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APPROVED MINUTES
South Carolina Board of Cosmetology
Board Meeting
10:00 a.m., May 14, 2013
Synergy Business Park
Kingtree 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, Kingtree 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, 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, Bridget Richardson, Roz Bailey-Glover, Administrative Staff, Cecelia P. Englert, Court Reporter.

All Other Persons Attending:

Sherrie Todd, Ben Hardee, David Staidenmire, Chesley Phillips, Shirley R. Westen, Bob MacElheney, Blake Nixon, Steven Dawson, Erica P. Horton, Kate Shelton, Gloria Smith, Nancy Poole, Colleen Large, Angie Shuler, Meredith Hernandez.

Approval of Excused Absences: Cindy Rodgers

MOTION:

Ms. Brown made a motion to excuse the absence of Cindy Rodgers. Ms. Curtis seconded the motion, which carried unanimously.

Approval of the Agenda

MOTION:

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

Chairman's Remarks – Melanie Thompson

Ms. Thompson stated that she worked with the Board on the regulation package, participated in conference calls, and attended the National Interstate Council meeting from April 19-20, 2013. The meeting was well attended by 26 states. Ms. Thompson also attended a meeting with LLR inspectors on

52 April 29, 2013 regarding the salon and school inspection forms. Mr. Robbie Boland will submit the forms
53 to the Board for review at the July meeting. On June 1, 2013 Ms. Thompson participated in a nail
54 technician job analysis for entry level technicians to determine what they should be tested on. The NIC
55 will launch a 10 minute survey (June 1-August 31, 2013) on the NIC website. LLR will have a link to the
56 NIC survey on their website. The results of the survey will be included in the new nail technician
57 examination. Ms. Thompson asked Board members to mark their calendars to attend the PCS School
58 Overview Training, July 27-29, 2013.

59
60 **Board Elections**

61
62 **MOTION:**

63 Ms. Curtis made a motion to elect Ms. Melanie Thompson as Chairperson. Ms. Nye seconded the
64 motion, which carried unanimously.

65
66 **MOTION:**

67 Ms. Curtis made a motion to elect Ms. Cindy Rodgers as Vice Chairperson. Ms. Nye seconded the
68 motion, which carried unanimously.

69
70 **Administrator's Remarks – Tracey McCarley**

71
72 **Report NIC Conference**

73 Ms. McCarley stated that she attended the NIC meeting and was able to network with other
74 Administrators.

75
76 **Approval of Travel for NIC Conference -August 22-26, 2013**

77 Ms. McCarley stated that there will be an NIC conference in Denver, Colorado August 22-26, 2013 and
78 would need to know which two board members will attend. Ms. McCarley stated that she will be in
79 attendance.

80
81 **MOTION:**

82 Ms. Curtis made a motion to select Ms. Thompson to attend. Ms. Brown seconded the motion, which
83 carried unanimously.

84
85 Ms. Thompson stated that she will ask Ms. Rodgers if she will be attending and get back to Ms. McCarley
86 with an answer.

87
88 **Regulation Status – Sara McCartha**

89 Ms. McCartha stated that the regulation updates are on schedule and regulation change 4346 was making
90 its way through the House and is on track for the education and citation package review.

91
92 **Approval of Continuing Education Providers Application Revision**

93 The Board reviewed the revised Continuing Education Provider Application package. Ms. Thompson let
94 staff know the changes will not be reviewed again until the end of the next review processing period. The
95 corrected application will be placed on LLR's website by LLR staff.

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97 **MOTION:**

98 Ms. Curtis made a motion to approve the revised CEU package. Ms. Brown seconded the motion, which
99 carried unanimously.

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Approval of Continuing Education Deadline Submission – October 1st

The Board discussed the deadline for CE providers to submit their application. The Board determined that October 1, 2013 is the deadline for CEU application submissions. By the end of business on October 1, 2013, all packages must be in the building and no post marks will be accepted.

MOTION:

Ms. Curtis made a motion to approve October 1, 2013 as the deadline for CEU provider packages to be received in house at LLR, and post marks will not be accepted. Ms. Brown seconded the motion, which carried unanimously.

