

**South Carolina Board of Cosmetology
Board Meeting
9:00 a.m., September 12, 2016
Synergy Business Park
Kingstree Building
110 Centerview Drive, Conference Room 105
Columbia, South Carolina 29210**

1. Meeting Called to Order

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

2. Introduction of Board Members and All Other Persons Attending

Chairman Melanie Thompson called the meeting of the S.C. Board of Cosmetology to order. Other Board members participating in the meeting included:

- ❖ Eddie Jones
- ❖ Patricia Walters
- ❖ Selena Brown
- ❖ Laquita Clark-Horton
- ❖ Marcia Delaney
- ❖ Stephanie Nye

Staff members present included: Mary League, Advice Counsel; Shalon Genwright, Staff; Theresa Richardson, Administrator; Kyle Tennis, Office of Disciplinary Counsel (ODC); Sharon Wolfe, Office of Investigations and Enforcement; Robbie Boland, Office of Investigations and Enforcement

All Other Persons Attending:

Tina Behles, Court Reporter (Capital City Reporting); Ervin Smith, Shannon Gould, Julie Nestler, Cindy Bistis, John Bistis, Chesley Phillips, Nannette Saheb, Colleen Large, Mary Cox, Fulton Cox, Joy McLaughlin, Angela Morrison, Danielle Webb, Bonnie Corbitt, Pam Cassels, Kayla Shands, Laurel McAlister, Mary Cody, Russ Friar, Cheryl Shoun, Gloria Smith, Steven Dawson, Chase McNair, Yushanda LeGree Felder, Clifton Elliott, Tracy King, Angie Shuler, Debora Geigher, Jill Powell Reid, Stanley Leaks, Dan Averette, April Cobb, Bethany Haile, Queshanda Mauney, Rosanne Kinley, Charles Gibbon, Andrea Snow

3. Approval of Excused Absences

N/A

4. Approval of Agenda

Mr. Eddie Jones approved the agenda with any necessary deviations. It was seconded by Ms. Laquita Clark-Horton. The motion carried.

5. Approval of Meeting Minutes

July 11, 2016 – Ms. Selena Brown made a motion to accept the minutes as read. It was seconded by Ms. Clark-Horton. The motion carried.

July 12, 2016 – A motion was made by Mr. Jones to approve the minutes as documented. It was seconded by Ms. Clark-Horton and the motion carried.

August 19, 2016 – A motion was made by Ms. Brown to approve the minutes with the corrections as stated. The correction consisted of the paragraph that referenced the Garra Rufa fish. Using any other animals could be addressed in another section of our regulations, unless it pertains to service animals. The motion was seconded by Ms. Clark-Horton and Mr. Jones and it carried.

6. Chair Remarks – Melanie Thompson

On August 5th, Chairperson Thompson went to the Dorchester County Career and Technology Center for the final inspection of the school. The signage was not up yet and the inspection was approved pending the signage going up. Photos of the signage were sent to Ms. Jennifer Stillwell, an inspector with LLR.

The NIC conference is at the end of this month. She, Ms. Marcia Delaney, and Ms. Theresa Richardson will be attending the conference. Chairperson Thompson has personally purchased pins for the pin swap, so that they will not be embarrassed about not having anything or participating. She has also purchased state gifts as well that consists of a cutting board and a blue throw blanket.

Ms. Thompson has been working with a group called the Beauty Industry Working group. This group is comprised of a multitude of representatives from larger groups and they have been coming up with a plan to fight deregulation threats and are having the Department of Education coming in to tell them exactly what to do. The meetings have been productive and lots of money has been spent on a 3rd party group to do all of the research. A marketing team has also been hired to put the pieces together for the presentation of the materials. This will be very beneficial to the industry.

Lastly, Ms. Thompson was very appalled at what the National Football League (NFL) has allowed to happen. Injustices have definitely been done to certain individuals. Color does not matter, people are people. We are one nation under God. She does believe in the Constitution, but does not believe that our founding fathers meant it to be that. ALL LIVES MATTER.

7. Administrator's Remarks – Theresa Richardson

- a. **Budget**– For Information – The budget for June and July was given. Ms. Richardson spoke with the Finance Director and the board is on its way out of the deficit. There is a \$500,000 surplus.
- b. **OIE Report** – For Information - Sharon Wolfe – This is for cases received this year from January 1st - September 6th.
 1. 190 (incoming complaints)
 2. 9 (active investigations)
 3. 96 (active cases closed)
 4. 223 (cases closed through September 6th)

The closed cases include the 'Do Not Open' cases.

