SOUTH CAROLINA DEPARTMENT OF LABOR, LICENSING AND REGULATION BEFORE THE MASSAGE THERAPY/BODYWORK PANEL MEETING MINUTES

10:00 A.M., FEBRUARY 24, 2012
SYNERGY BUSINESS PARK, KINGSTREE BUILDING
COLUMBIA, SOUTH CAROLINA

BOARD MEMBERS PRESENT:
Carolyn C. Porter, Chairperson
Lou Hastings
Jenny V. Mitchell
Janet Shaw
Charles Strickland, Sr.
Denise M. Van Nostran

ADVICE COUNSEL:
Dean Grigg
Sarah McCarthy
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Certificate of Reporter 80
At this time, we'll call the meeting to order. And public notice of this meeting was posted at the South Carolina Massage/Bodywork Panel office 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.

Okay. First of all, I appreciate everyone being here today. And we have a new panel member. We're supposed to have two, but I don't think she has gotten here yet, so maybe she will.

But, anyway, what we're going to do, we're going to introduce all of the panel members and we're going to go around. Let's start with our new panel member, and if you'll state your name and where you're from. And if you want to say something about yourself, that's fine.

My name is Denise Van Nostran. I'm from Bluffton, South Carolina and I'm the program director for Massage Therapy at the Technical College of the Low Country.

I'm Jan Shaw, licensed massage therapist/exercise physiologist here in
Columbia.

MR. HASTINGS: Lou Hastings, Travelers Rest. That's up by Greenville. And I've been doing this for nine years.

MR. STRICKLAND: I'm Charlie Strickland. I'm from Charleston and I'm retired.

MS. PORTER: And I'm Carolyn Porter from Greenville, South Carolina, and I've been here forever. It's time to go.

Okay. I believe everybody has a copy of the agenda. And, at this time, I'd like to have a motion to approve the agenda.

MS. SHAW: I motion.

MR. STRICKLAND: I'll second.

MAD. CHAIR: A motion by Jan Shaw, approved by Charlie Strickland. Okay. We had some teleconference meetings. Did we have three or two? I've got dates here of September 30 -- I think our meetings, the panel meetings were November 28th and December the 5th, and I believe everybody -- is that correct?

MS. PRESSLEY: Yes.

MADAM CHAIRPERSON: I believe everybody has a copy and I need a motion to approve those minutes of the meeting.
MR. STRICKLAND: I'll make a motion.

MAD. CHAIR: Approved by Charlie Strickland.

MS. SHAW: I'll second it.

MAD. CHAIR: Second by Jan Shaw.

Okay. We've had a few things that have come up within the panel, and one of the things was a rumor that panicked everybody and I began getting a lot of calls and -- telephone calls and emails about whether or not the South Carolina Governor was going to deregulate massage therapy.

There is nothing to that rumor. It's only a rumor. And I had already gotten on the phone and called some Legislators and we were ready for the fight of our life. So I don't know if our legal counsel or our Director would like to comment on that, but it might be good if we could get an assurance from you.

MR. GRIGG: Well, Carolyn, I don't know much more than what you've just said. I had heard the same rumor. I have not been involved with it at all. That's something that -- there are some Boards that are being considered for that. There are some Boards that Director
Templeton's office and the Governor's office have been looking into that.

I'd heard the same rumor, but it's great to hear that you're not being considered for that. So that's news to me and that's good news, as well. So I don't have anything to comment on that.

MAD. CHAIR: Well, I immediately called Byron and -- that's Mr. Bryon down at the end of the table -- and he assured us that there was no substance to that. So we're happy to hear that. But I just wanted to clarify that and make sure that everybody knows that there is not anything that's relating to deregulating massage therapy.

Okay. If you'll notice, Ms. Gonzales is making a request to the panel and she is down under number 10. Do I hear a motion that we move her situation up?

MR. STRICKLAND: I'll make a motion.

MS. SHAW: I'll second.

MAD. CHAIR: Charlie made a motion, Jan seconded it. So we'll move forward and we'll go ahead and talk with Ms. Jasmin Gonzales. And I
believe everybody has a copy of that. Okay. We have information regarding her request.

Ms. Gonzales, can you hear us?

MS. GONZALES: Yes. I can hear you.

MADAME CHAIRPERSON: Do you want to go ahead and just tell the panel what you're trying to do? I believe you are going to move to South Carolina; is that correct?

MS. GONZALES: Yes. I am attempting to move to South Carolina from Las Vegas, Nevada. And in order for me to do so to be able to still work as a massage therapist, I had to acquire the licensings prior to any attempts of getting any kind of employment.

MADAME CHAIRPERSON: Okay. Tell us a little bit about how long you've been in practice, where you went to school and how many hours you received from the school.

MS. GONZALES: I have 1,000 hours. I went to the Puerto Rico Bodywork Institute in Puerto Rico. And I've worked as a therapist approximately 13 years. I've worked with a chiropractor for a couple of months.

I also worked at the Golden Door
1 Spa at the El Conquistador, which is now -- it's
2 actually a flagship of the Waldorf Astoria Hotel.
3 And from there, I was offered a position to work
4 at Vdara Fitness Center in Las Vegas, Nevada, and
5 I've been there for approximately -- I'm going
6 into my third year there at Vdara as a bodywork
7 practitioner, as a massage therapist.
8                 I'm right below the lead therapist.
9 I take care of the training and I help the initial
10 hiring of the massage therapists. But then I
11 can't calculate the hours because there have been
12 so many hours. And working in the spa environment
13 at the hotel, you can work easily six hours in a
14 day or more, even a 40-hour workweek. So to be
15 able to give you the exact number, I think would
16 be a little difficult.
17                 MADAM CHAIRPERSON: Well, that's
18 okay. We have six panel members here and, at this
19 time, I'm going to ask them if any of them would
20 like to ask you a question.
21                 MS. GONZALES: Sure.
22                 MADAM CHAIRPERSON: So if any of
23 you have a question to ask Ms. Gonzales?
24                 MS. VAN NOSTRAN: Has Ms. Gonzales
25 participated in regular continuing education?
MS. GONZALES: Yes, I have. I recently did a course in hot stones. That's one of my favorite modalities. So as the years go by, I attempt to take different pathology courses, things like that. Some of them have been online. I'm also currently trying to get into an HIV course to find out how to work a little bit more with HIV patients and things like that. So, yes. To answer your question, yes, I've participated in continuing education courses.

MS. VAN NOSTRAN: All right. Do you have documentation of your continuing education courses?

MS. GONZALES: Yes, I do.

MS. VAN NOSTRAN: Thank you.

MADAM CHAIRPERSON: How many continuing hours does Puerto Rico require per year?

MS. GONZALES: Well, right now, the laws have changed a little. Before, they really didn't have a number. But now they're requiring from 12 to 16 hours. But because they're still in transition to implement those laws, they don't have any definite numbers as of yet.
Which is another thing. Right now, I'm trying to renew my license in Puerto Rico. Because before, it was okay if you had the -- you needed 1,000 and work with a certificate. But now they're requiring that you have the actual license in Puerto Rico. And, like I said, it's been about a year-and-a-half that they've attempted to stipulate and change the legislation as far as a bodywork professional here.

But to answer your question as well, the number, to be exact with continuing education is not like put in stone as of yet, but they're requesting that you also take that HIV course as part of being able to acquire the massage license in PR. I hope I answered your question.

MR. STRICKLAND: Ms. Gonzales, this is Charlie Strickland. I have a question. You went to school in Puerto Rico. Is that school still in good standing as far as you're aware?

MS. GONZALES: Yes, it is. Actually, the director of that school also works closely with the Board, and the Board that actually started implementing the new law on getting an official license, which they have a
list long of requirements now in order for you to obtain that license.

MR. STRICKLAND: How long has that school been operating?

MS. GONZALES: The exact number, I don't know. But I did study in -- I think it was -- it's been a while. The number, I couldn't tell you because I don't know how long it's been around. But since I've studied, she's still around and has her school. She now has moved actually to one of the bigger cities offering her courses. She also has her school online.

MR. STRICKLAND: Thank you.

MS. GONZALES: You're welcome.

MADAM CHAIRPERSON: Does anyone else have a question?

MR. HASTINGS: Jasmin, I'm Lou Hastings.

MS. GONZALES: Yes, sir. Hello, Mr. Hastings.

MR. HASTINGS: Hello to you, too.