Continuing Education Provider Discussion – Karen Stacks - BIG

Ms. Stacks was not present to answer questions from the Board. Ms. Curtis stated that on April 27, 2013 she monitored a class at the Holiday Inn Express. There were four people present however, no one appeared to conduct the class, and three of the people had already paid for the class.

MOTION:

Ms. Curtis made a motion that LLR mail a letter to Ms. Stacks stating that when classes come up for review by the Board in October and November, the Board will discuss if Ms. Stacks will be approved for 2014 classes. Ms. Nye seconded the motion, which carried unanimously.

Continuing Education Provider Discussion – Chesley Phillips - Nails, Skin, & Hair of America

Ms. Curtis let Mr. Phillips know that the Board had issues with her online programs and reporting attendance. According to a report Ms. Curtis received from PCS, there were 106 licensees who took online classes in February prior to the Board approving classes for March. USC reports are required to be submitted within 10 business days from the Providers to USC. During this time, USC received only one package, timely, from Nails, Skin & Hair of America. There were other issues brought to the Board's attention like Nails, Skin & Hair of America wanting USC to include students after the packages were submitted and completed. Ms. Phillips stated that she had difficulties with the mail and she was not prepared to discuss these issues and did not bring her documents. Ms. Phillips stated according to her records, she had 51 people on her list for the online classes and disputed the 106 previously mentioned. Ms. Phillips stated that faxes were received late from participants and some of the faxes did not come through. Ms. Phillips stated that she would need the names or a list regarding the other people over the 51 she recognized. Ms. Phillips informed the Board that if someone purchased an online class previously, they could take the class at anytime. Ms. Phillips also stated that the required documents like identification, affidavits etc., were needed to take the online classes and many of the participants have not submitted their required documents to-date. Ms. Phillips stated that the website was closed in December and extended to January, 2013. Ms. Phillips stated many things about the online programs, but did not pin point any one thing to substantiate why the information for the 106 people were submitted late to USC.

Ms. Thompson stated that this past renewal period was a confusing nightmare and that LLR and Providers must figure out a way to work together to resolve the issues. People who paid for online classes are confused, and when the paperwork for online classes does not arrive at USC on time, at the end of the day the licensees suffer. Ms. Thompson reminded all Providers that they have 10 days to submit their packets to USC and that USC will stand firm and to stick to their deadline. This includes the trade shows. The trade shows have 10 days to file their class packages with USC, and once the package is received by USC, they will close it within 5 days. By that Friday, the information processed by USC will be sent to LLR.

Ms. Phillips stated that regarding one particular student whose hours were not turned into USC that the student did not complete the law class test and did not complete the other three hour class either. Ms.

154 Phillips stated that the student was guided by LLR staff to file a complaint against her which she did not
155 feel was right. Some discussion ensued. The Board did not have any further questions for Ms. Phillips.
156

157 **Continuing Education Provider Discussion – Jay Lacy – Palmetto Professional of Cosmetology**

158 The Board let Mr. Lacy know that at the last Board meeting PPC was late submitting their packages to
159 USC for online classes, and online classes were offered in February, 2013. Mr. Lacy stated that he was
160 unaware of the late submittals except for one package he hand-carried, to be counted. Mr. Lacy stated that
161 the online programs have been difficult for everyone, and that the students do not follow the instructions
162 on the web. Many calls have come into PPC about students not receiving their certificates for the online
163 classes. The website is clear that students need two 3-hour classes. Most of them only take the one 3-
164 hour class and they don't receive their certificates. Ms. Curtis stated the Board does not want any more
165 delays in submitting packages to USC which delay the students from receiving their certificates.
166

167 **MOTION:**

168 Ms. Nye made a motion to take a 10 minute break. Ms. Curtis seconded the motion, which carried
169 unanimously.
170

171 **The Board returned to public session.**
172

173 Ms. Phillips had additional comments about the Provider's procedures. Ms. Thompson reminded Ms.
174 Phillips that the Board does not mandate the provider's in-house procedures on collecting documents.
175 The Board is only interested in the course content.
176

