

MINUTES

South Carolina Board of Cosmetology

10:00 A.M., January 10, 2005

Board Meeting

Synergy Business Park

Kingstree Building

110 Centerview Drive, Conference Room 108

Columbia, South Carolina

Pat Adams, chairman, of North, called the regular meeting of the SC Board of Cosmetology to order at 10:00 a.m. Other board members present included: Melanie Thompson, vice chairman, of Myrtle Beach; Michelle Furtick, of Columbia; Delores Gilmer, of Charleston; Rosanne Kinley, of Anderson; Ruth Settles, of Greenville; and Katherine Webb, of Easley.

Staff members participating during the meeting included: Ronnie Blackmon, Inspector; Sharon Dantzler, Deputy General Counsel, LLR-Office of General Counsel; Susan Duncan, LLR-Office of Communications and Governmental Affairs; Eddie Jones, Administrator; Raymond Lee, Inspector; and Shirley Wider, Program Assistant.

Members of the public attending the meeting included: Frances Archer, Linda Beach, Lisa Bodie, Sherry Brilla, Katherine Busby, Susan Busby, Mary Cox, Barbara Doss, Vivian Hall, Betts Holmes, Michael Kelly, Jay Lacy, Jayson Lacy, Debra LaGrand, Keith Haltiwanger, Cody Lidge, Ken Lochridge, Pauline Mixon, Harvey Owens, Nancy Poole, Paul Robinson, Kenneth Shuler, Gloria Smith, Catherine Stabler, Carol Toney, James Villeponteaux.

Meeting Called to Order

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

Pledge of Allegiance

All present recited the Pledge of Allegiance.

Invocation

All those in attendance bowed their heads for a moment of silent prayer.

Rules of the Meeting Read by the Chairman

Ms. Adams read the rules of the meeting for all those present.

Introduction of Board Members and All Other Persons Attending

The board members, staff and members of the public attending the meeting introduced themselves.

Introduction of New Board Member

Ms. Adams introduced Michelle Furtick, a cosmetologist from Columbia. Ms. Furtick is a new Board member who is replacing Ms. Busby.

Approval of the November 8, 2004 Meeting Minutes

MOTION

Ms. Gilmer moved the Board approve the minutes from the November 8, 2004 Board meeting. Ms. Settles seconded the motion, which carried unanimously.

Approval of Agenda

MOTION

Ms. Thompson made a motion that the Board approve the agenda. Ms. Kinley seconded the motion. Ms. Adams requested that item six under New Business be moved for discussion prior to number one. The motion carried unanimously.

Chairman's Remarks - Pat Adams

Ms. Adams stated she hoped that everyone had a happy holiday. She noted it was a safe one for all those in attendance. She hoped it would be a successful year for the cosmetology industry.

Administrator's Remarks, For Information - Eddie Jones

Mr. Jones welcomed Mrs. Furtick to the Board.

Mr. Jones stated at the last Board meeting the Board had asked that a representative from the Office of Communications and Governmental Affairs make a presentation regarding the legislative process. He went on to say Ms. Susan Duncan would be making the presentation to the Board.

Mr. Jones stated he received a letter from Ms. Nancy Poole stating that because of her involvement and being a student in law school that she would no longer be able to fill the position as president of the Palmetto Cosmetology Professionals. He further stated the letter goes on to say she would be serving in a co-capacity to Jay Lacy as president.

Mr. Jones thanked the Board for their kindness during his brief illness. He also appreciates the Board's support.

Mr. Jones stated the Board members have at their places the Statement of Economic Interest forms which should be completed and submitted to the State Ethics Commission no later than April 15, 2005, not returned to staff. He went on to say that the members would be assessed penalties if the forms are not submitted by the deadline.

Advisory Opinions, If Needed, Office of General Counsel

There were no advisory opinions given during the January 10, 2005 meeting.

Legislative Update, If Needed, Legislative Liaison Office

Ms. Susan Duncan, of the Office of Communication and Governmental Affairs made a presentation to the Board regarding the legislative process.

Ms. Adams presented Ms. Katherine Busby, a former Board member, with a plaque for her years of service to the Board. The plaque was presented on behalf of the Board and LLR.

