

**South Carolina Board of Cosmetology  
Board Meeting  
10:00 a.m., November 18, 2014  
Synergy Business Park  
Kingstree Building  
110 Centerview Drive, Conference Room 108  
Columbia, South Carolina 29211**

**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.

**Rules of the Meeting Read by the Chairman**

**Pledge of Allegiance**

**Introduction of Board Members:**

Chairperson Melanie Thompson called the regular meeting of the Board of Cosmetology to order. Other Board members in attendance included, Eddie Jones, Janice Curtis, Patricia Walters, Selena M. Brown, and Stephanie Nye.

**Staff Members Participating in the Meeting:**

Mary League, Advice Counsel; Theresa Richardson, Administrator; Matteah Taylor, Staff; and Andrew Rogers, ODC

**All Other Persons Attending:**

Chesley Phillips, Tonya Bennett, Henrietta Bennett, Marvese McLeod, Scottie Simmons, Lan Mien Pham, Dave Jordan, Yvonne Jordan, Thomas Walsh, Robyn Madden, Dyandra Jacobs, Ivana Jacobus, Margaret Richardson, Ellen Meyer, Mike Moffitt, Colleen Large, Qweshanda Mauney, Marilyn Montgomery, Genevieve Russell, Gloria Smith, Tarasha Jones, and April Cobb

**Approval of Excused Absences: Cindy Rodgers**

**MOTION:**

Janice Curtis made a motion to approve Cindy Rodgers' absence. Eddie Jones seconded the motion which carried unanimously.

**Approval of the agenda:**

**MOTION:**

Eddie Jones made a motion to approve the agenda with any deviations necessary. Selena Brown seconded the motion which carried unanimously.

**Chairman's remarks – Melanie Thompson:**

Ms. Thompson reported that she attended and monitored an instructor's continuing education class. This class was held by Nails, Skin & Hair of America. It was held in Surfside Beach with 35 licensed instructors and it was a 2-day class. The class was taught by Amy Davis and monitored by Chesley Phillips. The course had lots of projects and it was very interesting. Ms. Thompson wished everyone a Happy Thanksgiving and a Merry Christmas.

**Administrator's Remarks – Theresa Richardson:**

Ms. Richardson stated before she started Andrew Rogers wanted to address the Board. Mr. Rogers explained on the ODC report there were 4 cases that were pending Board action. Since the report was ran, 1 of the 4 cases had fallen off. There was 1 case that was pending closure because the case was taken before the IRC committee, 2 of the remaining cases were pending consent agreements and will be re-sent to Ms. Thompson for her signature. Ms. Thompson explained while she was in the office she would take care of those 2 pending cases.

**Criminal Background Reports or Yes Answer Procedures during Renewals**

Ms. Richardson stated there are roughly 31,500 licensees that will renew in 2015 and approximately 150 already have disciplinary actions taken against their licenses. Ms. Richardson asked the Board what their stance has been with licensees that answered yes on their renewals, and how would the Board like for staff to handle these licensees. During the 2013 renewal licensees that answered yes while attempting to renew online were kicked out of the online renewal process, Ms. Richardson stated she doesn't want that to happen during the 2015 renewal. Ms. Thompson explained she was not aware that the online system kicked licensees out if they answered yes while renewing their licenses. Ms. Thompson suggested the same procedure be handled for renewal yes answers just as the initial yes answers are handled. For those that can be handled administratively, do so, but those that are more severe would come before the Board. Staff will place the licenses in a pending status until the required documents are submitted. Another option for a licensee is that they would have to make a Board appearance which giving the licensee an interim expiration date to allow the licensee to continue to operate until the required documents are submitted. The licensee would have to come before the Board before the expiration date so their case could be heard. Ms. Thompson explained her only concern with the interim expiration date with the level of fraud which is in this industry would allow the licensee to have two different licenses. The Board agreed with Ms. Thompson on the dual expiration dates.

**Approval of Board Meeting Dates for 2015 and Time Change**

**MOTION:**

Janice Curtis made a motion to approve the 2015 Board meeting dates. Stephanie Nye seconded the motion which carried unanimously.

**MOTION:**

Janice Curtis made a motion to change the meeting start time to 9:00 am. Eddie Jones and Stephanie Nye seconded the motion which carried unanimously.