Now, you took the national certification exam in '08?

MS. GONZALES: Yes.

MR. HASTINGS: Were you still in
1 Puerto Rico at that time?
2 MS. GONZALES: Yeah. In order for me to get my license in Vegas, I had to acquire the Nat Cert.
3 MR. HASTINGS: Fine.
4 MADAM CHAIRPERSON: And I checked with Ms. Eshelman. She's sitting over here. She's with the Commission on Higher Education and Puerto Rico is approved. They are recognized now by the National Certification Board and they're recognized by the Federation of Safe Massage Boards.
5 So I'll ask our legal counsel, should we discuss this in Executive Session when we go in there or --
6 MR. GRIGG: It is completely the pleasure of the Board. If there's someone that's ready to make a motion now, have at it. Or if y'all have some questions and want to discuss it, we can do it in Executive Session, yes, ma'am.
7 MR. STRICKLAND: I make a motion to accept her.
8 MS. SHAW: I'll second.
9 MADAM CHAIRPERSON: Okay. A motion and a second. Okay, Ms. Gonzales,
congratulations.

MS. GONZALES: Thank you.

MR. STRICKLAND: Where are you going to reside?

MS. GONZALES: Thank you so much for your time and for the conference call. I appreciate it.

MADAM CHAIRPERSON: Where are you to coming to South Carolina?

MS. GONZALES: Well, now, I have to make plans to -- hopefully, May. I'll be in May but for a couple of interviews. Now that I have the license, now I can formally go ahead and apply and see where I'm going to stand.

I was attempting Hilton Head. There was a couple of places in Hilton Head, but a friend of mine is going to introduce me to specific places where he thinks probably I would fit best as far as my knowledge and experience.

So, hopefully, in May will be my first for, you know, a face-to-face meeting as far as interviews and things like that.

MADAM CHAIRPERSON: Okay. Well, thank you so much. Best wishes.

MS. GONZALES: Thank you, very
much.  Bye-bye.  Have a great day.

MADAM CHAIRPERSON:  Okay. Do I hear a motion that we move back up in sequence to the administrative remarks?

MS. VAN NOSTRAN:  I'll make a motion.

MADAM CHAIRPERSON:  Okay. A motion by Denise.

MR. STRICKLAND:  Second.

MADAM CHAIRPERSON:  Okay.

MR. GRIGG:  And, Carolyn, can I just make sure, you skipped over excused absences. I'm assuming there aren't any; is that correct? I just wanted to make sure.

MADAM CHAIRPERSON:  What was that question?

MR. GRIGG:  Earlier, number 3, approval of excused absences, you didn't mention that. I'm assuming there aren't any. I just want to make sure.

MADAM CHAIRPERSON:  Oh. There are none.

MR. GRIGG:  Oh, okay. I just wanted to make sure. Thank you.

MADAM CHAIRPERSON:  Thank you. And
before we move forward, how about, Jenny, you
missed our introduction. Why don't you tell
everybody who you are, where you're from and a
little something about you.

MS. MITCHELL: I am Jenny Mitchell
from Laurens, South Carolina, and I work as the
administrator for NHC Homecare. I'm an RN and
acquired my massage therapy license about six
years ago.

MADAM CHAIRPERSON: Good. Thank
you. We welcome you to the panel. Okay. At this
time, I'm going to call Byron Ray up for the
administrative report and whatever he might have
for us.

MR. RAY: Good morning everyone,
again. The first thing I want to is, although I
didn't get an opportunity to work with Linda, I'd
like to present her with a little plaque. She's
been a member since June 12th, 2002 to January
27th, 2012, and in appreciation for your many
years of service to the citizens of South Carolina
and your commitment to professionalism in the
practice of massage therapy bodyworks for your
national, state and local leadership in
establishing professional principles for the
practice of massage therapy bodyworks, for your
time and counsel to the Office of Board Services,
the South Carolina Department of Labor, Licensing
and Regulations, and for being a friend to your
profession, we'd like to present this little
plaque to you.

MS. PEARSON: Thank you, very much.
That was a little bit more than I anticipated.
But I just want to say just a few things. I know
it's not the Linda Pearson hour, but I graduated
from the Atlanta School of Massage in 1989 and
became involved with our professional organization
from the get-go. And this is the first time in my
career that I am not involved with any Board in
the state, so I'm almost half a free woman.

Regretably, but I'm humbled by
this. And I need to thank Eddie Jones, Sandra
Dykert, Lisa Hawsey and Rene Eshelman for their
support and help with this over the years. And I
can't say enough about my beloved panel members,
and carry on. Thank you.

MADAM CHAIRPERSON: I just want to
say, I met Linda in 1992. She was a massage
therapist and I heard she was the best there was.
She immediately became my mentor and we worked on
the licensing for South Carolina. And little did I know when I was working on it that Linda had already attempted licensure and was turned down by the Legislature.

But she laid the groundwork and it was so much easier for me to come along. And then, of course, I asked Linda to join my team, which she did. And every massage therapist in South Carolina should be here today to recognize her because this girl has done so much for the profession and if I want to know anything that I don't know about, I call her. And she is my mentor and I am proud to say that. And, Linda, thank you so much for all you've done for the profession.

MS. PEARSON: It's been my pleasure. Thank you.

MADAME CHAIRPERSON: Now, we have one other thing.

MS. SHAW: Just one quick thing.

MADAME CHAIRPERSON: The South Carolina MTA, Massage Board, on behalf of --

(Momentary interruption)

MS. PEARSON: Thank you so much.

MADAM CHAIRPERSON: Let's give her
one more big hand.

\(\text{Applause}\)

MADAM CHAIRPERSON: Okay. At this time, we'll call on Mr. Andrews for the investigative report.

MR. RAY: Carolyn, if I could --

MADAM CHAIRPERSON: Oh, I'm sorry.

MR. RAY: Just one little quick item. And just for the panel members, most of you should have a green form just, you know, for the year you have to turn in your state ethics commission reports. Those have to be filed. Your statement of economic interest and those have to be in by April 15th.

They all have to be done electronically. They don't take my paper reports any longer. I think attached -- on the back of your form, you should have your statement from finance. You can use that as well.

MADAM CHAIRPERSON: Yeah. This was a headache when I first became a panel member. So if any of you new people need any help with it, I'll be glad to help you. And there is a fine.

MR. RAY: Yes, correct.

MADAM CHAIRPERSON: Isn't that
MR. RAY: That's what I wanted to say as well. So if you would be so kind, just kind of shoot me an email, a little phone call so I can check it off or whatnot.

MADAM CHAIRPERSON: I like this new report. Thank you. Okay. Do you have anything else, Byron?

MR. RAY: That's it.

MADAM CHAIRPERSON: Okay.

MR. ANDREWS: We currently have 14 open investigations and we've received one new complaint this year, and I guess there's several IRC probably for your submission today.

MADAM CHAIRPERSON: I would like to ask you about -- and if I'm not supposed to do this, you can tell me. But a guy by the name of Tiny Rigero filed a complaint regarding --

MR. GRIGG: Let's not mention names.

MADAM CHAIRPERSON: Okay. And I won't mention who the complaint was about. But has there been anything new on that? Because he just called me the other day and asked me if anything was ever done.
MR. ANDREWS: Okay. And, I guess, some of you know that I was involved in a three-year investigation. I am just getting back the other investigator. I've assume all of his -- I have all of his cases now. I'll look into it.

That name is not familiar to me currently. I think as of last week, all of his cases were assigned to me. So I'm back full time with this Boards, and so I can let you know. But, currently, that name is not familiar. I have not run across that.

MADAM CHAIRPERSON: Okay. And I wanted to ask legal counsel, I know about this case, I know everything about it and I'm very, very concerned. And I know I'll have to recuse myself from that. But is it okay if I inquire?

MR. GRIGG: You're not a part of the complaint, are you?

MADAM CHAIRPERSON: No. Definitely not.

MR. GRIGG: Okay. It would be better if you didn't. It would be better if you would just remove yourself from all conversation about that completely and allow the other Board members to handle it and the investigators to
handle it. That would be my advice to you.

MADAM CHAIRPERSON: Okay. Thank you.

MR. GRIGG: I know you're curious.

I know you want to know.

MADAM CHAIRPERSON: I'm very curious. Okay. Mr. Grigg, do you have a Legislative update for us?