177 **South Carolina Small Business Regulatory Review – Holly Beeson**

178 Ms. Beeson stated that the South Carolina Small Business Regulatory Review Committee has written
179 LLR, asking the Board of Cosmetology to prepare an economic impact statement and perform a
180 regulatory flexibility analysis on regulation 4336 to determine whether it complies with SC Code 1-23-
181 270(F)(1) of the Small Business Regulatory Flexibility Act of 2004. The regulation 4336 was
182 resubmitted with revisions regarding credit hours, and public versus private school hours. Ms. Beeson
183 explained that Ms. McCartha will help the Board with the data gathering and drafting of the letter for the
184 economic impact statement.
185

186 **MOTION:**

187 Ms. Curtis made a motion to proceed with the drafting of the letter recommended by Ms. Beeson.
188 Ms. Nye seconded the motion, which carried unanimously.
189

190 Ms. Beeson let the Board know she will give them an update on the outcome of her conversation with the
191 SC Small Business Regulatory Review Committee.
192

193 **Continuing Education Provider Discussion – Joan Branham – Southern Spa Conference (Hickory
194 Martin)**

195 Ms. Branham was not present to answer questions the Board had regarding their continuing education
196 programming problems.
197

198 **MOTION:**

199 Ms. Curtis made a motion that LLR mail a letter to Ms. Branham stating that when classes come up for
200 review by the Board in October and November, the Board will discuss if Ms. Branham will be approved
201 for 2014 classes. Ms. Brown seconded the motion, which carried unanimously.
202
203

204 **Continuing Education Provider Discussion – Advance Association of Cosmetology SC – Lynn Jones**
205 **Walker**

206
207 Ms. Walker was not present to answer questions the Board had regarding their continuing education
208 programming problems.
209

210 **MOTION:**

211 Ms. Curtis made a motion that LLR mail a letter to Ms. Walker stating that when classes come up for
212 review by the Board in October and November, the Board will discuss if Ms. Walker will be approved for
213 2014 classes. Ms. Brown seconded the motion, which carried unanimously.
214

215 **USC - Kate Shelton and Ericia Horton**

216 Ms. Shelton and Ms. Horton appeared before the Board to explain the process Providers must go through
217 to have their packages submitted correctly. She stated that the Providers are emailed the procedures on
218 how to submit their packages for live programs to USC. The online submissions are different. For online
219 programs there's no VOA form. Instead, the Providers submit a spread sheet. Providers must ensure that
220 the participant's license number and last 4 digits of their social security number appear on the spreadsheet
221 correctly otherwise the data sent to LLR would not be accepted in the transmission. When participants
222 contact USC for another copy of their certificate there's a \$5.00 fee. Providers must mail in the class
223 evaluation summary for live classes and the class attendance roster. Providers must also ensure that the
224 participants name is spelled correctly for the certificates. Once the packages are closed, if there are any
225 questions, USC will contact the Providers directly.
226

227 **Lunch Break: 11:43 – 12:30**

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229 **The Board was called back to order for public session.**
230

231 **New Business**

232
233 **Approval of pre-graduation testing – Steven Dawson**

234 Mr. Dawson stated that the pre-graduation testing initiative was previously submitted and could not be
235 heard. The proposal was submitted to allow students to take their examinations prior to graduation. At
236 this time there are eight states that allow pre-graduation testing. Ms. Taylor let the Board know that a
237 meeting with PCS indicated that PCS will do whatever the Board requires. Pre-graduation testing was
238 available in previous years but ended in 2006. All Associations were okay with the pre-testing. There
239 were several comments from the general public regarding the advantage to the students who may
240 experience problems passing the test because if they are still in school, the student can still seek help.
241 This will also help with the program completion rate.
242

243 **MOTION:**

244 Ms. Curtis made a motion to approve pre-graduation testing at 1350 hours for the 1500 hour cosmetology
245 program, 250 hours completion for the nail technicians 300 hour program, and 400 hours completion for
246 the esthetics 450 hour program. Ms Brown seconded the motion, which carried unanimously.
247