- c. **IRC Report** – For Approval - Sharon Wolfe – 'LOC' represents 'letters of caution', which are warning tickets for individuals to be mindful of following the sanitation rules. Cases 2016-159 and 2016-164 looked to be egregious, according to Chairperson Thompson. They were only given letters of caution because there was not enough information given to warrant disciplinary action. Case 2013-98 had corrective action to the respondent, meaning the case was settled amongst the respondent and the complainant. A motion was made by Mr. Jones to approve and receive the IRC report as documented and it was seconded by Ms. Clark-Horton. The motion carried.
- d. **ODC Report** – For Information - Kyle Tennis
 1. 32 (open cases)
 2. 8 (pending review)
 3. 1 (court appeals)
 4. 4 (pending response agreement)
 5. 2 (pending formal complaints)
 6. 2 (pending panel hearings)
 7. 3 (pending scheduling for Final Order hearings)
 8. 3 (pending Board action)
 9. 3 (Final Order Hearings)
 10. 3 (pending rescheduling)
 11. 3 (pending citation hearings)

e. **Inspection Report** – For Approval - Robbie Boland – In July, 501 inspections were conducted that included 3 schools. In August, 504 inspections were conducted, including 5 schools. There are only 5,377 active salons currently, which is a substantial drop from 6,300 active salons prior to their renewals. With the inspection/citation report, there are a total of 28 citations, where 23 of them include unlicensed practice. Sanitation was also involved in at least 8 of those citations. With repeat offenders, their 3rd time usually warrants them to go before the board or the IRC may give recommendations. A motion was made by Ms. Clark-Horton to approve the inspection and citation reports. It was seconded by Mr. Jones and the motion carried.

f. **Administrator Approvals** – Ms. Richardson gave the following approvals:

GATE

Change #2- Request received July 25, 2016: **APPROVED ADDITION OF AN INSTRUCTOR** Diana Michelle Craft IRC 35359 exp. 3/10/2017.

SCALP

Change #3- Request received July 29, 2016: **APPROVED CANCELLATION** for two 6-hour cosmetology classes on September 4 and September 5th.

VONTAE'S ADVANCED TRAINING

Change #3- Request received July 29, 2016: **APPROVED CLASS ADDITION** for a 6-hour cosmetology class on September 12th.

BIG

Changes # 2-5 - Request received August 4, 2016: **APPROVED CHANGES/ADDITIONS** for:

1. Changed Sept 20th 6-hour cosmetology class at the Courtyard Marriott in Myrtle Beach TO Sept 18 because Sept 20th is a Tuesday.
2. Added Sept 19th 6-hour cosmetology class location- The Edge Academy (108 Columbia NE Dr) in Columbia, S.C.
3. Added Oct 24th 6-hour cosmetologist class at Integritys Meeting Room (975 Bacon Bridge Rd) in Summerville, S.C.
4. Changed December 18th 6-hour cosmetology class location from Holiday Inn (McSwain Blvd) to The Edge Academy 208 on Columbia NE DR in Columbia, S.C.

MEDICAL HAIR RESTORATION

Change #1- Request received August 25, 2016: **APPROVED ADDITION** for a 6-hour cosmetology class for December 12, 2016.

EVANGELIST LEE ASSOCIATION

Change # 2- Request received August 31st: **APPROVED CANCELLATION** for November 14th 6-hour cosmetology class.

Locations are needed for the Medical Hair Restoration and Evangelist Lee Association changes.

HAIR MATTERS

Change #1- Request received September 1st: **APPROVED ADDITION OF AN INSTRUCTOR** Jacqueline B. O'neal (IRC 35364, exp 03/10/2017).

Continuing Education classes are not allowed on board meeting dates.

A motion was made by Ms. Clark-Horton to approve the Administrator's approvals and it was seconded by Ms. Patricia Walters. The motion carried.

g. **Ratification of CE Provider Packet** – For Approval

The only thing that was changed was updating the due date for the submission of the Continuing Education provider packets, which will be by October 14th. This is from the ALJ/ALC opinion that was made from 2014. Everything on the website matches what was sent to the CE providers, as well as e-mails of the due date.

Chairperson Thompson stated that if the providers do not have everything on that checklist, the packet will be kicked back to them. Providers need to follow the checklist. The packets are due in October to be ratified in November. Board members are not going on a scavenger hunt with the packets. This is the providers' business and they need to provide the Board members with what they need to help them be successful.

A motion was made by Ms. Marcia Delaney to approve the packet as submitted and it was seconded by Ms. Clark-Horton. The motion carried.

Ms. Mary League asked that '**ATTENTION**' be placed on the webpage with the due date for the CE providers.

8. Old Business

9. New Business

a. Ratification of School Licensure

i. Dorchester County

Chairperson Thompson and Ms. Jennifer Stillwell completed the final inspection.

Mr. Jones made a motion to ratify and approve the change of location for the school and it was seconded by Ms. Clark-Horton. The motion carried.

ii. Floyd D. Johnson

The final inspection was completed by Mr. Jones and Ms. Stillwell.

Ms. Clark-Horton made a motion to ratify and approve the final inspection of the school and it was seconded by Ms. Walters. The motion carried.