MR. GRIGG: There's not much to tell you. As you know, obviously, some of the changes of the last few months with making some of the proposed changes to both your Practice Act and your regs that we've been working on, we made it through the public comment period on your regs and those were submitted to the Legislature. And I know for all Boards right now, the Legislature is setting up subcommittee hearings and going through that process, to my knowledge, and I've checked as of this morning.

We haven't been contacted that they've scheduled one for y'all which isn't necessarily a bad thing. Because, as you know, the way the regs work, if they time out by the end of the Legislative session, they automatically become active. So, hopefully, you know, they'll
progress as smoothly as they seem to be at this point.

If we hear otherwise, Byron or myself, if we hear otherwise that there has been a subcommittee meeting scheduled, we'll obviously make y'all aware of it. But as of right now, we don't know of anything. So we're just kind of waiting. We're in a holding pattern as far as the regs go, kind of waiting to see what the Legislature is going to do with them.

MADAM CHAIRPERSON: One of the things we did is, we're asking that we no longer have a panel because it's been years since we've had anybody on the panel. And in looking at the situation, it's probably better that the Board actually handles those complaints anyway.

MR. GRIGG: Yes, ma'am. And that was actually -- I think we changed that actually in your statute. So in your Practice Act, if it's approved -- which, hopefully, for you guys it will be -- but, actually, in your Practice Act, if that goes through, you're right. We're doing away with the disciplinary panel, merging those obligations and requirements into the Advisory Panel's authority so that y'all will be able to -- because
I think practically y'all have been taking care of it anyway because there hadn't been any members on there. So we're just trying to --

MADAM CHAIRPERSON: Right. We have been. One other question I wanted to ask you is, I used to keep up with legislation on all Boards and it can become very nerve wracking if you don't have the time. But I no longer do that. Is that still in place that we can actually do that? I think it's good because especially if we make any changes, then we can find out if somebody else is trying to --

MR. GRIGG: Do you mean tracking it as it's going through the Legislative process?

MADAM CHAIRPERSON: Yeah. Trying to track it.

MR. GRIGG: You know, I've personally not looked at their website. But my understanding is that they do have -- and if y'all want to write it down -- your reg document number is 4239. And that's the number, from my understanding, that was assigned by the Legislature. So that's held -- it will be listed and that's how I think you can go to their website and track the progress through that. I've not
personally tried to do that. So I hope I'm right
on that, but I think you can, yes, ma'am.

MADAM CHAIRPERSON: Well, one good
ting Board and the
Federation of Massage Boards are tracking
legislation and, usually, they let me know. So
that's a good thing, too. So if anybody wants to
know anything like that, you can contact --

MR. GRIGG: Yes. And it's all
public record. So, I mean, it's just a matter of,
I think, navigating their website. But I think
you can punch that number in, I think you can
track it. Certainly, if Byron or myself or Sarah
hears of anything, we'll obviously keep y'all
posted as best we can.

MS. MCCARTHY: I think legal has a
pretty good handle on it upstairs. But if y'all
have a question -- and for those of y'all I didn't
meet, I'm Sarah McCarthy. I'm the new advice
counsel, brand new, and I'll be taking over for
Dean.

In any case, if you want to contact
Byron or myself or Dean, any three of us, you
know, we'll talk to our legal assistant or look it
up and let you know.
MR. GRIGG: And her name is Jennifer Cooper and she's the Legislative guru for our office. She's the one that stays on top of all this and keeps us in line, so we'll be glad to try to help you out on that.

MADAM CHAIRPERSON: Since I'm retired, I usually contact Byron or Dean every single day of my life.

MR. GRIGG: There's nothing wrong with that. We love hearing from you.

MADAM CHAIRPERSON: So anybody can do that. They don't want me to tell you that, but you can do that.

MR. GRIGG: And sometimes, no news is good news. So the fact that they haven't set up a meeting yet isn't anything to be concerned about. That may work in your all's favor. So we'll just sit back and see how it goes.

MADAM CHAIRPERSON: Well, we appreciate all of you, we really do. Okay. Next, we have some panel member reports. And Ms. Jan Shaw attended the Federation of State Massage Board's annual meeting and I believe she might have a report for us.

MS. SHAW: Very brief. I sent the
notes out after the meeting last fall to all of
the panel members. But, briefly, the Federation
is in charge, for those who don't know and this
was my first meeting, my first attending one of
their meetings. Carolyn had typically been taking
care of that. But they are in charge. They have
convened to try to organize the whole country,
basically, is what they're trying to do and get us
all as much under one umbrella as possible.

I was very impressed with the whole
meeting and everything I learned from it. But
basically what came out of that, most states are
either licensed or certified, seven states are
currently unregulated. Most are going towards,
and the Federation is encouraging everybody to go
towards the new MBLEX exam, which is not all that
new, but as opposed to the national exam that's
been used for years.

The main reasons being, the massage
industry, the Federation of State Massage Therapy
Boards owns that exam. The other national exam
that has been used in the past is not owned by our
entity, basically. If I get all this right, help
me if I stumble here.

But they have employed outside
companies, experts to come up with the biometrics that manage who is taking the exams, making sure that people are who they say they are when they're applying for and taking the exams. There's specific things in place to be able to make sure that happens. They have another company to score the exam. They have another company to set up the exam.

A physical space so that no matter where in the country you go to take the exam, everything about the physical setting is exactly the same, down to the plastic plants that are in the corners of the rooms. Everything so the environment is always the same. So it's very regulated once it scores.

So the benefit of all that is that if there's ever someone wanting to contest a score, the of an exam, it can be defended, is the basis of all of that. So that's the benefit of that. Some of the main concerns that states had at that time were human trafficking. And you might expect that in some of the more southern border states, also even as far as Oregon, human trafficking in the massage industry is a huge concern.
some of the other common concerns were the number of schools in their states. Some had over 400, some had only two, and whether or not the schools were legitimate. I think Florida had 400 schools or so. And then regulation. Once again, some states are certified, some have tiered processes of -- or tiered certifications within the industry, some are licensed like we are. And so what the Federation again is trying to do is help to bring all the states together so that we can become more unified in the way that we do things.

That's the gist of it. Are there any questions?

MADAM CHAIRPERSON: Okay. And to be fair, I want to add that national certification pretty much does all of this also. They have done a wonderful job regarding human trafficking. So I just wanted to point that out. And when we have comments, statements, if you'd like to comment on any of that, then that would be okay.

Does anybody else have any comments regarding that? Feel free to speak up any time you need to. Well, we appreciate Jan going. Usually, the Federation will pay for a panel
member and LLR will pay for a panel member, so
maybe some of you would like to go the next time.
And I had the date of that meeting but I left my
briefcase at home so I don't have that. But I
will send an email out and let you guys know
that.

Okay. As most of you know, I was
chosen to be on Federation of State Massage Boards
to create a nationwide model Practice Act.
There's some geniuses on that Board. I'm not one
of them. But I was fortunate to be able to be a
part of that.

We're meeting the last day of May
and the first day of June in New York City. We
have one lady that is over all the Boards of New
York City. And I think they probably have the
toughest laws of any state, so she has been very
good in helping us create this.

I happen to be on with a lady from
Florida and we're creating the scope of practice.
So that's the job I'm working with. And we are
about halfway through and what we're hoping our
goal is, is to hope that every state will look at
this model Practice Act and we get input from
anybody that wants to give input.
I believe a long time ago, I sent out a message that if anybody in South Carolina will need to give any input. So we got a lot of input and we're hoping that when someone moves here from another state, or if you move to another state, that everything will be clear as what to what you need or what you need to do.

So I'm real excited about this model Practice Act. I am not at liberty to discuss anything that's in it right now. I was asked not to. But we are meeting in New York and I think maybe after that meeting, I'll be able to come back and give a better report. Any questions?

(No response)

MADAM CHAIRPERSON: Okay. What I'm going to right now is call a break. Let's take a ten minute break and this will give us a chance to look over the agenda to see if any of you have anything that you want to bring up. And, actually, I need to ask Linda Pearson a question because it was something that came up when she was on the Board, so I need to get her advice on something. So at this time, we'll take ten minutes.
(Recess from 10:35 a.m. to 10:45 a.m.)

10:45 a.m.

MADAM CHAIRPERSON: We're going to resume our meeting.

MR. GRIGG: Carolyn, can I interrupt for a quick second before y'all start on something else?

MADAM CHAIRPERSON: Sure.