**CE Policy**

Ms. Richardson expressed that it is understood only one continuing education class can be completed online, but what about the licensees that are out of the country with a military spouse or on a mission's trip? These licensees would like to keep their license current in the state of South Carolina, but are unable to come to this state to complete in-person continuing education. Regulation states as long as the licensees are employed on a military base they can be exempted from continuing education. The current situation is that an active deployed military spouse is out of the country with her husband that is not working in the industry, but would like to keep her license active. Ms. Thompson expressed the actively military person's spouse in years past has been exempted from continuing education as long as they were working in the industry. There has never been a provision for a person on a mission's trip. The previous Board's interpretation, with legal advice, was if the active military person was employed on a military base they would be exempted. Ms. League explained the Regulation only speaks of the active military person, it does not speak about the spouse of the military person. Ms. Thompson stated the military person would not be actively employed and working as a licensee. Ms. League asked if the Board would consider this a case-by-case basis, allowing the spouse of the active military personnel to complete all of their required continuing education online.

**MOTION:**

Janice Curtis made a motion to go into executive session for legal advice. Stephanie Nye seconded the motion which carried unanimously.

**MOTION:**

Janice Curtis made a motion to come out of executive session back to regular session. Eddie Jones and Selena Brown seconded the motion which carried unanimously.

During executive session no motions were made and no votes were taken.

**MOTION:**

Stephanie Nye made a motion that the Board can consider on a case-by-case basis, an alternative to the in-person continuing education requirements. This is for licensees who are current and in good standing, married to an active duty military personnel, stationed abroad, and living with the active military person. Eddie Jones seconded the motion which carried unanimously.

**OLD BUSINESS**

There was no old business.

**NEW BUSINESS**

**Review for Consideration of the Revised CIBs that will Launch February 1, 2015**

Esthetics Theory & Practical

Nail Technician Theory & Practical

**MOTION:**

Janice Curtis made a motion to accept the revised CIBs for Esthetics theory and practical. Patricia Walters seconded the motion which carried unanimously.

**MOTION:**

Janice Curtis made a motion to accept the new sections of the examinations that will be implemented April 1, 2015. Eddie Jones seconded the motion which carried unanimously.

**MOTION:**

Janice Curtis made a motion to accept the revised CIBs for Nail Technician theory and practical. Selena Brown seconded the motion which carried unanimously.

**Review for Consideration of Endorsement:**

Genevieve Russell appeared before the Board to discuss endorsement of a cosmetologist license. Genevieve obtained her hair designer's license from Georgia by an apprenticeship program. The hair designer's license only pertains to hair. The hair designer's license does not include the study of nails or skin. The discussion included but was not limited to seeking approval of licensure in South Carolina. Ms. Thompson explained there are no laws that govern just a hair designer's license. A South Carolina cosmetology license covers hair, skin and nails. The endorsement has to be license for license in order to obtain a South Carolina cosmetology license because the laws do not cover a hair designer's license.

**MOTION:**

Janice Curtis made a motion to deny licensure of Genevieve Russell because South Carolina does not offer a hair license. Eddie Jones seconded the motion which carried unanimously.

**Review for Consideration of Licensure with DACA:**

Dyandra Pegorini Jacobus appeared before the Board to discuss her citizenship with legal counsel Robin Madden. The discussion included but was not limited to seeking approval of licensure. Ms. League was asked to explain why the Board has no option as to the stance they are making. The legal opinion is based upon the Federal statute that denies a public benefit to a certain class of immigrants in the United States. Unless a state has affirmatively opted out of the prohibition controls, of South Carolina, the demonstration in the legal opinion of the Board/the agency has not affirmatively opted out. In fact by eligibility of lawful presence has in fact shown intent to prohibit public benefits including professional licensure provided by Federal statute. Since there has not been a change in Federal statute or the State's statute that affirmatively allows the State to take a different action than which is the guiding principal for the Board. The Attorney General's opinion was issued in March 2014 with definitive guidance provided to this agency to handle this matter.

**MOTION:**

Janice Curtis made a motion to deny licensure for Dyandra Pegorini Jacobus because the Board does not have authority to issue licensure based on the South Carolina's Attorney General's opinion regarding to the Federal statutes. Eddie Jones seconded the motion which carried unanimously.

**MOTION:**

Janice Curtis made a motion for a break. Selena Brown seconded the motion which carried unanimously.

Ms. Thompson called the meeting back to order.