248 Ms. Thompson stated that there will be a meeting on Thursday, May 16, 2013 to discuss the pretesting
249 with PCS. The Board will find out how long it would take them to get the pre-testing started.
250
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253

254 **Approval of Revised School Contract – Virginia College – Ben DeGweck**
255 School attorney, Mr. DeGweck appeared before the Board to present the changes Virginia College has
256 made to their contract concerning proposed language for arbitration. Mr. Spoon let Mr. DeGweck know
257 that the Board of Cosmetology is not providing legal advice on the validity of the contract changes at
258 hand, but rather just approving the changes on the student contracts and enrollment documents. Some
259 discussion ensued.

260
261 **MOTION:**

262 Ms. Brown made a motion to approve the contract changes for Virginia College as presented.
263 Ms. Nye seconded the motion, which carried unanimously.

264
265 **Approval of Revised School Contract – Miller Motte – Meredith Kennedy**

266 Ms. Kennedy appeared before the Board to present contract changes on pages 1 and 5 as previously
267 discussed at a prior Board meeting where the Board had concerns about provisional enrollment and the
268 non-refundable \$40 fee. A brief discussion ensued.

269
270 **MOTION:**

271 Ms. Brown made a motion to accept the changes to the contract as presented. Ms. Nye seconded the
272 motion, which carried unanimously.

273
274 **Approval of Nail Technician Program – The Academy for Technology and Academics – David**
275 **Stoudenmire**

276 Mr. Stoudenmire appeared before the Board for approval to start a 300 hour nail technician program at
277 the Academy. The Board reviewed the documents submitted and a brief discussion ensued. Mr.
278 Stoudenmire stated that the Academy is looking at an August, 2013 start timeframe for the program.

279
280 **MOTION:**

281 Ms. Curtis made a motion to approve the 300 hour nail technician program. Ms. Brown seconded the
282 motion, which carried unanimously.

283
284 Ms. Thompson let Mr. Stoudenmire know that Mr. Raymond Lee would be the inspector for the new
285 program.

286
287 **Approval of adds/changes of CEs – Angie Shuler - ACE**

288 Ms. Shuler appeared before the Board seeking approval to add / change some of the continuing education
289 programs for ACE. Ms. Shuler submitted the agenda for the program and stated that any classes that
290 appeared to be product driven, she reserves the option to remove them from the program agenda. The
291 annual AACCS (CEA) Convention is scheduled for July 19-22, 2013 in Las Vegas. Ms. Thompson let Ms.
292 Shuler know that on page 8 of the program she must remove the Dashing Diva Professional class, and
293 remove the Sexy Hair class as well as the Breakfast segment since these were all sponsored by Supercuts.
294 In addition Ms. Shuler must remove the Chella Skin Care class. Ms. Shuler states she would send the
295 edited information to LLR staff.

296
297 **MOTION:**

298 Ms. Curtis made a motion to approve the program changes pending a final list of non-product related
299 classes, being submitted to LLR staff within the next two weeks. Ms. Brown seconded the motion, which
300 carried unanimously.

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Approval of adds/changes of CEs – Karen Stacks - BIG

Ms. Stacks appeared before the Board seeking changes to the current class submissions. A location change was requested from the Embassy Suites for the May 20, 2013 class to change the location to the Hilton Hotel at 45 West Orchard Park, Greenville, SC because the Embassy was too expensive once they received their contract back in March, 2013. The email from Ms. Stacks requesting the change was received by the Board on April 11, 2013. The submission did not meet the Boards 45 day requirement.

MOTION:

Ms. Curtis made a motion to deny the May 20, 2013 change as it does not meet the 45 day requirement. Ms. Brown seconded the motion, which carried unanimously.

Ms. Thompson reminded the Providers that the guidelines for Providers are in place for a reason. There was further discussion.

Approval of adds/changes of CEs – Chesley Phillips – Nails, Skin, Hair of America

Ms. Phillips appeared before the Board to request approval to add another person to their Monitor list. Ms. Curtis let Ms. Phillips know that this is her third change.