A motion was made by Mr. Jones for a five (5) minute comfort break. It was seconded by Ms. Clark-Horton and the motion carried.

b. Delay in Implementation of NIC Examinations

i. Rosanne Kinley

The NIC exam goes through a job analysis survey every five (5) years to decide what needs to be updated on the examinations and it took two (2) years to develop the new, updated cosmetology examination, which took well over \$100,000. Unfortunately, you do not get the full reality check of the implementations until it is given to the public. A few items needed to be tweaked, which is where the delay came in. Expectations were high as to how quickly the changes could be implemented. It is more than just the changes made on paper and was a much longer process than it was recognized to be. The launch of the new exam was delayed until January of 2017. There was some angst and anxiety for the updates. There was a less than 5% failure on the new examination. Four (4) people failed the examination. Out of the four (4), two (2) people failed because of the manicure, which was not a change. The other two (2) people failed aspects throughout the entire examination. They want the best for the candidates and do not want to add any undue stress. South Carolina has great instructors and adopted the regulations for the 45 hours of the Methods of Teaching training. Ms. Kinley came to the meeting to explain the process and the delay. She wanted to also take questions.

Chairperson Thompson mentioned the new scoring tablet system and the lengthy delay recently. She received several calls about it and was told that the IT person from PCS made the wrong call. The new tablet system is going to be very beneficial to the schools. NIC is implementing the tablet system, but they have to have a back-up plan. The back-up system is pencil and paper.

Ms. Stephanie Nye was the Board member that was observing the examination on that day. The delay was from 1:30 p.m. to 3:49 p.m. and the test is four (4) hours long. It was very stressful for the examinees, according to Ms. Nye.

The ultimate goal is to prepare the instructors and students for the exam. They welcome all feedback that is good, bad, or indifferent.

c. Practical Examination Issues

- i. Robert Macelhiney - He was not in attendance, but Mr. Ervin Smith came in his place. There were several concerns in reference to the practical examination given on August 15th, but several of the concerns had been addressed by Ms. Kinley.

Mr. Smith stated that one of the big concerns were that several schools did not receive the letter and notice was not posted on LLR's website until the day of or after the implementation of the revised practical exam was given.

Another complaint was that students were out in the sun and extreme heat for a considerable amount of time.

Mr. Macelhiney wanted to reintroduce some considerations given before that consisted of the following:

- a. In 1992, he brought it to the Board's attention, asking if the practical examination was justified, especially with all the associated costs. He wanted to bring up whether the practical examination was justified for consideration again.
- b. Also, is PCS competent enough to administer the examination? Is it possible to look into another testing provider?

Chairperson Thompson stated that the incident from August 15th has been addressed with PCS. As soon as PCS heard about the delay, they were told to use paper and pencil, but by then, the issue had been resolved. As far as being outside, it has been addressed and everyone has been refreshed as to what common practices are. For any questions, they need to contact their supervisor. To her knowledge, there has never been a complaint brought to the Board that has not been resolved with PCS in a timely manner. PCS has been used since 2004.

We are a hands on industry and there are certain things that need to be done hands on. Chairperson Thompson's opinion is to never support doing away with the practical exam. The Board does put out an RFP and they do look at other testing companies. They are in a joint contract with the Board of Barber Examiners with PCS that was signed several years back and the contract does not end until 2017 or 2018. Until then, we are bound by the contract we currently have.

- ii. Nancy Poole – She was not in attendance.

d. Consideration of Allowing CPR CE Credit

- i. Jill Powell Reid

Ms. Selena Brown was recused because of a family relationship.

Ms. Reid works for Palmetto Health as an instructor and was asking for permission to provide CPR courses to licensees for CE credit. She is also a licensed cosmetology instructor. Continuing Education courses are required to be six (6) hours long and their classes for CPR would be 6-7 hours long. A longer CE course could be a deterrent for licensees. The best avenue for Ms. Reid is not becoming an independent provider, but to look into providing a segment for CPR in current CE courses. All CE courses require a portion on sanitation, safety, infection control, and cosmetology. Chairperson Thompson does think that it is a fabulous idea. Today is the last day for new providers, but Ms. Reid may get with a current provider to partner with and provide a segment during their courses. Ms. Reid decided to partner with another provider. A listing of providers may be given to her from Ms. Theresa Richardson. CE packets have to be submitted by October 14th.

The Board does believe that a First Aid/CPR course is appropriate to be a part of the CE requirements.

e. Consideration of Dual Credit Program

i. Florence Darlington Technical College

Dr. Dan Averette represented Florence Darlington Technical College (FDTC) and wanted consideration on having students in local high schools earn credit hours while being dually enrolled in Florence Darlington Technical College at the same time.