MR. GRIGG: I was talking with Sarah and Byron at the break and I want to backtrack if I can on one thing with the Legislative update. I was talking to y'all about the regs. I didn't really speak much with you about the Practice Act.

Several weeks ago, we had some Boards that had some confusion, so I just want to make sure that y'all got the memo and aren't confused as to the track the Practice Acts take because it's somewhat different than how the regs make their way over to the Legislature.

With the regs, they are submitted by our Legislative office and go that route. With the Practice Act, the Boards are responsible for finding sponsors to introduce Practice Acts. So I want to make sure -- we had some Boards that were
very -- the truth be told, I was unclear on it.

I think there were some mixed signals from our Legislative office as to how that went and, certainly, I don't think it's improper for me to tell y'all, that was something that changed from the old administration to Ms. Templeton's administration.

I don't know how many of y'all remember Bob Sellman. But Mr. Sellman was much more hands-on with helping get sponsored and lobbyists and whatnot for Practice Acts and helping the Boards get those things before the Legislature. Ms. Templeton doesn't see that as the role of this agency, to be honest with you. So we had several Boards that were quite confused by that.

I was talking about the regs and it didn't dawn on me till just speaking with Byron during our break. But I just wanted to make sure. There was supposed to have been an email and some information sent out to clear that up for everybody. I just wanted to make sure that if it wasn't clear by now, that it is clear as of today so y'all know exactly what needs to be done on that front going forward.
MADAM CHAIRPERSON: Okay. So we all need to call our Legislators --

MR. GRIGG: Y'all are responsible, yes, ma'am. The Board is responsible for finding whether it's an association, whether you've got connections in the Legislature that you can call, whatever the case is, y'all are responsible for advocating on your own behalf when it comes to the Practice Act.

MADAM CHAIRPERSON: By when?

MR. GRIGG: Well, the end of session is what, the first Thursday of June, I think, is when the session ends for this term. So, I mean, yeah. Obviously, the sooner the better, because we're already in the last of February here. And, again, I apologize that it didn't dawn on me sooner, but know that was a point of contention for several Boards here in the last few weeks.

I think Grant Gillespie, our Legislative liaison, culted that and then they cleared that last fall. Obviously, certain Boards had felt it was not made clear and so he's been trying to clear that up with everybody. But I just want to make sure that if there's any
confusion, that we get it taken care of today
so --

MADAM CHAIRPERSON: I wasn't aware of that, but I should have been. So I'll get on the phone and I'll communicate through email and we'll all decide what we're going to do.

MR. GRIGG: Because I would hate for it to get to be them in recess here at the end of June and y'all don't have any progress because there's some confusion from our end as to what y'all needed to do.

MADAM CHAIRPERSON: Okay. Good. Thank you for that information. Okay. We have a budget update, I'm hoping?

MR. RAY: Yes, ma'am. What finance presented to me for January -- I only made enough copies for --

MADAM CHAIRPERSON: I think we're the richest Board.

MR. RAY: Y'all are doing the best out of the three I have right now. I've got to get the other ones up to snuff. Anything you can teach them to help, I'd greatly appreciate it. And, as you can see, they closed out the fiscal year 2011 with slightly over a half a million
dollars and current, you know, as it stands, the year-end balance for fiscal year 12, $427,419.01.

MADAM CHAIRPERSON: It hasn't really dropped a lot.

MR. RAY: No, it really hasn't. Not for you guys.

MADAM CHAIRPERSON: Well, that's good. Does anybody have any questions about our budget?

(No response)

MADAM CHAIRPERSON: Okay. We have none, then. Do we need to approve this, Dean?

MR. GRIGG: I think that's just FYI.

MADAM CHAIRPERSON: Okay. Good. Okay. We'll move on.

MR. STRICKLAND: Carolyn, can I ask a question?

MADAM CHAIRPERSON: Yeah.

MR. STRICKLAND: Could we possibly get this in our packet next time?

MR. RAY: Sure.

MR. STRICKLAND: That way, we can kind of look at it ahead of time and get a little fresh glance.
MADAM CHAIRPERSON: Okay. And I want to let the new panel members know that if at any time there's anything you want to ask or you want to bring up, feel free to do that under new business. Or if it's about something we're talking about at present, then you can do that, too.

Under old business, the panel has been talking about license fees for a long time. And Ms. Pearson was determined, with a lot of requests that she had gotten, to lower our renewal license fee. We are not asking for any of the other fees to be changed because we feel like, I think, that they're fair. But a lot of people are going to school, they get out of school, they have to take the exam, they have a lot of expense in order to get into practice. And it's not only hard for just new people that are coming into the profession, but it's hard for all of us with the economy as it is.

So we have a proposal today to lower our renewal fees and I'll just give -- Ms. Pearson had this proposal before she went off the panel, so we feel that it's still a good proposal. What she wanted to do was lessen the
renewal fee to $75 instead of 100 for every two years. So this is pretty much in line with a lot of the other states. So what's the opinions of the panel? Are there any comments or --

MS. MITCHELL: I just renewed my RN license. I think it was 68. So why the difference? UNKNOWN: If I can add something. It's usually based on the numbers in your profession. And since we started with very few way back in the day, in order to meet our obligations to pay the LLR staff and the such, it was a little bit higher. But our numbers have grown, our budget has grown and I think we can now get more in line with other professions.

MADAM CHAIRPERSON: And I believe we have over 2,000 massage therapists, is that correct, for our --

MR. RAY: That sounds like a good ballpark figure. I can't get my link up down here for some reason.

MADAM CHAIRPERSON: I got on the computer one day and spent all day long looking at people that had expired and trying to look at who
owed us money and that sort of thing, and that's a headache to have to do that. I'll tell you, you have to be retired to do that.

But, anyway, if there's no further discussion, do I hear a motion that we reduce this fee to $75 every two years?

MS. SHAW: I'll motion.

MR. STRICKLAND: I'll second it.

MADAM CHAIRPERSON: I have a motion by Jan Shaw and a second by Charlie Strickland. All in favor, would you raise your hand?

(Response)

MADAM CHAIRPERSON: Okay. Then our license fee and all of you guys that are involved in your schools, you can let them know. And I'd appreciate Ms. Eshelman also letting the schools know that the license fee renewal, renewal only, will be $75 every two years.

Okay. We're going to move on and we have some guests here today under new business. Well, we have the approval of the IRC report. Do we have such a report? Has any activity taken place? And if you'll explain what the IRC is, either you or Dean, for the new people. Because I didn't know what it meant.
MR. GRIGG: I can -- well, if Byron wants to, he can tell you. But I can give you a brief rundown and I'm not -- and Sarah won't be either, going forward as advice counsel, we're not able to be in IRC meetings, just like y'all aren't as actual Board members. But, basically, just so y'all have an understanding, the IRC is an internal review committee that's been set up by the agency.

When there's an investigation, they take it to that committee. That committee has the litigating attorney for the State, usually has an investigator. I think Byron as your administrator is there and, usually, someone who has been designated by this Board as their representative. It cannot be a current Board member, but it could have been a former Board member or just someone that you trust as a professional.

So that way, in that meeting, you're getting the legal side of it, you're getting the administrator's side of it, you're also getting the people that know the profession best, someone that y'all designated. And what they do is, they make a determination as to what to recommend to the Board to do going forward on a
case. And I believe this was in their packet; is that correct?

MR. ANDREWS: Yes.

MR. GRIGG: And Mr. Andrews here can speak to it better than I can. But you'll get reports like this at Board meetings that basically show where the review committee has recommended dismissing a case, proceeding to a full hearing or whatever. Deon, is that kind of accurate?

MR. ANDREWS: That's correct.

MR. GRIGG: Okay. So that's what the IRC is for those who don't know. And every meeting or so, you'll get a report that you'll just need to approve or have a motion to let it be approved or not approved.

MADAM CHAIRPERSON: Okay. Do we have any other information on this?

MR. ANDREWS: You can ask questions about the case, but we don't give you any names or anything like that. And in this case, Bobby Taylor, the other investigator, did all these, so I wouldn't gave any information on it if you did have questions about these. But in the future, you will be able to ask any generic questions about these.
MR. GRIGG: You can, and let me follow up on that and what Sarah's job will be and my job has been for y'all just to make sure y'all don't get too detail at this point. Because for a case that may eventually come before the Board, you don't want to risk being tainted. And that's why you get, as you see on this, literally a sentence or two.

