

1 **DRAFT MINUTES**
2 **South Carolina Board of Cosmetology**
3 **10:00 A.M., November 6, 2012**
4 **Synergy Business Park**
5 **Kingstree Building, Conference Room 105**
6 **110 Centerview Drive, Columbia, SC 29210**

7 View the Board Meeting On-line at www.llr.state.sc.us/POL/Cosmetology

8 Video of this meeting can be viewed at the state's public website: www.llr.state.sc.us/POL/Cosmetology,
9 On the Board's home page click "Board Information" and follow the link to the video.

10 *These minutes are a record of the motions/ official actions taken by the Board, and a brief summary of the*
11 *meeting. A transcript of this meeting providing more detail will also be available on the Board's website*
12

13 **Meeting Called to Order**

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

17
18 **Pledge of Allegiance**

19
20 **Rules of the Meeting Read by the Chairperson**

21
22 **Introduction of Board Members**

23 Chairperson, Melanie C. Thompson called the regular meeting of the Board of Cosmetology to order. Other
24 Board members present for the meeting included, Vice Chairperson, Cynthia T. Rodgers, Selena M. Brown,
25 and Janice Curtis.

26
27 **Staff Members Participating in the Meeting**

28 Sara McCartha, Advice Counsel, Tracey McCarley, Board Administrator, Matteah Taylor, Roz Bailey-
29 Glover, Administrative Staff, Cecelia P. Englert, Court Reporter. Andrew R. Rogers, Assistant General
30 Counsel, Robbie Boland, Inspections Department, Doris Cubitt, Administrator.

31 **All Other Persons Attending:**

32 Nicole Nigro, Lisa McLaughlin, Jamie Miller-Hall, Ginger Hair, Colleen Large, Andre L. Douglas, Jimmy E.
33 Hardee, Chesley P. Phillips, Brittany Duncan, Gloria Smith, Marle Coufe, Vernaya Thompson, Rachel
34 Counts, Lenita Browning, Steen Dawson, April Wade.

35 **Approval of Excused Absences:** Stephanie Nye absent.

36 **MOTION:**

37 Ms. Rodgers made a motion to excuse the absence of Stephanie Nye. Ms. Curtis seconded the motion, which
38 carried unanimously.

39 **Approval of Agenda**

40 **MOTION:**

41 Ms. Rodgers made a motion to approve the agenda with any deviations deemed necessary. Ms. Curtis
42 seconded the motion, which carried unanimously.

43
44 **Chairman's Remarks – Melanie Thompson**

45 Ms. Thompson stated that the Chairman's report will be submitted in writing to staff.

46
47 **Administrator's Remarks – Tracey McCarley – There were none.**
48
49
50

51 **Financial Reports**

52 Ms. Thompson stated that the Board still has not heard anything further from the Finance Department.
53 Reports received still show the Board is in the red and the percentages allocated to the Cosmetology Board
54 don't work out correctly. The Board is still questioning the \$173,000 amount from 2011 and will wait for
55 Holly to get back to the Board.

56

57 **OGC Report – Office of General Counsel – Andrew Rogers**

58 Mr. Rogers provided the Board with the OGC Case Load Statistics report indicating there were ninety-two
59 (92) open cases, eighty-six (86) pending actions, and four (4) pending cease & desist cases closed as of
60 September 14, 2012. At least four (4) cases will come before the Board for appeal. For the inspection cases,
61 OGC will send out consent agreements, if not signed, some of those cases may come before the Board for a
62 hearing. Ms. Thompson let Mr. Rogers that the Board agreed to get a hearing officer. Until the officer is
63 assigned, the Board will hear the cases.

64

65 **Inspection Report – Approval of Inspection Violation Report – Robbie Boland**

66 Mr. Boland provided the Board with the Cosmetology Inspection Violation Report for October, 2012.
67 Several cases were discussed with the Board, particularly case #6059 and #6339. Mr. Boland stated that the
68 inspectors use guidelines to make inspection determinations. He will bring a copy of the guidelines to the
69 next Board meeting in January to discuss how inspectors should handle first and second offenses. The Board
70 accepted the inspections report as information.

