of the substitutes. Schools are only allowed 20 students per class and no additional instructors were employed. To keep records of students, the former owner utilized a sheet that was not approved by the Board. They also had graduation lunches and were given 2 hours of credit if the lunches were attended. The luncheons were not a part of the curriculum, which violated several codes.

At the time of the violations, the new owners were unaware. The Hearing Officer recommended for the case to be dismissed. The state asks that the Board adopt the Hearing Officer's recommendations.

The new owners met with the previous owner numerous times and hearing all of this blows their minds.

Ms. Brown made a motion to accept the Hearing Officer's recommendations for UCC. Ms. Nye seconded the motion. It carried unanimously.

**11. Discussion**

Mr. Jones stated that Madame Vice Chair did an excellent job.

**12. Board Member Reports**

Mr. Jones conducted a final school inspection on March 9<sup>th</sup> at Younique Beauty College (SCH. 1198) and everything went well. The inspection was conducted with Ms. Jennifer Stillwell of the Office of Investigations and Enforcement. Ms. Brown attended a CE class for BIG Association on March 21<sup>st</sup> in Florence. Everything went well. It was a 6 hour course and the instructor was Ms. Karen Stacks.

**13. Public Comments**

Mr. Steven Dawson of the Kenneth Shuler School could not be on the agenda per legislation, but wanted to discuss possible changes that included the following:

- 1) Many students do not desire to practice skin or nail care. He has proposed a Hair Designer license for 1200 hours.
- 2) Many unlicensed individuals are behind make-up counters doing make-up. He is suggesting a license for professional make-up that consists of 120 hours.
- 3) It is proposed that there should be a Nail Technician program and curriculum of 450 hours. The U.S. Department of Education will not allow the current amount for Pell grants, 300 hours. Currently, there are 30 states that ask for more hours.
- 4) Remove the practical exam requirement for NIC examinations. Data has been pulled statewide and there are many advantages. If the practical is failed, the student is able to retest, but the date will still state failed. Between February 25, 2015, and February 26, 2016, there have been the following passing rates:
  - a. Cosmetology - 98.33%
  - b. Nail Technology - 98.17%
  - c. Esthetics - 98.13%
- 5) Cosmetology schools and salons need representation on the state boards.

Ms. Angie Shuler made a comment in reference to the acquiring of associations. It is now fine to have other associations as CE providers with one body owning them. In the future and for clarity, there needs to be wording on how many associations they may have.

Ms. Gloria Smith asked a question about the consideration of reinstatement. It had already been discussed earlier in the meeting for 2 providers specifically, Nails, Skin & Hair of America and N2Skin.



**14. Adjournment**

The meeting adjourned at approximately 3:11 p.m.

**The next meeting of the S.C. Board of Cosmetology is scheduled for May 23-24, 2016.**