Ratification of Mail-In Ballots

a. Ballot 1 - Approval of 2004 Continuing Education Classes for Palmetto Professionals of Cosmetology (Approved) (4 favorable)

On November 9, 2004 the Board received a request from Jay Lacy, President of Lacy Cosmetology School, on behalf of Palmetto Professionals of Cosmetology, to move the remaining continuing education classes from the South Carolina Association of Cosmetology Schools to Palmetto Professionals of Cosmetology. The classes would take place at the following schools on the following dates:

Carolina College of Hair Design November 14, November 15

Lacy Cosmetology School November 15, November 22, December 5

December 6, December 12, December 13

LeGrand Institute of Cosmetology November 22

Strand College of Hair Design November 21

Staff forwarded the email request to the Board members and asked the members to cast their vote in approval or disapproval in this matter. The members were informed that the ballot would be ratified during the January 10, 2005 Board meeting. The Board voted in favor of the ballot with four favorable votes.

MOTION

A motion was made by Ms. Kinley to ratify mail ballot one. Ms. Gilmer seconded the motion, which carried unanimously.

b. Ballot 2 - Approval of Inspection for Florence-Darlington Technical College (Approved) (5 favorable)

On December 13, 2004 Mr. Raymond Lee, staff inspector, and Ms. Melanie Thompson, Board member, conducted an inspection of the Florence-Darlington Technical College. The members were mailed a ballot, along with the inspection report, and were asked to cast their vote in approval or disapproval of the inspection. The members were informed that the ballot would be ratified during the January 10, 2005 Board meeting. The members voted in favor of the inspection with a majority vote.

MOTION

Ms. Thompson made a motion, seconded, by Ms. Kinley and unanimously carried, that the Board ratify mail ballot two.

Unfinished Business

1. Approval of Keith Haltiwanger as Esthetics Instructor - SC Massage & Esthetics Institute, Linda Beach

On October 29, 2004 the Board received a request from Linda Beach, of the SC Massage & Esthetics Institute, asking for the Board's approval of Keith Haltiwanger to teach the science and business portion of the esthetics curriculum. This matter was placed on the agenda for the November 8, 2004 meeting of the SC Board of Cosmetology; however, Ms. Beach did not attend the meeting due to illness. Based on the information submitted, the Board voted unanimously to deny the request. Ms. Beach contacted staff and asked that the matter be placed on the agenda for the January 10, 2005 meeting. (Ms. Beach's request and the pertinent information are herewith attached and hereby becomes a permanent part of the record retained at the Board's office.)

Linda Beach appeared before the Board at this time.

Discussion ensued regarding Mr. Haltiwanger's experience to teach the science and business portion of the curriculum. Ms. Beach stated she has separate instructors for the anatomy classes associated with the massage and esthetics classes.

MOTION

Ms. Kinley moved that the Board approve Mr. Haltiwanger to teach science and business only in the esthetics curriculum. Ms. Thompson seconded the motion, which carried unanimously.

MOTION

Ms. Thompson moved the Board take a ten-minute recess. Ms. Kinley seconded the motion, which carried unanimously.

New Business

Approval of Second Cosmetology Lab - Dorchester County Career School

Dorchester County Career School has submitted a request for the Board's approval of a second cosmetology lab. The school submitted a copy of the blueprint with the request.

James Villeponteaux, Director of the Dorchester County Career School, appeared before the Board at this time. He stated that Mr. Jones and Mr. Lee have been assisting him on this project.

Mr. Raymond Lee, staff inspector, stated he had conducted an inspection of the facility. He further stated the facility looks good.

Mr. Villeponteaux stated one lab is a support lab that is an extension of the original approved lab, which would complement the original setting. He indicated the second lab allows additional floor space to allow the students to have their own station. The classes would be divided into separate labs with separate instructors.

MOTION

A motion was made by Ms. Settles that the Board approve the Dorchester County Career School second cosmetology lab. The motion was seconded by Ms. Gilmer and unanimously carried.

Approval of Cosmetology Laboratory Relocation - Enoree Career & Technology Center
On December 22, 2004 the Board of Cosmetology received a letter from Mr. John M. Banning, Director of the Enoree Career & Technology Center, informing the Board of their intention to relocate the cosmetology laboratory. The center is in the process of renovating the building, originally constructed in 1972, and the cosmetology laboratory should be complete in February 2005. Mr. Banning included a copy of the proposed floor plan for the laboratory and classroom for the Board's approval.

No representative was present on behalf of the Enoree Career & Technology Center.

MOTION

Ms. Kinley moved the Board approve staff's inspection of the Enoree Career & Technology Center's lab relocation. Ms. Thompson seconded the motion, which carried unanimously.