But this kind of gives you the case number and the basics as to what the allegation was. And, unfortunately, part of what you have to do -- I say unfortunately. It can be good and bad. But part of what you have to do as a Board is learn to trust the processes at IRC and trust the people you've put in place to represent you at the IRC that they're making an informed decision based on the information that we've presented to them.

Because just at this point, y'all can't know too much about it. If you start asking a lot of questions, getting a lot of detail as far as the investigation, potential testimony, potential evidence and then this were to come up to you, you would end up having to recuse yourself. And if enough of you had to do that, we
wouldn't have anybody to hear the case.

It aggravates a lot of people that you only get one sentence, but that's why.

MADAM CHAIRPERSON: Well, it aggravates me. I do want to ask one question and if I'm not supposed to, just tell me. Can we be told when someone loses their license or their license is revoked?

MR. GRIGG: Now, it can't be revoked unless y'all do it, so you would know about it.

MADAM CHAIRPERSON: Okay. So this particular case would come before us, correct?

MR. GRIGG: Yeah. I mean, you're not going to -- and, Sarah, correct me if I'm wrong -- you're not going to see on here disposition, revocation. You're going to see on hear, recommended for full hearing. And then it's up to the State's attorney and the respondent to come in here and argue it out before you in a full hearing and then y'all will decide what to, whether it's a suspension, revocation, fines, continuing education, whatever.

So, yeah, I don't think you'd ever see on the IRC report where there's a disposition
that's already happened. They're going to recommend dismissal of a case, the case go forward to a full hearing, or sometimes a consent agree or a voluntary relinquish which is where somebody is saying, I'm not admitting I did anything wrong, but I'm going to turn over my license and go ahead and retire and seek a new profession or something.

MR. STRICKLAND: You said we can or do have a representative that goes to the IRC hearings?

MR. GRIGG: You should. Have they appointed somebody?

MR. RAY: I don't know who the current one is. I've just met the one from cosmetology and barber at the last meeting, so I don't know who you've appointed.

MR. STRICKLAND: Is it something we do as a panel?

MR. GRIGG: It's something that y'all would had to have done, would be appoint someone to serve as your representative at the IRC.

MR. STRICKLAND: And a second question, how often do they meet and where they do meet?
MR. RAY: Just, normally, it depends on how many cases, you know -- the Cosmetology Board, of course, they do a much larger volume, so we almost have to meet monthly, sometimes. For your Board, it would normally be -- also, smaller Boards, they'll schedule it slightly before the next panel meeting.

MADAM CHAIRPERSON: So can we know before the meeting? Can we be aware of when the meeting is in order to send someone or.

MR. GRIGG: Well, what you do is, you just have somebody that you've approved, that they're contacted directly from the investigator or administrator. So, yeah, y'all wouldn't have any hands-on involvement week to week on it. And it wouldn't be somebody new every time. Y'all need to think about somebody in your profession that you would want to do that and appoint them to be that IRC representative going forward.

So y'all would want to maybe work towards that over the next few months, the next couple of meetings, getting a couple of names that you're interested in, speaking to them, seeing if they'd be interested in serving in that capacity.

MS. PRESSLEY: You'll want an
alternate in case your number one person needs to recuse themselves for some type of conflict.

    MR. GRIGG: That's a great idea.

But, ultimately, yes, sir. Ultimately, y'all will need to make a motion, so and so serve as our IRC representative, vote on it and then he's your representative from here on out. So it wouldn't be a week to week thing. Y'all wouldn't know about every meeting. He would or she would.

    MR. STRICKLAND: Now, if they come to these meetings, are they reimbursed for travel just like we would be?

    MR. RAY: They would be.

    MADAM CHAIRPERSON: Okay. We're going to move on to, we've already talked with Ms. Gonzales. So at this time, it's Gabriel Cabrera. If you'll kind of walk up there by Mr. Ray at the end of the table and, that way, we can see you.

    Whereupon:

    Gabriel Cabrera, having been duly sworn and cautioned to speak the truth, the whole truth and nothing but the truth, testified as follows:

    MADAM CHAIRPERSON: Okay. Go ahead and state your name and tell us why you're here
MR. CABRERA: First, I'd like to thank everybody for setting the time aside to let me speak my case. My name is Gabriel Cabrera and I'm standing before you today to, I guess, answer any questions about my criminal history and answer everything as truthful as possible.

MR. STRICKLAND: Can you give me the exact time frame when all these incidents took place between 19 whatever and 19 whatever? I think you were younger in these comments, in your younger days.

MR. CABRERA: Yes, sir. Yes, sir. The biggest incident was in 2003, so about nine years ago.

MR. STRICKLAND: And when did you start having really initial trouble?

MR. CABRERA: Initial trouble would probably be at the age of 18.

MR. STRICKLAND: And at this point in time, you're all straightened out?

MR. CABRERA: Yes, sir.

MR. STRICKLAND: How long have you been straightened out?

MADAM CHAIRPERSON: How long has it been since you've operated a massage practice?

MR. CABRERA: I've been practicing for about -- since I graduated about a year-and-a-half ago, just a doing massages here and there. I work about 40, 45 hours a week, so I try to do it before I go to work maybe a couple of hours a week.

MS. VAN NOSTRAN: Could we clarify that? What do you mean by working as a massage therapist?

MR. CABRERA: Well, just doing practicing. I mean, obviously, I'm not licensed. I can't really go and offer my services. But to family members, to friends, just kind of staying in practice so when I do get my license, I'll be ready to hit the floor.

MADAM CHAIRPERSON: How long has it been since you've had any trouble as far as the police is concerned?

MR. CABRERA: About seven years, ma'am.

MR. STRICKLAND: Are you out of probation or on --

MR. CABRERA: Yes, sir. I'm on no
probation or nothing, sir.

MS. VAN: He does include a statement regarding an incident in 2008, so that's four years ago. But, thank you, Mr. Cabrera, for everything you're sharing with us.

MADAM CHAIRPERSON: Tell us why you think we should disregard the problems that you've had in the past and give you a license?

MR. CABRERA: I feel I've worked very hard to change my life. I believe people do deserve a second chance. I also believe in my ability as a massage therapist. I really do feel if I do get a license, I can actually go out there and help people.

MR. STRICKLAND: The incident that took place in 2008 in September, do you think that was a sting?

MR. CABRERA: Yes, sir. It definitely was.

MR. STRICKLAND: Was anybody else taken into custody or reprimanded or whatever that day?

MR. CABRERA: In that area, yes, but at the restaurant I worked at the time, no, sir.
MR. STRICKLAND: You're still in Rock Hill?

MR. CABRERA: Yes, sir. I reside in Rock Hill.

MADAM CHAIRPERSON: Any more questions?

MR. HASTINGS: Maybe I'm confused. Do you remember the name of Jason Daryl Boyd?

MR. CABRERA: I do, sir. I do. That was the name of a big case. I never met the individual, but I do remember the name from my case in the past.

MR. HASTINGS: That was in Florida.

MR. CABRERA: Yes, sir.

MR. STRICKLAND: How long have you been in Rock Hill?

MR. CABRERA: I've been in Rock Hill since early 2008.

MADAM CHAIRPERSON: Anything else?

(No response)

MADAM CHAIRPERSON: Okay. What we'll do on Mr. Cabrera, we'll go into Executive Session and we'll discuss this further among all the panel members and LLR will send you a letter
as to our result or our decision.

MR. CABRERA: Okay.

MADAM CHAIRPERSON: But we appreciate you coming today.

MR. CABRERA: Thank you for giving me the time.

MADAM CHAIRPERSON: Is there anything else you'd like to say before you leave?

MR. CABRERA: I just hope you folks do rule in my favor. I really think I've done the best I can to change my life and be a better person. And like I said, if given this license, I will probably be the best massage therapist in South Carolina.

MADAM CHAIRPERSON: Okay. Thank you, very much.

MR. CABRERA: Thank you, very much, folks.

MADAM CHAIRPERSON: Okay. Mr. Eric Williams, if you would come forward.

