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APPROVED MINUTES
South Carolina Board of Cosmetology
Board Meeting
10:00 a.m., May 13, 2013
Synergy Business Park
Kingstree Building
110 Centerview Drive, Conference Room 105
Columbia, South Carolina 29210

Meeting Called to Order

Public notice of this meeting was properly posted at the S. C. Board of Cosmetology office, Synergy Business Park, Kingstree Building and provided to all requesting persons, organizations, and news media in compliance with Section 30-4-80 of the South Carolina Freedom of Information Act.

Pledge of Allegiance

Rules of the Meeting Read by the Chairman

Introduction of Board Members:

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

Staff Members Participating in the Meeting:

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

All Other Persons Attending:

Chesley P. Phillips, Tom Dunaway, Kristy Williams, Demetrius Livingston, Rhonda Yeargin, Rachel Wisnefski, Samantha Messer, Stefanie Barklage, Tiffany Miller, Lauren Annese, Chantay Pinckney, Elizabeth McCutchen, Latonya Jones, Gloria Smith, Colleen Large, Chanedra LaSone, Jamable Graham, Iris Gilmore, Alexius Johnson, Dave Gilbert, Cinday D. Gilfert, Bu N. Than, Blake Nixon, Ann Walters, Drucilla Perry, Charmaine Green, Amber Holland.

Approval of Excused Absences: Cindy Rodgers

MOTION:

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

46 **Approval of the Minutes for - March 8, 2013 – Conference Call**

47

48 **MOTION:**

49 Ms. Curtis made a motion to approve the minutes with changes stated. Ms. Brown seconded the motion,
50 which carried unanimously.

51

52

53 **Approval of the Minutes for - March 11, 2013 – Board Meeting**

54

55 **MOTION:**

56 Ms. Curtis made a motion to approve the minutes with changes stated. Ms. Brown seconded the motion,
57 which carried unanimously

58

59 **Approval of the Minutes for - March 12, 2013 – Board Meeting**

60

61 **MOTION:**

62 Ms. Brown made a motion to approve the minutes with changes stated. Ms. Nye seconded the motion,
63 which carried unanimously

64

65 **Approval of the Minutes for - March 18, 2013 - Hearing**

66

67 **MOTION:**

68 Ms. Curtis made a motion to approve the minutes with changes stated. Ms. Brown seconded the motion,
69 which carried unanimously.

70

71 **Approval of the Minutes for - April 1, 2013 – Conference Call**

72

73 **MOTION:**

74 Ms. Brown made a motion to approve the minutes as written. Ms. Curtis seconded the motion, which
75 carried unanimously

76

77 **Approval of the Agenda**

78

79 **MOTION:**

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

82

83 **Chairman’s Remarks – Melanie Thompson**

84 Chairman’s remarks were deferred until May 14, 2013 meeting date.

85

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

87

88 **Recognition of Service – Kathy Webb**

89 Ms. Webb was unable to attend today’s meeting. Ms. McCarley will schedule Ms. Webb for the July
90 meeting.

91

92 **Financial Monthly Report – February, March, April, 2013**

93 The Board accepted the budget document as information only.

94

95

96

97

98 **Office of Investigations and Enforcement Report – Yolanda Rodgers**

99 Ms. Rodgers gave an overview of the OIE case report indicating there were a total of 30 cases received
100 from January 1, 2013 – May 8, 2013. Of the 30 cases 19 were active, 6 were closed and there were 5
101 cases marked do not open case. The Board accepted the report as information.

102
103 Ms. Rodgers let the Board know that OIE was undergoing several reassignments and that inspector Mr.
104 George Barr would be reassigned from inspections to OIE.

105
106 **Inspections Report – Robbie Boland**

107 Mr. Boland reviewed the inspections report and let the Board know that there were about three schools
108 remaining to be inspected. Mr. Boland also reviewed the inspection violation report for April, 2013 and
109 highlighted the following cases for follow-up: 2013-88, 2013-89, 2013-90, 2013-91, 2013-106, 2013-123
110 and 2013-110. Mr. Boland let the Board know there are now only 5 inspectors remaining for the State of
111 South Carolina and there is now only 1 inspector for the schools. The inspection reports were accepted
112 by the Board as information only.