Approval of Colleen Duvall as Cosmetology Continuing Education Instructor - NCASC
In a letter dated December 15, 2004 Tami Floyd-Fogleman, of NCASC, informed Colleen DuVall that her name had been revoked as an approved educator with the SC Board of Cosmetology due to her membership status with NCASC. The letter also informed her that once she provided proof to the Board that her membership is once again in good standing, NCASC would reinstate her teaching privileges.

In a letter to the SC Board of Cosmetology, dated December 23, 2004, Ms. Floyd-Fogleman informed the Board that Ms. DuVall's membership with NCASC is now current and is requesting that Ms. DuVall's teaching privilege be reinstated. (Ms. Floyd-Fogleman's letters are herewith attached and hereby become a permanent part of this record retained at the Board's office.)

Ms. Adams stated that Ms. DuVall was qualified to teach because of her membership with FEC since she is not a licensed instructor. She went on to say that since her membership had lapsed with FEC, she could no longer teach.

MOTION

Ms. Kinley moved the Board reinstate Colleen DuVall as a continuing education instructor at this time. Ms. Thompson seconded the motion, which carried unanimously.

Approval of Esthetics Program - Kenneth Shuler Hair Styling School
On November 10, 2004 the Board received a letter from Steven Dawson, of Kenneth Shuler's School of Cosmetology, regarding an esthetics program offered under the previous owner of the Institute of Cosmetic Arts, 491 Union Street, Spartanburg. Mr. Dawson is requesting the Board approve the esthetics program to be taught by Kenneth

Shuler Hair Styling School at this location as well as at the Institute of Cosmetic Arts, located at 7474 Garners Ferry Road, Columbia, SC. Kenneth Shuler Hair Styling School has made some changes to the course outline as well as upgraded the textbook to Milady's Standard Comprehensive Training for Estheticians. Debbie Messinger, a registered cosmetologist instructor, is overseeing the implementation of this course. (The request, along with the pertinent information is herewith attached and hereby becomes a permanent part of this record retained at the Board's office.)

MOTION

Ms. Kinley moved the Board approve the esthetics program offered by Ken Shuler Hair Styling School. She noted the agenda goes above and beyond. Ms. Gilmer seconded the motion, which carried unanimously.

Approval of Alternate Cosmetology and Nail Continuing Education Class Instructors - AHT

- a. Darrell Whitesel (Cosmetology)
- b. Wanda Hightower (Cosmetology)
- c. Fonda Kimbrell (Nail Instructor)

On December 30, 2004 the Board of Cosmetology received a request from Robert MacElhiney, of the Academy of Hair Technology, seeking the Board's approval for Darrell Whitesel and Wanda Hightower as alternate cosmetology instructors and Fonda Kimbrell as an alternate nail instructor. (Mr. MacElhiney's request, along with the pertinent information, is herewith attached and hereby becomes a permanent part of the record retained at the Board's office.)

MOTION

Ms. Thompson made a motion, seconded by Ms. Gilmer and unanimously carried, that the Board approve these instructors.

Approval of Makeup Hours for the Dorchester County Career School

Mr. Lee stated this matter should not have been placed on the agenda.

Mr. Jones stated this matter was included in a folder with request for the approval of the lab. He went on to say he didn't ask that the matter be struck. He apologized for the error.

3. Board Member Reports

Katherine Webb

Ms. Webb stated she attended the Board's legislative meeting on November 29, 2004.

Rosanne Kinley

Ms. Kinley stated she monitored the nail portion of a continuing education class sponsored by Nails, Hair and Skin of America on November 22, 2004, in Greenville. She believes Ms. Settles monitored the instructors' portion of the class. She noted that she obtained her continuing education credits at this class. She noted that during this class an Asian participant who stated no less than four times that she had bought her license

two years ago. She went on to say she had that licensee's name and address that she wanted to turn over to staff for an investigation. She attended the Board's legislative meeting with Ms. Dantzler on November 29, 2004. She feels a lot was accomplished at that meeting. She indicated that from December 1-6, 2004 she attended a NEC and a NIC executive board meeting. She noted that on December 12, 2004 she monitored a continuing education class by Ken Shuler Hair Styling School in Columbia. She further stated there were approximately 500 participants. She recommended, as a Board member, that providers who are hosting a large crowd such as Mr. Shuler had, that they provide double the number of individuals handling registration. She noted he had a minimum of five instructors, however, there was no information on safety and sanitation.

Ms. Kinley stated this provider was requiring the participants to provide driver's licenses and social security cards. She indicated that those participants who showed up without social security cards were handed a form and being required to fax a copy of the card to the school the following day. She asked the Board members if the Board was allowing this practice. She noted that the provider would not be able to verify that the faxed card was valid. She indicated that Chesley Phillips requires the individuals to physically bring the social security card to Aiken. The Board's consensus was that this practice is not allowed.