71

72 **OIE Report – Sharon Wolfe**

73 Ms. Wolfe reviewed the case report with the Board and stated there were nineteen (19) active cases, five (5)
74 closed cases and ten (10) do not open cases. There were a total of 176 active cases through November 2,
75 2012. OIE closed 266 cases from January 1, 2012 through November 2, 2012. Last year, OIE received 50
76 active cases, and closed 173 cases.

77

78 **MOTION:**

79 Ms. Brown made a motion to accept the OIE report as information. Ms. Rodgers seconded the motion, which
80 carried unanimously.

81

82 **IRC Report– Andrew Rogers**

83 Ms. Thompson stated that in the future the IRC report is unacceptable, since it does not make sense to the
84 Board. The logic of insufficient evidence for prosecution when Ms. Thompson actually provided the evidence
85 does not make sense. Mr. Rogers stated that if the Board would prefer to hear these cases, OGC can bring
86 them before the Board to be heard.

87

88 **OIE Presentation– Sharon Wolfe**

89 Ms. Wolfe provided the Board members with a detailed presentation, covering the Investigative Process. Hard
90 copies of the presentation were given to the Board that covered the investigative process, the investigative
91 review committee, consent agreements, the MOA/FA process, final order hearing, and the disposition process.

92

93 **New Business**

94

95 **Approval of Salon License with Background Report – Shear Madness – Jamie Miller-Hall, Owner and
96 Manager**

97 Ms. Hall appeared before the Board because she answered yes to one of the criminal background questions on
98 the salon application, but answered no to the same question on her cosmetology license application in 2009.

99 Ms. Miller said she does not remember answering no on the cosmetology license application. Ms. Hall stated
100 that she paid restitution for the 2006 charge. The 2012 charge was for breach of trust. Ms. Hall stated she was
101 working at Great Clips, and she did not know what was going on. Ms. Hall stated something occurred when
102 she left Great Clips and they said they had evidence against her on the computer. Ms. Hall stated she plead
103 guilty to something she did not know about, but she is actually not guilty. The Board had concerns about the
104 breach of trust and three allegations of financial misconduct against Ms. Hall. Ms. Hall stated that she has
105 learned her lesson, and has been out of work since July 2012. Ms. Hall stated she worked at Great Clips for
106 one and a half years and never saw the computer evidence even though she asked to see the information.

107 **MOTION:**
108 Ms. Rodgers made a motion to go into executive session for legal advice. Ms. Brown seconded the motion,
109 which carried unanimously.

110
111 Ms. Rodgers made a motion to return to public session. Ms. Brown seconded the motion, which carried
112 unanimously.

113
114 The Board returned from executive session where no votes were taken.
115

116 **MOTION:**
117 Ms. Brown made a motion to approve the license with two years probation. Ms. Hall will provide the Board
118 with a current SLED report at the end of each year the license is on probation, at her own expense. Any
119 violations or citations issued during the probation will result in an immediate administrative suspension. Ms.
120 Curtis seconded the motion. Ms. Rodgers voted nay. The motion carried.

121
122 **License Approval with Background Report – Lisa McLaughlin**
123 Ms. McLaughlin was asked to appear before the Board to answer questions regarding the yes answer to the
124 criminal background questions on the examination application. Ms. McLaughlin stated that she did probation
125 for the 1996 charges.

126 **MOTION:**
127 Ms. Rodgers made a motion to approve the license. Ms. Curtis seconded the motion, which carried
128 unanimously.