Whereupon:

Eric L. Williams, having been duly sworn and cautioned to speak the truth, the whole truth and nothing but the truth, testified as follows:
MADAM CHAIRPERSON: Okay. I believe your name is Eric Williams?
MR. WILLIAMS: Yes, ma'am.
MADAM CHAIRPERSON: Okay. If you'll just tell us a little bit about why you're here today?
MR. WILLIAMS: Today, I'm here -- I just graduated from Southeastern Institute. I'm trying to become a licensed massage therapist. That's why I'm here. Because I got a criminal record, so that's why I'm in front of y'all today to try to get my license.
MADAM CHAIRPERSON: Did you know this before you started school?
MR. WILLIAMS: About the Board?
MADAM CHAIRPERSON: No. Did you know that your criminal record could keep you from getting a massage license?
MR. WILLIAMS: No, ma'am.
MADAM CHAIRPERSON: Okay. Tell us a little bit about your criminal record.
MR. WILLIAMS: As y'all could see, coming up -- I come from a good family, but I went down the wrong path. All's I been doing all my life is selling drugs. Now, I done grew up. I
done changed because I realized selling drugs is not what I want to do.

My grandma, all her children, all her grandchildren, everybody doing something with their life except me. So I was like, before she die, I would like to see in her eyes she saying her grandson finally did something. So next month will be a year I done been home from incarceration. And since I been home, I graduated from school. My GPA was a 3.5. I was a honor roll student the whole time I was there, perfect attendance, leadership program. I've been doing community service.

So I feel like I've really changed. Like I said, I wanted just to do something for my grandma, so that's why I'm in front of y'all today to plead my case. I got a lot of people that are depending on me.

MADAM CHAIRPERSON: Okay. Do you have any questions?

MR. STRICKLAND: Were you a user as well as a distributor as far as drugs went?

MR. WILLIAMS: Well, I sold hard drugs, like crack cocaine and cocaine, so I didn't use that, sir.
MR. STRICKLAND: Okay.

MS. SHAW: Mr. Williams, you have a lot of people depending on you. What is this going to do for you?

MR. WILLIAMS: What it'll do for me?

MS. SHAW: Yes, sir.

MR. WILLIAMS: For once, I'm happy because I'm not looking over my shoulder. Now I'm being productive. So that's what it do. It'll make me happy to finally live right, to accomplish something.

MR. HASTINGS: Sir, what influenced your decision to go massage therapy school?

MR. WILLIAMS: I think I were born for this. Because, see, back in '92, I always had back problems, so I always like, you know, I want a massage. But my town, we didn't have massages in my town. So I was like, I've got to open up a massage business. But I was young, still in the streets so I never pursued it.

So when I was incarcerated, it must have been like '08 when our president kept talking about change, change. I'm like, okay. It's time to change. I believe that's the day I finally
grew up. So everybody always said I had girly hands, my hands always being soft. So in my mind, I was saying this is what God wanted me to do. And since I've been in school, they gave me a name, magic hands. So, you know, it's making people feel good.

All I did was did a wrong, so now I'm doing right. So that's what made me want to be a massage therapist, sir.

MS. SHAW: Do you still intend to open your own business?

MR. WILLIAMS: I don't want to open up a business like just standing still. I want to do mobile, like do house calls and like charity events like at festivals or stress breaks, like that. That's what I'm trying to do.

MR. STRICKLAND: Eric, have you pretty broke with those you were running with back then?

MR. WILLIAMS: Up in Greenwood? I haven't even went back home. As soon as I came home, I came right up here. Because I went home and I realized everybody is still doing the same thing. Don't nobody want to change. We're too grown for that now. So I got three kids to
support, so, you know, that life if over with.
It's over, sir.

MR. STRICKLAND: Thank you.
MR. WILLIAMS: You're welcome.
MADAM CHAIRPERSON: Any more questions?
(No response)
MADAM CHAIRPERSON: Okay. We appreciate you coming today and we will also discuss your case in Executive Session and you will get a letter as to our decision. We appreciate you coming and being honest with us and you'll be hearing from us pretty soon.

MR. WILLIAMS: Okay. Thank you.
MADAM CHAIRPERSON: Thank you, so much. Okay. Next, we have Patrick Lane. If you'll stand up, you can just stand where you're at. Tell us why you're here today.

MR. GRIGG: Let him be sworn in real quick.

Whereupon:

Patrick Lane, having been duly sworn and cautioned to speak the truth, the whole truth and nothing but the truth, testified as follows:
MR. LANE: My name is Patrick Lane and I've been doing massage professionally for almost 30 years. I started off at about five years old doing massage for family members and have been doing massage most of my life. And a friend asked me to take a massage class to get a license. At that time, we didn't need a license to do massages. It was just one of those things that I pursued because it's a passion.

I was licensed in '83 in Detroit and I got my instructor's license in '83 and I co-founded a massage school in Michigan and then I moved to Hawaii and stayed there for 20 years. And I went there to pursue my continuing education with Kahunas.

In Hawaii, Kahunas are masters or knowers of the secret knowledge. And to be in a different culture like that was really an awakening for me because it's much more than just a physical touch of a massage. It's what they call Lo'oponopono where you really learn about the belief system, about the emotional bond, about the physical body and you really work with people on a deeper level. And I have transferred my license from Michigan to Hawaii, from Hawaii to Nevada,
and I've been trying to transfer it here and I would really appreciate that. That way, I can continue teaching and doing massage therapy.

MADAM CHAIRPERSON: Okay. I believe I read where the school you had attended for massage therapy is no longer in practice now?

MR. LANE: That was a letter from the Department of Health from Detroit dated December 16th of 2005 that gave us, or that's explaining to you the qualifications of my instructor at that time and the school, the Recess Health System.

MADAM CHAIRPERSON: Okay. And tell us about the exam you took.

MR. LANE: The exam was the AMTA test, which I have right here.

MADAM CHAIRPERSON: Was that when AMTA had the hands-on and the written exam?

MR. LANE: Yes, ma'am.

MADAM CHAIRPERSON: Okay.

MR. LANE: I have the complete test right here. Do you want to see it?

MADAM CHAIRPERSON: I've seen it.

MR. LANE: I received excellent scores on all my testing and hands-on testing. I
have the test results from the state of Hawaii for
my massage license there. And because I was
ordained, I accepted ordination and got my
certificate to do weddings. But we also did like
house blessings and what they call lomy lomy.
Which in my order, we do temple style lomy lomy,
which is a sacred style of massage. And then I
have the business license from Henderson, Nevada
where I transferred to and a letter from them.
And I have all my documentation.

MADAM CHAIRPERSON: Okay. And I
believe you have a job that's waiting for you?

MR. LANE: Yes, ma'am.

MADAM CHAIRPERSON: Okay. Does
anybody have any questions? Okay.

MR. STRICKLAND: I see your
graduate certificate here from Detroit. How many
hours was that back in 1982?

MR. LANE: I have the letter from
Detroit. The Department of Health has all that
information. I believe it was over 600. The
Hamilton Place Athletic Social Club documented my
apprenticeship hours. I actually have the license
that was issued to me in 1982 from Detroit. It's
ten dollars.
MADAM CHAIRPERSON: Do we have any more questions?

(No response)

MADAM CHAIRPERSON: Okay. Well, we appreciate you coming today. One of the problems, the reason we asked you to come was because you didn't take the MBLEX or the NCB. However, our law states that an exam equivalent, so the panel will discuss this and we'll let you know of our decision. Thank you, so much.

MR. LANE: Thank you.

MADAM CHAIRPERSON: Okay.

Reinstatement approval, Adam Dintelman. Is Adam here. Okay. If you'll go up front.

Whereupon:

Adam Dintelman, having been duly sworn and cautioned to speak the truth, the whole truth and nothing but the truth, testified as follows:

MADAM CHAIRPERSON: Okay, Adam.

Tell us why you ended up here today.

MR. DINTELMAN: I went to renew my license and after renewing, I got a letter in the mail saying there was some discrepancies. And I called, I think I called you and some other people
and I realized that there was a complaint, a lodged complaint from a couple of years ago. I'm not clear on the dates. Do you know the date of that letter's complaint?

MR. GRIGG: I think it was in 2008.

MR. DINTELMAN: It was in 2008.

There was a lodged complaint and that's why I was here, to talk about that.

MADAM CHAIRPERSON: Where do you live?

MR. DINTELMAN: I live in Charleston, South Carolina.

MR. STRICKLAND: Can you tell us about this complaint?

MR. DINTELMAN: Of course. It happened a while ago, but I remember because I was let go from my job.

MR. STRICKLAND: That was where?