There is a career center in the Florence and Darlington areas. The Florence center has a cosmetology program that is only able to take 18 students at a time, which is the maximum amount. There are 50-70 students that are requesting the cosmetology program, but cannot be served. The Darlington career center does not offer a cosmetology program. Earning dual credits hours would be built on a need in the area. As juniors, they would get about 50% of the program done by the time they graduated from high school and would then matriculate to FDTC to complete the last two (2) semesters. FDTC offers dual credit in other areas currently. The only difference is that the students would be on their campus.

Chairperson Thompson stated that the only issue that she sees is that with the vocational students in the high school program, they get 1,080 cosmetology hours and 540 academic hours. These students are getting credit towards the 1,500 cosmetology mark. In the event that the high school student does not complete their hours or do not graduate, none of those hours transfer to any other school. They would have to start the program all over again. With the dual credit hours scenario, it will not work in the current structure of the vocational student curriculum. The students would have to start this scenario as a freshman or sophomore and complete the cosmetology hours while in high school. The intent is not for them to complete the program while in high school for FDTC. Dr. Averette stated that it would be a feeder program for the FDTC cosmetology program to continue on, as they do with career pathways. Unfortunately, with high school students, they have to complete all of their hours prior to graduation in order to complete the program. None of the hours will transfer to another school. They would have to start over. The cosmetology hours will not transfer. FDTC is the first college to approach the Board with this type of scenario. This was placed in the regulations by the Board of Education and the Board has no say in this. It would have to be a legislative change.

A motion was made by Ms. Clark-Horton to receive legal advice in this matter and to go into executive session. It was seconded by Ms. Stephanie Nye. The motion carried.

A motion was made to come out of executive session by Mr. Jones and it was seconded by Ms. Clark-Horton. The motion carried.

A motion was made by Ms. Marcia Delaney that in the consideration of the best interest of the children involved, this matter be a Department of Education issue and not a Board of Cosmetology issue. It was seconded by Ms. Clark-Horton and the motion carried.

Ms. Mary League stated for clarification that the Board does not have a problem with the student being enrolled at FDTC and taking cosmetology hours while in high school, but the Board needs assurance that the student would not suffer and lose the ability to graduate from high school.

f. Consideration of Licensure by Endorsement without Passing the NIC Examinations

i. Cindy Bistis

A motion was made to go into closed session by Ms. Clark-Horton and it was seconded by Mr. Jones. The motion carried. Mr. John Bistis was allowed to stay for the session.

A motion was made by Mr. Jones to deny licensure with the information given and it was seconded by Ms. Clark-Horton. The motion carried.

g. Consideration of Licensure with a Criminal Background

i. Mary Cody (EXAMINATION APPLICANT)

Ms. Cody was involved in drug abuse and committed theft. She has paid her restitution and her probation ends in November of 2016. She cannot commit similar acts. Ms. Cody currently works and has gone to rehab. She also has a sponsor and wants it taken into consideration.

Ms. Walters made a motion to approve the licensure for Ms. Cody with a two (2) year probationary period. A SLED check will be needed at the end of each year stating that there are no additional charges and it should also be provided at the Ms. Cody's expense. The motion was seconded by Mr. Jones and the motion carried.

ii. Shannon L. Gould (EXAMINATION APPLICANT)

Ms. Gould was found guilty by association and could not pay her fine on time. It was her one and only offense and this offense occurred in 2012.

A motion was made by Mr. Jones to approve licensure for Ms. Gould with no conditions. It was seconded by Ms. Horton and the motion carried.

h. Consideration of Reinstatement

i. Julie Nestler (RC. 31574)

Ms. Nestler wanted to reinstate her cosmetology license without taking the NIC examination, being that her license has been lapsed over three (3) years. She has worked as a Cosmetologist for the past several years and in recent years, she had to relocate. She requested to renew her license and was instructed to contact PCS. She contacted PCS and they stated that she needed to pay \$175 and the license would be mailed to her. At this time, she is respectfully requesting that her license be reinstated and that this is not how she wanted to end her career. The Board does not have the legal room for her to reinstate her license without taking the examination, as the Board is bound by its statutes and regulations. If Ms. Nestler may provide proof that she attempted to reinstate her license prior to March 10, 2016, then it may be deferred until the next meeting. Without that proof, there is no wiggle room. That proof needs to consist of Continuing Education and sufficient evidence of reinstating her license prior to March of 2016.

With a lapse in licenses, there is no longer an exemption for CE hours.

Ms. Delany made a motion to approve her reinstatement of licensure pending CE hours and proving that she applied for reinstatement (proof of canceled check) prior to March 10, 2016. The motion was seconded by Ms. Clark-Horton and it carried.

i. Consideration of Accommodations

i. Tasha B. Deneen

A motion was made to go into a closed session by Ms. Clark-Horton and it was seconded by Mr. Jones. The motion carried.

Ms. Deneen was not present.