**Review for Consideration of Licensure with Previous Board Orders:**

Lan Mien Pham appeared before the Board to discuss licensure with a previous Board order. The discussion included but was not limited to seeking approval of license reinstatement. On March 18, 2013 Ms. Pham received a modified sentence from the Board placing her license on suspension for 18 months, and she could not appear before the Board before July 2014 for reinstatement of licensure. All of the conditions of the first order have been met.

**MOTION:**

Eddie Jones made a motion for reinstatement of licensure for Lan Mien Pham with a 1 year probationary period. If any additional violations occur the license will be immediately administratively suspended. Selena Brown seconded the motion which carried unanimously.

**Budget – Richele Taylor and Laura Pace**

Deposits and withdrawals – staff makes deposits with checks that come into the office with the different applications. Withdrawals are handled through purchase orders. When a purchase is requested and the invoice is received the comptroller then writes the check to pay for the purchase. When the Board is mentioned, the agency is actually referring to internal Board's staff. It appears that the budget is continuing to go further and further into the negative. Director Pisarik has implemented fee increases that will assist with bringing the Board out of the negative, and as the increases are not astronomical, it will take time for the increase to be seen. When the fee increase was presented to the Board, there were some hesitations because the Board was not sure where the monies were already going. It is understood that the general fund is funded first but the allocation of the other funds was still unclear. With everything that had already been cut, there was still no understanding as to why the budget was negative over a million dollars. Some of the increases in the budget were due to the increase in investigations and attorneys. It is understood that the investigations are decreasing because of the citation authority given to the Board. However, in the last 4 or 5 years, the budget has been going from being in the positive to being in the negative. Although the Governor is looking at the Board, there is a lot that the agency has no control over. Ms. Thompson asked Ms. Taylor to assist with communicating to the Governor that the Board has no control of the spending. Ms. Thompson also stated that Board members would like to be in compliance with the law, especially as they are responsible for holding licensees in compliance with the law. Ms. Taylor explained she will put a projection together for a 10 year span and provide that information to the Board.

**Review for Consideration of Licensure with Previous Board Orders:**

Scottie Simmons appeared before the Board to discuss reconsideration of licensure with a previous board order. The discussion included but was not limited to seeking approval of licensure. Mr. Simmons appeared before the Board in 2012 and was denied licensure. In 2012 Mr. Simmons had a criminal background history and also admitted to doing cosmetology related services without a license. Mr. Simmons explained all of his obligations with the state of South Carolina have been met. Mr. Simmons explained he is well versed with the South Carolina Cosmetology laws and regulations and will not go against his scope of practice.

**MOTION:**

Janice Curtis made a motion to go into executive session to obtain legal advice. Stephanie Nye seconded the motion which carried unanimously.

**MOTION:**

Janice Curtis made a motion to come back to regular session. Patricia Walters seconded the motion which carried unanimously.

**MOTION:**

Eddie Jones made a motion for approval of licensure for Scottie Simmons with a 2 year probationary period and a 3 hour law class within 90-days of licensure. If any additional violations occur the license will be immediately administratively suspended. Selena Brown seconded the motion which carried unanimously.

**Review for Consideration of Licensure with Background History**

Tarasha Jones appeared before the Board to discuss endorsement licensure with issues found on her background history. The discussion included but was not limited to seeking approval of licensure endorsement. Ms. Jones has held a license in Georgia since 2007 and the license is current. Ms. Jones' criminal background history dates back to 1995. Ms. Jones was incarcerated in 2001. Ms. Jones is not currently on probation.

**MOTION:**

Janice Curtis made a motion to approve licensure by endorsement for Tarasha Jones. Patricia Walters seconded the motion which carried unanimously.

Jennifer Allen did not appear at the Board meeting.

**MOTION:**

Janice Curtis made a motion to deny licensure reinstatement due to Jennifer Allen failure to attend the Board meeting. Eddie Jones seconded the motion which carried unanimously.

Marvese McLeod appeared before the Board to discuss her booth rental reinstatement. The discussion included but was not limited to seeking approval of booth renter reinstatement. Issues that occurred in 2002 were not brought to Ms. McLeod's attention until June 2014; she has since taken care of the issues. Ms. McLeod asked when she renews her cosmetology license would she still answer yes to the conviction question. Ms. Thompson explained since it is a different license she would have to answer accordingly.