113
114 **Office of General Counsel Report – Andrew Rogers**

115 Mr. Rogers provided the Board with the OGC Case Load Statistics report for May 13, 2013. Mr. Rogers
116 let the Board know that none of the appeals are on the report. Mr. Rogers stated that there are 209 pending
117 cases, 209 open cases, 144 pending action, 39 pending CA/MOA's, 6 pending hearings, 59 pending final
118 order hearings and 42 closed cases.

119
120 Ms. McCarley answered a previous question asked by the Board and informed them that in October, 2012
121 there was an adjustment made to the budget in the amount of \$192,258 by the finance department,
122 regarding OIE expenditures.

123
124 **Old Business**

125
126 **Invalid hours after twenty-four (24) months of course completion – Demetrius Livingston -**
127 **Reconsideration**

128 Ms. Livingston appeared before the Board and stated she finally received a record of her class hours from
129 her former teacher Ms. Princess Flatau. Ms. Livingston stated she did not have an attorney with her today.
130 Ms. Livingston appeared before the Board in March 2013 and was required to provide the Board with the
131 additional information so the case was deferred until today. Ms. Livingston clarified that she informed
132 LLR that she became ill and after she was well she was allowed to take the theory and practical
133 examinations.

134
135 **MOTION:**

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

138
139 **The Board returned from executive session where no votes were taken or motions made.**

140
141 Ms. Livingston was asked additional clarifying questions. Ms. Livingston stated she received a 91 on the
142 theory and an 85 on the practical examination and was informed that she could work using her grades.
143 She was later informed by staff that she would not be receiving her license so she stopped working.

144
145
146
147
148

149 **MOTION:**
150 Ms. Curtis made a motion to go into executive session for legal advice. Ms. Brown seconded the motion,
151 which carried unanimously.

152

153 **Ms. Sara McCartha, Advice Counsel arrived and replaced Mr. Spoon.**

154

155 **MOTION:**

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

158

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

160

161 **MOTION:**

162 Ms. Curtis made a motion that due to the unique circumstances of Ms. Livingston's case, she completed
163 1500 hours in high school, and took her examinations. Per Section 35-10 (E) (7) regarding the 24 month
164 rule, the license is approved. Ms. Brown seconded the motion, which carried unanimously.

165

166 **Invalid hours after twenty-four (24) months of course completion – Chantay Pinckney**

167 Ms. Pinckney appeared before the Board because her training hours were completed 24 months ago. She
168 completed her hours in 2006 and took her examination in 2011. Ms. Pinckney stated she moved to
169 Oklahoma and later returned to South Carolina. She did not try to take the examination after high school
170 because she lived in Oklahoma from 2007 until 2011. She returned to South Carolina in November of
171 2011 and started review classes to prepare for the examination. No one at the school told her about the 24
172 month rule. Ms. Pinckney attended school for two months for 2-3 hours per day to prepare for the
173 practical examination.

174

175 **MOTION:**

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

178

179 **MOTION:**

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

182

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

184

185 **MOTION:**

186 Ms. Brown made a motion that Ms. Pinckney completed the 1500 hours prior to the law change in
187 Section 35-10 (E) (7) regarding the 24 month rule, the license is approved. Ms. Nye seconded the motion,
188 which carried unanimously.

189

190 **MOTION:**

191 Ms. Curtis made a motion to break for 30 minutes for lunch. Ms. Brown seconded the motion, which
192 carried unanimously.