A motion was made by Ms. Delaney to approve Ms. Deneen's ability to take CE courses online for the 2017 renewal period. The motion was seconded by Ms. Walters and it carried.

j. Consideration of Substitute Instructor

i. UCC Easley

The Upstate College of Cosmetology requested to use a license registered cosmetologist for over 30 days, if needed, as a substitute instructor. They are currently in the interview process and two (2) of the registered cosmetologists that are being used as substitute instructors are in the process of going to the Methods of Teaching course to become instructors.

It would be negligent on the Board's part to allow registered cosmetologists, who are not instructors, to teach courses for longer than 30 days. It would be a disservice to the students who are paying tuition.

A motion was made by Mr. Jones to deny the request to use licensed, registered cosmetologists to serve as instructors for longer than 30 days. The motion was seconded by Ms. Clark-Horton and the motion carried.

LUNCH

k. Review for Consideration of New Continuing Education Providers –

All providers had Certificates of Existence, application, and membership rosters.

i. Provision CEU In Advance Training, LLC

Ms. Traci King represented 'Provision' to become a new CE provider in this state. A motion was made by Ms. Clark-Horton to approve Provision as a CE provider and it was seconded by Mr. Jones. The motion carried.

ii. Project I.C.O.N, LLC

Ms. Yushanda LeGree Felder represented 'Project I.C.O.N.' to become a new CE provider in this state. A motion was made to approve Project I.C.O.N by Ms. Clark-Horton and it was seconded by Ms. Walters. The motion carried.

iii. Keep Calm & Renew

Ms. Kayla Shands represented 'Keep Calm & Renew' to become a new CE provider in this state. A motion was made by Ms. Clark-Horton to approve Keep Calm & Renew as a CE provider. The motion was seconded by Mr. Jones and it carried.

iv. Coastal Advance Esthetic Education

Ms. Lillian Smalls represented 'Coastal Advance Esthetic Education' to become a new CE provider in this state. A motion was made by Ms. Clark-Horton to approve Coastal Advance Esthetic Education and it was seconded by Ms. Walters. The motion carried.

v. Allegiance Cosmetology Association, LLC

Ms. April Cobb represented 'Allegiance Cosmetology Association, LLC' to become a new CE provider in this state. A motion was made by Ms. Brown to approve Allegiance Cosmetology Association, LLC as a provider. The motion was seconded by Ms. Clark-Horton and it carried.

vi. Touch of Joy Beauty Association

'Touch of Joy Beauty Association' falls under the umbrella of 'Touch of Joy Organization,' as seen on the certificate of existence. The 'Touch of Joy Beauty Association' was represented by Ms. Joy McLaughlin to become a new CE provider in this state. A motion was made by Mr. Jones to

approve the Touch of Joy Beauty Association as a provider. The motion was seconded by Ms. Clark-Horton and the motion carried.

vii. Nails, Skin & Hair of America, LLC

A motion was made to go into a closed session by Ms. Clark-Horton and it was seconded by Mr. Jones. The motion carried.

'Nails, Skin & Hair of America, LLC' and 'N2Skin Education, LLC' was represented by Ms. Chesley Phillips.

A motion was made by Ms. Delaney to approve Nails, Skin & Hair of America, LLC, and N2Skin Education, LLC, as CE providers for 2017. It was seconded by Mr. Jones. The motion carried.

viii. N2Skin Education, LLC

This was conducted under the item numbered 9. k., section vii.

I. Consideration of Additional CE Content

i. Hickory Mart Shows

No one was present to represent Hickory Mart Shows. Hickory Mart is a trade show, so they do not need to provide scheduling and other content when seeking approval, as they are not providers. The only content that was needed was content that sought approval from the Board members. The content was all esthetic based and Ms. Delaney did not see anything that was concerning or product specific. The Board reviewed the submission for the addition of three (3) classes that were not presented at the last Board meeting. Micro blading and dermaplaning will not be approved, as it was listed under an instructor's certifications.

A motion was made by Ms. Brown for the approval of the Hickory Mart classes (with caution to the micro blading and dermaplaning). It was seconded by Ms. Clark-Horton. The motion carried.

m. Consideration of School Changes

i. Cosmetic Arts Institute II (Location Changes)

A motion was made by Ms. Delaney to defer the agenda item to the end of the school changes section. It was seconded by Ms. Clark-Horton and the motion carried.

Ms. Nannette Saheb represented the Cosmetic Arts Institute II. She wants to transfer the school to new location. The new location should be ready by October 1st.

A motion was made by for the approval to begin the process of the preliminary and final inspections for the Cosmetic Arts Institute II. It was seconded by Mr. Jones and the motion carried.

ii. G. Frank Russell Technology Center (Name Change)

G. Frank Russell Technology Center is the new name. Ms. Bonnie Corbitt and Ms. Pam Cassels represented the G. Frank Russell Technology Center. They want to change the name of the school from the G. Frank Russell Career Center to the G. Frank Russell Technology Center. In May of 2015, the name was changed with a legislative act. They are currently working on getting all documents changed to represent them as a technology center.