129
130 **License Approval with Background Report – Vernaya S. Thompson**
131 Ms. Thompson was asked to appear before the Board to answer questions regarding the yes answer to the
132 criminal background questions on the examination application. Ms. Thompson was previously scheduled to
133 appear before the Board and her application was denied regarding the May 2012 charges. Ms. Thompson
134 explained the charges to the board and the circumstances. Ms. Thompson stated she has an interview with
135 Hair Candy on Two Notch Road if the license is granted.

136 **MOTION:**
137 Ms. Rodgers made a motion to go into executive session for legal advice. The motion expired due to the lack
138 of a second.

139 Further discussion ensued. The Board cautioned Ms. Thompson about handling credit cards and personal
140 information and that the Board first obligation is to protect the public.

141
142 **MOTION:**
143 Ms. Curtis made a motion to approve the license with two years probation. Ms. Thompson will provide the
144 Board with a current SLED report at the end of each year the license is on probation, at her own expense. Any
145 violations or new charges incurred during the probation Ms. Thompson would have to come back before the
146 Board. Ms. Brown seconded the motion. Ms. Rodgers voted nay. The motioned carried.

147
148 **License Approval with Background Report – Rachel M. Counts**
149 Ms. Counts appeared before the Board with a criminal background record from 2000-2008. Ms. Counts
150 stated that she was seventeen at the time when she took her parents checkbook and went to prison and served
151 ninety (90) days in boot camp. Ms. Counts stated that she had problems and have been in and out of jail. Ms.
152 Counts stated she has learned her lessons and brought her father and school representative to the meeting to
153 support her. Ms. Counts stated she has two jobs, one as an assistant manager and the other as a manager. Ms.
154 Counts stated that she attended the Women’s Recovery Academy (WRA) for seven months, where she
155 learned about her behavior and how to think differently before acting.

156
157 **MOTION:**
158 Ms. Curtis made a motion to approve the license with two years probation. Ms. Counts will provide the Board
159 with a current SLED report at the end of each year the license is on probation, at her own expense. Any

160 violations or new charges incurred during the probation Ms. Counts license there would be an immediate
161 administrative suspension. Ms. Brown seconded the motion, which was carried unanimously.

162 **License Approval with Background Report – Brittany D. Duncan**

163 Ms. Duncan stated that her name was now Duncan-Fortescue since she got married. Ms. Duncan was
164 informed that she must provide the Board with a copy of her marriage license. Ms. Duncan stated she was
165 charged in 2008 and convicted in 2010 when she went to jail for 363 days and was released on parole. Ms.
166 Duncan was sentenced to three years and attended a voluntary drug rehabilitation program for eleven months.
167 Ms. Duncan stated that she has two jobs.

168 **MOTION:**

169 Ms. Curtis made a motion to approve the license with two years probation. Ms. Duncan will provide the
170 Board with a current SLED report at the end of each year the license is on probation, at her own expense. Any
171 violations or new charges incurred during the probation, the license would be immediately administratively
172 suspended. Ms. Brown seconded the motion, which was carried unanimously.
173

174 **License Approval with Background Report – Ginger Hair**

175 Ms. Hair appeared before the Board to answer questions regarding her background check record. Ms. Hair
176 stated that she wrote bad checks and did not pay restitution in a timely manner. She has since paid the
177 restitution for the 1993-2003 charges. Ms. Hair stated that her license expired, but she was told by staff that
178 she could work on her examination scores. Her employer called LLR and was told that she could not work on
179 the exam scores, and the license was expired. Ms. Hair stated that her employer terminated her position. Ms.
180 Hair stated she can get her job back if she is granted the license.

181

182 **MOTION:**

183 Ms. Brown made a motion to approve the license with two years probation. Ms. Hair will provide the Board
184 with a current SLED report at the end of each year the license is on probation, at her own expense. Any
185 violations or new charges incurred during the probation, the license would be immediately administratively
186 suspended. Ms. Curtis seconded the motion, which was carried unanimously.