Ms. Kinley stated the Region One/Region Two meeting is scheduled for April 30-May 1, 2005 in St. Louis, Missouri. She does not yet have an agenda or a hotel location.

Melanie Thompson

Ms. Thompson stated she attended the Board's legislative meeting on November 29, 2004 and feels that it was a productive meeting. On December 13, 2004 she conducted an inspection on the Florence-Darlington Technical College.

Ms. Thompson read the following letter into the record:

Board Members, Eddie Jones, Randy Bryant and Sharon Dantzler:

I would like to report to this Board and LLR about a phone call that Ms. Jackie Browder, school owner, made to my mother-in-law to complain of my report regarding a CEU class at her school that I monitored. Ms. Browder called my mother-in-law at St. James High School where she teaches. This conversation ended abruptly when Mr. Raymond Lee arrived to inspect St. James High School.

Ms. Browder indicated that she was upset by the report I had made concerning her CEU class. Ms. Browder even went so far as to say that the only reason I had made such a report was in Ms. Nancy Poole's pocket.

I am extremely concerned that Ms. Browder called my mother-in-law to complain of my report at the November 2004 meeting. My position on this Board has nothing to do with my mother-in-law or her friendship with Ms. Browder. Furthermore, Ms. Browder was not

present for my report. At this time, the minutes of the meeting were not approved and released to the public. Therefore, she got her information from another party and reacted on information that is not accurate.

Beyond that is the accusation she made regarding my being in Ms. Poole's pocket. It is no secret that I attended Ms. Poole's school quite a number of years ago and that Ms. Poole is an advisory member to this Board, as well as being appointed to various committees during my years on this Board. So therefore, we have contact with each other. However, all Board members have regular contact with various school owners and have worked with some of them to the betterment of our industry. Ms. Poole respects my position and, by this report, I am notifying her as well of Ms. Browder's accusations against her.

I am reporting this event because I find Ms. Browder's phone call and accusations to my mother-in-law as unprofessional and unfounded. I have asked Mr. Bryant's advice regarding this issue and I would like to meet with Ms. Dantzler to further discuss this.

I gave my report accordingly to what I observed during this class. I will continue to report to this Board honestly what I find regardless of friendships and possible reactions. This situation has further expanded to include in our packet an FYI letter from Ms. Inez Wolff. There are several issues that need to be addressed in her letter regarding my report on this class. Neither Ms. Browder nor Ms. Wolff were in attendance at the Board meeting in which I gave my report. Had either of them been there the third party who gave them their information would not have misled them. I did not leave the class at 11:00 a.m., I left after all attendees had left for their lunch break shortly after 12:00 noon. I did not complain on the content of her approved agenda. I did complain on the amount of time spent promoting NCA. Her extensive discussion and attempts to boost membership is not approved as part of the agenda. Furthermore it is perplexing to me that the South Carolina Association of Cosmetology Schools sponsored this class in question, yet NCA was being promoted. I have attended and monitored several classes to receive their legislative updates and so forth from NCA and the National Cosmetology Association is mentioned for recognition only.

In Ms. Wolff's letter, which is on NCA letterhead and is unsigned, states, "The board should make good use of its power and bring professionals together rather than let petty differences, personal issues, and vendettas get in the way." I have no personal issue or vendetta with any person or association involved with this industry. I did not even know Ms. Browder or Ms. Wolff. After waiting in the registration line I introduced myself to the person at the desk. This person I had been watching check people in without requiring identification was Ms. Jackie Browder. At this point I still did not know who Ms. Wolff was. I recognized her name because I had my copy of the approved lesson plan and agenda. I had no idea what she looked like or who she was until the class began. How could I have had any issues or vendettas?

The other issue I addressed was the lack of control of the class. I witnessed people knitting, addressing cards of some sort, reading magazines, and I was approached twice

by attendees and asked if I could do something about the talking and disruptions by other attendees that Ms. Wolff was unable to see due to the floor plan of the school.

Obviously the third party failed to mention the fact that I praised parts of the class including the speaker from Edward Jones. I commended Ms. Browder for including such useful information in the class.

Ms. Wolff also says that she finds my remarks suggesting the Governor would be unhappy with this CEU class had he attended appalling and strangely humorous. She goes on to say if anything he should attend our state Board meetings to see how unprofessional these meetings have become. I find Ms. Wolff's remarks appalling and strangely humorous since I do not recall seeing either Ms. Wolff or Ms. Browder at any of the Board meetings in the past four years that I have been on this Board.