A motion was made by Ms. Brown to accept the name change. The motion was seconded by Mr. Jones and Ms. Delaney and the motion carried.

The goal is for the new location to be inspected by October 1st.

iii. Miller-Motte Technical College (SCH. 1146/SCH. 1176)

Attorneys Cheryl Shoun and Chase McNair represented Miller-Motte Technical College. The school is requesting to modify the admission requirements. Mr. Chuck Gibbons and Ms. Andrea Snow also represented MMTC. They have been to previous Board meetings and additional information was requested. Previously, MMTC had submitted a redline document based on what was asked for in May and July of this year. One step further was taken with what was requested. On page 2 of 5 of the enrollment agreement (4th paragraph), the word 'licensed' was changed to 'qualified' for cosmetology instructors. Another revision is where it states, "*The student understands that online class may be required to graduate.*" has been stricken. For the instructors, Chairperson Thompson stated that it has to specify esthetic and cosmetology instructors. Attorney Shoun stated that this is for cosmetology and esthetics only. There will be some revisions that may be completed where they will not have to return to another Board meeting. In the Enrollment Agreement, other than the title, nothing else reflects cosmetology/esthetics. It should be specified to say cosmetology/esthetics instructors. Esthetic instructors cannot teach cosmetology. Under the program information on page 1, it indicates cosmetology and it will be modified to show esthetics in the event that it is needed. Another sentence that was stricken was, "*The student understands that if the student does not meet the minimum requirements for the math and English assessments...*," in accordance to the Board's previous concern. The next modification begins with, "*The school will provide the student with a certified transcript of earned hours...*" This addresses the Board's concern from an earlier meeting. In the previous Enrollment Agreement, the exact language was given to the Board for approval in May of 2010, but the regulations changed in June of 2010. Attorney Shoun asked the Board to consider the changes on a pending approval. They propose to include other revisions to provide further clarification. If the school alters hours/days of attendance, starting dates, and/or courses, the Board has to be notified for approval at a Board meeting. It has to be an agenda item. The General Admissions requirements and Assessments in the catalog has also been clarified.

Ms. Delaney made a motion to accept the submissions to the Enrollment Agreement and the Student Catalog (pending corrections/changes). The motion was seconded by Ms. Clark-Horton and the motion carried.

iv. Williamsburg Technical College (SCH. 1087)

Dr. Clifton Elliott and Ms. Danielle Webb represented Williamsburg Technical College. WTC is requesting to only move the classroom, not the clinic. The move is needed as quickly as possible.

A motion was made by Ms. Clark-Horton to approve the new classroom pending an inspection by a representative from LLR. The motion was seconded by Ms. Delaney and the motion carried.

10. Final Order Hearings – Mr. Kyle Tennis, Office of Disciplinary Counsel

i. 2012-119

The respondent was not present, but was served with notice of the hearing. Mr. Jones was recused from this hearing as he was the Hearing Officer.

Ms. Kristin Trowell inspected the salon, Kim Nails. Buffers and unlabeled spray bottles were being used. Towels were also not being properly disposed of. The manager stated that the buffers were not being used on customers, but to clean other items. The manager acknowledged everything and has corrected the issues, as well as apologized.

Mr. Tennis asked the Board members to accept the Hearing Officer recommendations.

Ms. Walters made a motion to accept the Hearing Officer recommendations and it was seconded by Ms. Brown, Ms. Delaney, and Ms. Clark-Horton. The motion carried.

ii. 2015-127

The respondent did not attend the Board meeting, but he was served with notice of this hearing.

Mr. Charles Sistrunk was instructing members of the public with sessions. He is not a licensed instructor, only a registered cosmetologist. The Hearing Officer dismissed the complaint with prejudice. The state did not meet its burden of proof. There is no provision in the Practice Act, as Mr. Sistrunk was not in a school or CE setting. He was not in violation.

A motion was made by Ms. Clark-Horton to go into executive session for legal advice in this matter. The motion was seconded by Ms. Stephanie Nye and it carried.

Mr. Jones made a motion to come out of executive session and it was seconded by Ms. Clark-Horton. The motion carried.

Mr. Jones made a motion to approve and uphold the Hearing Officer's recommendations. The motion was seconded by Ms. Clark-Horton and Ms. Brown. The motion carried.

iii. 2015-144

Mr. Jones was recused from this hearing as well. Ms. Kristin Trowell inspected the Nails and Spa salon. There were three (3) unlicensed individuals working and sanitation violations. There was residue on the filter and buffers being used. The pedicure chairs were also not being maintained and there was no hot water in the bathroom. Nails and Spa also had a prior Consent Agreement for sanitary violations. The state did not meet its burden of proof in the allegation of bribery and proving that the respondent was not maintaining the pedicure chairs. Mr. Vincent Nguyen represented the Nails and Spa salon and is the new owner. He stated that the staff members had licenses that they were supposed to be bringing in, but they were caught on the next day. Mr. Nguyen asked the Board to lower the civil penalties as the penalties were from 2013. He did not know the previous owner. The manager allowed those unlicensed individuals to work without licenses, initially.