MR. DINTELMAN: At Massage Envy in Charleston. Sorry, sir. And I remember after the massage, I was brought in and -- well, I guess a couple of hours later. I had done a couple of massages. They do a lot of massages there back to back.
So I had done some and the manager had brought me in and she was like, well, Adam, I've heard some complaints that there was something that happened during a massage. And I was like, which massage? And she was -- I don't even remember the client's name. But she said that one of the clients said that there was some fondling that happened or -- and she was like, do you want to explain this?

I said, well, I don't remember anything like that happened. If anything, when I was massaging up here, my draping could have been a little rushed because I was doing so many massages. And I wasn't really taking my time, to be honest with you. It was a lot of years ago and I was a little bit younger, so it was just like bam, bam, bam, trying to get out of work.

There's a lot more art that goes into what we do and I realize that. Then this complaint came up and that's why I was here today. She let me go on the spot. And I was getting ready to leave in a month anyways, and she had -- she was upset because I had told some of my clients and they wanted to come with me. So I think that was another problem.
MADAM CHAIRPERSON: Did they sue you for taking clients with you?

MR. DINTELMAN: No, I didn't. She said that that was wrong. I wasn't taking them with me. I had told them that I was getting ready to --

MADAM CHAIRPERSON: You were just letting them be aware that --

MR. DINTELMAN: Yeah. That I wouldn't be there anymore. And I actually recommended another therapist by the name of Adam Brockston which gives similar massages I do, really deep tissue, a really good flow to it, and I thought my clients would actually like him.

But she didn't feel that way. And I actually signed a form guaranteeing that I wouldn't after the complaint.

MADAM CHAIRPERSON: I know it's hard for men to work and especially on people that have never had a massage before. But we have some interpretations of our law. And just to let you know, breast massage is not approved unless you get written consent or you have a prescription from the doctor.

MR. DINTELMAN: I didn't know that.
And I did the top of her pectoral and I pulled her back. Because she said she was having some pain back here and, a lot of times, that can be, you know, either the scapula or forward rotation. So I was attempting to open her up by stretching this out, and I recommended some stretches or whatnot, but, you know --

MADAM CHAIRPERSON: Did she file a formal complaint?

MR. DINTELMAN: I was unaware. I don't know anything. After that massage, I was let go and there was nothing else that happened after that. For me, personally, I moved on and went to work somewhere else. And then -- I went to work for Crown Plaza for a while. I tried a chef job. And then now I'm back in school. I currently have two more semesters and I transfer to MUSC for pharmacy.

MADAM CHAIRPERSON: Was your licensed revoked?

MR. DINTELMAN: I don't know. I think it's lapsed. And now that I'm going back to school, I need some more -- I need some money that I can work around my schedule, so I went for my renewal and then I found about all of this.
MS. SHAW: How did it come to the
attention of --

MR. STRICKLAND: Deon, do you know
anything about this? Are you familiar with this
case?

MR. ANDREWS: Yes, I am. It's
really -- I guess he's told you everything about
the case. He's told you all that. You need to
tell them --

MR. DINTELMAN: Oh, I forgot. Yes.

When I submitted my license, I had forgot to check
that I had some -- thank you. Sorry. I forgot to
check that I had some legal trouble recently. I
got in a fight with -- this is in 2009. I got in
trouble. I got in a fight with two Citadel kids
at a football game. That was a while ago. And I
got some anger management for that, but I forgot
to check that box because I thought after the
anger management, it was going to go away, but I
realize it didn't.

MADAM CHAIRPERSON: It wasn't in
your practice?

MR. DINTELMAN: No. I forgot to
check that box and I forgot to fill in that
statement. I apologize for that, and I could
resubmit all that.

MADAM CHAIRPERSON: How did this come to your attention?

MR. ANDREWS: I don't know that he can answer that.

MS. MCCARTHY: That's not what we're here for today.

MR. ANDREW: Yeah. The complainants are --

MADAM CHAIRPERSON: Well, I just wanted to know if there was a complaint. That's where I'm confused. I mean, not a formal complaint filed by the client?

MR. GRIGG: Deon, correct me if I'm wrong. But I'm understanding that there is currently a pending investigation into those allegations, correct? And, in fact, it's very kind of Mr. Dintelman to be willing to go into this. Because, otherwise, y'all aren't here to consider that.

The reason for that is, there may be -- it may appear before you again at the completion of the investigation. Again, as we explained earlier with the IRC and how all that works, I'm not sure what form it will potentially
appear in the future, but it may be coming before you again. And, in fact, we've been working for the last several months to try to streamline such cases as this so that you can take care of it all at one time. But we can't today because all that's before you is the application process.

So what you all are being asked to determine today is whether to allow him to renew or not. You can decide not to based on this information or you can decide to with this information, knowing that it's going to possibly come back before you in some form or another down the road. And I believe he's been made aware. I believe he's spoken with Mr. Andrews and he's been made aware of that.

MR. DINTELMAN: Yeah.

MR. GRIGG: So you're getting information that you can't do a whole lot with. I know it seems that way right now, but --

MADAM CHAIRPERSON: I just don't have enough information to --

MR. DINTELMAN: I'm willing to answer any questions, though. I understand he can't give you information. I can give you all the information I know.
MS. VAN: Mr. Dintelman, separate from the massage-related incident, were you arrested for the fight with the Citadel --

MR. DINTELMAN: Yes, I was.

MS. VAN: Okay. Were you arrested and charged, were you --

MR. DINTELMAN: Yes. I was arrested and charged with simple assault.

MS. VAN: Okay. And from that, you were --

MR. DINTELMAN: I took some anger management classes, six months worth of anger management classes.

MS. VAN: Were you ordered to take anger management classes?

MR. DINTELMAN: No, I wasn't. It was something my lawyer talked about us doing. And I actually went to a jury trial, so in the end, there was no -- there was nothing needed.

MS. VAN: Were the charges dismissed?

MR. DINTELMAN: I thought that after I took the anger management class, I guess, I was going to be able to expunge the charges. But, no.
MS. VAN: So the charges were not dismissed?

MR. DINETELMAN: No.

MS. VAN: Okay.

MR. GRIGG: Can I follow up on that? Because I want to understand this from a legal standpoint.

All right. So the anger management was not Court ordered. That was not the disposition of your case?

MR. DINETELMAN: No.

MR. GRIGG: So what was the disposition of your case? What happened when you -- you said went to a jury trial, so what happened?

MR. DINETELMAN: After that, they said I was guilty, and I paid a fine and that was it.

MR. GRIGG: All right.

MR. DINETELMAN: And I told them that I was taking the anger management classes, just to let them know as a preemptive on my behalf. Obviously, we're at this game and these two kids, we got in this altercation. They may have been taunting me and messing around with me.
I shouldn't have gotten physical and I realized that, so I put myself in classes.

MR. GRIGG: Do you mind telling us what the fine amount was?

MR. DINTELMAN: I think it was -- I don't really remember. It was a thousand-something, though.

MR. GRIGG: But you have paid it?

MR. DINTELMAN: Oh, yes.

MADAM CHAIRPERSON: What have you learned from this?

MR. DINTELMAN: From the incident? You know, I needed to grow up and I really have since then, you know. Kids at a football game, two different sides, you know, taunting goes on, you know. I'm not a child anymore. I'm not a teenager. And to resorting to wrestling and throwing each other around on the field, it's ridiculous.

MS. VAN: Mr. Dintelman, what's your current age?

MR. DINTELMAN: I'm 29 now.

MS. VAN: Okay.

MR. DINTELMAN: I had a daughter two years ago.
MS. VAN: And the incident with the Citadel folks at the football game, what year was that?


MS. VAN: Okay.

MR. STRICKLAND: And the incident at Massage Envy?


MADAM CHAIRPERSON: What's the pleasure of the Board?

MR. GRIGG: Carolyn, if I may, this may be one that we'll discuss, if y'all want to do that.

MS. SHAW: What kind of work have you been doing? What kind of employment have you had since you --

MR. DINTELMAN: I've been in school for a while. I'm currently attending Trident Technical College where I have a 3.67, Phi Beta Kappa. I also -- but on the side, I have been doing lawn work and I also was doing some chef work for Crown Plaza until I upped my school schedule to try to move myself faster through school.

MS. SHAW: So your intention is to
be reinstated as a massage therapist so that you
can practice until you complete your pharmacy --

MR. DINTELMAN: Yes. It's to
subsidize an income so I can, one, pay for some
more books. I have a condo I own now and I've got
one of the rooms rented out and I only need a
little bit extra, like four or five hundred
dollars more to pay all my bills so I can just
focus on school, so it'll be a lot easier than
clocking in and out for like 40 hours.