193

194 **The Board returned from lunch and resumed the public meeting.**

195

196

197

198

199

200 **New Business**

201

202 **Clarification of freelance make-up artist – Rachel Wisnefski**

203 Ms. Wisnefski appeared before the Board to obtain the Board’s opinion on freelance make-up artistry.

204 Ms. Wisnefski stated that someone contacted her to cease working as a make-up artist without a license.

205 She also stated her mother called the Board and received two different answers. Ms. Wisnefski wanted the

206 Board to provide a clear answer whether she can work as a make-up artist in South Carolina or not. Ms.

207 Thompson clarified that if Ms. Wisnefski is charging individuals a fee for the make-up service, that

208 service should be done by a licensed cosmetologist or an esthetician. A license is required when you are

209 putting your hands on the public. Ms. Wisnefski argued that she is not practicing the other modalities of a

210 cosmetologist or esthetician, just make-up. Ms. Curtis clarified that many cosmetologist don’t practice

211 skin care or nail care, but they go through the proper training for sanitation, and waxing which are all part

212 of make-up artistry. Ms. Wisnefski argued that many make-up artists are still practicing and wanted to

213 know how the Board would police those who are practicing make-up artistry. The Board clarified that

214 complaints are filed on those who are performing the service, and suggested that Ms. Wisnefski obtain an

215 esthetician license to do make-up.

216

217 **Approval of Correspondence High School – Samantha Messer**

218 Ms. Messer appeared before the Board with her attorney, Mr. Tom Dunaway. Ms. Messer attended

219 Continental Academy, a correspondence school, instead of a regular high school. The school was

220 accredited while she was attending and she graduated. She stated that she did not know they lost their

221 accreditation. Ms. Messer also stated that she enrolled into Greenville Technical College with the high

222 school diploma from Continental Academy. Mr. Dunaway stated that Continental Academy was

223 accredited by SACS while Ms. Messer attended from 2011-2012. Mr. Dunaway stated that he believes

224 Ms. Messer exceeded the 10th grade minimum requirement and wants the Continental Academy diploma

225 to be recognized by the Board as Ms. Messer’s job is being held pending the Board’s decision.

226

227 **MOTION:**

228 Ms. Curtis made a motion to go into executive session for legal advice. Ms. Nye seconded the motion,

229 which carried unanimously.

230

231 **MOTION:**

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

233 unanimously.

234

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

236

237 **MOTION:**

238 Ms. Nye made a motion that because the diploma from Continental Academy was accepted by the SACS

239 the Board would approve the license. Ms. Curtis seconded the motion, which carried unanimously.

240

241 **Approval of License with Background Report – Drucilla Perry - Reconsideration**

242 Ms. Perry previously appeared before the Board on January 9, 2012 where the license was denied based

243 on the criminal background report warrant. Ms. Perry provided documents that the one charge from

244 March 21, 2012 was removed from her record and the background report is now corrected. Ms. Curtis

245 reminded Ms. Perry of the seriousness of the charge and that this is the third time she has appeared before

246 the Board. Ms. Perry let the Board know that she was not a threat to society and that she did well in

247 school and passed her exams. Ms. Perry stated she was not on probation and has a job lined up if the

248 license is granted.

249

250

251 **MOTION:**
252 Ms. Nye made a motion to go into executive session for legal advice. Ms. Brown seconded the motion,
253 which carried unanimously.

254
255 **MOTION:**
256 Ms. Curtis made a motion to return to public session. Ms. Nye seconded the motion, which carried
257 unanimously.

258
259 **The Board returned from executive session where no votes were taken or motions made.**

260
261 **MOTION:**
262 Ms. Brown made a motion that due to the background history, the Board approves the license with a 5
263 year probationary period. At the end of each year, Ms. Perry must submit a current SLED report to the
264 Board. Any new charges will result in an immediate license suspension. Ms. Nye seconded the motion,
265 which carried unanimously.

266
267 **Approval of License with Background Report – Lauren Annese**

268 Ms. Annese appeared before the Board and testified that because she had knowledge of a crime and did
269 not come forward to say anything she was charged. Ms. Annese stated that she lived in a small town and
270 was just minding her own business and did not want to say anything. She received three years probation.
271 She completed the probation in 2011 and has never been in trouble before this incident. The charge was
272 from 2002 with a non-conviction in 2003.