187 **License Approval with Background Report – Andre L. Douglas**

188 Mr. Douglas appeared before the Board to answer questions regarding his background check with 2009 felony
189 drug charges. Mr. Douglas stated he was charged with possession with intent to distribute and given a ninety-
190 day sentence. Mr. Douglas stated he went to court in 2010 for the 2009 charges. The Board pointed out that
191 the offense date shows May 2010 with no disposition on the charge. Mr. Douglas explained the circumstances
192 surrounding his charges. Mr. Douglas also added that he attended drug classes where he assisted the
193 instructor. He attended classes for three months, one day per week, where he learned how to deal with his
194 drug problems and life. The ninety-day sentence was served on weekends and he was released after serving
195 ten days. Nate's Barber Shop told him he could work off of his examination scores. The Board pointed out
196 that the new charges on his record show a suspended license. Mr. Douglas stated that he must pay \$2,500 in
197 fines.

198

199 **MOTION:**

200 Ms. Brown made a motion to go into executive session for legal advice. Ms. Curtis seconded the motion,
201 which carried unanimously.

202

203 The Board returned from executive session where no votes were taken.

204

205 **MOTION:**

206 Ms. Curtis made a motion to back into public session. Ms. Brown seconded the motion, which carried
207 unanimously.

208

209

210 **MOTION:**

211 Ms. Brown made a motion to defer the action on Mr. Douglas license until the January 2013 Board meeting to
212 give him time to clarify the disposition of the May 14, 2010 charges. Ms. Curtis seconded the motion, which
213 carried unanimously.

214

215 **License Approval by Endorsement with Background Report – April Christian Wade**

216 Ms. Wade appeared before the Board to answer questions regarding her background check. Ms. Wade stated
217 that the 2009 charges involved her position as a medical assistant where she wrote a drug prescription for
218 personal use. She received a three year sentence and served her time. She spent the three years in therapy and
219 cosmetology school from 2009-2011. Ms. Wade stated that she wants a new start and has a job offer if the
220 license is granted.

221 **MOTION:**

222 Ms. Curtis made a motion to approve the license with two years probation. Ms. Wade will provide the Board
223 with a current SLED report at the end of each year the license is on probation, at her own expense. Any
224 violations or new charges incurred during the probation, the license would be immediately administratively
225 suspended. Ms. Brown seconded the motion, which was carried unanimously.

226 **License Approval by Endorsement with Education Concerns – Nicole E. Nigro**

227 Ms. Nigro appeared before the Board to answer questions about her cosmetology training hours. Ms. Nigro
228 stated that she has a current license in New York State and North Carolina. The 2009 and 2011 tax returns do
229 not show enough work experience for the Board to provide her with the missing 500 hours for work
230 experience. The documents show six months of work experience, so the Board can only award 300 hours
231 which leaves her 200 hours short. Ms. Nigro was told to contact the IRS and obtain the records for 2010 or a
232 letter from her employer stating she had been working in 2010.

233

234 **MOTION:**

235 Ms. Brown made a motion to defer this application until the January 2013 board meeting to give Ms. Nigro
236 time to obtain the tax return or work experience letter. Ms. Curtis seconded the motion, which carried
237 unanimously.

238

239 **Old Business**

240

241 **Deferred Determination from November 6, 2012 - Gray & Associates**

242

243 **MOTION:**

244 Ms. Curtis made a motion to deny the continuing education packet since the association did not provide
245 enough information for the Board to review. Ms. Brown seconded the motion, which carried unanimously.

246

247 Ms. Thompson stated that approved associations can make changes to their programs, however if the Board
248 denies a continuing education packet, the association cannot provide classes for one year.

249 **Deferred determination for – Virginia College**

250 Ms. Messinger was not required to attend today's session, but to submit her program changes. The Board has
251 reviewed the information received from Virginia College however either the Board or legal could under the
252 information submitted.

253

254 **MOTION:**

255 Ms. Curtis made a motion to defer the determination for Virginal College until the January 2013 meeting.
256 Ms. Brown seconded the motion, which carried unanimously.