A motion was made by Ms. Brown to go into executive session to receive legal advice in the matter. The motion was seconded by Ms. Clark-Horton and the motion carried.

A motion was made by Ms. Clark-Horton to come out of executive session and it was seconded by Ms. Delaney. The motion carried.

A motion was made by Ms. Brown to accept the Hearing Officer recommendations. The motion was seconded by Ms. Walters and it carried.

11. Discussion

N/A

12. Board Member Reports

Ms. Brown – Ms. Brown monitored a CE course for nail technicians on Monday, August 29, 2016, with SCSCA. 25 people registered for this course. She arrived slightly after lunch time. The PowerPoint was very good. There was good participation from the attendees and the course consisted of good material. The instructor was also very knowledgeable and engaging.

Ms. Nye – Ms. Nye also attended the same CE course for nail technicians on August 29, 2016, with SCSCA. The course was Nail Technician Technique. They required the last four (4) digits of your social security number and identification after lunch. Ms. Kimberly Graham monitored the course. There was also a great discussion about domestic violence that was very powerful. The class was very professional and the attendees signed in and out.

Ms. Nye also monitored the NIC practical examination on July 18th. It was held at the Holiday Inn Conference Center in Columbia, South Carolina. The facility was very small and there was not a lot of lobby space. People had to stand outside. Identification was checked and photos were taken of everyone. There were examinees that did not use odorless products, which made the room very strong. Ms. Richardson will e-mail PCS about letting examinees know about low odor or odorless products that are sealed and in the manufacturer's container. PCS personnel should also be checking for that prior to testing. Stretching was done in between testing. The technical problems with testing had already been discussed earlier in the meeting. The test began 2 hours and 19 minutes late. There were applicants that consisted of the following applicants: 131 Registered Cosmetologists (includes the morning and afternoon slots), 19 Estheticians, 21 Nail Technicians, and 7 Instructors.

Mr. Jones – Mr. Jones completed a final school inspection on August 3, 2016, with Ms. Jennifer Stillwell, in York. This was for the Floyd D. Johnson Technology Center. He conducted Board hearings on August 10th and 23rd. He also monitored the practical examination on August 15th at the Holiday Inn. There were applicants that consisted of 105 Registered Cosmetologists (includes the morning and afternoon slots), 18 Nail Technicians, 12 Estheticians, and 10 Instructors to take examinations. He did not observe any circumstances that substantiated any scrutiny. He also completed a school inspection on August 25th at Kenneth Shuler in Goose Creek.

Ms. Clark-Horton – A Q&A CE course was monitored on August 29th in Columbia by Ms. Clark-Horton. Eight (8) licensees were in attendance and the focus was on updo styling. There were lots of hands on things being done, along with some competition to keep the class engaged. Ms. Clark-Horton also monitored a SCSCA CE course in Florence on August 21st. The course was very engaging. There was a lot of quizzing and trying to get people up-to-date on what you should be doing and how to apply color. They spoke about different medications that will make you lose your hair and issues when hair is being colored. On August 22nd, Ms. Clark-Horton monitored the Cosmetic Arts Institute CE course in Walterboro. She was announced and it was stated that if anyone had any questions that they could address them to her directly. This should be added to the Continuing Education review. The instructor would also leave the classroom and the attendees would talk amongst themselves while the instructor would take a smoke break. Nothing was being learned. These were no defined break times. The class ended at 4:05 p.m., but was advertised to end at 4:30 p.m. The agenda was also not followed and the course did not last for the entire six (6) hours. Safety, sanitation and infection control was taught. The same cape was used and there were no towel or neck strips used.

Ms. Delaney – Ms. Delaney attended an Advanced Peels CE course in Kiawah with the Esthetics Institute. Only a limited number of people were able to attend the course. The course was taught by Courtney Freeman. The material was not really advanced, but the agenda was followed beautifully. Refreshers were given on sanitation. The class consisted of current students as well where they just reviewed prior class material.

Ms. Walters – Ms. Walters attended a CE course with Evangelist Lee. There was only one (1) attendee in the course and the guidelines for what was expected were not followed. There was no sign in sheet, agenda, monitor, or camera for the class. Identification was also not checked. Evangelist Lee was very engaging in what she was teaching. On August 15th, Ms. Walters attended a Hair Matters CE course in North Augusta. They did not have a sign in sheet or monitor. There were eight (8) attendees. The instructor did shampoo the models herself which left the class unmonitored, but she did leave tasks for them to complete during her departure. There was good usage of visuals and props, along with good conversation and questions. Ms. Walters also monitored at the Aiken School of Cosmetology. There was a sign in sheet and an agenda. 47 people attended this course. They did have a camera. A basic layered long haircut was done and the hair was not sectioned. The execution of the haircut was not up to quality. The instructor also heavily chewed gum while instructing and it proved to be extremely distracting to the attendees. Other than that, everything was in order. On September 4th, the monitoring of a CE course with Pampered Beauty in Rock Hill was conducted. When Ms. Walters arrived at the address, the building was locked. The class was moved across the street to a barber college (Shabazz). The original building had no electricity when they arrived there on that morning. The set-up was quickly put together. They had 13 attendees, a monitor, camera, and a sign in sheet. It was a nail technician course and Ms. Walters' only concern was how quickly they were able to move. Ms. Walters arrived at noon.