273
274 **MOTION:**

275 Ms. Curtis made a motion to approve the license with a two year probationary period. A current SLED
276 report must be submitted to the Board at the end of each year. If any additional charges occur, it will
277 result in an immediate license suspension. Ms. Brown seconded the motion, which carried unanimously.

278
279 **Approval of License with Background Report – Iris Gilmore**

280 Ms. Gilmore appeared before the Board and testified that in 2007 she was in an abusive relationship with
281 an individual who attacked her 10 year old child. She injured him and he later died. Ms. Gilmore stated
282 that she was also working while receiving public assistance and did not report the income. She is paying
283 restitution of \$15,000 and is on probation for 5 years. Her probation will be completed in 2016. Ms.
284 Gilmore stated she has a job lined up and was advised that she could work on her exam scores.

285
286 **MOTION:**

287 Ms. Curtis made a motion to approve the license with a 5 year probationary period. At the end of each
288 year she must provide a current SLED report to the Board. Any future charges will result in an immediate
289 license suspension. Ms. Brown seconded the motion, which carried unanimously.

290
291 **Approval of License with Background Report – Alexius Johnson**

292 Ms. Johnson appeared before the Board and testified that in 2009 she was driving a friend's car when she
293 was stopped at a road block. The police searched the car and found drugs behind the dash board. She went
294 to court, but the owner of the car did not show-up to court. She paid a \$200 fine, but the police found
295 enough evidence to charge her with possession and the intent to distribute.

296

297 **MOTION:**

298 Ms. Curtis made a motion to approve the license with a 2 year probationary period. At the end of each
299 year she must provide a current SLED report to the Board. Any future charges will result in an immediate
300 license suspension. Ms. Brown seconded the motion, which carried unanimously.

301

302 **Approval of License with Background Report – Latonya Jones**

303 Ms. Jones appeared before the Board and testified that in 2007 she and a friend had a fight and she was
304 charged. In addition there was another charge from 2007 for drugs with the intent to distribute. Ms.
305 Jones stated she has not been in any trouble since 2007. She paid a fine and served 3 years of probation.
306 Her probation was complete in 2011 and she is working now. She attended classes for the 2008 charge.

307

308 **MOTION:**

309 Ms. Curtis made a motion to approve the license with a 3 year probationary period. At the end of each
310 year she must provide a current SLED report to the Board. Any future charges will result in an immediate
311 license suspension. Ms. Brown seconded the motion, which carried unanimously.

312

313 **Approval of License with Background Report – Tiffany Miller**

314 Ms. Miller appeared before the Board and testified that she had a past suspension with the Nursing Board.
315 In 2008 she became dependent on pain medication for cancer. She was arrested for taking the drugs. She
316 attended a recovery program for drugs and could not get a nursing job after the incident. Ms. Miller stated
317 that she is a single parent and was unable to pay for the 200-300 hours per month for the drug program so
318 she took a voluntary suspension on her nursing license as she could not complete the monitoring
319 requirement. Ms. Miller stated that she is working at JC Penney now and went to rehab so she is fine now.
320 She is no longer on medication.

321

322 **MOTION:**

323 Ms. Curtis made a motion to approve the license with a 3 year probationary period. At the end of each
324 year she must provide a current SLED report to the Board. Any future charges will result in an immediate
325 license suspension. Ms. Brown seconded the motion, which carried unanimously.

326

327 **Approval of License with Background Report - Kristy Williams**

328 Ms. Williams appeared before the Board and testified that she got into an altercation at a bar and was
329 charged with felonies. Ms. Williams stated that the police tried to say the altercation was a hate crime.
330 She did not know the other party in the fight, and she acted in self-defense. She was at the wrong place at
331 the wrong time. For the DUI she had to take and complete an 8 hour class and a 12 week drug and alcohol
332 program. Ms. Williams stated she was a cosmetologist in Florida for 5 years and an instructor for 1 year.
333 She is not on probation.

334

335 **MOTION:**

336 Ms. Brown made a motion to approve the license with a 1 year probationary period. At the end of the
337 year she must provide a current SLED report to the Board. Any future charges will result in an immediate
338 license suspension. The motion expired due to the lack of a second.