MS. VAN: And the direct question,
Mr. Dintelman, is, how are you currently
supporting yourself?

MR. DINTELMAN: Oh. I'm still
doing lawn work. I think, really, to tell you the
truth, some of my friends have really pitched in
and given me jobs.

MS. VAN: I mean, what does that
mean?

MR. DINTELMAN: Oh. They let me
mow their lawn for twenty or thirty dollars and
edge and weed eat it.

MS. VAN: We just want to know that
we have a real picture of you so that we can make
the right decision?
MR. DINTELMAN: Oh, of course. I just meant that they're kind of more charitable with the work to help me out while I'm in school.

MADAM CHAIRPERSON: If this case is dismissed, would that keep Mr. Andrews from bringing anything forward new?

MR. GRIGG: Is that something we can discuss in Executive Session?

MADAM CHAIRPERSON: Yeah, okay.

MR. GRIGG: That's something we can discuss.

MADAM CHAIRPERSON: Okay. Well, this is exactly what we'll do. We appreciate you coming and we will discuss this in Executive Session and LLR will give you our decision. Thank you, so much.

We have on our agenda last, a policy for special needs. And this was a little confusing because we have never had anything like this on our agenda before, and it is regarding -- and, Mr. Ray, correct me if I'm wrong -- it's regarding a girl that finished massage school. She is getting help from rehabilitation. She has no money to take a test.

From what I understand, she's in
bad shape. And in talking with Mr. Ray, there is
a way that we could create a special fund. The
concerns of this would be other people coming
forward wanting their license paid for. We didn't
get our license paid for. But it is a case where
there is a needy situation.

    Now, I know some schools -- I know
the colleges have funds that they can help the
students. So I believe the last word we got was,
she was going to check into that.

    MR. RAY: The caseworker was going
to call the school and see if they offered some
assistance.

    MADAM CHAIRPERSON: But it's my
understanding that we can create a fund from our
budget. So if everybody would be thinking about
that. And in the meantime, we can get more
information from her and we can table this until
the next meeting. So I'd need a motion to table
this. Okay. Charlie Strickland and Denise.
Okay. We'll table that.

    Last, we want to thank all of you
for being here and now we are ready for some
public comments. And I believe you might have had
some --
UNIDENTIFIED: No. I was just going to maybe comment that I thought that it was really good between the Federation and what we're going to, I think, standardize everything so that when somebody goes from state to state, they don't have to go through that. I think you guys working on that is a really good thing.

MADAM CHAIRPERSON: Okay. Thank you. Does anybody else? Does Ms. Eshelman have anything?

MS. ESHELMAN: I do not. I hate to come to a meeting and not --

MADAM CHAIRPERSON: She is with higher education and she's a tremendous help. Do any of the gentlemen from the schools have anything?

MR. DAVIS: Oh, one thing. These meetings the panel has, if my students are interested in coming and sitting in, some of them might have an interest, are they welcome?

MADAM CHAIRPERSON: I think it's open to anybody. So, yes.

MR. GRIGG: And, normally, I think we're in a bigger room. Sir, can you state your name for the court reporter?
MR. DAVIS: Marion Davis.

MADAM CHAIRPERSON: He's been very faithful to be at our meetings. We're hoping we'll get him more involved.

MR. KESSLER: I'm Steve Kessler. I'm the Dean at Southeastern Institute. This is my first meeting and I will be back. So thank you all for allowing me to come.

MADAM CHAIRPERSON: Thank you, so much. We appreciate you coming. Okay. If we don't have any more public comments, do we? Anything?

(No response)

MADAM CHAIRPERSON: Okay. Then I'll need a motion to go into Executive Session.

MS. SHAW: I make a motion.

MR. STRICKLAND: Second.

MADAM CHAIRPERSON: Jan Shaw, Charlie Strickland second it. Okay. At this time, we will dismiss everyone else and we will go into Executive Session and come back in and dismiss our meeting.

(Executive Session from 11:35 a.m. to 11:55 a.m.)

MADAM CHAIRPERSON: Okay. What is
the motion on Mr. Dintelman?

MR. STRICKLAND: I'd like to make a motion that we grant his application for licensure.

MADAM CHAIRPERSON: Do I hear a second?

MR. HASTINGS: I'll second. Lou Hastings.

MADAM CHAIRPERSON CHAIR: All in favor, raise your hand.

(Response)

MADAM CHAIRPERSON CHAIR: Okay.

MR. GRIGG: Carolyn, if you want me to explain to him the --

MADAM CHAIRPERSON CHAIR: Yes, please do.

MR. GRIGG: You know from speaking with Mr. Andrews that, as you've testified to, you've got the pending investigation on those --

MR. DIN: Yes, I know.

MR. GRIGG: That may, at some point, be presented to the Board in the future and you may be asked to reappear in front of them.

MR. DIN: That'll be fine.

MR. GRIGG: And Mr. Andrews and
possibly our prosecuting team will obviously be in touch with you as that goes forward. But as of today, the motion is that you've been approved.

MR. DIN: Thank you, everyone.

MS. SHAW: Dean, is it appropriate for me to make a comment?

MR. GRIGG: Sure.

MS. SHAW: Whatever happened in the past, true or false, going forward, you are representing us. The public, it's our duty to protect the safety of the public, represent us well, okay?

MR. DIN: I will.

MS. SHAW: And represent yourself well.

MR. DIN: I will. Thank you, very much. Do I just go reapply or would I wait for a letter in the mail to reapply for my license?

MR. GRIGG: Well, now, you have an application, right? You have a State application that's already out, so you'll get something from Mr. Ray that puts in writing what the Board did approve today.

MR. HASTINGS: You've paid your fees already.
MR. DIN: Yes.

MR. STRICKLAND: But you'll have to wait till you get your license before you start doing anything.

MR. DIN: Yes.

MADAM CHAIRPERSON CHAIR: But that shouldn't be long.

MR. DIN: Thank you, everyone.

Thank you, very much.

MR. STRICKLAND: Just remember, you're a guy. We've got to do it better.

MR. DIN: Yes, sir.

MADAM CHAIRPERSON CHAIR: And next, Cabrera.

MR. STRICKLAND: I'd like to make a motion that we grant him a license with the provision that he has to pay for a SLEd check for the next two years.

MADAM CHAIRPERSON CHAIR: Do I hear a second?

MS. SHAW: I'll second that.

MADAM CHAIRPERSON CHAIR: Okay. By Jan. All in favor, raise your hand.

(Response)

MADAM CHAIRPERSON CHAIR: Okay. So
moved. Next is Eric Williams.

MR. STRICKLAND: The same thing.

MS. SHAW: Second.

MADAM CHAIRPERSON CHAIR: Okay.

Who is the next? Patrick Lane.

MS. SHAW: I move to grant him a license.

MR. STRICKLAND: Second.

MADAM CHAIRPERSON CHAIR: Okay.

All in favor, raise your hand.

(Response)

MADAM CHAIRPERSON CHAIR: Okay. So moved. That's it. All right. Do I hear a motion that we adjourn?

MR. HASTINGS: When is our next meeting?

MR. GRIGG: The 20th.

MS. SHAW: Motion.

MR. STRICKLAND: Second.

MAD CHAIR: Okay. We're dismissed.

(Hearing adjourned at 11:55 a.m.)
CERTIFICATE OF REPORTER

I, Laura S. DeCillis, Certified Court Reporter and Notary Public for the State of South Carolina at Large, do hereby certify:

That the foregoing Meeting was taken before me on the date and at the time and location stated on Page 1 of this transcript, and that said Meeting was recorded stenographically by me and were thereafter transcribed; that the foregoing Meeting as typed is a true, accurate and complete record to the best of my ability.

I further certify that I am neither related to nor counsel for any party to the cause pending or interested in the events thereof.

I further certify that the original of said transcript shall be hereafter sealed and delivered to the South Carolina Massage/Bodywork Panel, Synergy Business Park, Kingstree Building, Columbia, South Carolina, 29210.

Witness my hand, I have hereunto affixed my official seal this 16th day of March 2012, at Columbia, Richland County, South Carolina.

Laura S. DeCillis,
Certified Court Reporter
State of South Carolina at Large
My Commission expires
August 10, 2015