13. Public Comments

A representative from Q & A (CE Provider) made a comment about spending a lot of time to keep CE attendees on task and trying to correct information that is given by other providers. It is very frustrating that the other providers do not refer to the regulations and statutes or refer to Theresa Richardson. LLR tries to put notices on

the website and there is a FAQs section as well. The representative asked if there could be a rundown of what needs to be stated or a video done. If the information given is so egregious, then a complaint needs to be filed, according to Chairperson Thompson. She also thanked the Board members for all that they do.

Mr. Steven Dawson of Kenneth Shuler thanked the Board members for all that they do. He also thanked the Board members for having Ms. Rosanne Kinley at the meeting from NIC to give some clarity about the practical examination changes. Chairperson Thompson stated that multiple client changes are gone and there are two (2) minute set-ups. The only untimed section is the virgin hair application section. On January 1st, letters will be sent to the states to be distributed for when the new testing date starts. All of the changes needed to be done.

Ms. Angie Shuler of Kenneth Shuler asked if brochures may be given on domestic violence. Brochures may be requested on the website seen on the actual brochure. Ms. Shuler also stated that she plans on working with Ms. Jill Powell Reid on adding her with her CE courses. Teaching First Aid will meet the criteria of the regulations (35-23), but extra will need to be added that would be specific to cosmetology or related professions. Any licensee may attend the class for First Aid and CPR. This information will be very helpful if taught to licensees.

Ms. Andrea Gambrell, a nail technician, is an aspiring instructor and is interested in providing advanced 101 training with someone. It would be one on one training to help or mentor that person and will not be an apprenticeship or the obtaining hours. If it is a new graduate that she is helping, then she is allowed to do so, according to Chairperson Thompson.

Chairperson Thompson mentioned the CE Review on October 17th – 18th. It will be held in room 105 on both days. Ms. Richardson anticipated the providers coming to LLR on the second day, pending their packets are done appropriately. Ms. Richardson also mentioned giving the providers guidance on how to get the packets together, so that the Board members are not looking for content. Some providers complete their packets by the dates of the assigned classes being provided and adding the content there. Other providers (larger associations) utilize tabs with their listings of monitors, instructors, and lesson plans. Chairperson Thompson looks for chronological page numbers (not per section), alphabetical order and legible prints of everything, and that everything asked for is included and all there. The content should not be carbon copied. Disciplinary and law classes should not be included. For online CE courses, if the content cannot be opened, it will be pushed to the side and will be referred to at a later date. Classes should only end or break on quarter hours or hours. It would be helpful to have a master list of instructors and then have the instructors alphabetized with their licenses and photo. Résumés do not need to be submitted without a letter of explanation if a person is currently employed by a product company. If it has been previously approved by the Board, it does not need to be sent in as well. Mr. Jones made a comment about making a sample packet for CE providers. Chairperson Thompson thinks that we should not have to tell providers how to run their business. Ms. Richardson agrees with Mr. Jones on a template or guide being given. Mr. Steven Dawson stated that the licensees are visual learners. If providers call LLR, staff are instructed to not imply that everything will be gotten to in January once all the new business is done. Ms. Richardson stated that September and October is not the time to get everything done and that it should be done all year. Ms. Shuler stated that the checklist does not match another form and can be the cause of confusion for the CE packets. All of the CE information is just on the website right now for information. On this year, it may be placed on the website that the Board respectfully requests that packets be in the order of the checklist and on next year, it may be a requirement. Chairperson Thompson has no problem with a lesson plan or agenda being posted as a reference, but this will not be a scavenger hunt.

Mr. Jones added that the CEU reports from the University of South Carolina contains no negative reviews. He thinks that it wastes Board members time and paper and does not help make the CE providers more accountable. Mr. Jones will have to make a list of questions that are important and need to be included on the report. Ms. Nye suggested that the reports be scanned, instead of mailed, as it could save money and contains a lot of paper.

14. Adjournment

Ms. Clark-Horton made a motion to adjourn the meeting and it was seconded by Mr. Jones. The motion carried.

The meeting adjourned at 4:15 p.m.

The next meeting (CE Review) of the S.C. Board of Cosmetology is scheduled for October 17-18, 2016.