257

258 **MOTION:**

259 The Board members reviewed the PCS letter and Ms. Brown made a motion to accept the letter as
260 information, advising staff can move forward with the letter. Ms. Curtis seconded the motion, which carried
261 unanimously.

262 Ms. Thompson stated that the Board is still reviewing the reference lists submitted by the associations.

263 **Board Member Reports**

264
265 Ms. Brown stated that on September 14, 2012 she attended the SCB&CB Division of Insurance Reserve Fund
266 meeting. This is a state agency for Board members. The meeting covered liabilities for state employees
267 including torts, and policies that cause damage to another individual. Other topics covered a caution to board
268 members about what they say during board meetings, and the content of emails sent to others regarding board
269 determinations. They cautioned board members to always refer to legal counsel for advice upfront. Ms.
270 Brown also attended a SCSCA seminar on September 15, 2012. Ms. Brown informed the attendees that the
271 Board is currently working on legislative changes for November, 2012. And although some states have faced
272 the threat of deregulation, none have been deregulated. Ms. Brown encouraged the licensees to stay
273 informed, and to make an effort to attend Board meetings for more information. She also mentioned
274 attending the Utah NIC conference.

275 Ms. Rodgers reported that she audited a class in Rock Hill, SC. There were no problems with the program.

276 Ms. Curtis reported that she attended a program at SC Tech on September 23, 2012. There were fifty
277 participants, but the session was not recorded. It was a very good class. On October 7, 2012, Ms. Curtis also
278 attended a class at the Lacy School where there were 26 participants. The class went well and was recorded.

279 Ms. Thompson stated that the regulation changes must be reviewed by Board members today, and their
280 responses must be emailed to Ms. McCartha this week. Ms. Thompson also reminded associations that if they
281 would like to provide online classes, their packet submissions must provide the Board with access codes to
282 review the online content by the January 13, 2013 meeting.

283 Ms. Thompson also stated that guidelines for a hearing officer would have to be written. The Board must
284 determine what the hearing officer is allowed to do. Board members will work on the document and submit it
285 by December 1, 2012.

286 287 **Discussion**

288 Ms. Cubitt asked the Board to clarify if new licensees are required to complete continuing education classes if
289 they received their license in November 2012 will they receive the 2013 or 2015 expiration dates.

290 Ms. Thompson referred to the regulations and stated that an initial license by exam does not complete
291 continuing education, and if the license is received by January 2013 the licensee receives the 2015 expiration
292 date. If the license is issued on December 31, 2012, the license expires on March 10, 2013.

293 **Public Comments**

294 Chesley Phillips wanted clarification that she has to send in online class information to the Administrator for
295 the Board's review by January, 2013.

296 Ms. Gloria Smith wanted to know if they could review the new regulations and provide the Board with their
297 comments. Ms. Thompson clarified that the Board already requested input from the public and that the
298 regulations are a work in progress and the Board has already published the note of drafting. The draft
299 regulations are not at a point where they can be distributed to the public. So far, there's no panel or group
300 meeting scheduled as of yet.

301 Mr. Dawson stated that he had two things on behalf of the ACE Association. DVD's that cannot be viewed
302 will be placed on jump drives for the Board. Ms. Thompson let him know that books or jump drives are not
303 returned to the associations. Ms. Dawson let the Board know that ACE has an Academy designed for extra
304 advance training and personal development for licensees.

305 Ms. Thompson stated that continuing education packets submitted to the Board should be the same
306 information submitted on the jump drive, and all drives must be labeled. In addition, all schools must submit
307 student hours on the forms provided by the Board to protect the students and the schools. Lastly, all reference
308 lists are required by the Board with exact web addresses to sites like U-Tube so that the Board can preview
309 the information. The Board will review the references lists already received by the end of today.

310

311 **Adjournment**

312 **MOTION:**

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

315

316 **The next meeting of the SC Board of Cosmetology is scheduled for January 14, 2013.**