**MOTION:**

Janice Curtis made a motion to approve the reinstatement of Marvese McLeod's booth renter's licensure with a one year probationary period. If any additional violations occur the license will be immediately administratively suspended. Patricia Walters seconded the motion which carried unanimously.

Tonya Bennett appeared before the Board to discuss licensure with issues found on her background history. The discussion included but was not limited to seeking approval of licensure by examination. Ms. Bennett explained while having her 2009 taxes filed, the preparer

fraudulently completed her taxes. Ms. Bennett found out in 2012 from IRS that the 2009 taxes were filed fraudulently. Ms. Bennett was charged with forgery. Ms. Bennett was on probation for 18 months and has completed the probationary period. Restitution has been paid and Ms. Bennett is currently paying her court orders.

**MOTION:**

Selena Brown made a motion to approve licensure for Tonya Bennett. Eddie Jones seconded the motion which carried unanimously. Janice Curtis and Stephanie opposed the approval.

**Review for Consideration of Curriculum Change:**

Margaret Richardson, Ellen Myer, and Mike Moffitt are present as representatives of Regency Beauty Institute. The discussion included but was not limited to the curriculum change. The curriculum change would be beneficial to the students. The Ipad based curriculum is set on an 8 week schedule and structure. What the students have learned will then be rehearsed and preformed, which is to be considered the practical portion of the curriculum. While the students will be using Ipads, they will be working at their own pace. While the students are working at their own pace they cannot move along to the next section until all students move, as the structure is outlined. Instructors are presently working with students. The instructors are there to answer questions the students may have. The Ipads will be the property of the school. Regency has their own textbooks and film material.

**MOTION:**

Janice Curtis made a motion to enter into executive session for legal advice. Eddie Jones seconded the motion which carried unanimously.

**MOTION:**

Janice Curtis made a motion to come back to regular session. Selena Brown seconded the motion which carried unanimously.

During executive session no motions were made and no votes were taken.

Ms. Thompson explained to the representatives from Regency Beauty Institute that it does not appear to be a change in the South Carolina mandated curriculum. From the information provided from Ms. Myer it appears only to be an in-house change. There are no actions that need to be taken on this matter.

**Discussion of Continuing Education Association Provider Approval Renewal**

Each year the number of continuing education providers is growing. In an effort to keep an account of the growth, it has been suggested that the Providers complete a renewal. With the 2015 renewal Providers will complete a renewal application, submit the secretary of state certificate, and their updated state wide memberships. The renewal process would be a re-evaluation of the existing Associations.. There will not be a fee associated with this renewal. This renewal will be during the odd years and reviewed at the July Board meeting. The purpose of this renewal is to obtain updated information. The Board members were asked to review the current Provider's application to see if they would make any additions or changes.

**MOTION:**

Janice Curtis made a motion to approve the implementation of the renewal for the Continuing Education Providers. The renewal should include a renewal application, the updated statewide membership roster, and copy of the secretary of state certificate. Patricia Walters seconded the motion which carried unanimously.

**Discussion:**

Several online continuing education packets were not able to be addressed. Historically the packets were reviewed timely so they could be placed on the website for the January classes to be taken. The Board members stated they will review the online content and will be reported at the January 2015 meeting. The Associations with online programs that could not be reviewed were ACSP, CE Training, PCES, and SCPBCA. Active would also be reviewed once corrections are available.

**Board Reports:**

Janice Curtis reported she monitored PCES continuing education class on November 10, 2014. There were 38 licensees present. Sherri Northgard was the instructor and Shelia Dickson was the monitor. During the class it was approximately 3 to 4 hours that Alan Ray took over and Ms. Curtis would like the recording to be requested. Ms. Curtis was called out and asked to introduce herself.

**Public Comments:**

Angie Shuler asked the timeframe for the submission of information to appear before the Board. Ms. Thompson stated 14-days prior to the Board meeting. Ms. Shuler also asked would the entire continuing education listing be held up due to the 5 providers that were listed for review. Ms. Thompson responded 4 of the 5 are offering online classes and the online submissions have to be reviewed and it will not hold up the already approved providers.

Colleen Large wanted to find out what the Continuing Education Association renewal would consist of. Ms. Thompson ensured the renewal will provide updated information.

**Adjournment: 2:55pm****MOTION:**

Janice Curtis made a motion to adjourn. Selena Brown seconded the motion which carried unanimously.