MOTION:

Ms. Curtis made a motion to approve the addition of a Monitor. Ms. Brown seconded the motion, which carried unanimously.

Approval of adds/changes of CEs – Colleen Large – SC Esthetics Association

Ms. Large appeared before the Board to change the location of a continuing education course scheduled Monday, October 28, 2013. The class will be moved to the Pink Dot Beauty Boutique located at 227 Meeting Street, Charleston, SC 29401. Ms. Large wants the new location information placed on the LLR website. The change request was submitted to LLR staff by email on April 26, 2013.

MOTION:

Ms. Curtis made a motion to approve the change in location. Ms. Nye seconded the motion, which carried unanimously.

Discussion – There was none.

Board Member Reports

Ms. Curtis reported that she attended the esthetics program inspection at J. Harley Bonds School in Greer, SC. On January 27, 2013 she monitored the Academy of Hair Tech with SCACS. There were 116 attendees, the program was excellent and audio recorded. On April 27, 2013, she attended the Beauty Industry Group program and they were a no show. She also attended the Palmetto Professional of Cosmetology (PPC) program with 51 participants. The information was good and the program was recorded. On April 28, 2013 she attended the J. H. Bonds program with 81 participants. The class was good. Ms. Curtis also attended the 3M Committee meeting on April 10, 2013.

Ms. Brown reported that she also attended the 3M Committee meeting on April 10, 2013.

Public Comments

Ms. Shirley Weston appeared before the Board on behalf of Ms. Ngoc Thanh Pham. Ms. Weston stated she wanted to comment about Provider, Ms. Chesley Phillips. Mr. Spoon advised Ms. Weston that if she is a friend of Ms. Pham's, who is a licensee, that there is a formal process for filing a complaint with the Board, and that it was not appropriate to speak about the complaint during public comments. Mr. Spoon

354 cautioned Ms. Weston that the public comment segment is wide ranging and asked her not to speak
355 specifically about the complaint she filed. Ms. Weston stated that she had concerns about online testing
356 and that the person, Ms. Pham, had to take the same test twice.

357

358 Ms. Bridget Richardson stated that the Provider could not be contacted for assistance since February,
359 2013.

360

361 Ms. Phillips stated that based on Ms. Weston's comments, Ms. Pham will get her hours next Friday. Ms.
362 Phillips voiced her concerns about LLR staff directing callers to file a complaint against her, and stated
363 that there are currently several complaints filed against Nails, Skin & Hair of America. Ms. Thompson let
364 Ms. Phillips know that if anyone contacts LLR staff with a complaint, they are advised to file a formal
365 complaint. Ms. Phillips stated that attendees are not submitting their paperwork and staff does not know
366 all of the steps required by the Provider. Ms. McCarley also stated that when staff receives a call on how
367 to file a complaint, the caller is asked to put the complaint in writing using the formal complaint process
368 online.

369

370 Further discussion ensued. Ms. Thompson wanted to know the average timeframe for a complaint to get
371 through the complaint process. Ms. McCarley let the Board know she will contact Ms. Sharon Wolfe for
372 comments.

373

374 Ms. Gloria Smith asked about the budget deficiency. Ms. Thompson let her know there was no resolution
375 yet.

376

377 Ms. Colleen Large commented that the CE packets include monitors, if they are licensed. She wanted to
378 know if the Board could place on the July agenda, an official determination, whether the Board will
379 include the monitor's license number in the packet or not.

380

381 Ms. Angie Shuler stated that she agreed with Ms. Large and that if Providers are having problems with
382 USC receiving their information, maybe they should be more astute in their accounting and processes.

383

384 Mr. Dawson commented that the Board did not go back to agenda item 11a.

385

386 **Adjournment**

387

388 **MOTION:**

389 Ms. Curtis made a motion to adjourn the meeting. Ms. Nye seconded the motion, which carried
390 unanimously.

391

392 **The next meeting of the SC Board of Cosmetology is scheduled for July 15, 2013**