339

340 **MOTION:**

341 Ms. Nye made a motion to approve the license with a 2 year probationary period. At the end of each year
342 she must provide a current SLED report to the Board. Any future charges will result in an immediate
343 license suspension. Ms. Curtis seconded the motion, which carried unanimously.

344

345 **Approval of License with Background Report – Rhonda Yeargin**

346 Ms. Yeargin appeared before the Board to answer questions regarding her lengthy background report. Ms.
347 Yeargin stated that she made many mistakes and that she experienced a divorce and other issues in her

348 life. She went to jail for 3 months for resisting arrest and served 5 years probation. This July 15, 2013
349 her probation will be over. Ms. Yeargin stated the April 12, 2010 charge was a felony because she
350 assaulted an officer. She took medication for her anxiety and depression. Ms. Yeargin stated she is
351 working and trying to change her life. She is no longer on medication. The Board expressed concerns
352 about Ms. Yeargin and her pattern of behavior, and that she is not currently involved with a support group
353 of any type.

354
355 **MOTION:**

356 Ms. Curtis made a motion to approve the license with a 3 year probationary period. At the end of each
357 year she must provide a current SLED report to the Board. Any future charges will result in an immediate
358 license suspension. Ms. Brown seconded the motion, which carried unanimously.

359
360 **MOTION:**

361 Ms. Curtis made a motion to take a 10 minute break. Ms. Nye seconded the motion, which carried
362 unanimously.

363
364 **MOTION:**

365 Ms. Curtis made a motion to return to the public meeting. Ms. Nye seconded the motion, which carried
366 unanimously.

367
368 **Approval of Renewal with Background Reports – Stefanie Barklage**

369 *This was a renewal hearing with a criminal background report. The general public was asked by legal*
370 *counsel to leave the session so the hearing could proceed. No minutes were captured for this segment*
371 *of the hearing only the transcript.*

372
373 The Board returned to the public meeting.

374
375 Ms. Thompson clarified that Ms. Barklage paid a fine of \$1500 for the 2009 charge and a \$2600 fine for
376 the 2012 charge.

377
378 **MOTION:**

379 Ms. Curtis made a motion to approve the license with a 2 year probationary period. At the end of each
380 year she must provide a current SLED report to the Board. Any future charges will result in an immediate
381 license suspension. Ms. Brown seconded the motion, which carried unanimously.

382
383 **Approval of Renewal with Background Reports – Marcie Bouknight**

384 Ms. Bouknight was mailed a letter on April 15, 2013 to appear before the Board to answer questions
385 regarding her background report and application. Ms. Bouknight did not appear for today's meeting.

386
387 **MOTION:**

388 Ms. Curtis made a motion to deny the application. Ms. Brown seconded the motion, which carried
389 unanimously.

390
391 **Approval of Renewal with Background Reports – Michelle Harrison**

392 Ms. Harrison was mailed a letter on April 17, 2013 to appear before the Board to answer questions
393 regarding her background report an application. Ms. Harrison contacted the Board and requested to be
394 placed on the meeting agenda for July, 2013.

395
396
397
398

399 **MOTION:**
400 Ms. Brown made a motion to defer this application until the July, 2013 meeting. Ms. Curtis seconded the
401 motion, which carried unanimously.

402
403 **Approval of Renewal with Background Reports – Amber Holland**
404 Ms. Holland appeared before the Board to answer questions about her background report and her license
405 renewal with pending charges from 2009. Mr. Spoon let Ms. Holland know that the burden of showing
406 the Board she is fit for practice rests with her. Ms. Holland testified that her job transferred her to South
407 Carolina in 2009 and at that time she got involved with a contractor's son who she was trying to help out.
408 On November 30, 2009 she went to a bar with him and left her keys in his truck. Later on, he attacked
409 her, but told police she injured him. The police took her to jail and he pressed charges against her. Ms.
410 Holland stated she has been practicing as a nail technician and esthetician since 2011. She was just trying
411 to help this guy and did not injure him. She believes he cut himself so he did not get into trouble because
412 of his lengthy criminal record. Ms. Holland stated her attorney is working on getting a dismissal for the
413 case. Ms. Holland signed a document waiving a speedy trial to allow time to clear the matter.