We are proud of the way our Board meetings are conducted and have invited the Governor and members of his staff to attend.

It has been my goal for the past four years since being appointed by the Governor to work very hard to raise the standard of professionalism in this industry. I will continue to do that even if it means upsetting people along the way. I have no personal feelings about Ms. Browder, Ms. Wolff or NCA. I hope to be able to continue to work with everyone in this industry for a common goal of improving this profession.

Sincerely,
Melanie Thompson

Ruth Settles

Ms. Settles stated she had no report, however, she wanted to mention that she would appreciate it if the Board would readdress the newsletter. She further stated she has had numerous individuals tell her how inconvenient it by not having a newsletter. She feels the Board needs to do whatever is necessary to have a newsletter back in circulation. She asked Mr. Jones whom the Board should contact regarding the newsletter. Mr. Jones stated the Board should contact Mr. Bryant who would discuss the matter with the agency director. He further stated that the calls have not been so overbearing, even when the Board had the newsletter in place. He indicated that it has never been said that the Board would not do a newsletter, however, if a newsletter is done it would be placed on the Board's web page

Delores Gilmer

Ms. Gilmer stated she was unable to attend the Board's legislative meeting on November 29, 2004 due to illness.

Reciprocity Report

In November 2004 the Board licensed 33 cosmetologists and seven estheticians by reciprocity. During December 2004 the Board licensed 17 cosmetologists and five

estheticians by reciprocity.

Ms. Adams noted that it is the responsibility of each licensee to keep up with his/her continuing education credits.

Ms. Kinley thanked USC for providing the information to the Board members.

Ms. Adams suggested that the evaluation forms include the instructor's name as well as the monitor's name.

Discussion on the provider evaluation form ensued. It was noted that some of the attendees have expressed fear that negative comments would result in the participant in not receiving credits.

Public Comments

Ken Lochridge welcomed Ms. Furtick to the Board. He stated that the evaluations have to be taken with a grain of salt, as sometimes the participants will just write something down.

Lisa Bodie addressed the evaluation forms and asked the Board if it is okay to accept old tax forms with social security numbers. Ms. Adams stated she feels it would be okay. She further stated that she counts the number of evaluation forms so that the correct amount could be turned in with the verification numbers. She went on to say she was unaware that the last packet of verification forms was late. She noted that the forms had been mailed via certified mail and may have been mailed to the old address. She indicated she would now hand deliver the information.

Ms. Settles stated she was glad to see that they followed the Board's recommendation regarding social security numbers.

Ms. Adams advised those providers who teach classes near the North Carolina border that the North Carolina Board now allows their licensees to obtain class from out of state. She also advised them that it is neither their responsibility nor the responsibility of the South Carolina Board to provide their verifications forms, although the providers will have to sign the form.

Jay Lacy commended Ms. Thompson on her letter. He would like for the Board to consider a policy requiring six hours every year.

Ms. Poole stated it bothers her in more than one degree that reports such as the one concerning Ms. Browder. She further stated when the industry has problems and those problems are addressed to them instead of tearing down another individual's integrity individuals should go and take care of the problem. She welcomed Ms. Furtick to the Board.

Ms. Beach stated that there is a new certificate program, entitled Health Spa Technician Certificate, being offered at the Horry Georgetown Technical Institute. She further stated this program is a two-part program and the first part of the program consists of 134 clock hours. She is concerned that one of the first classes being taught is Health Spa Techniques and is forty clock hours. She noted it is being marketed to non-licensed individuals.

The Board determined it would research the matter and obtain further information on this course.

Executive Session

MOTION

Ms. Thompson moved the Board take a ten-minute recess after which the Board enter executive session. The motion was seconded by Ms. Kinley and unanimously carried.

Return to Public Session to Report on Executive Session

MOTION

Ms. Kinley moved the Board return to public session. Ms. Thompson seconded the motion, which carried unanimously.

Ms. Adams noted for the record that no motions were made and no votes were taken during executive session.

DRC Reports

MOTION

Ms. Kinley moved the Board approve the December 2004 DRC Reports. Ms. Thompson seconded the motion, which carried unanimously.

Adjournment

There being no further business to be discussed by the Board at this time, Ms. Thompson moved the meeting be adjourned. Ms. Kinley seconded the motion, which carried unanimously.

The January 10, 2005 meeting of the SC Board of Cosmetology adjourned at 3:00 p.m.