414
415 **MOTION:**
416 Ms. Curtis made a motion to approve. Ms. Brown seconded the motion, which carried unanimously.

417
418 **Approval of Renewal with Background Reports – Elizabeth McCutcheon**
419 Ms. McCutcheon appeared before the Board to answer questions about her background report. Ms.
420 McCutcheon testified that she was doing drugs in 2011 and served two years probation and six months
421 taking drug rehabilitation classes.

422
423 **MOTION:**
424 Ms. Curtis made a motion to go into executive session for legal advice. Ms. Brown seconded the motion,
425 which carried unanimously.

426
427 **MOTION:**
428 Ms. Curtis made a motion to return to public session. Ms. Brown seconded the motion, which carried
429 unanimously.

430
431 **The Board returned from executive session where no votes were taken or motions made.**

432
433 **MOTION:**
434 Ms. Nye made a motion to approve the application for license. Ms. Curtis seconded the motion, which
435 carried unanimously.

436
437 **Approval of Endorsement Application without taking the NIC Examination – Cindy Gilfert**
438 Ms. Gilfert was asked to appear before the Board seeking licensure by endorsement without taking the
439 NIC practical examination. Ms. Gilfert objected to the 2010 law change and was concerned that the
440 current practical examination was easier than the test she took over 30 years ago. Ms. Gilfert stated she
441 has been out of school for a very long time. Ms. Gilfert explained that the school she inquired with would
442 allow her to attend an exam prep class. Ms. Thompson explained the exams are designed for entry level
443 candidates. The candidate information bulletin would help her to understand what's required to help her
444 to pass the practical examination. Ms. Thompson reiterated the endorsement application requirements.

445

446 **MOTION:**
447 Ms. Nye made a motion to go into executive session for legal advice. Ms. Brown seconded the motion,
448 which carried unanimously.

449
450 **MOTION:**
451 Ms. Curtis made a motion to return to public session. Ms. Brown seconded the motion, which carried
452 unanimously.

453
454 **The Board returned from executive session where no votes were taken or motions made.**

455
456 **MOTION:**
457 Ms. Curtis made a motion to deny the endorsement application. Ms. Gilfert must take the NIC practical
458 examination. Ms. Nye seconded the motion, which carried unanimously.

459
460 Ms. Thompson let Ms. Gilfert know that the Board would revisit the law change.

461
462 **Discussion – There was none.**

463
464 **Public Comments**

465 Mr. Bob MacElheney expressed his concern about the NIC exam and the return of student exam
466 applications from PCS. He stated that students are completing their examination applications and PCS is
467 sending the applications back to the students to complete the affidavit form. PCS is telling students the
468 affidavit form changed 6 months ago and is asking them to complete the same form. If the form
469 completed is the same form, it's not fair for PCS to return the whole application and delay testing. Also,
470 with the 24 month expiration of hours, if the 1500 hours are not completed, it should apply for the transfer
471 of hours too.

472
473 Ms. Chesley Phillips asked if putting make-up on individuals, like permanent eyelashes fall under make-
474 up done by a cosmetologist and esthetician. Ms. Phillips was reminded that the comments session was a
475 one way communication to the Board and that if she is expecting an answer, the topic must be placed on
476 the agenda ahead of time for legal opinions on the scope of practice for a cosmetologist or esthetician.

477 Ms. Phillips understood. She further commented that she has been told that licensees were being told to
478 take 4 classes, by taking 2 classes to renew the license and then 2 more classes.

479
480 There were no additional comments.

481
482 **Adjournment**

483
484 **MOTION:**
485 Ms. Curtis made a motion to adjourn the meeting. Ms. Brown seconded the motion, which carried
486 unanimously.

487
488 **The next meeting of the SC Board of Cosmetology is scheduled for May 14, 2013**